

R

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
[RAMAKRISHNA S/O SUBRAY BHAT VS. THE DIRECTOR GENERAL
OF POLICE AND OTHERS]

12.09.2025

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE S G PANDIT
and
HON'BLE MR JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR JUSTICE C.M. POONACHA)

The present writ petition is filed by the petitioner under Articles 226 and 227 of the Constitution of India, seeking for a writ of habeas corpus directing the respondents to produce the detenue before the Court.

2. It is the case of the petitioner, who is the father of the detenue that, the detenue, being his daughter, was working as an accountant in Aukshavanta Arogyalaya, Hubli since 2021. That on 18.12.2023, the detenue visited her parent's residence and informed that she left her job at Aukshavanta Arogyalaya, Hubli and was working at Vishnu Agro Oil Industry, Akki Honda, Hubli, as an accountant. That the detenue stayed at her parent's residence for two days and she left for Hubli on 20.12.2023 at

9.30 a.m., and that the petitioner dropped her to the bus stand. It is the further case of the petitioner that from the evening of 21.12.2023, both phone numbers of their daughter, the detainee, were switched off and they were not able to contact her. That they went to Hubli and made enquiries, despite which, they were unable to trace their daughter. Being left with no other alternative, they lodged a Police complaint on 27.12.2023. The Police Authorities, not having traced the detainee, the present petition was filed on 06.05.2024.

3. After issuance of notice, the Police Authorities have periodically filed various affidavits/status reports, detailing the various steps/measures taken by them in attempting to trace the detainee. Affidavits of the Police Sub-Inspector, Yellapur Police Station, Yellapur, were filed on 24.05.2024, 21.06.2024 and 15.07.2024. Thereafter, this Court, vide order dated 01.08.2024, directed the Superintendent of Police, Karwar, to be present on 19.08.2024, consequent to which, the Superintendent of Police, Karwar, was present before the Court and a status report by way of an affidavit of the Jurisdictional Police Inspector has been filed. Thereafter, on 18.09.2024 also, the Superintendent of Police,

Karwar, was present before the Court and this Court recorded satisfaction *vis-à-vis* the efforts made by the Police Authorities and adjourned the matter by four weeks to trace the detainee. Thereafter, status reports were filed on 21.10.2024 and 16.12.2024.

4. On 07.02.2025, the Deputy Superintendent of Police, Sirsi Sub-Division and the Police Inspector, Yellapur Police Station, were present before the Court and further status report and affidavit were filed. This Court, considering the submissions made by learned counsel for the petitioner that issuing certain guidelines for disposal of habeas corpus writ petitions, when the detainee is not traced be ordered, has heard the learned counsel for the petitioner and learned Additional Advocate General regarding the said aspect of the matter.

5. The sum and substance of the present situation is that the daughter of the petitioner, whose presence is sought to be secured still remains untraced. The present situation is an extremely worrying one, requiring this Court to examine as to what further action could be undertaken. In this context, an

overview of how Courts and Authorities have dealt with similar situations is required to be looked into.

Measures taken by the Government of Karnataka regarding cases of missing persons:

6. The Government of Karnataka issued Standing Order bearing No.741, dated 01.04.1977, whereunder, the procedures to be followed by the Station House Officer's (SHO's), were stipulated whenever complaints regarding missing children or adults are received.

7. Vide Standing Order bearing No.885, dated 31.10.1990, issued by the Office of the Director General of Police and Inspector General of Police¹, Bengaluru, noticing certain lacuna in the system with regard to cases of missing persons, being enquired and investigated, directed that all cases of missing persons, which are over six months old, will be taken up for investigation by the concerned Inspector of Police from their Police Sub-Inspectors and will ensure better investigation to trace

¹ Hereinafter referred to as 'the DGP and IGP, Bengaluru'

out missing persons and put all efforts to finalize a case within a further period of six months.

8. Vide Standing Order No.1/aparadha/17:(2)/2010, dated 23.02.2010, further directions were issued by the State Government, which mandated that the District Superintendent of Police and Commissioners ought to make enquiries regarding missing persons in monthly crime review committees and re-review committees. It was further stipulated that the Jurisdictional IGP was required to review all the missing complaint reports every 3 months and for effective enquiry, the Anti-Human Trafficking Cell/Units² of the Criminal Investigation Department³ of the State be approached. It was further stipulated that the Additional Director General of Police⁴ was required to review whether the IGP has followed the said rules.

9. Vide circular dated 28/2/2012, issued by the office of the DGP, CID, Bengaluru, while observing that, to deal with trafficking of human beings more effectively, an AHTC, which is functioning in the CID, Bangalore, headed by an officer of the

² Hereinafter referred to as 'the AHTC/AHTU'

³ Hereinafter referred to as 'the CID'

⁴ Hereinafter referred to as 'the ADGP'

rank of Superintendent of Police and a Director Inspector General of Police (DIGP), Economic Offences Wing, CID has been nominated as Nodal officer and also after noticing that AHTUs are functioning at Bangalore, Hubli-Dharwad Commissionerates, Belgaum, Dakshina Kannada and Mysore Districts recorded that, four more AHTUs are proposed to be set up at Gulbarga, Raichur, Davanagere and Kolar, issued various directions, which are summarized as under:

- a) The AHTCs are to be strengthened with better resources like vehicles, camera, etc., and the said resources allotted to AHTUs should not be diverted for other purposes;
- b) Advisories have been issued from time to time by the Ministry of Home Affairs, Government of India and Standard Operating Procedures⁵ are to be effectively implemented;
- c) AHTUs should follow a multi-disciplinary approach to tackle human trafficking issues and should involve NGOs,

