

TRACKING FUGITIVES EVERYWHERE

Relevant for: Security Related Matters | Topic: Security challenges and their management in Border Areas

Indian law on extradition is spread across the Indian Penal Code as well as various laws pertaining to narcotic drugs, Information Technology, hijacking, and so on. Procedural laws have the Code of Criminal Procedure as their backbone but there are other laws too, such as the Extradition Act, the Narcotic Drugs and Psychotropic Substances Act, the Prevention of Corruption Act, the Prevention of Money Laundering, and so on.

The bulk of the investigation and prosecution work happens at police stations in the States, while Central agencies take up the important cases. Central agencies have developed reasonable expertise because they are focussed only on investigation and prosecution work, whereas State police forces (except specialised wings) are engaged in law-and-order work as well as investigations. There is a tendency to close investigations once the accused have absconded, and an overwhelming tendency to bank on statements obtained from the accused or during interrogation before closing investigations. It would be interesting to know what proportion of arrest warrants obtained by investigation agencies of States pertain to persons who have absconded or are 'wanted', whether within India or abroad. Some police stations do initiate proceedings for attachment of property and declaration of the accused as proclaimed offenders, but the number of cases where coordinated efforts are made to pursue fugitives – domestically or internationally – are hardly documented. If the number of Red Corner Notices issued are of any indication, only about 750 such criminals are wanted by Indian agencies. The number of Blue Corner Notices issued is about 300.

Theoretically there exists a system of tracking criminals worldwide – through Interpol Notices and the sharing of immigration databases of different countries – but there is no coordinated system or database for tracking criminals or wanted persons domestically. In the absence of such a system, it is relatively easy for criminals from one police station/jurisdiction to melt into the population in any other area, almost undetected.

The creation of a nationwide database of wanted persons, which could be accessible for police agencies, the public and others (like passport and immigration authorities), is imperative. The Crime and Criminal Tracking Network and Systems and the National Intelligence Grid are efforts in the right direction, but more integration is desirable. Perhaps a nation-wide system of 'Wanted Persons Notices', similar to Interpol Notices, is required, to help track fugitives domestically. Countries like the U.S. have functional inter-State extradition and fugitive tracking systems; India needs to set up such dedicated 'fugitive tracking units'. There needs to be enhanced integration between immigration agencies, State police agencies, Interpol-New Delhi, the External Affairs Ministry and Home Ministry and central investigation agencies. Intelligence agencies also need to pool in.

What may also help India plug loopholes is sharing its 'wanted' database or providing access to it to foreign embassies on a reciprocal basis or through treaties or arrangements. All this will help detect possible plans of criminals to abscond abroad.

Signing of more bilateral and multilateral conventions on criminal matters would help plug legal infirmities. Signing bilateral agreements on cooperation in policing matters would also help. All relevant legal processes and requirements should be incorporated into one consolidated law on international cooperation.

The entire gamut of activities pertaining to fugitives, from investigation to extradition, needs to be

incorporated into a specialised set-up with an Integrated International Cooperation Division (IICD) at the top. The IICD should have linkages with proposed fugitive tracking units at the State level. This would ensure that requisite expertise and forward-and-backward linkages are created. Making systems watertight would deter criminals from hoodwinking the law.

Rupin Sharma is an IPS officer

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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