



\$~

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

*Reserved on: 01.08.2023*  
*Pronounced on: 07.12.2023*

+ **W.P.(CRL) 2131/2023**

LAMBODER JHA

..... Petitioner

Through: Mr. Soayib Qureshi, Mr. Sandeep Bajaj, Ms. Aparna Singh and Mr. Harikesh Anirudhan, Advocates

versus

GOVT NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for the State with Mr. Kunal Mittal, Mr. Saurabh Tanwar, Advocates for R-1 to R-3 and IO SI Kamlesh, Inspector Deepak Sharma, W/Constable Renu, P.S. Kalindi Kunj and Victim in person

**CORAM:**

**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

## **J U D G M E N T**

### **INDEX TO THE JUDGMENT**

FACTUAL BACKGROUND.....	2
GRIEVANCE OF THE MINOR'S FATHER.....	5
ANALYSIS AND FINDINGS .....	7



<b>DIRECTIONS AND GUIDELINES .....</b>	<b>25</b>
A. Multi- Lingual Standard Operating Procedure .....	25
B. Training Modules .....	26
C. Periodic Review: SOP- A Living Document .....	27
D. Ready-To-Use Hand-Book .....	27
E. Comprehensive Check-List.....	28
F. Complainants To Inform The Investigating Agency, If Missing Child Is Found.....	28
G. Changes With The Technological Advancements .....	29
H. Ensuring Access To Current Court Rulings And Administrative Procedures For Law Enforcement.....	30
<b>CONCLUDING REMARKS .....</b>	<b>31</b>

### **SWARANA KANTA SHARMA, J.**

1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner for issuance of writ in the nature of Mandamus or any other writ, order or direction directing the respondents herein to adhere to the Standard Operating Procedure dated 23.11.2016 issued by Ministry of Women and Child Development and to locate the whereabouts of the missing minor daughter of the petitioner.

### **FACTUAL BACKGROUND**

2. To encapsulate briefly, facts of the present case are that petitioner is father of minor 'X', who is about 16 years of age, who



had gone missing on 10.07.2023. She had left her house at about 9:30 AM to visit her Aunt who resides near their home. However, since she did not return home and considerable time had passed, the petitioner father had gone to inquire about her and was informed that minor 'X' had never reached her aunt's house. They had tried to find her in the neighbourhood, however, she could not be found. On 11.07.2023, petitioner had lodged a complaint at Police Station Kalindi Kunj and FIR No. 336/2023 came to be registered under Section 363 of IPC.

3. The petitioner states that despite number of visits to the police station between 12.07.2023 to 16.07.2023, he could find no information about his daughter. Thereafter, he had made representation to the Deputy Commissioner of Police, South-East District, and to SHO, Police Station Kalindi Kunj on 16.07.2023. The petitioner's grievance is that the police had not taken steps in accordance with Standard Operating Procedure for cases of missing children issued on 23.11.2016 by the Ministry of Women and Child Development. The present writ petition was therefore filed to point out the lapses in the procedure adopted by the police officials in case of finding the missing child.

4. However, when the matter was taken up for hearing on 28.07.2023, the State and the investigating officer had produced the missing daughter of the petitioner before the Court. The relevant portion of order dated 28.07.2023 is extracted hereunder:

“...6. When the case came up for hearing, the State and the investigating officer appeared on advance notice and produced the missing minor child “X” before the Court. Her



statement had been recorded under Section 164 CrPC wherein she had levelled no allegations against any person and has stated that she had left her home out of her own free will due to some misunderstanding between her and her parents.

7. This Court has interacted with the minor victim who has expressed her apprehension in accompanying her father. She has stated that she wants to continue her studies and is keen on attending her school regularly. She has expressed apprehension that due to her leaving home, her parents will discontinue her studies and may treat her badly. Father of the minor child who is present and the minor child were counselled and the father undertakes that he will ensure that the minor daughter is able to attend her school regularly. The minor daughter was counselled and she has expressed her willingness to accompany her father.

8. In such circumstances, considering that the minor child “X” wants to continue her studies who is about 16 years of age and is presently studying in 10th standard, her studies will not be discontinued. The Principal of the school concerned will accept the leave application which will be moved by the father of the minor child and will accept as leave, the period when she had not attended the school, without asking any uncomfortable question to the child or the father. Father of the child will ensure that the child keeps on going to the Government school, she is studying in. The SHO, PS Kalindi Kunj is also directed that for the next six months, he will send a female Sub- Inspector to the house of the petitioner in plain clothes to find out that the child is attending the school comfortably and her studies have not been discontinued.

9. Learned counsel for the petitioner has also pointed out that the entire guidelines of the SOP were not followed in the case and states that this Court may pass appropriate directions regarding the same for the police to follow in all cases of missing children. Sh. Bhandari, learned ASC for the State who is present in the Court as well as learned counsel state that they will assist the Court in doing so.

10. List on 01.08.2023 for consideration of the same...”

5. Though the minor in this case had been found by the police and had been produced before this Court, the indulgence of this Court



was sought on behalf of the petitioner that the minor in this case could be found only after a period of about 17 days which is due to the lapses and negligent conduct of the police officials in relation to the complaint of the petitioner. The petitioner insisted that though fortunately his daughter has been recovered, his prayer regarding issuance of writ of mandamus or issuance of any order or direction directing the respondent to adhere to 'Standard Operating Procedure For Cases of Missing Children' dated 23.11.2016 issued by Ministry of Women and Child Development be heard and necessary directions be passed.