⁵ Hereinafter referred to as 'the SOPs'

officers of Women and Child Welfare, Health, Labour, Employment, Social Welfare, Prosecution and other departments of the Government as well as local police units as and when found necessary;

- d) A victim-centric approach is to be taken while dealing with cases and field police units have to deal with the network by treating cases of trafficking as organized crimes to ensure that the traffickers are not able to exploit hapless women and children;
- e) NGOs are to be involved in all rescue operations as well as during prosecution at the trial stage;
- f) Protective steps are to be taken and beats can be sensitized to keep check on places and persons from where women/children are lured/forced into trafficking;
- g) The police at the field level can also involve themselves during such sensitization programmes conducted by NGOs;
- h) Various places of trafficking are to be identified and action be taken with regard to the same;

- i) The police officers have to pay attention to the large number of missing cases, particularly of women and children reported in the State and case-by-case collaboration with AHTUs is required in tracing these missing persons;
- j) A 24x7 childrens'/womens' helpline is already functional in many districts/commissionerates. Effective monitoring and adequate publicity of the helpline and regular surveillance of bus and railway stations by the local police can effectively prevent or at least reduce trafficking of such missing children/women;

10. The office of the DGP and IGP of Police, Bengaluru, vide Crime Section Circular No.3/2015 dated 02.06.2015 issued an SOP to be adopted while investigating missing/found child cases. The directions/measures issued/stipulated therein is summarized as under:

- I. A missing child is one who is lost, has left home without notice or has been abducted.

II. Complaint regarding missing child:

- An alternate mode of registration of complaint are phone/email to the police;

emergency helpline:100; child line 24 hour helpline:1098; reporting to the child welfare committee.

III. Registration of FIR:

- Mandatory to register FIR in missing childrens case
- Initial presumption of abduction or trafficking
- Due enquiry and preliminary verification of all complaints received regarding missing child
- Supervisory officer should be informed of all missing children FIR in order to duly monitor the same.
- While registering the case, police officer shall get as much information as possible and basic facts per the indicative list in Annex I of the circular.

IV. Risk Assessment

- Investigating Officer (IO) fills out a checklist to assess risk level to the missing child.
- Use risk assessment to decide investigation course of action for the investigation after considering:
 - a. Urgency of investigation
 - b. Areas of inquiry
 - c. Required specialist knowledge
 - d. Supervision needs
 - e. Agencies to alert
 - f. Child-specific risk factors (gender, potential crimes like trafficking)
- Immediate action for ransom or serious crime: hand over to AHTU or crime branch.

V. Dissemination of Information:

- Upload missing child details and photos to www.trackthemissingchild.gov.in.

- Flash wireless messages to police stations, control rooms, and authorities.
- Send missing person forms to MPS, District Missing Persons Unit, CRO, CBI for further action.
- Assign Child Welfare Officer to inform local patrols and other relevant authorities.
- Send information to legal services and neighboring states' DCRB.
- Publicize details of the missing child through media, with parental consent.

VI. Investigation by Police:

- Visit the missing child's last reported location and conduct searches for clues.
- Scrutinize the child's devices and analyze call details
- Check CCTV footage and investigate alternate angle of organized crime like abduction or trafficking.
- One officer assigned to verify police station records to check for similar incidents
- Investigate local places frequented by children (e.g., malls, parks, shelters) and other places to be investigated when a child goes missing
- Regular follow-ups with hospitals, police stations, and shelters to track leads.
- Unrecorded pits and manholes to be investigated

VII. Maintaining Case Files:

- Maintain separate file with the child's photograph, FIR, and investigation details.
- Ensure daily updates on efforts to locate the child.

VIII. Prosecution of Missing Children Cases:

- All missing children cases must be scrutinized by the public prosecution.

IX. Organized Crime / Trafficking Investigation:

- Network with NGOs and specialized agencies to check organized crime involvement.
- For cases unresolved after 2 months, transfer to relevant agencies.
- Hand over cases related to trafficking to AHTU or specialized teams.
- AHTUs to submit a report every three months to Legal Services Authority.

X. Found/Traced Child:

- A found child is one located by police, NGOs, or public.
- Share information with police, Childline, and CWC for further action.
- Conduct inquiries to verify reasons for disappearance and check for abuse or crime.
- If the child doesn't want to return home, produce them before Child Welfare Committee⁶ within 24 hours.

XI. Juvenile in Conflict with Law:

- If a juvenile in conflict with the law is identified as a missing child, inform the Juvenile Board.

XII. General Guidelines for Traced Children:

- Ensure victim's privacy and dignity during interviews and investigations.
- Female victims should be interviewed by female officers or counselors.
- Avoid repeated interviews, and ensure the child feels safe and supported.
- Interview in the child's language, ensuring no harm or pressure.

XIII. Role of Child Welfare Committee (CWC):

⁶ Hereinafter referred to as 'CWC'

- CWC safeguards children's rights and can issue directives to police, parents, and other entities.
- CWC has the authority to issue summons and warrants for child welfare.

