



COMPENDIUM ON MISSING CHILDREN



Delhi Commission for Protection of Child Rights

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**Delhi Commission for Protection of
Child Rights**

Government of NCT of Delhi

COMPENDIUM ON MISSING CHILDREN

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FOREWORD

The issue of “Missing Children” is a matter of serious concern not only for the Delhi Commission for Protection of Child Rights but for all stakeholders. A number of agencies both at the central level as well as of the NCT of Delhi are engaged in addressing this problem. Whether it is the Delhi Police, the Ministry of Home Affairs, or the National Human Rights Commission, several guidelines and instructions have been issued in order to deal with the subject of Missing Children from time to time.

In spite of Standard Operating Procedures formulated by Delhi Police and a number of circulars issued on how to deal with the subject, there has been no substantial improvement in terms of success rate in locating missing children. The Delhi Commission for Protection of Child Rights has been reviewing the various guidelines and existing procedures in order to assess and evaluate the efficacy of the existing measures and mechanisms for dealing with this sensitive issue. Besides regularly holding coordination meetings with stakeholders, including Police Officers and parents of missing children, the Delhi Commission for Protection of Child Rights had also taken some pro-active measures to facilitate the process of re-uniting children with their families. One such initiative of the Commission is “Operation Khoj” which essentially intends to send information regarding missing children received by the Commission, including photographs etc. to all child care institutions in Delhi to determine whether the missing child could be located there.

The present Compendium is an effort to put together in one place the various instructions/orders/guidelines/Standard Operating Procedures not only of the Delhi Police but also of other organisations like the NHRC as also advisories on the subject issued by the Ministry of Home Affairs.

The Compendium also includes important Court Pronouncements on the subject of Missing Children.

The Delhi Commission for Protection of Child Rights has also attempted to make a broad analysis of the issue on the basis of the statistics of missing children obtained from Delhi Police. In the Introduction chapter, the various initiatives of the DCPCR on the subject have been mentioned. The entire exercise of putting together this Compendium on Missing Children was coordinated by Member, DCPCR, Sh. Shashank Shekhar. We also acknowledge with thanks the contribution of ActionAid in bringing out this document on behalf of Delhi Commission for Protection of Child Rights.

Arun Mathur
Chairperson
Delhi Commission for
Protection of Child Rights

FOREWORD

The issue of missing children is a matter of serious concern in Delhi. As per the most recent data available with the Delhi Commission for Protection of Child Rights (DCPCR), in the year 2013, on an average 20 children went missing every day in the city and around 32% of them remained untraced. Around 54% of the missing children are girls. And the percentage of girls missing is found to increase with the increasing age. It also needs to be pointed out that a majority of children who go missing are from poor migrant families who have come to Delhi from various parts of the country, in search of livelihood.

The need of the hour is to actively work towards ensuring that children get priority in terms of protection, education and nutrition. In addition, it is imperative that parents get at least living wages and that the State provides a safe and secure environment to children, ensuring that all child protection mechanisms are properly implemented.

ActionAid India (AAI) has been determinedly working towards ensuring the realisation of child rights in India, particularly of 'urban deprived children'. Working alongwith civil society organisations, research institutes and government bodies AAI efforts have been helpful in highlighting issues around education, protection, shelter, security, health and water and sanitation issues affecting deprived children in urban areas and in drawing the attention of policy-makers on these issues. AAI conducted a Census of Street Children in Mumbai, which was followed up by consultations on street children in Ranchi, Chennai, Jaipur and Bhubaneshwar.

On the issue of missing children AAI has been closely collaborating with the DCPCR. As a part of its efforts the DCPCR, has compiled in this volume the instructions, orders, guidelines and Standard Operating Procedures of the Delhi Police, in addition to advisories issued on the subject by the

Ministry of Home Affairs and also by other legal and quasi-judicial bodies, including the National Human Rights Commission (NHRC).

AAI is glad to be a part of the compilation and publication of this document, *Compendium on Missing Children* which promises to be a useful reference manual for various institutions of the State as well as civil society organizations including the police, the judiciary, Juvenile Justice Boards, Child Welfare Committees, NGOs and community-based organisations (CBOs). We expect this document to be a pioneer in this regard, and be emulated by other states as well.

I appreciate the efforts of the Delhi Commission for Protection of Child Rights (DCPCR) as well as the Child Rights Focus (CRF), a knowledge initiative of ActionAid India, led by Dr. Alex George, in bringing out this publication. The co-ordination with the DCPCR in this regard by Mr. Sameet Panda (CRF) is particularly acknowledged. We hope that the publication of this compilation leads to greater and more informed action by the State, legal and quasi-judicial bodies, the police as well as the civil society in taking up the issue of missing children.

Sandeep Chachra
Executive Director
ActionAid India

INTRODUCTION

Delhi Commission for Protection of Child Rights (DCPCR) has been constituted under the Commissions for protection of Child Rights Act, 2005 read with the Govt. of India, MHAs Notification F. No U-11030/1/2007-UTL dated 15th January, 2008, gazette by the Govt. of NCT of Delhi on 7th July, 2008. Further, u/s 13 (1j) of the Commissions for Protection of Child rights Act 2005, this Commission is empowered as a Civil court to undertake inquiry in to complaints and to take suo-motu notice of matters relating to: (i) Deprivation and violation of child rights (ii) Non-implementation of laws providing for protection and development of children. (iii) Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to ensuring welfare of the children and to provide relief to such children or to take up the issues arising out of such matters with the appropriate authorities.

Status of missing children since 2008

The issue of Missing Children has been a matter of serious concern for this Commission. Records regarding missing children of Delhi available with this Commission show a steep rise in the number of missing children. From the year 2008 to 15th February 2014 as per the records 375 children up to the age of 18, remained missing. The number for the years 2009, 2010, 2011, 2012, 2013, 2014 (till 15th February 2014) is 453, 703, 689, 830, 1777 and 433 respectively. Percentage wise this data when categorised in three Categories with respect to age group, is from 0 to 8 years, 8 to 12 years, and 12 to 18 years, stand as follows:

Table no. 1 (% Of untraced children, age-group 0 to 8 Years)

0 to 8 years (Male and Female)				
Year	Missing	Traced	Untraced	Percentage of Untraced Children
2008	1143	1095	48	4%
2009	1199	1128	71	6%
2010	961	883	78	8%
2011	808	722	86	11%
2012	785	677	108	14%
2013	902	731	171	19%
2014 (up to 15 th February)	83	44	39	47%

Table no. 1 shows a steady increase in the number of untraced children from 2008 till 2013. Data with regard to 2014 was not considered since the data is till 15th February 2014, only.

Table No. 2 (% Of untraced children in the age group 8 to 12 years)

8 to 12 years (Male and Female)				
Year	Missing	Traced	Untraced	Percentage of Untraced Children
2008	1060	1009	51	5%
2009	889	819	70	8%
2010	803	671	132	16%
2011	708	609	99	14%
2012	775	650	125	16%
2013	962	758	204	21%
2014 (up to 15 th February)	98	59	39	40%

Table no. 2 also shows an increase in the percentage of untraced children.

Table No. 3 (% Of untraced children in the age group 12 to 18 years)

12 to 18 years (Male and Female)				
Year	Missing	Traced	Untraced	Percentage of Untraced Children
2008	4065	3789	276	7%
2009	3858	3546	312	8%
2010	3327	2834	493	15%
2011	3595	3091	504	14%
2012	3724	3127	597	16%
2013	5371	3969	1402	17%
2014 (up to 15 th February)	698	343	355	51%

Table no 3 shows that the number of children missing in this age group far exceeded the age groups below 12 years, though there was not much difference in the percentage of untraced children.

Table 1, 2 and 3 indicating a rising trend in the number of missing children from 2008 – 13.

Table No. 4 (Male and female ratio of missing children)

YEAR	Ratio of Male to Female missing Children (0 to 8 years)	Ratio of Male to Female missing Children (8 to 12 years)	Ratio of Male to Female missing Children (12 to 18 years)
2008	670/473 = 1.42	774/286=2.70	1926/2139= .9
2009	705/494= 1.43	693/196=3.54	1875/1983= .95
2010	588/373=1.58	620/183=3.39	1426/1901= .75
2011	490/318=1.54	521/187=2.79	1435/2160=.66
2012	473/312=1.52	599/176=3.40	1520/2204=.68
2013	526/376=1.40	681/281=2.42	2109/3262=0.65
2014 (up to 15 th February)	50/33=1.51	73/25=2.92	278/490= .66

Table no. 4 highlights the point that represent that in the age groups (0 to 8) and (8 to 12) the percentage of missing mail children was higher. However, the proportion is reversed in the case of missing children of the age group 12 to 18 years. In The data also suggest that the number of missing female children in the age group 12-18 years is rising every year. Figures related to 2014 were not considered.

Table no. 5 District Wise No. of Children Reported Missing in Delhi for the Years 2008 to 2014 (upto 15th May)

Districts	2008	2009	2010	2011	2012	2013	2014 (upto 15 th May)
North	290	226	214	212	178	290	93
North West	412	475	559	474	522	707	254
Outer	680	784	651	835	829	1145	516
Central	314	259	207	200	215	252	110
East	794	622	524	520	598	796	253
North-East	1086	1019	941	867	732	1036	385
South	351	513	470	369	407	641	247
South-East	701	724	454	505	624	771	237
South-West	563	632	484	455	476	610	236
West	944	602	515	608	646	902	349
IGI	0	0	1	1	0	0	1
DRP	47	34	23	20	9	11	2
Total	6268	5946	5091	5111	5284	7235	2700

The data shows increasing number of children going missing from peripheral districts of Delhi, which include Outer district, North East district, South East district, West district, South West district, etc.

Steps taken by Delhi Commission for Protection of Child Rights (DCPCR) in the matter of “Missing Children”

It is a matter of serious concern that tracing of missing children is not receiving the special focus that it deserves. As per the records made available

by Delhi Police the figures for missing children from Delhi since 2008 are as follows:

Year	Missing	Untraced
2008	6268	276
2009	5946	312
2010	5091	493
2011	5111	504
2012	5248	597
2013	7235	1402
2014	2700 (Upto May 14)	355 (upto 15 th Feb 2014)

The DCPCR has been seriously engaged on the issue of missing children with different stakeholders. To deal with this issue, DCPCR has adopted a two pronged approach:

1. Case wise Initiative
2. Policy wise Initiative

1. Case wise Initiative – DCPCR, once it receives a complaint from the parents /guardians of missing children or on the basis of other information, takes cognizance of the issue, and a notice is issued to the concerned police station asking for an Action Taken Report in the matter within a stipulated period of time. In case no reply is received a reminder is issued and, after the second reminder, the IO of the case is asked to appear before this Commission alongwith the case file. The Commission continues to regularly monitor and review the status of each case and this process is continued till the child is found.

It has been observed by the Commission that generally the reply by the IO is forwarded to his/her Senior Officer in time, but, in most cases, the forwarding of the same by the officer concerned to the Commission is quite delayed.

In order to facilitate coordinated action regarding missing children, the DCPCR had proposed that Delhi Police appoint a 'Nodal officer'. Responding positively, Delhi Police has nominated Asst. Commissioner of Anti-kidnapping Section and Anti Human Trafficking unit of Crime Branch, Delhi as the Nodal Officer to deal with all matters related to missing children,

including cases taken up by the Commission. DCPCR expects that henceforth, there may be timely compliance of its notices and reminders.

2. Policy-wise Initiative: On policy issues, this Commission has opted for a multi-pronged approach with the following objectives:

- 1) 2. Policy-wise Initiative : On policy issues, this Commission has opted for a multi-pronged approach with the following objectives:
- 1) To minutely examine the system adopted by Delhi Police and other concerned agencies of handling the missing and traced children in Delhi.
- 2) To study all relevant provisions under the law, rules, standing orders, circulars, guidelines and court rulings on the subject.
- 3) Assess the actual enforcement and compliance of various laws, regulations, rulings, guidelines, etc.
- 4) Identification, examination and analysis of lacunae, pitfalls and errors committed by the concerned agencies and stakeholders.
- 5) Evolving a Manual containing the respective role of various agencies and stakeholders dealing with missing and found children in Delhi

In order to achieve the aforesaid objectives, DCPCR has taken following steps:

A) Assessment of circular no.16/13 issued by Delhi Police: This Commission took suo-motu cognizance of media report dated 07.05.2013 captioned “ek saal tak hi talashegi police” which referred to circular no. 16/13 issued by Special Commissioner of Police, Crime Branch, Delhi whereby Delhi Police had started submitting Final Report in many cases of missing children lying pending before the police for over a period of one year. It was further stated that though the case will be closed, the photograph of the missing child will be available on the Zipnet, and , in case police gets relevant evidence, the case may be reopened.

The Commission issued a notice to the Commissioner of Police, Delhi mentioning that the circular may neither be tenable in the eyes of law nor in the best interest of missing children and their parents. The Commission further

observed that the circular was against the spirit of the provisions of Section 108 of the Indian Evidence Act, 1872.

At the pursuance of this Commission the circular 16/2013 was withdrawn by Delhi Police vide circular no. 46/2013 dated 02.08.2013.

B) Experience sharing with parents of Missing and found children and other stakeholders: In order to better appreciate the complexities and ground realities involved in the handling of cases of missing children, DCPCR has been conducting meetings with the parents of missing children and rescued children alongwith other stakeholders like Police, CWC, etc. These meetings are captioned “Experience sharing with parents of Missing children and Rescued children alongwith other stakeholders.”

It is an on-going process but has proved to be quite useful. The Commission, through this process has been able to identify the following issues in respect of missing children in Delhi:

- (i) The huge migrant population of Delhi, who belong to poor or lower middle class of society constitutes a major segment and children of the migrant poor families are soft target for traffickers. Majority of missing children (more than 90%) belong to this population and are from the area in which they reside.
- (ii) Male and female heads of the migrant families work to make both ends meet and children remain neglected. In many cases it has been found that children roam on the streets when the father and mother are away for work and in most of the cases houses remain locked. Such children fall an easy prey to the traffickers. Commission, in this regard, would like to recommend opening of more ‘drop-in-centres’ in the locality for children to get shelter and care till their parents return from work .
- (iii) Commission in most of the cases, found the attitude of police not very cooperative and hence is trying hard to provide an “interactive” platform to the parents with police. Many concerns and issues raised by the parents could be addressed by the police personnel present in the sessions.

- (iv) Very Important and precious “first few hours” after a child goes missing are lost due to inaction by parents or by police. Delhi being a small territory children are smuggled to the neighbouring states within no time and therefore go out of the reach/jurisdiction of Delhi Police. This Commission has always been emphasizing the importance of “first few hours” but the police has yet to come up with a proper plan to deal with the steps to be taken in this period to appropriately tackle the issue of missing children.
- (v) During such sessions and from the replies given by police in the case of missing children, the Commission has found that Delhi Police is following the guidelines and does take the following
 - a) Filing of FIR u/s 363 IPC
 - b) Sending of WT message to control room
 - c) Issuing hue and cry notice and getting it pasted at Railway stations, Bus stations etc.
 - d) Announcement by loud speakers in local area. Sending of information to missing person squad, NCRB and SCRB. Sending of information to Doordarshan.
 - e) Putting information on Zipnet.
 - f) Examining family members, neighbours and friends.
 - g) Search in the homes, mortuary, hospitals, etc.

Even so, large number of children remains untraced. The Police actually fails in recovering children, perhaps because of the fact that children may be slipping out of Delhi fairly quickly. Delhi Police needs to plan their strategy in a manner which is more “recovery/rescue oriented”. A close surveillance has to be maintained on any suspicious and unknown person roaming around in the locality near the school or the market, etc. It has been found that many children had gone missing from local/weekly market, marriage ceremonies, Jagran like functions etc. Police needs to be extra cautious at these points.

It has also been found that most of the children go missing from parks or from shops where they go for purchases at the instance of their parents. Parks and markets must be placed under better watch by police.

Children do run away because of the fear of their parents and also because they don't want to pursue their studies.

There are a large number of cases of children running away or eloping.

C) Operation Khoj - DCPCR has recently launched operation “Khoj” for missing children. Operation “khoj” is also one of the outcomes of Inter-face with parents of missing and rescued children and other stakeholders. During meetings it was found that it was not possible for police to search the child in each and every Children's Home of Delhi and as such many missing children could, perhaps, remain undetected in these homes. To address this problem, operation “khoj” was launched by this Commission under which DCPCR will tap information regarding missing children, whose cases are before this Commission, from all sources including the ZIPNET, download the same along with photographs, and send it to all networked homes for immediate action to determine whether the missing child could be located there. DCPCR has presently developed a network consisting of about 50 such Homes which include both Registered and un-Registered Homes, government run Homes and Shelter Homes.

Operation “khoj” is in a nascent stage but has started picking up. DCPCR has been organizing meetings with the net-worked homes in order to motivate them to respond to the Commission's queries in a time bound manner.

D) Interactive Session with Juvenile Welfare officers of different Police stations identified as vulnerable for the problem of missing children and certain NGOs. Delhi Police has launched Project “SNEH”. Under this project JWOs of 20 identified police stations will work in close coordination with NGOs working for the welfare of children in the designated district and shall undertake awareness campaign/programme to deal with the issues of missing children. 20 police stations and seven NGOs have been earmarked for this purpose by Delhi Police.

DCPCR has held an interactive sessions with all the JWOs & NGOs participating in operation “SNEH” for sharing experiences, problems and pit falls in their day to day operations. These experiences will in turn be shared with higher level officers of Delhi Police.

PART I

DELHI POLICE CIRCULARS AND ORDERS

Duties of Police

Regarding missing persons and un-identified dead bodies

Standard Operating Procedure regarding missing children
and related orders

Anti Human Trafficking Unit and its functions

Other important circulars regarding missing children

Operation “SNEH”

1

STANDING ORDER No. 68/2012 DUTIES OF THE POLICE UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 AND DELHI JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) RULES – 2009

Introduction

The purpose of this Standing Order is to spell out the responsibilities of the police station staff and other investigating units under the Juvenile Justice Act, 2000 as amended in 2006 and Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009.

The Juvenile Justice (Care and Protection of Children) Act, 2000, as amended in 2006, has been enacted to consolidate and amend the laws relating to children in conflict with law and children in need of care and protection by providing care, protection, treatment, development and rehabilitation. This is to be done by adopting a child-friendly approach in the adjudication and disposal of matters relating to children in the best interest of children, for their ultimate rehabilitation through various institutions established under the enactment.

The criminal justice system, as applicable to adults, is not considered suitable for juveniles. The Juvenile Justice (Care and Protection of Children) Act has been enacted, keeping in view the standards prescribed in the Convention of the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (The Beijing Rules). Keeping this in view, various institutions such as Children Homes, Observation Homes, Special Homes and After-Care Organizations have been constituted to give adequate care and proper protection to children.

The Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009

have been framed and published in the Part IV of Gazette of Delhi – Extra-ordinary, vide F.No. 61(9) JJ Amend. Act/AD-1/DWCD/2009/25362-391, dated 24.09.2009 as provided under sub-section (1) of Section 68 of Juvenile Justice (Care and Protection of Children), Act 2000.

Salient features of the Act

The Juvenile Justice (Care and Protection of Children) Act, 2000, as amended in 2006 lays down a uniform legal framework for juvenile justice in the country for ensuring that **no child, under any circumstance, is lodged in a jail or in a police lock-up**. This is being implemented by establishing Juvenile Justice Boards. This Act provides for trial of children and for the adjudication of certain matters relating to and disposition of children in conflict with law.

1. “Juvenile or Child”

As defined under sub-clause (k) of Section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000, means **a person who has not attained the age of eighteen years**.

2. Children in conflict with law

The term “children in conflict with law” has been defined under sub-clause (l) of section 2 of the aforesaid Act as a child who is alleged to have committed an offence and has not completed eighteen year of age as on the date of commission of such offence.

Child offenders are to be treated differently from hardened criminals. The way a child in conflict with law is dealt by the police can sometimes determine whether the child would grow up as a normal citizen or turn into a hardened criminal. The police officer handling a child in conflict with law must give the child the impression of a sincere friend and should try to reform him rather than, as a policeman, try to punish him. The child in conflict with law shall be handed over to Child or Juvenile Welfare Officer as early as possible. Even when a child is to be taken into custody, unnecessary humiliation or restraint must be avoided. No such child should be handcuffed or fettered. The officers/men while handling/escorting a child shall not wear police uniform.

3. “Child in need of care and protection” means a child:

- (i) Who is found without any home or settled place or abode and without any ostensible means of subsistence:-
 - a. A child found begging;
 - b. A street child;
 - c. A working child.
- (ii) Who resides with a person (whether a guardian of the child or not) and such person : –
 - a. has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or
 - b. has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person.
- (iii) Who is mentally or physically challenged or ill, child suffering from terminal diseases or incurable diseases having no one to support or look after.
- (iv) Who has a parent or guardian who is unfit or incapacitated to exercise control over the child.
- (v) Who does not have parents and no one is willing to take care of or whose parents have abandoned him/her or who is missing and run away child and whose parents whereabouts are unknown.
- (vi) Who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts.
- (vii) Who is found vulnerable and is likely to be inducted into drug abuse or trafficking.
- (viii) Who is being or is likely to be abused for unconscionable or unethical gains.
- (ix) Who is a victim of any armed conflict, civil commotion or natural calamity?

Whenever child in need of care and protection is found in the jurisdiction of any police station, the police shall produce the child before the Child Welfare

Committee and send him to Children Home as ordered by the Child Welfare Committee.

4. Juvenile Justice Board

To adjudicate matters pertaining to juveniles in conflict with law, JJBs have been constituted. A JJB shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman.

The Juvenile in conflict with law has to be produced before the JJB within 24 hours of his/her apprehension.

In case the Board is not sitting, the child in conflict with law shall be produced before the single member of the Board as per the provision laid down under sub-section (2) of Section 5 of the Act.

When a child is produced before an individual member of the Board and an order is obtained, such order shall need ratification by the Board in its next meeting.

A list of Juvenile Justice Boards is placed at “Annexure -A”

5. Child Welfare Committee (CWC)

The Child Welfare Committee comprises of individuals who are trained and experienced on children’s issues. It consists of a chairperson and four other members [20(1) of Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009]. A child in need of care and protection shall be produced before the Committee within twenty four hours, excluding journey time. [27(1) of Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009].

A list of Child Welfare Committees is placed at “Annexure B”.

Police administrative structure under the Juvenile Justice Act-2000

The Juvenile Justice (Care and Protection of Children) Act and the Rules envisage three level administrative structure to deal and supervise implementation of the Juvenile Justice Act.

1. State nodal unit

The first level, which is the state level, is headed by a Joint Commissioner of the Police, who is the Nodal Officer from the police side to co-ordinate and upgrade the role of the police on all issues pertaining to care and protection of children under this Act. The Delhi Police Juvenile Justice Unit headed by Jt.CP/SPUWC is the Nodal Office in this regard. The Juvenile Justice Unit shall hold periodical meeting with ACP in-charge and Inspectors/SJPUs of the districts and ACP/HQ (Crime and Railways and IGI Airport) to review and monitor implementation of provisions and instructions laid down in the Act/Rule/SO etc.

2. Special Juvenile Police Unit

The second level is the district level, where Special Juvenile Police Units, headed by DCP/Districts have been set up in district and Crime and Railways and IGI Airport unit of Delhi Police. DCP/Districts/units through ACP/CAW &

ACP/Hqrs. nominated as nodal officer of the district on the issues pertaining to children in all Districts/concerned units will co-ordinate, monitor and closely supervise the working of Juvenile Welfare Officers of the Districts/units. District DCsP shall hold a monthly meeting of SJPU to review the cases related to the juvenile/children. The function of nodal ACsP in districts/units shall be to co-ordinate and upgrade the police treatment of juvenile and children. They shall ensure that trained Child or Juvenile Welfare Officers are posted in the concerned Police Stations. DCsP of the District shall ensure that adequate numbers of trained officers are available in districts and posted in each Police Station.

3. Juvenile or Children Welfare Officer

The third level is the police station, where Juvenile Welfare Officers have been notified. Every Police Station shall designate at least two upper subordinates as Child or Juvenile Welfare Officers and only such officers shall be designated who have the aptitude, appropriate training and orientation to handle a child in conflict with law. They shall be imparted appropriate training to deal with juveniles and should be well versed with the law and

procedure under Juvenile Justice (Care & Protection of Children) Act. Juvenile Welfare Officers will be posted for a period of one year.

The list of Juvenile Welfare Officers will be sent every month to the concerned Juvenile Justice Board by District DCsP with a copy to Jt.CP/SPUW&C.

It will be the sole responsibility of the SHO/Police Station concerned of the unit to ensure that the entire Police Station staff is briefed and is familiar with the procedure to be followed on apprehension of a child in conflict with law or a child in need of care and protection.

Police response to children in conflict with Law

The police response depends on the nature of offence committed by the juvenile. In case of petty offences (punishable with fine upto Rs.1000 only), the police may dispose off the case at the police station itself.

In case of non-serious offences (punishable with imprisonment less than 7 years) juveniles can be apprehended only if it is “necessary and in the interest of the juvenile”. [Rule 11(3)(4) of The Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009]

The police or the Child/Juvenile Welfare Officer from the nearest police station, shall exercise the power of apprehending a juvenile only in cases of his alleged involvement in serious offences (punishable with imprisonment for 7 years or more). [Rule 11(2) of the Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009].

Where apprehension is not considered to be in the best interest of the child, the police or the Child or Juvenile Welfare Officer from the nearest police station, shall intimate the parents or the guardian of the child about forwarding the information regarding the nature of the offence alleged to have been committed by their child along with the socio-economic background to the Board, who shall have the power to call the juvenile for subsequent hearings. {11(3) of The Delhi Juvenile Justice (Care and Protection of Children) rules, 2009}.

In any of the categories above, if the Child or Juvenile Welfare Officer feels that the child is victim of circumstances or has been abused by adults , he can produce the child before the Child Welfare Committee.

1. Apprehension of Children in conflict with law

As per rule 11 (6) of The Delhi Juvenile Justice (Care and Protection of Children) 2009, when a child in conflict with law is apprehended by the police, the child shall be placed under the charge of the Juvenile or Child Welfare Officer of the police station, who shall produce the child before the Board within twenty-four hours, as per sub section (1) of section 10 of the Act. Where such Juvenile or Child Welfare Officer has not been designated, as per provisions laid down under sub-section (2) of Section 63 of the Act, or is not available for some official reasons, the police officer who apprehended the child shall produce him before the Board. The child once apprehended shall not be let off by the police officer apprehending him without due process.

The apprehension memo shall be prepared in accordance with **Annexure‘C’**.

The request for medical examination shall be in accordance with **Annexure‘D’**.

Personal Search Memo will be prepared in accordance with **Annexure ‘E’**. As soon as a child alleged to be in conflict with law is apprehended by the police, the concerned police officer shall inform the parents or guardians of the child alleged to be in conflict with law about the apprehension of the child, about the address of the Board where the child will be produced and the date and time when the parents and the guardians need to be present before the Board [11(5) of the Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009.]

The police officer investigating the case involving the child in conflict with law shall hand over the custody of the child as soon as possible to the Child or Juvenile Welfare Officer. The Investigating Officer shall record the version of the child in conflict with law regarding the incident being investigated in the presence of his father/mother/guardian/fit person/Child Welfare Officer/Probation Officer in the format in **Annexure ‘F’**.

In no case, the child will be kept in the police station beyond a time he is required for the purpose of investigation. As soon as he has been dealt with, he shall be produced before the Juvenile Justice Board or kept with the SJPU or sent to the Observation Home. If the child is released by the Investigat-

ing Officer to the parent/guardian/fit person, the Investigating Officer shall take an undertaking from them in accordance with **Annexure 'G'**.

2. While handling children in conflict with law, the following points should be kept in mind:-

- a. Extra care should be taken to create an impression in the mind of the child that he is not under interrogation as a thief or as a liar but that an effort is being made to find out the truth in order to help him.
- b. A child in conflict with law is considered innocent until proven guilty; therefore the child should not be compelled to confess his guilt.
- c. A police officer dealing with child in conflict with law shall always be in plain clothes.
- d. The officer should not lose temper and make false promises.
- e. No bullying should be done during questioning.
- f. Display of sympathy and understanding so as to give the impression that the police officer is mainly interested in the welfare or good of the child.
- g. Enquiries from the child should be in privacy and in a comfortable environment.
- h. It should be ensured that there is no distraction when the child is being questioned.
- i. The parents and guardians may be allowed to be present during the questioning of child.
- j. As far as possible, the child should not be called to the police station but should be questioned either at his own home or some other premises which does not give the impression of a Police Station.
- k. Care should be taken not to embarrass the child. Girl child should be handled by Women Police Officers only.
- l. Statement made by a child should be verified from independent sources as there is a possibility of exaggeration and distortion of facts.

- m. Physical needs of the child, like hunger or thirst or the need to go to a toilet should be properly attended to.
- n. The child should be presented before the Juvenile Justice Board as soon as possible.
- o. If the officer is not sure about the age of the concerned person, procedures for determination should be followed immediately.
- p. No child in conflict with law dealt with under the provision of the act should be handcuffed or fettered.

3. Registration of case against a juvenile

Age is the most important factor while registering a FIR. The following guidelines have to be kept in mind while dealing with cases involving a child:-

- a. No FIR can be registered if the child is involved in an offence where imprisonment is less than seven years.
- b. If a FIR has already been registered before it is known that a child is involved, the same can be investigated.
- c. FIR can be registered where child is involved along with adult persons and can be investigated.
- d. FIR can be registered where there is no age proof but it seems to be a borderline case.
- e. The proof of age cannot be based on ration card, Janampatri etc.
- f. Age mentioned in the certificate of Open School cannot be depended upon in heinous cases.