### **GRIEVANCE OF THE MINOR'S FATHER**

6. It is stated that the petitioner has suffered hardships as a helpless father who was totally relying upon the State machinery to protect his minor daughter. The attention of this Court is drawn to the fact that many helpless parents as him have been victim of lackadaisical approach, lapses and delay in taking steps, the lapses which are not merely procedural but grave, and the same be addressed by this Court.

7. The petitioner has also raised before this Court several concerns in case of missing children which he had to face as a father belonging to poor strata of society and states that necessary directions in this case be passed. He has flagged the following issues.

- i. The State has miserably failed to adhere to the procedure and guidelines prescribed by the 'Standard Operating Procedure For Cases of Missing Children' dated 23.11.2016 issued by



Ministry of Women and Child Development.

- ii. The State has failed to inform the Child Welfare Police Officer and forward the copy of the FIR to the Special Juvenile Police Unit for immediate action for tracing the child. The respondents have not taken any steps to ascertain the location of the minor female child.
- iii. The State has further failed to collect recent photograph of the missing child and have not uploaded the data and submit the Form-M prescribed under the SOP dated 23.11.2016 on the official web portal, i.e. [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in).
- iv. The State has failed to send 'Missing Persons Information Form' to the Missing Persons Squad, District Missing Persons Unit, National Crimes Records Bureau, State Crimes Records Bureau, Central Bureau of Investigation, PCRs, Railway Police and other related institutions.
- v. The State has further failed to share copies of the FIR to the Legal Services Authority along with details of the parents of the missing child.
- vi. The State has not issued hue and cry notices containing the photographs and description of the missing child neither the same have been published in any newspapers, television/electronic media, etc. nor have such notices been given any wide publicity or distributed at all outlets of the State.
- vii. The State has further failed to search areas or spots of interest and scan CCTV footages of the vicinity from where the child



was reported to be missing.

8. The arguments addressed by Sh. Soayib Qureshi, learned counsel for the petitioner and Sh. Sanjeev Bhandari, learned ASC for the State were heard at length. The documents filed on record by both the parties have also been perused by this Court.

### **ANALYSIS AND FINDINGS**

9. In the case at hand, the petitioner insisted that the Court must issue directions since the respondent police had failed to adopt proper procedure of investigation in this case and had failed to take into account the plight of the petitioner when his daughter had gone missing and her life was at stake.

10. In this regard, it is noted that regarding the concerns expressed before this Court, detailed directions and Standard Operating Procedure to be adopted in cases of missing children has already been dealt with, in detail, in the several judgments, which can be referred to by the investigating agencies and other stakeholders for guidance.

11. At the outset, reference can be made to the directions issued by the Hon'ble Apex Court in case of *Bachpan Bachao Andolan v. Union of India* (2016) 13 SCC 698(2), which are extracted hereunder for reference:

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

31.1. The Secretary, Ministry of Women and Child Development, Government of India, will be the nodal officer to coordinate the efforts for preventing children



going missing, tracing out the missing children, and for the resettlement and rehabilitation of children in child care institutions.

31.2. The Secretary, Ministry of Women and Child Development, Government of India, will coordinate with his/her counterparts in all the States and the Union Territories in respect of directions issued by this Court and obtain necessary information from them as required by this Court from time to time instead of having separate affidavits filed by the States and the Union Territories in this Court thereby burdening the record of this Court.

31.3. Insofar as the website viz. [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) is concerned, it is stated that website is in operation since the year 2012. We request the Director Faculty of Management Studies, University of Delhi, Delhi, to appoint some competent members of the said Faculty and if necessary to take outside assistance to study the aforesaid website and to suggest improvements, if any, at the earliest.

31.4. It appears that many States have prepared their own Standard Operating Procedure (SOP) to trace out missing children. Some of these SOPs are in line with the SOP framed by NALSA. The Secretary, Ministry of Women and Child Development, Government of India, will make a compilation of all these SOPs and hand them over within a week from today to the Director, Tata Institute of Social Sciences (TISS), Mumbai. We request the Director of TSS to set up a group to study all these SOPs and to come out with a model SOP which would then be distributed to all the States and the Union Territories for implementation.

31.5. The Secretary, Ministry of Women and Child Development Government of India, will inform this Court on the next date of hearing whether the Advisory Committee mandated under the Juvenile Justice Care and Protection of Children) Act, 2000, has been set up in all the States and the Union Territories and if so, the details of meetings held by them.

31.6. He will also take urgent steps to fill up all the vacancies in in the National Commission for Protection of Child Rights (NCPCR) including the vacancies of the Chairperson and the members of the Commission.





31.7. The Secretary, Ministry of Women and Child Development, Government of India, will also issue directions immediately to his/her counterparts in all the State Governments and the Union Territories to vigorously renew efforts to trace out the missing children.

