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No.25016/10/2017-Imm (Pt.)
Government of India
Ministry of Home Affairs
Foreigners Division
(Immigration Section)

4369
24 FEB

Hall No. 18, 2nd Floor, MDCN Stadium,
India Gate, New Delhi, dated: 22 February, 2021

OFFICE MEMORANDUM

Subject: Consolidated guidelines for issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners - reg.

The undersigned is directed to say that the Ministry of Home Affairs had issued detailed guidelines from time to time regarding issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners. The guidelines issued vide letter No.25022/13/78-F.I dated 05.09.1979 & O.M. No. 25022/20/98-F.IV dated 27.12.2000 were incorporated in the consolidated guidelines issued vide this Ministry's O.M. No. 25016/31/2010-Imm. dated 27.10.2010, which was in accordance with the order dated 26.07.2010 in W.P.(C) - 10180/2009 of the Hon'ble High Court of Delhi. These guidelines were subsequently modified vide this Ministry's O.Ms. no. 25016/10/2017-Imm (Pt.) dated 05.12.2017, 19.09.2018 and 12.10.2018.

2. The Hon'ble High Court of Delhi, in Writ Petition (Civil) No.10180 of 2009 - Shri Vikram Sharma vs. Union of India and Ors., had considered the question whether a request for the issuance of an LOC could be made by the National Commission for Women (NCW). While disposing of the said Writ Petition, the Hon'ble High Court, in its order dated 26.07.2010, observed as follows:-

"A request for the issuance of an LOC could not have emanated from the NCW. It had to come from either the Central or the State Government and that too only in the prescribed form and then again only by the officers of a certain rank. In this context, while criminal courts dealing with cases of criminal law enforcement can issue directions, which may result in the issuance of an LOC, there is no such power vested either under the Cr.P.C. or the Passports Act or under the MHA's circular, in statutory bodies like NCW. Being granted the powers of a civil court for a limited purpose does not vest the NCW with the

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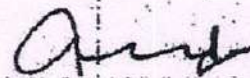
powers of a criminal court and it has no authority as of today to make a request for the issuance of an LOC...'

The Court further observed as follows :-

"There are a large number of statutory commissions at the level of the Centre and the States which perform judicial functions and are vested with, for the purpose of conducting inquiries upon receiving complaints, the powers of a civil court. These include the National Human Rights Commission (NHRC), the NCW, the National Commission for Protection of Children's Rights. These statutory bodies, however, have not been vested with the powers of a criminal court and do not have powers to enforce criminal law. It is for the Government of India to take a policy decision on whether it wants to vest such statutory tribunals / commissions with criminal law enforcement powers. Since as of today, they have no such power, it is imperative that the MHA should issue further clarificatory circulars or office memoranda clearly stating that the request for issuance of LOCs cannot 'emanate' from statutory bodies like the NCW. If at all, such bodies should bring the necessary facts to the notice of law enforcement agencies like the police, which will then make the request for issuance of an LOC upon an assessment of the situation, and strictly in terms of the procedure outlined for the purpose. This clarification will be issued by the MHA, in consultation with other concerned agencies, including representatives of the statutory bodies referred to, within a period of 12 weeks from today..."

3. In a related judgment delivered on 11.08.2010 by the Hon'ble High Court of Delhi in W.P.(Crl.) No.1315/2008-Sumer Singh Salkan Vs. Asstt. Director & Ors and Crl. Ref.1/2006-Court on its Own Motion Re: State Vs. Gurnek Singh etc., the Court has answered four questions raised by a lower court on the LOC. These questions framed by the Court were as follows:

- (a) What are the categories of cases in which the investigating agency can seek recourse of Look-out-Circular and under what circumstances?
- (b) What procedure is required to be followed by the investigating agency before opening a Look-out-Circular?

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- (c) What is the remedy available to the person against whom such Look-out Circular has been opened?
- (d) What is the role of the concerned Court when such a case is brought before it and under what circumstances the subordinate courts can intervene?

