

THE ODDITY OF PRIVILEGED FUGITIVES

EUROPEAN courts seem keen to legitimise high privileges for other countries' economic fugitives. Belgian courts have reportedly approved the extradition of one of India's most wanted economic fugitives only after the Indian government furnished formal, legally-binding assurances. The government undertook to lodge him in a specially-prepared cell at Mumbai's Arthur Road Jail, conforming to the standards set by the European Committee for the Prevention of Torture—adequate space, ventilation, medical care, nutritious food, media access, and no solitary confinement.

Demands for special privileges are understandable when sought for a country's own citizens. But insistence on such treatment for those wanted elsewhere is discordant. The trend reflects a newfound love of some countries for wealthy economic fugitives. Oliver Bullough's 2022 bestseller, *Butler to the World: How Britain Became the Servant of Tycoons, Tax Dodgers, Kleptocrats and Criminals*, lucidly captures this phenomenon and its corrosive effects.

Every individual, including an accused or a convict, is entitled to basic human rights. But demanding special comforts under the guise of human rights reflects troubling double standards and a transactional stance to justice. Using it as an excuse to embrace a fugitive moneybag's assets is an open endorsement of financial crimes.

This is paradoxical especially because many of these countries are founding members of the Financial Action Task Force and signatories to global conventions against money laundering. Their offshore tax havens further expose this hypocrisy. Unless such duplicity is confronted, global public policy's fight against financial crimes and money laundering risks becoming an empty slogan.

Their own histories offer reminders of these contradictions. Many European countries abolished barbaric prisons barely a century ago. Dismemberment, whipping, and long incarcerations, even for minor offences, were once common. Recall the hero in Victor Hugo's *Les Misérables* (1862), an impoverished man imprisoned for 18 years for stealing a loaf of bread. In European colonies, nationalist leaders were left to rot in jails with appalling conditions. Yet, those nations now advocate exalted human rights for criminals from other countries, often to the point of obstructing justice itself.

Almost all the major prisons in India



were built by the British, primarily to incarcerate freedom fighters. The Cellular Jail in the Andamans was the most notorious. Others such as Alipore Jail in Kolkata, Naini Jail in Prayagraj, and Yerawada Jail in Pune also served as sites of confinement and torture for countless nationalist leaders.



True moral authority lies not in appeasing foreign courts for extraditing prominent economic fugitives, but in ensuring equal dignity for all those behind bars. Former European colonisers' demands on this count reveal double standards. An update of our extradition law is overdue

Built in 1926, Arthur Road Jail in Mumbai continues to function as the city's central prison. It houses a mix of inmates—business leaders, public officials, celebrities, and political figures—with some of them housed in upgraded cells.

The need to offer case-specific assurances to foreign courts stems from the presumption that India's prisons do not meet minimum humanitarian standards. This raises a deeper moral and institutional concern: why should humane treatment be an exception, invoked only when international scrutiny demands it? A constitutional democracy governed by the rule of law must guarantee humane detention for every person, irrespective of nationality, status, or offence. Ensuring the minimum standards universally, rather than selectively, would enhance the credibility of the justice system and obviate the need for external

assurances in extradition proceedings.

If India provides superior detention conditions to extradited fugitives while ordinary prisoners continue to endure substandard or overcrowded facilities, it raises a serious question of discriminatory treatment. Domestic prisoners could justifiably argue that such selective privileges violate the constitutional guarantees of equality and the right to life with dignity. The State cannot defend this disparity solely on the grounds of diplomatic expediency or international image.

India's limited success in securing the return of wanted persons has been a result of adroit diplomatic and legal efforts, rather than the strength of its extradition law. The Extradition Act, 1962 is out of sync with contemporary global realities. It largely reflects the older paradigm of extradition centred on political offenders and non-financial crimes, discouraging the former while facilitating the latter. Despite amendments in 1993, the law does not adequately address the challenges posed by financial globalisation, India's own economic liberalisation, the rise of transnational financial crimes, offenders' increasing ease in crossing borders, and the growing practice of states offering expedited citizenship in exchange for investment.

The Extradition Act is also oblivious to the stonewalling tactics by many Western nations. While India imposes no restriction on the extradition of its own nationals and has been accommodative on such matters, most other nations rarely reciprocate. They often refuse to extradite their own citizens to India and are increasingly becoming intransigent in extraditing even third-country nationals involved in economic offences or other serious crimes.

India's extradition framework must be strengthened and treaties redrawn to reflect evolving global dynamics and India's growing international stature. A robust legal and diplomatic strategy, supported by credible, universal prison reforms, would enable India to negotiate from a position of strength and ensure that all fugitives are brought to justice under Indian law. (Views are personal)