12. Vide order dated 06.11.2015, in the aforesaid case, it was observed by the Hon'ble Apex Court that the Ministry had worked out some standard operating procedure with regard to tracing out missing children. The relevant portion of order passed in *Bachpan Bachao Andolan v. Union of India (2016) 13 SCC 706(2)* reads as under:

“87. Two broad issues have been taken up for consideration in this writ petition. The first issue pertains to missing children. In this regard, the Ministry of Women and Child Development along with the Ministry of Home Affairs has launched the programmes called "Operation Smile" and "Operation Muskaan" for tracing out missing children and returning them to their parents. This is naturally an ongoing process and is not likely to come to an end at any time

88. The learned counsel for the petitioner has pointed out that there are serious discrepancies in the figures that are made available with regard to missing children. In response, the learned Additional Solicitor General says that the figures available with the Ministry are based on the information provided by the National Crime Records Bureau (NCRB).

89. The learned counsel for the petitioner says that a representative of the petitioner is willing to sit with the competent officer of NCRB to reconcile the figures. The learned Additional Solicitor General says that he will coordinate and arrange for a meeting so that reconciliation can take place to the satisfaction of the petitioner. The needful be done at the earliest.

90. We are told that the Ministry has worked out some Standard Operating Procedure with regard to tracing out missing children. This Standard Operating Procedure is at



the stage of finalisation. It is submitted by the learned Additional Solicitor General that as soon as the Standard Operating Procedure is finalised, but before publication, it will be given to the learned counsel for the petitioner for any further suggestions, who may give the comments within two weeks and thereafter the final Standard Operating Procedure will be issued and published on the website of the Ministry of Women and Child Development.

91. In view of the above, we do not propose to proceed any further with regard to the issue of missing children raised in the writ petition. Liberty is, however, given to the petitioner to revive the issue should the need arise.”

13. In compliance of the directions of Hon’ble Apex Court, the Ministry of Women and Child Development had formulated the ‘*Standard Operating Procedure For Cases of Missing Children*’ dated 23.11.2016, which has been in existence since then and which guide all the stakeholders. The relevant portion of the Standard Operating Procedure is extracted hereunder for reference:

#### **“...IV.ROLES AND RESPONSIBILITIES OF STAKE HOLDERS**

##### ***When the Child goes missing:***

##### **Police**

a) As per the directions of the Hon'ble Supreme Court of India in Bachpan Bachao Andolan vs. Union of India (WP (Civil) 75 of 2012) on 10th May 2013, - “upon receipt of a complaint regarding a missing child, an FIR should be registered forthwith as a case of trafficking or abduction”.

b) Inform the Child Welfare Police Officer and forward the FIR to the Special Juvenile Police Unit for immediate action for tracing the child. Refer Annexure –I.

c) The police shall also:



- i. Collect a recent photograph of the missing child and make copies for District Missing Persons Unit, Missing Persons Squad, National Crime Records Bureau/Media etc.;
- ii. Fill the form “M” on the designated portal [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) Refer Annexure –II.
- iii. Fill the specific designated “Missing Persons Information Form” and immediately send to Missing Persons Squad, District Missing Persons Unit, National Crimes Records Bureau, State Crimes Records Bureau, Central Bureau of Investigation, PCRs, Railway Police and other related institutions;
- iv. Send the copy of the FIR by post/email to the office of nearest Legal Services Authority along with addresses and contact phone numbers of parents and legal guardians of the missing child or the child care institution, after uploading the relevant information onto the designated portal;
- v. Prepare sufficient number of Hue and Cry notice containing photograph and physical description of the missing child to be sent for publication;
- vi. Give wide publicity by publishing or telecasting the photographs and the description of missing child, as feasible in
  - (a) leading newspapers
  - (b) Television/electronic media,
  - (c) local cable television network and
  - (d) social media and thereafter submit for ratification by the Board or the Committee or the Children's Court, as the case maybe;
- vii. Give wide publicity in the surrounding area through the use of loud speakers and the distribution and affixture of Hue and Cry notice at prominent places. Social networking portals, short message service alerts and slides in cinema halls can be used to reach out to the masses;
- viii. Distribute Hue and Cry notice at all the outlets of the



city or town, that is, railway stations, bus stands, airports, regional passport offices, and other prominent places.

ix. Search areas and spots of interest such as movie theatres, shopping malls, parks, game parlours and areas where missing or runaway children should be identified and watched;

x. Scan the recordings of the Close Circuit Television Cameras installed in the vicinity of the area from where the child was reported missing and on all possible routes, transit and destinations.

xi. Inquire from under construction sites, unused buildings, hospitals and clinics, child line services and other local outreach workers, railway police and other places;

xii. Details of missing children should be sent to the District Crime Records Bureau of the neighboring States and Station House Officers (SHOs) of the bordering police stations including in charge of all police posts in their jurisdiction and shall conduct regular interaction with the concerned so that follow up action is ensured.

d) Invoke the services of District Legal Services Authorities through empanelled lawyers and the paralegal volunteer (PLV) appointed at the police station or the district authority.

e) Upload information on the [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) portal. In case the information is already uploaded, match the complaint with case details uploaded on the portal.

f) Assess the level of threat or danger to the child, or his/her family and take immediate steps to ensure their protection.

g) Also inform immigration authorities, Border Security Force (BSF), Railways and other transport authorities, provincial/ territorial and municipal agencies, and any NGOs involved in service delivery for spotting and recovering/rescuing the missing children.

