

Challenges in Resolving PNB Case

Why in news?

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Interpol has issued a Red notice against the fugitive who had involved in the PNB Scam in India.

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What is PNB Scam?

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- PNB has alleged that two of its employees had “fraudulently” issued LoUs and transmitted SWIFT instructions to the overseas branches of Indian Banks.

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- This was done to raise buyer’s credit for the firm of a diamond merchant without making entries in the bank system.

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- The bank has alleged that one such fraudulent LoU issuance took place on January 2018, the trail of which revealed the entire design.

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- These LoUs were mostly issued to two Hong Kong branches of Indian Banks and was for the aforesaid diamond merchant.

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- The details on whether LoUs were backed by collateral or the quantum of liability that the bank faces against these LoUs aren’t out yet. Click [here](#) to know about PNB scam

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What is a Red notice?

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- **Red Notice** - A Red Notice is a request to locate and provisionally arrest an individual pending extradition.

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- It is issued by the General Secretariat at the request of a member country or an international tribunal based on a valid national arrest warrant and it is not an international arrest warrant.
- INTERPOL cannot compel any member country to arrest an individual who is the subject of a Red Notice.
- Each member country decides for itself what legal value to give a Red Notice within their borders.

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What are the provisions of Red notice?

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- A Red Notice in itself does not confirm that the wanted individual will actually be arrested.
- When Interpol publishes a Red Notice, its purpose is simply to inform all member countries that the person is wanted based on an arrest warrant or equivalent judicial decision issued by a country or an international tribunal.
- Thus the success of a Red Notice depends on the diplomatic heft of the requesting country.
- For example, Red Notices against fugitives wanted by India in Pakistan, such as Dawood Ibrahim, have not led to their arrest.

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What is the recent action of Interpol?

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- Interpol issued a Red Notice recently against fugitive jeweller Nirav Modi's sister Purvi Modi.
- This is the third such notice issued against members of the family including Nirav Modi himself, but excluding his uncle Mehul Choksi, who is a co-accused with him in the Rs 13,500-crore fraud in Punjab National Bank.
- With Interpol having so far held out on India's requests for a Red Notice

against Choksi, who is now a citizen of Antigua and Barbuda.

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What are the challenges in resolving the case?

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- CBI has been arguing that it does not require a Red Notice against Choksi, as it would only help locate Choksi which has already been done.

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- With the Antigua and Barbuda government having confirmed that Choksi is now a citizen and living there.

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- The Antiguan government has stressed it would not detain Choksi until a Red Notice is issued.

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- Interpol also gives an individual the right to contest a Red Notice published against him.

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- An accused can challenge a Red Notice in the Commission for the Control of Interpol's Files.

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- Interpol has been allowing accused individuals to intervene on Red Notice requests, too.

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- Various accused have raised objections and queries on Red Notice requests against them.

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- In this case Indian agencies believe that Interpol must allow accused to challenge a Red Notice only after it is published.

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Source: Indian Express

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Quick Fact

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INTERPOL

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- INTERPOL is the world's largest international police organization, with 192 member countries.

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- It aims to facilitate international police cooperation even where diplomatic relations do not exist between particular countries.

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- Action is taken within the limits of existing laws in different countries and in the spirit of the Universal Declaration of Human Rights.

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- Its constitution prohibits 'any intervention or activities of a political, military, religious or racial character'.

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