

shows that 10.80 lakh elementary schools have been closed down in the country;

(b) whether it is a fact that 800 Government primary and upper primary schools have been closed down in Andhra Pradesh in 2015-16;

(c) whether it is also a fact that Andhra Pradesh has closed down maximum number of primary and upper primary schools in 2015-16, if so, what are the reasons therefor; and

(d) the number of elementary schools closed down in Andhra Pradesh as per U-DISE?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI PRAKASH JAVADEKAR): (a) No, Sir. 10.80 lakh is the total number of Government schools imparting elementary education in the country as per the Unified District Information System for Education (U-DISE), 2014-15.

(b) and (c) No, Sir. The Government of Andhra Pradesh has reported that no school has been closed in the State during 2015-16. However, positive consolidation of primary schools was undertaken with a view to strengthen primary education and for optimum utilization of resources. The opening and closing of schools are within the purview of State Governments and UT Administrations. The Ministry of Human Resource Development has emphasized that the States and UTs need to take adequate safeguards to ensure that neighbourhood access of any child is not affected by this exercise.

(d) U-DISE does not capture information on the number of closed down elementary schools. Such information comes to Ministry through regular reporting system from the States.

Bringing back Lalit Modi and Vijay Mallya

†*17. SHRI NARESH AGRAWAL: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government is serious to bring back Lalit Modi and Vijay Mallya who are facing various allegations; and

(b) if so, the steps taken by Government to bring them back to India?

†Original notice of the question was received in Hindi.

THE MINISTER OF EXTERNAL AFFAIRS (SHRIMATI SUSHMA SWARAJ): (a)
Yes, Sir.

(b) Steps that have been taken in the two cases in question are as follows:

In the case of Mr. Lalit Modi, the Central Crime Branch, Tamil Nadu police registered an FIR on 13 October 2010 against Mr. Lalit Modi and others invoking Sections of the Indian Penal Code (IPC), 1860 including those related to criminal conspiracy, criminal breach of trust, cheating, forgery, fraudulent cancellation, etc. On the basis of criminal investigations under the IPC initiated by Tamil Nadu police, a case under Prevention of Money Laundering Act, 2002 (PMLA) was registered by the Enforcement Directorate against Mr. Lalit Modi. At the request of the Enforcement Directorate, Mr. Lalit Modi's passport was revoked by Regional Passport Office, Mumbai on 3 March, 2011. In November, 2012, the Government of United Kingdom (UK) was formally requested to deport Mr. Lalit Modi to India. The UK Foreign and Commonwealth Office on 21 December, 2012 conveyed that under the 1971 Immigration Act, the UK does not require an individual to hold a valid passport in order to remain in the UK if their passport was valid when leave to remain or enter was conferred. However, while registering our concern, the UK side conveyed that India may submit a request under the usual mechanism for international judicial cooperation. The order of the UK Home Department denying extension of stay to Mr. Lalit Modi in 2011 was successfully challenged by Mr. Lalit Modi with the UK First-Tier Tribunal and at the Upper Tribunal in 2013. The matter regarding deportation and removal of Mr. Lalit Modi from UK on grounds of not having travel documents following revocation of his passport was also taken up by the then Finance Minister and through diplomatic channels. However, the UK side maintained its position as conveyed in December, 2012. Following directions of the Hon'ble High Court of Delhi issued on August 27, 2014, the passport of Mr. Lalit Modi was restored. The Enforcement Directorate sent Summons to Mr. Lalit Modi under the provisions of PMLA. Since, he failed to appear in response to Summons, a non-bailable warrant was issued by the designated Court in August, 2015 for his appearance. The law enforcement authorities are contemplating various other steps available under the relevant provisions of the PMLA and the Mutual Legal Assistance Treaty with the UK in order to bring back Mr. Lalit Modi. In this context, an application for issuance of Letter of Request under the Mutual Legal Assistance Treaty with the UK has been filed before the Special Court.

In the case of Mr. Vijay Mallya, based upon criminal investigations initiated by the Central Bureau of Investigation in July, 2015, the Enforcement Directorate initiated investigations under the Prevention of Money Laundering (PMLA) Act in January, 2016. A number of summons were issued by the Enforcement Directorate in March and April, 2016 for Mr. Mallya to appear before the investigating authority. However, he failed to appear in person. A non-bailable warrant was issued by the designated Court in April, 2016. At the request of the Enforcement Directorate and following the due procedures, the passport of Mr. Vijay Mallya was revoked on 23 April, 2016. A formal request was also made to the Government of the United Kingdom on 28 April, 2016 to deport him to India. In response, the Foreign and Commonwealth office of the UK conveyed that under the 1971 Immigration Act, the UK does not require an individual to hold a valid passport to remain in the UK, if they have extant leave to remain, as long as their passport was valid when leave to remain or enter the UK was conferred. Such leave is granted to the individual and therefore does not automatically expire upon the cancellation or expiry of the passport in which it is endorsed. The UK Government however acknowledged the seriousness of allegations and expressed their readiness to consider the request under Mutual Legal Assistance Treaty or extradition. The matter was subsequently taken up with UK, including through diplomatic channels. The UK side has maintained its position. The law enforcement agencies have been contemplating various options available under the PMLA and Mutual Legal Assistance Treaty. In June 2016, the designated Court issued a Proclamation Order directing Mr. Vijay Mallya to appear before the Court. However, he failed to appear. Subsequently, at the request of the Enforcement Directorate, the designated Court on 10 November, 2016 ordered the seizure of domestic assets of Mr. Vijay Mallya and entities controlled by him.

The two cases in question remain an issue under discussion between the two Governments. In the Joint Statement issued during the recent visit of UK PM Theresa May to India, it was agreed that "ensuring simple and effective visa systems depended critically on cooperation to protect the integrity of border and immigration systems. This included ensuring the timely and efficient return of individuals to their country of origin, as required by their respective national laws." The Joint Statement further stated that "the two Prime Ministers affirmed their strong commitment to enhance cooperation under the Mutual Legal Assistance Treaty. The two leaders agreed that fugitives and criminals should not be allowed to escape the law."