### **Risk Assessment**



As per the check list at Annexure III, taking into consideration various parameters with respect to the missing child, risk assessment should be done and the "Risk Assessment Form" be filled out by the SHO/ Officer in charge to determine the:

- i. The urgency of investigation
- ii. Areas of inquiry
- iii. Types of specialist knowledge that might be needed
- iv. The supervision that may be required
- v. Agencies who may be first alerted

#### **Organized Crime Perspective**

1. Where a child cannot be traced within a period of four months, the investigation of the case shall be transferred to the Anti Human Trafficking Unit in the district which shall make reports every three months to the District Legal Services Authority regarding the progress made in the investigation.
2. If trafficking or any other element of organized crime is suspected, a specialized team shall be instituted for investigation headed by the SHO.
3. Ensure the compliance of investigation as per the check list in Annexure –IV...”

14. The Division Bench of this Court also, in case of *Sadhan Haldar v. The State of NCT of Delhi W.P. (CRL.) 1560/2017* had issued directions to the State for strengthening the timelines in the Standing Order of the Delhi Police in relation to missing children. The relevant portion of the order reads as under:

“...10. Having perused the "Check list of steps to be taken for missing children/persons" (Annexure-E), we are of the opinion that the timeline for the steps mentioned in different columns is fairly open ended and needs to be further tightened/streamlined. The aforesaid aspect shall



be examined by the Delhi Police and the S.O. shall be suitably amended...”

15. In compliance of the aforesaid order, what came into picture was the Standing Order No. Crime/18/2022 titled ‘*Procedure To be Followed On Receipt of Information About Missing Children Persons & Incentive to Police Personnel For Recovery of Missing Children*’. The crucial and relevant portions of this Standing Order issued by the Delhi Police are being reproduced herein for the benefit of all:

“... I. **INTRODUCTION**

A number of children are reported missing in Delhi from time to time. For the purpose of launching all possible efforts to trace a missing child, the following procedures are spelt out here under in this Standing Order.

A 'missing child' may be one who is lost (separated from family), has left home on his /her own without a notice or has been abducted or kidnapped or trafficked or abandoned.

\*\*\*

IV. **STEPS TO BE TAKEN ON RECEIPT OF INFORMATION**

**(a) INFORMATION RECEIVED DIRECTLY FROM COMPLAINANT IN POLICE STATION OR THROUGH CPR**

In the case of information received directly from the complainant who visits Police Station or through CPR no. 1090/112 immediate steps be detailed at para V of this 50 shall be followed by staff of concerned Police Station.

**(b) INFORMATION RECEIVED ON MISSING CHILDREN/PERSONS HELP LINE**

In addition to Help Line of Eight Digit Number (011-23241210) another four digit, 24x7 helpline number 1094 is



also functional at MPS, Daryaganj, to report the missing of children/persons in the National Capital Territory of Delhi.

All possible assistance is being provided to the complainant/caller in getting his missing report/FIR recorded at the police station concerned, where missing occurred. The staff deployed at the helpline shall perform the following duties on receipt of information:

1. Obtain the full description of missing children/person alongwith complainant's contact number and address.
2. Advise the caller to give full details of missing children / person alongwith photographs to the police officer, who would be contacting him.
3. Inform the CPR, District Missing Person Unit, Concerned Police Station through their District Control Room immediately.
4. A register of all the calls received, with details of victim and contact number and address of the caller/complainant, be maintained.
5. Update the progress of the action taken by the police on the complaint including feedback from the Police Station.
6. Guide the complainant suitably when he/she calls up subsequently about progress of the case.

**(c) RECEIVED THROUGH FAX/E-MAIL/SMS /WHATSAPP OR ANY OTHER SOCIAL MEDIA PLATFORM**

Whenever any information regarding missing person/child is received by SHO or any other staff deployed at Police Station through FAX/E-mail/SMS/Whatsapp or any other social media platform, he/she shall immediately record the same in Daily Diary of the Police Station and steps as provided in para V of this SO shall be followed.

When the information regarding missing children/person is forwarded to SHO or any other staff of concerned Police Station by any Police Officer in hierarchy or who is not having any jurisdiction on the Police Station, the SHO or Inspector (Investigation) will immediately make efforts to



contact the actual complainant and take further steps as provided in para V of this SO.

**(d) INFORMATION RECEIVED ON PROPOSED DELHI POLICE WEBPORTAL AND MOBILE APPLICATION**

The following procedure/workflow is proposed to facilitate online reporting of missing person.

**Procedure/Workflow**

**Step 1:** Submission of Details by the Complainant.

It is proposed to provide a link on Delhi Police website i.e. <http://delhipolice.nic.in> to lodge a missing person report on the citizens services. Similarly, facility will also be provided through mobile phones.

On clicking the "Report a Missing Person/Child" link, the missing person registration form will seek the following details from the complainant:

1. Personal Details of the person/child missing.
2. Photograph of missing person/child - if available.
3. Place of missing/Last seen place - if known.
4. Date & Time of missing - Approximately.
5. Personal Details of the Complainant including address/area police station.
6. Mobile No. & Email ID of the Complainant.