4. Determination of Age

In case the age of the child in conflict with law is not known or not clear, efforts should be made to ascertain the age of the child before proceeding legally. In case of doubt, the benefit of doubt shall be in favour of the child in conflict with law for treating him/her as a child. In order to collect the proof of age of the child in conflict with law, efforts should be made to collect his school certificate, municipal certificate, etc. In case of non availability of

any document, age should be confirmed by a Medical Board constituted at a Govt. Hospital and not by ossification report alone.

In every case, the age of the child shall be determined within a period of 30 days from the date of making of the application before the Committee and the age determination inquiry shall be conducted by the Court or the Juvenile Justice Board by seeking evidence by obtaining:

- (a) (i) The matriculation or equivalent certificates, if available.
- (ii) The date of birth certificate from school (other than a play/open school).
- (iii) The birth certificate given by a corporation or a municipal authority or a panchayat.
- (b) In the absence of (a), the age of child shall be determined by a duly constituted medical board at a Govt. Hospital.
- (c) In cases, after determining the age, if the accused is found to be an adult, immediately an FIR is to be registered and investigation is to be taken up.

Guidelines / instructions by Hon'ble Delhi High Court dated 23.03.2012 in respect to age of Juvenile

The Hon'ble Delhi High Court, while hearing W.P (civil) 8889/11 in the matter of Court on its own motion versus Department of Women And Child Development, passed the following guidelines/instructions on 23/03/2012.

1. An Investigating Officer (I.O.), while making arrest, shall reflect the age of the person arrested in the Arrest Memo (Annexure-C). It would be the duty of the Police Officer to ascertain the said age by making inquiry from the adolescent/person arrested/apprehended if such person is in possession of any proof of age etc. In other cases, if the adolescent/person by appearance appears to be juvenile and the Police Officer has reasons that the adolescent/person is a juvenile, he shall be produced before the JJB instead of a Criminal Court.
2. The I.O. shall ask the person if he has been a part of formal schooling at any point of time and if the adolescent/person answers in the

affirmative, the I.O. should verify the record of such a school at the earliest.

3. If the parents of the adolescent/person are available, the inquiry should be made from them. The I.O. should ask the parents if they got the date of birth of the adolescent/person registered with MCD or Gram Pradhan etc, as provided under law and take the answers/documents on record.
4. Where no such document is found immediately and the I.O. has reasonable ground to believe that such document might be existing, he shall produce such person before the Board and should seek time for obtaining these documents.
5. A preliminary inquiry can be made from the parents of such persons about the time of their marriage and the details of how many children do the parents have and after how long of the marriage were those children born.
6. In addition to the above, an inquiry of previous criminal involvement of the juvenile shall necessarily be made with the effort to find if there is any past declaration of juvenility. For this the Police should also maintain data of declaration of juvenility.
7. The inquiry conducted in each case shall be recorded in writing and shall form a part of investigation report in each case where a child/person claims his age up to 21 years irrespective of whether he is found to be a juvenile or an adult.

Guidelines / instructions by Hon'ble Delhi High Court dated 11.05.2012

Further on 11/05/2012 in the W.P.(civil) No.8889/11 the Hon'ble High Court has passed the following guidelines / instructions which are to be kept in mind for taking suitable action in this regard. A six monthly report as suggested in point No.3 of the para a Nodal Head/In-charge of SJPU's (Districts) of these guidelines will be sent by the Nodal Head of the Special Juvenile Police Units of all districts, Crime & Railways, IGIA, to the office of the Commissioner of Police, Delhi for necessary action. At PHQ level, an Action Taken Report of the same shall also be forwarded to the Juvenile Justice Committee of Hon'ble Delhi High Court by the DCP/HQ.

For Deputy Commissioner of Police, In-charge of Districts concerned:

- i. In case any person approaches the DCP In-charge of a district, with a complaint that Police is not taking notice of juvenility of any offender and is refusing to take on record the documents being provided to suggest juvenility and instead is treating a child as an adult, it shall be the duty of DCP concerned to do an immediate inquiry into such complaint. Such inquiry shall be completed within 24 hours of receiving such a complaint and if the complaint has merit and truth, the DCP concerned shall make orders to the concerned police officers to immediately take corrective steps and shall also initiate disciplinary action against the erring police officials.
- ii. In cases where any action is taken against an erring police officer, a quarterly report of the same containing the nature and reasons of such lapses and details of action taken shall be furnished by the DCP concerned to the concerned JJB having jurisdiction over that district along with a copy to the Nodal Head of Special Juvenile Police Unit for their record and intimation.
- iii. DCPs shall, during the regular monthly meeting with all the SHOs & Inspectors (Investigation), shall brief them about their responsibilities, any new judgment or order from JJB's and Courts, any practice, direction etc. and shall ensure that their subordinate police officers don't show children as adults, take all necessary steps to verify the age of the accused persons and are in overall compliance with provisions of JJ Act & Rules.
- iv. DCPs shall also ensure that all the police stations under their jurisdiction put in place the required set-up and required notice boardsetc, as has been specified in the Standing Order No. 68, Act & the Rules or any other circulars in this regard.
- v. On being intimated by the JJBs about any lapse having been committed on investigation of age, the DCP concerned shall institute an inquiry and take such action as may be required or appropriate. An action taken report shall be submitted to the JJB by the DCP concerned within a month from the receipt of such intimation.

For Nodal Head/ In-Charge of Special Juvenile Police Unit (DISTRICT):-

- (i) Nodal Head of Special Juvenile Police Unit shall cause quarterly (once in three months) inspection of all the police stations through an official not below the rank of ACP in order to check that all the police stations have put in place the required setup and all the obligations required.
- (ii) A report shall be prepared by such ACsP of such visits documenting the best practices or shortcomings noticed at the police stations and shall be submitted to the Nodal Head of SJPU within 10 days of such a visit.
- (iii) Nodal Head of SJPU shall make a report on half yearly basis and shall submit it to the Commissioner of Police with his recommendations. A copy shall also be submitted to Juvenile Justice Committee of Hon'ble Delhi High Court.
- (iv) District Level units of SJPU shall on a regular basis monitor the functioning of Police Stations of that district vis a vis implementation of JJ Act and Rules and directions of this Hon'ble Court and shall provide necessary guidance and training to the police.

For the Officer In Charge of the Police Stations:-

- (i) It shall be the duty of the Officer incharge of the Police Station to ensure that police officers of his or her police station have taken all measures to ensure that proper inquiry or investigation on the point of age has been carried out and that all the required formalities, procedure have been carried out and required documents have been prepared in this regard.
- (ii) Officers in Charge shall also ensure that a notice board, prominently visible, in Hindi, Urdu and English language informing that person below the age of 18 years are governed under the provisions of JJ Act and cannot be kept in police lock-up and jails and are not to be taken to the Adult Criminal Courts. Such Notice Boards shall also contain the names and contact details of Juvenile Welfare Officers, Probation Officers and Legal Aid Lawyers of DSLSA.

For the Investigating Officer or any other police officer acting under the instruction of the Investigating officer:-

- (i) Every Police Officer at the time of arresting/ apprehending young offenders shall be under obligation to inform the alleged offender about his right to be dealt with under the provisions of the Juvenile Justice Act, if he is below 18 years of age and counseling may be tailored to suit his age.
- (ii) IO or any other police officer affecting the arrest/ apprehension shall also prepare the Age Memo. A copy of such Age Memo shall also be delivered to the alleged offender and his parents/ guardians/relatives, who have been intimated about his arrest.
- (iii) At the time of forwarding the copy of FIR to the Ilaka Magistrate within 24 hours, IO shall be under duty to file the preliminary age memo along with the FIR in case arrest / apprehension is made before forwarding the FIR.
- (iv) On completion of age inquiry, which shall be done, preferably within one week of arrest/ apprehension, the completed age memo be filed before the court concerned.
- (v) At the time of first production of an offender who is between 18 to 21 years of age as per the initial inquiry of the IO as above, before the court, IO or the Police Officer responsible for producing the offender before the court, shall produce the alleged offender, along with a copy of the FIR and age memo before the Secretary of respective District Legal Services Authority, irrespective of whether the alleged offender is being represented by a legal aid lawyer or not.
- (vi) If the alleged offender claims to be a juvenile and age documents to support such claims are not readily available and it is not possible for IO to obtain such documents within 24 hours of arrest. Accused shall be produced before Juvenile Justice Board.
- (vii) At the time of the first production of the offender before the Court or JJB, it shall be the duty of IO to ensure that parents or relatives of such an offender are duly informed about (1) date, (2) time and (3) particulars of the court of such production and a copy of such intimation shall be produced before the Court at the time of first production.

For the Juvenile Welfare Officers (JWOs)

- (i) It shall be the duty of the Juvenile or Child Welfare Officer to obtain the copy of age declaration done by JJB or CWC and to forward such copy to the Special Juvenile Police Unit for entry into the record and to obtain a certificate that such an entry has been done with SJPU and a copy of such certificate shall be deposited to the JJB or CWC concerned.
- (ii) It shall be the duty of the Juvenile Welfare Officer to ensure that any offender at the Police Station who might be a juvenile is not treated as an adult and if he notices any such incident, he shall immediately report to the officer in charge of the Police Station concerned with intimation to the District SJPU.
- (iii) In case, a police officer is approached by any person alleging that someone who is a juvenile and has been treated as an adult by any officer of that Police Station, it shall be the duty of such a police officer to record the statement of such complainant and then to register a DD Entry to this effect immediately and take up the issue with the Juvenile Welfare Officer or Investigating Officer concerned or the Officer in charge concerned and cause corrective steps to be taken by such a police officer. JWO shall furnish a copy of such a DD entry to the aggrieved complainant. A report about such complaint, copy of DD entry, details of action taken or proposed to be taken shall be forwarded to the District SJPU within 24 hours of receiving such a complaint.

5. Custody of child

When any child is placed in the charge of a person, the person shall have control over the juvenile as the person would have, had he been a parent, and shall be responsible for the maintenance of the juvenile.

6. Bail of juvenile

When a juvenile in conflict with law, for a bailable or a non-bailable offence is apprehended, or detained, or appears, or is brought before a Board, such a child shall be released on bail with or without surety but he shall not be so released if there appears reasonable grounds for believing that the release

is likely to bring him in association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. While replying to a bail application it should not be mentioned that the child is hardened or notorious but specific grounds should be mentioned. Similarly, extension of judicial custody remand cannot be based on the ground of pending investigation of the case but on the ground that there exists reasonable ground for exposing him to moral, physical or psychological danger.

When such a delinquent, having been arrested is not released on bail, the officer causing the arrest shall cause him to be kept only in an Observation Home for such period during the pendency of the inquiry against him, as may be specified in the order.

7. Information to parent, guardian or Probation Officer.

When any child in conflict with law is apprehended, the officer in-charge of the Police Station or Child or Juvenile Welfare Officer or special juvenile police unit to which the child is brought, shall inform as soon as possible the parent or guardian of the child about his apprehension and direct him to be present at the Board before which the child will be produced. He shall also inform the Probation Officer of such a child in conflict with law to enable him to obtain information regarding the antecedents and family background of the juvenile. A daily diary entry shall be lodged mentioning the details of the person to whom the information was given.

8. No joint proceeding of a juvenile and other criminal.

No child shall be charged with, or tried for any offence, together with a person who is not a child and who is accused of an offence under Section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force. The Board taking cognizance of that offence shall direct separate trials of the child and the other persons.

9. Prohibition of publication of name etc., of child involved in any proceeding under the Act.

No report in any newspaper, magazine or visual media on any inquiry against a child in conflict with law under this act shall be made disclosing

the name, address or school or other particulars calculated to lead the identification of the child nor shall any picture of any such child be published. As per Section 21 of the Juvenile Justice (Care & Protection of Children) Act 2000, any person who contravenes this provision shall be liable to a penalty which may extend to twenty five thousand rupees.

10. Process in case of Cognizable Offences

According to Rule 11 (The Delhi Juvenile Justice (Care and Protection of Children) Rules – 2009) in dealing with cases of children in conflict with law, matters involving simple offences, the police or the Juvenile Welfare Officer or the Child Welfare Officer from the nearest Police Station shall record information regarding the offence alleged to have been committed by the child in the Daily Diary followed by a report containing social background of the child and circumstances of apprehension and the alleged offence and forward it to the Board before the first hearing.

In case a FIR has already been registered for the punishment of an offence, punishable with a sentence below seven years and after investigation it comes to notice that the offence was committed by a child, the police has to file a final report, social report, DD entry etc. before the Juvenile Justice Board.

The social report of children in conflict with law shall be prepared on the basis of the background, source of income, education, social status etc. of their parents/guardians. The social background and detail of his peer group should be mentioned in the social report. The proforma for preparing the Social Report is at (Annexure 'H'). This report shall be attached with the Kalandra containing details of circumstances of apprehension and the alleged offence.

11. Period for completion of Investigation of Cases

a. Offences punishable with less than seven years of imprisonment

In the case of “Sheela Barse Vs UOI 1986 SC 1773” involving a juvenile, the Hon’ble Supreme Court has observed at para 12 that “We would also direct that where a complaint is filed or first information report is lodged against

a child below the age of 16 years (now it is 18 years under new Act) for an offence punishable with imprisonment of not more than 7 years, the investigation shall be completed within a period of three months from the date of filing of the complaint or lodging of the First Information Report and if the investigation is not completed within this time, the case against the child must be treated as closed". In view of the orders of Hon'ble Supreme Court and Juvenile Justice Board, the investigation of all such cases should be completed within the period of 3 months from the date of filing of the complaint or lodging of First Information Report and if the investigation is not completed within this time, the case against the child must be treated as closed.

However, Ms Anuradha Shukla Bhardwaj, Principal Magistrate of JJB-I, in case FIR No-414/10 of P.S Rajouri Garden passed an order on 06/05/2011 that "if there are reasons which prevent them for completing the investigation in three months, they should file the report of the investigation completed till the last day of third month in the board and thereafter they may conduct further investigation and file supplementary report with the permission of the board".

b. Offences punishable with 7 years and more than seven years of imprisonment

Where a complaint is filed or First Information Report is lodged against a child below the age of 18 years for an offence punishable with imprisonment of 7 years and more, the provisions of section 167 Cr.P.C. will apply.

- i. When the offence is punishable with death, imprisonment for life or imprisonment for a term of not less than ten years, the investigation shall be completed within 90 days.
- ii. When the investigation relates to any other offence the investigation shall be completed within sixty days.

On the expiry of the set period of 90 days, or sixty days as the case may be the child in conflict with law shall be released on bail.

Police response to children in need of care and protection

1. Important points to be considered when interacting with children in need of care and protection

Whenever a child in need of care and protection is found in the jurisdiction of any police station, the following action should be taken:-

- a. Police officers should interact with the child in a sympathetic and sensitive manner and not discriminate against a child on the basis of its social status or gender. Non discriminatory practice should always be followed by the police while dealing with the most vulnerable sections of society like the children.
- b. Every child's right to express his view freely in all manner affecting his interest shall be fully respected through every stage in the process of juvenile justice.
- c. The child should be produced before the Juvenile Welfare Officer/SHO.
- d. An entry in the Daily Diary should be made giving particulars of the child, and the reasons for suspecting that he is such a child.
- e. The Police Control Room must be informed at once.
- f. A report on the prescribed proforma must be sent to the Missing Persons Squad through District Missing Persons Unit. (Annexure J).
- g. If the parent is known, an enquiry should be initiated to know the social background of such a child.
- h. If the parent is not known or is not in a position to exercise any control over the child, the child should be produced before the CWC and as per the order of the CWC he may be sent to the Children Home/ Shelter Home. Under no circumstances should the child be kept in the police station.
- i. While dealing with a girl child, special care needs to be taken. Such girls accompanied by women police officer should be produced before the Child Welfare Committee after medical check-up with a request for sending her to Children's Home.

- j. In case a child is mentally challenged, he or she should be got medically examined by a Govt. Hospital and produced before CWC. He or she should be sent to an institution for mentally challenged as per the order of the CWC, after confirming whether a missing report has already been lodged at the District Missing Persons Units (DMPU/ Missing Persons Squad (MPS). Such child details shall be uploaded on Zipnet.
- k. Police should understand that MLC/medical examination is scientific evidence and it plays a crucial role in the conviction of the accused, especially in cases of sexual abuse, physical abuse, bonded labour, child labour and mentally challenged children. But it should not be done for all children as all children may not require such an examination.
- l. A copy of MLC should be provided to parents and guardians.
- m. The parents whom the child trusts should be allowed to be present during the medical examination.
- n. Ensure no photography/questioning/video filming by the media. In case you come across such activities undertaken by the media, report the higher authorities such as court etc immediately.
- o. Child victims shall not be kept in the police station overnight on any pretext.
- p. Police officer should ensure that the medical examination is done with the necessary sensitivity by professionals and wherever possible should be accompanied by a social worker. Insensitive questioning of the child should be avoided.
- q. No Police officer should ask leading questions to the child that may distort the information.
- r. No Police officer should be involved in tutoring a child or coaching him to provide particular answers.
- s. No Police officer should make false promises or tell lies to the child.
- t. No Police Officer should blame the child.
- u. A child in need of care and protection shall be produced before the committee within 24 hours, excluding journey time along with the

Circumstances Report as per the provisions of JJ Act, 2000.

- v. Police should facilitate involvement of local NGOs and interaction of NGO/social worker with the child.
- w. Police should be aware of a child's immediate basic needs like food, clothes, footwear etc and arrange it as soon as possible on receiving a child either brought by someone or rescued by police.
- x. The Child's right to privacy and confidentiality shall be protected by all means and through all the stages of the proceedings and given due care and protection.
- y. Child Welfare Committee is the final authority to dispose of the cases involving a question of care, protection, development, rehabilitation of children as well as to ensure fulfillment of their basic needs and protection of their human rights.
- z. Where it is found that the parents/guardians of the child are not acting in the best interest of their children, in cases like child trafficking, child sexual abuse, abandonment, the police should ensure the safety and protection of the child by exercising discretion when it comes to providing information about the child to the parents.

2. Provisions in respect of juveniles in conflict with law who have escaped.

Any police officer may take charge without warrant of a child in conflict with law who has escaped from a Special Home or an Observation Home or from the care of a person under whom he was placed under this Act, and such child shall be sent back to the Special Home or the Observation Home or that person, as the case may be, and no proceeding shall be instituted in respect of the child by reason of such escape but the Special Home or the Observation Home or the person may, after giving information to the Board which passed the order in respect of the child, take such measures as may be deemed necessary under the provisions of this Act. Child or Juvenile Welfare officer will be available in the Juvenile Justice Court whenever any Child is produced in the court.

Offences against children in need of care and protection

- a. If someone is having actual charge of or control over the child, assaults, abandons, exposes or willfully neglects the child or causes or procures him to be assaulted, abandoned, exposed or neglected in any manner likely to cause such child unnecessary mental or physical suffering, he will be punished u/s 23 of Juvenile Justice (Care and Protection of Children) Act, 2000).
- b. Employment or use of any child for the purpose of begging is an offence u/s 24 of the Act. The offence is cognizable, non bailable and punishable.
- c. Gives or causes to be given to any child, intoxicating liquor in public place or any narcotic drug or psychotropic substance, except upon the order of a duly qualified medical practitioner or in the case of sickness is punishable u/s 25 of the Act. The offence is cognizable and non bailable.
- d. Ostensibly procures a child for the purpose of any employment and withholds the earnings of the child or uses such earnings for his own purpose is punishable u/s 26 of the Act. The offence is cognizable and non bailable.

Action in case of offences against children in need of care and protection

In case an offence against juvenile in need of care and protection comes to the notice of the police, the Juvenile Welfare Officer/SO shall handle the case and the following action would be taken:-

- a. A detailed entry shall be made in the Daily Diary Register.
- b. Any child in need of care and protection may be produced before the Child Welfare Committee by Child or Juvenile Welfare Officer or Special Juvenile Police Unit or a designated Police Officer for being placed in safe custody or otherwise. A child in need of care and protection may be produced before an individual member when the committee is not in session.

- c. Expeditious enquiry of the case as required u/s 33 of the Juvenile Justice (Care and Protection of Children) Act, 2000 shall be conducted and the same shall be completed within a period of four months from the date of its commencement, unless for some special reasons which shall be recorded in writing and forwarded to the Child Welfare Committee.
- d. The Special Police Juvenile Unit shall take serious cognizance of the adult perpetrators of the crime against children and see to it that they are apprehended without delay and booked under the appropriate provisions of the law and for this purpose the district level units shall maintain liaison with other units of police station. The action against the perpetrator of the crime should be taken speedily [84(6) of The Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009].
- e. NGOs/Resident Welfare Associations and Civil Society shall be associated in the investigation of Children in conflict with law to know the social background details of the child. Similarly help of a psychologist shall be taken in every case of a child in conflict with law before producing the final report to the Juvenile Justice Board.
- f. Any police officer found guilty after due enquiry, of torturing a child mentally or physically, shall be liable to be removed from service, besides being prosecuted for the offence [84(11) of The Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009].

Role and responsibilities of the police to prevent juvenile delinquency and violation of child rights

The police should actively work to prevent any incidence that exposes a child to physical, mental or emotional harm.

- a. Special Juvenile Police Unit at district level shall coordinate and function as a watch dog for providing legal protection against all kinds of cruelty, abuse and exploitation of child [84(5) of The Delhi Juvenile Justice(Care and Protection of Children) Rules, 2009].
- b. The Special Juvenile Police Units shall seek assistance from the voluntary organizations, panchayats and gram sabhas or Resident Wel-

fare Associations in identifying children in conflict with law as well as reporting cases of violence against children, child neglect and child abuse. [84(8) of the Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009].

- c. The Child or Juvenile Welfare Officers shall also be engaged in prevention of Juvenile Crime in coordination with the SJPU's and NGOs and other members of the civil society.

Miscellaneous

All Police Stations shall have 2 or 3 officers; one of them shall be a female, designated as Child or Juvenile Welfare Officer who have undergone training in handling children in conflict with law. All cases in which children in need of care & protection as well as children in conflict with law are involved should be handled by them. District DCsP will ensure that details of such officers appointed in each police station are communicated to Jt. CP/SPUW & C (the nodal authority) within 15 days of the issue of this S.O. Any change thereafter shall also be forwarded to the Juvenile Justice Board and Jt. CP/SPUW & C immediately.

- a. All Police Stations should have at least 2 copies of the "Juvenile Justice (Care and Protection of Children) Act 2000", one for the SHO and the other for the use by child or Juvenile Welfare Officers.
- b. The names, addresses and telephone numbers of the following should be available with Duty Officers of all the Police Stations;
 - 1) Members of the Child Welfare Committee
 - 2) Observation Homes
 - 3) Juvenile Justice Board
 - 4) Probation Officers
- c. A list of all designated Juvenile or Child Welfare Officers in a district and members of Special Juvenile Police unit with contact details shall be prominently displayed on board in every Police Station.
- d. In no case a child is to be kept in a Police Station lock-up or sent to jail. The child in conflict with law shall be produced before the Juvenile Justice Board and not before the regular criminal court.

- e. The Police or the Juvenile/ Child Welfare Officer from the Special Juvenile Police Unit, shall be responsible for the safety and provision of food and other basic amenities to the children apprehended or kept under their charge during the period such children are with them.
- f. A Separate **pink colour file** cover for each incident involving a child in conflict with law shall be prepared with following columns as check list on the top:
 - i. Sl. No./Year (as in the register/2008)
 - ii. Daily Diary No.
 - iii. Date
 - iv. Time
 - v. Details of receipt of complaint whether in person/telephone/through PCR
 - vi. Complainant details
 - vii. Crime head of offence
 - viii. Name of Child or Juvenile Welfare Officer handling complaint
 - ix. Name of the child in conflict with law
 - x. Details of Age proof
 - xi. Social report
 - xii. Education Standard
 - xiii. Details (including telephone no.) of parents/guardian to whom the information was given about the child
 - xiv. Details (including telephone no.) of Probation Officers to whom the information was given about the child
 - xv. Date and time of producing the child before the board and gist of order of board
 - xvi. Whether Child or Juvenile Welfare Officer accompanied child in conflict with law for producing before the Board
 - xvii. Conveyance used

xviii. Next date of hearing, if any.

xix. FIR No., Date and Under Section

- g. DCP, ACP and SHO shall personally ensure compliance of this Standing Order.
- h. There is an urgent need to sensitize policemen to restrain themselves from inflicting corporal punishment on the children on streets in any manner. The practice of policemen beating/slapping street children/rag-pickers must stop forthwith, if still being practised.
- i. All expenses incurred on handling the children in conflict with law or neglected child for their care, food and transport etc. shall be claimed under the head "Investigation Expenses" as per prescribed procedures and Head of Office shall reimburse the same as per instructions on the subject. The Investigating Officer will ensure that the child is not taken in marked vehicles of the police.
- j. DCsP shall ensure that all the Child or Juvenile Welfare Officers are periodically trained and well versed with the provisions of the Act, rules and instructions.
- k. DCsP shall ensure that sufficient number of Child or Juvenile Welfare Officers are nominated and will ensure officers handling children are well versed with the provisions of the Act, Rules and instructions on the subject and also ensure that only such officers are deputed to attend the proceedings at Juvenile Justice Boards or Juvenile Welfare Boards.
- l. DCsP shall ensure that in case the officer attending the proceedings at Juvenile Justice Board or Juvenile Welfare Board is not the nominated officer, then the officer shall carry necessary certificates issued by ACP/SO concerned that the officer is well versed with the provisions of the Act and rules on the subject.
- m. DCsP and ACsP during their visits to Police Stations will check the records/ registers including files relating to children to ensure the Act, Rules and instructions on the subject are being meticulously complied with.

This standing order supersedes Standing Order No.68 issued vide No.48375-474/C&T/AC-II (PHQ), dated 25/08/2008 and all previous circulars/instructions on this subject.

(NEERAJ KUMAR)
COMMISSIONER OF POLICE
DELHI

**O.B. No.33/Record Branch/PHQ dated 19.10.2012.
No. 4381-4530/Record Branch/PHQ Dated Delhi,
the 19.10.2012.**

Copy to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint/Addl. Commissioners of Police, Delhi.
3. All Addl. Commissioners/Dy. Commissioners of Police, Districts/Units including FRRO, IGIA & Spl. Cell, Delhi/New Delhi.
4. SO to CP & PA to CP, Delhi.
5. LA to CP, Delhi.
6. All Assistant Commissioners of Police/PHQ.
7. All Inspectors in PHQ, including Reader to CP, Delhi.
8. I/C Library, PHQ, Delhi with 5 spare copies.
9. Guard file/Legal Cell.

ANNEXURE-A
LIST OF JUVENILE JUSTICE BOARDS

S.NO	NAME	ADDRESS	PHONE NUMBER
01.	Juvenile Justice Board-I	Sewa Kutir Complex, Kingsway Camp, Delhi-110009	011-27651439
02.	Juvenile Justice Boards-II	PRAYAS Observation Home for Boys (I) Behind Ferozshah Kotla Stadium Delhi Gate New Delhi-110002	011-23724054

ANNEXURE-B
LIST OF CHILD WELFARE COMMITTEES

S.NO	NAME	ADDRESS	PHONE NUMBER
01	Child Welfare Committee-I	Nirmal Chhaya Complex, Jail Road, Delhi.	011-28520452
02.	Child Welfare Committee-II	Kasturba Niketan Complex, Lajpat Nagar, Delhi.	011-29819329 011-29813688
03.	Child Welfare Committee-III	Sewa Kutir Complex, Kingsway Camp, Delhi.	011-27651473, 27652575
04.	Child Welfare Committee-IV	NPS School for Deaf & Dumb, Near Delhi Police Aptt., Mayur Vihar, Phase-I, Delhi	011-22755527
05.	Child Welfare Committee-V	Sanskar Ashram, Dilshad Garden, Delhi.	011-22572224
06.	Child Welfare Committee-VI	Asha Kiran Complex, Avantika, Rohini, Delhi.	011-27515910
07.	Child Welfare Committee-VII	Nirmal Chhaya Complex, Jail Road, Delhi.	

ANNEXURE-I

AGE MEMO

(To be filled out in the case of youthful offenders)

As per the directions of Hon'ble High Court of Delhi in Writ Petition
(Civil) No. 8889 of 2011

F.I. R. No. Year

Dated:

P.S.

District

1. Name of the arrestee		
2. Name of father & Mother	Father	
	Mother	
3. Date of Birth / Age as stated by the arrestee		
4. Name of available documentary proof showing the age and date of birth of the arrestee (If available)		
5. Age as stated by the person who is informed of the arrest (to be done only in case when arrestee does not know his/her age)		
6. Age as observed by the arresting officer (to be entered only when the age cannot be stated by the arrestee and no one is available to give information about the age)		
7. Name of school and class last attended and year of leaving		
8. Has the arrestee been dealt with under the provision of Juvenile Justice Act, 2000? (Relevant column to be ticked by the IO as per the answer given by arrestee or his family members/ relatives)	YES	Year:
	NO	
	Do Not Remember	Probably yes
9. History of prior inquiry in Juvenile Justice Board (This column needs to be filled in as per the verification done from the Nodal Special Juvenile Police Unit)	Name of Juvenile Justice Board: F.I.R. No.: Date of Offence: Police Station: U/S:	

(...contd...)

