

Minutes of the Meeting on Missing Children held on 9th June, 2020

A virtual meeting on the issue of ‘**Missing Children**’ was held in the Commission on 9th June, 2020. The meeting was chaired by Smt. Jyotika Kalra, Hon’ble Member, NHRC and attended by Shri Jaideep Govind, Secretary General, Ms. Anita Sinha, Joint Secretary (P&T), Shri Surajit Dey, Registrar (Law) and Ms. Manzil Saini, DIG (I), Dr. M.D.S. Tyagi, JD(R), Dr. Seemi Azam, RO and Ms. Diana Thomas, JRC. Mr. Ajit Singh, NHRC’s Special Monitor on Trafficking, joined the meeting from Varanasi. The objective of the meeting was to discuss the issue of missing children and brainstorm effective measures to address the menace.

Shri Jaideep Govind, Secretary General, NHRC stated that we are faced with serious concern over unabated instances of missing children in the country. He mentioned that despite different interventions by not only the State but also by NHRC such as the NHRC Committee on Missing Children, the National Conference on Missing Children (2013), and several sensitization programs, the menace of missing children still persists and needs to be proactively checked with the help of State Administration and Non-Government Organizations (NGOs). He further pointed out that there are almost 60,000 cases of missing children reported in the country every year. Therefore, he said, that this meeting was called about to prepare an action plan as the Commission to address the issue and brainstorm the road map for focused action in the coming days.

Smt. Jyotika Kalra, Hon’ble Member, NHRC, while highlighting the different reasons due to which children may go missing, also pointed out that Delhi High Court has been following up on the issue of missing children and there have been judgments in 2018, 2019 up until 2020. In April 2018, the High Court pointed that about 3000 children have been recovered by the facial recognition software. In 2019 and 2020, the high court has remarked that the facial recognition software used to trace the children is outdated and not able to adequately fulfil its purpose and, therefore, has continuously asked the Delhi Police to update its software.

Further, it was suggested by the Honourable Member that, firstly, the pending cases with the Commission maybe be addressed and checked how the police at the respective level has addressed the case and based on this the Commission can make required recommendations. Secondly, there should be central databank containing pictures of the children that go missing; the name and picture of the child should be given in the newspaper for wide-spread publicity. Thirdly, Aadhaar may be put to use for tracing of missing children as it covers almost the entire country’s population and the details of the iris and fingerprint used in it will prove helpful. Fourthly, the facial recognition system must be updated with the latest technology and the police should be trained and updated regarding the same. She also suggested that the Commission may undertake a research project in any particular state to see how many children have gone missing, what was the reason for them to go missing, what procedure for their recovery was followed by the police; and then based on this empirical research Commission could formulate recommendations for addressing the issue of missing children.

Smt. Anita Sinha, Joint Secretary (P&T), NHRC pointed out that while the Commission has worked on various issues of children including education, disability, food, etc.,

however, in-depth work on missing children has not been taken up in the recent times and therefore the meeting was crucial especially as the problem is yet to be erased. She highlighted that the problem may be ever larger than one imagines as there may be many more incidents that go unreported. Smt. Sinha also stated that as it is predicted that human trafficking and incidents of children going missing may increase amidst the COVID-19 pandemic, it is important to look into the issue of missing children at this time.

Shri Ajit Singh, NHRC's Special Monitor on Trafficking, stressed upon the fact that as a result of the socio-economic and other conditions brought up by the COVID-19 pandemic, the number of trafficked and missing children will increase in the coming times. He pointed out that while it is too early to get concrete data in this regard, but over the next two-three months the issue will percolate down in terms of numbers and to work on that data the Commission may collaborate with NGOs and civil society organizations and thereby address the larger issue of missing children.

Further, he suggested that NGOs can be identified from each state who will in turn identify cases for the Commission, which, along with the complaints received by the Commission itself may be compiled and put together in front of the State with recommendations based on detailed study and analysis of the empirical data.