**Step 2:**

After submitting above information the computer application system will generate PDF report and forward it to following stake holders to initiate police response mechanism i.e.

- a) Dispatch PCR Van/Motorcycle.
- b) Activate local police station /control room for police action.





- c) Acknowledge complainant on email/mobile about receipt of complaint and details of Enquiry Officer.
- d) SHO/concerned police station will be alerted simultaneously, if PS area is available.
- e) Otherwise, CPCR Command Room Call Centre will contact the complainant to ascertain the PS area and initiate the police response mechanism.

### **Step 3: Enquiry by an Officer**

An Enquiry Officer will be assigned at Police Station level for further enquiry as per this SO and subsequent steps as provided in para V of this SO shall be followed.

## **V DUTIES OF POLICE STATION STAFF**

The Station House Officer and the Inspector (Investigation) will ensure that immediate action is initiated as per this Standing Order on receipt of a complaint or information about the missing child/person. The Inspector (Investigation) will maintain a complete record of various efforts made by him/10s to trace the missing children/persons. It should be monitored /reviewed by the SHO on a weekly basis and the ACP on a Fortnightly basis and they shall issue timely instructions and also provide assistance to the concerned officers.

As soon as an information or complaint about a missing child is received, necessary steps for his/her recovery need to be taken immediately. The first 15 days and especially first 48 hours from the date of receipt of information/complaint about the missing of a child are very crucial. Diligent efforts are required to be made within this period and all the steps, taken during this period, should be closely monitored by supervisory formations at the Police Station/Sub-Division level.

The following steps need to be taken at Police Station and by

Investigating Officers as per the time frame stipulated in respect of each step:

1. A Missing Report should be lodged in the Daily Diary of Police Station immediately, clearly mentioning the



date and probable time when he/she was noticed to be missing and all other details of the missing children like name, parentage, age, height, complexion, sex, clothes worn and any special mark of identification etc. The photograph and contact number of complainant/relative of missing children/person should be obtained and placed on file. An experienced officer not below the rank of ASI should be quickly deputed who will contact the complainant and collect all the details about the victim.

2. Registration of a case is mandatory in cases of all missing children below 18 years of age. Inspector (Investigation) will ensure that a case under appropriate sections of law is registered in all such instances.

3. An experienced officer should be entrusted with the investigation of a case related to a missing child and at an appropriate stage, if required during investigation, the assistance of a woman Police Officer should be enlisted. Guidelines regarding manner in which cases shall be dealt with by District AHTU and AHTU/Crime Branch have already been issued vide Circular No. 25/2012 which must be strictly complied with.

4. Whenever any foul play is suspected in case of Missing person above 18 years of age or where suspects are specifically mentioned, a case shall be registered, without delay, under relevant sections of law and investigation shall be taken up in such cases of missing persons.

5. In case of Missing person, who is over 18 years of age, where no suspicion has been raised nor has the same come to notice and where the missing person has remained untraced for a period of 3 months despite efforts of 10, then in all such cases the DCP concerned shall order for registration of case u/s 365 IPC and taking up investigation accordingly.

6. However, it is to be ensured that no harassment shall be caused to the couples who are found to be adult and legally married during investigation and adequate police protection should be provided to such couples so that they are not forced to live under any trauma. Besides, any coercive action in such cases be initiated only after taking concerned SDPO and DCP into confidence.



7. Whenever the police comes across a child, who is unable to provide information regarding his/her parentage and address, @ case of kidnapping shall be registered and the procedure outlined in this SO in respect of a missing child shall be initiated immediately to investigate and ascertain:

- (i) The parentage and address of child.
- (ii) The circumstances under which the child got separated from his /her family.
- (iii) The involvement of any organized criminal gang in the case.

7. The IO shall make all necessary efforts to reach at the root of the matter, The child shall be treated as a juvenile in need of care and protection and will be produced before the Child Welfare Committee as per the instructions contained in SO No. 68 & JJ Act. A copy of FIR shall also be sent to the DLSA to provide legal aid to the victim child.

8. I.O/SHO will be held responsible if any complaint disclosing non-registration of FIR in connection with the missing child is received. Any negligence will invite strict Departmental action.

9. As soon as DD Entry/FIR about the missing of children/person is recorded/lodged, Police Control Room should be informed immediately. The information should also be transmitted to State Crime Record Bureau (SCRB), National Crime Record Bureau (NCRB) and uploaded on ZIPNET/'Track The Missing Child' portal immediately but not later than 24 hours.

10. A W.T. Message should be flashed within 12 hours on all-India level with the detailed description of the victim.

11. Information should also be shared with relevant section of CBI within 24 hours.

12. The Missing Children Information Form (Annexure 'A1) should be filled up immediately and sent to DMPU and MPS Kotwali within 24 hours.

13. Hue & cry notices should be prepared and circulated in prominent localities/places within 48 hours. The IO should



immediately activate informers and take up enquiries from the persons present at the scene or where the missing child was last seen. He must collect the details of suspects and question them without any loss of time. He must also interrogate the persons at the last workplace, school, tuition place etc. within 12 hours. While questioning children less than 18 years of age, the relevant provisions of JJ Act should be kept in mind.