(...contd...)	<p>Whether copy of age declaration available with arrestee or his parents/relatives/next of kin:</p> <p>Age as declared by the JJB:</p> <p>District:</p> <p>Age at the time of present offence as per the age declaration done by JJB: Age at the time of present offence as per the age declaration done by JJB:</p>
---------------	---

Witnesses:

1.

Name & Number of JWO to whom information of this arrest has been given:	
Date:	
Time:	

Name of Investigation Officer or any other police officer who prepared this age memo:	
Rank & No:	
Police Station:	
District:	
Date & Time of Preparation of Age Memo:	
Signature of the police officer who prepared this age memo:	

Receipt from Arrestee

I have received the copy of this age memo on date.....time.....
place..... .

(Name & Signature of arrestee)

Receipt from Parents/ Family

I have received the copy of this age memo on date.....time.....
place..... .

**(Name & Signature of Father/ Mother/ Wife/ Family Member/
Relative of arrestee)**

A copy of this age memo has to be supplied to the arrestee, his/her parents or relatives, District Legal Services Authority and to be produced before the Court at time of first production of arrestee by the Investigation Officer.

ANNEXURE-C
APPREHENSION MEMO

FIR No./D.D. No.....U/S.....Date.....

P.S.....District.....

1. Name of the child with alias (if any)

.....
.....

2. Present address of the child

.....
.....

3. Permanent address of the child

.....
.....

4. FIR/DD No. & Section (s) of Law

.....
.....

5. Place of apprehension

.....
.....

6. Date & Time of apprehension

.....
.....

7. Name, address & telephone number of the person who informed about apprehension

.....
.....

8. Relation of the person with juvenile

.....
.....

9. Name, Rank and No. of the officer, Making the apprehension

.....
.....

10. Name, Rank and No. of the, Juvenile Welfare Officer

.....
.....

Witnesses with Address

1.
.....

2.
.....

3.
.....

Signature by Parent/ guardian/ Probation Officer/Social Welfare

Signature of Juvenile Welfare Officer

PS.....Delhi/New Delhi.....

Note: One copy to be delivered to the member of the Child's family

ANNEXURE-D
REQUEST FOR MEDICAL EXAMINATION

Case FIR/ D.D. No..... Date.....

U/s..... P.S.....

Dist. Delhi

To,

The Chief Medical Officer

.....

.....

.....Delhi

Subject: Request for Medical Examination

Sir,

With due respect I am sending Master/ MsS/O, D/o, W/o.....

Sh.....R/o.....Age..... In the custody/ protection of:.....

1. Const No.

2. W/Const..... No.

It is therefore, requested that the child/patient may kindly be medically examined and opinion regarding his/ her injuries/ ailment may be furnished.

Thanking You,

Name of JWO

P.S

Dist.

Delhi/New Delhi Date

ANNEXURE-E
PERSONAL SEARCH MEMO

Case FIR/ D.D. No.

DateU/s.....

P.S.

Dist. Delhi

In the presence of the following witnesses the personal search of

Master/Ms.

S/O, D/o, Sh.

R/o.....

Telephone No.

was conducted as per law under the provisions of Sec.51 of Cr.P.C. and following articles have been recovered from his/her possession and the same have been taken into the police possession, through this memo.

1.....

2.....

3.....

4.....

5.....

6.....

Witness (with name & address):-

1).....

.....

2).....

.....

SD

Juvenile or Child Welfare Officer

P.S.....

Date.....

ANNEXURE ‘F’
VERSION OF CHILD IN CONFLICT WITH LAW

(To be recorded in presence of his father/mother/guardian/fit person/probation officer)

Proceedings conducted

From.....

To.....

Signature of father/mother/guardian/ fit person/ probation officer:-

Signature of IO/JWO:

PS:

Dist.

Date:.....

Follow up action recommended especially in case allegations of mistreatment/abuse etc, are made out against any person on basis of version of CCL.

Signature of IO/JWO

ANNEXURE-G
UNDERTAKING

Undertaking to be given by parent/guardian/fit person in whose custody juvenile/child in conflict with law (JCL)/Child in need of care and protection (CNCP) is released by a police officer.

Case No.....of.....20.....

WHEREAS

.....
Has been found to be in conflict with law/in need of care and protection, and has been placed under the care and supervision of

(Name).....

(Address).....

Subject to following conditions, that:-

1. The child shall be produced before the Juvenile Justice Board (JJB) / Child Welfare Committee (CWC) as and when required by me.
2. The Child shall remain under my supervision.
3. The child shall reside at
.....
.....and address of child shall not be changed without information to the JWO/JJB/CWC.
4. The child shall go to school regularly.
5. The child shall be permitted to make endeavor to earn an honest livelihood.
6. I shall arrange for the proper care, education and welfare of the child.
7. The child shall not be allowed to associate with undesirable characters and shall be prevented from coming in conflict with law again.
8. The child shall be prevented from taking Narcotic Drug or Psychotropic Substance of any other intoxicants.

This.....day of.....20

Signature of parents/guardian/fit person

Counter signed by JWO

PS..... Delhi/New Delhi

ANNEXURE-H
SOCIAL BACKGROUND REPORT

Under Juvenile Justice (Care and Protection of Children) Rules, 2007 For
Under rule 11 (6)

PERSONAL HISTORY

1. Name of the chld.....
.....

2. Age (attach proof/documents)
.....

3. Sex.....

4. Religion.....

5. Caste.....

6. Educational Qualification(child studying in school):

Name of the school
.....
.....

7. Whether child is working (if yes, mention detail): Yes/No.....

Nature of work

Place of work.....

Address of work place
.....

Name of the Employment/Firm/Company
.....

Telephone No.....

8. Residential address/contact number (with landmark):

Present Address

.....
.....

Telephone No.

Permanent Address

.....
.....
.....

Telephone No.....

(Landmark)

9. Does child has any history of addiction to Drugs/Alcohol/Tobacco items.

If yes, specify the same

.....
.....

FAMILY BACKGROUND:

Member of the Family:

Name/Age Health:

(Disability, if any):

Education Occupation

Monthly income:

Any habit of Drugs, Alcohol, Tobacco:

Father:

Mother:

Siblings:

(If married please specify):

Any other Legal Guardian

10. Date, time and place of apprehension

.....

11. Date, time and place of sharing information with the parents/ guardian/ fit

Person.....

PS Reference.....DD No.....

12. Where the child was kept during custody of police/JWO:

.....

Name of Juvenile Welfare Officer/ Police Officer in whose custody child was kept.....

CASE BACKGROUND

DD Entry No.....FIR No.....

Police Station.....

Section of law.....

Any adult involved in this case : (if yes, give details)

.....

.....

Name of Investigation/ Handling Officer with contact number:

.....

PIS No.....

Telephone No.....

Name of Juvenile Officer with contact number:

.....

PIS No.....

Telephone No.....

Name & Signature of JWO

.....

Date.....

2

STANDING ORDER No. Ops. – 47

(Previous Standing Order No. 252/2010)

DUTIES OF POLICE REGARDING MISSING PERSONS AND UNIDENTIFIED DEAD-BODIES

Introduction

A large number of missing reports are lodged in police stations of the national capital everyday. Also, a large number of dead bodies are recovered in the city with no identification card/mark/proof found on them. It is of paramount importance to make sincere and systematic efforts to trace out the missing persons and identify the unidentified dead bodies. The following instructions must be strictly complied with and kept in mind while handling cases of missing persons and recovery of unidentified dead bodies.

Missing person desk at P.S. Level

All the ACsP/SHOs will ensure that to handle complaints of missing person, a Missing Person Desk is constituted in the police station. The Inspector/Investigation will be the Registering Officer of this Desk and the nominated Juvenile Welfare Officers will be the members of this desk. The Inspector/Investigation will ensure that immediate action is initiated as per the Standing Order on receipt of a complaint, and complete records are maintained of efforts made by them and IOs to trace the missing person. The functioning of this desk should be regularly monitored/reviewed by SHOs and ACsP and timely instructions and assistance will be provided to the concerned officers.

Steps to be taken by the investigating officer on receipt of information regarding missing person

The following steps will be taken immediately on receipt of information regarding a missing person. It will be important to keep in mind that initial efforts within 15 days of the complaint will be of critical importance, and hence will be closely coordinated and monitored by all concerned:

1. A Missing Report should be lodged in the Daily Diary at once, clearly mentioning the date and probable time when he/she was noticed to be missing. In this Report, all the details of the missing person including name, parentage, age, height, complexion, sex, clothes worn and nay special mark of identification etc should be incorporated. The photograph of the missing person and the contact number of the complainant/relative should be obtained and placed on file.
2. Fill up the Missing Persons Information Form (Annexure 'A') and send it to DMPU and MPS Kotwali.
3. The Police Control Room, State Crime Record Bureau (SCRB), National Crime Record Bureau (NCRB) and ZIP NET should be informed immediately.
4. A W.T. Message will be flashed on all India level with the detailed description of the victim.
5. Information will also be shared with the CBI, where a cell relating to missing children/persons has been sent up in CBI as per the directions of the Hon'ble High Court.
6. A copy of the DD entry should be sent to the District Missing Persons Unit (DMPU) and Missing Persons Squad (MPS), PS Kotwali, Delhi.
7. Hue and cry notice should be prepared and issued.
8. The IO should immediately begin enquiries from persons present at the scene or last seen, collect the details of possible suspects and question them without loss of time.
9. Cell phone details, if any, of the missing person should also be immediately obtained for further investigation as to his/her whereabouts.

10. Photographs of the missing person should be given wide publicity at all the prominent outlets of the city/town/village concerned – that is, at railway stations, inter-state bus stands, airports, regional passport office and through law enforcement personnel at Border Check Posts. This should be done promptly and in any case not later than one week of the receipt of the complaint. But in case the missing person is a girl/woman, prior written permission of parents/guardian/husband shall be taken before the photograph is published/broadcast.
11. Border check posts should be alerted immediately. In case of a missing minor, check post staff should also be sensitized to question unaccompanied minors/children or adults carrying children and behaving with them abnormally, during pursuant checking of vehicles/public transport.
12. Publicity should be given in surrounding areas using loud-hailers, if necessary.
13. All necessary publicity should be given in news papers/electronic media. Publicity should also be given through local cable TV network
14. The parents/family members/friends and relatives should be examined to find out the probable cause of disappearance of the person.
15. It will be important to scrutinize the missing person's computer, diaries etc. if any, and his personal belongings for any clue. This exercise, of course, should be done with the concurrence of the family members/complainant.
16. In case of missing minors, areas/spots of interest such as malls, amusement parks, games parlours, etc. should also be searched.
17. If available, surveillance/security cameras (CCTV) in the vicinity of the scenes or last seen should also be scanned.
18. Any person having inimical terms with the missing person should be examined.
19. The Police Officer handling the Missing Report should remain in touch with the complainant/family members to ascertain if any demand for ransom has been received.

20. Whenever foul play is suspected a case shall be registered under relevant sections of law and investigated.
21. Enquiries should be made from the neighbouring police stations about any unidentified dead body found or information about missing persons admitted in the hospitals.
22. Enquiries should also be made from the hospitals about unidentified injured persons admitted in the hospitals.
23. Poor house, children home, rain baseras, Nari Niketan, mortuaries in hospitals, NGOs record etc. Should be checked for the missing person.
24. In appropriate cases, a declaration of reward for furnishing clue about the missing person should be announced within a month of her/his disappearance.
25. The Investigating Officer of the missing complaint should periodically keep in touch with the complainant to update him on the efforts made, ascertain further clues, if any, and also to find out if the missing person has since returned on his/her own.
26. In case the missing person is traced, the Police Control Room, district Missing Person Unit (DMPU) and Missing Persons Squad (MPS) should be informed immediately for updating the record and for discontinuing the search.

Missing persons help line

A help line of Eight Digit Number 923241210) has been started at Missing Persons Squad, Crime Branch, Delhi for reporting missing persons in the National Capital Territory of Delhi. Another Four Digit Help Line Number will be added in due course. Any one can lodge a complaint on this Help Line Number regarding Missing Persons without running to Police Stations or Police Posts. It will be a 24-hour Telephone Help Line Service.

On receipt of any call regarding a missing person on this helpline, the following action will be taken:

(a) Duties of the Police Staff at the Helpline:

1. Obtain the full description of missing person with complainant's contact number and address.

2. Advise the caller to give the full detail of missing person along with photographs to the police officer who will be contacting them.
3. Inform the:
 - PCR
 - District Missing Person Unit.
 - Concerned Police Station through their District Control Room.
4. A register will be maintained of all the calls received with victim's details and complainant's contact number and address.
5. Update the progress of the action taken by the police on the complaint including feed back from the Police Station.
6. Guide the complainant suitably when he/she calls up subsequently about progress of the case.

(b) Duties of Police Stations staff:

1. Quickly depute on emergency officer not below the rank of ASI to contact the complainant and collect all the details about the victim including photograph.
2. Lodge a missing report in the daily dairy.
3. Register the case at the earliest, if the complaint is:
 - Up to the age of 16 years (both girls and boys)
 - If any suspicion is reported.
4. Conduct a thorough enquiry/investigation.
5. Initiate all other steps required to be taken on a Missing Report as per the Standing Order.
6. Guide the complainant suitably when he/she calls up subsequently about progress of the case.
7. The Hon'ble High court of Delhi has in Writ Petition (cri.) no. 249/09 court on its own motion vs State directed that whenever a missing child is traced or he/she comes back on his/her own, the Investigating Officer will examine all relevant angles such as involvement or organized gangs, application of provisions of Bonded

Labour Act and such other relevant Acts. Whenever, the involvement of any organized gang is found, it shall be the responsibility of the Investigating Officer to refer the matter to the Crime Branch of Delhi Police or the special cell constituted in the CBI.

8. In such cases if the investigation officer is not a woman officer then a woman officer must be associated in the questioning or in appropriate cases, the relatives may remain present. Briefly, atmosphere must be created in which a girl feels comfortable and not hesitant in disclosing relevant information.

Registration of a criminal case

A regards further action on the complaint regarding a missing person, registration of a case will be mandatory in case of all missing children of the age up to 16 years. A lady officer should preferably be entrusted with the investigation of a case related to a minor girl.

Delhi Legal Services Authority

The Hon'ble High court of Delhi has in Writ Petition (crl.) No. 249/09 court on its Own motion vs State directed as follows:

1. Requirement to send a copy of FIR by post/e-mail to the Delhi Legal Services Authority.
 - (i) By post: It shall be the responsibility of the SHO to ensure that a copy of FIR registered with regard to missing children is delivered to Delhi Legal Services Authority by hand or by post (under UPC) along with the addresses and contact phone numbers of parents of the missing children. To avoid extra work, it should be ensured that while recording FIRs pertaining to missing children the name of parents/next of kins, their addresses besides their mobile and landline telephone numbers and, if neither of these are available, any contact telephone number is clearly recorded in the FIR itself so that there is no need to subsequent change the party to send the information to the DLSA.
 - (ii) E-mail: As far as sending a copy of FIR by e-mail is concerned, this will be done by the Missing Persons Squad/Crime Branch after rel-

evant information has been uploaded by the district on the zipnet. The district must ensure that such action taken expeditiously.

2. DLSA will constitute a team comprising a lawyer and social worker to follow up the case with the Delhi Police. The said team will not only provide all possible legal aid to the parents and families of the missing children but shall also act as an interface between the parents of the missing children and the Delhi Police. DLSA will maintain a record of all cases of missing children.
3. Both DLSA and the Delhi Police shall ensure that the Supreme Court interim directions/guidelines pertaining to missing/kidnapped children passed in Writ Petition (Crl.) NO. 610/1996 (Horilal vs. Commissioner of Police, Delhi) and in the case of Lalita Kumari vs. State of U.P & Ors. (Writ Petition (Crl.) No. 68/2008) are strictly complied with.
4. All IOs/SHOs/police stations must extend full cooperation to the members of DLSA on any information relating to missing children etc.
5. Nodal officer to coordinate with Delhi Legal Services Authority (DLSA)

In accordance with the orders of the Hon'ble High Court of Delhi on 18th November, 2009, Joint CP/Northern Range has been appointed as Nodal Officer to coordinate with the Delhi Legal Services Authority (DLSA) with regard to the implementation of the directions issued by the Hon'ble High Court of Delhi on 16th September, 2009 in Crl. WP No. 249/09 which have been incorporated in the Standing Order in points 1-4 here-in-aBove.

Duration of enquiry into missing reports

- (a) The local police will keep the search continued till the missing person is located.
- (b) Missing report in respect of any person, once recorded in the relevant register maintain in the Missing Persons Squad MPS, and the DMPU, will be kept open till he or she is located.
- (c) If a criminal case is registered into the missing of a person, it will be kept open till the investigation into all known aspects of that case is complete, and the case registered will be treated as a Special Report

Case and its investigation is closely monitored by supervisory levels including the concerned District DCPs.

- (d) The progress of enquiry will be periodically reviewed.

Missing persons register

A separate register of Missing Persons shall be maintained at each police station for record. This register should be maintained uniformly in all police stations of Delhi as per the columns specified at Annexure 'B'. There should be adequate space left under the column "Action Taken" for detailed entries to be made in this regard. The SHO and ACP/Sub-division should scrutinize this register at frequent intervals and guide the officers dealing with the missing reports. They shall also evaluate the circumstance accompanying each case and order registration of criminal case whenever appropriate.

Missing persons files

In respect of each missing persons a separate file will be maintained. In this file all the efforts made to trace the missing person will be recorded, and copies of all related documents will be kept for record. There will be an Index of the contents of the file for ready reference. The proforma of the 'Index' is given at Annexure 'C'. The SHO and Inspector/Investigation of the police station will ensure that this file is maintained up-to-date.

Computerised record of missing persons

The record of missing persons at each police station will be computerized. The data available in each Missing Persons File will be uploaded to the computer maintained at the police station for this purpose. It will be the responsibility of each I.O. to ensure that efforts made towards tracing the missing persons, besides maintaining it in the Missing Persons File, is also up-loaded on the computer. The SHO and Inspector/Investigation of the police station will ensure that the computerized record of missing persons is maintained up-to-date and available for scrutiny by supervisory officers as and when felt necessary.

Supervision by SHOs and ACPs

- (a) All ACPs and SHOs will supervise the efforts made in such cases on a day-to-day basis. This will be ensured particularly during the first 15 days of receipt of the complaint. They will give necessary directions/instructions in writing to the IOs in their supervisory notes. They will also attach the copies of such supervisory notes in the concerned Missing Person's File.
- (b) All ACPs and SHOs will ensure that the copies of all the DD entries of departure and arrival in such cases are attached with the concerned missing file.
- (c) All SHOs will also ensure that the record of missing persons as well as forms of traced out missing persons are filled up and sent to the DMPU immediately.
- (d) All ACPs/SHOs will ensure that notice boards are appropriately displayed in the Reporting Room of all the Police Stations the details of missing person neatly and prominently written thereon.

District Missing Persons Units

District Missing Persons Units (DMPU) have been created in all the Police Districts of Delhi. These DMPUs will be closely supervised by the ACP/Operations, under the overall supervision of the concerned District DCP. Further, the DMPUs have been provided with a web based computer programme and broadband connection for uploading the information of missing persons and unidentified dead bodies. This information can also be accessed by public on ZIPNET (Zonal Integrated Police Network) through normal internet. A new module of FOUND CHILDREN has been incorporated on ZIPNET.

Missing Persons Squad

For handling centrally all information all over Delhi related to missing persons, the "Missing Persons Squad" will function under the Crime Branch under the overall supervision of DCP/Crime. The ACP/Anti-Kidnapping Section of the Crime Branch will supervise the MPS on a day-to-day basis.

- (e) ACP/Operations will interact with the Anti-Kidnapping Section of the Crime Branch to study and discuss the pattern of disappearance of children in the city and exchange intelligence about gangs, if any.

Anti-kidnapping Section of Crime Branch

At a central level in the Delhi Police, the Anti-Kidnapping Section under the Crime Branch will have similar functions relating to the entire National Capital Territory. This Section in the Crime Branch will analyze patterns, gather intelligence which will have all Delhi ramifications, ascertain angles of trafficking and organized crime and maintain liaison with other central agencies dealing with the matter.

Coordination with police of other states

The area/jurisdiction of many police stations in Delhi touches with U.P. and Haryana. All concerned ACsP/SHOs will ensure that the details of missing persons and victims are sent through special messengers to neighbouring District Crime Record Bureaus and also to SHOs of Police Stations of neighbouring states (including I/Cs of all the Police Posts of these Police Stations). In case of any information or clue to be followed up, the IO will be immediately dispatched to tie up with the concerned police station of a neighbouring state/district. In appropriate cases where involvement of any organized gang is suspected, the Anti-Kidnapping Section of the Crime Branch will maintain necessary liaison with the police of other states and the CBI.

Children in need of care

In the efforts by police in respect of missing minors it will also be important to identify “Run-away Children”, “Abandoned Children” “Neglected Children” and such “Vulnerable Children” who are often found roaming around places where they are particularly exposed to abuse and exploitation such as railway stations, traffic junctions etc. Their vulnerability increases due to a lack of support structures-family or otherwise. Proper identification, provision of care and support, and a ‘safe place’ is vital for them. Child Welfare Committees, constituted by the Delhi Government, maintain the record of all rescued children (children in need of care and protection). These chil-

dren are, under the JJ Act, the children in need of care and attention, which should be given to them, and necessary action should be taken by all the concerned as per the guidelines issued in S.O. No. 68. For coordinating the issue of “Children in need of Care” at the Police Station level, the Inspector/ Investigation and the Juvenile Protection Officer of the Police Station shall act as the Nodal Officer. They will coordinate and supervise all issues/cases pertaining to such children and study the pattern emerging out of these cases at the police station level, and report the same to the SHO and ACP/ Sub-Division as well as to the DMPU and ACP/Operations. Appropriate cases will also be brought to the notice of the SJPU. The Nodal Officers at the police station will talk to the returning or recovered children in detail to ascertain any angle of crime or offence or gang, and report the same to the SHO and ACP/Sub-Division as well as to ACP/Operations.

Co-operation from NGOs and other organizations

- (a) NGOs should be intimated in cases where girl is minor and an allegation of sexual assault comes to notice.
- (b) In places where vulnerable groups of children are found in large numbers, a mechanism could be evolved in partnership with non-governmental organizations and social workers, whereby apart from rendering counseling to them, awareness raising activities are also carried out. This would not only instill confidence in them but also strengthen them and given them special protection so that they are in no way lured by external agencies/factors.
- (c) In order to make the investigative procedures concerning missing children more transparent and user-friendly, it would be preferable for the police investigating team to involve the community at large, such as representatives of Panchayati Raj Institutions/ Municipal committees/Neighbourhood Committees/Resident Welfare Associations, etc., in addition to existing help-lines. This will enable the community to get fully involved along with the police tracing missing children.
- (d) Periodic interface will also be maintained with Principals, teachers and students of the area by ACsP and SHOs to sensitize them about Do's and Don'ts for children.

Steps to be taken by the investigating officer in case of recovery of an unidentified dead body

In the event of recovery of an unidentified dead body, the following steps will be taken by the Investigating Officer:

1. ADD, entry should be lodged at the Police Station or Police Post as soon as the information is received and the SHO/ACP be informed immediately.
2. The scene of crime shall be visited by the SHO/ACP.
3. The dead body will be photographed from different angles. Care should be taken to ensure that the face and identifying marks are captured clearly in the photographs. Photographs must be of high-quality taken on a superior quality digital camera. Where possible services of a private photographer be engaged so that high-quality photographs are taken which are lucid and clear when transmitted by computer, etc.
4. The dead body will be sent for autopsy to ascertain the cause of death, duration since death, age etc, and if needed, doctor/medico expert report be requested to preserve limb of the deceased for DNA purposes.
 - 4 (a) The unidentified dead body shall be taken to the nearest hospital for examination by the doctor and it shall be shifted to the morgue only after the doctor declares the person as dead. However, this would not be required in case of recovery of a decomposed dead body.
5. UIDB Form (Annexure 'D') should be filled up immediately and sent to MPS & DMPU.
6. Form No. 25.35(a)/(b)/(c) PPR (Annexure E, F & G respectively) whichever appropriate should be carefully filled up in detail.
7. A site plan of the place of finding dead body and articles found around it should be shown therein.
8. The search slip of the deceased will be prepared and sent to the Finger Print Bureau to ascertain the identity of the deceased from records of FPB. Even if the skin is contracted or wrinkled due to decomposi-

tion, the search slip should be prepared and the doctor be requested to remove the skin. All the 10 digits should be sent to the finger Print Bureau.

9. The unidentified dead body shall be preserved for at least 72 hours in the mortuary and all efforts will be made to get it identified.
10. Wireless Messages shall be flashed to all SHOs, ACsP and DCsP in Delhi and to all District SSsP in India.
11. Enquiries will be made at the place of recovery of the unidentified dead body regarding the circumstances under which the body was recovered.
12. Hue and Cry notices with the photograph of the deceased will be distributed.
13. Wide publicity should be given through the electronic and print media. SCRB and NCRB shall also be informed about the recovery of UIDB.
14. Declaration of suitable reward for anyone who aids in identifying the dead body in deserving cases should be got declared.
15. The clothes, ornaments and other articles found on the deceased shall be preserved. Any birth mark, scar, tattoo mark, dhobi/Tailor Mark on the clothing, deformity on the body etc. shall be clearly recorded.
16. All the articles found on the body and around shall be taken into possession as pieces of evidence.
17. In case of hanging, the mode and the height of point of suspension shall be clearly recorded. Opinion of autopsy doctor on the load bearing capacity of rope/cloth, etc. used for hanging be sought. Also the autopsy surgeon be asked to opine on the correspondence between the ligature mark and the ligature used.
18. In case of drowning, the depth of water and presence of any foreign matter sticking to the body shall be mentioned. Autopsy surgeon's opinion be sought whether the drowning is forced, accidental or suicidal.
19. In cases of poisoning, search for the container shall be made. Vomited material, stool, nails, hair, etc. shall also be preserved and sent for forensic analysis.

20. The District Missing Persons Unit (DMPU)/Missing Persons Squad (MPS) shall be informed to check if any person of similar description is missing from any other police station. If so, his/her relatives/acquaintances should be informed.
21. If the body bears injuries, the autopsy surgeon will be requested to opine on the following:
 - (a) The nature of injuries i.e., ante-mortem or post-mortem and whether sufficient to cause death.
 - (b) Whether the injuries are homicidal, suicidal or accidental.
 - (c) Whether the injuries are self-inflicted or otherwise
 - (d) Other queries can be added as per requirement in the investigation of the case;
22. Keeping in view the autopsy report and the circumstances of the case, the ACP, SHO, and I.O. should examine whether it is a case of homicidal, suicidal, accidental or natural death.
23. If it is a case of cognizable crime, a case should be registered forthwith under the appropriate sections of law and taken up for investigation.
24. If the deceased is identified, his/her relatives and acquaintance shall be contacted to find out the possible reasons for the death.

Zonal Integrated Police Network (ZIPNET)

- (a) Delhi Police has developed a Web based computer application called ZIPNET to maintain and share real time information on missing persons, unidentified dead bodies and unidentified persons Found. Information on this programme can also be accessed by the Public through Internet.
- (b) A module of found children containing information of children who have been found abandoned and their parents/guardians are not traceable has also been incorporated in this programme. This will help in linking these children with missing report.
- (c) There is another new module developed and added to the ZIPNET for viewing the progress of investigation in each report of missing per-

sons. This is available on the computer maintained at each police station and the progress can be reviewed by senior officers such as SHO/ACP/DCP as authorized users for their respective jurisdiction.

- (d) The record of missing persons, unidentified each dead bodies and unidentified person found at each police station shall be updated on this ZIPNET programme through the CIPA Network. It will be the responsibility of each I.O. to ensure that besides making efforts towards tracing/linking the missing person/UIDB as well as maintaining an up-to-date file in every case of missing person, unidentified dead body or unidentified person found and ensure that further progress is also up-loaded on the ZIPNET computer programme. The SHO and Inspector/Investigation of the police station shall ensure that the computerized record of missing persons unidentified dead bodies and unidentified persons found/missing persons traced form (Annexure 'H') is maintained up-to-date and is available for scrutiny by supervisory officers.
- (e) The Hon'ble High court of Delhi in court on its own motion vs. State, WP(Crl.) NO. 249/2009 has directed on 16.09.09, the Delhi Police will ensure the compliance of its Standing Order No. 252 and that the information with regard to missing children shall be immediately uploaded on Delhi Police's web based ZIPNET Programme. The Home Ministry is directed to issue appropriate direction to neighbouring states of Delhi to adopt web based Zipnet programme with regard to missing children.

Register of unidentified dead bodies

A separate register of unidentified dead bodies shall be maintained at each police station as Annexure 'I'. The SHOs and ACsP shall scrutinize this register frequently and ensure that all requisite steps to identify the body have been taken. Whenever required, they shall initiate further legal action as per circumstances of the case.

Co-operation from public

Help of members of Eyes & Ears Scheme should be sought in identifying the deceased. Co operation of members of Residents Welfare Associations,

active NGOs and other public spirited persons in the area should also be enlisted in these efforts.