11. The office of the DG and IGP, Police Department, Government of Karnataka, vide Crime Circular bearing No.14/2015 dated 25.11.2015 issued various directions pursuant to the national conference conducted on 15.01.2013 by the National Human Rights Commissioner⁷, which are as under:

i) That every police station should have a special squad and missing persons' desk dedicated to tracing missing children. That the Special Juvenile Aide Police Units could also be used for this purpose;

ii) Whenever a missing childrens' case is reported in the police, FIR should be filed, and report should be sent to the National Commission of Protection of Child Rights⁸ within 24 hours;

iii) Special vigil should be kept at the Railway Station, Airports, Seaports and other places of transit points and the

⁷ Hereinafter referred to as the 'NHRC'

⁸ Hereinafter referred to as the 'NCPCR'

Government Railway Police⁹, Railway Protection Force¹⁰, Airport and Seaport authorities are to coordinate regarding the issue of missing children;

11.1. The directions were required to be complied with in addition to the directions in the Circulars dated 28.08.2008, 12.09.2013 and 02.06.2015;

12. The office of the DG and IGP, Police Department, Government of Karnataka, vide Crime Section Circular No.15 of 2015 dated 25.11.2015 has issued various directions pursuant to the judgment of Co-ordinate Bench of this Court in the case of ***High Court Legal Services Committee, Rep. by Secy & Anr., v. State of Karnataka & Ors.***¹¹, wherein the following directions were issued:

- i) In the case of every missing child reported, there will be initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved to the contrary and hence, Station House

⁹ Hereinafter referred to as the 'GRP'

¹⁰ Hereinafter referred to as the 'RPF'

¹¹ 2018 SCC OnLine Kar 2741

Officer (SHO) shall assume that any complaint of a missing child when reported is a case of trafficking and register FIR immediately as soon as the complaint is reported and take necessary action;

ii) Whenever any complaint is filed before the police authorities regarding a missing child, the same must be entertained under Section 154 of the 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 of the Cr.P.C., upon making an entry in the book to be maintained for the purposes of Section 155 of the Cr.P.C., and after referring the information to the Magistrate concerned, continue with the inquiry into the complaint;

iii) The police must take steps immediately to communicate the information about the missing children to all other police stations, Child Helpline and Missing Children Bureau¹²;

¹² Hereinafter referred to as the 'MCB'

iv) Form a team at the level of SHO comprising of members of Department of Women and Child Development¹³ appointed Non-governmental Organization¹⁴ from Child Helpline Services and Missing Children Bureau, who are working in the districts to investigate the case and to maintain communication with the missing person's family members;

v) After tracing the child, the rescuing team should present the child before Child Welfare Committee and after carrying out the counselling of the child, take measures to immediately handover the child to the guardian or parents of the child;

vi) The MCB shall have constant interaction with complainant/family members and in cases where the missing children/persons return to their home on their own, the information be intimated to the concerned police station. This will resolve the issue of cases

¹³ Hereinafter referred to as the 'DWCD'

¹⁴ Hereinafter referred to as the 'NGOs'

continuing to be open in police stations even after the missing persons have returned to their homes;

vii) Public awareness about the child helpline and MCB telephone numbers to be created through SMS, Scrolls, advertisement and information to be displayed in all police stations as well as schools and educational institutions to be informed;

viii) In case of failure to register missing child case on receipt of a complaint at the police station, suitable disciplinary action should be taken against the concerned police officials.

12.1. The said directions were to be complied along with the circular dated 28.08.2008, 12.09.2013 and 02.06.2015.

13. The office of the DG and IGP, Police Department, Government of Karnataka, on 16.09.2020, issued an SOP relating to Missing children, whereunder, in view of the various judgments, directions and advisories, the officers of the respective police station, Unit Heads of Districts and Police Commissionerates were instructed to strictly adhere to the guidelines and SOPs while

dealing with the case of missing children. A detailed SOP was set out in this regard.

Measures taken by the Government of India with regard to missing persons:

14. The Government of India issued an Advisory on missing children and the measures needed to prevent the trafficking and to trace children vide Official Memorandum dated 31.1.2005.

15. The Ministry of Home Affairs, Government of India, vide office memorandum dated 31.01.2012 as also an Advisory bearing No.24013/62/2012-SC/ST-W dated 25.06.2013 issued an advisory regarding the measures to prevent trafficking and missing children/persons cases.

16. The Ministry of Home Affairs, Government of India, pursuant to the direction issued by the Hon'ble Supreme Court in the case of ***Bachapan Bachao Andholan Vs. Union of India***¹⁵ vide Advisory dated 25.06.2013 issued various directions.

¹⁵ (2015) 13 SCC 39

Regarding Judicial Orders/Precedents:

17. The Hon'ble Supreme Court in the case of **Bachpan Bachao Andolan¹⁵** issued various directions to prevent trafficking and crimes against women and children as also for tracing the missing children. The Government of India pursuant to the judgment of the Hon'ble Supreme Court in the case of **Bachpan Bachao Andolan¹⁵** issued an Advisory dated 25.6.2013, which reads as follows:

*"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- 2 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. 3*
- (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. "

18. The Hon'ble Supreme Court in the case of **Hori Lal v. Commissioner of Police, Delhi**¹⁶ while considering a writ petition filed under Article 226 of the Constitution of India, to direct the authorities to search and produce before the Court the daughter of the petitioner, issued various directions as under:

¹⁶ 2002 SCC OnLine SC 37

"11. For the time being as suggested by Learned Attorney General and learned counsel for the parties for having effective search of the Kidnapped minor girls, following steps shall be taken by the Investigation Officer in all the States:

(1) Publish photographs of the missing persons in the Newspaper, telecast them on Television promptly, and in case not later than one week of the Receipt of the complaint. Photographs of a missing person shall be given wide publicity at all the prominent outlets of the city/town/village concerned that is at the Railway Stations, Inter state bus Stands, airport, regional passport office and through law enforcement personnel at Border checkpoints. This should be done promptly and in any case not later than one week of the receipt of the complaint. But in case of a minor/major girl such photographs shall not be published without the written consent of the parents/guardians.

