Government of Jammu and Kashmir
Home Department

Subject: Guidelines relating to missing child, child in need of care and protection, juvenile in conflict with law and trafficked child.

Circular No. Home- 02 of 2015
Dated: 23.01.2015

The Hon'ble Supreme Court of India in PIL No.75/2012 titled "Bachpan Bachao Andolan v. Union of India and others" has passed various directions from time to time on the aspects of child labour, child trafficking, children as domestic workers, child marriage, abuse of children in circuses, missing children and child in conflict with law etc.

Pursuant to the directions of the Hon'ble Supreme Court passed in PIL No.75/2012 titled Bachpan Bachao Andolan v. Union of India and others, the Police Headquarters, J&K has issued instructions from time to time to its subordinate formations enunciating the steps to be taken in dealing with cases relating to missing children besides that following consolidated guidelines are hereby issued for adherence by all concerned:

1. Every complaint/information with regard to missing of a child filed/received in a Police Station shall immediately be attended to and a proper First Information Report (FIR) registered in each complaint. The practice of entering such information in the missing register only shall be stopped forthwith. In cases, where a complaint is made outside the jurisdiction of the concerned Police Station, a zero FIR may be lodged.

2. The Police Headquarters shall issue directions to all the Superintendents of Police in each district to establish/ create Special Juvenile Police Unit under the charge of an officer not below the rank of Inspector to be assisted by at least two social workers of whom one shall be a woman and another having experience of working in the field of child welfare, who shall be nominated by the Social Welfare Department. The District Superintendent of Police shall be the overall incharge of the Special Juvenile Police Unit and monitor its functioning.

3. In every Police Station an Officer not below the rank of Sub-Inspector of Police with aptitude, appropriate training and orientation shall be designated as Juvenile Welfare Officer or Child Welfare Officer, who shall be without uniform wearing plain clothes only. The officer shall
exclusively deal with the juvenile or handle the Juvenile or Child in coordination with the police as per section 62 of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013.

4. After registration of FIR, the investigation shall be conducted by the designated Juvenile Welfare Officer under the close supervision of a Sub Divisional Police Officer (SDPO) or Additional Superintendent of Police (ASP), who shall monitor the progress of investigation on day to day basis.

5. Special Juvenile Police Unit at District level shall coordinate with all the Police Stations and child help line services in order to upgrade police response to crime prevention among children and shall function as a watchdog for providing protection against abuse and exploitation of child or juvenile in conflict with law and shall take special measures to identify and eliminate organized gangs exploiting or abusing children. The Unit shall take serious cognizance of perpetrators of crimes against children and see that they are apprehended and booked under the appropriate provisions of the law without any delay. For this purpose, the District Level Units shall maintain liaison with other units of Police Station.

6. The District Superintendent of Police shall submit monthly statement of missing children, indicating the reasons of missing and status of each case to IGP Crime (Nodal officer) by 5th of every month. IGP Crime (Nodal Officer) shall consolidate the statements/details received from different district SPs.

7. A detailed report along with the copy of FIR shall be shared mandatorily with the IGP Crime Branch (Nodal Officer) preferably within a period of 24 hours of the receipt of the complaint. In all pending cases of similar nature, the missing reports entered shall be converted into formal FIRs and taken up for investigation by the concerned Special Juvenile Police Unit on a priority.

8. Every report received by the Nodal Officer shall be shared with the National Commission for Protection of Child Rights (NCPCR) within 24 hours of occurrence through the State Police Headquarters (PHQ) as per the procedure followed for reporting custodial death cases to the NHRC. The cell constituted by the PHQ under the supervision of AIG (CIV) PHQ shall ensure maintenance of records pertaining to the missing child in coordination with the IGP Crime and to seek progress reports on monthly basis.
9. Monthly progress report of every case containing the details of the steps taken and efforts made by the investigating officer/Unit shall be shared, promptly with the IGP State Crime Branch, J&K who shall monitor and supervise these cases and apprise the Police Headquarters in this regard on regular basis.

10. A file of each missing child shall be maintained in the office of the IGP State Crime Branch, J&K and data of missing children along with photographs shall be prepared and maintained by the State Crime Records Bureau (SCRB) in a digitized form and shared regularly with the National Crime Records Bureau (NCRB) for its pan-India search through other states/stakeholders.

11. The Juvenile Welfare Officer/Investigating Unit shall give due publicity to the missing of the child both by bringing out its photographs in the electronic and print media within one week of receipt of the complaint. However, in case of a girl, the photograph shall not be published.

