

RTI REQUEST DETAILS

Registration No. :	MOEAF/R/2015/80351	Date of Receipt :	09/09/2015
Transferred From :	Ministry of External Affairs on 09/09/2015 With Reference Number : DOREV/R/2015/80523		
Remarks :	RTI of Shri Sanjay kumar		
Type of Receipt :	Electronically Transferred from Other Public Authority	Language of Request :	English
Name :	Sanjay Kumar	Gender :	Male
Address :	176 Filipe Nerie Road Tiswadi X Panjim, Pin:403001		
State :	Goa	Country :	India
Phone No. :	Details not provided	Mobile No. :	Details not provided
Email :	sjkndi@gmail.com		
Status(Rural/Urban) :	Urban	Education Status :	Graduate
Letter No. :	Details not provided	Letter Date :	Details not provided
Is Requester Below Poverty Line ? :	No	Citizenship Status :	Indian
Amount Paid :	0 (Received by Ministry of External Affairs)	Mode of Payment :	Payment Gateway
Does it concern the life or Liberty of a Person ? :	No(Normal)	Request Pertains to :	DCP (Privilege)
Information Sought :	<p>Honorable Sir, Mr. Luis Filipe Norte has been working in the Consulate of Portugal in Goa. Mr. Luis F. Norte in involved in the Malpractice of running illegal accounts in various banks and money laundering. I reported this matter to Mr. Pravin Pawar Joint Director Enforcement, Goa in November 2014. Mr. Luis Filipe Norte has opened up many current accounts on the name of Consulate of Portugal. When we approached the Consulate they told us that none of those accounts are of the Consulate. We provided all the accounts summary to Mr. Pravin Pawar. On June 29th 2015 Mr. Pravin Pawar had sent his report to his Head Office at Directorate of Enforcement New Delhi and to the Ministry of Home Affairs New Delhi seeking permission to take action against the culprit. Till today he has not got the permission. Crores of rupees have been found in the illegal accounts of Mr. Luis F. Norte.</p> <p>I contacted Mr. Srinivas SOF7 in the Ministry of Home Affairs</p>		

and submitted all the documents in his office. He told me that permission of MEA is required because Mr. Luis is an Portuguese and working in the Portuguese Consulate. Yesterday on 3rd of September I contacted Deputy Director in the Enforcement and he told me the same that Mr. Luis is a foreigner and working in a foreign office. I request you to kindly look into the matter and will be grateful to you if permission to take action against Mr. Luis F. Norte is given at the earliest. I need the information from you that Can our Police take action against a culprit involved in the malpractice of money laundering who is a foreigner and has been working in a consulate or embassy. Your reply will be appreciated. Enclosed are the letters from Police and JDE, Goa. They have been investigating this case in a professional manner but unable to take action against Mr. Luis Norte because he is a foreign national.

Honorable Sir, Mr. Luis Filipe Norte has been working in the Consulate of Portugal in Goa. Mr. Luis F. Norte in involved in the Malpractice of running illegal accounts in various banks and money laundering. I reported this matter to Mr. Pravin Pawar Joint Director Enforcement, Goa in November 2014. Mr. Luis Filipe Norte has opened up many current accounts on the name of Consulate of Portugal. When we approached the Consulate they told us that none of those accounts are of the Consulate. We provided all the accounts summary to Mr. Pravin Pawar. On June 29th 2015 Mr. Pravin Pawar had sent his report to his Head Office at Directorate of Enforcement New Delhi and to the Ministry of Home Affairs New Delhi seeking permission to take action against the culprit. Till today he has not got the permission. Crores of rupees have been found in the illegal accounts of Mr. Luis F. Norte.

Original RTI Text : I contacted Mr. Srinivas SOF7 in the Ministry of Home Affairs and submitted all the documents in his office. He told me that permission of MEA is required because Mr. Luis is an Portuguese and working in the Portuguese Consulate. Yesterday on 3rd of September I contacted Deputy Director in the Enforcement and he told me the same that Mr. Luis is a foreigner and working in a foreign office. I request you to kindly look into the matter and will be grateful to you if permission to take action against Mr. Luis F. Norte is given at the earliest. I need the information from you that Can our Police take action against a culprit involved in the malpractice of money laundering who is a foreigner and has been working in a consulate or embassy. Your reply will be appreciated. Enclosed are the letters from Police and JDE, Goa. They have been investigating this case in a professional manner but unable to take action against Mr. Luis Norte because he is a foreign national.

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BY SPEED REGD POST/EMAIL
No. D-II/551/12/2015-Sh. Kumar



विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

Room No. 1062, B Wing,
Jawaharlal Nehru Bhawan,
23 D, Janpath, New Delhi-110011
Dated 7.10.2015

Shri Sanjay Kumar
176 Filipe Nerie Road
Tiswadi X Panjim, Goa
Pin 403001
email sjkndi@gmail.com

Subject:- Information sought under RTI Act, 2005: RTI application No. MOEAF/R/2015/80351 dated 9th September, 2015.

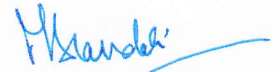
Sir,

Please refer to your RTI application on the above subject. The information sought by you is whether "Can our Police take action against a culprit involved in the malpractice of money laundering who is a foreigner and has been working in the Consulate or Embassy". This is to state that the member of diplomatic missions and consular posts are governed by the provisions of Vienna Convention on Diplomatic Relations, 1961 and Vienna Convention on Consular Relations, 1963. Both these conventions are available on public domain. The relevant articles of both the conventions are as follows:-

- As per Article 31 of Vienna Convention on Diplomatic Relations 1961 (VCDR 1961):-
- A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:
 - (a) A real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
 - (b) An action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
 - (c) An action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.
- A diplomatic agent is not obliged to give evidence as a witness.
- No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under subparagraphs (a), (b) and (c) of paragraph 1 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.
- The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.
- 'As per Article 41 of Vienna Convention on Consular Immunity 1963 (VCCR 1963),:-
- Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.
- Except in the case specified in paragraph 1 of this article, consular officers shall not be committed to prison or be liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

- If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.
- 2. It is pointed out that CPIO is not required to provide 'advice' or 'opinion' to an applicant. The same stance was upheld by Hon'ble Supreme Court on Right to Information Act 2005 in Civil Appeal No.6454 of 2011, arising out of SLP (C) No.7526/2009 in the case of CBSE & Anr. Vs Aditya Bandopadhyay & Ors.
- 3. In case you are not satisfied with the above reply, you may appeal within 30 days to the Appellate Authority in this Ministry at the following address:- Joint Secretary (COP)/Appellate Authority Room No. 2151-A, Jawaharlal Nehru Bhavan, New Delhi-110011.

Yours sincerely



(Madan Singh Bhandari)
Deputy Chief of Protocol (Privileges) & CPIO
Tel : 49015449

CC:

1. JS(COP), MEA, New Delhi
2. US(RTI), MEA, New Delhi
3. PO(XMM), MEA, New Delhi