14. Cell phone details, if any, of the missing children/suspect/ accused should be immediately obtained (requisitioned) within 48 hours for further investigation of his/her whereabouts.

15. Photographs of missing children should be given wide publicity at all prominent outlets of the city/town/village concerned - i.e. at railway stations, inter-state bus stands, airport, regional passport office and through law enforcement personnel at Border Check Posts. This should be done promptly and in any case not later than one week: of the receipt of the complaint or information about the missing of a child. However, prior written permission of parents/guardian shall be taken, particularly in case the missing child is a girl, before the photograph is published/ broadcast.

16. Border check posts should be alerted immediately within 04 hour. In case of a missing minor, the check post staff should also be sensitized to question suspicious adults carrying children especially where abnormal behavior is noticed, during the pursuant checking of vehicles/ public transport. The angle of child labour and trafficking should also be kept in mind while investigating cases concerning missing of minors.

17. Publicity should be given in surrounding areas using loudhailers, if necessary.

18. All necessary publicity should be given in news papers/electronic media expeditiously preferably within 07 days. Publicity should also be given through local cable TV network within 24 hours, wherever possible.

19. It is very important to check the email account, Facebook and other social networking application/sites such as Instagram, WhatsApp etc. of the missing children as well



as suspect/alleged. The IO will check all these accounts, if any, of the missing persons as well as suspect in coordination with the Cyber Cell of Delhi Police. The parents/family members/friends and relatives should be examined within first 48 hours to find out the probable cause of disappearance of the person.

20. The computer, diaries etc. of missing children, if any, as well as his/her personal belongings should be scrutinized for any clue within 24 hours with the concurrence of family members, complainant,

21. Face Recognition Application Software (FRS) is functional in Crime Branch of Delhi Police, which is integrated with the online application ZIPNET (Zonal Integrated Police Network) Missing Children Module. As and when the photograph of a missing child is uploaded, it automatically searches from the recovered /found (not connected) children data including the data of Ministry of Women & Child Development (MWCD) being uploaded on all-India basis on the website [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in). IO should check the status of the missing child on this portal regularly, Similarly, as soon as photograph of a recovered found child is uploaded, search is done online automatically with the missing children data. Thus, all the missing/found children data (photograph) should be uploaded at first opportunity and probable results provided by the system should be obtained by the IOs to link the missing child with the data of found child and vice-versa. Since the success of search through FRS greatly depends on the quality of the photograph, IOs must ensure that good quality photographs are uploaded on the ZIPNET.

22. The nearby areas/spots of interest such as malls, amusement parks, games parlours, etc. should also be searched within 04 hours.

23. The footage of CCTV cameras, installed in vicinity of scenes or last seen should also be scanned within 48 hours.

24. Any person having inimical terms with the missing children/ family should be identified and examined within 24 hours. Also, the level of threat or danger to the child or his/her family should be duly assessed and immediate steps be taken to ensure their protection, if felt necessary.,



25. The Police Officer, handling the Missing Report, should remain in touch with the complainant/family members of the missing child/person to ascertain if any demand for ransom has been received, and further legal action be initiated accordingly.

26. Enquiries should be made within 48 hours from the neighbouring police stations about any unidentified dead body found or information about missing children/persons admitted in the hospitals.

27. Enquiries should also be made from the hospitals about unidentified injured children /persons admitted in the hospitals at the earliest but not later than a week.

28. Poor Homes, Children Homes, Rain baseras, Nari Niketan, mortuaries in hospitals, NGOs record, etc. should be checked for the missing children/ persons at the earliest but not later than a week.

29. In appropriate cases, reward should be declared for furnishing any clue about the missing children within a month of her/his disappearance.

30. The Investigating Officer of missing complaint/ information / case should update the complainant about efforts made in the matter, ascertain further clues, if any, and also find out if the missing child / person has returned on his/her own.

31. All known offenders in the area should be associated in the investigation. If any known offender is found to be missing, he/ she will be tracked on his/her cell phone and through notice to CPCR, alerts will be sent to all beats and other informal networks. If the child was found to be a drug/substance-user, all known drug-peddlers in the area should also be duly investigated.

32: Some age-specific actions will be initiated depending on the age of O the missing child-the actions are not exclusive, but must be done in a more focused manner.

**- For children aged 0-5 years**

All helpers/servants, persons frequently visiting victim's family, friends of child, crèche owner & last seen, person should be examined immediately and government/private



hospitals in Delhi be also alerted/intimated online about the missing child with details. This should be done within 24 hours of receipt of complaint.

**- For children aged 5-14 years**

All social media/online application companies may be approached for tracing any online activity, IP address, GPS location of the child. This must be continuously done till the case is closed.

In addition to above, in respect of children aged 14-18, following steps should also be taken:

- a) Friends, teachers, tuition centres and other places visited by the child should be searched and people questioned.
- b) In cases of false promise of marriage, the suspected person/relatives should be questioned within 24 hours of complaint.

