

നമ്പർ: ICPS-3/008557/15

സാമൂഹ്യനീതി ഡയറക്ടറേറ്റ്
വികാസ് ഭവൻ, തിരുവനന്തപുരം
തീയതി: 04.07.2016

സാമൂഹ്യനീതി ഡയറക്ടർ,
തിരുവനന്തപുരം.

എല്ലാ ചൈൽഡ് വെൽഫെയർ കമ്മിറ്റി ചെയർമാൻമാർക്കും,
എല്ലാ ജില്ലാ ശിശു സംരക്ഷണ ഓഫീസർമാർക്കും
എല്ലാ ഗവ.ചിൽഡ്രൻസ് ഹോം/ഒബ്സർവേഷൻ ഹോം സൂപ്രണ്ടുമാർക്കും

സർ/മാഡം,

വിഷയം : - സാമൂഹ്യ നീതി വകുപ്പ് - ICPS - Missing and found
- SOP - സംബന്ധിച്ച്.

സൂചന:- G.O. (Rt) No. 700/2015/SJD Dated 27.11.2015

സർക്കാർ അംഗീകരിച്ച Missing and found Children സംബന്ധിച്ച Standard
Operating Procedure (SOP) ന്റെ പകർപ്പ് ഉള്ളടക്കം ചെയ്യുന്നു.

വിശ്വസ്തതയോടെ

സാമൂഹ്യനീതി ഡയറക്ടർ (ലംബി)

ഉള്ളടക്കം :

Standard Operating Procedure (SOP)



GOVERNMENT OF KERALA

Abstract

Social Justice Department - Standard Operating Procedure for dealing with missing/found children in Kerala - approved - Orders issued.

SOCIAL JUSTICE (A) DEPARTMENT

GO (Rt) No. 700/2015/SJD. Thiruvananthapuram, Dated, 27.11.2015

Read :- Letter No. ICPS - 3/008557/15 dated 25.06.2015 from the Director, Social Justice

ORDER

Government are pleased to approve the Standard Operating Procedure (SOP) for the Missing/Found Children in Kerala as appended to this order

By order of the Governor
A. SHAJAHAN
Special Secretary

To

The Director, Social Justice Department, Thiruvananthapuram
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
The Accountant General (A&E), Kerala, Thiruvananthapuram
Web & New Media Wing, Information & Public Relations Department
Stock file/office copy

Forwarded/By order,

Section Officer.

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STANDARD OPERATING PROCEDURE FOR DEALING WITH CASES OF MISSING /FOUND CHILDREN IN KERALA

INTRODUCTION

Reports of missing children are lodged in police stations of Kerala. It is of paramount importance to make sincere and systematic efforts to trace/recover the missing children. There are number of stakeholders, including governmental and non-profit agencies working in the field of protection of child rights. Under Integrated Child Protection Scheme District Child Protection Units are operational in all Districts. Major role is to taken by the Police department, at the same time participation/cooperation of all stakeholders are to be assured so as to trace/repatriate the missing/found children.

1. Who is a missing child?

“A person who is below 18 years of the age and whose whereabouts are unknown to the parents, legal guardians or any other person who may be legally entrusted with the custody or guardianship of the child and in ordinary circumstances would know about the whereabouts and would be concerned about the well being of the child, whatever may be the circumstances/causes of disappearance. The child will be considered missing, and in need of care and protection, until located and or his/her safety/well-being and repatriation is established”.

2. Who is a found child?

“A person below 18 years of age, who is traced by the police on the basis of a missing child report or is found on the streets/ in a market place/at railway platforms; at bus stops/ in trains/ on a bus or other public transport/ in a hospital/ any public place in search of his parents, legal guardians, relatives or home and is brought before the police or the Child Welfare Committee, will be considered a found child”.

3. Key factors to be considered in the investigation/enquiry concerned with missing children

- Children from a 'high risk' category.
- Protecting those at risk of harm.
- Minimizing distress and ensuring high quality of service to the families and careers of missing children.

