

A GUIDE TO ELIMINATING A 498A INTERPOL RED CORNER NOTICE

It is an established fact that Section 498A of the Indian Penal Code is an extortion racket. Non-resident Indians (NRIs), unfortunate enough to find their marriages on the rocks, are amongst most vulnerable victims of this extortion racket. They are especially vulnerable due to the fact that just by living outside India, these men are perceived to be rich and easy pickings for extortion by the corrupt officers of the Indian police force. A criminal case filed against them is like manna to these corrupt officers and they are very quick to subject them to extortion. These police officers, often in collusion with the lawyers and families of the embittered and vengeful spouses, issue INTERPOL RED CORNER NOTICES against these men, if their attempts at extortion fail.

The hapless NRIs and their families, unless well connected, are hounded by the corrupt police officers, to cough up the cash, usually to the tune of a USD \$100,000 or more, or face an INTERPOL RED CORNER NOTICE (RCN).

An RCN is issued against the hapless NRI, after all extortion attempts, by the police, fail. The Andhra Pradesh police, whose Interpol liaison is the allegedly corrupt senior police officer S Umopathy, IPS, makes the most egregious use of this international treaty, put in place to capture dangerous criminals and terrorists like Dawood Ibrahim.

So what is an INTERPOL RED CORNER NOTICE?

- It is one of the ways in which Interpol informs its 186 member countries that an arrest warrant has been issued for an individual by a judicial authority.
- It is not an international arrest warrant.
- The individuals concerned are wanted by **national jurisdictions** and Interpol's role is to assist national police forces in identifying or locating those individuals with a view to their arrest and extradition.
- Red Notices are only issued to Interpol member countries if the requesting National Central Bureau (NCB) has provided all the information required by the General Secretariat, including details of a valid arrest warrant for the country in question.
- Interpol's General Secretariat does not send officers to arrest individuals who are the subject of a Red Notice.
- Many of Interpol's member countries however, consider a Red Notice a valid request for provisional arrest, especially if they are linked to the requesting country via a bilateral extradition treaty. In cases where arrests are made based on a Red Notice, these are made by national police officials in Interpol member countries
- Interpol cannot demand that any member country arrest the subject of a Red Corner Notice.

What Does A Red Corner Notice Translate To For An NRI?

A red corner notice is actually "a spot out on the immigration computer". When a passenger checks in or checks out of India at the international immigration counter, the passenger's passport number is fed into the immigration system. If the passenger has an RCN issued against him, "a red flag appears" beside it, to alert the immigration officer that this person is wanted by the police of some police station in India. The passenger is detained irrespective of nationality and taken away to the nearest police station for the sole reason of extorting money by subjecting him to threats and intimidation.

American nationals are charged the highest amounts followed by British nationals as they have the most lucrative currencies. A criminal nexus is then arranged between the immigration officers and the police and the passenger is harassed in every possible way until he coughs up the cash or is jailed. In the meantime, the flight would have left.

How Does One Eliminate An RCN?

1. Get a copy of the FIR filed in the police station through what ever channels. An FIR is a public document. This is from a ruling by the Gujarat High Court, the case details are provided in the Guide To Surviving IPC 498A.
2. Analyze the FIR thoroughly and identify all the loopholes in the narrative. There will be plenty. As an example, in an FIR filed in India by the wife of one these hapless NRIs, it

was alleged that the NRI used to lock her up in an apartment and go to work. This is an absurd allegation, as the fire department code doesn't permit the locking of the door from the outside, as a person inside would be unable to leave in the event of a fire. This is a basic fire safety rule thoroughly enforced. To prove the absurdity of the allegations, attach the fire department code with a letter from the apartment complex office, stating that the complex complies with that code. This would rubbish the allegation made in the FIR. Continue to do the same with a few such allegations that can be proven to be absurd. A few such examples should be enough to drive home the point.

3. Write up an affidavit stating your complete case as well as highlighting the contradictions and absurdities in the FIR.
4. Request Interpol to remove the RCN filed against you in this affidavit or in a cover letter.
5. If you are from the state of AP, add the following to your cover letter or affidavit:
 - Mention the allegations of corruption against S Umapathy, IPS, who is guilty of abusing this International treaty for his personal gain.
 - Highlight the fact that a disproportionate number of Interpol RCNs are from the state of AP.
 - Highlight the discrepancies in the allegations in FIR and the category of offences under which the RCN was issued.
6. Get as many character affidavits as possible from your neighbors, employers and the local police station.
7. Give a brief background of the extortion scandal perpetrated under the 498A. You will file a useful write up, appended to this document.
8. Also attach a copy of excerpts from Indian court judgments where the judges have condemned the abuse of 498A. You can use the 2nd appendix for this purpose.
9. Send all these documents, including the FIR, by registered post to Interpol, after preparing this into a neat package. The address is given below:

**The COMMISSION for the Control of Interpol's Files
200 Quai Charles De Gaulle
69006 LYON,
FRANCE**

10. If Interpol takes no action, send a reminder and keep at it. A few of the NRI victims have been successful at this. In time, I will try to attach some examples where an RCN was successfully eliminated.

Do not fear an RCN. It can be eliminated and no western country will deport you or extradite you based on these silly allegations and without due process.

Further maneuvers should include -

1. Get a group of people together, hire a lawyer and send a collective demand asking Interpol to remove the notice as it is affecting your chances of travel and thus your career.
2. Be prepared to file a class action lawsuit in a local court seeking "declaratory relief" to protect yourself against this extortion racket.

A plus side to doing this is that you are now free to travel internationally and it is a psychological body blow to the corrupt Indian police and to your tormentor (wife/ex-wife).

The Best Of Luck !