\*\*\*

**VIII DURATION OF ENQUIRY INTO MISSING REPORTS**

- (a) The local police will keep the search continued till missing child is located.
- (b) Missing report in respect of any children, once recorded in the relevant register maintained in the Missing Persons Squad MPS, and the DMPU, will be kept open till he or she is located.
- (c) The case into missing of a child will be kept open till the investigation into all known aspects of that case is complete, and the case will be treated as @ Special Report Case and its investigation will be closely monitored by ' supervisory levels including the concerned District DCP.
- (d) The progress of enquiry /investigation will be reviewed periodically by the concerned SHO and ACP.

**IX MISSING CHILDREN PERSONS REGISTER**

A separate register of Missing Children/Persons shall be maintained in each Police Station for record. This register should be maintained uniformly in all police stations of



Delhi as per the columns specified at Annexure 'B'. Adequate space should be left under the column "Action Taken\*" so that detailed entries can be made in this regard. The SHO and ACP/Sub-Division should scrutinize this register regularly and guide the officers) dealing with the missing reports/ case.They shall also evaluate the circumstances accompanying each case and order registration of criminal case.

#### **X MISSING CHILDREN PERSONS FILES**

A separate file will be maintained in respect of each and every missing child/person and complete record of efforts made to trace the missing child/person including copies of all relevant documents will be kept in this file. The file will be properly paged and contents of file will be reflected in the Index for ready reference. The proforma of Index' is given at Annexure 'Cc'. The SHO and Inspector (Investigation) of Police Station will ensure that this file is properly updated.

#### **XI COMPUTERISED RECORD OF MISSING CHILDREN PERSONS**

The record of missing children will be digitized in the concerned Police Station and data, available in each Missing Children File, will be uploaded in the computer installed in Police Station for this purpose. It will be the responsibility of each IO to ensure that efforts made towards tracing the missing children; besides maintaining it in the Missing Children File, is also up-loaded on the computer. The SHO and Inspector (Investigation) of police station will ensure that updated computerized record of missing children ie available for scrutiny by supervisory officers as and when required..."

16. This Court in the present case, however, **confronts the situation where the father of the minor child had fortunately found his daughter who came back to the fold of his lawful guardianship, but not without facing hardships and stress as he**





did not know the progress of the case and the hue and cry notice as well as other information which as per mandate of the Standing Order of the Delhi Police were not followed in time as per the case of petitioner, for one reason or the other.

### **DIRECTIONS AND GUIDELINES**

17. Considering the overall facts and circumstances and the situation in such cases explained by the investigating officers and the complainant, this Court finds that the investigating officers also face some challenges while investigating such cases involving missing children. This Court therefore, for the benefit of the investigating agency and complainants as well as public at large, in addition to the directions of Hon'ble Apex Court and procedures and standing orders as mentioned in preceding paragraphs, **deems it crucial to lay down the following additional guidelines and directions.**

#### ***A. Multi- Lingual Standard Operating Procedure***

18. To ensure the successful implementation of the Standard Operating Procedure as well as the Standing Orders, it is crucial to **translate them into various languages widely spoken in Delhi**, such as Hindi, Punjabi, and Urdu. This strategic multilingual approach is essential to accommodate the diverse linguistic landscape of the region. This exercise will **enhance comprehension and foster strict adherence to the outlined procedures among not only the law enforcement officers but also the general public.** This comprehensive translation effort would serve a dual purpose: *firstly*,



it would facilitate a clear understanding of the SOP among police personnel, ensuring seamless execution of protocols, and, *secondly*, it would play a crucial role in raising awareness among the residents of Delhi about their rights and responsibilities in cases involving missing children.

19. The translated Standard Operating Procedure and Standing Orders would serve as a vital tool in empowering individuals with knowledge, fostering a sense of community responsibility, and ultimately contributing to the collective effort to safeguard and support the welfare of children in need. By bridging language barriers and promoting a shared understanding of our procedures, we strive to create a more inclusive and informed community, where every individual can actively contribute to the well-being of our society, particularly in addressing the critical issue of missing children.

***B. Training Modules***

20. To ensure sustained proficiency and accessibility, learning modules must be crafted for, enabling convenient access for police personnel to all the relevant Standard Operating Procedures and Standing Orders. This initiative will foster a culture of continuous learning, catering not only to seasoned officers but also to new recruits who may encounter challenges attending regular training sessions.

21. Development of these learning modules will result into creation of a dynamic and flexible platform that empowers officers to enhance their understanding of the SOPs independently. The modular



approach facilitates self-paced learning, allowing officers to acquire and reinforce knowledge on the SOP whenever and wherever it is most convenient for them.

22. The **Delhi Police Academy** shall also take note of the aforesaid and ensure that such training modules are provided to all the newly recruited police officials in the Academy.

***C. Periodic Review: SOP- A Living Document***

23. **Regular and systematic reviews** of the Standard Operating Procedure and Standing Orders must be carried out by the Ministries concerned and the State Authorities/ Police Department, **ensuring that the SOPs and Standing Orders evolve in accordance with the changing times.** These periodic evaluations are crucial for identifying any gaps, inefficiencies, or areas that may require refinement or enhancement.

24. It also ensures that the SOP remains a **living document**, actively contributing to the professional growth of police personnel throughout their careers.