- Prosecuting those who perpetrate harm or pose a risk of harm.
- Preventing such incidences from happening

4. What Police is expected to do?

1. Effective recording of information about missing & found children including updating information online
2. Take immediate steps on receipt of information regarding a missing child, irrespective of jurisdiction.
3. Record and update the information regarding missing/found children on web based child tracking system (www.trackthemissingchild.gov.in) immediately and subsequently maintain the currency and accuracy of the data.
4. Initial response on receipt of missing report; all steps in tracing through missing persons squad at district and state level.
5. Inform the concerned District Child Protection unit (DCPU) and avail Social Investigation regarding missing child so as to supplement tracing of the child.
6. Involve District Child Protection Units (DCPUs), non-governmental agencies and also the specialized agencies.
7. Investigate to recover/trace the child and book the culprits.
8. Produce the found child before the Child Welfare Committee within twenty-four hours, excluding journey time with 24 hours with written report.
9. Treat the missing/ found child as per provisions contained in the Juvenile Justice (Care and Protection of Children) Act and Kerala Juvenile Justice Rules 2014.
10. Request the applicant to provide available full details of the missing child along with photographs to the police officer who will be contacting them.
11. Inform the Wireless Control room, DCPU, DMPTU, SJPU, AHTU and concerned police station through District Control Room.
12. Maintain a register of all such calls along with details of the victim and complainant's contact number and address.
13. Inform the complainant about action taken and progress made in the case.
14. Preventive measures.

5. Assessment of Risk

- i. This covers the level of risk and response that must be considered in case of every report, together with the factors that contribute to the decision making process.
- ii. The level of risk may be properly determined when an officer takes the full report details.
- iii. Assessment of Risk would require the investigating officer taking the initial report of a missing child to determine if any of the following critical factors exist:
 - a. Has the missing child been the subject of a prior missing persons report?
 - b. Does the missing child suffer from a mental or physical impairment or serious illness?
 - c. Is the disappearance of the missing child suspicious or dangerous in nature?
 - d. Does the complaint have reason to believe the missing child has been abducted or kidnapped for ransom or trafficked?
 - e. Is there a possibility of elopement that could put the child at risk of sexual abuse and other forms of exploitation?
 - f. Has the missing child previously been the victim/witness in any criminal investigation?
 - g. Is the missing child under the age of twelve (12) years?
 - h. Has the missing child been missing more than 12 hours?

6. Child Welfare Officers:-

The Child Welfare Officers (CWO) are appointed in each Police Station. These CWO's shall work in close association with the family members or guardians of the missing child as well as the investigating officer and District Child Protection Unit (DCPU) to pass on all relevant information at both ends.

7. Involvement of District Child Protection Units (DCPU), non-governmental agencies, community, schools and other agencies

- 7.1 District Child Protection Units, Non governmental agencies shall be involved in the search of a missing child depending on the type of case and risk involved.

- ❖ District Child Protection Unit (DCPU) should be intimated in all cases of missing/found child cases by the concerned police.
 - ❖ District Child Protection Unit's (DCPU's) assistance may be taken in counselling the child and his family when the child is traced and preparing them for the reunification/repatriation as well as future protection measures that may be required. Assistance of translators from the panel prepared by the DCPU may also be utilized.
 - ❖ In places where vulnerable groups of children are found in large numbers, a mechanism could be evolved in partnership with District Child Protection Unit (DCPU), whereby apart from rendering counselling to children and their families, awareness-raising activities are also carried out. This would not only instill confidence in children, but also strengthen them and give them special protection so that they are in no way lured by external agencies/factors.
- 7.2 In order to make the investigation procedures concerning missing children more transparent and child-friendly, it would be preferable for the police investigating team to involve the District Child Protection Unit, and community such as Block level child Protection Committees, Village level Child protection Committees, Resident Associations etc., in addition to existing help-lines. This will enable the community to get fully involved along with the police in tracing missing children.
- 7.3 Periodic interface shall be maintained with Principals, teachers and students of the schools in the area by SHOs & DCPU's to sensitize them about Do's and Dont's for children.
- 7.4 Assistance from DCPU, may be availed for sensitization programs, supporting persons, production before the CWC, repatriation of found children etc.