This supersedes the previous Standing Order No. 252 issued vide Hdqrs. No. 19104-350/Record Branch/PHQ, dated 24-10-09 and addendums issued vide No. 21501-21600/Record Branch PHQ dated 24-11-09 and NO. 1951-2100/RB/PHQ dated 20-4-10, on the subject. Directions of the Hon'ble High court in court Own its Motions vs State (writ petition (criminal) N. 249/2009 vide order dated 5/10/2009 have been incorporated in this SO. A copy of the directions given by the Hon'ble High Court are enclosed as annexure 'J'

(Yudhbir Singh Dadwal)
Commissioner of Police
Delhi

O.B. NO. 72/RB/PHQ dated 25/10/2010

No. 11301-11550/Record Branch/PHQ dated, Delhi the, 25/10/2010.

ANNEXURE - 'E'

पुलिस विभाग
Police Department

फार्म सं Form No. 25.35(I)A
.....क्षेत्र Districts

मृत्यु-रिपोर्ट-वास्तविक कारणों से हुई आकस्मिक मृत्यु
Death-Report-Sudden Death From Natural Cases

मृत्यु रिपोर्ट सं.....

Death Report No.

थाना.....

Police Station

तारीख.....

Dated.....

1. स्थान का नाम जहां मृत्यु हुई

Name of place where death occurred

2. उस थाने से दूरी व दिशा जिसके अधिकार क्षेत्र में वह स्थान स्थित है।

Distance and direction from the Police Station in whose jurisdiction it is

3. मृत्यु का पता चलने की तारीख व वक्त

Date and hour of discovery of the death

4. इस रिपोर्ट में वर्णित मृत व्यक्ति के शरीर की शानाख्त करने

वाले दो या अधिक व्यक्तियों के नाम, व वल्लियत व पते

Son of

Name, parentages and residence of two or more
person who identify the body as that of the

श्री..... पुत्र श्री.....

Shri

पता.....

Address

Deceased persons named in this report.

(टिप्पण-जहां तक संभव हो शानाख्त के लिए मृतक के संबंधियों

या दो संभ्रांत व्यक्तियों को बुलाया जाना चाहिए)

श्री..... पुत्र श्री.....

Shri..... Son of

(Note-Relative of deceased or two respectable wit.
name to identification should be obtained, if possible).

पता.....

Address

5. मृत व्यक्ति का नाम, वल्लियत, जाति, व पता व परिस्थितियां।

Name of deceased, parentage, caste, residence

condition in file.

6. आयु व लिंग	आयु	लिंग
Age and Sex	Age	Sex

7. वस्त्रों व आभूषणों की हालत अस्थभविक मृत्यु नहीं जान पड़ती

Condition of clothes, ornaments, & C, as not indication as unnatural death.

8. अंगों, आंखों व मुख की हालत

Position of the limbs, eyes and mouth

9. चेहरे की भाव भित्तिया

Expression of the countenance.

10. शरीर पर चोट या आघात के चिन्ह “धाव व खरोंच” की हालत, लम्बाई व चौड़ाई

Injuries or marks of violence the body may have received “wounds and bruises” position, length and breadth.

11. रक्त पतला है या कतरेदार कहां से निकला व कितनी मात्रा में

Blood, liquid or clotted, where oozed from and to what amount.

12. किस प्रकार से या किस हथियार से या वस्तु से चोट या आघात के चिन्ह पहुंचाए गए मालूम होते हैं।

In what manner, or by what weapon or instruments such marks of injuries or of violence appear to have been inflicted.

13. क्या शरीर पुष्ट और बलवान है या क्षीण और कमजोर है?

Is the body well nourished and vigorous, or emaciated and weak?

14. मृत्यु का प्रत्यक्ष कारण

Apparent cause of death.

15. आघात या विष द्वारा मृत्यु होने का कोई चिन्ह या ऐसा किया जाने का कोई अन्य कारण

Any sign of death having been caused by violence or poison, or any rumour-sof such being the case?

16. मृत शरीर पर या उसके निकट पाए गए वस्त्रों, आभूषणों शास्त्रों आदि के व्यौरे

Description of each article of clothing, ornaments, covering, weapons etc.
found on or near the body.

17. मृत्यु के स्थान का चित्र

Sketch please of the scene of death.

18. मामले का संक्षिप्त इतिहास

Brief history of the case

दिनांक..... २००

Dated

स्थान.....200

Place

जांच का समय अपस्थित २ या अधिक जांच करने वाले के हस्ताक्षर

संभ्रात पड़ोसियों के हस्ताक्षर

Signature of investigation officer

Signature of two or more
respectable imbitants present at
investigation

..... नाम

Names

..... रैंक

Rank

ANNEXURE - 'F'

पुलिस विभाग

Police Department

फार्म सं

Form No. 25.35(I)B

क्षेत्र

Districts

मृत्यु-रिपोर्ट-हिंसा द्वारा अप्राकृतिक मृत्यु

Death-Report-Un-natural Death by Violence

मृत्यु रिपोर्ट सं.....

Death Report No.

थाना.....

Police Station

तारीख.....

Dated.....

1. स्थान का नाम जहां मृत्यु हुई या जहां शरीर पाया गया।

Name of place where death occurred or where body was found (state which)

2. जिस पुलिस थाने के अधिकार क्षेत्र में वह स्थान स्थित है वहां से दूरी व दिशा।

Distance and direction from the Police Station in whose jurisdiction it is

3. मृत्यु का पता चलने की तारीख व वक्त

Date and hour of discovery of the death

4. इस रिपोर्ट में वर्णित मृत व्यक्ति के शरीर की शानाख्त करने वाले दो या अधिक व्यक्तियों के नाम,
व बन्धित व पते

Name, parentages and residence of two or more person who identify the
body as that of the deceased persons named in this report.

(टिप्पण-जहां तक संभव हो शानाख्त के लिए मृतक के संबंधियों या दो संभ्रांत गवाहों का होना अच्छा है)

(Note-Relative of deceased or two respectable witnesses for identification
should be obtained, if possible).

५. मृत व्यक्ति का नाम, वल्लिद्यत, जाति, व पता व परिस्थितियां।

Name of deceased, parentage, caste, residence condition in file.

6. आयु व लिंग

Age and Sex

7. वस्त्रों व आभूषणों आदी की स्थिति व उन्हें जबरदस्ती उतार लिया गया था अथवा उन पर खुन या अन्य प्रकार के घब्बे थे

Condition of clothes, ornaments, & C, and marks of either having been forcibly removed or of being stained with blood or other matter.

(टिप्पणी: यदि सिविल सर्जन या अन्य चिकित्सा अधिकारी द्वारा शरीर परीक्षण हेतु आने की संभावना है तो यह सूचना बिना उसे छूप व वस्त्रों को हटाए ऐसे देख कर ही भरती चाहिए और उनके शरीर परीक्षण के उपरान्त इसे पूर करना चाहिए।

Note- If the Civil Surgeon or other Medical Officer is expected to attend to examine the body, this information should be filled in so far as can be seen and without touching or removing any clothes, and in such case in should be completed after he has finished his examination of the body.

8. शरीर के अंगों, आंखों व मुख की हालत

Position of the limbs, eyes and mouth.

9. मुखाकृति के हाव-भाव।

Expression of the countenance.

10. शरीर पर लगी चोट या हिंसा के चिन्ह घाव व खरोंच-लम्बाई व स्थिति बतलावें।

Injuries or marks of violence the body may have received “wounds and bruises” position, length and breadth.

(टिप्पणी: गहराई लिखें, घावों को सिद्ध करने की चेष्टा न करें। यदि सिविल सर्जन या अन्य चिकित्सा अधिकारी के जांच के लिए उपस्थित होने की संभावना है तो यह सूचना उनकी जांच के बाद भरी जानी चाहिए।

Note- Note Depth, Be careful, not to probe wound if the Civil Surgeon or other Medical Officer be expected to attend to examine the body, this information should be filled in after he has completed his examination.

11. खून द्रव या चकता? कहां से निकला और कितनी मात्रा में?

Blood, liquid or clotted? Where oozed from and to what amount?

12. किस विधि सी या किस हथिकार से या अपकरण से चोट पहुंचाया गई प्रतीत होती है?

In what manner, or by what weapon or instruments, such marks of injuries or of violence appear to have been inflicted.

13. क्या गर्दन के चारों ओर कोई रस्ती या अन्य वस्तु या गर्वन के चारों ओर कोई बन्धनी का निशान था?

Was there any rope or other article around the neck, or any mark of ligation on the neck?

14. क्या ऐसी रस्ती या वस्तु स्पष्टतः दम घोटने के लिए प्रयोग में लाई गई थी व यदि शरीर उससे लटकाया गया था और क्या शरीर को थामे हुई थी?

Had such rope or article apparently been used to produce strangulation and, if the body had been suspended by it could it probably have supported the body?

रस्ती का दूसरा किस ढंग से भार उठाने के लिए बांधा गया था?

In what mode was the either end of the rope attached to the support?

१५. क्या उसके बालों में घास-पात, भूसा आदि थाय या उसके हाथों में जकड़ कर बांधा गया था या शरीर के किसी हिस्से से संलग्न था?

Were there any foreign matters, such as weeds, straw & c. In the hair or clenched in the hand of the deceased, or attached to part of the body?

16. क्या शरीर पृष्ठ व मडबूत अथवा क्षीण या दुर्बल था?

Is the body will nourished and vigorous or emaciated and feeble?

17. क्या वह मोटा-ताजा, दुबला अथवा छिन्न-भिन्न था?

Is it stout, thin or decomposed?

18. पैर से सिर तक की लम्बाई?

Height by measurin from head to feet?

19. विशेष चिन्ह-तिल, दाग आदि की स्थिति व रूप?

Distinguishing marks-Position and appearance of moles, scars & c.?

20. मृत्यु का प्रत्यक्ष कारण।

Apaarant cause of death.

21. क्या ऐसी परिस्थितियां या अफवाहें हैं जिनसे पता चलता हो कि मृत व्यक्ति ने आत्महत्या की है?

Are there any circumstance, or rumours rending to show that deceased killed himself?

शरीर पर या उसके निकट पाई गई प्रत्येक वस्तु का ब्यौरा यथार्थतः शरीर पर प्राप्त प्रत्येक वस्तु पर लेबल लगाया गया नम्बर दिया गया व सील किया गया, शरीर के साथ संलग्न रूप से भेजा गया, अलग पैकेट में भेजा गया।

Description of each article found on or near body. Description of each article found on body. (to labelled and sealed).

शरीर वर्णित मुद्रा (सील पर की गई खुदाई या अन्य उपाय का विवरण)उस स्थान का खाका जहां से शरीर प्राप्त हुआ/

Sketch plan of the place where body was found.

ANNEXURE - 'G'

फार्म सं/ Form No. 25.35(I)C

मृत्यु-रिपोर्ट-मृत्यु जहर से हुई

Death-Report-Un-natural Death by Poisoning

मृत्यु रिपोर्ट सं.....

थाना.....

Death Report No.

Police Station

फार्म नं. २५.३२५ वी में दिये गये ब्यौरे के अतिरिक्त सूचनाएं

**Particulars relating to the case, in addition to those given
in Form No. 25.35 B**

1. क्या अच्छी तन्दुरुस्ती थी इस हमले से पहले?

Was deceased in good health previous to the attack?

2. अगर तन्दुरुस्ती अच्छी नहीं थी तो क्या बामीरी थी?

If not in the good health, what was he suffering from?

3. कौन सी दवाई उसने खाई थी?

What medicine was he taking?

4. पिछली दफा क्या खाया?

What did the last meal consist of?

5. बीमारी से पहले खाने में कितना समय था?

What was the interval between the last meal and the commencement of the symptoms?

6. पिछले खाने या पीने के बाद कोई अलामात हुई।

What did the deceased last eat or drink before the commencement of the symptoms?

7. क्या पिछले समय के खाने या पीने में कितना समय था और अनामात बीमारी का?

What was the interval between the very last time, he ate or drank and the commencement of the symptoms?

8. पहले अटैक की अलामात?

What were the first symptoms?

9. क्या वह प्यास था?

Was he thirsty?

10. क्या मुरझाई हुई अलामात थी?

Did he become faint?

11. क्या सरदर्द की अलामात हुई थी?

Did he complain of headache or giddiness?

12. क्या उसने होठ फड़फड़ाने की अलामात की थी?

Did he appear to have lost the use of his limbs?

13. क्या वह गहरा सोया हुआ था?

Did he sleep heavily?

14. क्या किसी समय में गफलत हुई थी?

Was he at any time insensible?

15. क्या कम्पेडा आया?

Did convulsions occur?

16. क्या उसने अपने मंह मे कोई अनदेखा जायका ब्यान किया?

Did he complain of any peculiar taste in his mouth?

17. क्या खाने या पीने में कोई अनोखापन महसूस किया?

Did the notice any peculiar taste in his food or drink?

18. क्या वह इसके बीच होश में था?

Was the sensible in the intervals between the conclusion?

19. क्या कोई उसने अपने मुंह में जलन, घुटन या फड़फड़ाने की शिकायत की थी?

Did he compian of burning or tingling in the mouth an thrust or numbness and tingling in limbs.

20. क्या उल्टी हुई?

Was there vomiting?

21. क्या टट्टी हुई?

Was there purging?

22. क्या पेट में दर्द हुआ?

Was there pain in the stomach?

23. क्या कोई और अलामात जाहिर हुई?

Mention any other symptoms?

24. क्या वह पहले से किसी साधारण हमले से दुखी था?

Had the deceased over suffered previously from a similar attack?

25. दूसरे कितने व्यक्तियों ने खाना खाया या पिया जिसके द्वारा उसके अलामात हुई?

How many other person partook of the meal of food or drink by which the deceased is supposed to have been poison?

26. किस तरीके से कितने को उसका प्रभाव हुआ?

How many were affected by it and in what way?

27. क्या मृतक उस स्थान से चला जहां पर पहला इमला हुआ और कितनी दूर?

Did the deceased move from the place where the first symptoms were noticed, if so, how far?

दिनांक 200

Dated 200

उस अफसर के हस्ताक्षर जो मौके पर गया है

Signature of Officer conducting the inquest

अनुसंधान की मौजूदगी में दो या अधिक मौजूद व्यक्तियों के हस्ताक्षर

Signature of two or more respectable

inhabitants of the place present at the investigation

नाम

Name

3

ADDENDUM TO STANDING ORDER No. 252/2010 ON MISSING CHILDREN

A number of lessons need to be learnt from the Police Station Gandhi Nagar Child Gang Rape Case. Regrettably, the police response in the matter was everything that it should not have been. It should be understood that when an individual comes to report about the missing of his or her child, he is under deep distress. The Police Station, besides doing the paper work, should immediately take steps to convey a genuine and sincere impressing to the complainant that the police is equally concerned and wants to take all possible steps to trace the child. Some staff from the Police Station going to the spot with the complainant and carrying out preliminary search would put the mind of the complainant relative amount of ease.

Detailed instructions have been issued in Standing Order No. 252/2010 followed by a Standard Operating Procedure regarding the procedure to be adopted while dealing with cases of missing children. However, these instructions are being practiced more in non-compliance than in compliance.

In view of the above situation, the following steps are reiterated for compliance by all concerned:-

1. Immediately on receipt of a missing report regarding a minor child, the SHO should be informed by the Duty Officer who should personally take charge and get into action. He should simultaneously begin the process of registrations of a case and search for the missing child. Leaving this matter to the Emergency Officer is not enough. In case, the SHO is not available, any of the other Inspectors posted should go to the spot.
2. In every case of a girl going missing, the ACP and the Addl. CP/DCP District must be informed. They should monitor the progress of the

search and the investigation closely. ACP of the sub division should also visit the spot in cases he deems necessary.

3. While the duty officer should be assigned the task of registering a case, the SHO should personally lead the IO and a search party to the spot where the child was last seen. While one member of the complainant's party can remain behind with the duty officer for registration of the case the others should accompany the SHO and the search party to the spot.
4. In the case of very young children, the SHO should get the immediate neighbourhood of the child's residence, as well as the place from where the child was reported missing, searched extensively. Special care should be taken to search public toilets, schools, abandoned buildings, buildings under construction, locked houses and any other place in the immediate neighbourhood, where the minor child can be held captive.
5. The team conducting the search should give wide publicity to the disappearance of the child through use of loud hailer and by disturbing and affixing hue and cry notices at prominent places.
6. The SHO and the IO should take appropriate care to check and search all those places which the missing child was usually visiting or frequenting.
7. The SHO, the IO and the team deployed for searching the missing child should take action in consultation with the complainant or guardians of the missing child and keep them in the loop and continuously assure them that maximum efforts are being made on top priority to search their missing child.
8. Registration of a case is mandatory if the missing child is below the age of 16 years in case of boys and 18 years in case of girls. The case should be assigned to an experienced officer not below the rank of an ASI. A lady police officer should preferably be entrusted with the investigation of a case related to a minor girl.
9. The Police Station should initiate all other steps required to be taken on a Missing Report as per the Standing Order NO. 252/10 issued by the commissioner of Police.

10. When registering a case about a missing child, the police officer concerned shall, as far as possible, ascertain the following details from the parents/guardians/relatives of the child or the school/institution/agency from where was reported to be missing:-
 - * A description of the child/young person, including current clothing, name, parentage, sex, age, height, built, complexion, unique identification marks
 - * Date and probable time of missing
 - * When was the child/young person last seen and with whom?
 - * A recent photograph (if available)
 - * Status of the child (whether the child was in the care of his/her family or an institution, whether street child or child labour, whether in conflict with law released on bail, whether suffering from any physical or mental health condition etc.)
 - * Name, addresses and phone numbers of family members, friends and associates.
 - * Details of school, child's class and contact number of the School Principal and the class teacher.
 - * Information about any persons suspected by the parents/guardians of the child.
 - * Details of servants in the family
 - * Details of places frequented by the child.
 - * Any previous history of going missing
 - * Any relevant information from other residents.
 - * Child/young person's mobile number (if any)
11. Family Liaison Officer – to guide the complainant suitably and inform about progress in investigation when he/she calls up subsequently about progress of the case.
12. Flash W.T. message at the India level to all DCsP/SSsP in India and all SHOs in Delhi/New Delhi and National Capital Region.

13. Communicate detailed descriptive information to missing Person Squad (P.S. Kotwali) through the District Missing Person Unit as well as the Missing Person Cell of CBI.
14. If a kidnapping for ransom call is received in the case of a missing child, it should be handled differently.
15. A list of classmates, friends, family member, relatives and acquaintances who may have clue or information about the missing child should be drawn up.
16. A recent photograph of the missing child should be obtained and copies made for District Missing Persons Unit, Missing Persons Squad, NCRB, Media etc.
17. The specifically designed 'Missing Persons Information Form' should be filled and immediately sent to MPS, DMPU, CRO, NCRB, SCRB, CBI etc.
18. Sufficient number of He & Cry notices containing photographs & physical descriptions of the missing child should be sent to CRO for publication in the Police Gazette and for distribution to police stations in Delhi.
19. A copy of the FIR should be sent by post/e-mail to the Delhi Legal Services Authority along with the addresses and contact phone numbers of the parents of the missing child, after uploading the relevant information on ZIPNET.
20. Wide publicity by publishing/telecasting the photographs and description of the missing child in (i) leading newspapers (ii) TV/Electronic media (iii) local cable TC Network.

Note: In case the missing child is a girl, prior permission of her parents/guardian is necessary before the photograph is published/telecast.

21. Hue & Cry notices should be sent to all the outlets of the city/town i.e. Railway Stations, ISBTs, Airports, Regional Passport Office and other prominent places.

22. If the missing child was using a computer prior to his disappearance its computer, cell phone and diaries may be scrutinized with the prior consent of the family.
23. Areas/spots of interest of a young child such as movie theaters, shopping malls, amusement parks, games parlours should also be searched.
24. If available, CCTV cameras installed at the spot (or in it's vicinity) from where the child is reported missing, should be scanned.
25. Enquiries should be made from hospitals about admission, if any unidentified injured person has been admitted there.
26. Enquiries should be made from neighboring police stations about any unidentified dead body found or information about missing children admitted in the hospitals.
27. Records of the Poor House, Children's Homes, Rein Baseras, Nari Niketans, mortuaries in hospitals, Placement Agencies, NGOs, Child Welfare Committees etc. should be scanned.
28. The details of missing children should be sent through special messengers to District Crime Record Bureaus of the neighbouring states as well as S.Os of the bordering police stations including I/Cs of all Police Posts in their jurisdiction.
29. The missing person's details should be matched time and again with the data of unidentified dead bodies fed on the ZIPNET.
30. A list of classmates, relatives, friends and persons frequently visiting the victim's family should be drawn up and they should be examined.
31. Close liaison with the complainant/victim's family to ascertain further clues, any ransom demand made by the kidnapper/abduction and to apprise the family about the developments in the case should be done.
32. Separate files in respect of each case of missing child containing photographs, copy of complaint, MPI Form, W.T. message, gist of day to day efforts made by the EO for locating the child as well relevant DD entries of departure and arrival etc. should be maintained.

33. In appropriate cases, a declaration of reward for furnishing clues about the missing child should be got announced within a month of his/her disappearance.
34. A track of the parents of the missing child should be kept so that at the relevant time they can be produced before Delhi Legal Services Authority (DLSA) or any other authority to ascertain the real reasons of missing and to address the problems.
35. IO should extend full co-operation to members of DLSA on any information relating to missing children etc.
36. If the missing child remains unraced for six months, such cases shall be transferred to Anti Human Trafficking Unit (AHTU) of the District DIU for further investigation.
37. The Hon'ble High court of Delhi in a Writ Petition (Crl.) NO. 249/09 (Court on its Own motion Vs State) directed that whenever a missing child is traced or he/she comes back on his/her own, the Investigating Officer will examine. All relevant angles such as involvement of organized gangs, application of provisions of Bonded Labour Act, Immoral Traffic Prevention Act, Bombay Prevention of Begging Act and such other relevant Acts. Whenever the involvement of any organized gang is found, the case should be transferred to the Crime Branch of Delhi Police.

(Neeraj Kumar)
Commissioner of Police:
Delhi

OB No. 24/2013.

No. 3021-3377/HAR/PHQ, dated Delhi the 02-05-2013.

Copy forwarded to:-

1. All Spl. CsP, Delhi.
2. All Jt. CsP & Addl. CsP including P/PTC Delhi/New Delhi
3. All Districts/Units Addl. CsP/DCsP including PHQ and FRRO, Delhi/New Delhi.
4. SO and PA to CP/Delhi.

5. All SCsP/in PHQ, Traffic and SDPOs/District.
6. All SHOs in Delhi.
7. PRO/Delhi Police.
8. HAR/PHQ with 10 spare copies for record
9. Librarian/PHQ.

4

CIRCULAR No. 36/2012 INSTRUCTIONS REGARDING HANDLING OF CASES OF MISSING PERSONS AND UNIDENTIFIED DEAD BODIES

Recently, an incident has been noticed in which a dead body of a young boy was found whose missing report was lodged in its neighboring police station and could not be linked despite detailed instructions regarding duties of police regarding missing persons and Unidentified Dead Bodies issued by PHQ vide Standing Order No. 252/09 (revised). Among other instructions, the most important is to upload and update the records of missing person/UIDB on ZIPNET immediately.

The following instructions are once again strongly reiterated so that proper follow up is made in cases of missing persons and unidentified dead bodies for their linking/tracing at the earliest.

1. A missing report should be lodged at once in the daily diary clearly mentioning the date and probable time when he/she was noticed to be missing.
2. It is mandatory to register an FIR on the complaint regarding a missing person, in case of missing children of the age upto 16 years.
3. The details of missing person such as description, age, height, clothes worn and identification mark etc. along with photograph shall be uploaded on ZIPNET on the very same day. Similar details of UIDB shall be uploaded immediately on ZIPNET.
4. The information regarding missing person/UIDB etc. shall be uploaded by the local police station as they are fully equipped to upload the profile on ZIPNET. In case of any problem, Dist. Missing Person Unit (DMPU) is also having facility to upload it on ZIPNET.

5. In case of UIDB, the digital photograph of the body shall be taken. Further, close up photograph of the face should be taken in a prominent manner so that it could be recognized. Care should be taken to ensure that the face & identifying marks are captured clearly in the photographs. Photographs must be of high quality taken on a superior quality digital camera. The photographs should be lucid and clear when transmitted by computer etc. A good quality digital photo shall be taken for uploading. Invariably the IO should be present and should guide the photographer so that photographs prove useful.
6. The District Missing Person Unit (DMPU) shall reconcile the date of missing person/UIDB viz-a-wiz status of their uploading on the ZIPNET including the quality of date and photograph. A report in this regard shall be put up to Distt. Addl. CP/DCP on daily basis through ACP/Ops, who is nodal officer at district level.
7. Inspr. Investigation is responsible to ensure that immediate actions are initiated as per SO on receipt of any complaint and complete records are maintained of efforts made by them and IO to trace the missing Person.
8. A separate Register of Missing Person is being maintained at each Police Station. There should be adequate space left under the column 'Action Taken' for detailed entries to be made in this regard. Date and time of uploading the information on ZIPNET shall be mentioned in it. ACP/Sub-Division and SHO should sensitize this register on daily basis.
9. All the efforts made to trace the missing person should be recorded and copies of all related documents such as print out of ZIPNET, Hue & Cry Notice, wireless message etc. will be kept for record in the 'Missing Person File' SHO and Inspr. Investigation o police station will ensure that this file is maintained upto date.
10. There is another module in the ZIPNET for viewing the progress of investigation in each report of missing persons. This is available on the computer maintained at each police station and the progress can be reviewed by senior officers such as SHO/ACP/DCP as authorized users for their respective jurisdiction.

11. ACP Operations shall monitor uploading of information on ZIPNET.

The above instructions/points may be brought to the notice of all concerned for strict compliance. Non compliance of the instructions will be viewed seriously.

(RANJIT NARAYAN)

SPECIAL COMMISSIONER OF POLICE

(CRIME), DELHI

No. 3961-4020/Record Branch/PHQ dated New Delhi, the 18.5.2012

Copy to:-

1. Special CP/L&O & Operations
2. Joint CsP/Ranges & Crime.
3. Addl.CsP/DCsP of all the Districts, Crime and IGI Airport.
4. Addl. DCsP/Rlys.

5

CORRIGENDUM TO STANDING ORDER No. 252/2010 ON MISSING CHILDREN

The para No. 36 of the Addendum to S.O. No. 252/2010 issued vide No. 3021-3377.HAR/PHQ, dated 02.05.2013 shall be substituted with the following para:-

Addl. CsP/DCsP shall ensure that the investigation of all cases relating to Missing Children between the age of 3 to 8 years, who are not rescued or found for a period of 4 months, should be transferred to Anti Human Trafficking Unit (AHTU) of the district for effective investigation.

(NEERAJ KUMAR)
COMMISSIONER OF POLICE
DELHI:

Order Book No. 40/2013

No. 5632-5988/HAR/PHQ, dated Delhi the 18/67/2013

Copy forwarded to:

1. All spl. Commissioners of Police, Delhi.
2. All Jt. Commissioners of Police and Additional Commissioners of Police including P/PTC Delhi/Delhi
3. All addl. CsP/DCsP of all Districts/Units, Delhi
4. S.O and PA to CP/Delhi.
5. All ACsP in PHQ, Traffic and SDPOs/District
6. All SHOs in Delhi
7. PRO/Delhi Police

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**OFFICE OF THE COMMISSIONER OF POLICE:
DELHI**

ORDER

In continuation to this Hdqrs. Standing Order No. Ops. – 47 (previous Standing Order No. 252/2010) issued vide No. 11301-11550/Record Branch/PHQ dated 25.10.2010, the Joint C.P.?Crime, Delhi has been nominated as Nodal Officer in place of Joint CP/Northern Range in para 5 of the Standing Order to coordinate with the Delhi Legal Services Authority (DLSA) with regard to the implementation of the directions issued by the Hon'ble High Court of Delhi on 16th September, 2009 in Crl. W.P. No. 249/09.

This has the approval of C.P, Delhi.

(ANIL SHUKLA)
ADDL. COMMISSIONER OF POLICE,
POLICE HEADQUARTERS, DELHI.

No. 2228/38/ B&T Br.(AC.6)/PHQ, date, Delhi the 27/8/2012.

Copied forwarded for information and necessary action, to the:-

1. All special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi.
3. All Additional Commissioners of Police, Delhi.
4. SO to Commissioner of Police, Delhi.
5. All Districts/Units Addl. CsP/DCsP including P/PTC, FRRO & IGIA, Delhi/New Delhi.
6. All ACsP/PHQ, LA to CP, FA to CP, Delhi & PRO.
7. All Insps./PHQ.
8. SO to DCP/Hdqrs., Delhi.
9. HAR PHQ with 10 spare copies.

Subject:- Instructions for uploading the details of missing persons/children on ZIPNET

It has been noticed that IOs are not taking immediate steps to upload details of missing persons/children on ZIPNET despite detailed guidelines issued in this regard, vide this Hdqrs. Standing Order No. 25/2010.

In a recent case FIR No. 131/2012, u/s 365/302/201/120-B/34 IPC dated 19.06.2012, registered at Police Station Kanjhawala, it was found that photographs and other details of Ms. Deepti Chhikara, whose missing report was lodged vide D.D. No. 41-A dated 25.05.2012, was not uploaded timely on Zipnet. The Hon'ble High Court of Delhi vide its orders dated 04.07.2012 in Writ Petition (Crl.) No. 849/2012 titled Lalit Vats Versus State & Ors. Has taken a serious view of the delay in uploading the photographs and other details of the missing girl Ms. Deepti Chhikara on the ZIPNET. The Investigating Officer of the case and SHO concerned were found negligent in not following the detailed instructions in this regard and therefore, departmental action has been initiated against them.