12. In order to make the investigation procedure concerning the missing children more transparent and prompt, the investigating unit shall involve the representatives of the local Panchayats, reputed NGOs, school/college authorities, or the recent employer, or his colleagues and other sources etc. This will enable the community to get fully involved along with the Police in tracing the missing child.

13. In cases where it is found that the child has been smuggled illegally out of the country, the investigating unit shall utilize Interpol channels through the State Nodal Officer to communicate with member countries and if need arises, have appropriate Interpol Notices issued through CBI Interpol wing, in order to trace the child. Whenever, an organized gang is found involved the matter shall be referred to the State Crime Branch through proper channel.

14. Vide SRO 274 dated 5th September, 2011, 04 Anti-Human Trafficking Units of the districts of Jammu, Udhampur, Srinagar and Anantnag have already been notified as the Police Stations for the entire corresponding district for registration/investigation of all the cases relating to the commission of Human Trafficking. If a missing child is not traced/recovered within the stipulated period of 04 months, the District Superintendent of Police shall refer the matter to the nearest Anti-Human Trafficking Unit for immediate follow up action with justifiable reasons for such referral.
15. In case the missing child is traced or comes back on his/her own, the Child Welfare Officer shall immediately record his details in the Daily Diary mentioning the circumstances of his/her missing and recovery and inform all the concerned units/Police Stations so as to update the missing child portal accordingly.

16. Upon recovery of the missing child, he/she shall be handled with due care, caution and compassion till he/she is handed over to his/her parents. Such children shall be kept in Children Homes maintained and established by the Social Welfare Department in terms of section 2 (1) of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013. In no case, shall such children be lodged in Police lockups or any judicial lockup.

17. The Juvenile Welfare Officer shall evaluate the physical condition of the child and, if necessary, get him/her medically examined immediately. If he/she needs psychological help the same shall also be provided and follow-up measures taken, if found necessary.

18. Juvenile or Child Welfare Officer shall assess the reactions of parents/guardians and refer the child, his/her parents/ guardians to counselors for follow-up to ensure normalcy in the household.

19. In case a missing child is recovered but does not have any place to go or if nobody approaches to seek his/her legal custody, the Juvenile Welfare Officer shall keep such a child in the Shelter Home or After-Care Home duly established for the purpose. Further, in case of girl child, if the investigating officer is not a woman officer then, a woman officer must be associated in the questioning or in appropriate cases, the relative may remain present so as to create an atmosphere where the girl feels comfortable in disclosing relevant information.

20. Every Police Station shall keep a database with regard to number of FIRs registered in cases of missing children and number of missing children traced/recovered. Every Police Station shall upload the relevant details on the national portal ‘TrackChild’ developed by the Government of India, Ministry of Women and Child Development by or before 15th of every month and be update it at regular intervals.

21. In order to effectively track and combat this menace, there is a need for having a dedicated team of officers in the field who are well trained and equipped with latest technical knowhow. The training should focus on imparting knowledge of the substantial and procedural laws; court rulings, administrative procedures, skills in child-friendly investigations, including interviewing.
interrogation, scientific data collection, presentation in the court of law, networking with the prosecutors facilitating victims/witness protection programmes etc. To achieve this objective, the Police Department in collaboration with the Ministry of Women and Child Development with the assistance of National Informatics Centre and BPRD and through the State Police Academy shall conduct training programmes at different levels to impart the necessary skills required in tracking the missing children.

22. In case of faulty investigations or deviation from the prescribed laws or non-adherence of these guidelines by any of the investigating unit/supervisory officer(s), departmental action as warranted under service rules shall be initiated against him.

23. As number of children reportedly die after their disappearance/missing and their dead bodies remain unidentified, as such, it shall be incumbent on the investigating unit to obtain the DNA profiles and maintain the data base of all such dead bodies for their future comparison and identification with the DNA profile of the nearest blood relative which shall be obtained through informed consent if the child is not traced within three months.

The above guidelines are issued for information and compliance by all concerned.

Sd/-
(Suresh Kumar) IAS
Principal Secretary to Government
Home Department

No. Home/90/OWP/2010

Copy to: -
1. Principal Secretary to Hon’ble Governor.
2. Director General of Police, J&K, Jammu.
3. Commissioner/Secretary to Government, Social Welfare Department.
6. District Magistrates.
7. District SPs.
8. Private Secretary to Chief Secretary for kind information of Chief Secretary.
9. Private Secretary to Principal Secretary to Government, Home Department.

Dated 23.01.2015.

(Mohit Raina)
Under Secretary to Government
Home Department