8. Administrative Set up

For handling entire information, all over Kerala, the Missing Persons Squad will function related to missing persons including children, under the ADGP under the over-all supervision of State Police Chief. ADGP Section of the Crime Branch will supervise the District Level Missing Persons Tracing Unit(MPTU) on a day-to-day basis.

- ❑ Missing Persons Tracing Unit (MPTU) shall monitor the uploading of data regarding children reported missing and unidentified children found on the online system and shall prepare fortnightly and monthly reports in this regard.
- ❑ It will maintain close links with District Missing Persons Unit (DMPTU) and ensure that uploading of data and matching of missing children with online system/children found is carried out effectively on a day-to-day basis.
- ❑ The In-charge DMPTU will match the information regarding missing children with the data available with the MPS and if matched it should be communicated to the concerned police station immediately. A weekly diary about matched/traced children should be sent to Anti Human trafficking Unit.
- ❑ The DMPTU will also prepare data relating to concerned district and share it with other agencies like District Child Protection Unit, CBI, NCRB, SCRB etc.
- ❑ It will also analyse the data to locate any pattern/trend that may exist with regard to the number/age/sex/profile of children reported missing from a particular area and for entire state of Kerala.
- ❑ It will maintain liaison with District Child Protection Units, Child Welfare Committees, to reconcile/ match information about children rescued/traced.

All Districts Missing Person Tracing Units (DMPTUs) shall prepare a fortnightly report and send to the in-charge of the State Missing Persons Tracing Squad. In-charge MPTS shall prepare a consolidated report of the Districts and put up the same to State Police Chief/ADGP on a monthly basis.

8.1 Human trafficking /Anti Kidnapping Section of Crime Branch

- ◆ Anti Kidnapping Section of Crime Branch will function at State level in the State level and will have the similar functions relating to the entire State of Kerala.
- ◆ It will analyze the pattern of missing, kidnapped or abducted children, gather intelligence having ramifications at state level and ascertain angles of missing, trafficking & organized crime.

- ◆ Also it will maintain liaison with other Central agencies dealing with the subject of children.

8.2 District Level - District Missing Persons Tracing Unit

DMPTU of the district will function under Dips District Crime Branch (Dips DAB), under the overall supervision of the District Police Chief.

Responsibilities

DMPTU is responsible for assuring data has been uploaded by the concerned police and the information related to missing children and unidentified bodies found in the district on a daily basis, on the website/online system (www.trackthemissingchild.gov.in)

- Ensure that details of all the missing children either kidnapped or abducted are available online and the names of the children traced/returned on their own are deleted.
- Match the records of the missing children with the data of unidentified dead bodies of children and inform the concerned police station, if anyone matched dead bodies fed in the website/ online system (www.trackthemissingchild.gov.in).
- Analyze the pattern of disappearance of children, particularly girls, in the district to identify involvement of any organized gangs in the disappearance of children and collect intelligence to apprehend the persons involved
- Constantly co-ordinate and interact with Human trafficking Section of Crime Branch and discuss the prevailing / emerging pattern of disappearance of the children in the district and share intelligence about gangs, if any, to undertake joint operation to nab the gangs.
- Obtain feedback from the police station about action taken and progress made in the case on a daily basis.

8.3. Anti Human Trafficking Unit

In case a missing child has not been traceable for past four (4) months, the case shall be referred to Anti-Human Trafficking Unit for further necessary action and investigation.

In all such cases where evidence of organized trafficking / racket involving children emerges the Anti-Human Trafficking Unit shall take up investigation and organize rescue operation and action against culprits, as per procedure laid down instruction issued regarding child labour, child exploitation by placement agencies, trafficking for commercial sexual exploitation, begging etc.

