

**Minutes of the Meeting of the Core Group on Children  
held on 21<sup>st</sup> January, 2021**

A meeting of the Core Group on Children was held on 21<sup>st</sup> January, 2021, from 11:00 AM to 02:00 PM on the agenda of **Missing Children**, under the chairpersonship of Smt. Jyotika Kalra, Hon'ble Member, NHRC. A list of the participants of the meeting is given below:

Core Group Members

1. Mr. Bhuwan Ribhu, Child Rights Lawyer and Activist
2. Ms. Priti Mahara, Director- Policy, Advocacy, Research, and Documentation, CRY
3. Ms. Bharti Ali, Co-founder & Executive Director, HAQ Centre for Child Rights
4. Professor (Dr.) Asha Bajpai, Former Professor of Law, Tata Institute of Social Sciences
5. Ms. Swagata Raha, Child Rights Consultant, & Head, Restorative Practices, Enfold India
6. Mr. Anant Kumar Asthana, Child Rights Lawyer
7. Ms. Hasina Kharbhih, Founder & Chairperson, Impulse NGO Network
8. NHRC Special Monitor on Children- Smt. Karuna Bishnoi
9. UNICEF Representative to India- Dr. Yasmin Ali Haque, Country Director, UNICEF India
10. Joint Secretary, Ministry of Women and Child Development- Ms. Aastha Saxena Khatwani
11. Representative of NCPCR- Mr. Raman Gaur, Senior Consultant (Legal)
12. Representative of DCPCR- Mr. Md. Salam Khan, Senior Consultant

Participants from Government Ministries and International Agencies

13. Mr. Pawan Mehta, Deputy Secretary, Ministry of Home Affairs
14. Mr. Samir Sinha, Under Secretary, Ministry of Women and Child Development
15. Ms. Nirmala Pandey, UNICEF
16. Ms. Tannistha Dutta, UNICEF
17. Ms. Nidhi Sharma Kaushik, Senior Consultant (Legal), NCPCR

Special Invitees

18. Ms. Harleen Walia, Deputy Director, Childline India
19. Dr. K P A Ilyas, Assistant Director, National Police Academy, Hyderabad
20. Mr. Shashank Shekhar, Advocate Supreme Court, and Former Member, DCPCR
21. Ms. Seema Dhaka, Assistant Sub-Inspector, Delhi Police

## NHRC Team

22. Smt. Jyotika Kalra, Hon'ble Member, NHRC
23. Shri Bimbardhar Pradhan, Secretary General, NHRC
24. Smt. Anita Sinha, Joint Secretary (P&T), NHRC
25. Smt. Manzil Saini, DIG (I), NHRC
26. Dr. M. D. S. Tyagi, Joint Director (Research), NHRC
27. Dr. Seemi Azam, Research Officer, NHRC
28. Ms. Chandrali Sarkar, Junior Research Consultant, NHRC
29. Ms. Diana Thomas, Junior Research Consultant, NHRC
30. Ms. Sakshi Thapar, Junior Research Consultant, NHRC

Shri Bimbardhar Pradhan, Secretary General, NHRC, in his opening remarks highlighted the magnitude of the problem by sharing the alarming data on the issue of Missing Children, and thereafter, brought to attention the legislations, schemes, and services that are in place to address this issue. Shri Pradhan also made reference to the NHRC's meeting held in June 2020, as a consequence of which this Core Group meeting was organized. Lastly, he posed some questions that could guide the direction the Commission could take to address this issue.

Smt. Jyotika Kalra, Hon'ble Member, NHRC, in her inaugural address presented an analysis of the cases of missing children that is brought before the Commission. She discussed the codes under which such cases are registered, and how these cases are categorized based on the status of their resolution. Smt. Kalra shed light upon the different categories of children regarding who's missing these complaints are made. Further, she also spoke about allegations made in these complaints related to the investigation process and sought the participant's suggestions on model investigation practices.

Dr. M. D. S. Tyagi, Joint Director (Research), NHRC, then welcomed all participants to share their suggestions and inputs on the sub-agenda items. The various government bodies and ministries that participated in the meeting apprised about the steps taken by them to address this issue. Key issues highlighted during the meeting by the participants as well as key recommendations that emanated from the proceedings of the meeting are given in the following sections. Written submissions made by some of the participants based on the discussion are placed at **ANNEXURE I**.

Smt. Anita Sinha, Joint Secretary (P&T), NHRC, concluded the meeting by stressing upon the key issues and recommendations. A formal vote of thanks was proposed by Dr. Seemi Azam, Research Officer, NHRC. A list of the abbreviations used is placed at the end.

The major aspects pertaining to the issue of Missing Children discussed during the meeting are as follows:

### A. Status of implementation of various guidelines, SOPs, policies, and Court Orders:

❖ **Initiatives by Ministries, Commissions, and Police to address the issue of Missing Child:**

- CHILDLINE at bus stands by MWCD in collaboration with CHILDLINE.
- With the vision of one AHTU in every district, MHA has allocated a budget of 100 crores in 2020 to strengthen the scheme of AHTUs.
- Budget allocation of 100 crore by MHA to establish women and children help desks, headed by a female police officer in every police station of all states.
- MHA has issued various advisories to all states for taking steps to improve safety of children, including increased deployment of police personnel.
- MHA has taken up the matter of trafficking with the labour ministry and advised them to sensitize the labour departments.
- ‘Operation Smile’ was run by the MHA to trace missing children in 2015, which was discontinued in 2017.
- NCPCR has undertaken various steps to address the issue of trafficking including the child rescue mission in 8 states where 92 children were rescued through 15 operations.
- DCPCR has been following up all cases of missing children based on the FIRs lodged.
- Delhi Police has issued a standing order No. 30 of 2016 to create awareness on Section 32 (mandatory reporting regarding a child found separated from the guardians), Section 33 (offense of non-reporting), and Section 34 (penalty for non-reporting) of the JJ Act.
- ICPS being run by the MWCD which mandates building a protective environment for children in difficult circumstances, as well as other vulnerable children, through government-civil society partnership.

❖ **Gaps in implementation:**

- The definition of ‘Missing Child’<sup>1</sup> is often misunderstood and not applied in its full scope.
- There is a need to focus in policy formulation and implementation of law and order on the reasons why children run away.
- Role of technology and online gaming platforms should also be recognized over traditional reasons for missing children such as elopement.
- There is need for all stakeholders to be in sync with changing times and, thereby, categorize and address issues in an informed manner.
- Despite the directions of the Supreme Court for one standardized SOP, overlapping SOPs continue to exist including the ones by MHA and NCPCR.
- The essence and utility of the original SOP drafted by TISS on the order of the Supreme Court is lost in the SOP by MWCD.
- There is a need for detailed guidelines as to how the SCPCRs should be monitoring the implementation of the SOP by MWCD.

