

Nirav Modi may be extradited soon, but over 300 fugitives evade Indian laws at present

India is currently looking for 313 fugitives, including 224 citizens, who have been issued red corner notices by Interpol as of now. Apart from Modi, the list includes Mehul Choksi, gangster Iqbal Mirchi's widow Hajra Memon and others.

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A demonstrator in Kolkata holds an effigy depicting Nirav Modi (Picture Credits: Reuters)

On February 25, Indian agencies tasted major success in its nearly three-year [battle against Nirav Modi](#) when a UK court cleared the first legal hurdle for the fugitive diamantaire's extradition. However, India is looking for 313 fugitives, including 224 citizens, who have been issued red corner notices by the Interpol as of now. Apart from Modi, the [list includes Mehul Choksi](#), gangster [Iqbal Mirchi's widow Hajra Memon](#) and others.

A red corner notice is Interpol's request to law enforcement worldwide to locate and provisionally arrest individuals who are liable to extradition, surrender or similar legal action. The below graphic shows the list of fugitives accused of money laundering and wanted by India to be tried in her courts.

INDIA'S MOST WANTED

Interpol list of fugitives accused
of money laundering

Name-Age

- ◆ Mehul Choksi **61**
- ◆ Nirav Modi **50**
- ◆ Nehal Deepak Modi **41**
- ◆ Purvi Deepak Modi **47**
- ◆ Hajra Iqbal Memon **64**
- ◆ Junaid Iqbal Mohammed Memon **32**
- ◆ Asif Iqbal Memon **40**
- ◆ Mihir Rashmi Bhansali **43**
- ◆ Aditya Nanavati **36**
- ◆ Carlo Valentino Gerosa **74**



Source: Interpol
Graphic: Keshav Kapil

As per government records, 72 citizens have fled the country after allegedly being involved in financial irregularities since 2015. Of these, India has managed to extradite only two fugitive economic offenders in the last six years, according to an RTI. The Central Bureau of Investigation (CBI) and Enforcement Directorate (ED) have so far [successfully convinced a UK court to extradite Modi](#), but the extradition of Choksi from Antigua appears to be a long shot.

The two were allegedly involved in a Rs 13,500 crore fraud upon Punjab National Bank (PNB) through Letters of Understanding (LoU) or loan agreements. Antigua and Barbuda authorities have said that Choksi has taken legal recourse and the matter will take about seven years to be resolved. Choksi is now a citizen of Antigua and Barbuda.

India's extradition blues

India has fewer bilateral extradition treaties compared to major countries. While the US and UK have extradition

treaties with over 100 countries each, India has such treaties with 47 countries and extradition arrangements with another 11. India, however, does not have treaties with most of its neighbouring countries China, Pakistan, Myanmar and Afghanistan. This makes it tough for the government to bring back offenders who have crossed the border.