(2) Make inquiries in the neighbourhood, the place of work/study of the missing girl from friends colleagues, acquaintance, relatives etc. immediately. Equally all the clues from the papers and belongings of the missing person should be promptly investigated.

(3) T contact the Principal, Class teacher and Students at the missing persons most recent school/educational institutions. If the missing girl or woman is employed somewhere, then to contact the most recent employer and her colleagues at the place of employment.

(4) Conduct an inquiry into the whereabouts from the extended family of relatives, neighbours, school teachers including school friends of the missing girl or woman.

(5) Make necessary inquiries whether there have been past incidents or reports of violence in the family.

12. There after the investigation officer/agency shall:

(a) Diligently follow up to ensure that the records requested from the parents are obtained and examine them for clues.

(b) Hospitals and Mortuaries to be searched immediately after receiving the complaint

(c) The reward for furnishing clues about missing person should be announced within a month of her disappearance.

(d) Equally Hue and Cry notices shall be given within a month.

(e) The Investigation should be made through women police officers as far as possible.

(f) The concerned police commissioner or the DIG/IG of the State Police would find out the feasibility of establishing a multitask force for locating girl children women.

(g) Further, in the Metropolitan cities such as Delhi, Mumbai, Kolkata and Chennai the Investigating Officer should immediately verify the red light areas and try to find out the minor girls. If any minor girl (may or may not be recently brought there) is found her permission be taken and she may be taken to the children's home (Sec 34 of the Juvenile Justice (Care and Protection of the Children) Act 2000, and the I.O. to take appropriate steps that all medical/other facilities are provided to her.

13. The Registry is directed to communicate this order to the Chief Secretaries of all the State Governments and the Union Territories for taking effective steps for implementation. Adjourned for six months."

19. A coordinate Bench of this Court in the case of **C. Shiva v. The State of Karnataka, Rep. Secy., Dept. of Home & Ors.**,¹⁷ while considering a petition filed for production of the wife of the petitioner, who was missing, noticed the suggestions issued by the authorities and was of the view that the same should form a part of the order of the Court. The said suggestions are as under:

"A. Immediate action to secure forensic evidence necessary to compare and conclusively establish the identity of the missing woman through DNA analysis, in case only the mortal remains of the missing person were to be located subsequently.

Subject the suspects to further Narco-analysis as required to elicit finer details pertaining to the revelations already made and the activities that took place at the alleged time of disappearance so that further field verification of the revelations made is possible. Examine the feasibility of subjecting some key witnesses also to Narco analysis for cross checking their statements made earlier to the police.

B. Ensure Prompt registration of persons missing cases and to initiate actions on all fronts to trace the missing person.

Police have to promptly register the case of missing cases and to initiate actions on all fronts to trace the missing person. A centralised system is to be established by which any one aggrieved by non registration at the Police

¹⁷ ILR 2007 KAR 740

Station can through this centralized system, forward their petition to the Senior Police Officers for appropriate intervention. An acknowledgement has to be provided to the aggrieved person.

C. To Speed up investigation.

A Senior Police Officers has to be entrusted with investigation and regular reviews at periodic intervals, with respect to the progress. He should also get the details with regard to pending cases of persons missing and in identifying dead bodies. Special squads if need be, appointed to pursue further investigation. The State should issue strict instructions directing all Police Officers to treat matters of person-missing cases as high priority.

D. Set up of a Police Information Network to facilitate quick dissemination of information regarding missing persons.

The existing methodology has to be modified by way of centralized net work. The net work has to have web-enabled information data bank and maintained. If necessary public spirited persons may also be taken into confidence for a meaningful part in the search for the missing person. The facility should include interactive communication capabilities through voice, data, fax, email, sms etc. in addition to other existing means.

E. Improve the mechanism to publish and publicise the details of missing persons in media.

Publication of look out notices in local dailies, TV and cable net works including the Doordarshan, Vernacular news papers etc through a single central agency in the districts and commissionrates needs to be devised. Improved arrangements are required to instantly communicate the disseminated details of the missing persons to important hospitals/mortuaries/all police stations/out posts/entry and exit points in the

State/neighbouring states to help them to correlate and give feed back of any information of relevance in tracing the missing person. Such details should be made available to officials in charge of temples/churches/mosques/marriage registration office as well as hospitals etc automatically with photographs of missing persons for any useful feed back and intervention as required.

F. The empowerment of police personnel on the beat to be able to communicate and pass on information promptly. The existing means of communication has to be modified for quicker exchange and despatch of importance messages.

G. Design and launch of a comprehensive missing persons's portal.

Portals should be made available in as many languages as feasible including the local language including the local language of the places where the person is likely to be found. If need be the Government can get the portal designed by Karnataka State Police Housing Corporation Limited as it is already maintaining its own web services.

H. Alert generation after coordination of search parameters of missing and unidentified persons.

Better arrangements need to be made for generating automatic advisory memos after comparison of various parameters interse of all missing persons database with that of unidentified cases etc where the person's identity has not been conclusively established. The comparison should include criterion based on identity particulars, finger print minutiae etc.

I. Collection of Forensic evidence necessary for establishing identities conclusively.

No unidentified dead body should be permitted to be disposed of without ensuring collection of all possible evidence that will enable conclusive identity to be established by comparison of necessary forensic samples.

Finger and palm prints, DNA comparison and skull super imposition techniques are being used now to conclusively establish the identity of a person. Since these techniques require some control samples for the purpose of comparison, immediately after a person goes missing, it is necessary to arrange for collection and preservation of control samples of the finger/palm print minutiae, DNA specimen, Good Photographs of the Face etc of the missing person. Some of these can be collected from the already available personal effects or through samples taken from parents, siblings etc.