It is once again reiterated that the instructions laid down vide Standing Order No. 252/2010 reinforced vide Standard Operating Procedure (S.O.P.) for dealing with cases of missing persons and missing/found children issued vide this Hdqrs. No. 6438/SO-DCP/Crime & Railways dated 19.05.2011 and Circulars Nos. 36/2012 & 56/2012 issued vide this Hdqrs. No. 3961-4020/Record Branch/PHQ dated 18.05.2012 & No. 7261-7360/Record Branch/PHQ dated 14.08.2012 respectively (copies enclosed) must be complied with in letter and spirit. The details of missing persons/children shall meticulously be uploaded immediately on ZIPNET, once the matter is reported to the police.

Non compliance of the instructions will be viewed seriously.

(R.S. CHAUHAN) DCP/HQ
for COMMISSIONER OF POLICE
DELHI

No. 4259-4319/Court Cell/C&T Branch/PHQ, dated, new Delhi, the 30.08.2012.

Copy forwarded for information and necessary action to:-

1. All special Commissioners of Police, Delhi.
2. All Joint Commissioners of police, Delhi.
3. All Additional Commissioners of Police, Delhi.
4. All Dy. Commissioners of Police District/Units, Delhi.
5. S to C.P./Delhi.
6. ACs/HQ(P), (G), (CB), (C&T), Research Cell and (I.T. Centre) PHQ.
7. F.A. and L.A. to C.P./Delhi.
8. Public Relation Officer, Delhi Police.
9. All Inspectors in PHQ.
10. I/C. Library/PHQ.
11. I/C. Research Cell, PHQ.
12. I/C. Record Branch/PHQ.

6

STANDARD OPERATING PROCEDURE FOR DEALING WITH CASES OF MISSING/FOUND CHILDREN

Introduction

A number of reports about missing children are lodged in police stations of the National Capital every day. It is of paramount importance to make sincere and systematic efforts to trace/recover the missing children.

1. Who is a missing child?

“A child (a person who is below 18 years of the age) whose whereabouts are unknown to the parents, legal guardians or any other person who may be legally entrusted with the custody or guardianship of the child and in ordinary circumstances would know about the whereabouts and would be concerned about the well being of the child, whatever may be the circumstances/causes of disappearance. The child will be considered missing, and in need of care and protection, until located and/or his/her safety/well-being is established.”

2. Who is a found child?

“A child (a person below 18 years of age) who is traced by the police on the basis of a missing child report or is found on the streets/in a market place/ at railway platforms/ at bus stops/ in trains/ on a bus or other public transport/ in a hospital/ any public place in search of his parents, legal guardians, relatives or home and is brought before the police or the CWC, will be considered a found child”.

3. Key factors to be considered in the investigation/enquiry concerned with missing children

- Children from a 'high risk' category
- Protecting those at risk of harm
- Minimizing distress and ensuring high quality of service to the families and careers of missing children.
- Prosecuting those who perpetrate harm or pose a risk of harm.
- Preventing such incidences from happening.

4. What Police is expected to do?

1. Effective recording of information about missing children.
2. Take immediate steps on receipt of information regarding a missing child, irrespective of jurisdiction.
3. Initial response on receipt of missing report; all steps in tracing through missing persons squad at district and state level.
4. Involve non-governmental agencies and also the specialized agencies.
5. Investigation to recover/trace the child and book the culprits.
6. Preventive measures.

5. Assessment of Risk

- 5.1 This covers the level of risk and response that must be considered in case of every report, together with the factors that contribute to the decision making process.
- 5.2 The level of risk may be properly determined when an officer takes the full report details.

Assessment of Risk would require the investigating officer taking the initial report of a missing child to determine if any of the following critical factors exist:

1. Has the missing child been the subject of a prior missing persons report?

2. Does the missing child suffer from a mental or physical impairment or serious illness?
3. Is the disappearance of the missing child suspicious or dangerous in nature?
4. Does the complainant have reason to believe the missing child has been abducted or kidnapped for ransom or trafficked?
5. Is there a possibility of elopement that could put the child at risk of sexual abuse and other forms of exploitation?
6. Has the missing child previously been the victim/witness in any criminal investigation?
7. Is the missing child under the age of twelve (12) years?
8. Has the missing child been missing more than 12 hours?

6. Family Liaison Officers:-

The Juvenile Welfare Officers (JWO) are appointed in each Police Station. These JWO's shall work in close association with the family members or guardians of the missing child as well as the investigating officer to pass on all relevant information at both ends. They will be designated by name for each and every case as the Family Liaison Officer.

7. Involvement of non-governmental agencies, community, schools and other agencies

- 7.1 Non governmental agencies including NGO's shall be involved in the search of a missing child depending on the type of case and risk involved.
 - NGOs should be intimated in cases where girl is minor and an allegation of sexual assault comes to notice.
 - NGO assistance should be taken in counseling the child and his family when the child is traced and preparing them for the reunification as well as protection measures that may be required.

In place where vulnerable groups of children are found in large numbers, a mechanism could be evolved in partnership with NGOs and social workers, whereby apart from rendering counseling to children and their families, awareness raising activities are also carried out. This would not only instill confidence in children, but also strengthen them and give them special protection so that they are in no way lured by external agencies/factors.

- 7.2 In order to make the investigation procedures concerning missing children more transparent and child-friendly, it would be preferable for the police investigating team to involve the community at large, such as Neighbourhood Watch Committees, Resident Welfare Associations etc., in addition to existing help-lines. This will enable the community to get fully involved along with the police in tracing missing. Children.
- 7.3 Periodic interface shall be maintained with Principals, teachers and students of the schools in the area by ACsP and SHOs to sensitize them about Do's and Don'ts for children.

8. Administrative set-up

8.1 State level-Missing Persons Squad.

For handling entire information, all over Delhi, related to missing persons including children, the Missing Persons Squad will function under the Crime Branch, under the overall supervision of DCP/ Crime. ACP/Anti-Kidnapping Section of the Crime Branch will supervise the MPS on a day-to-day basis.

- Missing Person Squad (MPS) shall monitor the uploading of data regarding children reported missing and unidentified children found on the ZIPNET and shall prepare fortnightly and monthly reports in this regard.
- It will maintain close links with District Missing Persons Unit (DMPU) and ensure that uploading of data and matching of missing children with UIDBs/children found is carried out effectively on a day-to-day basis.

- The in-charge MPS will match the information regarding missing children with the data available with the MPS and if matched it should be communicated to the concerned police station immediately. A weekly diary about matched/traced children should be sent to ACP/Anti-Kidnapping Section.
- The MPS will also prepare data relating to Delhi and share it with other agencies like CBI, NCRB, SCRB etc.
- It will also analyze the data to locate any pattern/trend that may exist with regard to the number/age/sex/profile of children reported missing from a particular area and for entire Dehil.
- It will maintain liaison with Child Welfare Committees to reconcile/match information about children rescued/traced.
- All Districts Missing Person Units (DMPU) shall prepare a fortnightly report and send to the in-charge of the Missing Persons Squad through the ACP/DIU of the District. In-charge MPS shall prepare a consolidated report of all the Districts and put up the same to DCP/Crime & Railways on a fortnightly basis.

8.2 Missing Person Helpline

A 24 X 7 hrs. Helpline (23241210) functioning at Missing Person Squad, Crime Branch, Delhi, on receipt of any call related to a missing children shall collect full description of the missing child along with complainant's contact numbers and address.

Its Responsibilities-

- Request the caller to provide full details of the missing child along with photographs to the police officer who will be contacting them.
- Inform the PCR, DMPU, SJPU, AHTU and concerned police station through District Control Room.
- Maintain a register of all such calls along with details of the victim and complainant's contact number and address.

- Obtain feedback from the police stations about action taken and progress made in the case.

8.3. Anti Kidnapping Section of Crime Branch

- Anti Kidnapping Section of Crime Branch will function at central level in Delhi Police and will have the similar functions relating to the entire National Capital Territory of Delhi.
- It will analyze the pattern of missing, kidnapping or abducted children, gather intelligence having ramifications at state level and ascertain angles of trafficking & organized crime.
- Also it will maintain liaison with other Central agencies dealing with the subject of children.

8.4 District Level – District Missing Person Unit

DMPU of the district will function under ACP/Operations, under the overall supervision of the District DCP.

Responsibilities

DMPU is responsible for uploading the information related to missing children and unidentified bodies found in the district on a daily basis, on the website i.e. ZIPNET for easy access of the public through internet.

- Ensure that details of all the missing children either kidnapped or abducted are available on ZIPNET and the names of the children traced/returned on their own are deleted.
- Match the records of the missing children with the data of unidentified dead bodies of children and inform the concerned police station, if anyone matched.
- Ensure proper matching of the missing children with the data of unidentified dead bodies of children and inform the concerned police station, if anyone matched.
- Ensure proper matching of the missing children record with the data of unidentified dead bodies fed in the ZIP_NET.

- Analyze the pattern of disappearance of children, particularly girls, in the district to identify involvement of any organized gangs in the disappearance of children and collect intelligence to apprehend the persons involved.
- Constantly co-ordinate and interact with Anti-Kidnapping Section of Crime Branch and discuss the prevailing/emerging pattern of disappearance of the children in the district and share intelligence about gangs, if any, to undertake joint operation to nab the gangs.
- Obtain feedback from the police stations about action taken and progress made in the case on a daily basis.

8.5 Anti Human Trafficking Unit

In each district Anti-Human Trafficking Unit (AHTU) is functioning under the supervision of ACP/DIU and overall supervision of DCP/Distt. In case a missing child has not been traceable for past six (6) months, the case shall be referred to Anti-Human Trafficking Unit for further necessary action and investigation.

In all such cases where evidence of organized trafficking/racket involving children emerges the ACP/DIU shall take up investigation and organize rescue operation and action against culprits, as per procedure laid down/instruction issued regarding child labour, child exploitation by placement agencies, trafficking or commercial sexual exploitation, begging etc.

8.6 Police Station Level:-

- At police station on receipt of an information regarding a missing child an officer not below the rank of AST preferably Children/Juvenile Officer shall be deputed to initiate legal action as per SO No. 252/09. The concerned ACP/SHO shall supervise the same on day to day basis and guide/advise children/Juvenile Welfare Officer.
- The concerned ACP/SHO shall also send a daily report to the DMPU on number of cases of missing children received, action initiated/taken and children traced.

- Every police station shall keep a record of all institutions providing care and shelter to children as well as placement agencies within its jurisdiction.
- All police stations will maintain close links with the Child Welfare Committee (CWCs) and all institutions providing care and shelter to children, and ensure matching of missing children's information with the children produced before the CWCs or those living in the above mentioned institutions and agencies.
- It is the responsibility of the Police (Investigating Officer) to keep the main carer informed of the progress of the investigation, which will be the parent, foster carer or care home. In the first week, this should be daily, subsequently at intervals agreed between the two agencies.

8.7 Coordination between various agencies

All above agencies Missing Persons Squad, District, Missing Persons Unit, Anti Human Trafficking Units, Anti-Kidnapping Unit of Crime Branch and the SHO/JWOs shall have a constant liaison with each other and work in close co-ordination for the purpose of data, information sharing and further follow-up action required at each one's end.

9. Steps to be taken at the police station by the investigating officer on receipt of information regarding missing children

- Assign missing report to an experience officer not below the rank of Astt. Sub-Inspector, who will immediately inform PCR and sound alert, to the mobile and foot patrolling parties in the area, police check posts at Borders, Railway Stations, Interstate Bus Terminals, hospitals etc.
- Lodge a missing report in the Daily Diary, mentioning parentage, sex, age, height, built, complexion, unique identification marks, clothes worn, date and probable time of missing.
- Register a case (FIR) at the earliest, if missing children is below the age of 16 yrs in case of boy and 18 years in case of girl. If any suspicion is reported/foul play is suspected, conduct a thorough

enquiry or Investigation, as the case may be. A lady police officer should preferably be entrusted with the investigation of a case related to minor girl.

- When registering a case about a missing child, the police officer concerned shall, as far as possible, ascertain the following details from the parents/guardians/relatives of the child or the school/institution/agency from where was reported to be missing:
- A description of the child/young person, including current clothing name, parentage, sex, age, height, built, complexion, unique identification marks.
- Date and probable time of missing.
- When the child/young person was last seen and with whom.
- A recent photograph (if available).
- Status of the child (whether child was in care of his/her family or an institution, whether street child or child labor, whether in conflict with law released on bail, whether suffering from any physical or mental health condition etc.)
- Name, addresses and phone numbers of family members, friends and associates.
- Details of school, child's class and contact number of the School Principal and the class teacher.
- Information about any persons suspected by the parents/guardians of the child.
- Details of servants in the family.
- Details of places frequented by the child.
- Any previous history of going missing.
- Any relevant information from other residents.
- Child/young person's mobile number (if any)
- Initiate all other steps required to be taken on a Missing Report as per the Standing Order No. 252/09 issued by the Commissioner of Police.

- Family Liaison Officer – to guide the complainant suitably when he/she calls up subsequently about progress of the case and should ensure that family inform him whenever – they shift residence even if child has not been recovered.
- Flash W.T. message at all India Level to all DCsP/SSsP in India and all SHOs in Delhi/New Delhi and National Capital Region.
- Communicated detailed descriptive information to Missing Persons Squad (P.S. Kotwali) through Distt. Missing Persons Unit as well as Missing Persons Cell of CBI.
- I.O should make personal contact with the complainant and immediately determine:
- Missing child has not been the subject of any prior missing report.
- Probable circumstance of disappearance of the child.
- Victim or family has inimical terms with anyone.
- Any suspicion or foul play.
- Last known location or destination.
- Demand of ransom.
- Such other risk factors as listed in para 4.2
- Make a list of classmates, friends, family members, relatives, and acquaintance who may have clue or information about the missing child.
- Collect recent photograph of the missing child and make copies for District Missing Persons Unit, Missing Persons Squad, NCRB, media etc.
- Fill up specific designed 'Missing persons Information Form' and immediately send to MPS, DMPU, CRO, MCRB, SCRB, CBI etc.
- Prepare sufficient number of Hue & Cry notices containing photograph & physical description of the missing child and send to CRO for publication in the Police Gazette and for distribution to police stations in Delhi.

- A copy of the FIR should be sent by Post/e-mail to the Delhi. Legal Services Authority along with the addresses and contact phone numbers of the parents of the missing child, after uploading the relevant information in ZIPNET.
- Wide Publicity should be given in the surrounding area through use of loud hailers, distributing and affixing Hue & Cry notice at the prominent places.
- Give wide publicity by publishing/telecasting the photographs and description of the missing child in (i) leading News Papers (ii) TV/ Electronic Media (iii) Local Cable TV Network.

Note: In case missing child is a girl, prior permission of her parents/ guardian is necessary before the photograph is published/telecast.

- Distribute Hue & Cry notice at all the outlets of the city/town i.e. Railway Stations, ISBTs, Airport, Regional Passport Office and other prominent places.
- Scrutinize the missing child's computer, cell phone and diaries with consent of the family.
- Areas/spots of interest such as Movie Theaters, Shopping Malls Amusement Parks, Game Parlour should also be searched.
- If available CCTV Cameras, installed at the spot (or in it's vicinity from where the child is reported missing, should be scanned.
- Enquiries should be made from the hospitals about admission, if any unidentified injured persons admitted in the hospitals.
- Enquiries should be made from the neighbouring police stations about any unidentified dead body found or information about missing children admitted in the hospitals.
- Check records of the Poor House, Children's Homes, Rein Baseras, Nari Niketans, Mortuaries in hospitals, Placement Agencies, NGOs, Child Welfare Committees etc.
- The details of missing children should be sent through special messengers to District Crime Record Bureaus of the neighbouring states

as well as S.Os of the bordering police stations including I/Cs of all the Police Posts in their jurisdiction.

- Match the missing person's record time and again with the data of unidentified dead bodies fed on the ZIPNET.
- Make a list of classmates, relatives, friends and persons frequently visiting the victim family and examine them.
- Maintain close liaison with the complainant/victim family to ascertain further clues, any ransom demand made by the kidnapper/Abduction and to apprise the family about the development in the case.
- Maintain separate file in respect of each case of missing child containing photograph, copy of complaint, MPI Form, W.T. Message, gist of day to day efforts made by the EO for locating the child as well relevant DD entries of departure and arrival etc.
- In appropriate cases, a declaration of reward for furnishing clue about the missing child should be got announced within a month of his/her disappearance.
- Keep track of the parents of the missing child so that at the relevant time they can be produced before Delhi Legal Services Authority (DLSA) or any other authority to find out the real reasons of missing and to address the problems.
- IO should extend full co-operation to the members of DLSA on any information relating to missing children etc.
- If the missing child remains untraced for six months, such cases shall be transferred to Anti Human Trafficking Unit (AHTU) of the Distt. DIU for further investigation.
- The Hon'ble High Court of Delhi in a Writ Petition (crl.) No. 249/09 (Court on its Own motion Vs State) directed that whenever a missing child is traced or he/she comes back on his/her own, the Investigating Officer will examine all relevant angles such as involvements of organized gangs, application of provisions of Bonded Labour Act, Immoral Traffick Prevention Act, Bombay Prevention of begging Act and such other relevant Acts. Whenever, the involvement of any organized gang is found, it shall be the responsibility of the Investigat-

ing Officer to refer the matter to the Crime branch of Delhi Police or the special cell constituted in the CBI.

10. Steps to be taken by the investigating officer when missing child is traced / found / recovered

- In case a child is traced, or found, or he or she comes back on his or her own, I.O. shall immediately lodge a daily diary mentioning the circumstances of missing and recovery and inform PCR, DMPU, MPS, AHTU, CBI etc. to discontinue the search.
- Evaluate the child's physical condition and if necessary, he or she should be got medically examined immediately.
- Evaluate with the help of the JWO/FLO whether he/she needs psychological help and take follow-up measures, if found necessary.
- JWO/FLO shall assess reactions of parents/guardians and refer the child, his/her parents/guardians to counselors for follow-up to ensure normalcy is attained in the household.
- IO will examine all relevant angles such as involvement of organized gang, application of provision of Bonded Labour Act, Immoral Traffic Prevention Act, Bombay Prevention of Begging Act and such other relevant Acts while investigating a case.

Note : In case of girl child, If the IO is not woman officer then, a woman officer must be associated in the questioning or in appropriate cases, the relative may remain present so as to create an atmosphere where girl feel comfortable in disclosing relevant information.

- Whenever, an organized gang is found involved, the matter shall be referred to the Crime Branch of Delhi Police or other Special Cell constituted for the purpose through proper channel.

11. Supervision By SHO and ACP

- SHO/ACP shall ensure that action on receipt of a complaint regarding missing child is initiated without loss of time as per Standing Order issued.

- ACP/SHO will supervise the efforts being made by the IO in such cases on day-to-day basis, particularly during the first 15 days of receipt of the complaint.
- SHO/ACP will ensure proper maintenance of the Missing Persons Register as per columns specified in prescribed form (Annexed with SO NO. 252/09). They shall also ensure maintenance of separate missing children files and record their observations/guidelines for IOs for further course of action.
- SHO/ACP will also ensure that the record of missing child as well as forms regarding missing and tracing out are filled up properly and are sent to the DMPU and concerned quarters well in time.
- SHO must extend full co-operation to the members of DLSA on any information relating to missing child etc.
- All ACsP/SHOs shall ensure that notice boards are appropriately displayed in Reporting Room of Police Stations with the details of missing persons written neatly and prominently.
- SHO/ACP are responsible to deliver copy of FIR regarding missing child to DLSA either by Spl. Messenger or by post or through E-mail.

Also see Annexure-I for Check List.

12. Steps to be taken when an information is received regarding child missing from another state (and is supposedly in Delhi)

- A child may have been a victim of kidnapping or any other form of trafficking and brought to Delhi for exploitation. In case, any such complaint is received, action would be taken immediately for the recovery of such child.
- If such a child or any child is found to be working as a child labour, action would be initiated under sec. 365, 367, 368 IPC and other relevant sections of the law, against the employer as well as the trafficker or kidnapper, as the case may be.
- Standard Operating Procedure (SOP) for investigating the crime of trafficking or forced labour (prepared by UNODC) must be followed.

- While investigating the case of rescued child labour/prostitution victims (especially minors), necessary steps should be taken to find out not only about the kidnapping but also abduction as in several cases some form of inducement or trust may be found such as promise of education, family loan etc.
- Coordinate with Labour and other Govt. Depts. And exchange information on illegal functions of placement agencies and other such places which are suspected to be involved in engaging child labour.

13. Duration of enquiry into missing reports:

- Local police shall continue the search till the missing child is located.
- Missing report in respect of any child, once recorded in the relevant register will be kept under enquiry till he or she is located.
- If a criminal case is registered into the missing of a child, it will be kept open till the investigation into all known aspects of that case is completed and the case will be treated as a Special Report Case.

ANNEXURE – I**CHECK LIST**

This checklist is meant to provide a framework of actions, consideration and activities that may assist in performing competent, productive and thorough investigation in case of missing/abducted children.

Checklist for IOs/EOs

	Yes	No
1. Whether the police officer dealing in missing children case is in plain clothes	()	()
2. Whether the parent(s)/guardian(s) person who made the initial report were interviewed	()	()
3. Whether the fact of missing was confirmed.	()	()
4. Whether the status of child's custody was confirmed	()	()
5. Whether the circumstance of the disappearance were identified.	()	()
6. Whether the individuals who last had contact with the child were interviewed.	()	()
7. Whether a detailed description was obtained of the Missing child, abductor, and any vehicle involved.	()	()
8. Whether the photograph/videotapes of the missing child /abductor were secured.	()	()
9. Whether DD entries/FIR is lodged immediately.	()	()
10. Whether all the steps required to be taken on a missing report as per Standing Order No. 252/09 were initiated.	()	()
11. Whether the complainant was suitably guided when He/she calls up subsequently about progress of the case	()	()
12. Whether names/addresses/telephone numbers of the child's friends/associates and other relatives and friends of the family obtained.	()	()

- | | | |
|--|-----|-----|
| 13. Whether the scene and area of the child's home
Sealed/protected. | () | () |
| 14. Whether the fact that child has cellular telephone
or other electronic communication device or access to
internet was ascertained. | () | () |
| 15. Whether the search was extended to surrounding
areas including vehicles and other places of
concealment or amusement. | () | () |
| 16. Whether immediate medical aid was provided
to the rescued child . | () | () |
| 17. Whether DLSA has been informed and
copy of FIR sent | () | () |

Checklist for Supervisory Officer

- | | | |
|---|-----|-----|
| 1. Whether brief and written reports from the first
Responding officer/Enquiry Officer/Investigation
Officer have been obtained. | () | () |
| 2. Has it been ensured whether additional
personnel are needed to assist in the investigation. | () | () |
| 3. Determine if additional assistance is necessary
from state level or adjoining states. | () | () |
| 4. Whether all the required resources, equipment and
assistance necessary to conduct an efficient
investigation have been requested and expedite
their availability. | () | () |
| 5. Whether there was coordination/cooperation among
all law-enforcement personnel involved in the
investigation and search effort. | () | () |
| 6. Whether all required notification have been made. | () | () |
| 7. Whether policies and procedures are in compliance. | () | () |

- | | | |
|---|-----|-----|
| 8. Whether decision or determination as they develop are taken. | () | () |
| 9. Whether media including radio, television, and newspapers to assist in the search throughout the duration of the case has been utilized. | () | () |
| 10. Whether all relevant angles such as involvement of organized gang, application of Bonded Labour Act has been explored and invoked. | () | () |

ORDER ON NODAL OFFICER**Office of the Commissioner of Police: Delhi**

In continuation to this Hdqrs. Standing Order No. Ops. – 47 (previous Standing Order No. 252/2010) issued vide No. 11301-11550/Record Branch/PHQ dated 25.10.2010, the Joint C.P./Crime, Delhi has been nominated as Nodal Officer in place of Joint CP/Northern Range in para 5 of the Standing Order to coordinate with the Delhi Legal Services Authority (DLSA) with regard to the implementation of the directions issued by the Hon'ble High Court of Delhi on 16th September, 2009 in Crl. W.P. No. 249/09.

This has the approval of C.P, Delhi.

(ANIL SHUKLA)

**ADDL. COMMISSIONER OF POLICE,
POLICE HEADQUARTERS, DELHI.**

No. 2228/38/ B&T Br.(AC.6)/PHQ, date, Delhi the 27/8/2012.

Copy forwarded for information and necessary action, to the:-

1. All special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi.
3. All Additional Commissioners of Police, Delhi.
4. SO to Commissioner of Police, Delhi.
5. All Districts/Units Addl. CsP/DCsP including P/PTC, FRRO & IGIA, Delhi/New Delhi.

6. All ACsP/PHQ, LA to CP, FA to CP, Delhi & PRO.
7. All Insprs./PHQ.
8. SO to DCP/Hdqrs., Delhi.
9. HAR PHQ with 10 spare copies.

8

INSTRUCTIONS FOR UPLOADING THE DETAILS OF MISSING PERSONS/CHILDREN ON ZIPNET

It has been noticed that IOs are not taking immediate steps to upload details of missing persons/children on ZIPNET despite detailed guidelines issued in this regard, vide this Hdqrs. Standing Order No. 25/2010.

In a recent case FIR No. 131/2012, u/s 365/302/201/120-B/34 IPC dated 19.06.2012, registered at Police Station Kanjhawala, it was found that photographs and other details of Ms. Deepti Chhikara, whose missing report was lodged vide D.D. No. 41-A dated 25.05.2012, was not uploaded timely on Zipnet. The Hon'ble High Court of Delhi vide its orders dated 04.07.2012 in Writ Petition (Crl.) No. 849/2012 titled Lalit Vats Versus State & Ors. Has taken a serious view of the delay in uploading the photographs and other details of the missing girl Ms. Deepti Chhikara on the ZIPNET. The Investigating Officer of the case and SHO concerned were found negligent in not following the detailed instructions in this regard and therefore, departmental action has been initiated against them.

It is once again reiterated that the instructions laid down vide Standing Order No. 252/2010 reinforced vide Standard Operating Procedure (S.O.P.) for dealing with cases of missing persons and missing/found children issued vide this Hdqrs. No. 6438/SO-DCP/Crime & Railways dated 19.05.2011 and Circulars Nos. 36/2012 & 56/2012 issued vide this Hdqrs. No. 3961-4020/Record Branch/PHQ dated 18.05.2012 & No. 7261-7360/Record Branch/PHQ dated 14.08.2012 respectively (copies enclosed) must be complied with in letter and spirit. The details of missing persons/children shall meticulously be uploaded immediately on ZIPNET, once the matter is reported to the police.

Non compliance of the instructions will be viewed seriously.

**(R.S. CHAUHAN) DCP/HQ
for COMMISSIONER OF POLICE
DELHI**

No. 4259-4319/Court Cell/C&T Branch/PHQ, dated, new Delhi, the 30.08.2012.

Copy forwarded for information and necessary action to:-

1. All special Commissioners of Police, Delhi.
2. All Joint Commissioners of police, Delhi.
3. All Additional Commissioners of Police, Delhi.
4. All Dy. Commissioners of Police District/Units, Delhi.
5. S to C.P./Delhi.
6. ACs/HQ(P), (G), (CB), (C&T), Research Cell and (I.T. Centre) PHQ.
7. F.A. and L.A. to C.P./Delhi.
8. Public Relation Officer, Delhi Police.
9. All Inspectors in PHQ.
10. I/C. Library/PHQ.
11. I/C. Research Cell, PHQ.
12. I/C. Record Branch/PHQ.

CIRCULAR No. 18/2011
TASK FORCE – ANTI-HUMAN TRAFFICKING
CELL IN DISTRICTS

The Hon'ble High Court of Delhi in Writ Petition (Crl.) NO. 249/2009 "on its own motion Vs State and Others" taking suo-moto cognizance on a news report issued directions to the Delhi Police to file a status report on the procedure being followed to trace the Missing Children. Delhi Police has taken several measures to streamline the process of registration and investigation of cases relating to Missing Children. During the course of hearing on 16.3.2011, the Hon'ble High court passed the following directions relating to creation of Task Force for the investigation of missing children between the age group of 3 to 8 years and who could not be traced within 6 months:-

- (i) The Commissioner of Police shall select a team of the officers who can sensitize the ground level police officers to deal with this kind of cases so that they would show their requisite sensitivity to the problem in issue and not show any indifferent or unconcerned attitude either to the parents or to the children.
- (ii) The Deputy Commissioner of Police shall over-see all investigations relating to missing children as it is stated before us that the children between the age of 3 to 8 are abducted and the sole purpose is trafficking.

The Hon'ble High court further observed as under:-

"The aforesaid directions regard being had to the issue which really touches the basic fulcrum of a civilized society. It should be borne in mind that child is the internal hope for future. It does not matter from which background the child comes. A child is a child despite the background for all purposes and no apathy by anyone can even remotely be shown for such an attitude is not countenanced in a society where the rule of law prevails. That apart, it becomes the duty of the member of a civilized society to see

that the children are treated with care and nurtured with real concern. The authorities, who are in the realm of aforesaid, should apprise themselves that the slightest neglect of a child today will cause immensurable catastrophe to the posterity in future and in the ultimate eventuality, there may be a national disaster”.

