

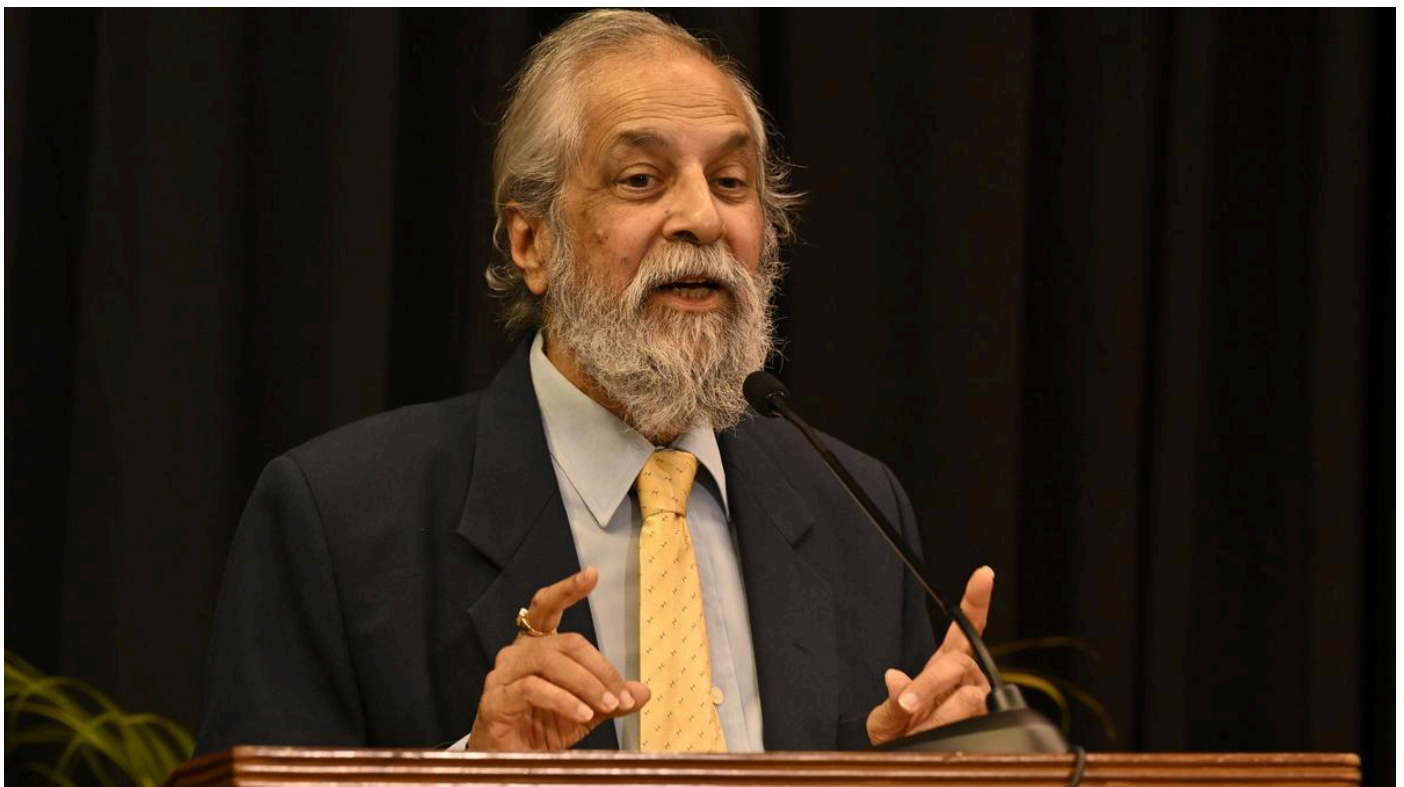
Extraditions tough till conditions improve in Indian prisons: Justice Madan B. Lokur

Justice Lokur points to U.K. court judgement denying an extradition, citing unsafe conditions in Tihar jail

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File picture of Justice Madan B. Lokur. | Photo Credit: The Hindu

Even as India seeks the return of fugitive diamond businessman Mehul Choksi, accused of fraud to the tune of ₹13,578 crore in the Punjab National Bank case, former Supreme Court Justice Madan B. Lokur warned on Tuesday (April 15, 2025) that such extraditions will be difficult until conditions are improved in Indian prisons. Justice Lokur also chairs the United Nations Internal Justice Council.

He was speaking at the release of the India Justice Report, 2025, an initiative started by the Tata Trusts and supported by several civil society organisations and data partners. They collectively track the performance of States across four areas: police, judiciary, prisons and legal aid.

Justice Lokur cited the recent judgement of a U.K. court that denied the extradition of Sanjay Bhandari, a defence consultant wanted on charges of tax evasion and money laundering, citing the unsafe conditions inside the Tihar Jail in Delhi.

Torture, jail conditions

Justice Lokur, who said that he has read the appellate court order, added that the extradition was refused on the ground of torture and the conditions of jails in India. He also claimed that the U.K. court had asked the Indian government for assurances about the conditions in jail four times, but was only given a wishy-washy reply.

“U.K. court had mentioned the matter of Christian Michel, who is in a jail for many years. Recently, Michel was granted bail and he said he doesn’t want it. Why? If I get bail, there will be certain conditions that will be put on me. Instead, my total imprisonment, even if found guilty, will be over in about four to five months... So, I prefer to be in jail for five to six months rather subject myself to conditions of the bail. This is one case mentioned by them,” Justice Lokur said.

Michel is an alleged middleman in the Agustawestland case and is lodged in Tihar jail since 2018.

CCTV security

Justice Lokur said that the U.K. court had also noted the case of Jagtar Johal who died in an Indian jail, along with the case of Tillu Tajpuria who too was murdered in Tihar.

“Video cameras, CCTVs have taken pictures of the murder. Nothing has happened. The prison staff was standing there, watching and he got beaten up and he died. Ankit Gujar was murdered in Tihar jail and the matter is pending at Delhi HC.....so we have all those incidents which have been documents in the judgement,” he added. “So taking all this into consideration along with reports of the bribes being given to prison staffs, no control of government over what is happening in the prisons, the U.K. court said that it feels that sending Mr. Bhandari to India so that he gets into jail is not a good idea.

“This one judgement is going to have a very serious impact, when India has about 100-120 extradition requests pending in various courts in the world,” Justice Lokur said.

Meanwhile, the IJR 2025 listed serious loopholes in the Indian judiciary, police, prisons and legal aides. The report stated that there is just one civil police personnel available for 831 people in India and that not a single State/UT meets their own reserved quotas for women in police force. It added that about 17% of police stations in the country do not have a single CCTV, while 3 in 10 police stations do not have women help desks.

Severe case pendency

The IJR also reveals that there are fewer than 1,000 women in senior positions among the 20.3 lakh personnel in the police force.

It added that Uttar Pradesh has the most overcrowded prisons, claiming that more than half of the High Court Judges are missing in the State. Also, that 91% of Delhi's prison population consisted of under-trials.

The IJR 2025 notes that the trial and district courts in Bihar have 71% cases pending for more than 3 years. The Gujarat has highest vacancies in High Court Judges and staff, revealed the report.

The report also stated that the national per capita spend on legal aid, is a meagre ₹6 per annum and the national per capita spent on prisons is ₹57. The national per capita expenditure on the judiciary stands at ₹182. No State in India spent more than 1% of its total annual expenditure on the judiciary.

Arunachal Pradesh, which set up its State human rights commission in 2023, doesn't have a functional website for the same, till now, said the report.