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<sup>1</sup> 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. [https://www.mha.gov.in/sites/default/files/Advisory%20on%20Missing%20children%20to%20prevent%20trafficking\\_0.pdf](https://www.mha.gov.in/sites/default/files/Advisory%20on%20Missing%20children%20to%20prevent%20trafficking_0.pdf)

- Lack of accountability in law enforcement agencies and civil servants hindering effective implementation of various policies and guidelines. There is a need to fix accountability for delay or non-registration of FIR.
- Use of artificial intelligence and heat-map for data collection and identification of the most vulnerable spots & routes concerning missing children may also be considered.
- There is a need for holding periodic multi-stakeholder review mechanism at the district level with CWCs, JJBs, SGPUs, DCPUs, Police, CHILDLINE, DLSA, etc, to understand the nuances and gaps in investigation, improve coordination, and to identify best practices.

❖ **Gaps in implementation of the JJ Act:**

- Section 107 (2) which mandates appointment of two social workers in the SJPU is not being properly implemented.
- CWPO, SJPU, DCPU are key designations and units mentioned in the Act but do not always exist on ground level. Many officers are even unaware that they are designated to such a role.
- The confusion regarding who will take initiative for registration of FIR in case of non-registration needs to be resolved.
- Implementation of Rule 92 of Model JJ Rules (mandatory reporting to DLSA by police after an FIR is registered) is not ensured.

**B. Functioning of various portals and information systems for reporting and tracking of Missing Children:**

- MWCD runs the ‘Track Child’ portal which has a database for missing children having around 3 lakh photographs.
- MWCD has also launched an app for the public to upload information called the Khoya Paya App.
- Delhi Police has been relying on the use of ZIPNET in case of Missing Children, which also came out as one of the effective strategies in the success story of Smt. Seema Dhaka, ASI, Delhi Police.
- Various private apps have emerged in this field including one called ‘Reunite’ brought out in a collaboration between Bachpan Bachao Andolan and an IT company and the software launched by the Impulse NGO network called the Impulse Case Management Centre which was especially designed for AHTUs and used in 8 states of the North East of India.
- NCPCR had undertaken to approach the Hon’ble Supreme Court for resolution of the issue on the Section 74 of the JJ Act (prohibition on disclosure of identity of children).

❖ **Gaps in implementation:**

- Lack of infrastructural and human resources due to which a large number of Police Stations and CCIs are not able to upload information on various portals.
- Gap in the skill set of those feeding data into the portal and those who use these portals.
- Uploading of data needs to be made easier: Data feeding is mandatory for police once an

FIR is registered within 24 - 48 hours. However, filling up the elaborate form becomes a tedious process that isn't followed through.

- Data of children in CCIs with photographs should be maintained and uploaded on these portals so that parents who are looking for their children are able to find them.
- Concerning the FRS:
  - There is a need to review the use of FRS including discriminatory use, surveillance, and lack of procedural regulation as the same infringes upon the right to privacy.
  - There is no legislation or policy regarding the use of FRS. There needs to be licensing or registration to protect data from private organization and address the issue of privacy.
- There is very little information in the public domain with regard to how the various portals are functioning and what is their impact and effectiveness.
- There is a threat that these portals may also be used by traffickers and requires treading with caution and steps for safe use for helping children.
- Implications of the Section 74 JJ Act (prohibition on disclosure on identity of children) needs to be taken care of during investigation and processes concerning missing children.
- The Khoya Paya App is not accessible on android phones and proves to be a cause of concern and makes one wonder if it has actually served its purpose.
- Apps and websites also only serve a specific population that is tech savvy and internet literate.
- Linking of Aadhar for better tracking, verification of found children. Need for immediate preparation of Aadhar card for children.
- Pertaining to the Track Child portal:
  - Some of the pictures of missing children are unclear and repetitive;
  - It includes pictures of adults;
  - Photographs of found children are not removed,
  - Newly reported cases are not updated in a timely manner;
  - Need for a dedicated team to monitor, update, and maintain the quality of the website.
- Stronger publicity and alerting system including publicity in newspaper
- Need to integrate more components of child protection into school curriculum and enhancing role of schools, panchayats, etc, as safety nets for children.
- Increasing parents' awareness on what to do when their child goes missing; pre-identifying reasons for children to go missing needs to be a part of prevention strategy.
- Need for awareness generation and counselling for parents of missing children in collaboration with NGOs, as done in POCSO cases by counsellors from DCW.
- Focus should be on preventing the issue of missing children as dealing with a crime after it has occurred is difficult to resolve considering the vulnerability of children.
- Need for swift action by Police by tapping into the crucial period of the first 48 hours.

#### ❖ Gaps in Investigation:

- Pursuance of cases of missing children get hampered as IOs are overburdened with other work.

- Use of strategies such as tracking the GPS, faking identity to trap the accused, etc.
- Improving inter-state coordination by bringing in local media, CHILDLINE, NGOs, etc.
- Use of social media including Facebook and WhatsApp to ensure information about Missing Child is reached easily and immediately to people.
- In USA, there are mechanisms such as a national day for missing children, a specialized national agency for missing children, amber alert, etc, which may be replicated in India to highlight this issue more and making it a national priority.
- Restoration of girl children is delayed due to mandatory medical examination and recording of statement even if the preliminary facts do not suggest any sexual offence.

❖ **Adoption Regulation:**

- There is a need to re-evaluate the impact of Adoption Regulation 6(11) (In case the report from the local police regarding the non-traceability of the biological parents or legal guardian is not submitted within two or four months in the case of an abandoned child less than two or four years of age respectively, such report shall be deemed to have been given,) Adoption Regulations, 2017, as there are long-term implications of family separation and more resources, time and effort need to be put in to trace families.

C. Suggestions for research study on Missing Children:

- There is a lack of studies on the issue of Missing Children or a national-level research on abuse or exploitation of children since 2007.
- Research in this area may involve examination of affidavits that have been or are being filed by Police in cases of habeas corpus petitions or PILs on the issue of missing children. This will allow identifying methods of investigation in cases of missing children, whether various guidelines and provisions are followed and to what extent, etc.
- Adolescent sex ratio is far lower than child sex ratio pointing to the fact that girls are disappearing in their adolescent years; conducting a research to understand what happens to them and where are they going is necessary to draw the required connections.
- There is a need to look at why children are leaving home, look at what prevents us from identifying those indicators early on, examine the impact of the response system on children's right, etc.
- There is a need to research and evolve a model procedure for investigation for missing children, incorporating all the good practices and doing away with the redundant practices.
- Research should focus on preventive measures, for which capturing voices of children is important; apart from other aspects including:
  - Awareness level of children and parents,
  - Voices of children who are from vulnerable communities, children who have been rescued and rehabilitated, parents whose children are still missing, etc.
  - Identifying best practices, lacunae, and coordination gap at all levels.
  - Role of portals; Role of private apps and their effectiveness.