In order to make compliance of the directions it has been decided that:-

- (1) Addl. CsP/DCsP of all the districts will create Anti-Human Trafficking Cell in their Districts to be headed by one Inspector with sufficient number of upper subordinates and supporting staff. Addl. DCP-II will closely supervise the investigation of cases assisted by ACP/DIU.
- (2) Addl. CsP/DCsP shall ensure that all the investigation of cases relating to Missing Children between the age of 3 to 8 years who are not rescued or found for a period of 6 months, should be transferred to this Cell for the ineffective investigation.
- (3) In case of any organized trafficking came to notice, the investigation of that case shall be transferred to Anti-Kidnapping Section of Crime Branch for further necessary action.

The staff selected for posting in this Cell should be briefed to treat the victims with sympathy and take care about their sentiments and the child victims should also be handled with proper care. The staff who have undergone the training of Juvenile Welfare Officer should be preferred for posting.

The list of cases transferred to this unit along with present status of the case as well as list of staff posted with their bio data should be sent to the Crime Branch. The compliance of the above instructions should reach this headquarters within 7 days.

Standard Operating Procedure (SOP) i.e. the Standing Order No. 252/11 relating to duties of police regarding missing persons and unidentified dead-bodies issued vide PHQ NO. 19104-350/Record Branch/PHQ dated 24.10.2009 is being revised and will be issued separately.

Sd/-

(B K GUTA)

COMMISSIONER OF POLICE: DELHI

No. 2001-2150/Record Branch/PHQ, dated Delhi, the 11.4.2011

The:-

1. All Special Commissioners of Police, Delhi.
2. Managing Director, Delhi Police Housing Corporation, Delhi.
3. All Joint Commissioners of Police, Delhi.
4. All Additional Commissioners of Police, Delhi.
5. Principal/PTC, Jharoda Kalan, Delhi.
6. All Deputy Commissioners of Police of districts/Units, including FRRO, Delhi. New Delhi.
7. SO to Commissioners of Police, LA to Commissioners of Police, and F.A. to c.P., Delhi.
8. All ACsP in PHQ.
9. ACP/IT Centre with the direction to upload the Standing order in Intra DP net.
10. All ACsP Sub Division.
11. P.A. to C.P., Delhi
12. All SHOs/Delhi Police through their respective DCsP.
13. All Inspectors/PHQ, including Reader to CP, Delhi
14. Librarian/PHQ.
15. Record Branch/PHQ with 10 spare copies.

10

CIRCULAR No. 25/2012 FUNCTIONING OF ANTI HUMAN TRAFFICKING UNIT IN DISTRICTS

On 21.03.2012 the Hon'ble Delhi High court in W.P (Crl.) 1326/2011, Surender Mishra Vs. State, had directed to file a supplementary Affidavit indicating

- (A) The No of cases which have been solved or where the children traced have been recovered or rescued or have returned after six months i.e. after the cases have been referred to the Anti Kidnapping Cell.
- (B) The age wise breakup and the number of children as well as the other details of the kind similar to what has been disclosed in the Affidavit filed, shall also be made available to the court.
- (C) The Respondent shall consider after having regard to these details the feasibility of shortening the time period (currently 6 months) for transferring a missing person report to the Anti-Kidnapping Cell, and additional measures to increase the success ration for tracing the children.
- (D) The state shall also assist the court in indicating the proper judicial response for a closer scrutiny and monitoring of the investigation process once the FIR is registered.

In the similar matter in Writ Petition (Crl.) No. 249/2009 “on its own motion Vs. State and Others before Hon'ble High Court of Delhi”, Delhi Police had taken several measures to streamline the procedure being followed to trace the missing children. These measures includes issuing of Standing Order No. 252/2009, Circular of Anti Human Trafficking Unit (AHTU), Standard Operating Procedure (S.O.P) and Circular order for conducting rescue operation.

In order to make compliance of the above mentioned directions of Hon'ble Delhi High Court it is here by directed to follow the following instructions in letter and spirit.

1. A child is a person who is below 18 years of the age. The child will be considered missing, and in need of care and protection, until located and/or his/her safely/well-being is established.
2. Case (FIR) shall be registered at the earliest, if missing children is below the age of 16 yrs in case of boy and 18 years in case of girl, if any suspicion is reported/foul play is suspected conduct a thorough enquiry or Investigation, as the case may be. A lady police officer should preferably be entrusted with the investigation of a case related to minor girl.
3. Addl. CsP/DCsP shall ensure through SHO for uploading of data on ZIPNET and matching of missing persons with UIDB's/persons found effectively and District Missing Persons Unit (DMPU) shall monitor data entry and updation of record.
4. DMPU shall maintain liaison with Child Welfare Committees to reconcile/match information about children rescued/traced.
5. Addl. CsP/DCsP shall ensure that the investigation of all cases relating to Missing Children between the age of 3 to 8 years who are not rescued or found for a period of 4 months should be transferred to Anti Human Trafficking Unit (AHTU) of the District for effective investigation.
6. In case of any organized trafficking came to notice , the investigation of that cases shall be transferred to AHTU Section of Crime Branch for further necessary action.
7. The list of cases transferred to Anti Human Trafficking Unit (AHTU) along with present status of the cases and effort made to trace out the children as well as list of staff posted with their bio data should be sent to the AHTU Section of Crime Branch.
8. Anti Human Trafficking Unit (AHTU) Section of Crime Branch will analyze the pattern of missing, kidnapped or abducted children,

- gather intelligence having ramifications at state level and ascertain any linkage of trafficking & organized crime.
9. SHOs/ACsP shall be responsible to deliver copy of FIR regarding missing child to DLSA either by Spl. Messenger or by post or through E-mail.
 10. All traced children shall be produced before the District Family Counseling Centres/DLSA regularly.
 11. Concerned police shall continue the search till the missing child is located. If a criminal case is registered into the missing of a child, it will be kept open till the investigation into all known aspects of that case is completed and the case will be treated as a Special Report Case.
 12. The staff selected for posting Anti Human Trafficking Unit (AHTU) should be briefed to treat the victims with sympathy and take care about their sentiments and the child victims should also be handled with proper care. The staff who have undergone the training of Juvenile Welfare Officer should be preferred for posting.
 13. Addl. DCP/Crime (incharge AHTU) shall hold monthly meeting with all ACsP/AHTU of districts to collect the information and intelligence about any linkage of trafficking and organized crime.
 14. Jt. CP/Ranges shall hold monthly meeting with respective Anti Human Trafficking Units (AHTUs) to review progress of the case under investigating with AHTU.
 15. Any information, if found otherwise in any Standing Order (S.O), Standard Operating Procedure (S.O.P), Circular etc. the instruction contained in this circular shall be treated as final.

(B.K. GUPTA)
COMMISSIONER OF POLICE
DELHI

No. 2411-2520/Record Br./PHQ dated Delhi the 25/04./2012.

Copy forwarded for information and necessary action to:-

1. SO to C.P. for information.
2. All spl. CsP/Jt CsP & Addl. CsP., Delhi/New Delhi.
3. All Districts/Units Addl. CsP/DCsP including P/PTC & FRRO, Delhi
4. All ACsP/PHQ & LA to C.P./Delhi.
5. HAR/PHQ (with 10 spare copies).

CIRCULAR No. 52/2012
CLARIFICATION REGARDING TRANSFER OF
CASES RELATING TO MISSING CHILDREN
BETWEEN THE AGE OF 3 TO 8 YEARS

Office of the Special Commissioner of Police: Crime: PHQ

In pursuance of the directions from Hon'ble Delhi High Court in WP (Cri.) 1326/2011 Surendra Misra V/s State, the Commissioner of Police vide Circular No. 25/2012 issued vide No. 2411-2520/Record Branch/PHQ, dated 25.4.2012 was placed before the Hon'ble Delhi High court with the assurance for making compliance. The directions of Sl. No. 5 read as under:-

“Addl. CsP/DCsP shall ensure that the investigation of all cases relating to Missing children between the age of 3 to 8 years who are not rescued or found for a period of 4 months should be transferred to Anti-Human Trafficking Unit (AHTU) of the District for effective investigation”.

It is clarified that with the issue of this Circular, the instructions contained at page-10 of the Standard Operating Procedure (SOP) issued vide No. 6438-80/SO/DCP/C&R dated 19.5.2011 regarding transfer of cases of Missing Child which remained 'untraced' to Anti-Human Trafficking Unit (AHU) of the District for further investigation also automatically stand amended to 4 months from 6 months.

(RANJITH NARAYAN)
SPL. COMMISSIONER OF POLICE
CRIME, PHQ

No. 6551-6660/Record Branch/PHQ dated Delhi, the 24.7.2012

Copy forwarded for information and necessary action to:-

1. SO to CP for information.

2. All Spl. CsP/Jt.CsP & Addl. CsP, Delhi/New Delhi.
3. All District/Unit Addl.CsP/DCsP including P/PTC and FRRO, Delhi.
4. All ACsP/PHO & LA to C.P., Delhi.
5. All Inspector & Accountant, PHQ.
6. HAR/PHQ (with 10 spare copies)

CIRCULAR No. 40/2013
ON HON'BLE SUPREME COURT DIRECTIONS
IN WRIT PETITION No. 75/2012

Office of the Commissioner of Police: Delhi

The Hon'ble Supreme court of India vide order dated 10.05.2013 in the writ petition (civil) No. 75 of 2012 in the matter of Bachpan Bachao Andolan V/s Union of India & Others has directed that the following action be taken by Police in matters of missing children:-

1. Whenever any complaint is filed before the police authorities regarding a missing child, the same must be entertained under section 154 Cr. P.C.
2. Each Police Station should have, at least, one Police Officer, especially instructed, trained, and designated as a Juvenile Welfare Officer in terms of section 63 of the Juvenile Act.
3. There should be, in shifts, a Special Juvenile officer on duty in the Police Station to ensure that the directions contained in this order are duly implemented.
4. The para-legal volunteers, who have been recruited by the Legal Services Authorities, should be utilized, so that there is, at least, one para-legal volunteer, in shifts, in the Police Station to keep a watch over the manner in which the complaints regarding missing children and other offences against children are dealt with.
5. A computerized programme, be created to network between the Central child Protection Unit as the Head of the organization and all State Child Protection Units, District Child Protection Units, City Child Protection Units, Block Level child Protection Units, all Special

Juvenile Police Units, all Police Stations all Juvenile Justice Boards and all Child Welfare Committees. The said suggestion should be seriously taken up and explored by the National legal Services Authority with the Ministry of Women and Child Development.

6. The State legal Services Authorities should also work out a network of NGOs, whose services could also be availed of at all levels for the purpose of tracing and re-integrating missing children with their families which, in act, should be the prime object, when a missing child is recovered.
7. Every found/recovered Child must be immediately photographed by the police for purpose of advertisement and to make people aware of the missing child. Photographs of the recovered child should be published on the website, through the newspapers, and even on the T.V. so that the parents of the missing child could locate their missing child and recover him or her from the custody of the Police.
8. Standard Operating Procedure must be developed to handle the cases of missing children and to invoke appropriate provisions of law where trafficking, child labour, abduction, exploitation and similar issues are disclosed during investigation or after the recovery of the child. A Standard Operating Procedure in this regard has already been issued vide PHQ's U.O. No. 6438-80/SO/DCP/C&R dated 19.05.2011 for meticulous compliance by all field staff in letter and spirit.
9. A person below eighteen years of age, whose whereabouts are not known to the parents, legal guardians and any other person who may be legally entrusted with the custody of the child whatever may be the circumstances/causes of disappearance, the child will be considered missing and in need of care and protection within the meaning of the later part of the Juvenile Act, until located and/or his/her safety/well being is established.
10. In case a missing child is not recovered within four months from the date of filing of the First Information Report, the matter may be forwarded to the Anti-Human Trafficking Unit in each State in order to enable the said Unit to take up more intensive investigation regarding the missing child.

- 11 It may also be noted that, in cases where First Information Reports have not been lodged at all and the child is still missing, an FIR should be lodged within a month from the date of communication of this order and further investigation may proceed on that basis.
12. Once a child is recovered, the police authorities shall carry out further investigation to see whether there is an involvement of any trafficking syndicate in the procedure by which the child went missing and if, on investigation, such links are found, the police shall take appropriate action there upon.

In this regard, detailed instructions have already been issued vide S.O. No. Ops-47, S.O. No. 68/12 and Standard Operating Procedure to deal with the missing/found children, which should be meticulously complied with along with above directions of Hon'ble Supreme Court of India.

**(K.K. VYAS) DCP/HQ
FOR COMMISSIONER OF POLICE,
DELHI**

No. 7127-7249/Record Branch/PHQ, dated, Delhi the 15.7.2013.

Copy forwarded for information and necessary action to the:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi.
3. All Additional Commissioners of Police, Delhi.
4. SO to Commissioner of Police, Delhi.
5. All Districts/Units Addl. CsP/DCsP including P/PTC, FRRO & IGIA, Delhi/New Delhi.
6. All ScsP/PHQ, LA to CP, FA to CP, Delhi & PRO.
7. All Insprs./PHQ.
8. SO to DCP/Hdqrs., Delhi.
9. HAR PHQ with 10 spare copies.
10. I/C Court Cell/C&T/PHQ.

CIRCULAR No. 56/2012 GUIDELINES FOR HANDLING OF COMPLAINT CASES OF MISSING CHILDREN

Office of the Joint Commissioner of Police: Crime:PHQ

In view of the Meeting held by the undersigned on 06.08.2012 at 3 pm at Delhi Legal Services Authority, the following guidelines/instructions were decided to be complied with meticulously while handling of complaints regarding missing children:-

1. Police station staff should properly attend to the complaints/complainants of missing children and they should not invariably advise them to first make search at their own as it causes considerable delay in initiating action. The staff should be sensitized to be more polite and initiate action promptly.
2. The staff should be sensitized to take immediate follow-up action after registration of FIRs and IOs should be pro-active in questioning the concerned persons and conducting search effectively.
3. Issues relating to the investigation like how the missing child reached the place of recovery and the circumstances in which the missing child met the family/person from where the missing child was recovered are to be given importance.
4. SHOs should not send the replies directly to DLSA on the references being sent by DLSA to the Nodal Officer i.e. Joint CP/Crime seeking comments/clarifications. Addl. CsP/DCsP concerned should send the replies to the Nodal Officer i.e. Joint CP/Crime through respective Joint CP/Range for onward transmission to the DLSA.

5. There should not be any delay in transferring the cases of missing children between 3 to 8 years to AHTUs of the Districts after 4 months, of the child remains 'untraced'.
6. Whenever a missing child is traced or he/she comes back on his/her own, the Investigating Officer will examine all relevant angles such as involvement or organized gangs, application of provisions of Bonded Labor Act and such other relevant Acts.
7. Whenever, the involvement of any organized gang is found, it shall be the responsibility of the Investigating Officer to refer the matter to the Crime Branch of Delhi Police.
8. Addl. CsP/DCsP of the Districts should ensure that all 'traced' children are produced before the DLSA (on all Tuesdays or Thursdays) of Family counseling Centres.
9. Addl. CsP/DCsP of the Districts should ensure that all information of missing/traced children is timely updated on ZIPNET.
10. Addl. CsP/DCsP of the Districts should review each and every case of missing children in their weekly Crime Review meetings.
11. The guidelines issued vide Standing Order No. Ops.-47 (previous Standing Order No. 262/2010) regarding duties of Police regarding Missing Persons and unidentified dead-bodies issued vide No. 11301-11550/Record Branch/PHQ dated 25.10.2010 and Standard Operating Procedure (SOP) for dealing with cases of Missing/Found children issued vide No. 6438-80/SO/DCP/C&R dated 10.5.2011, Record Branch/PHQ, should be followed meticulously.

(S.B. SINGH)
JOINT COMMISSIONER OF POLICE
CRIME, DELHI

No. 7261-7360/Record Branch/PHQ dated Delhi, the 14.8.2012

CIRCULAR No. 67/2012 FOR INVESTIGATION OF MISSING PERSONS CASES

Office of the Special Commissioner of Police: Crime Delhi

In pursuance of the directions from Hon'ble High court in WP (Crl.) 249/2009 (Court on its own motion Vs State), the Commissioner of Police issued a Standing Order No. Ops.-47 (Previous Standing Order No. 252/2010) vide No. 11301-11550/Record Branch/PHQ dated Delhi the 25.10.2010 and various orders issued by PHQ regarding missing persons.

In accordance with the orders of the Commissioner of Police, Delhi the following instructions are once again reiterated so that proper follow up is made in cases of investigation of missing persons.

1. A missing report should be lodged at once in the Daily Diary clearly mentioning the date and probable time when he/she was noticed missing.
2. Police station staff should promptly attend to the complaints/complainants of missing persons and they should not advise them to first make search at their own as it causes considerable delay in initiating action. The staff should be sensitized to be more polite and initiate action promptly.
3. It is mandatory to register cases in instances of all missing children upto 16 years and upto 18 years in case of girls. A lady officer should preferably be entrusted with the investigation of a case related to a minor girl.

4. The staff should be sensitized to take immediate follow-up action after registration of FIRs and IOs should be pro-active in questioning the concerned persons and conducting search effectively.
5. The details of missing persons such as description, age, height, clothes worn and identification mark etc. along with photograph shall be uploaded on ZIPNET on the very same day.
6. All necessary publicity should be given in news papers/electronic media. Publicity should also be given through local cable TV Network.
7. In appropriate cases, a declaration of reward for furnishing clues about the missing persons should be announced within a month of her/his disappearance.
8. The Investigating Officer of the complaints should periodically keep in touch with the complainant to update him on the efforts made, ascertain further clues, if any, and also to find out if the missing person has since returned on his/her own.
9. SHO and Inspector/Investigation of the police station will ensure that the computerized record of missing persons is maintained up-to-date and available for scrutiny by supervisory officers as and when felt necessary.
10. ACP/AHTU will study the pattern of disappearance of children, particularly girls in the district. If any aspect points towards an organized operation in the disappearance of children, he will immediately alert all officers of the concerned area and launch operations to collect intelligence & apprehend the persons involved.
11. Anti-kidnapping Section of Crime Branch will analyse patterns, gather intelligence which have all-Delhi ramifications, ascertain angles of trafficking and organized crime and maintain liaison with other central agencies dealing with the matter.
12. The guidelines issued vide Standing Order No. Ops. 47 (Previous Standing Order No. 250/2010) regarding duties of police regarding missing person issued vide No. 11301-11550/Record Branch, PHQ,

dated 25.10.2010 and Standard Operating Procedure (SOP) for dealing with cases of Missing/Found Children issued vide No. 6438-80/SO/DCP/C&R dated 19.5.2011, Record Branch/PHQ should be followed meticulously.

(RANJIT NARAYAN)
SPL. COMMISSIONER OF POLICE,
CRIME, PHQ, DELHI

Copy forwarded for information and necessary action to:-

1. SO to Cp for information.
2. All Spl.CsP/Jt. CsP & Addl. CSP, Delhi/New Delhi.
3. All Districts/Unit Addl. CsP/DCsP including P/PTC & FRRO, Delhi.
4. All ACsP/PHQ & LA to CP, Delhi.
5. All Inspector Crime Branch & MPS.
6. HAP/PHQ (with 10 spare copies)

No. 8973-9083/Record Branch/PHQ dated Delhi, the 05.10.2012.

Copy forwarded for information and necessary action to:-

1. All spl. CsP, Delhi.
2. All Jt. ScsP & Addl. CSP, Delhi.
3. All District/Unit Addl. CsP/DCsP including P/PTC, IGIA & FRRO, Delhi.
4. SO to CP, Delhi.
5. All ACsP/PHQ & LA to CP, Delhi
6. All Inspector & Accountant/PHQ.
7. HAR/PHQ (with 10 spare copies).

CIRCULAR No. 11/2013
INVESTIGATION OF MISSING CHILDREN CASES
(WRIT PETITION 249/2009)

1. As per the directions of Hon'ble Delhi High Court issued in WP (Crl.) 249/2009 in the matter of court on its own motion versus State', an FIR is required to be registered mandatorily in all cases of missing children upto the age of 16 years for boys and 18 years for girls. However figures received from the Districts show that all missing reports are not being registered as FIRs. District DCsP/Addl. CsP, should personally intervene and ensure that SHOs comply meticulously with the High Court orders.
2. It is reiterated that the Investigation Officer should follow proper procedure meticulously for each complaint /call of missing children as per the guidelines issued on the subject vide Standing Order No. Ops. 47 (Previous Standing Order No. 252/2010) issued vide No. 11301-11550/Record Branch, PHQ dated 25.10.2010 and Standard Operating Procedure (SOP) issued vide No. 6438-80/SO-DCP, C&R dated 19.05.2011.

(DHARMENDRA KUMAR)
SPL. COMMISSIONER OF POLICE
CRIME, DELHI

No. 1571-1920/Record Branch/PHQ dated Delhi, the 21.3.2013

Copy forwarded to:-

1. All Spl. CsP including MD/DPHC, Delhi.
2. All Joint ScsP, Delhi.
3. All Addl. CsP, including P/PTC, Delhi.

4. All Addl. CsP/DCsP. District/Units, including FRRO, P/PTC, Delhi
5. SO to CP, Delhi, LA to CP, Delhi and FA to CP, Delhi.
6. Addl. CP/IT Centre with the direction to upload the Circular in Intra DP Met.
7. All ACsP Sub Division, Delhi including all ACsP in PHQ, Delhi.
8. All SHOs/Delhi Police through their respective DCsP.
9. All Inspectors/PHQ, including Reader to CP, Delhi.
10. Librarian/PHQ & HAR/PHQ.

16

CIRCULAR No. 19/2013 ON VERIFICATION PROCEDURE OF MISSING CHILDREN

It has been observed that the Standard Operating Procedure for dealing with cases of missing children and the required Verification Procedure is not being followed meticulously. The Police officials do not pay regular visits to the children Homes, Poor Houses, Rein Baseras, Nari Niketan, other Night Shelters, Mortuaries in hospitals, NGOs etc. such that the missing children can be found, linked or connected. The required procedure is followed meticulously only in much talked about or media hyped cases.

It is once again reiterated that all required steps enumerated in the Standing Order No. Ops.-47 are followed meticulously in all missing children. All ACsP/SHOs/IOs under you, need to be directed to follow the Standing Order No. Ops.-47 issued vide No. 11301011550/Record Branch/PHQ, dated 25.12.2010 and Standard Operating Procedure issued vide No. 6438-80/SO/DCP/C&R dated 19.5.2011. In future, IOs will record details of such verification made at such agencies in their case diary/files concerned indicating date, time and names of agencies visited during investigation. Non compliance in this regard will be viewed seriously.

(G.S. AWANA)

**DY. COMMISSIONER OF POLICE:
HEADQUARTERS: DELHI.**

No. 3186-3216/Record Branch/PHQ, dated, Delhi the 18.04.2013.

Copy forwarded for information and necessary action to the:-

1. All Spl. CsP/Delhi.
2. All Joint CsP/Ranges, Delhi/New Delhi.

3. All Addl. CsP/DCsP Distt., including C&R and SPUW&C, Nanak Pura, to issue direction to all ACSP/SHOs and IOs to reiterate with the instruction contain in Standing Order No. Ops.-47 and Standard Operating Procedure circulated No. 6438-80/SO/DCP/C&R dated 19.5.2011 for strict compliance.

CIRCULAR No. 46/2013 ON KIDNAPPING CASES

Record Branch, PHQ

Circular No. 16/2013 issued vide No. 2589-2944/Record Br/PHQ, dated 09.04.2013, regarding disposal of kidnapping cases is hereby withdrawn. It is clarified that the criminal cases registered into the missing of a child will be kept open till the investigation into all known aspects of that case are completed as prescribed in S.O. No. Ops.-47 (previous Standing Order No. 252/2010).

(DHARMENDRA KUMAR)
SPECIAL COMMISSIONER OF POLICE
CRIME: DELHI

No. 8051-8175/Record Branch/PHQ, dated Delhi the 2/8/2013

Copy forwarded for information and necessary action to:-

1. All Spl.CsP/Jt. CsP & Addl. CsP, Delhi/New Delhi.
2. All Districts/Unit Addl. CsP/DCsp including P/PTC & FRRO, Delhi.
3. SO to CP for information.
4. PRO, PHQ.
5. All ACsP/Insprs. In districts, Crime, Railways, IGI, Spl. Cell & SPU (W&C).
6. All ACsP/PHQ & LA to CP, Delhi.
7. All Inspectors, PHQ.
8. HAR/PHQ (with 10 spare copies)

CIRCULAR No. 12/2014 OPERATION “SNEH”

**Office of the Commissioner of Police: Delhi, Record Branch,
PHQ, Dated 11/04/2014**

Subject: Tackling the problem of missing children: Project ‘SNEH’

The rise in the number of missing children over the years is a case of concern as about 20 to 25% children do remain untraced. Understandably, the children who remain ‘untraced’ may be victims of human trafficking or may be taking o crime in one from or the other. In order to tackle the problem of missing children, a Project has been conceived under the name ‘SNEH’ Under this scheme, Juvenile Welfare Officers (JWOs) of the police station will work in close co-ordination with NGOs working for welfare of children in the designated district and shall undertake awareness campaign/programme to control the menace.

To start with, 20 most vulnerable police stations which are affected by the problem of missing children have been selected and are given at Annexure ‘A’. The details of NGOs district-wise are given at Annexure ‘B’. It has been decided that two dedicated Juvenile Welfare Officers shall be posted in each of these 20 police stations who will work with NGOs along with other staff in the affected area of police station. The dedicated Juvenile Welfare Officers so appointed in the 20 identified Police Stations (Annexure ‘A’) shall not be entrusted any other routine work of the police station and shall exclusively work on issues of missing children and Juvenile only.

The whole scheme in these districts shall be co-ordinated by ACP in-charge of Special Juvenile Police Unit (SJPU) in the district. DCP/SPUWAC will monitor the activities of the programme for whole of Delhi through ACsP in-charge of Special Juvenile Police Unit (SJPU). The scheme would be extended to oth-

er police stations whenever there is possibility to post JWOs in each police station as per the directions of Juvenile Justice committee of Hon'ble High court of Delhi.

**(S.K. GAUTAM) JT. CP/GA
FOR COMMISSIONER OF POLICE
DELHI**

Encls: As above.

No. 2246-2396/2014, Record Branch, PHQ, Dated 11/04/2014.

Copy forwarded for information and necessary action to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi.
3. All Addl. Commissioners of Police, Delhi

Annexure 'A'**Top 20 Police Stations for Missing Children 2013**

S.No.	Name of Police Station	Number of Children
1.	Rannolla	199
2.	Shahan Puri	156
3.	Karwal Nagar	153
4.	Nadica	148
5.	Gokal Puri	147
6.	Aman Vihar	139
7.	Munanli	122
8.	Shehad Deri	116
9.	Uttan Nagar	116
10.	Jahangul Puri	114
11.	Vijaya Vihar	106
12.	Govind Puri	105
13.	Khajoon Kans	104
14.	Dabi	97
15.	New Ashok Nagar	94
16.	Janpur	94
17.	Bhalaswa Nagar	91
18.	Samajpur Badli	90
19.	Nebsarai	88
20.	Khayala	84

Annexure 'B'

District-wise list of NGOs working on Missing Children:

S.No.	Name of NGOs	District
1.	HAQ	North-West Outer South-West
2.	Shakti-Vahini	New Delhi East
3.	Railway Children + Sathi	Crime & Rlys. North-East East New Delhi
4.	Butterflies	South
5.	Salam Balak Trust	North Central
6.	Chetha	West South-East
7.	Umang	West

PART II

COURT ORDERS (EXCERPTS)

Hon'ble Supreme Court
Hon'ble Delhi High Court

**HON'BLE SUPREME COURT
ORDER DATED MAY 10, 2013 AND
JANUARY 30, 2015
WRIT PETITION (CIVIL) 75/2012**

BACHPAN BACHAO ANDOLAN VS UOI & ORS

BACHPAN BACHAO ANDOLAN

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

HON'BLE MR. JUSTICE S.A. BOBDE

The other suggestion of NALSA is that a Standard Operating Procedure must be developed to handle the cases of missing children and to invoke appropriate provisions of law where trafficking, child labour, abduction, exploitation and similar issues are disclosed during investigation or after the recovery of the child, when the information suggests the commission of such offences. As part of the Standard Operating Procedure, a protocol should be established by the local police with High Courts and also with the State legal Services Authorities for monitoring the case of a missing child. In Delhi, such a protocol could be established with the help of the All India legal Aid Cell on Child Rights, set up by NALSA, in association with the Delhi State Legal Services Authority, and the petitioner herein, Bachpan Bacaho Andolan. In fact, the same could be treated as a nodal agency of the all India Legal Aid Cell on Child Rights.

We have given directions in regard to the utilization of the para legal volunteers, which is one of the suggestions made on behalf of the NALSA.

As has been pointed out by Mr. Phoolka, learned counsel appearing on behalf of the petitioner, an Office Memorandum was issued on 31st January, 2012, by the Ministry of Home Affairs, Government of India, by way of an advisory on missing children and the measures needed to prevent trafficking and for tracing of such children. In the said Office Memorandum, a missing child has been define as a person below eighteen years of age, whose whereabouts are not known to the parents, legal guardians and any other person, who may be legally entrusted with the custody of the child, whatever may be the circumstances/causes of disappearance. The child will be considered missing and in need of care and protection within the meaning of the later part of the Juvenile Act, until located and/or his/her safety/well being is established. In case a missing child is not recovered within four months from the date of filing of the First Information Report, the matter may be forwarded to the Anti-Human Trafficking Unit in each State in order to enable the said Unit to take up more intensive investigation regarding the missing child. The Anti-Human Trafficking Unit shall file periodical status reports after every three months to keep the Legal Services Authorities updated. It may also be noted that, in cases where First Information Reports have not been lodged at all and the child is still missing, an F.I.R. should be lodged within a month from the date of communication of this order and further investigation may proceed on that basis. Once a child is recovered, the police authorities shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing and if, on investigation, such links are found, the police shall take appropriate action thereupon.

