

5. Look Out Circulars – Polity

The Ministry of Home Affairs (MHA) has issued revised guidelines in March 2026 to tighten the protocol for Look Out Circulars (LOCs). This move is designed to prevent the "weaponization" of travel restrictions by administrative bodies and ensure that the fundamental Right to Travel Abroad (under Article 21) is only restricted through rigorous criminal law procedures.

1. Background- The "Flight Risk" vs. "Personal Liberty" Debate

Origin- LOCs were originally simple administrative alerts used by police to catch absconding criminals.

The "Draconian" Expansion- Following high-profile escapes of economic offenders (like Vijay Mallya and Nirav Modi), the scope of LOCs was expanded in 2018 and 2021 to include "economic interests" and "public interest."

Judicial Pushback- Courts observed that several statutory bodies were using LOCs as a shortcut to resolve civil or commercial disputes. The 2026 modification is a response to these judicial concerns, aiming to restore "due process."

2. Definitions and Key Concepts

Term	Definition and Operational Role
Look Out Circular (LOC)	A coercive administrative notice issued by the Bureau of Immigration (BoI) to prevent an individual from fleeing the country or to track their cross-border movement.
Originator	The specific agency (e.g., Police, CBI, SFIO) that formally requests the BoI to open an LOC against a person.
Bureau of Immigration (BoI)	The custodian of the LOC database, functioning under the Ministry of Home Affairs. It acts only on the "orders" of the originator.
Cognizable Offense	An offense for which the police have the authority to make an arrest without a warrant and start an investigation without court permission.

3. The 2026 Modification- Direct Bar on Statutory Bodies

The most significant change in the 2026 guidelines is the removal of direct "emanating" powers for bodies without criminal jurisdiction.

The Bar- Statutory bodies such as the NHRC, NCW, NCPDR, and NCLT are now prohibited from sending LOC requests directly to the Bureau of Immigration.

The New Protocol-

- Fact-Finding-** The statutory body identifies a flight risk based on their inquiry.
- Routing-** They must forward the facts to a Law Enforcement Agency (LEA) (like the local Police or CBI).
- Assessment-** The LEA evaluates if the case involves a cognizable offense or a grave national security threat.
- Initiation-** Only if the LEA is satisfied is the request sent to the BoI.

Immediate Return Policy- If the BoI receives a direct request from these commissions, it is mandated to return it immediately and advise them on the proper routing.

4. Standardized Actions and Digital Integration

The 2026 update introduces three "Action Codes" to remove ambiguity at immigration counters-

Option 1- "Detain and Inform" – The individual is stopped, taken into custody, and the originator is notified.

Option 2- "Prevent Departure and Inform" – The individual is not allowed to board their flight, but they are not necessarily arrested on the spot.

Option 3- "See Remarks for Action" – A flexible category reserved strictly for counter-terrorism purposes by agencies like IB, R&AW, and NIA.

5. Comparative- Statutory vs. Constitutional Bodies

Aspect	Constitutional Bodies	Statutory Bodies
Origin	Directly from the Constitution.	From an Act of Parliament/State Legislature.
Amendment	Needs a Constitutional Amendment Bill.	Can be changed by a Simple Act.
Examples	UPSC, Election Commission, CAG.	SEBI, NHRC, TRAI, NCW, NCLT.
LOC Power (2026)	Usually have specific criminal/investigative wings.	Barred from direct request (must route via LEAs).

6. Legal Safeguards and Individual Remedies

The 3-Hour/24-Hour Rule- If a person is detained, the Originator must take custody within 3 hours. If they fail, the Bol hands the person to local police. The Originator then has 24 hours to take formal custody, or the person must be released.

Handling Court Orders- In case a court quashes an LOC, the Bol must update its system within 7 working days of being notified by the Originating agency.

Judicial Remedy- An individual can challenge an LOC in a High Court (Writ Petition) or the Trial Court by arguing that it violates their Fundamental Right under Article 21