## ***Key Recommendations***

### **A. Management Information System (MIS)**

1. Establish a single and integrated MIS that is coherent and reviewed periodically by different stakeholders so as to reduce overlapping information.
2. Train different stakeholders on the use of the MIS and the effective use of technology to trace Missing Children.
3. Take steps to ensure data privacy and establish regulatory mechanism for private apps.
4. The data available on the portals should be regularly updated including the photographs, FRS, Aadhar information, etc. Unwanted and redundant particulars should be immediately removed.

*(Action By: MWCD & MHA)*

### **B. Investigation**

1. Develop an early warning or alerting systems through automated call, text, etc. such as the Amber Alert in the US.
2. Aadhar information may be used by the police for address verification and repatriation of victims.
3. The police may be incentivized for proactively investigating the issue of missing children; Delhi Police's 'Asadharan Karya Puraskar' may be replicated in other states.
4. ZIPNET may be used for better coordination and tracing of missing children.
5. Operation Smile, run by the MHA from 2015-17, needs to be revived.

*(Action By: MWCD, MHA, and all States/UTs)*

### **C. Pertaining to various SOPs:**

1. Formulate a single comprehensive SOP, ensuring uniformity by doing away with other overlapping SOPs and outline the role of each stakeholder in this SOP, especially DCPU; that can also be easily read and understood by all stakeholders.

*(Action By: MWCD & MHA)*

### **D. Implementation of JJ Act:**

1. Ensure effective implementation of Rule 92 of Model JJ Rules, i.e., mandatory reporting to DLSA by police after an FIR is registered, and the monitoring of its implementation.
2. Ensure presence of CWPO and SJPU as mandated under the JJ Act.
3. Define the specific functions of SJPU under the JJ Act.
4. Strengthen the capacity of the police and the child protection system to understand their role in preventing, monitoring, and investigating this issue and to, thereby, effectively implement all orders and policies.
5. Conduct periodic multi-stakeholder review meetings to strengthen coordination starting from district level.

*(Action By: MWCD & all States/UTs)*

### **E. Implementation of ICPS:**

1. Establish village, block and district child protection committees in line with the

mandate of the ICPS and provide them with adequate resources required to function effectively.

2. While reviewing the ICPS, allocate budget to appoint adequate human resources, especially CWPOs.

*(Action By: MWCD, MHA, and all States/UTs)*

F. Implementation of AHTU

1. Ensuring the presence of one AHTU in each district, along with its monitoring.
2. Strengthening of AHTUs and District Missing Person Squad with adequate human resources, skill training, access to modern technology, financial resources, etc.
3. Ensuring the availability and accessibility of the address and contact number of all AHTUs on the MHA website.
4. Ensure provision to transfer a missing child case to AHTU if the child is untraceable for a long period of time.

*(Action By: MHA & all States/UTs)*

G. Awareness Generation, Knowledge and Skill Enhancement

1. Conduct capacity and awareness building for all stakeholders, especially the police.
2. Spear-head campaign targeting children, parents, guardians, communities, and schools for child safety.

*(Action By: MHA, MWCD, NHRC, & all States/UTs)*

H. Research:

1. A national level research may be undertaken by MWCD on child abuse and exploitation.
2. For NHRC's pilot study, a working group needs to be formed to decide on different aspects of the study and come up with a detailed term of reference for the study.
3. Research should be conducted on the complaints filed on missing children in NHRC with special focus on quality of investigation, classification of data, reliance on apps by the investigating agency, adequate use of available material for tracing the children, etc.
4. On the basis of research, a model procedure for investigation for missing children be evolved, incorporating all the good practices and doing away with the redundant practices.

*(Action By: MWCD & NHRC)*

I. Field Visits by Special Monitor/Rapporteurs of the NHRC

1. The Special Monitor and Rapporteurs of the Commission may visit the vulnerable states and districts to study the situation at the ground level and suggest actionable recommendations on which the NHRC can write to the government(s) to formulate concrete policy with regard to this issue.

*(Action By: NHRC)*



### ***List of Abbreviations***

- × ***AHTU***- Anti Human Trafficking Unit
- × ***CCI***- Child Care Institution
- × ***Cr. P. C.***- Criminal Procedure Code
- × ***CWC***- Child Welfare Committee
- × ***CWPO***- Child Wellbeing and Protection Officer
- × ***DCPCR***- Delhi Commission for Protection of Child Rights
- × ***DCPU***- District Child Protection Unit
- × ***DCW***- Delhi Commission for Women
- × ***DLSA***- District Legal Services Authority
- × ***FIR***- First Information Report
- × ***FRS***- Face Recognition Software
- × ***GPS***- Global Positioning System
- × ***ICPS***- Integrated Child Protection Scheme
- × ***IO***- Investigating Officer
- × ***IT***- Information Technology
- × ***JJA***- Juvenile Justice (Care and Protection) Act, 2015
- × ***JJB***- Juvenile Justice Board
- × ***MHA***- Ministry of Home Affairs
- × ***MIS***- Management Information System
- × ***MWCD***- Ministry of Women and Child Development
- × ***NCPCR***- National Commission for Protection of Child Rights
- × ***NGO***- Non-Governmental Organizations
- × ***NHRC***- National Human Rights Commission
- × ***PIL***- Public Interest Litigation
- × ***POCSO***- Protection of Children from Sexual Offences (POCSO) Act, 2012
- × ***SCPCR***- State Commission for Protection of Child Rights
- × ***SJPU***- Special Juvenile Police Unit
- × ***SOP***- Standard Operating Procedures
- × ***USA***- United States of America
- × ***ZIPNET***- Zonal Integrated Police Network

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## Written Submissions

### I. Dr. Yasmin Ali Haque, UNICEF Representative to India:

1. Development of single integrated MIS for information sharing between various agencies regarding all categories of missing children (missing, runaway, abducted, trafficked, traced, found, rescued, and other group of vulnerable children):

Timely sharing of information and use of database for flow of information and guidelines for working with Traced/Found/Rescued Children, convergence and networking amongst various stakeholders including police, CHILDLINE, Child Welfare Committees is most critical. Currently MWCD has TrackChild and Khoya Paya, MHA has launched a portal for trafficked persons including children. CHILDLINE has its own system. However, these different databases do not speak to each other. There is overlapping information on one hand, incomplete information on children on the other. So, we find data and information disjointed within portals and it is difficult for different stakeholders to inter-link the information to take timely action.