4. The Hon'ble High Court in its aforesaid judgment dated 11.08.2010 answered these questions, which are reproduced below, for guidance of all concerned agencies:

- (a) Recourse to LOC can be taken by investigating agency in cognizable offences under IPC or other penal laws, where the accused was deliberately evading arrest or not appearing in the trial court despite Non Bailable Warrant (NBW) and other coercive measures and there was likelihood of the accused leaving the country to evade trial/arrest.
- (b) The Investigating Officer shall make a written request for LOC to the officer as notified by the circular of Ministry of Home Affairs, giving details and reasons for seeking LOC. The competent officer alone shall give directions for opening LOC by passing an order in this respect.
- (c) The person against whom LOC is issued must join investigation by appearing before I.O. or should surrender before the court concerned or should satisfy the court that LOC was wrongly issued against him. He may also approach the officer who ordered issuance of LOC & explain that LOC was wrongly issued against him. LOC can be withdrawn by the authority that issued and can also be rescinded by the trial court where case is pending or having jurisdiction over concerned police station on an application by the person concerned.
- (d) LOC is a coercive measure to make a person surrender to the investigating agency or Court of law. The subordinate courts' jurisdiction in affirming or cancelling LOC is commensurate with the jurisdiction of cancellation of NBWs or affirming NBWs.

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5. In pursuance of the order dated 26.07.2010 of the Hon'ble High Court of Delhi, this Ministry issued detailed consolidated guidelines vide this Ministry's O.M. No. 25016/31/2010-Imm dated 27.10.2010, which were subsequently modified vide this Ministry's O.M. no. 25016/10/2017-Imm (Pt.) dated 05.12.2017, 19.09.2018 and 12.10.2018 as mentioned in para 1 above.

6. The existing guidelines with regard to issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners have been reviewed by this Ministry. After due deliberations in consultation with various stakeholders and in supersession of all the existing guidelines issued vide this Ministry's letters/ O.M. referred to in para 1 above, it has been decided with the approval of the competent authority that the following consolidated guidelines shall be followed henceforth by all concerned for the purpose of issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners:-

(A) The request for opening an LOC would be made by the Originating Agency (OA) to the Deputy Director, Bureau of Immigration (BoI), East Block- VIII, R.K. Puram, New Delhi - 110066 (Telefax: 011-26192883, email: boihq@nic.in) in the enclosed Proforma.

(B) The request for opening of LOC must invariably be issued with the approval of an Originating Agency that shall be an officer not below the rank of -

- (i) Deputy Secretary to the Government of India; or
- (ii) Joint Secretary in the State Government; or
- (iii) District Magistrate of the District concerned; or
- (iv) Superintendent of Police (SP) of the District concerned; or
- (v) SP in CBI or an officer of equivalent level working in CBI; or
- (vi) Zonal Director in Narcotics Control Bureau (NCB) or an officer of equivalent level [including Assistant Director (Ops.) in Headquarters of NCB]; or
- (vii) Deputy Commissioner or an officer of equivalent level in the Directorate of Revenue Intelligence or Central Board of Direct Taxes or Central Board of Indirect Taxes and Customs; or

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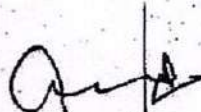
- (viii) Assistant Director of Intelligence Bureau/ Bureau of Immigration (BoI); or
- (ix) Deputy Secretary of Research and Analysis Wing (R&AW); or
- (x) An officer not below the level of Superintendent of Police in National Investigation Agency; or
- (xi) Assistant Director of Enforcement Directorate; or
- (xii) Protector of Emigrants in the office of the Protectorate of Emigrants or an officer not below the rank of Deputy Secretary to the Government of India; or
- (xiii) Designated officer of Interpol; or
- (xiv) An officer of Serious Fraud Investigation Office (SFIO), Ministry of Corporate Affairs not below the rank of Additional Director (in the rank of Director in the Government of India); or
- (xv) Chairman/ Managing Directors/ Chief Executive of all Public Sector Banks.

(C) LOCs can also be issued as per directions of any Criminal Court in India. In all such cases, request for opening of LOC shall be initiated by the local police or by any other Law Enforcement Agencies concerned so that all parameters for opening LOCs are available.

(D) The name and designation of the officer signing the Proforma for requesting issuance of an LOC must invariably be mentioned without which the request for issuance of LOC would not be entertained.

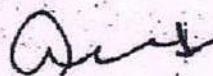
(E) The contact details of the Originator must be provided in column VI of the enclosed Proforma. The contact telephone/ mobile number of the respective control room should also be mentioned to ensure proper communication for effective follow up action. Originator shall also provide the following additional information in column VI of the enclosed Proforma to ensure proper communication for effective follow up action:-

