

F. No. 15011/131/2018-SC/ST-W
Government of India
Ministry of Home Affairs
Women Safety Division

2nd Floor, MDC National Stadium,
India Gate, New Delhi.

Dated: 25. September, 2018.

To,

1. **The Chief Secretaries of all State Governments including GNCTD and UTs of Puducherry and A&N Islands.**
2. **Administrators of D&D, D&NH, Lakshadweep and Chandigarh.**

Subject: Measures to be taken in cases of missing adolescent girls – Reg.

Sir/Madam,

I would like to draw your kind attention to Advisories No. 15011/48/2006-SC/ST-W dated 14th July, 2010 and No. 24013/62/2012-SC/ST-W dated 25.06.2013 with regard to crime against children (copies enclosed).

2. It is requested to give greater focus on the cases relating to missing adolescent girls and make all-out and timely interventions to protect these girls from falling prey to any social abuse and organized crimes.

3. It may please be ensured that this Advisory is circulated amongst all the concerned Departments/ organizations under your jurisdiction for strict compliance. Action taken in this regard may also please be intimated to the Ministry of Home Affairs.

Encl: as above

Yours faithfully,



(Sudhir Kumar Gupta)
Deputy Secretary to the Govt. of India
Tel: 011-23075293

Copy to:

1. Director General of Police of all States/UTs
2. Joint Secretary, UT Division, Ministry of Home Affairs, North Block, New Delhi
3. Research Officer, National Commission for Scheduled Castes, 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi - 110003
4. SO(IT) for uploading on MHA's website

F. NO.15011/48/2006-SC/ST-W
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI /CS DIVISION

Dated the 14th July, 2010

ADVISORY ON CRIME AGAINST CHILDREN

1. 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The Union Government, however, attaches the highest importance to the prevention of crime and, therefore, the Union Government has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime.

2. The National Commission for Protection of Child Rights has been undertaking visits to various States and has observed that the level of sensitiveness and care with which crime against children should be handled is not up to the desired level. In its Fifth Report, titled 'Public Order', the Second Administrative Reforms Commission has also emphasized the need to combat crimes against vulnerable sections of the society, particularly women and children.

3. The Government of India is deeply concerned about crime against children and would, therefore, advise the State Governments and UT Administrations to take the following steps for effective prevention, detection, registration, investigation and prosecution of all crimes against children within their jurisdiction:-

- I. Vigorously enforce all the existing legislations relating to crime against children i.e., Prohibition of Child Labour (Prohibition and Regulation) Act 1986, Juvenile Justice (Care and Protection of Children) Act 2000 (as amended in 2006), Child Marriage Prohibition Act, 2006, Immoral Traffic (Prevention) Act, 1956, Information Technology Act, 2000 (as amended in 2008) and relevant sections of IPC.
- II. Sensitize the law enforcement machinery, i.e. the police as well as other functionaries of the criminal justice system, towards crime against children by way of well-structured training programmes. Such training programmes, including inputs on Juvenile Justice (JJ) and Human Rights (HR), may also be incorporated in the syllabi of various Police Training Academies at all levels including those for Constables, Sub-Inspectors and Deputy Superintendents of Police. Assistance of Bureau of Police Research and Development (BPR&D) as well as National Institute of Public Cooperation and Child Development (NIPCCD) could be taken for this purpose.
- III. Set up exclusive 'Crime against Women/Children' desks in each police station. There should be no delay, whatsoever, in registration of FIRs in all cases of crime against children. All out efforts should be made to apprehend all the accused named in the FIR immediately so as to generate confidence in the victims and their family members. The administration and police

should play a more proactive role in detection and investigation of crime against children and also ensuring that there is no under reporting.

- IV. Cases of crime against children should be thoroughly investigated and charge sheets against the accused persons should be filed within three months from the date of occurrence without compromising on the quality of investigation. Proper supervision of such cases should be ensured from recording of FIR to the disposal of the case. Speedy investigation should be conducted in heinous crimes like rape, murder etc. The medical examination of rape victims should be conducted without delay.
- V. Steps may be taken not only to tackle such crimes but also to deal sensitively with the trauma ensuing the crime. Counselling to the victim as well as to the family may be provided by empanelling professional counsellors.
- VI. Ensure all steps for improving the safety conditions in schools/ institutions, public transport used by students, children's parks/ play grounds, residential localities/ roads etc. Crime prone areas should be identified and a mechanism be put in place to monitor infractions in such areas for ensuring the safety and security of students, especially girls. For this purpose the following steps should be taken:
 - a. Increase the number of beat constables;
 - b. Increase the number of police help booths/ kiosks, especially in remote and lonely stretches;
 - c. Increase police patrolling, especially during nights;
 - d. Posting police officers, especially women, fully equipped with policing infrastructure in crime-prone areas in adequate number.
- VII. For improving general awareness about legislations relating to crime against children and mechanisms in place for safety and protection of the children, the following steps may be considered :
 - a. Creating awareness through print and electronic media;
 - b. Involving the community at large in creating and spreading such awareness.
 - c. Exploring the possibility of associating NGOs working in the area of combating crime against children and other vulnerable sections of the society.
 - d. Developing a community monitoring system to check cases of violence, abuse and exploitation against children and take necessary steps to curb the same;
- VIII. The local police must be advised to collaborate with the 'Childline-1098 Service' (which is an emergency service being operated by the Childline India Foundation (CIF) all over the country catering to the needs of children in emergency situations) and NGOs for mutual help and assistance wherever and whenever required.