2. Develop early warning and alert system to help find missing children involving local law enforcement, transport centers, local residents, and the media through automated phone calls or alerts:

First 48 hours are most critical after a child goes missing. It is critical to develop an early warning system as soon as a child is reported missing, take immediate action and notify all local law enforcement agencies and personnel; representatives from media outlets; and local transportation hubs. It is also critical to involve local community and develop a practice of deploying civil volunteers with adequate safety measures and protocols. The system should be activated the moment a child is reported missing to help predict and prevent the disappearance by increasing accuracy and timeliness of publicly and privately available information, by performing evidence-based predictions on the whereabouts of children in distress, and by providing location-based audience targeting of mobile alerts (including transportation hubs, local restaurants and roadside eateries, toll plazas and others).

3. Stronger co-ordination between different stakeholders – law enforcement (including inter-state co-ordination); local media, CHILDLINE, Child Welfare Committees, NGOs and community members:

Linkages and coordination between various state and non-state authorities voluntary and non-government organisations, media including data and information sharing, co-ordinated action for rescue, family tracing and reintegration. While SOPs strongly suggest inter-stakeholder co-ordination, this has been a big challenge due to low priority and lack of single co-ordination and monitoring mechanism. There is also a need for establishing centralised co-ordination and monitoring body which would ensure co-ordination between different states including police and statutory bodies like child welfare committees and ensure timely information sharing, joint action and take adequate measures for grievance redressal.

4. Strengthen Special Juvenile Police Units (SJPU), Anti-human trafficking Units (AHTU) and District missing persons squads with adequate human resources, skills as well as access to modern tools and technology like facial recognition software; alter systems:  
The Juvenile Justice (Care and Protection of Children) Act 2015 provides for establishment of Special Juvenile Police Units (SJPU) with dedicated staff; however, as pointed by Dr. K.P. Ilyas; in majority of cases officers are given additional charges and are often transferred after short terms. The Anti-human trafficking Units are also short-staffed, not adequately trained and lack mechanisms for inter-state co-ordination. There is a need to ensure deployment of adequate human resources in all SJPU, AHTUs and district missing person's squads. They must be trained properly on procedures for working with missing child, risk assessment, understand roles of the CWC and other institutions under the Juvenile Justice Act, linkage between 'trafficking' and 'missing children, guidelines /protocols on rescue operations and post rescue. It is also necessary that law enforcement works closely with civil society organizations and CHILDLINE and this should be integrated not only in the SOPs but also in their regular training programmes.
5. Data and evidence generation:  
It would be critical to undertake a comprehensive study of the existing mechanisms of reporting, tracing, reintegration or rehabilitation in the reported cases of missing children to know the ways of bringing in greater efficiency and transparency to the redressal system and services. It would also be interesting to understand the process of family tracing and reintegration of children to their families and gaps therein. Furthermore, despite Supreme Court ruling, advisories and SOPs, in many cases FIRs are not registered immediately. Parents especially from poor families also lack the faith in system and do not report timely. There is a need to sensitize law enforcement towards the needs and vulnerabilities of children and grater interaction between police and community through community outreach to address not only the issue of missing children but also other child protection issues including violence against children, child labour, trafficking and child marriage.
6. Generate awareness, mobilize parents and children and other community members to prevent incidences missing children and protect children and keep them safe:  
Global evidence suggests that children and adolescents are less vulnerable to any child protection risk including abduction, kidnapping and trafficking when they and their parents/ caregivers are aware of these risks, their right not to be exploited and of services available to protect them. The right information can help children can draw upon their knowledge, life skills and resilience to reduce these risks. Furthermore, it is important that all stakeholders including parents and service providers recognize their agency, listen and respect their concerns and provide them space to table their views and participate as equal partners in the process. Parents and teacher as well as police, CHILDLINE and Child Welfare Committee members need to work together to create the space for children and adolescents to be heard and take informed decisions. Targeted campaigns are also needed to encourage parents to report cases of missing children immediately with adequate information. Furthermore, at Panchayat level, there is a need

to identify and track vulnerable children who stand at greater risk including out of school children, migrant children and child labour.

## II. Ministry of Home Affairs:

No. 15011/09/2021-SC/ST-W  
Government of India  
Ministry of Home Affairs  
(WS Division)  
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2<sup>nd</sup> Floor, Open Gallery Building,  
M.D.C. National Stadium, New Delhi.  
Dated: 21<sup>st</sup> January, 2021

To

**Ms. Anita Sinha**  
**Joint Secretary (P&T)**  
**National Human Rights Commission**  
Manav Adhikar Bhawan, C-Block  
GPO Complex, INA, New Delhi-110023.

**Subject:- Virtual Meeting of the Core Group on Children- reg.**

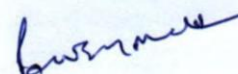
Sir,

I am directed to refer to your D.O. No. R-32/5/2020-PRPP dated 18.01.2021 regarding the subject mentioned above and to state here that 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The responsibilities to maintain law and order, protection of life and property of the citizens including investigation and prosecution of crime against children rest with the respective State Governments. The State Governments are competent to deal with such offences under the extant provisions of laws. However, MHA has taken several initiatives to address the issue of missing children which are enclosed herewith.

2. This issues with the approval of Additional Secretary (WS).

Yours faithfully

Encl.: As above



**(Pawan Mehta)**  
**Deputy Secretary to the Govt. of India**  
Tele: 23075293



**Initiatives taken to address the issue of missing children.**

Pursuant to the directions of Hon'ble Supreme Court of India in WP (Civil) No. 75 of 2012 in Bachpan Bachao Andolan Vs Union of India, Ministry of Home Affairs has issued detailed advisory to the States and UTs, inter-alia requesting all States/UTs:-

- (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- 2 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 paralegal 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

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missing child could locate their missing child and recover him or her from the custody of the police.

- (x) In case a missing child is not recovered within four months from the date of filing of the FIR, 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.
- (xi) 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.