- (i) Two Gov/ NIC email IDs
- (ii) Landline number of two officials

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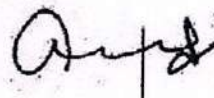
- (iii) Mobile numbers of at least two officials, one of whom shall be the originator
- (F) Care must be taken by the Originating Agency to ensure that complete identifying particulars of the person, in respect of whom the LOC is to be opened, are indicated in the Proforma mentioned above. It should be noted that an LOC cannot be opened unless a minimum of three identifying parameters viz. name & parentage, passport number or Date of Birth are available. However, LOC can also be issued if name and passport particulars of the person concerned are available. It is the responsibility of the originator to constantly review the LOC requests and proactively provide additional parameters to minimize harassment to genuine passengers. Details of Government identity cards like PAN Card, Driving License, Aadhaar Card, Voter Card etc. may also be included in the request for opening LOC.
- (G) The legal liability of the action taken by the immigration authorities in pursuance of the LOC rests with the originating agency.
- (H) Recourse to LOC is to be taken in cognizable offences under IPC or other penal laws. The details in column IV in the enclosed Proforma regarding 'reason for opening LOC' must invariably be provided without which the subject of an LOC will not be arrested/detained.
- (I) In cases where there is no cognizable offence under IPC and other penal laws, the LOC subject cannot be detained/arrested or prevented from leaving the country. The Originating Agency can only request that they be informed about the arrival/departure of the subject in such cases.
- (J) The LOC opened shall remain in force until and unless a deletion request is received by BoI from the Originator itself. No LOC shall be deleted automatically. Originating Agency must keep reviewing the LOCs opened at its behest on quarterly and annual basis and submit the proposals to delete the LOC, if any, immediately after such a review. The BoI should contact the LOC Originators through normal channels as well as through the online portal. In all

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cases where the person against whom LOC has been opened is no longer wanted by the Originating Agency or by Competent Court, the LOC deletion request must be conveyed to BoI immediately so that liberty of the individual is not jeopardized.

- (K) On many occasions, persons against whom LOCs are issued, obtain Orders regarding LOC deletion/ quashing/ suspension from Courts and approach ICPs for LOC deletion and seek their departure. Since ICPs have no means of verifying genuineness of the Court Order, in all such cases, orders for deletion/ quashing/ suspension etc. of LOC, must be communicated to the BoI through the same Originator who requested for opening of LOC. Hon'ble Courts may be requested by the Law Enforcement Agency concerned to endorse/convey orders regarding LOC suspension/ deletion/ quashing etc. to the same law enforcement agency through which LOC was opened.
- (I) In exceptional cases, LOCs can be issued even in such cases, as may not be covered by the guidelines above, whereby departure of a person from India may be declined at the request of any of the authorities mentioned in clause (B) above, if it appears to such authority based on inputs received that the departure of such person is detrimental to the sovereignty or security or integrity of India or that the same is detrimental to the bilateral relations with any country or to the strategic and/or economic interests of India or if such person is allowed to leave, he may potentially indulge in an act of terrorism or offences against the State and/or that such departure ought not be permitted in the larger public interest at any given point in time.
- (M) The following procedure will be adopted in case statutory bodies like the NCW, the NHRC and the National Commission for Protection of Children's Rights request for preventing any Indian/ foreigner from leaving India. Such requests along with full necessary facts shall be brought to the notice of law enforcement agencies like the police. The Superintendent of Police (S.P.) concerned will then make the request for issuance of an LOC upon an assessment of the situation, and—

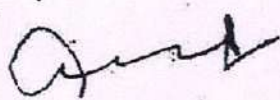
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strictly in terms of the procedure outlined for the purpose. The immigration/emigration authorities will strictly go by the communication received from the officers authorized to open LOCs as detailed in clause (B) above.

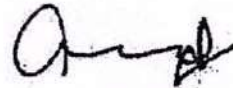
(N) For effective and better interception of LOC subjects, following guidelines shall be followed by the Originator:-

- (i) Specific action to be taken by the Immigration authorities on detection must be indicated in the filled LOC proforma
- (ii) In case of any change in parameters/ actions/ investigating officer/ Originator contact details or if any court order is passed in the case, the same should be brought to the notice of the, Bol immediately by the originating agency concerned for making necessary changes in the LOC.
- (iii) For LOCs originated on court orders, the concerned PS/ IO should send the identifying parameters of the subject to the Bol as court orders contain only name and parentage of the subject.
- (iv) In case an LOC is challenged and stayed by the concerned court or a court issues any directive with regard to the LOC, the originator must inform the Bol urgently and accordingly seek amendment/ deletion of the LOC.
- (v) Whenever the subject of LOC is arrested or the purpose of the LOC is over, a deletion request shall be sent by the Originator immediately to the Bol.
- (vi) The Originator must respond promptly whenever the subject/ likely match is detected at the ICP. The confirmation regarding the identity of the subject and action to be taken must be informed immediately to the ICP.
- (vii) The Bol would form a team to coordinate matters regarding the LOC. This team would contact the LOC issuing agencies to get the status of LOC updated.
- (viii) Each LOC Originating Agency referred in para 6 (B) above will appoint a Nodal officer as indicated in Annexure-I for coordination/update of LOC status with Bol. The said team of Bol [as mentioned in para 6 (N) (vii)] would remain in constant touch with this Nodal Officer.