The state authorities shall arrange for adequate Shelter Homes to be provided for missing children, who are recovered and do not have any place to go to. Such Shelter Homes or After-care Homes will have to be set up by the State Government concerned and funds to run the same will also have to be provided by the State Government together with proper infrastructure. Such Home should be put in place within three months, at the latest. Any private Home, being run for the purpose of sheltering children, shall not be entitled to receive a child, unless forwarded by the Child Welfare Committee and unless they comply with all the provisions of the Juvenile Justice Act, including registration.

Having regard to the order passed herein, the contempt proceedings, which have been initiated by the petitioner, are dropped.

In the event, all the States have not yet filed their status reports, the time for filing the same is extended till the next date.

We appreciate the efforts of the petitioner-organisation, Mr. H.S. Phoolka, learned counsel appearing on behalf of the petitioner, all the other counsel, who have appeared in this matter on behalf of the different Authorities, including NALSA and the National Human Rights Commission, and we hope that such interest will continue to subsist hereafter.

Let this matter be listed again after three months.

.....CJI.

(ALTAMAS KABIR)

..... J.

(VIKRAMAJIT SEN)

..... J.

(S.A. BOBDE)

CORAM:

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE UDAY UMESH LALIT

Order 13.01.2015

Having heard learned counsel appearing for the parties and taking into consideration the seriousness of the issue involved in this matter, we deem it appropriate to pass the following directions:

1. The Secretary, Ministry of Women and Child Development, Government of India, will be the nodal officer to co-ordinate the efforts for preventing children going missing, tracing out the missing children, and for the resettlement and rehabilitation of children in child care institutions.
2. The Secretary, Ministry of Women and Child Development, Government of India, will co-ordinate with his/her counterparts in all the States and

the Union Territories in respect of directions issued by this Court and obtain necessary information from them as required by this Court from time to time instead of having separate affidavits filed by the States and the Union Territories in this Court thereby burdening the record of this Court.

3. In so far as the website viz., [www.trackthemissing child.gov.in](http://www.trackthemissingchild.gov.in) is concerned, it is stated that website is in operation since the year 2012. We request the Director, Faculty of Management Studies, University of Delhi, Delhi, to appoint some competent members of the said Faculty and if necessary to take outside assistance to study the aforesaid website and to suggest improvements, if any, at the earliest.
4. It appears that many States have prepared their own Standard Operating Procedure (SOP) to trace out missing children. Some of these SOPs are in line with the SOP framed by the NALSA. The Secretary, Ministry of Women and Child Development, Government of India, will make a compilation of all these SOPs and hand them over within a week from today to the Director, Tata Institute of Social Sciences (TISS), Mumbai. We request the Director of TISS to set up a group to study all these SOPs and to come out with a model Sop which would then be distributed to all the States and the Union Territories for implementation.
5. The Secretary, Ministry of Women and Child Development, Government of India, will inform this Court on the next date of hearing whether the Advisory Committee mandate under the Juvenile Justice (Care and Protection of Children) Act 2000, has been set up in all the States and the Union Territories and if so, the details of meeting held by them.
6. He will also take urgent steps to fill up all the vacancies in the National Commission for Protection of Child Rights (NCPCR) including the vacancies of the Chairperson and the Members of the Commission.
7. The Secretary, Ministry of Women and Child Development, Government of India, will also issue directions immediately to his /her counterparts in all the State Governments and the Union Territories to vigorously renew efforts to trace out the missing children.

The affidavits filed by some of the State Governments/ Union Territories indicate that the efforts of the State Governments/ union Territories have been

quite fruitful over the last couple of months but that should not result in the State Governments/ Union Territories becoming slack in this regard. The renewed efforts and implementation of Operations Smile should be made for a full one month at least so that maximum number of missing children are traced out.

The Secretary, Ministry of Women and Child Development, Government of India, will file an affidavit indicating the result of the efforts made by the state Government/ U.T. in this regard on or before 13.02.2015. The said affidavit will also indicate whether the Advisory Committees have been set up all the State Governments and the Union Territories as well as the efforts made by Union of India to fill up the vacancies in the NCPCR. The time for filling the affidavit will not be extended.

We request the Director, Faculty of Management Studies, University of Delhi, Delhi, to try and complete the study of the website viz., www.trackthemissingchild.gov.in before the next date of hearing and submit a report to this Court on or before 13.02.2015. Similarly, we request the Director of TISS to inform us about the progress made in formulation of a Standard Operating Procedure to trace out and handle the cases of missing children on or before 13.02.2015.

We also find from the affidavit filed by the various States / Union Territories that a large number of police officers are involved in the process of tracing out missing children and many of those police officers have been appointed as Child Welfare officers/ Juvenile Welfare Officers. We find that there is nothing to indicate whether these police officers have been given training of any kind either in terms of awareness, sensitization of child rights or for tracing out the missing children.

Under the circumstances, we request the Director, National Police Academy, Hyderabad to consult with the police authorities across the country and to come out with a standard curriculum and a training module (s) for imparting training to the police officers and sensitizing them about the issue and to trace out the missing children as well as to prevent human trafficking, child labour and other vices that go along with the exploitation of missing children. We request the Director to try and complete the exercise on these issues and send a report to this Court on or before 13.02.2015.

The Director of the Faculty of Management Studies, the Director of the Tata Institute of Social Sciences and the Director of the National Police Academy will, no doubt, appreciate that the request is being made on behalf of a large number of voiceless missing children.

The Secretary, Ministry of Women and Child Development, government of India, will communicate this order immediately to (1) the Director, Faculty of Management Studies, University of Delhi, (2) the Director, Tata Institute of Social Sciences (TISS), Mumbai, (3) the Director, National Police Academy, Hyderabad, and (4) his/her counterparts in all the State Governments and the union Territories, for necessary compliance.

In compliance of this Court's order, the Chief Secretary and the Director General of Police for the State of Orissa are present in Court in person. Until further orders, their personal presence is dispensed with.

Liberty to the States of Tripura and Chhattisgarh to file the additional affidavits.

List the matter on 20.02.2015.

**HON'BLE SUPREME COURT
ORDER DATED NOVEMBER 14, 2002
WRIT PETITION (CRIMINAL) 610/1996
HORI LAL VS COMMISSIONER OF POLICE & ORS**

Horilal	Appellants
Versus	
Commissioner of Police, Delhi & Ors	Respondents
Date: 14/11/2002	

This Petition was called on For Hearing Today

CORAM:

HON'BLE JUSTICE M B SHAH
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE D.M. DHARAMADHIKARI

For Appellant (s)

Mr. M.C. Bhandare Sr. Adv.

Suchirita, Adv.

For Respondent

Mr. Manu Krishnan, Adv.

Mr. E.C. Agarwala, Adv.

Mr. D.S. Mahra, Adv.

Mr. N.D. Pandeya, Adv.

Ms. Manjula Gupta, Adv.

Upon Hearing Counsel the court made the following

ORDER

Heard the learned Counsel for the Parties

Learned counsel for the Parties submitted that today we are celebrating Children Day with all fanfare, yet the provisions of the Juvenile Justice (Care and Protection of children) Act, 2000. He submitted that despite the aforesaid Act at present in this country we are not having sufficient number of Children's homes, Shelter homes special homes and observation homes as defined in section 2(eo), 2(u), 2(v), and 2(o) respectively of this Act. He submitted that appropriate steps are not taken for searching the missing minor girls.

Petitioner has approached this court under Article 32 of the Constitution wherein it is submitted that the respondents be directed to search and produce before the court his daughter who is missing for over a year and a half despite lodging of FIR at Shakarpur Police Station, Delhi-92. He points out various orders passed by this court from 6th January 1997, directing the Investigating Officers to take appropriate search for finding out missing minor girl. As the girls was not traced out this Court on 24th October 1997, directed the Commissioner of Police, Delhi, to depute the Senior Deputy Commissioner of Police to personally investigate into the case, which was registered on 11.07.1995 with the Shakarpur Police Station and take all possible steps to find out the missing daughter of the Petitioner.

THEREAFTER, on 29th January 1998, as it was suspected by the Petitioner that his daughter was kept by one or two persons, this court issued further notice to those newly added respondents to remain present in the court. Repeatedly directions were given to make further investigations.

On 17th July 1998 notice was given to the learned Attorney General and the Matter was adjourned on 25th September 1998 after Hearing the Learned Attorney General Soli J Sorabjee this court granted four weeks time to furnish the guidelines so that investigating officer can be given appropriate guidelines for searching such missing children all over the country. On 19th February, 1999 tentative Guidelines were furnished by the Petitioner which were annexed to the further submissions filed on his behalf and at the request of the learned Attorney General the matter was adjourned for six months. On 13th August 1999, it was stated before the court that the Draft Guidelines were prepared and they were under consideration of the

concerned ministry. On 9th February, 2001 this Court again adjourned the matter with a specific direction that if the proposed guidelines were not furnished to the learned Counsel for the Petitioner, the court would proceed to Hear the matter regardless of the Guidelines. As nothing was finalized, on 3rd August 2001, this court issued rule.

Today the learned counsel for the Petitioner submitted that for one or the other reason the concerned department is not issuing necessary guidelines for protecting or searching minor children who are kidnapped or missing. He further submitted that in any set of circumstances not only the Juvenile Justice Act should be implemented but also sections 97 & 98 of the Criminal Procedure Code should also be implemented in true spirit.

Sections 97 and 98 of Cr. P.C. reads thus:

“97. Search for persons wrongfully confined.- If any District magistrate, sub-divisional Magistrate or Magistrate of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.”

“98. Power to compel restoration of abducted females. – Upon complaint made on oath of the abduction or unlawful detention of a woman, or a female child under the age of eighteen years, for any unlawful purpose, a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, present, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.”

A reading of Section 97 makes it clear that the provisions section is one of emergency. It authorizes the Magistrate to issue such search warrant if he has reason to believe that any person has been confined. The Police Officer to whom the search warrant is addressed is to execute it according to its tenor.

Further Sections 98 confers on the magistrate specified therein powers to pass orders directing the restoration of a female Child under the age of 18

years to her parents, guardian or other person having the lawful charge of such Child. This section aims at summary disposal of an application because a protracted enquiry in the matter would defeat the very object for which this section is capable of execution and once an order has been passed it is open to the Magistrate to use all lawful means for restoration of female Child.

Further Sections 7, 8 and 9 of the Juvenile Justice Act provides for the establishment and maintenance of Observation Homes and special homes. Section 34 provides for establishment and maintenance of Children's Homes and Section-37 provides for the establishment and maintenance of Shelter homes for Juvenile / childrens.

For the time being as suggested by Learned Authority General and learned counsel for the parties for having effective search of the Kidnapped minor girls, following steps shall be taken by the Investigation Officer in all the States:

- (1) Publish photographs of the missing persons in the Newspaper, telecast them on Television promptly, and in case not later than one week of the Receipt of the complaint. Photographs of a missing person shall be given wide publicity at all the prominent outlets of the city/town/village concerned that is at the Railway Stations, Inter state bus Stands, airport, regional passport office and through law enforcement personnel at Border check points. This should be done promptly and in any case not later than one week of the receipt of the complaint. But in case of a minor/major girl such photograph shall not be published without the written consent of the parents/ guardians.
- (2) Make inquiries in the neighborhood, the place of work/study of the missing girl from friends colleagues, acquaintance, relative etc. immediately. Equally all the clues from the papers and belonging of the missing person should be promptly investigated.
- (3) To contact the Principal, Class teacher and Students at the missing persons most recent school/educational institution. If the missing girl or woman is employed somewhere, then to contract the most recent employer and her colleagues at the place of employment.
- (4) Conduct an inquiry into the whereabouts from the extended family of relatives, neighbours, school teachers including school friends of the missing girl or woman.

- (5) Make necessary inquiries whether there have been past incidents or reports of violence in the family.

There after the investigation officer/agency shall:

- (a) Diligently follow up to ensure that the records requested from the parents are obtained and examine them for clues.
- (b) Hospitals and Mortuaries to be searched immediately after receiving the complaint.
- (c) The reward for furnishing clues about missing person should be announced within a month of her disappearance.
- (d) Equally Hue and Cry notice shall be given within a month.
- (e) The investigation should be made through women police officers as far as possible.
- (f) The concerned police commissioner or the DIG/IG of the State Police would find out the feasibility of establishing a multitask force for locating girl children women.
- (g) Further, in the Metropolitan cities such as Delhi, Mumbai, Kolkata and Chennai the Investigating Officer should immediately verify the red light areas and try to find out the minor girls. If any minor girl (may or may not be recently brought there) is found her permission be taken and she may be taken to the children's home (Sec 34 of the Juvenile Justice (Care and Protection of the Children) Act 2000, and the I.O. to take appropriate steps that all medical / other facilities are provided to her.

The Registry is directed to communicate this order to the Chief Secretaries of all the State Governments and the Union Territories for taking effective steps for implementation. Adjourned for six months.

**HON'BLE SUPREME COURT
ORDER DATED OCTOBER 12, 2011
WRIT PETITION (CIVIL) No. 473/2005**

Sampurna Behura Vs Union of India & Ors

In this Writ Petition under Article 32 of the Constitution, the Court has been monitoring the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'the Act').

The Court has already passed several orders for constitution of Juvenile Justice Boards under Section 4 of the Act and Child Welfare Committees under Section 29 of the Act in different States and Union Territories and most of the States and Union Territories have taken steps to constitute the Juvenile Justice Boards and the Child Welfare Committees. As there were complaints that in many districts Child Welfare Committees were not operational or functional and even Juvenile Justice Boards had not been constituted in the manner provided in the Act, in our order dated 19.08.2011 we have requested the State Legal Services Authorities to coordinate with the respective Child Welfare Department of the States to ensure that the Juvenile Justice Boards and Child Welfare Committees are established and are functional with the required facilities.

2. We think that we must now monitor the implementation of the provisions of the Act relating to Special Juvenile Police Unit. Section 63 of the Act is quoted herein below:

“63. Special juvenile police unit.

(1) In order to enable the police officers who frequently or exclusively deal with the juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juveniles or children under this Act to perform their functions more effectively, they shall be specially instructed and trained.

- (2) In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.
- (3) Special juvenile police unit, of which all police officers designated as above, to handle juveniles or children will be members, may be created in every district and city to co-ordinate and to upgrade the police treatment of the juveniles and the children."
3. The Home Departments and the Director Generals of Police of the States/Union Territories will ensure that at least one police officer in every police station with aptitude is given appropriate training and orientation and designated as Juvenile or Child Welfare Officer, who will handle the juvenile or child in coordination with the police as provided under sub-section (2) of Section 63 of the Act. The required training will be provided by the District Legal Services Authorities under the guidance of the State Legal Services Authorities and Secretary, National Legal Services Authority will issue appropriate guidelines to the State Legal Services Authorities for training and orientation of police officers, who are designated as the Juvenile or Child Welfare Officers. The training and orientation may be done in phases over a period of six months to one year in every State and Union Territory.
 4. The Home Departments and the Director Generals of Police of the States/Union Territories will also ensure that Special Juvenile Police Unit comprising of all police officers designated as Juvenile or Child Welfare Officer be created in every district and city to coordinate and to upgrade the police treatment to juveniles and the children as provided in sub-section (3) of Section 63 of the Act.
 5. The matter be listed in the first week of January, 2012 when the State Governments and the Union Territories will file an affidavit stating steps taken by them pursuant to this order.

..... J.
(R.V. Raveendran)

..... J.
A.K. Patnaik)

**HON'BLE DELHI HIGH COURT
ORDER DATED MARCH 16, 2011 AND MAY 25, 2011
WRIT PETITION (CRIMINAL) 249/2009
COURT ON ITS OWN MOTION Vs STATE**

COURT ON ITS OWN MOTION

..... Petitioner

Through

Mr. H. S. Phoolka, Sr. Advocate as
Amicus Curiae with Mr. Kanwar
Faisal and Mr. Anand, Kumar,
Advocate.

versus

STATE

..... Respondent

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJIV KHANNA

O R D E R 16.03.2011

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This Court on 19th January, 2011 had taken note of the report submitted by Ms. Asha Menon, learned Member Secretary, Delhi Legal Service Authority wherefrom it was evincible that 573 children had remained untraced. The said figure was disputed by Mr. H.S. Phoolka, learned amicus curiae. Today Mr. Phoolka has produced a chart about the missing children in various age groups. The said chart reads as follows:-

“The update of statistics of children reported missing in the years 2006, 2007, 2008, 2009 and 2010, the progress made in the tracing of children during this period as on 1st March 2011 is as under:-

Years	0 to 8 Years						
	Missing		Traced		Yet to be traced		
	M	F	M	F	M	F	% age
2006	668	473	651	463	17	10	2%
2007	855	580	833	563	22	17	3%
2008	670	473	635	452	35	21	5%
2009	705	494	640	473	65	21	7%
2010	588	373	511	326	77	47	13%

8 to 12 Years

Years	Missing		Traced		Yet to be traced		
	M	F	M	F	M	F	% age
2006	827	292	805	282	22	10	3%
2007	1016	370	986	350	30	20	4%
2008	774	286	735	266	39	20	6%
2009	693	196	622	177	71	19	10%
2010	620	183	446	151	174	32	26%

12 to 18 Years

Years	Missing		Traced		Yet to be traced		
	M	F	M	F	M	F	% age
2006	1896	1667	1800	1589	96	78	5%
2007	2085	1964	1995	1844	90	120	5%
2008	926	2139	180	1943	125	196	8%
2009	1875	1983	1705	1742	170	241	11%
2010	1426	1901	1074	1383	352	518	26%

- 2 As directed on the earlier occasion, the Member Secretary and the Officer on Special Duty or any other officer/lawyer nominated by the

Member Secretary were required to examine the children who have been traced. Today a status report has been filed by the Member Secretary. On 2. As directed on the earlier occasion, the Member Secretary and the Officer on Special Duty or any other officer/lawyer nominated by the Member Secretary were required to examine the children who have been traced. Today a status report has been filed by the Member Secretary. On a perusal of the report, it is evident that the officers of Delhi Legal Service Authority have examined 19 children who were produced by their relatives. The report states that the children who were produced were those who had run away from home on account of scolding by parents or fear on account of taking money or missing school or had left home for a party or to view a movie with friends without informing the parents. Two of them had eloped. A couple of children were immature and had followed a group of people for mela or wedding procession. One of the children disclosed that he had been accosted by the Chowkidar of a local school in the area of Gurudwara Bangal Sahib, under suspicious circumstances but no action was taken by the local school against the Chowkidar.

3. It is revealed from the report that though cases of running away or missing from home apparently seem innocuous, yet on interaction with the children it became vivid that the children and the parents require serious counseling post recovery. There were two cases in which the girls were withdrawn from schools which has been a traumatic experience for the young girls. In another case, the boy who had ran away, was sent to work as a sales boy at a saree store by his father after his name was struck off from the school records. The trauma experience by the mothers has been put forth in the report and the suggestion given is that serious professional counseling is needed. It is also stated that the children who had ran away from the homes after quarrelling with their parents or siblings required to be handled with care. 4. On a perusal of the report, it is further evident that the police is ill equipped to handle such post recovery counseling and, therefore, services of the special wing namely "Special Unit for Women and Children" should be availed. It is relevant to state here and as is demonstrable from the report that Bachpan Bachao Andolan, a non-governmental organization had brought parents of

few missing children to the office of the Delhi Legal Service Authority and during interaction with the parents, all of them complained that the police was not treating them with courtesy and sensitivity and children of the said parents were missing for more than six months and in some cases it was found that the children were missing for more than two years. Though FIRs have been lodged yet the same are not pursued with adequate sensitivity and information was only sought from parents who could not have really assist the investigation because of their poverty. The number of missing children as per report is as follows:-

Total FIRs receive from 10.01.311 to 14.03.11	178
Number of traced	46
Number of untraced	125
Under Process	07
Total reports receive (from Sep. 09 to 14.03.2011	2081
Total traced till date (from Sep. 09 to 14.03.2011)	1601
Total untraced 2009	121
Total untraced 210-11	561
Total untraced as on 14.3.2011	682

5. As advised at present and keeping in view the tabular chart filed by Mr. Phoolka, learned amicus curiae and the chart which has been brought on record by the Member Secretary, we proceed to issue following directions:-
 - a. The children as directed on earlier occasion shall be produced on regular basis before the Member Secretary or the Officer on Special Duty or any other officer nominated by the Member Secretary including the impaneled lawyer.
 - b. The Member Secretary or the Officer on Special Duty or the nominated officer shall over-see the examination of young children and try to find out the cause for missing.
 - c. The Secretary, Social Welfare Department in consultation with the Member Secretary DLSA and the Joint Commissioner of Police, the Nodal Officer for this purpose, shall constitute a

Committee of counselors who shall counsel the parents so that they shall not aggravate the trauma suffered by the children after their recovery.

- d. The Commissioner of Police shall issue instructions forthwith to the Investigating Officers, who shall keep the track of the parents so that at the relevant time they can be produced before the NALSA or any other authority, which shall be giving the direction on future occasion so that the real reason for “missing” children can be known and the problem can be adequately addressed.
- e. The Commissioner of Police shall select a team of the officers who can sensitize the ground level police officers to deal with this kind of cases so that they would show their requisite sensitivity to the problem in issue and not show any indifferent or unconcerned attitude either to the parents or to the children.
- f. The Secretary Education, GNCTD shall issue a circular to all the schools situated within the territory of Delhi that children facing this kind of problem, as it is not in their hands, are treated with utmost sensibility so that they do not abandon education. The circular must clearly stipulate that striking of names from the school is not a solution and efforts are to be made by the school authorities to call the parents to apprise the need for education in the 21st century and the parental duty and the facilities provided by the government for such imparting of education.
- g. No school without appropriate, adequate and substantial reason would strike the name of a student knowing fully well that the student is missing without prior approval of the Secretary, Department of Education, GNCTD because we have directed that a circular has to be issued protecting the interest of the children and also for parental guidance.
- h. The Nodal Officer shall see to it that the children belonging to various age groups and with different backgrounds shall be produced before the authorities of DLSA so that a comprehensive view can be projected before this Court. We are disposed

to issue this direction as Mr. Phoolka, learned amicus curiae has submitted that there are gangs operating not only involved in trafficking of children but also in engaging the children as labourers without any payment and not allowing them any kind of freedom and the police is not carrying out proper investigation. The Commissioner of Police shall constitute a task force for proper investigation whether the gangs, as alleged by Mr. Phoolka, are operating in the field. In the said task force, certain responsible officers shall be included as some kind of skepticism is expressed by Mr. Phoolka with regard to the indifference shown at the police station level.

- i. The Deputy Commissioner of Police shall over-see all investigations relating to missing children as it is stated before us that the children between the age of 3 to 8 are abducted and the sole purpose is trafficking.
 - j. As far as the tabular chart given by Mr. Phoolka is concerned, the Commissioner of Police shall scrutinize the same and make an endeavour to engage more officers/officials so that the children are rescued. If a child, who is missing, is not rescued or found for a period of six months case should be handed over to the Anti Kidnapping Cell for effective investigation.
 - k. The Commissioner of Police shall evolve a standard operating procedure especially meant for missing children when a report is received in the police station or in the Police Control Room about the missing children. The said policy shall be produced before this Court on the next date of hearing.
6. We have issued the aforesaid directions regard being had to the issue which really touches the basic fulcrum of a civilized society. It should be borne in mind that child is the internal hope for future. It does not matter from which background the child comes. A child is a child despite the background for all purposes and no apathy by anyone can even remotely be shown for such an attitude is not countenanced in a society where the rule of law prevails. That apart, it becomes the duty of the member of a civilized society to see that the children are treated with care and nurtured with real concern. The authorities,

who are in the realm of aforesaid, should apprise themselves that the slightest neglect of a child today will cause immensurable catastrophe to the posterity in future and in the ultimate eventuality, there may be a national disaster.

Let the matter be listed on 25th May, 2011.

Dasti under signature of the Court Master.

CHIEF JUSTICE

MARCH 16, 2011 NA

SANJIV KHANNA, J.

Order 25.05.2011

Heard Mr. Phoolka, learned amicus curiae and Mr. Pawan Sharma, learned counsel for the State. We also have the assistance of Mrs. Asha Menon, Member Secretary, Delhi Legal Services Authority and Mr. Harish Dudani, Officer-on-Special Duty, Delhi Legal Services Authority. It is submitted by Mr. Phoolka that an affidavit has been filed by the State Government. The affidavit contains standard operating procedure framed by the Commissioner of Police. That apart, a circular has been also issued by the Department of Education. Learned senior counsel would further submit that if they are properly implemented, the problem to a large extent will be solved and streamline the whole procedure. In view of the aforesaid statement, we direct the authorities who have framed the procedure and have issued the circular to see that they are implemented and there is no deviation therefrom.

The directions given to the Member Secretary and the Officer-on-Special Duty vide interim orders shall continue and will be complied with. The Commissioner of Police and other departments are directed to work in coordination with the Member Secretary and the Officer-on-Special Duty. If at any time there will be any kind of deviation, liberty is granted to Mr. Phoolka to file a fresh representation to which he concedes.

With the aforesaid observations, the writ petition stands disposed of.

We must record our appreciation for Mr. H. S. Phoolka without any reservation and inhibition. We also record our appreciation for the excellent job done by the Member Secretary and the OSD, DLSA.

**Chief Justice
Sanjiv Khanna, J**

PART III

**MINISTRY OF
HOME AFFAIRS ADVISORY**

23

**F. No.24013/62/2012-SC/ST –W 176
MHA ADVISORY DATED 25.06.2013,
ON SUPREME COURT DIRECTION TO FILE FIR
IN CASE OF MISSING CHILDREN**

**5th Floor, NDCC-II Building
Jai Singh road, New Delhi
Dated the 25th June, 2013**

To

The Additional Chief Secretary/ Principal Secretary (Home)

**Sub : Advisory on Hon'ble Supreme Court's direction to file FIR in
case of Missing Children**

Sir/Ma'am,

Hon'ble Supreme Court while hearing a Writ Petition (Civil) no. 75 of 2012, on 10.05.2013, Bachpan Bachao Andolan vs Union of India has directed the following :

- (i) In case of complaint with regard to any missing children; made in a police station, the same should be reduced into a First Information Report and appropriate steps should be taken to see that follow up investigation is taken up immediately thereafter.
- (ii) In case of every missing child reported; there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved otherwise.
- (iii) Whenever any complaint is filed before the police authorities regarding a missing child, the same must be entertained under Section 154 Cr.P.C. However, even in respect of complaints made otherwise with

regard to a child, which may come within the scope of Section 155 Cr.P.C., upon making an entry in the Book to be maintained for the purposes of Section 155 Cr.P.C., and after referring the information to the Magistrate concerned, continue with the inquiry into the complaint.

- (iv) The Magistrate, upon receipt of the information recorded under Section 155 Cr.P.C., shall proceed, in the meantime, to take appropriate action under sub-section (2), especially, if the complaint relates to a child and, in particular, a girl child.
- (v) Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer in terms of Section 63 of the Juvenile Act. Special Juvenile Officer on duty in the police station should be present in shifts.
- (vi) Para-legal volunteers, who have been recruited by the Legal Services Authorities, should be utilized, so that there is, at least, one para-legal volunteer, in shifts, in the police station to keep a watch over the manner in which the complaints regarding missing children and other offences against children are dealt with.
- (vii) The State Legal Services Authorities should also work out a network of NGOs, whose services could also be availed of at all levels for the purpose of tracing and reintegrating missing children with their families which, in fact, should be the prime object, when a missing child is recovered
- (viii) Every found/recovered child must be immediately photographed by the police for purposes of advertisement and to make his relatives / guardians aware of the child having been recovered / found
- (ix) Photographs of the recovered child should be published on the website and through the newspapers and even on the T.V. so that the parents of the missing child could locate their missing child and recover him or her from the custody of the police.
- (x) Standard Operating Procedure must be laid down to handle the cases of missing children and to invoke appropriate provisions of law where trafficking, child labour, abduction, exploitation and similar issues are disclosed during investigation or after the recovery

of the child, when the information suggests the commission of such offences.

- (xi) A protocol should be established by the local police with the High Courts and also with the State Legal Services Authorities for monitoring the case of a missing child.
- (xii) Definition of Missing Children: Missing child has been defined as a person below eighteen years of age, whose whereabouts are not known to the parents, legal guardians and any other person who may be legally entrusted with the custody of the child, whatever may be the circumstances/causes of disappearance. The child will be considered missing and in need of care and protection within the meaning of the later part of the Juvenile Act, until located and/or his/her safety/well being is established.
- (xiii) In case a missing child is not recovered within four months from the date of filing of the First Information Report, the matter may be forwarded to the Anti-Human Trafficking Unit in each State in order to enable the said Unit to take up more intensive investigation regarding the missing child.
- (xiv) The Anti-Human Trafficking Unit shall file periodical status reports after every three months to keep the Legal Services Authorities updated.
- (xv) In cases where First Information Reports have not been lodged at all and the child is still missing, an F.I.R. should be lodged within a month from the date of communication of this Order and further investigation may proceed on that basis.
- (xvi) Once a child is recovered, the police authorities shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing and if, on investigation, such links are found, the police shall take appropriate action thereupon
- (xvii) The State authorities shall arrange for adequate Shelter Homes to be provided for missing children, who are recovered and do not have any place to go to. Such Shelter Homes or After-care Homes will have to be set up by the State Government concerned and funds to

run the same will also have to be provided by the State Government together with proper infrastructure. Such Homes should be put in place within three months, at the latest. Any private Home, being run for the purpose of sheltering children, shall not be entitled to receive a child, unless forwarded by the Child Welfare Committee and unless they comply with all the provisions of the Juvenile Justice Act, including registration

It is requested that the above directions of the Hon'ble Supreme Court may be adhered to in letter and spirit and implementation at the ground level may closely be monitored to eradicate any loophole within the system.