2. MHA has advised the State Governments and UT Administrations to take the following steps for combating human trafficking, including of children:-

- (i) State Governments should evolve a coordination mechanism among various departments in the States and UTs (Home Department, Police, Labour Department Social Welfare Department, Women and Child Welfare Department, Juvenile Justice Boards, Child Welfare Committees, Health Department, Railways and border guarding agencies like BSF, SSB, etc.) to handle issues of human trafficking. This mechanism may be monitored at the highest level in the State/UT.
- (ii) Generation of Awareness at all levels is considered a potent and effective tool to fight the crime of human trafficking/ exploitation of children. Therefore, special awareness generation campaigns may be organised by the District Administration to spread awareness at all levels- Panchayat, Taluka, Districts, every nook and corner of the State to protect vulnerable sections of society.
- (iii) Community awareness programmes on the issue of missing children and its links with human trafficking should be undertaken by the District Administration. Periodic interface should be organised with public and Safety Awareness Campaigns should be conducted in vulnerable areas.
- (iv) The law enforcement agencies may engage with representatives of local Panchayats, community leaders, Village Watch and Ward, Municipal Committees/Neighbourhood Committees/ Resident Welfare Associations etc. This will enable the community to get involved with the administration/police in identification, tracing and recovery of missing and trafficked children.
- (v) Because children can be transported on a large scale for wage labour, prostitution and trafficking etc. Panchayats may be asked to maintain a register of complete information about the persons living in the village and keep track of their movement.
- (vi) Police Officers should be advised to undertake preventive steps such as identification of children in distress, watching out for suspicious persons,

... 3/-



keeping special vigil at transit points, viz. Railway Stations, Bus Depots, Airports, Seaports, Border areas etc., and identify vulnerable population and susceptible pockets in the State etc,

- (vii) Police 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 adult with suspicious behaviours during checking of vehicles/public transport. Railway and Transport Department personnel may be associated with the crime meetings conducted by AHTUs from time to time.
- (viii) Child helpline numbers, emergency response number 112 etc, should be displayed in public places to keep a check on human trafficking. Use of 112 Emergency Response Support System may be widely publicised to provide quick response.
- (ix) Police force should make full use of CCTNS and CriMAC application launched by the National Crime Records Bureau in March this year, which facilitates dissemination of information about significant crimes including human trafficking cases across the country on real time basis. These portals can help in locating and identifying the trafficked victims as also in prevention, detection and investigation of crimes. Police officers at all levels may be sensitised about this.

3. The Ministry of Women & Child Development in order to provide outreach services to the missing children or needy children, operates Child helpline No. 1098 which is operational 24x7. The Ministry of Women & Child Development also supports Railway Childlines on major Railway Stations for providing assistance to any needy child. Further, the Ministry of Women & Child Development has developed a national tracking system for missing and vulnerable children i.e. TrackChild Portal which has been implemented across the country. The URL of the TrackChild is [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in). The Ministry of Women & Child Development had also launched Khoya-Paya platform on 2nd June, 2015 which is an enabling platform, where citizens can report missing children as well as sightings of their whereabouts. Details of children who have been found, can also be reported on this platform. Khoya-Paya has been integrated as a module under TrackChild.

4. Standard Operating Procedure (SOP) for tracing missing children has also been circulated to all the States and UTs for their further dissemination to all other stakeholders such as Police, Child Welfare Committees, Juvenile Justice Boards etc. The SOP lays down uniform guidelines for expediting the search and rehabilitation of missing children all over the country.

### **III. Ms. Bharti Ali, Co-founder & Executive Director, HAQ: Centre for Child Rights:**

1. The efficacy and impact of Track the Child and Khoya Paya portal needs to be assessed. There is very little information in public domain on how these portals have been functioning and how have they helped in dealing with the problem.
2. It is equally important to know who the users of these portals are. Information about children can also be misused by traffickers and organised gangs.

3. Coordination between portals set up by MWCD and the Home Ministry/Police is critical. This has remained a challenge. ZIPNET puts out information about missing and found persons. However, information about all children found and produced before the CWC is not necessarily part of the ZIPNET data. The problem lies at two ends - (i) All CWCs do not have trained staff to upload the information on the portals and set and use MIS for data management, neither do the CWC members have the technical skills and know how, and (ii) those who manage ZIPNET do not coordinate with CWCs.
4. The local police must coordinate with CWC to match information about missing children with children who are produced before the CWC. Ideally, if the CWCs upload their data and ZIPNET matches its data with theirs, the problem can be resolved. Since that is not happening for reasons explained above, there should be physical matching. Every SHO should be sending information about missing children to the CWCs and ask in writing if any such child has been produced before the CWC.
5. Tracing mobile numbers of children or mobile numbers used by children to reach out to their parents when they are lost or have been kidnapped is not done timely. The time lag is very crucial and many children can be traced if promptness is shown as soon as the parents share such numbers with the police. Often the excuse given is that the mobile service providers do not co-operate. In that case, they have to be made more accountable. The second problem comes in due to bureaucratic hurdles that require seeking certain permissions for tracking mobile location and seeking mobile details. The layers of officials and departments or units of the same department should either be eliminated or streamlined to ensure swift and efficient coordination so that there is no delay in tracking call details.
6. It is important to set up village/ward level child protection committees that can play a big role in prevention, reporting and monitoring on the ground. The Integrated Child Protection Schemes provides for setting up Village, Block and District level child protection committees. However, this requires investment in both human and financial resources. The ICPS budget does not have any allocations for setting up these bodies. Wherever they have been set up, it is with assistance from UNICEF or NGOs like Save the Children and Plan India. These organisations too have not been able to ensure sustained funding for such initiatives. This clearly calls for investment from the government. Setting up these structures and training them in use of technology to report a missing or a found child immediately can also go a long way in addressing the problem. Besides, these structures can help in spreading awareness and carrying out awareness drives. They are also meant to function like community level watch dog bodies. Such structures can also help in changing the attitudes of the community towards children, particularly girls who return home and can be used to encourage community rehabilitation programmes for trafficked survivors.

#### **IV. Mr. Mohammad Salam Khan, Sr. Consultant, DCPCR:**

1. DCPCR is following all cases of Missing Children in Delhi since 2020. All FIRs are received from Police on daily basis and processed at the Commission. The Commission remains fully informed and direct actions to stakeholders from time to time. The success rate of resolving the cases has been about 40 %.
2. Suggestions for Strengthening
  - i. The portals track the missing child, Khoya Paya and ZIPNET should be made more accessible and flexible to:



- Child
- Family of victim child
- Other stakeholders in the system JJB/CWC/Childline/DLSA/Commission etc.
- i. FIR is delayed normally. It should be lodged within 2 hours.
- ii. UID should be verified/made in case of found child. There is need to be given special directions to concerned department for the same.
- iii. FRS System for found child should be strengthened. App needs up-gradation by the Crime Branch.
- iv. The police should fill up Recovery Form 'R' and upload it on Track the Missing Child Portal when a child is found.
- v. Found child: proper home verification should be carried out to find angle of involvement of trafficking, child labour, bonded labour within 7 days and submitted to CWC/Hon'ble Courts.

### 3. Coordination

- i. Quarterly meeting with senior officials of Police, AHTU, DMPU, DLSA, DCPCR, Childline and WCD.
- ii. Knowledge building and awareness on the issue with larger community and family of victim.
- iii. Capacity building of the Law Enforcement Agencies and other related authorities on SOP, policies, laws, technologies and to remove bottlenecks in addressing the issues.

