

# GOVT. WANTS TO KEEP LOC DETAILS UNDER WRAPS

Relevant for: Security Related Matters | Topic: Security challenges and their management in Border Areas

There are various gradations of response when a person is stopped. However, a 2010 office memorandum gives the authorities power to generate LOCs in “exceptional cases” without complete parameters or case details against “suspects, terrorists, anti-national elements, etc, in larger national interest.” In 2015, Greenpeace activist Priya Pillai was stopped from travelling to London on a request by the Intelligence Bureau based on the “etc” provision in the 2010 order. The LOC was later quashed by the Delhi High Court.

On April 5, the Punjab and Haryana High Court quashed an LOC by Bank of India against a woman identified as Noor Paul, 30, who was stopped at the Delhi airport on February 22 on her way to Dubai. The court held that the action of Bank of India to issue an LOC against her, who was a guarantor to a loan procured by her father, was “arbitrary, illegal and violative of Article 21 of the Constitution.”

Coming down heavily on the respondents that included the MHA, Bank of India and the Bureau of Immigration, the court said the MHA and BOI should serve a copy of the LOC and state the reasons to the person against whom it was issued “as soon as possible” and provide a “post-decisional opportunity.” It asked the MHA to include these directions into the “Official Memorandum” or the guidelines that govern the opening of LOCs.

Asserting that “LOCs cannot be shown to the subject” at the time of detention nor any prior intimation can be provided, the MHA moved the Supreme Court against the said order.

Satya Pal Jain, Additional Solicitor General of India in the Punjab and Haryana High Court, told *The Hindu* that the particular part of the judgement where the court asked to read the instructions into the official memorandum had been stayed by the Supreme Court.

“The Government of India moved the Supreme Court against the said observations and the honourable court stayed the particular paragraph of the judgement where it asked to provide a copy of the LOC, the reasons and a hearing to the affected person. This provision can be used by hardened criminals to bypass the system and escape the country,” Mr. Jain said.

LOCs can be modified; deleted or withdrawn only at the request of the originator and immigration is only the executing authority.

As per norms, an LOC will stay valid for a maximum period of 12 months and if there is no fresh request from the agency, then it will not be automatically revived.

However there have been cases when LOCs have been revived in a bureaucratic process.

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