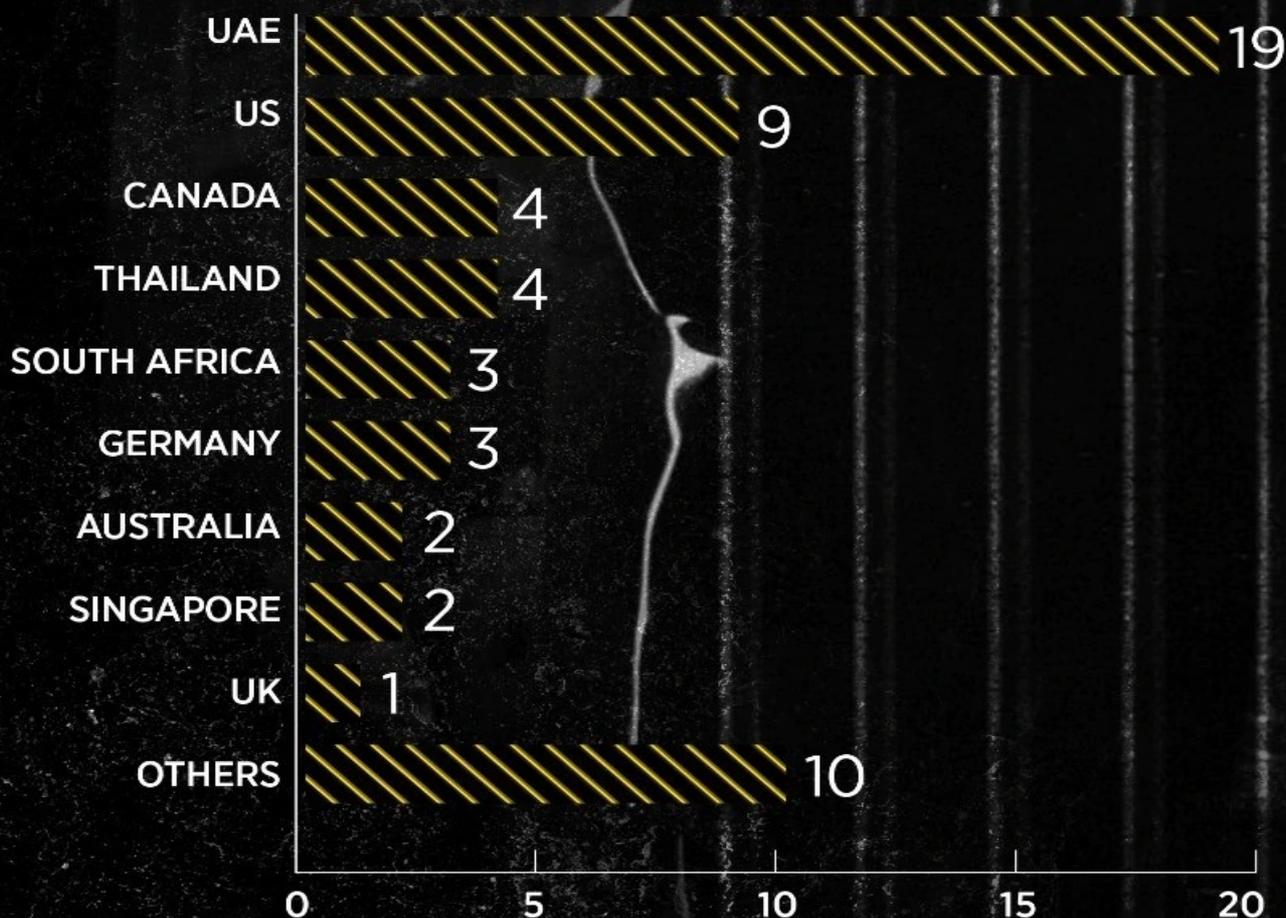
The largest number of fugitives extradited to India since 2002 is from the UAE (19), followed by the US (9). Only two fugitives Samirbhai Vinubhai Patel and Sanjeev Chawla have been extradited from the UK in this period.

FUGITIVES EXTRADITED TO INDIA



150 extradition requests were pending with various foreign countries in 2018

Fugitives extradited to India 2002-18



Source: MEA, ORF
Graphic: Keshav Kapil

India comes under Type 2 of Category 2 territories, according to UK's extradition laws. This means India is required to provide prima facie evidence in support of its extradition requests. After the request has been made, the UK has a long list of formalities before deciding if the person can be extradited. The UK Rule of Law is supreme and the English court is not affected by any political or other non-legal considerations, Sarosh Zaiwalla, Senior Partner of London-based law firm Zaiwalla & Co told India Today Data Intelligence Unit (DIU).

“English judges are bound to give full consideration to the defendant's case, and at the extradition or asylum application trial, the court has to give in-depth consideration to the evidence produced by both sides. This does take time,” Zaiwalla added.

The defendant has the choice to file an appeal, and in the worst case, seek asylum when all appeals fail. The decision on asylum is considered by the court under the principles stated in the European Convention on Human Rights (ECHR). For asylum applications, allegations of economic offences have no part to play and the principal test for asylum trials is whether the accused will receive a fair trial and be treated humanely in an Indian prison.

With assistance from legal experts in London, the accused fleeing to UK typically explore all options to avoid extradition. This lengthens the extradition process, legal expert Alipak Banerjee of International Dispute Resolution at Nishith Desai Associates told DIU. It is common for defendants to allege that the individual will be denied a fair trial in India and conditions of jails there are deplorable, he added.

How easy is it for the rich to flee?

One can get an investor visa by having 20 lakh pounds (nearly Rs 20.5 crore) to invest in the UK. To obtain this visa, a person needs to prove that he or she has control over the money and is free to spend in the UK. A person can stay for a maximum of 3 years and 4 months with this visa. The tenure of stay can be extended with more investments. One can get this visa in as less as three months.

There are other countries too, wooing investors with similar options. Nirav Modi, for instance, is now a citizen of Belgium. Belgian citizenship can be applied for by forming a Belgian company. Successful applicants can gain permanent residence and citizenship after five years. Usually, the investment needed throughout the five-year period is up to 5 lakh pounds.

The citizenship by investment programme for Antigua and Barbuda also provides a second passport to investors, offering visa-free travel to over 160 countries, including the UK, EU Schengen Area, Switzerland and Hong Kong.