## V. **Mr. Anant Kumar Asthana, Child Rights Lawyer:**

1. Prescription of JJ Act is that the Child Welfare Police Officer (CWPO) at the Police Station is to deal with all issues concerning children, be they victims or perpetrators of crimes. Under Section 107 (1) of JJ Act 2015, CWPO has to be an "Exclusive Designation", meaning thereby CWPO cannot be assigned any other duty and has to exclusively dedicate him/herself on issues related to children at the police station. Even though CWPOs are designated, the mandated exclusivity of 107 (1) for CWPOs is not at all implemented, heavily compromising the quality of police input on issues pertaining to children and this includes police performance on missing children too. I want to highlight here that exclusivity of CWPOs was not prescribed in any of the earlier Acts on Juvenile Justice. It has been , for the first time, prescribed in the JJ Act of 2015. I believe this is based on the inputs given by police itself during the framing of JJ Act, 2015. Moving ahead from the police station, at the district level there is a Special Juvenile Police Unit (SJPU). One of the most significant components of SJPU is the two Social Workers, which are to be appointed in district level SJPU under Section 107 (2) of JJ Act, 2015. These two social workers are almost non-existent. There is a practice across India that the social workers appointed in the District Child Protection Units [DCPUs) under ICPS are attached with SJPU for ensuring compliance with 107 (2) but experiences at ground inform us that this system is simply not working out. We have to allow and enable police to recruit their own two social workers at the SJPUs. ICPS is being reviewed and revised at this time under the aegis of MWCD of Union of India and this can be looked into for ensuring that finances are allocated for these appointments in the SJPUs. If the legislative mandate under Section 107 (1) and (2) is implemented, this will revolutionize the engagement of police with children in

general and will have impact on policing on the issue of missing children as well . SJPU's specific functions are also missing from the Model JJ Rules, 2016. I believe this is an area where further work is required, either in the State JJ Rules or through any other administrative mechanism within police.

2. JJ Act, 2015 contains a multipronged and long term strategy on Missing Children. This can be deciphered from a joint reading and appreciation of provisions related to mandatory reporting regarding a child found separated from guardian under Section 32, 33, 34 JJ Act, provisions regarding mandatory registration of institutions keeping children under Section 41, 42 of JJ Act and the procedure to be followed by various stakeholder under Rule 92 of Model JJ Rules, 2016. My assessment is that understanding of this strategy and correlation between all these legal provisions is minimal even in the child protection system and police. Good news however is that due to the proceedings in Writ Petition (Criminal) 869 of 1998 before Hon'ble Delhi High Court, Delhi Police has issued a standing order No. 30 of 2016 for police on Section 32, 33, 34 JJ Act. This is a good practice and may be replicated in other states as well. A copy of Standing Order 30 of 2016 is attached with this email for your kind perusal and record. The only thing I will add here that the Standing Order No. 30 of 2016 issued by Delhi Police is verbatim replication of provisions of law. Need however is to add procedural details for Police and a coordination mechanism between Police and DCPU, Inspection Committees and WCD Departments. There is confusion and hesitation regarding who will take initiative for reporting to Police for registration of FIR in case of non-registration under Section 42. In my view, it can only be DCPO when such institutions are identified by Inspection Committees or CWCs. This needs to be resolved.
3. Delay in registration of FIR is a persisting issue in policing in general and this impacts missing children issue as well. Delay in matters of missing children, makes recovery and investigation difficult. Fixing accountability for delay or non-registration of FIR is the only way out, in my opinion. Over the years we have seen under POCSO Act and also under Criminal Law Amendment Act, non-registration of FIR in cases of sexual offences against children and women has been made a punishable offence. I am not suggesting that similar step be taken in cases of non-registration or delay in cases of missing children too, but some other mechanism for fixing accountability may be considered. This will definitely bring in some improvement.
4. Uploading of Details of missing children on Track the missing child portal by (1) Police Station and (2) Child Care Institutions is prescribed in the JJ Act 2015 and Model JJ Rules, 2016. Biggest problem here is however lack of resources. My information is that till date a huge number of Police Stations and CCIs are not able to do this because of lack of required infrastructure and human resources. Track The Missing Child portal is work in progress. Not only its working but its utilization by IOs for the purpose of investigation is an area where training of Police officers is necessary.
5. On the Initiative of Hon'ble Supreme Court, Tata Institute of Social Sciences had drafted a detailed stakeholder wise SOP. It was a collection of several SoPs for different stakeholders. It was submitted to MWCD which then went on a different track and came out with an extremely abridged version of it. My assessment is that in this process the essence and utility of TISS-SoPs was lost. A part of the SoP, as finalised by MWCD is now included in Rule 92 of the Model JJ Rules, 2016 and in the

rule 92 itself, there is an opportunity for State Governments to issue appropriate SOPs for inquiry in case of missing children under Rule 92 (7). I suggest that there is a need to revert back to the TISS Draft SOP and to get detailed stakeholder wise SOPs issued under Rule 92 (7) by States/UTs.

6. Preventive work is especially critical for tackling the issue of missing children. In this context the role of the District Child Protection Units (DCPUs) becomes especially important. In the Juvenile Justice (Care and Protection of Children) Model Rules 2016, MWCD has affirmed this understanding. TISS Draft SoP has formulated a detailed chapter about the DCPU's preventive role. It is necessary to clarify the evolving role of the DCPU in context of missing children, child trafficking and preventive work on child protection by issuing a SoP on the role of DCPUs in this regard.
7. Undertaking research by NHRC in the area of missing children, on specific components like investigation techniques, is a very good suggestion. One of the best tools we have with us is to examine the affidavits which have been or are being filed by Police in various High Courts in cases of habeas corpus petitions involving missing children or in various PILs on the issue of missing children. A scrutiny of these affidavits will show NHRC in what way Police actually conducts investigation in cases of missing children, whether SOPs, Legal provisions etc. are followed or to what extent or not at all. This will help us not only in identifying innovative investigation techniques but also will throw up areas where investigation needs to be improved. In Delhi High Court itself, there are a number of such pending and disposed of cases.
8. Bhuwan Ribhu talked about understanding the term "Missing Child". I will further expand on this. Now we have a definition of "Missing Child" in Rule 92 (1). But this definition is often not understood and applied in its full scope. In Writ Petition (Criminal) No. 2551 of 2019, before Delhi High Court, an issue was raised, *"Whenever a child (Whether a child in conflict with Law or a child in need of care or protection) who is placed in a child care institution on the orders of JJB or CWC or court concerned, is not returned to the said child care institution after expiry of period of leave, such child shall be considered a missing child under Rule 92 of the Juvenile Justice (Care and Protection of Children) Rules, 2016 and on being informed about any such incident, Police shall register FIR as per law"*. This was in the context that Delhi Police was not ready to consider such a child as "Missing Child". This issue was adjudicated by Hon'ble Delhi High Court and in view of the specific argument raised by the Petitioner based on the definition of missing child in Rule 92 (1), Delhi High Court ordered for registration of FIR and to proceed with the investigation. This resulted in the tracing and return of two children who were taken away from a CCI on the pretext of leave and were not returned.
9. In the process of inquiry or investigation in cases of missing children, often we are faced with an issue of difficulty with Section 74 of the JJ Act. There is a Supreme Court directive from the era of JJ Act of 2000, allowing police to publish photos of missing children in newspapers etc. This directive is in teeth with Section 21 of JJ Act of 2000 (now Section 74 of JJ Act, 2015, which is even more robust and emphatic than its earlier version in Section 21 of JJ Act 2000). This issue had come before Delhi High Court in Writ Petition 787 of 2012 and is recorded in detail in the order of Delhi High Court dated 05.11.2014 in para 8 onwards. NCPCR had undertaken to approach the Hon'ble Supreme Court for resolution of this issue and had assured the High Court that