The proforma through which the details of the missing person's identity are presently being collected needs to be amended in this regard. Such an effort will facilitate the comparison and establishment of identity and help narrow the scope of search and establish the identity of the missing person.

Forensic sciences have evolved and DNA fingerprinting provides conclusive evidence of the identity of a person. However the cost of one DNA sample profiling is stated to be about Rs. 8000/- and in each case of missing persons, it is estimated that 3-4 samples may have to be tested before a match may be found. Since the number of person missing cases in the State is more than 10000 per annum, it is necessary that the facilities for DNA profiling in the State are augmented to match the requirement.

The Photograph of un-identified dead body found should be taken in such a manner that it aids identification of facial features, personal items, any personal identification marks, shoes, watches, jewellery, tattoo marks, finger prints/palm print, DNA finger print etc.,

J. Introduction of a child tracking system

Children who go missing are likely to be unwary victims of exploitation and trafficking. A child tracking system should be part of the web portal being launched to prevent trafficking and exploitation of the person missing.

K. Kin to be taken into confidence about the actions initiated

The relatives of the person missing should be taken into confidence and enabled to know the latest progress made in locating the missing person.

L. Enlisting public cooperation

Public kiosks and police help centres should be established in the jurisdiction of all the Police Stations in the State as well in Public places such as malls/public amusement places/bus stations/railway stations etc so that the information on the missing persons and unnatural and unidentified bodies may be disseminated to the public for possible clues/information exchange. These kiosks should be integrated with closed circuit television system to be put at all public places covering the ports of entry/exit, malls, prominent public amusement places, eateries, etc to facilitate public spirited persons to assist the police in tracing the missing persons.

M. Use of technology and experts and best practices.

There is a need to maximize the use of technology and expertise available and document their usage for future reference.

Use of facial recognition software may be pilot tested along with the installation of closed Circuit Television cameras at vantage exit and entry points in such public places.

Artificial intelligence based expert systems-The State should set up a committee to compile best practices as well as to develop an artificial intelligence based expert system which can be used by the investigating officers at any stage of the investigation to seek guidance and tips to take their search for missing persons forward to fruition. The expert system should take into account the steps taken by the Investigating Officer till then and thereafter suggest possible steps for further investigation based on prior experience and best practices. The service of information technology/artificial intelligence experts could be gainfully employed in this regard."

20. A coordinate Bench of this court in the case of **High Court Legal Services Committee¹¹**, considering a public interest litigation for direction to the respondents to frame comprehensive guidelines and SOPs for dealing with cases of missing persons from the point of view of trafficking, ordered that the directions/observations made by the Hon'ble Supreme Court in the case of **Bachpan Bachao Andolan¹⁵** be framed as guidelines for SOPs and shall be strictly implemented, disposed of the said writ petition. Considering the said directions, the State of Karnataka has issued Crime Section Circular No.15/2015 dated 25.11.2015.

21. A Division Bench of the Delhi High Court in the case of ***Vinod v. State (NCT of Delhi)***¹⁸ while considering a writ petition filed seeking to issue a writ of Habeas Corpus for production of the daughter of the petitioner who was said to be a minor, noticed a revised Standing Order bearing No.252 dated 18.3.2009 and extracted the relevant portion of the same, which is as follows:

"STEPS TO BE TAKEN BY THE INVESTIGATION OFFICER ON RECEIPT OF INFORMATION REGARDING MISSING PERSON

The following steps will be taken immediately on receipt of information regarding a missing person. It will be important to keep in mind that initial efforts within 15 days of the complaint will be of critical importance, and hence will be closely co-ordinated and monitored by all concerned:-

*1. A Missing Report should be lodged in the Daily Diary **at once**, clearly mentioning the date and probable time when he/she was noticed to be missing. In this Report, all the details of the missing person including name, parentage, age, height, complexion, sex, clothes worn and any special mark of identification etc should be incorporated. The photograph of the missing person and the contact number of the complainant/relative should be obtained and placed on file.*

*2. The Police Control Room, State Crime Record Bureau (SCRB), National Crime Record Bureau (NCRB) and ZIP NET should be informed **immediately**.*

3. A W.T. Message will be flashed on all India Level with the detailed description of the victim.

¹⁸ 2024 SCC OnLine Del 4719

4. Information will also be shared with the CBI, where a Cell relating to missing children/persons has been set up in CBI as per the directions of the Hon'ble High Court.

5. A copy of the DD entry should be sent to the District Missing Persons Unit (DMPU) and Missing Person Squad (MPS), PS Kotwali, Delhi

6. Hue and Cry notices should be prepared and issued.

7. The I.O. should **immediately** begin enquiries from persons present at the scene or last seen, collect the details of possible suspects and question them without loss of time

8. Cell phone details, if any, of the missing person should also be **immediately** obtained for further investigation as to his/her whereabouts.

9. Photographs of the missing person should be given wide publicity at all the prominent outlets of the city/town/village concerned-that is, at the 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. But in case the missing person is a girl/woman, prior written permission of parents/guardian/husband shall be taken before the photographs is published/broadcast.

10. Border Check Posts should be alerted **immediately**. In case of a missing minor, Check Post staff should also be sensitized to question unaccompanied minors/children or adults carrying children and behaving with them abnormally, during checking of vehicles/public transport.

11. Publicity should be given in surrounding areas using loud-hailers, if necessary.

12. All necessary publicity should be given in News Papers/Electronic Media. Publicity should also be given through local cable TV Network.

13. The parents/family members/friends and relatives should be examined to find out the probable cause of disappearance of the person.