***D. Ready-To-Use Hand-Book***

25. A **user-friendly ready-to-use handbook** should be developed condensing key Standard Operating Procedure details for quick reference. The same should be available in every Police Station across Delhi, ensuring easy accessibility to aid swift referencing during investigations.



***E. Comprehensive Check-List***

26. A **standardized checklist** must be formulated and maintained at all police stations, providing a **comprehensive guide** for investigating officers when handling cases related to missing children.

27. This checklist, easily accessible in every station, is intended to be diligently followed without delay, adhering to the specified time period for a thorough and efficient investigation process. The aim is to enhance the effectiveness of investigative procedures and ensure a systematic approach to addressing cases involving missing children.

28. The checklist for investigating cases of missing children, must **incorporate specific timeframes for the completion of each procedure**. This will ensure that the Investigating officers have a clear roadmap, thus promoting accountability and expeditious resolution in such sensitive cases.

***F. Complainants To Inform The Investigating Agency, If Missing Child Is Found***

29. This Court, being mindful of the challenges faced by investigating agencies in cases of missing minors, has observed a recurring issue.

30. In instances where a report is lodged, and the investigation is underway, there have been occurrences where parents or guardians locate the missing child but do not inform the investigating agency of the recovery. This lack of communication results in a significant waste of time and resources for the investigating agency.



31. In light of this, the Court finds it appropriate to **issue a directive to address this procedural gap**. Henceforth, when a complaint is filed with the police regarding a missing minor, the complaint must specifically include a provision, which specifies that if, at any point, the parents or guardians discover the whereabouts of the missing child or if the child returns home independently, the investigating officer should be promptly and mandatorily informed within 48 hours.

***G. Changes With The Technological Advancements***

32. As technology advances, offenders also evolve in sophistication to evade detection of their crimes. Reports of missing children may involve elements of human trafficking through use of cyber space for various purposes.

33. Therefore, it is critical that the investigating agencies must invest time, energy and resources to periodically not only review their own standing orders as to how investigation in such cases has to be conducted, but they should also conduct periodical workshops and online or physical lectures not only from our country but learn modern techniques of investigation in cases of missing children and human trafficking. The investigating agencies are more often than not the hope of the relatives and parents of missing children and persons and therefore, it is of utmost importance that they should be trained in specialized techniques of finding missing children.

34. These initiatives, drawing insights not only from our national context but also from global expertise, are vital for assimilating



advanced investigation techniques; including specialized training in cutting-edge **cyber-enabled investigation** techniques becomes paramount.

35. This comprehensive approach ensures that investigators are well-versed in the latest tools and methodologies, effectively combating the challenges posed by both traditional and **cyber-enabled crimes. By staying abreast of technological advancements, the investigating agencies can play a pivotal role in reuniting families and swiftly resolving cases involving missing children and human trafficking in an increasingly digitized and interconnected world.**

#### ***H. Ensuring Access To Current Court Rulings And Administrative Procedures For Law Enforcement***

36. This Court, considering the importance of legal knowledge in law enforcement, deems it necessary that all relevant recent court rulings, along with translated copies of any new and existing administrative procedures, are systematically compiled, and the same should be periodically supplied to every police station. This practice would ensure that law enforcement personnel are equipped with up-to-date legal information, ensuring a consistent and informed approach across all police stations. By facilitating access to relevant legal materials, this initiative ensures the adherence to established legal procedures and enhances the overall effectiveness of law enforcement efforts.



### **CONCLUDING REMARKS**

37. The law enforcement agencies have to ensure that the Standard Operating Procedures and Standing Orders issued by the Ministries and Police Department are **implemented and translated into practice**. However, it will require a commitment which must be embraced by all the stakeholders. The concerned officials and Ministry as well as the law enforcement agencies will have to provide adequate resource allocation and align their strategies and resources with all concerned for long term benefits. The guiding philosophy in cases of investigation and following the SOP, law, judicial precedents and standing orders has to be, that **children being the most valuable treasures of an emergent Dynamic Bharat** deserves the best and safe environment, and in case they become targets of a crime of kidnapping or human trafficking, the law enforcing agencies and investigating agencies must work collectively to ensure that the children are not only found at the earliest but also restored to their guardians and the offenders are punished as per law.

38. This Court wishes to place on **record its appreciation** for the learned counsel for the petitioner Sh. Soayib Qureshi who has given valuable suggestions and has assisted the Court, as well as for the State and some investigating officers from the rank of Constable to Inspectors who were personally called to the Court and this Court had interacted with them, **who had candidly informed about the challenges faced by them which they are unable to communicate to the concerned authorities for one reason or the other. Their**



**names are not being disclosed in this order, however, for their assistance to this Court, understanding the grass root realities and difficulties faced by them, they being first in the ground of investigation, they are deeply appreciated.** Needless to say, their assistance rendered to this Court will go a long way in addressing not only the difficulties faced by the police force but also the parents of missing children and the society at large.

39. A copy of this judgment be forwarded to (i) Secretary, Ministry of Child and Family Welfare, Union of India, and (ii) Director, Delhi Police Academy, for necessary information and compliance.

40. Accordingly, the present petition stands disposed of in above terms.

41. The judgment be uploaded on the website forthwith.

**SWARANA KANTA SHARMA, J**

**DECEMBER 7, 2023/ns**