they will approach the Supreme Court for seeking clarification. On 25.03.2015, NCPCR had sought more time from Delhi High Court to file an application before Hon'ble Supreme Court for seeking clarification. The Supreme Court has yet not been approached on this by NCPCR and the issue persists. Section 74 is a provision which protects privacy and confidentiality of children. It is guided by the sole consideration of protecting privacy and confidentiality of children. In my view, it is one-dimensional provision and needs to be carefully and delicately revisited, not only from the point of view of missing children but also from several other considerations. It will be pertinent to also undertake an exercise to revisit implications of Section 74 JJ Act on the investigation and various processes involved with missing children, more so because there are several Government portals like khoya paya, track the missing child, zipnet and several private Portals run by NGOs etc. where details, pictures etc. of children are uploaded.

10. The Supreme Court has required State Child Rights Commissions to monitor implementation of SoP issued by MWCD on missing children. In addition to this MWCD SoP, there is another SoP issued by Railway Board for dealing with Children in Contact with Railways and there is yet another SOP issued by NCPCR on street children. All these SoPs overlap because many of the children in contact with railways and street children are also missing children. This overlap was the reason as to why the Supreme Court had taken steps to get to standard SOP framed and issued. Now we have the MWCD SoP on Missing Children issued but new overlapping SOPs are still around. NHRC may look into this issue of multiple and overlapping SoPs at this stage and may also consider coming out with detailed guidelines as to how the State Child Rights Commissions should be doing monitoring of implementation of the MWCD SoP.
11. Lastly I will urge NHRC to also consider larger ethical and legal issues surrounding use of facial recognition in context of missing children. There are serious issues of privacy, data protection and who has access to it and how it is used. It should not be approached only from the point of view of easing investigation. It is a delicate matter requiring consideration from a broad view point.

## **VI. Ms. Swagata Raha, Child Rights Consultant, and Head, Restorative Practices, Enfold India:**

1. The NHRC may consider recommending multi-stakeholder review-mechanism on offences against children, including missing children on a monthly basis. This will afford an opportunity to look at the nuances of investigation, gaps in information, challenges faced, support required, what has worked and what has not worked. To ensure better coordination, representatives of the CWC, JJB, DCPU, SJPU, police, Childline, and DLSA should participate in such reviews.
2. Review of investigation methods: In the absence of digital leads, the police have to fall back on basic investigation methods to gather information. For this purpose, a checklist of developmentally-appropriate questions that may be asked to children to help identify where they hail from, should be prepared. Assistance of the staff of Child Care Institutions and DCPU, and civil society organisations needs to be proactively taken to communicate with children who are found.
3. The NHRC may consider a review of the human rights concerns pertaining to the use of face recognition technology by law enforcement agencies and private entities. Evidence points to the unreliability and inaccuracy, inefficacy and discriminatory use of face

recognition technology, incursion on civil liberties, and surveillance creep, as well as the impossibility of ensuring procedural regulation. While several private apps have been created to aid the process of identifying missing children, there is an urgent need to examine the risks posed by such technology at this stage in light of the above evidence.

4. NHRC's study can help unpack the root causes behind children leaving home and also examine the impact of the response system on children's right to life and dignity, best interest, evolving autonomy, right to be heard, privacy, and equality and non-discrimination. The child is at times returned by the police or CWC to the same circumstances and situation that caused the child to leave home, without any intervention. Community based family strengthening and social protection measures, as well as vulnerability mapping have to be prioritized.
5. While strengthening investigation and response, care has to also be taken to balance children's evolving autonomy, especially in the context of non-exploitative romantic cases involving adolescents. The risk of reprisal against the child by the family needs to be considered in this regard.
6. Differential impact of investigation procedures on children based on their identity needs to be examined. For instance, the Karnataka experience reveals that in the case of boys, once they are found, a statement under Section 161, Cr.P.C is recorded and if no case of kidnapping is made out, the boy is released and a B report is filed. In the case of girls, however, they are mandatorily subjected to a medical examination and a statement under Section 164, Cr.P.C is recorded even if the preliminary facts do not suggest any sexual offence. This results in the girls being sent to a Child Care Institutions and delays the child's restoration. The NHRC may also consider examining the impact of Adoption Regulation 6(11), Adoption Regulations, 2017, which states: "In case the report from the local police regarding the non-traceability of the biological parents or legal guardian is not submitted within two or four months in the case of an abandoned child less than two or four years of age respectively, such report shall be deemed to have been given." There are long-term implications of family separation and more resources, time and effort needs to be put in to trace families. The solution cannot be to declare the children legally free for adoption if their families have not been traced within two months or four months.
7. Karnataka SCPCR has undertaken a study on Missing Children and its findings are expected shortly. Similar studies may be undertaken by State SCPCRs to enable nuanced understanding of the State-specific challenges.

## **VII. Mr. Shashank Shekhar, Supreme Court Advocate, and Former Member, DCPCR:**

1. Effective implementation of Rule 92 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, which deals with Inquiry in case of a Missing Child. States may be asked to adopt Rule 92, while state specific, alterations may be brought in by way of developing SOP, appropriate to the state.
2. NHRC is requested to constitute a cell for monitoring effective implementation of Rule 92.
3. Child Welfare Police Officer, posted in every police station should be provided a dedicated mobile number, so that the contact number of the Child Welfare Police Officer is not changed with the transfer of the Police Officer and the parents of missing children may continuously and conveniently remain in contact with any Child Welfare Police Officer.
4. Child Welfare Police Officer shall be dedicated to only to the cases related to children.