Smt. Manzil Saini, Dy. Inspector General (Investigation), NHRC shared from her experience that the District Crime Records Bureau (DCRB) and State Crime Records Bureau (SCRB) have data with regard to missing children for the respective districts and states. She also mentioned about the landmark Supreme Court case, *Bachpan Bachao Andolan Vs Union of India*, according to which FIR is mandatory when a child is reported to be missing within 72 hours; as missing reports carry lesser weight than a FIR. Further, she outlined in detail about the functioning of the National Tracking System for Missing Children, under the Ministry of Women and Child Development. It is a national tracking portal wherein all data, irrespective of whether a FIR has been lodged pertaining to that particular case, is found and data-matches are done for across states. It was suggested by her that the Commission may look into how well this portal is working as it also uses the facial recognition technique/software mentioned by the Honourable Member. Smt. Saini also shared regarding Operation Smile of the Ghaziabad Police, the concept of 'Baal Mitr Thaanas' as well the working of CHILDLINE helpline number. Lastly, she suggested that the Commission may prepare a Standard Operating Procedure (SOP) with regard to the issue of missing children.

Shri M.D.S. Tyagi, Joint Director (Research), NHRC added to the discussion by suggesting that the Commission may call upon a meeting of the Core Group on Children on the issue of Missing Children and subsequently also hold a conference regarding the same. He suggested that SOP on trafficking prepared by the Commission may be reviewed and accordingly a fresh SOP on missing children may be prepared by the Commission. He further added that the Commission may ask for report from NCPCR as it may be already working on this issue and review their work and data on missing children so as to acquire a clear picture of the issue. Concerning commissioning research projects on this issue, he highlighted that certain states contribute to a large number of incidence of children going missing. With 16027 cases

being reported from West Bengal, 15320 cases from Madhya Pradesh, 14,968 cases from Delhi and about 12000 cases from Bihar being reported in 2018 according to the NCRB, we can focus on one of these states that come under the top four state with high incidence of children going missing and carry out a study in that particular state.

Shri Surajit Dey, Registrar (Law), NHRC, highlighted the issue of lack of prosecution and conviction in the cases of missing children. He stated that the special courts dealing with this issue do not function properly. While pointing out poverty as one of the major contributors in this issue, Shri Dey also stated that lack of awareness, lack of coordination among the police across states, and low conviction rate were the key reasons for the growth of this problem.

The major points that emerged from the meeting are as follows: -

1. A particular state, perhaps Delhi or UP, may be selected to get the following details through selected NGOs, including: the status of work on missing children by the NGOs, the number of FIR filed in the state with respect to missing children, number of children who were traced back, the procedure of tracing children adopted by the police and the reason for the children to have gone missing may be investigation as a pilot project. Based on the study and analysis of this empirical data, the Commission may make recommendations on the gaps identified thereof. The Commission may also review all the complaints it has received concerning missing children on priority basis and assess the procedure adopted by the police to solve the case.
2. Empirical data of missing children should be collected district-wise and a data bank should be formed at the central-level which should be seeded with Aadhaar database. Information regarding return or restoration of children should also be regularly updated in this database. Wide publicity of missing children should be made by both police and local NGOs in order to speed up the process of recovery. An SOP may be created to deal with the issue of missing children.
3. Police and NGO's should be encouraged to be more technologically equipped while tracing and tracking the missing children with facial recognition software, etc. Software for facial recognition must be updated with improvement in technology.
4. Existing tracking and redressal mechanisms such National Tracking System for Missing Children, Anti-Trafficking Units, and the CHILDLINE Helpline (1098) may be assessed for their effectiveness. It is also recommended to promote research in this field to get a clear idea on how many children have been missing, how many FIRs have been lodged, how many children were recovered, what procedures or modalities were used to recover the children and so on. A meeting of the Core Group on Children may be called upon to brainstorm further steps to address the issue; a conference on the same may also be subsequently organized.

5. A better synchronized and integrated approach is needed between various NGO's, civil society groups, police, state administration and different ministries to deal with the issue of missing children.