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7. It is requested that the consolidated guidelines as contained in this O.M. may be brought to the notice of all concerned for strict compliance.



(Sumant Singh)
Director (Immigration)
Tele Fax: 011-23077503

To

- 1 All Secretaries to the Government of India
- 2 Chief Secretaries of all State Governments/UT Administrations
- 3 Secretary, Department of Financial Services, Ministry of Finance, Jeevan Deep Building, New Delhi
- 4 Additional Chief Secretaries/ Principal Secretaries (Home) of all States/ UTs
- 5 DGPs of all States/ UTs
- 6 Chairperson, National Commission for Women, New Delhi
- 7 Director, IB, North Block, New Delhi
- 8 Secretary (R), Cabinet Secretariat, New Delhi
- 9 Director, CBI, North Block, New Delhi
- 10 Director General, Narcotics Control Bureau, R.K. Puram, New Delhi
- 11 Chairman, CBIC, Department of Revenue, M/o Finance, North Block, New Delhi
- 12 Chairman, CBDT, Department of Revenue, M/o Finance, North Block, New Delhi
- 13 DG, Directorate of Revenue Intelligence, CBIC, 'D' Block, IP Estate, New Delhi
- 14 Director of Enforcement, Enforcement Directorate, Lok Nayak Bhawan, New Delhi
- 15 Additional Secretary, D/o Legal Affairs, M/o Law & Justice, Shastri Bhawan, New Delhi
- 16 Additional Director, Bureau of Immigration
- 17 Additional Secretary, Department of J&K, MHA, North Block, New Delhi
- 18 Additional Director, Ministry of Corporate Affairs [Serious Fraud Investigation Office], CGO Complex, New Delhi
- 19 Joint Secretary, NHRC, New Delhi
- 20 Joint Secretary, NCW, New Delhi
- 21 Registrar, National Commission for Protection of Children's Rights, New Delhi
- 22 Joint Secretary, Ministry of Women & Child Development, New Delhi
- 23 Joint Secretary (L&T), MEA, New Delhi
- 24 Joint Secretary (IS-I), MHA, North Block, New Delhi
- 25 JS(J-II), Department of Justice, Jaisalmer House, New Delhi

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SECRETPROFORMA FOR SUBMITTING REQUEST FOR ISSUE OF LOOK OUT CIRCULAR (LOC)**I. PERSONAL PARTICULARS:**

(a) NAME OF THE SUBJECT (IN CAPITAL LETTERS):

(b) ALIAS NAMES (IF ANY):

AFFIX HERE RECENT PASSPORT SIZE PHOTOGRAPH
--

(c) SEX : MALE ☐ / FEMALE ☐ (d) OCCUPATION:

(e) FATHER'S / HUSBAND'S NAME:

(Tick only one option)

(f) NATIONALITY:

(g) PLACE OF BIRTH:

(h) DATE OF BIRTH: Day Month Year

(i) AGE: YEARS

(j) ADDRESS:

II. PHYSICAL DESCRIPTION:(a) COLOUR OF EYES: BROWN ☐ BLACK ☐ GREEN ☐ BLUE ☐

(b) COLOUR OF HAIR: (c) HEIGHT: FEET INCHES / CMS

(d) ANY OTHER DISTINGUISHING MARK OR PHYSICAL ATTRIBUTE

III. PASSPORT DETAILS

(a) PASSPORT NO.:

(b) PLACE OF ISSUE:

(c) COUNTRY OF ISSUE:

(d) ISSUED ON: Day Month Year

(e) VALID TILL: Day Month Year

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IV. REASON FOR OPENING OF LOC :

(a) CRIMINAL CASE : BRIEF OF THE CASE TO BE PROVIDED

Day Month Year

(i) FIR NO.:

DATE: | | |

(iii) SECTION OF LAW (Where applicable) :

(iv) POLICE STATION :

(v) DISTRICT:

(vi) STATE:

(b) WANTED BY ANY OTHER COURT/ JUDICIAL AUTHORITY :

(i) NAME OF COURT :