- IX. The juvenile offenders should be dealt with only in accordance with law through proper implementation of the Rules under the Juvenile Justice (Care and Protection of Children) Act 2000 (as amended in 2006), as these contain the procedures and requirements in detail for dealing with children in conflict with law as well as children in need of care and protection.
- X. All efforts must be made to stop child labour and exploitation of children in all its forms and manifestations. Law enforcement agencies must extend all necessary cooperation to the State Labour Department in the cases of violation of Prohibition of Child Labour (Prohibition and Regulation) Act 1986.
- XI. To save the children from the abuse/ crime of child marriage the State Government must appoint Child Marriage Prohibition Officers as required under the Prohibition of Child Marriages Act, 2006. They should also set up State Commissions for Protection of Child Rights in accordance with the Commissions for Protection of Child Rights Act 2005 (CPCR Act).

The receipt of this letter may kindly be acknowledged.

Yours faithfully,

(Dr. Nirmaljeet Singh Kalsi)
Joint Secretary to the Government of India
Ministry of Home Affairs
North Block, New Delhi-110 001
Tele: 23092630

To,

The Chief Secretaries &

The Principal Secretary / Secretary (Home)

All State Governments and Union Territory Administrations.

Copy also for information and necessary action to:

- i. The DGs / IGs (In-charge of Prisons) - All State Governments / UTs.
- ii. Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi.
- iii. Ministry of Women and Child Development, Shastri Bhawan, New Delhi.
- iv. Ministry of Labour and Employment New Delhi
- v. Ministry of HRD, New Delhi
- vi. DG BPR&D, CGO Complex, New Delhi
- vii. DG NCRB, RK Puram, New Delhi.
- viii. Director, NCPCR

No. 24013/62/2012 – SC/ST–W
Government of India
Ministry of Home Affairs
Centre State Division

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

To

The Additional Chief Secretary/ Principal Secretary (Home)

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

Sir/Ma'am,

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

- (i) In case of complaint with regard to any missing children; made in a police station, the same should be reduced into a First Information Report and appropriate steps should be taken to see that follow up investigation is taken up immediately thereafter.
- (ii) In case of every missing child reported; there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved otherwise.
- (iii) Whenever any complaint is filed before the police authorities regarding a missing child, the same must be entertained under Section 154 Cr.P.C. However, even in respect of complaints made otherwise with regard to a child, which may come within the scope of Section 155 Cr.P.C., upon making an entry in the Book to be maintained for the purposes of Section 155 Cr.P.C., and after referring the information to the Magistrate concerned, continue with the inquiry into the complaint.
- (iv) The Magistrate, upon receipt of the information recorded under Section 155 Cr.P.C., shall proceed, in the meantime, to take appropriate action under sub-

section (2), especially, if the complaint relates to a child and, in particular, a girl child.

- (v) Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer in terms of Section 63 of the Juvenile Act. Special Juvenile Officer on duty in the police station should be present in shifts.
- (vi) Para-legal volunteers, who have been recruited by the Legal Services Authorities, should be utilized, so that there is, at least, one 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 missing child could locate their missing child and recover him or her from the custody of the police.
- (x) Standard Operating Procedure must be laid down to handle the cases of missing children and to invoke appropriate provisions of law where trafficking, child labour, abduction, exploitation and similar issues are disclosed during investigation or after the recovery of the child, when the information suggests the commission of such offences.
- (xi) A protocol should be established by the local police with the High Courts and also with the State Legal Services Authorities for monitoring the case of a missing child.
- (xii) **Definition of Missing Children :** Missing child has been defined as a person below eighteen years of age, whose whereabouts are not known to the parents, legal guardians and any other person who may be legally entrusted with the custody of the child, whatever may be the circumstances/causes of disappearance. The child will be considered missing and in need of care and protection within the meaning of the later part of the Juvenile Act, until located and/or his/her safety/well being is established.

- (xiii) In case a missing child is not recovered within four months from the date of filing of the First Information Report, the matter may be forwarded to the Anti-Human Trafficking Unit in each State in order to enable the said Unit to take up more intensive investigation regarding the missing child.
- (xiv) The Anti-Human Trafficking Unit shall file periodical status reports after every three months to keep the Legal Services Authorities updated.
- (xv) In cases where First Information Reports have not been lodged at all and the child is still missing, an F.I.R. should be lodged within a month from the date of communication of this Order and further investigation may proceed on that basis.
- (xvi) Once a child is recovered, the police authorities shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing and if, on investigation, such links are found, the police shall take appropriate action thereupon
- (xvii) The State authorities shall arrange for adequate Shelter Homes to be provided for missing children, who are recovered and do not have any place to go to. Such Shelter Homes or After-care Homes will have to be set up by the State Government concerned and funds to run the same will also have to be provided by the State Government together with proper infrastructure. Such Homes should be put in place within three months, at the latest. Any private Home, being run for the purpose of sheltering children, shall not be entitled to receive a child, unless forwarded by the Child Welfare Committee and unless they comply with all the provisions of the Juvenile Justice Act, including registration

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

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