Dr. (Smt) Praveen Kumari Singh
Director (SR)

F.No. 15011/60/2011
MHA ADVISORY DATED 31.01.2012
ON MEASURES NEEDED TO PREVENT
TRAFFICKING AND TO TRACE MISSING CHILDREN

Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
North Block New Delhi/CS Division
New Delhi, The 31st January 2012

OFFICE MEMORANDUM

Subject: Advisory on missing children-measures needed to prevent trafficking and trace the children-regarding.

1. The issue of missing and untraced children, based on police records, is a matter of deep concern to the Government of India. It requires a concerted and systematic attention of Central and State Governments. As missing children are exposed to high risk situations, they are vulnerable and fall prey to crimes of exploitation, abuse, including human trafficking. It is, therefore, necessary that effective steps be taken for effective investigation of cases relating to missing children and tracing of these children. This advisory is in continuation of the advisories dated 09.09.2009, 14.7.2010 02.12.2011 and 4.1.2012 issued by this Ministry to all the States / UTs on similar/related issues of crimes against children.
2. A missing child is defined as a person below 18 years of age whose whereabouts are not known to the parents, legal guardians or any other person who may be legally entrusted with the custody of knowing the whereabouts/well being of the child whatever may be the

circumstances/causes of disappearance. The child will be considered missing and in need of care and protection, until located and/or his/her safety/well being is established.

3. The legal provisions as existing in the Juvenile Justice (Care and Protection of Children) Act, 2000 and other laws, several rulings of the Hon'ble Supreme Court of India and High Courts and the recommendations of NHRC, inter alia, emphasize the immediacy of prompt action by law enforcement agencies following disappearance of the child, especially minor girls to maximize chances of tracing/recovery.
4. The guidelines of NHRC which has already been communicated to the States/UTs with respect to missing children should be implemented and their monitoring ensured (refer website [www.nhrc.nic.in/ Reports/misc/MCR Report.doc](http://www.nhrc.nic.in/Reports/misc/MCR%20Report.doc)).
5. The Hon'ble Supreme Court of India has issued guidelines in respect of missing children on 14/11/2002 (WP (Cri) No.610 of 1996) in *Horilal Vs Commissioner of Police, Delhi and Sampurna Behura vs. Union of India & Ors* dated 12/10/11(WP (Civil) No.473 of 2005). These instructions should also be complied with and monitoring ensured.
6. An officer not below the rank of a DIG should be declared Nodal Officer for every state/UT for handling the cases of missing children.
7. Supervision of investigation of such cases by senior police officers of the level of Dy.SP/Addl.SP may be ensured.
8. When, any heinous crime or organized crime on missing children, such as, victims of rape, sexual abuse, child pornography, organ trade etc, is reported, and then the investigation of such cases should be taken over by the CID of the States/UTs to expedite the investigation and to ensure prosecution of the offenders.
9. State Crime branch should maintain close links with District Missing Children Unit (DMCU) and ensure that uploading of data and matching of missing children with UIDBs/Children found is carried out effectively.

10. The Missing Persons Squad (MPS) will match the information regarding missing children with the data available with the MPS and if matched it should be communicated to the concerned police station. A monthly report should be sent to DMCU.
11. When the missing person is traced through search or rescue from places of exploitation, the police control room, District Missing Persons Unit (DMPU) and Missing Persons Squad (MPS) should be informed immediately for updating the record and for discontinuing the search.
12. Whether these missing children land up in Begging Rings, Prostitution, Pedophilic Net and Organ Trade or end up getting exported for Camel Jockeying etc., it is always an Organised Crime. Profile of all traffickers who facilitate such trafficking should be maintained at PS level in Gang Registers.
13. The State CID should use data mining to analyse patterns, gather intelligence and to build profiles which have inter state ramifications, ascertain angles of trafficking, organized crime, number age/sex profile and maintain liaison with other central agencies dealing with the matter.
14. All police officers and men, especially the team of officers handling investigation into these cases need to be trained and sensitized on an ongoing basis to the issues concerned. The issues of missing children, human trafficking along with JJ Act may be made part of syllabus in the state police training colleges to sensitize the police force. The training should focus on imparting knowledge of the substantial and procedural laws, court rulings, administrative procedures, skills in child-friendly investigations, including interviewing, interrogation, scientific data collection, presentation in the court of law, networking with the prosecutors, facilitating victims/witness protection programmes etc.
15. As there is considerable overlap in the problems of missing children and trafficked children, AHTUs should play an active role.
16. The Superintendent of Police in the districts and Commissioners of Police in the metropolitan areas should review each case of miss-

ing children/persons during their monthly crime review meetings to find out the actual number of missing children, number of children traced/untraced, children, the reasons for child disappearance/missing and its links to human trafficking and to take stringent action against the perpetrators of the crime. They should also take strong measures for successful prosecution of the offenders in the court of law.

17. In cases where children and women have been smuggled illegally out of the country, the investigation agencies should utilize Interpol channels to communicate with member countries and if need be, have appropriate Interpol Notices issued through CBI/Interpol wing, in order to trace the victims.
18. An exercise to check all the unclaimed and unidentified children who are kept under safe custody in various shelter homes of the government/non-governmental agencies may be undertaken and details may be matched with the available missing children data base in the country as most of the children lodged in these shelter homes are indeed missing children. Missing Persons Bureau in the state should have a centralized data on children lodged in these shelter homes run by the government/nongovernmental agencies in the state with mechanism to update the data on regular basis. This data along with the photographs of the children should be digitized and regularly sent to NCRB and NCRB will upload this data in their website www.ncrb.gov.in for pan-India search by other state police/stake holders.
19. A number of children reportedly die after disappearance/missing and their dead bodies remain unidentified. States/UTs should also consider making it mandatory for the investigating officers and provide the necessary infrastructure to have the DNA profiling of all such unidentified dead bodies for future comparison and identification. DNA profile of the nearest blood relative through informed consent should be done if child is not found for 3 months. Both the DNA data base may be maintained at the state MPS for future comparison and matching.
20. Similarly, in order to curtail offences of child sex abuse, in all cases of pornography, cyber crimes etc. under investigation, efforts should

- be made to correlate the pictures of the child with the details of missing children and vice-versa.
21. The data available in each missing children file should be uploaded to the computer maintained at the police station for this purpose. It will be the responsibility of each I.O. to ensure that efforts made towards tracing the missing children is also uploaded on the computer, which would be linked to national database and via CCTNS, eventually. CCTNS should update it promptly on the proposed 'Khoya Bachpan' website.
 22. The SHO/Inspector of the police station will ensure that the computerized record of missing children is maintained up-to-date and the same is sent to DCRB and from there to SCRB. The State and District/City police Control Room/local Police net, ZIPNET, www.trackthemissingchild.gov.in should be updated immediately. It would be useful to access data on missing children through other websites maintained by www.childlineindia.org.in and www.stop-trafficking.in to mention a few.
 23. NCRB is mandated to function as a national repository of crime and criminal related data in the country and the States /UTs should evolve a mechanism to share the data on missing children and human trafficking cases to NCRB in the prescribed proforma of NCRB on monthly basis for analysis and study to find the emerging trends in these sensitive issues.
 24. NCRB should device methods of uploading the data on a real-time basis not only of missing persons but also with respect to traced and un-traced persons as well as linking the database with those of rescued persons from different places including children rescued from exploitative or forced labour.
 25. The universal number 1098 for reporting of missing children 24x7 is being run in some States / UTs, but there is no uniformity. It needs to be made effective and operational if not done earlier. There should be at least one dedicated police personnel at this helpline on 24x7 basis with proper monitoring mechanism. In the meantime BPR&D would explore further possibilities of integrating 1098 with 100 to make it toll free.

26. Responsible and competent NGOs be earmarked as Nodal NGOs in States for assisting the law enforcement agencies in this regard. The NGOs who have done work in this field with commitment be supported by the law enforcement agencies and synergy be established so that they could work in tandem.
27. When training the police, they must be oriented to undertake all preventive steps including steps to identify children in distress, watch of suspicious persons, special attention at transit points viz. border areas, ICPs, railway stations, bus stations, airports, ports etc., identify vulnerable population/places and take steps to address the vulnerability on time.
28. BSF/ITBP/SSB personnel in outposts on borders should be trained to look-out for trafficked children on the borders. They should be sensitized to question and detect unaccompanied minors/children or accompanying adults with suspicious behavior during pursuant checking of vehicles/public transport.
29. The law enforcement agencies may involve representatives of Panchayati Raj Institutions and the community at large, such as, Village Watch & ward/ Municipal Committees/Neighbourhood Committees/Resident Welfare Associations etc. This will enable the community to get fully involved along with the administration/police in identification, tracing & recovery of missing and trafficked children and arrest of accused persons.
30. Community awareness programmes on the issue of missing children and its links with human trafficking may be undertaken by the District administration. Periodic interface with Public and Safety Awareness Campaign should be conducted in schools and vulnerable areas, jointly by the district administration. Schools must be encouraged to issue Identity cards to children.
31. The activities of various departments and agencies in the States / UTs need to be integrated through a nodal agency. These includes Home Department, Police Department, Social Welfare Department, Women and Child Welfare Department, Juvenile Justice Department, Child Welfare Committees, Labour Department, Health Department, Tourism Department as well as other agencies like State

Human Rights Commission, State Women's Commission, State Commission for Child Rights, Railways, RPF, BSF, SSB, ITBP etc. State governments may institutionalize a coordinating mechanism among all these agencies through an SOP clearly mandating the roles and responsibilities of each of these agencies.

32. In places, where vulnerable groups of children are found in large numbers, a mechanism should be evolved in partnership with NGOs and social workers, where by apart from rendering counseling to them, awareness-raising activities are also carried out.
33. The protocols and SOPs developed by UNODC in the Joint Project of MHA-UNODC, during 2006-2008, including protocol on interstate transfer of rescued victims may be effectively utilized (refer www.unodc.org/india).
34. The States/UTs may bring out an SOP for guidance of all concerned. The receipt of this letter may kindly be acknowledged immediately.

Sd/-

(B. Bhamathi)

Additional Secretary to Govt. of India,
Ministry of Home Affairs,
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New Delhi – 110001
Tel. No. 23092514

To,

The Chief Secretaries &

The Principal Secretary/Secretary (Home)

All State Governments and Union Territories

Copy also for information and necessary action to:

- i. The DGs of all State Governments/UTs.
- ii. National Commission for Protection of Child Rights
- iii. Director General BPR&D

- iv. Director NCRB
- v. Director CBI
- vi. Director General BSF
- vii. Director General ITBP
- viii. Director General SSB
- ix. Ministry of Women and Child Development
- x. Ministry of Labour
- xi. Ministry of Social Justice and Empowerment

Sd/-

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PART IV

**NATIONAL HUMAN RIGHTS
COMMISSION DOCUMENT**

RECOMMENDATIONS OF THE NATIONAL HUMAN RIGHTS COMMISSION

Deeply concerned with the manner in which young children went missing from Nithari village in Noida, UP, the National Human Rights Commission constituted a Committee on February 12, 2007 to examine the issue in depth. The Committee was also to evolve simple and practical guidelines so that the Commission can come up with appropriate recommendations. The Committee held wide ranging consultations with various stakeholders in government, including Ministry of Home Affairs, Ministry of Women & Child Development, Ministry of Labour, Ministry of Social Welfare, Delhi Government, Delhi Police, National Crime Records Bureau, UNICEF and leading NGOs in India working in this field and also experts having indepth knowledge of the subject.

After carrying out intensive consultations the NHRC committee came out with the following recommendations which would be forwarded to relevant authorities across the States and Union Territories and also to the Government of India so that tracing and restoring missing children back to their families would become an easier task.

Recommendations/Suggestions of the NHRC Committee

1. **PRIORITY ISSUE:** Irrefutably, the problem of 'Missing Children' is a grave matter which is also a human rights issue. It is acknowledged that it has not been received the attention it deserves from the government and society at large. Therefore, this issue needs to be made a "priority issue" by all stakeholders, especially the law enforcement agencies. The Directors General of Police of States should take appropriate steps to issue police orders/circulars/standing instructions etc., sensitize all officers in this regard and also make them accountable.

2. **MISSING PERSONS SQUAD/DESK IN POLICE STATIONS:** The Committee recommends that every Police Station across the country should have Special Squad/Missing Persons Desk to trace missing children. This Squad/Desk should have a Registering Officer who should be made responsible of registering complaints of missing children. He/she should maintain complete records of efforts made by them to trace missing children as well as by the Special Squad. The Registering Officer should also write incident reports and keep them on record in Station Diary/case diary, as the case may be. In addition to this, the Registering Officer should also work as an Enquiry Officer whereby he/she should be made responsible for following up the entire procedure of tracing/tracking the missing child. The JAPU (Juvenile Aid police Unit) can, if required, be utilized for addressing the issue of missing children, even though the children who are missing can never be labeled as juveniles, but are, in fact, children in need of care and attention. The functioning of this unit/squad should be regularly monitored/ reviewed by Senior Officers and wherever necessary timely instructions and assistance should be provided to the Registering-cum-Enquiry Officer.
3. **COURT DIRECTIVES:** There is a need to reiterate the implementation of the Supreme Court Guidelines given on 14/11/2002 in Writ Petition (Cri.) No 610 of 1996 filed by Horilal Vs. Commissioner of Police, Delhi & Ors. in all police stations across the country. This would entail prompt and effective steps for tracing missing children.

As per the directions given by the Delhi High Court, a Cell relating to missing persons/children was set up in the Central Bureau of Investigation (CBI). This Cell has been functioning ever since but due to lack of adequate resources, desired results could not be achieved. Since the CBI is a Central investigating agency having powers and jurisdiction to take up cases of inter-state and international ramifications, it would be desirable to strengthen this Cell to enhance its capacity to coordinate and investigate criminal cases relating to missing children and persons.
4. **ROLE OF DISTRICT ADMINISTRATION:** The legislation enjoins upon the district administration in the country to get places where

children are employed, periodically inspected. The Committee notices with deep anguish that in this task the district administration all over the country has failed. This is evident from the fact that even today, the number of children found engaged as domestic help and bonded /child labour is enormous. Again, it is a matter of concern that in the identified cases of child labour and bonded labour in which prosecutions are launched against the employer the conviction rate is not even 1 per cent which obviously has resulted due to lack of supervision. Such an apathy towards this vital issue has to be curbed in favour of a proactive approach. The Committee urges the authorities concerned to hold district administration accountable for dereliction in discharging this responsibility.

The Committee is of the opinion that this exercise of regular inspections, if undertaken with all earnest, will ensure linking back a large number of children missing from their homes.

5. **MANDATORY REPORTING:** The State Police Headquarters should evolve a system of mandatory reporting whereby all incidents of missing children across the country should be reported to the newly constituted National Commission for Protection of Child Rights (NCPCR) within 24 hours of occurrence. Failure to report promptly would give rise to the presumption that there was an attempt to suppress the incident. The reporting should be done promptly and the procedure could be the same as is being followed by the concerned authorities for reporting custodial death cases to the NHRC.
6. **INVOLVING PANCHAYAT RAJ INSTITUTIONS (PRIs) ETC:** In order to make the investigative procedures concerning missing children more transparent and user-friendly, it would be preferable for the police investigating team to involve the community at large, such as representatives of Panchayati Raj Institutions / Municipal Committees/ Neighbourhood Committees/Resident Welfare Associations, etc, in addition to existing help lines. This will enable the community to get fully involved along with the police in tracing missing children. The Directors-General of Police should seriously consider taking full advantage of these agencies in the task of not only investigating crimes relating to children but also in tracking down

missing children. The role of Panchayats and such bodies should be extended to:

- Prompt reporting of missing children;
 - Prompt dissemination of intelligence, if any, to the law enforcement agencies;
 - Rendering assistance to law enforcement agencies for tracing children;
 - Provide timely feed-back to the law enforcement agencies about the return of the child..
7. INVOLVING NGO'S: In places where vulnerable groups of children are found in large numbers, there is need for enforcement agencies to evolve some kind of a mechanism in partnership with non-governmental organizations and social workers, whereby apart from rendering counseling to them, awareness raising activities are also carried out. This would not only instill confidence in them but also strengthen them and give them special protection so that they are in no way lured by external agencies/factors. This initiative could be taken by the Missing Children Squad/Cell in the Districts. The DGPs need to ensure action on this initiative.
 8. NATIONAL DATABASE AND MONITORING: NCRB should establish a National Tracking System that would encompass the grass-root level in locating and tracing missing children. There should be prompt reporting of not only missing children cases, but also of return/rescue/recovery. All instances where children are rescued from places of exploitation including places of sexual exploitation and also exploitative labour, should be dovetailed into the NCRB data base. The database should be updated on a regular and systematic basis. This also involves revising the reporting format with respect to the rescue and recovery of persons who have been trafficked. The Director NCRB should liaise with the Project Coordinator, Anti Human Trafficking UNODC, New Delhi and workout the format as the UNODC is working in the field of empowering law enforcement agencies and developing appropriate projects etc. with respect to Anti Human Trafficking and related issues. This could be made effective through

web-based and other intra and inter State networking linkages. The information that is gathered ought to be appropriately disseminated. It is suggested that the NCRB evolve one-page useful position papers that has information with regard to various crimes, including the relevant statistics. This could be useful and accessible tool for different agencies that are dealing with a particular problem. For example, relevant information relating to missing children, if it is put in a page or two will be far more accessible and readable for all stakeholders than information compiled as part of a voluminous report prepared by the NCRB.

9. **SCRB/DCRB:** There is an urgent need to revive State/District Crime Records Bureax. The database on missing persons, their return and the processes involved should be properly documented. The State Missing Person's Bureax (MPB), needs to be revamped, made functional and strengthened. The officers should be well trained and knowledgeable to address the issues in an analytical manner and from the perspective of Human Rights. The SCRB and the MPB should have proper liaison between them, so that the database of SCRB and NCRB are dovetailed to the functioning of MPB and the Special cell/ squad to be set up in the Police Stations. The MPB data should be specifically updated with the data of rescued children from trafficking crimes.
10. **HELPLINE:** There is a need to establish a Child Helpline through NGOs/PRIs/other agencies with adequate support from Government in all the districts. The Department of Women & Child Development, Govt. of India, may take the initiative to set up such a national network.
11. **OUTSOURCING PRELIMINARY INQUIRY TO NGOS:** The NHRC Committee came to know about several instances where NGOs are actively functional, delivering the best results, in tracing missing children and also documenting them. Such efforts and initiatives have supplemented the work of the law enforcement agencies. The synergy of police and NGOs can be of immense help in addressing this issue and in providing tremendous support to the police agencies who are preoccupied with several other tasks, especially in those

places where the police station strength is very poor. Therefore, Preliminary Inquiry into missing persons could be outsourced to NGOs, who are willing to undertake this task. MHA may issue appropriate guidelines to the States in this regard. Each State can identify a few such NGOs and notify them if required. As of today nothing stops NGOs from causing such inquiries and many are already doing this work. Therefore, the best option, in the given situation, is to develop synergy between the law enforcement agencies and the NGOs and institutionalize this partnership.

12. **COGNIZABILITY OF THE EVIDENCE:** As of now the issue of missing children is not a cognizable offence and the very fact of missing of a child does not convey occurrence of a crime. However, some States like Andhra Pradesh, Tamil Nadu allow police to register FIRs and take up investigation. In order to facilitate proper enquiry/investigation, it is advisable that an FIR is registered by the police with respect to the issue of missing children. However, experience shows that in many cases a child may not have gone missing and the panic reaction of the parents or wards lead to such reporting. Therefore, all such issues may not warrant registration of an FIR immediately. Nevertheless, it is advisable to register FIR if a missing child does not come back or is not traced within a reasonable time. The State Governments are advised to consider issue of appropriate directions to the law enforcement agencies to set a time limit of 15 days from the date of reporting that if a missing child is not traced back within 15 days, a presumption may be made of some malafide and an FIR registered with respect to all such issues of missing children.
13. **SENSITIZATION OF STAKE HOLDERS:** There is a need to sensitize all ranks of police personnel and other stakeholders to the issue of missing children. For this a two-day module be designed by BPRD, so that uniform training is imparted to all concerned. Along with this, there is a need to prepare suitable reading material that includes good practices about missing children from other States/ Union Territories as well as other countries.
14. **RESCUE OF CHILDREN IN NEED OF CARE AND ATTENTION:** There is a need to identify “run away children”, “abandoned chil-

dren” “neglected children” and such “vulnerable children” who are often found roaming around places where they are particularly exposed to abuse and exploitation such as railway stations, traffic junction etc. Their vulnerability increases due to a lack of support structures - family or otherwise. Proper identification, provision of care and support, and a ‘safe place’ is vital for them. These children are, under the JJ Act, are the children in need of care and attention which they should be given. This can be achieved by producing them before CWC and ensuring proper care in the concerned Homes. If Government Homes are not available, Government agencies should support appropriate NGOs to set up such Homes. The State Governments are called upon to notify such NGOs immediately so that they can become functional without delay. States should ensure that such notifications are done on a time frame of one month from the date of application by the NGOs.

15. **I-CARD FOR CHIDREN:** The local administration should facilitate the schools to keep a watch on their children, especially when they become untraced or become dropouts. Schools and old teaching institutions should introduce photo identity cards of children, so that tracing is possible. All such photos with identity particulars be documented and data base be developed urgently. The State Governments and the Central Government should take initiatives in this regard. Schools should embark on a programme of empowering the children on their rights, legal strengths and defence mechanisms in case of need.
16. **POVERTY ALLEVIATION MEASURES:** It is acknowledged that poverty is one of the main factors in pushing children into inhospitable conditions and making them vulnerable for exploitation. The Central and State Governments have introduced several schemes to be implemented at Gram Panchayat level with the object of providing job opportunities to the poor and the disadvantaged and elevating them from the poverty line. All these programmes, especially concerning children welfare should be properly planned at the Gram Sabha level following the Antyodaya approach. Schemes such as Mid-day Meal Scheme, Sarva Siksha Abhiyaan, Health Immunization etc. deserve to be properly monitored for achieving optimum results. Proper

implementation of these poverty alleviation programs are indeed a human rights approach. If such schemes and programmes of the Government are implemented it can be reasonably expected that the vulnerable sections will become empowered to resist exploitation that often takes place now.

17. **ROLE OF STATE COMMISSIONS:** There is a need to involve State Human Rights Commissions, Women Commission of State/ Centre etc., with regard to the issue of missing children. Such bodies have tremendous overarching influence on all stakeholders in addressing the issues appropriately in their respective jurisdictions.
18. **ROLE OF MEDIA:** In view of the current dreadful situation, the media can play an important role in increasing public awareness of missing children and the plight of the thousands of hapless families whose children are listed as untraced. This could be achieved as follows:
 - At the newsroom level, crime reporters and metro editors need to include the category of missing children as a regular beat and as part of their daily news grind.
 - These stories need to be followed up and tracked regularly just like other stories of murder, human trafficking, etc. A LOST and FOUND series could be commenced. The cases of missing children being traced/returned home should be treated as the “good news” stories which will also encourage the police/local authorities to step up their actions.
 - The large picture story on the enormity of the continuing malaise of missing children, could coincide with Human Rights Day, Children’s Day and so on.
 - Newspapers can make a separate section in their classified sections on missing children. The notices and advertisements on missing children need to have a better display and be given more prominence and space in newspapers and TV bulletins.
 - Just as some newspapers carry a daily/weekly count of say, victims of terrorism, a new slot of missing children in the city/ country can be commenced.

- Newspapers or TV channels with an emphasis on local news can have an arrangement with either the police or a local NGO, which has worked in the area to print without charge announcements and advertisements on missing children.
 - The missing child story should also be picked up for the daily crime shows many TV channels have commenced. Just as investigative stories are done on the flesh trade, on organ smuggling etc. case studies of how missing children end up in brothels or factories can be carried. Cases can be picked from solved cases or; where children were smuggled across borders. Identities can be masked if need be.
 - Media organizations like media unions, the women's press corps and so on can collaborate with agencies like the NHRC and other NGOs working on children's rights issues to hold seminars and symposiums on the subject.
19. **ATTENTION TO TRANSIT POINTS OF TRAFFICKING:** There is a need to keep special vigils at railway stations, bus-stands, airports, sea-ports and such other places, which act as transit points for missing children, including children who run away or are made to run away. In this context, the Government Railway Police, the Railway Protection Force, Airport and Seaport authorities needs to be oriented about the issue of missing children.
20. **MISSING CHILDREN FROM ACROSS BORDER:** This is a grey area, which largely remains unaddressed. It has been reported that several foreign children who have been trafficked into India have been punished as illegal immigrants and are made to suffer. NHRC recommends the state governments to undertake review of all such cases and provide relief to such children, as all trafficked children, irrespective of their nationality, are children in need of care and attention. Moreover, there is a need of developing a Protocol on this issue. It is learnt that UNODC in its anti human trafficking project can provide the required technical assistance. In this regard the Ministry of Women and Child Development can utilize the technical assistance of UNODC and in close coordination with the MEA, develop a proto-

col on this topic. The Project Coordinator, UNODC may provide the required technical assistance.

21. **SURVEY AND RESEARCH:** The world of missing children is unknown and there is no proper study or research on this issue. Even today the exact figures of missing or traced children are not available. The existing legislation requires the State and district authorities to periodically carry out inspections/surveys of places where children are employed with a view to identifying missing children and those engaged in bonded labour/child labour. This task has remained a low priority area. There is an urgent need for the State administration to undertake micro studies especially at the places where children are reportedly vulnerable.

A village-wise survey of all children who have gone missing or even recovered is an urgent need to understand the realistic dimensions of the problem. Studies by academic institutions into various factors behind the vulnerability of children are recommended in order to generate right response.

Note: For further details kindly contact

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ANNEXURE

The Guidelines given by the Hon'ble Supreme Court of India on 14-11-2002, while hearing the Writ Petition (Cri.) No. 610 of 1996 filed by Horilal V/s Commissioner of Police, Delhi & Ors. With regards to effective steps to be taken in case of tracing out the missing and kidnapped minor girls and women etc.:-

- (1) Publish photographs of the missing person in the newspaper, tele-cast them on the television promptly and in any case not later than one week of the receipt of the complaint. Photographs of the missing person shall be given wide publicity at all the prominent outlets of the city/town/village concerned- that is, at the railway stations, inter-State bus stands, airport, regional passport office and through law enforcement personnel at border check-posts. This should be done promptly and in any case not later than one week of the receipt of the complaint. But in case of a minor;/major girl such photograph shall not be published without the written consent of the parents/guardians,
- (2) Make inquiries in the neighborhood, the place of work/study of the missing girl from friends, colleagues, acquaintances, relatives etc. immediately. Equally all the clues from the papers and belongings of the missing person should be promptly investigated,
- (3) To contact the Principal, class teacher and student at the missing person's most recent school/educational institutions. If the missing girl or woman is employed somewhere, then to contact the most recent employer and her colleagues at the place of employment.
- (4) Conduct an inquiry into the whereabouts from the extended family of relatives, neighbours, school teachers including school friends of the missing girl or woman,
- (5) Make necessary inquiries whether there have been past incidents or reports of violence within the family.

Thereafter, the investigating officer/agency shall:

- (a) Diligently follow up to ensure that the records requested from the parents are obtained, and examine them for clues,

- (b) Hospitals and mortuaries be searched immediately after receiving the complaint.
- (c) The reward for furnishing the clue about the missing person should be announced within a month of her disappearance.
- (d) Equally hue and cry notices shall be given within a month.,
- (e) The investigation should be made through women police officers as far as possible.
- (f) The concerned Police Commissioner or the D.I.G./I.G. of the State Police would find out the feasibility of establishing a Multi-Task Force for locating missing girl children and women.
- (g) Further, in the metropolitan cities, such as Delhi, Mumbai, Kolkata and Chennai, the Investigating officer should immediately verify the red-light areas and try to find out the minor girls. If any minor girl (may or may not be recently brought there) is found, her possession be taken and she may be sent to the local children's home (Sec. 34 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and the I.O. to take appropriate steps that all medical/other facilities are provided to her.

Child Rights Focus (CRF) is a knowledge initiative hosted by ActionAid to further the cause of the complete realisation of child rights in India. CRF seeks to capture learnings from child targeted interventions in India and from across the world, to strengthen and build advocacy efforts. CRF strives to positively impact policy, programmes and institutions for the benefit of all children and especially those from excluded groups, communities and sections of society. ActionAid India (AAI) is part of a global federation and a full affiliate of ActionAid International that is present in over 40 countries worldwide.

Delhi Commission for Protection of Child Rights (DCPCR) has been constituted under the Commissions for Protection of Child Rights Act, 2005. DCPCR is empowered as a Civil Court to undertake inquiry in to complaints and to take suo-motu notice of matters relating to the deprivation and violation of child rights, non-implementation of laws providing for protection and development of children and non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to ensuring welfare of the children and to provide relief to such children or to take up the issues arising out of such matters with the appropriate authorities.

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