(ii) ORDER BY WHICH SUBJECT IS WANTED :

V. ACTION EXPECTED FROM IMMIGRATION CHECK-POINT (Tick only one box):

(a) DETAIN AND HANDOVER TO LOCAL POLICE AND INFORM ORIGINATOR ☐(b) INFORM ARRIVAL/ DEPARTURE OF SUBJECT (BUT NO OTHER ACTION TO BE TAKEN) ☐(c) PREVENT SUBJECT FROM LEAVING INDIA AND INFORM ORIGINATOR ☐(d) DETAIN AND INFORM ORIGINATOR ☐

(e) ANY OTHER ACTION (Please specify)

VI. PARTICULARS OF THE ORIGINATOR (Not below the rank of SP/ DCP or equivalent)

(a) NAME OF THE OFFICER:

(h) DESIGNATION:

(c) DEPARTMENT:

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(d) CONTACT TELEPHONE NOS. (WITH STD CODES):

(i) OFFICE (ii) RESIDENCE (iii) MOBILE

(iv) FAX (v) : E-MAIL,

(vi) CONTROL ROOM : TELEPHONE NO./ MOBILE NO.

(e) CONTACT PERSON :

LANDLINE TELEPHONE NOS. OF TWO OFFICIALS:

MOBILE NUMBER OF ONE MORE OFFICIAL (OTHER THAN ORIGINATOR):

(f) TWO Gov/ NIC eMAIL IDs :

SIGNATURE & SEAL OF THE ORIGINATOR

RELEVANT INFORMATION AND INSTRUCTIONS

1. The request for opening an LOC would be sent to The Deputy Director, Bureau of Immigration (BoI), East Block- VIII, R.K. Puram, New Delhi - 110066 (Telefax: 011-26192883, email: boihq@nic.in).

The request for opening of LOC must invariably be issued with the signature of the officer not below the rank of Superintendent of Police/ Deputy Commissioner of Police or equivalent in other Departments/ Ministries/ Law Courts as specified in para 6(B) of the consolidated guidelines.

3. An LOC cannot be opened unless a minimum of three identifying parameters viz. name & parentage, passport number or Date of Birth are available.
4. All the LOCs [other than those specifically mentioned in para 6(J) of the consolidated guidelines], which have completed one year, would automatically lapse after a year of opening unless reviewed and recommended for retention by the originator. It is the responsibility of the originator to constantly review the LOC requests and proactively provide additional parameters to minimize harassment to genuine passengers.

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SECRETAnnexure-I

Details of nodal officers to be nominated

Sl No.	LOC originating agency	Nodal officer
i	Deputy Secretary to the Government of India	At each Central Ministry/ Department
ii	Joint Secretary in the State Government, District Magistrate of the District concerned and Superintendent of Police (SP) of the District concerned	At Home Department of the State/ UT concerned.
iii	SP in CBI or an officer of equivalent level working in CBI	At Head Quarter level in New Delhi
iv	Zonal Director in Narcotics Control Bureau (NCB) or an officer of equivalent level [including Assistant Director (Ops.) in Headquarters of NCB]	--do--
v	Deputy Commissioner or an officer of equivalent level in the Directorate of Revenue Intelligence or Central Board of Direct Taxes or Central Board of Indirect Taxes and Customs	At HQ level in DRI, CBDT and CBIC in New Delhi.
vi	Assistant Director of Intelligence Bureau/ Bureau of Immigration (BoI)	At HQ in IB in New Delhi
vii	Deputy Secretary of Research and Analysis Wing (R&AW)	At Head Quarter level in New Delhi
viii	An officer not below the level of Superintendent of Police in National Investigation Agency	--do--
ix	Assistant Director of Enforcement Directorate; or	--do--
x	Protector of Emigrants in the office of the Protectorate of Emigrants or an officer not below the rank of Deputy Secretary to the Government of India	--do--
xi	Designated officer of Interpol	--do--
xii	An officer of Serious Fraud Investigation Office (SFIO), Ministry of Corporate Affairs not below the rank of Additional Director (in the rank of Director in the Government of India)	At HQ of SFIO in New Delhi.
xiii	Chairman/ Managing Directors/ Chief Executive of all Public Sector Banks	At Head Quarter level in each Public Sector Bank.

Name and designation of the nodal officer, address, telephone No., email IDs, Mobile number will be communicated to BoI. Whenever there is a change in the incumbent of nodal officer it should be communicated to Bureau of Immigration (BoI) at Telefax: 011-26192883, email: boihq@nic.in.

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