

F.NO.15011/60/2011
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 missing 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/non-governmental 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, ZIP NET, 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.stoptrafficking.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 behaviour 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/-

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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

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