8.4 Police Station Level

- At police station on receipt of an information regarding a missing child an officer not below the rank of ASI preferably Children Welfare Officer shall be deputed to initiate legal action. The concerned CWO/SHO shall supervise the same on day to day basis and guide/advise children/Juvenile Welfare Officer.
- The concerned Anti-Human Trafficking Unit shall also send a daily report to the DMPTU on number of cases of missing children received, action initiated/taken and children traced.
- Every police station shall keep a record of all institutions providing care and shelter to children as well as placement agencies within its jurisdiction and pass the information to DCPU.
- All police stations will maintain close links with the Child Welfare Committee (CWCs) District Child Protection Units (DCPUs) and all institutions providing care and shelter to children, and ensure matching of missing children's information with the children produced before the CWCs or those living in the above mentioned institutions and agencies.
- It is the responsibility of the Police (Investigating Officer) to keep the main career informed of the progress of the investigation, which will be the parent, foster career or care home. In the first week, this should be daily, subsequently at intervals agreed between the two agencies.

8.5 Coordination between various agencies

All above agencies Missing Persons Squad, District Missing Persons Tracing Unit, Anti Human Trafficking Units, Anti-Kidnapping Unit of Crime Branch and the SHO. CWOs shall have a constant liaison with each other and work in close co-ordination for the purpose of data, information sharing and further follow-up action required at each one's end.

9. Steps to be taken at the Police Station by the Investigation Officer on receipt of information regarding missing children.

- ◆ Assign missing report to an experienced officer not below the rank of Asstt. Sub-Inspector, who will immediately inform Wireless unit.
- ◆ Lodge a missing report in the Daily Diary, mentioning parentage, sex, age, height, built, complexion, unique identification marks, clothes worn, date and probable time of missing.
- ◆ Register a case (FIR) at the earliest, if missing children is below the age 18. If any suspicion is reported/foul play is suspected, conduct a thorough enquiry or Investigation, as the case may be. A lady police officer should preferably be entrusted with the investigation of a case related to girl children.
- ◆ When registering a case about a missing child, the police officer concerned shall, as far as possible, ascertain the following details from the parents/ guardians/ relatives of the child or the school/ institution/ agency from where was reported to be missing:
 - ◆ A description of the child/young person, including current clothing, name, parentage sex, age, height, built, complexion, unique identification marks.
 - ◆ Date and probable time of missing
 - ◆ When the child/young person was last seen and with whom
 - ◆ A recent photograph (if available)
 - ◆ Status of the child (whether child was in care of his/her family or an institution, whether street child or child labour, whether in conflict with law released on bail, whether suffering from any physical or mental health condition etc)
 - ◆ Name, addresses and phone numbers of family members, friends and associates.
 - ◆ Details of school, child's class and contact number of the School Principal and the class teacher.
 - ◆ Information about any persons suspected by the parents/guardians of the child
 - ◆ Details of servants in the family

- ◆ Details of places frequented by the child
- ◆ Any previous history of going missing
- ◆ Any relevant information from other residents
- ◆ Child/Young person's mobile number (if any)
- ◆ Initiate all other steps required to be taken on a Missing Report as per the Standing Orders, Circulars, instructions etc.
- ◆ Child Welfare Officer - to guide the complainant suitably when he/she calls up subsequently about progress of the case and should ensure that family informs him whenever - they shift residence even if child has not been recovered.
- ◆ Flash W.T. message at State level
- ◆ Communicate detailed descriptive information to concerned District Missing Persons Tracing Unit through District Missing Persons Unit as well as Missing Persons Cell of CBI.
- ◆ IO should make personal contact with DCPU and the complainant and immediately determine:
 - ◇ Missing child has not been the subject of any prior missing report
 - ◇ Probable circumstances of disappearance of the child
 - ◇ Victim or family has inimical terms with anyone
 - ◇ Any suspicion or foul play
 - ◇ Last known location or destination
 - ◇ Demand of ransom
 - ◇ Such other risk factors
- ◆ Make a list of classmates, friends, family members, relatives and acquaintance who may have clue or information about the missing child.
- ◆ Collect recent photograph of the missing child and make copies for DCPU and District Missing Persons Tracing Unit, Missing Persons Squad, NCRB/ Media etc.
- ◆ Fill up specific designed 'Missing Persons Information/ Crime Card' and immediately send to MPS, DMPU, CRO, NCRB, SCRIB, CBI etc.

