A Look Out Circular, being a coercive executive measure that directly impairs the fundamental right to travel abroad under Article 21, cannot be sustained merely on the basis of executive fiat, routine commercial default, bank debt recovery, guarantor/director status, or vague assertions of economic interest or public interest

The **Delhi High Court** in the case of **Ritu Singhal vs Bureau of Immigration [W.P.(C) 17646/2022] dated April 17, 2026**, has held that a Look Out Circular (LOC), being a coercive executive measure that directly impairs the fundamental right to travel abroad under Article 21, can be issued and continued only strictly in accordance with law, and ordinarily only in cases involving a live cognizable offence, deliberate evasion of arrest or judicial process, and a real and proximate likelihood of absconding. It cannot be sustained merely on the basis of executive fiat, routine commercial default, bank debt recovery, guarantor/director status, or vague assertions of economic interest or public interest.

The Court stated that public sector banks, through their Chairman, Managing Director or Chief Executive Officer, lack lawful authority to seek issuance of LOCs, and LOCs issued solely at their behest are liable to be quashed. Further, the exceptional power under Clause 6(L) of the 2021 Office Memorandum must be narrowly construed and can be invoked only in rare and compelling cases involving a clear and grave threat to sovereignty, security, integrity, strategic interests, national/systemic economic interests, or larger public interest in the strict sense recognised by law.

The High Court emphasised that where a charge-sheet or complaint has already been filed and the criminal court is seized of the matter, the proper course is ordinarily for the affected person to approach that court or the originating authority for cancellation or modification of the LOC, since that court is best placed to assess necessity and proportionality on the basis of the investigative record. Accordingly, the Court quashed the impugned LOCs falling in the first two categories, subject to stated conditions regarding prior intimation, itinerary disclosure, and certain case-specific safeguards.

The Court observed that the right to travel abroad is an integral facet of the right to life and personal liberty under Article 21, and that any restriction on this right must be founded on law and on a just, fair and reasonable procedure. Executive instructions cannot substitute legislative mandate when a fundamental right is curtailed.

The Court observed that an LOC is not statutory in origin but arises from executive instructions of the Ministry of Home Affairs, and that the current regime is governed principally by the Office Memorandum dated Feb 22, 2021. That regime permits resort to LOCs in cognizable offences, and in non-cognizable matters generally only for intimation of travel movements, subject to a narrow exceptional category.

The Court accepted and applied the position that LOCs are coercive measures of last resort and cannot be used routinely for law enforcement or debt recovery. It reiterated that recourse to an LOC may be taken only where there is a cognizable offence and the accused is deliberately evading arrest or process, coupled with a real and proximate likelihood of absconding. It observed that the inclusion of Chairmen, Managing Directors and Chief Executive Officers of public sector banks as authorities empowered to seek LOCs had been held bad in law, and that public sector banks do not possess legal authority to seek opening of LOCs.

The Court further observed that mere inability to repay debt, absence of collateral, declaration of an account as NPA, or pendency of DRT or recovery proceedings cannot justify curtailment of the right to travel abroad in the absence of a criminal case and the legally required threshold. It also observed that expressions such as "economic interests of India" and "larger public interest" cannot be expanded to cover routine commercial defaults. The Court emphasised that the authority opening an LOC must independently apply its mind and pass a speaking order based on specific and credible material. A mechanical or pro forma exercise, or action taken merely because a bank or originating agency requests it, is insufficient.

The Court also observed that an LOC cannot be sustained merely because a person is a director, guarantor, shareholder or family member of a borrower or accused, unless there is specific material demonstrating direct and personal involvement. It expressly stated that guilt is personal and not vicarious in civil or criminal liability. The Court stressed that continuance of an LOC is not indefinite and must be periodically reviewed. Where the subject has cooperated, has not evaded process, and no further interrogation or presence is demonstrably required, continuation becomes an unreasonable restriction on personal liberty.

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