14. It will be important to scrutinize the missing person's computer, diaries etc. if any, and his personal belongings for any clue. This exercise, of course, should be done with the concurrence of the family members/complainant.

15. In case of missing minors, areas/spots of interest such as Malls, Amusement Parks, Games, Parlours etc. should also be searched.

16. If available, surveillance/security cameras(CCTV) in the vicinity of the scenes or last seen should also be scanned.

17. Any person having terms with the missing person should be examined

18. The Police Officer handling the Missing Report should remain in touch with the complainant/family members to ascertain if any demand for ransom has been received.

19. Whenever should play is suspected a case shall be registered under relevant sections of law and investigated.

20. Enquiries should be made from the neighbouring police stations about any unidentified dead body found or information about missing persons admitted in the hospitals.

21. Enquiries should also be made from the hospitals about unidentified injured persons admitted in the hospitals.

22. Poor House, Children Home, Rain Baseras, Nari Niketan, Mortuaries in hospitals. NGOs record, etc. should be checked for the missing person.

23. In appropriate cases, a declaration of reward for furnishing clue about the missing person should be announced within a month of her/his disappearance.

24. *The investigating Officer of the Missing complaint should periodically keep in touch with the complainant to update him on the efforts made, ascertain further clues, if any, and also to find out if the missing person has since returnee d on his/her own.*

25. *In case the missing person is traced, the Police Control Room, District Missing Persons Unit (DMPU) and Missing Persons squad (MPS) should be informed immediately for updating the record and for discontinuing the search.*

*** **

REGISTRATION OF A CRIMINAL CASE

As regards further action on the complaint regarding a missing person, registration of a case will be mandatory in case of all missing children on the age of 12 years and below, and in case of all missing cases of minor girls irrespective of age. Further, in case of male children above 12 years, a case will be registered when a suspicion is voiced by the complainant or arises otherwise. A lady officer should preferably be entrusted with the investigation of a case related to a minor girl."

21.1. In the case of **Vinod¹⁸** it was also noticed that the Ministry of Women and Child Development has formulated an SOP, titled "*Standard Operating Procedure for Cases of Missing Children*". Para 9 of the said judgment reads as under;

"9. The Ministry of Women and Child Development has also formulated an SOP, titled 'Standard Operating Procedure For Cases of Missing Children' which states that upon receiving a complaint of a missing child, an FIR shall be registered as trafficking or abduction. The relevant portion of the SOP is as under:

"...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 v. 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 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 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."

21.2. It is pertinent to note here that in the case of **Vinod¹⁸** it was stressed that the first 24 hours period is a crucial or a critical period for adequate steps to be taken. That the directions issued in that regard are as under:

*"10. The above SOPs makes it adequately clear that action has to be taken **immediately, promptly, forthwith and at once**. There is no scope for any speculation or conjecture that the child may return home in 24 hours and hence the police can wait. In fact, the first 24 hour-period is the crucial period or critical period, when steps for tracing of the missing person or child could lead to positive outcome.*

11. Accordingly, let the Commissioner of Police look at the matter and give directions to all police stations to ensure that the waiting period of 24 hours is wholly

unnecessary and in fact whenever a complaint is received, the inquiry/investigation should immediately commence.

12. In light of the above SOPs as also the observations made herein above, all the police stations shall ensure that there shall be no waiting period for 24 hours in the case of missing children to start inquiry/investigation."

In the case of **Lamboder Jha v. Govt.NCT of Delhi**¹⁹ a learned Single Judge was considering a writ petition filed under Article 226 of the Constitution of India for issuance of the directions to the respondents to adhere to the SOP dated 23.11.2016 issued by the Ministry of Women and Child Development to locate the whereabouts of the missing minor daughter of the petitioner. In the said matter, it was noticed that in compliance of the order of the Hon'ble Supreme Court in the case of **Bachpan Bachao Andolan**¹⁵ "Standard Operating Procedure For Cases of Missing Children" dated 20.11.2016 was issued by the Ministry of Women and Child Development and the Standing Order No.Crime/18/2024 titled as "Procedure To be Followed On Receipt of Cases About Missing Children Persons & Incentive to Police Personnel For Recovery of Missing Children" issued by the Delhi Police was also noticed. Thereafter, the Court issued various directions as under:

"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*

¹⁹ 2023 SCC OnLine Del 7804

*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."

22. In the case of **Lamboder Jha¹⁹** a learned Single Judge was considering a writ petition filed under Article 226 of the Constitution of India for issuance of the directions to the respondents to adhere to the SOP dated 23.11.2016 issued by the Ministry of Women and Child Development to locate the whereabouts of the missing minor daughter of the petitioner. In the said matter, it was noticed that in compliance of the order of the Hon'ble Supreme Court in the case of **Bachpan Bachao Andolan¹⁵** "*Standard Operating Procedure For Cases of Missing Children*" dated 20.11.2016 was issued by the Ministry of Women and Child Development and the Standing Order No.Crime/18/2024 titled as "*Procedure To be Followed On Receipt of Cases About Missing Children Persons & Incentive to Police Personnel For Recovery of Missing Children*" issued by the Delhi Police was also noticed. Thereafter, the Court issued various directions as under:

"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."

23. Learned counsel for the petitioner Sri.Mallikarjunswamy B. Hiremath and learned Additional Advocate General Sri Gangadhar J.M., pursuant to the order dated 19.2.2025 requiring submissions to be made with regard to setting out of guidelines, have placed on record their submissions. The State has suggested setting up of a Committee and has made the following suggestions.