- ◆ A copy of the FIR should be sent by Post/Email to the State Crime Record bureau along with the addresses and contact phone numbers of the parents of the missing child, after uploading the relevant information in website/online etc. (www.trackthemissingchild.gov.in)
- ◆ Give wide publicity by publishing /telecasting the photographs and description of the missing child in (i) leading News Papers (ii) TV/Electronic Media (iii) Local Cable TV Network
- ◆ Note: In case missing child is a girl, a prior permission of her parents/guardian is necessary before the photograph is published/telecast.
- ◆ Distribute Hue & Cry notice at all the outlets of the city/town i.e. Railway Stations, ISBTs, Airport, Regional Passport Office ad other prominent places.
- ◆ Scrutinize the missing child's computer, cell phone and diaries with consent of the family.
- ◆ Areas/spots of interest such as Movie Theatres, Shopping Malls, Amusement Parks, Games Parlours should also be searched.
- ◆ If available, CCTV Cameras installed at the spot (or in its vicinity) from where the child is reported missing, should be scanned.
- ◆ Enquiries should be made from the hospitals about admission, if any unidentified injured persons admitted in the hospitals.
- ◆ Enquiries should be made from the neighbouring police stations about any unidentified dead body found or information about missing children admitted in the hospitals.
- ◆ Check records of the Child Care Institutions, Children's Homes, Placement Agencies, NGOs, Child Welfare Committees etc.
- ◆ The details of missing children should be sent to District Crime Record Bureaus of the neighbouring states as well as SHOs of the bordering police stations including in Charges of all the Police Posts in their jurisdiction.
- ◆ Match the missing person's record time and again with the data of unidentified dead bodies fed on the website, Online (www.trackthemissingchild.gov.in)

- ◆ Make a list of classmates, relatives, friends and persons frequently visiting the victim family and examine them.
- ◆ Maintain close liaison with the complainant/victim family DCPU to ascertain further clues, any ransom demand made by the kidnapper/Abduction and to apprise the family about the development in the case.
- ◆ Maintain separate file in respect of each case of missing child containing photograph, copy of complaint, MPI Form, W.T Message, list of day to day efforts made by the IO for locating the child as well relevant GD entries of departure and arrival etc.
- ◆ In appropriate cases, a declaration of reward for furnishing clue about the missing child should be got announced within a month of his/her disappearance
- ◆ Keep track of the parents of the missing child so that at the relevant time they can be produced before any authority including CWC, DCPU to find out the real reasons of missing and to address the problems.
- ◆ IO should extend full co-operation to the DCPU on any information relating to missing children etc.
- ◆ If the missing child remains untraced for four (4) month, such cases shall be transferred to Anti Human Trafficking Unit (AHTU) of the Distt. DIU for further investigation.
- ◆ Whenever a missing child is traced or he/she comes back on his/her own, the Investigating Officer will examine all relevant angles such as involvements of organized gangs, application of provisions of Bonded Labour Act, Immoral Traffic Prevention Act, and such other relevant Acts. Whenever, the involvement of any organized gang is found, it shall be the responsibility of the Investigating Officer to refer the matter to the District Police Chief and District Police Chief and District CPU shall take necessary actions according to grievous types of the offence

10 Steps to be taken by the investigation officer when missing child is traced /found/recovered.

- ❖ In case a child is traced, or found, or he or she comes back on his or her own, Investigation Officer shall immediately lodge a daily mentioning the circumstances of missing and recovery and inform DCPU, DMPTU etc. to discontinue the search.
- ❖ Evaluate the child's physical condition and if necessary, he or she should be got medically examined immediately.
- ❖ Evaluate with the help of the Child Welfare Officer, District Child Protection Unit, Child Welfare Committee whether he/she needs psychological help and take follow-up measures, if found necessary.
- ❖ CWO/SHO shall assess reactions of parents/guardians and refer the child, his/her parents/guardians to counsellors for follow-up to ensure normalcy is attained in the household.
- ❖ Investigation Officer will examine all relevant angles such as involvement of organised gang, application of provision of Bonded Labour Act, Immoral Traffic Prevention Act, Prevention of Begging Act and such other relevant Acts while investigating a case.
- ❖ Note: In case of girl child, If the Investigation Officer is not a woman officer then, a women officer must be associated in the questioning or in appropriate cases, the relative, DCPU officials may remain present so as to create an atmosphere where girl feel comfortable in disclosing relevant information.
- ❖ Whenever, an organized gang is found involved, the matter shall be referred to the Crime Branch or other Special Cell constituted for the purpose through proper channel.