5. Members of District Child Protection Units in most of the states are either appointed on contractual basis or are on deputation, holding dual posts, DCPU plays pivotal role in child protection and hence DCPU personnel should be appointed as regular workforce in the department.  
The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016:
6. All vulnerable children must be identified and their Aadhaar card must be prepared, at the earliest.
7. In most of the cases it has been complained that when a police personnel accompanying a child approaches any Aadhaar Centre to know about the 'identity information' of the child, by way of thumb impression or by way of iris diaphragm, the same is being denied on the ground of confidentiality,
8. It is further pointed out that the provision under section 33(1) is complicated, time consuming and not child friendly,
9. Section 33 (1) of The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, maybe amended in the Best Interest of missing children by adding additional clause-3 , so that the identity information of a missing child who has been recovered may be established for rehabilitation of the child in the family. The additional clause (3) may be read as, " Nothing contained in sub section(2) or sub section (5) of section 28 or sub section(2) of section 29 shall apply in respect of identity information of child( less than 18 years of age) brought to any Aadhaar Centre by police by the order of the Principal Magistrate of the Juvenile Justice Board and in the absence of the Principal Magistrate by the order of the Chairperson Child Welfare Committee, of the jurisdiction in which the Aadhar Centre is situated, only for the purpose to know about the address of the child, if available in the records and such disclosure cannot be denied on the ground of confidentiality in the best interest of the child. The aforesaid service shall be provided free of cost."

#### **VIII. Ms. Priti Mahara, Director- Policy, Advocacy, Research & Documentation, CRY:**

CRY emphasised on focusing and capturing the 'preventive' aspects to combat the issue of Missing Children while drafting the framework of NHRC research on Missing Children. The study may capture different aspects/issues of MC either together (in one study) or may divide it into different categories. The key suggestions on NHRC Research Framework are furnished below:

1. Define the guiding principles of the research like best interest of the child, etc.
2. Adhering to research ethics norms while conducting the study including taking informed consent
3. General information
  - Capture reverse migration of families- in and out population of children
  - Sex segregated and age (children) specific information to be captured
  - Socio economic conditions
  - Identification of Hotspots
4. Status and engagement of community based child protection mechanisms like VCPCs etc.
5. Children voices (KAPB – Knowledge, attitude, practice, behaviours)
  - Children living in vulnerable pockets
  - Children rescued and rehabilitated

6. Capture parents/care takers voices
  - Parents of children living in vulnerable pockets
  - Parents of children rescued and rehabilitated
  - Parents of children still missing
7. KAPB of key stakeholders in public places like railway platforms, bus stations, airports, markets, etc.
8. KAPB of key duty bearers directly responsible/accountable for addressing the cases
9. Availability of Human Resource at different child protection systems (ICPS/Police, etc.)
10. Availability of fund allocations and utilisation under different policy and schemes addressing the issue of Missing Children
11. Interrelated areas like online safety of children
12. Convergence and Coordination gaps
13. Secondary data trend analysis
14. Analysis of the functionality and usage of online portals tracking MC
15. Case management – legal analysis of the cases
16. Document Best practices on Missing Children efforts (NGOs, Police, etc.)

#### **IX. Prof. (Dr.) Asha Bajpai, Former Professor of Law, TISS:**

In India there is no specific law focusing on missing children and the issue is being dealt with under the category of crime committed against children laid out in IPC and several special and local laws. The risk and link between children going missing and being trafficked are clear, but such children do not find place in the existing legislative framework unless a complaint is filed. There are several legislations dealing with missing children which was a listed by Mr Pradhan of NHRC. There are different categories of missing children- kidnapping by strangers, kidnaping by families, child trafficking, runaways ., lost etc. They can be categorised as follows:

- Runaways: Minors who run away from home, from the institution where they have been placed, or from the people responsible for their care.- violence, abuse etc
- Abandoned : Minors who are abandoned by their parents or guardians.
- Parental abduction
- Non-parental abduction
- Missing unaccompanied migrant minors: Disappearances of migrant children, nationals of a country in which there is no free movement of persons, under the age of 18 who have been separated from both parents and are not being cared for by an adult, who by law is responsible for doing so.
- Lost, injured or otherwise missing children: Disappearances for no apparent reason of minors who got lost or hurt themselves and cannot be found immediately (e.g. accidents during sport activities, at youth camps, etc.), as well as children whose reason for disappearing has not yet been determined

Different categories of missing children and they warrant different responses There is a need for a national policy on missing children and a comprehensive legislation that will bring about a convergence of all laws.

1. Main Objectives of the Research Study on Missing Children is to determine:
  - i. To get a clear picture of how many children become missing, how many rescued
  - ii. To obtain the demographic characteristics and the circumstances and reasons of their disappearance
  - iii. To determine Role, methods, barriers faced by various agencies in finding the missing child
  - iv. To collate best practices, case studies and success stories of rescuing missing children
  - v. To suggest a comprehensive strategy for dealing with missing children
2. Brief Methodology:
  - i. Review of existing literatures, studies on missing children.
  - ii. Tools or Schedules to be prepared for various stakeholders that will include families, parents, rescued children, adolescent, child care institutions, select hospitals and nursing homes, law enforcement, SJPU, children or youth who have been found, prosecutors, helplines and portals administrators,
  - iii. mixed methods to be used- surveys, focused group interview, telephone interview, personal interviews, e mail surveys and interviews, case studies, study of affidavits, documents, submitted by police in courts relating to missing children.
  - iv. Data to be analysed using statistical packages.
3. Some Research Questions:
  - Profile of child missing- age, sex, education, Profile of family of missing child- age, income, occupation ...
  - How many missing children were rescued; Case studies/Interviews of return back children
  - Reasons for running away- violence, corporal punishment, failure, orphan, etc.....
  - From where was the child missing - home, school, market, park, railway station, bus station, hospital, child care institution .....
  - What action was taken by the family, child care institution –approached police, NGO, helpline, panchayat, talaash, khoya paya, track child etc.... Why?
  - What barriers were faced while approaching these agencies: non cooperation, expenses incurred, access to portals, helplines, NGOs
  - Response received from agencies, portals, helplines
  - Awareness and Role of SOPs, schemes, judgements, by stakeholders
  - Barriers faced by agencies, portals, helplines; Cost of investigation
  - Support received by families, agencies, NGOs Government, helplines, portals – what kind; Expenses incurred by families
  - Action taken by agencies, Non cooperation by agencies,
  - Status of Reintegration, rehabilitation
  - Current Documentation Practices
  - Collation Best Practices, Success stories – india, global

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