"THE COMMITTEE FOR SUPERVISION OF MISSING COMPLAINTS"

I. The Preamble:

A Writ of Habeas corpus is maintainable in the case of "missing of Minor girls or young women who are kidnapped by persons in business of trafficking in women for the purpose of forcing them to prostitution, may be the parents would not be in a position to specifically give the details of the persons who have detained them or they may not be knowing the reason for missing of their wards (as declared by this Hon'ble court in Usharani vs. The Commissioner of Police, Bangalore & Others (ILR 2014 Karnataka 3312) or another vulnerable group.

II. The Constitution of Committee:

When a Writ of Habeas Corpus is filed, in the case of missing girl/minor children or other vulnerable group this Hon'ble Court may refer the matter to the Committee. In the event of the said reference made by this Hon'ble Court the following Committee is deemed to be constituted.

III. The Composition of Committee:

The Committee consisting of the following officers:

i) *The Inspector General of Police of the particular Range/Division.*

ii) *The Superintendent of Police of concerned district.*

iii) *The Deputy Superintendent of Police of Jurisdictional Police Station.*

IV. Duties and Responsibilities of the Committee:

i) *The Committee should obey and follow the directions given by this Hon'ble Court while disposing of the Habeas Corpus Petition.*

ii) *The committee should review the investigation conducted by the Jurisdictional Police for every 3 months.*

iii) *The Committee should ensure that the Guidelines laid down in the Hon'ble Supreme Court and the Hon'ble High Court is strictly followed by the Jurisdictional Police/Concerned Officer. The Judgements of Hon'ble Supreme Court and the Hon'ble High Court are at **Schedule I.***

iv) *The Committee should also strictly scrutinised that the Jurisdictional Police/Concerned Officer has complied and followed all the SOP issued by the Central Government and State Government and Police Department time to time. The relevant SOP of Central Government, State Government and Police Department are at **Schedule II.***

v) *The Committee should ensure that the Jurisdictional Police/concerned officer has exhaustively made use of all the available upgraded technology in the investigation.*

vi) *The Committee should ensure that Jurisdictional Police/concerned Officer has given wide publication or made effort to trace missing girl/child by using Portal like "Khoya Paya", "Talash Portal", "Track the Missing Child Portal", "Missing Vatsalya Portal", "Stop Trafficking of Girl Child Portal" "NCRB Government.in" Portal or any similar portal which are designated in this regard.*

vii) *The Committee should ensure that the Jurisdictional Police/Concerned Officer should update on the*

information available frequently on missing persons portal.

viii) The Committee has to evolve the checklist to ensure that all the Jurisdictional Police/Concerned Officer has complied with all the procedure.

ix) The Committee should ensure and satisfy itself that the family of the missing girl/child has been properly consulted/taking into confidence by Jurisdictional Police/Concerned Officer.

x) The Committee should further ensure in appropriate cases direct Jurisdictional Police/Concerned Officer to take assistance of agencies like National Investigation Agency, State Intelligence Bureau, the Antihuman Trafficking Agency, CID, CBI and many other similar agencies, for investigation of missing children.

xi) In the opinion of the Committee if the Jurisdictional Police/concerned officer has not worked satisfactorily then the committee has power to recommend the authority to change the investigation officer or take appropriate action in this regard.

V. Procedure to be followed by the Committee:

The committee keeping in mind, the directions issued by Hon'ble Supreme Court and this Hon'ble Court in various cases and the SOP issued by the Governments and Department time to time, should evolve its own procedure by preparing checklist for effective discharging of its responsibility.

VI. Submission of Report:

The Committee should conduct the Review of the said investigation for every 3 months and consequently submit 2 report every year between 6 months to the concerned The Registrar(judicial) of Hon'ble High Court.

The said exercise should be carried until the missing person is found or for the period of 7 years from the date of filing of Complaint of missing person, whichever is earlier.

VII. Duty of the Registrar (Judicial) of High Court:

The Registrar (Judicial) of High Court has duty to examine the Report submitted by the Committee. Further, if in the opinion of the Registrar (Judicial) the report produced by the committee is not satisfactory the Registrar (Judicial) may place the said Report before this Hon'ble Court. In such event, the Hon'ble Court may re-open/re-store the disposed petition for further Orders of the Hon'ble Court."

24. Learned counsel for the petitioner Sri Mallikarjun Swamy B.Hiremath has also placed on record that Dr.Manoj Rajoria, Member of Parliament had introduced Bill No.343/2019 before the Lok Sabha titled as "The Missing Children (Faster Tracking and Reuniting) Bill, 2019", to provide for faster tracking and reuniting the children who go missing due to abduction, kidnapping, luring or have runaway from their homes, etc. However, the said Act that was introduced in the Lok Sabha lapsed due to the tenure of the House having come to an end and hence, no statutory stipulations were enacted in that regard.

25. The Hon'ble Supreme Court in the case of ***Pinki v. State of Uttar Pradesh & Anr²⁰***, has noticed that in the year 2023 the NHRC entrusted the study on Human Trafficking to the

²⁰ 2025 SCC OnLine SC 781

Bharatiya Institute of Research and Development²¹, New Delhi, which submitted a report dated 12.4.2023. The Hon'ble Supreme Court has, in detail, noticed the findings of the report submitted by BIRD including the preventive measures, profile of victims and their exploitation; law enforcement, traffickers and exploiters; prosecution of offenders and law enforcement and prosecution.