11. Supervision by SHO and DySP DCRB

- * SHO shall ensure that action on receipt of a complaint regarding missing child is initiated without loss of time as per Standing Order issued.
- * SHO will supervise the efforts being made on day to day basis, particularly during the first 14 days of receipt of the complaint including to place the relevant data on the Track Child (www.trackthemissingchild.gov.in) immediately and subsequently maintain the currency and accuracy of the data.

- * SHO will ensure proper maintenance of the Missing Persons Register. They shall also ensure maintenance of separate missing children files and record their observation/guidelines for IOs for further course of action.
- * SHO will also ensure that the record of missing child as well as forms regarding missing and tracing out are filled up properly and are sent to the DMPTU and concerned quarters well in time.
- * SHO must extend full co-operation to the members of DCPU on any information relating to missing child etc.
- * All SHOs shall ensure that notice boards are appropriately displayed in Reporting Room of Police Stations with the details of missing persons written neatly and prominently.
- * SHO/ACP are responsible to deliver copy of FIR regarding missing child to DCPU either by Spl. Messenger or by post or through E-mail.

12. Steps to be taken when information is received regarding child missing from another State.

- ◇ A child may have been a victim of kidnapping or any other form of trafficking and brought to the State for exploitation. In case, any such complaint is received, action would be taken immediately for the recovery of such child initiated under sec. 365, 367, 368 IPC and other relevant sections of the law, against the employer as well as the trafficker or kidnapper, as the case may be.
- ◇ While investigating the cases of rescued child labour/prostitution victims (especially minors), necessary steps should be taken to find out not only about the kidnapping but also abduction as in several cases some form of inducement or trust may be found such as promise of education, family loan etc.
- ◇ Coordinate with Social Justice Department, Labour and other Govt. Depts. and exchange information on illegal functions of placement agencies and other such places which are suspected to be involved in engaging child labour or child exploitation.

13. Duration of Enquiry into missing reports

- Local police shall continue the search till the missing child is located.
- Missing report in respect of any child, once recorded in the relevant register will be kept under enquiry till he or she is located.

- If a criminal case is registered into the missing of a child, it will be kept open till the investigation into all known aspects of that case is completed and the case will be treated as a Special Report Case.

14. Duties of District Child Protection units on receipt of Information on Missing / Found Child.

The DCPUs are being constituted in all districts to implement the Centrally sponsored Integrated Child Development Services (ICDS) scheme in partnership with civil society under Social Justice Department of Kerala. DCPU entrusted to coordinate and implement child rights and take up protection activities at the district-level. The responsibility of assessing the number of children in difficult circumstances and creating district-specific database to monitor the trends and patterns of children in difficult circumstances are other duties of DCPUs.

- ⊛ Conduct field enquiry and prepare Social investigation regarding the child
- ⊛ Submit the report or information to the concerned police so as to aid the investigation.
- ⊛ Provide counseling or other support to the found children.
- ⊛ Provide Supporting persons if required by the police.

Duties of Social Justice Department

1. Conduct Awareness Programmes on missing/found children tracking system.
2. Conduct studies to ascertain the circumstances that lead to missing of Children
3. Conduct awareness programmes to police and staff of Child Care Institutions about Track Child System.
4. Prepare state level data base on missing / found children.

16. Missing child Websites:

1. www.trackthemissingchild.gov.in National Tracking System for Missing and Vulnerable Children. An initiative of Ministry of Women and Child Development.
2. www.khoyapaya.gov.in Web platform for people to directly report, track and upload information on missing children. Started on June 2, 2015. Site will serve as a platform for people to not only report a missing child but also track the efforts towards his or her recovery. It is a joint initiative of Women and Child Development Ministry and Department of Electronics and Information Technology.