Regarding Statutory Provisions:

26. It is pertinent to notice here that Section 110(1), (2)(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015²², enables the State Government to frame rules for the purpose of carrying out the object of the J.J. Act. Sub-Section (2)(i) of Section 110 of the J.J. Act specifically enables the State Government, *inter alia*, to make rules which provide for enquiry in the cases of missing or runaway children. Rule 92 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016²³, sets out the manner of enquiry in the case of missing children. The said Rule 92 reads as under:

²¹ Hereinafter referred to as 'BIRD'

²² Hereinafter referred to as the 'J.J. Act'

²³ Hereinafter referred to as the 'J.J. Rules'

"92. Inquiry in case of a Missing Child.-

(1) *A missing child is a child, whose whereabouts are not known to the parents, legal guardian or any other person or institution legally entrusted with the custody of the child, whatever may be the circumstances or causes of disappearance, and shall be considered missing and in need of care and protection until located or his safety and well-being established.*

(2) *When a complaint is received about a child who is missing, the police shall register a First Information Report forthwith.*

(3) *The police shall inform the Child Welfare Police Officer and forward the FIR to the Special Juvenile Police Unit for immediate action for tracing the child.*

(4) *The police shall:*

(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 on the designated portal; (iii) fill the specific designed 'Missing Persons Information Form' and immediately send to Missing Persons Squad, District Missing Persons Unit, National Crime Record Bureau, State Crime Records Bureau, Central Bureau of Investigation, and other related institutions;*

(iv) *send the copy of the First Information Report by post/email to the office of the nearest Legal Services Authority along with addresses and contact phone*

numbers of parents or guardian 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 notices 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 the missing child, as feasible in (a) leading newspapers (b) Television/electronic media; (c) local cable television network and social media and thereafter submit for ratification by the Board or the Committee or the Children's Court, as the case may be.*
- (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, amusement parks, games parlours and areas where missing or run away children frequent should be identified and watched;*

(x) scan the recordings of the Closed Circuit Television Cameras installed in the vicinity of the area from where the child was reported missing and on all possible routes and transit destination points like bus stands, railway stations, and other places;

(xi) inquire from under construction sites, unused buildings, hospitals, and clinics, (xxx) and other local outreach workers, railway police, and other places;

(xii) details of missing children should be sent to the District Crime Record Bureaus of the neighbouring 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.

(5) 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.

(6) When a child is traced:

(i) he shall be produced before the Board or the Committee or the Children's Court, as the case may be, for appropriate directions;

(ii) the police shall send a report to the District Legal Services Authority which shall provide counselling and support services to the child and the family; and

(iii) the police shall conduct an inquiry whether the child has been subjected to any offence under the Act or any other law and if so, proceed accordingly.

(7) The Central Government or the State Government may (issue) appropriate Standard Operating Procedures for the manner of inquiry in cases of missing children to give effect to these rules."

27. It is forthcoming from the aforementioned that the issue pertaining to the complaints regarding missing persons, their investigation as also the manner in which the said cases are required to be tried have fallen for consideration of the Hon'ble Supreme Court, this Court and various other Courts. Both the Central and State Governments have issued periodic Circulars/Notifications/SOPs in that regard. It is pertinent to note here that the cases of missing persons can be further sub-categorized with respect to missing woman as also minors and cases of other missing persons. In this context, as has been noticed above, in the case of a missing woman and/or minors, the said complaint would have various ramifications like trafficking, etc. It is also necessary to state that in all cases of missing persons (including that of woman and minors) grave ramifications like abduction, etc., are also possible. It is also relevant to note

that a missing persons complaint would also have various other possible ramifications like abduction, trafficking, etc.

28. A coordinate Bench of this Court in the case of **C.Shiva¹⁷** has noticed various suggestions made by the State Government while handling investigation into missing persons. A similar issue having fallen for consideration before the Hon'ble Supreme Court in the case of **Bachpan Bachao Andolan¹⁵** and a coordinate Bench of this Court in the case of **High Court Legal Services Committee¹¹**, ordered that the directions issued by the Hon'ble Supreme Court in the case of **Bachpan Bachao Andolan¹⁵** are required to be followed. The Division Bench of the Delhi High Court in case of **Vinod¹⁸** has noticed the SOP that is issued while considering a case of missing persons as has been noticed above.

29. A similar issue fell for consideration before a learned single judge of the Delhi High Court in the case of **Lamboder Jha¹⁹** and certain aspects regarding trafficking was noticed by the Hon'ble Supreme Court in the case of **Pinki²⁰**. Various notifications/SOPs have been issued by the State and Central

Governments in compliance of the directions issued in the aforementioned matters.

30. It is noticed that the State Government has maintained a website for furnishing details of the missing persons, which is denoted as '*Citizen Central Police*'. However, it is noticed that the said website is not user friendly and details of the present case also is not forthcoming in the said website.

31. The learned counsel for the petitioner as well as the learned Additional Advocate General have placed certain suggestions on record, as noticed above.

32. Considering the aforementioned, it is just and proper for this Court to notice the same and having regard to the passage of time and evolution of technology, issue directions as to the manner in which a complaint regarding missing person is to be investigated.

33. Directions to be complied with by the Police Authorities while investigating cases of missing persons:

A. The complaint pertaining to missing persons shall be promptly registered and the concerned statutory

authority/ies after specifically noticing as to whether the complaint pertains to a missing woman/minors or any other person shall take suitable action in that regard including intimating the same to the jurisdictional AHTU;

B. No complainant seeking to lodge a complaint of a missing person shall under any circumstances be turned away by any of the Police Authorities and every such complaint shall be attended to immediately and requisite action in that regard is to be taken, including suggesting to the complainant further possible measures that may be availed.

C. No complaint should be refused to be registered on the ground that the concerned Police Station does not have the jurisdiction to deal with the same and information regarding the complaint ought to be immediately transmitted to the jurisdictional AHTU with instructions that a complaint is to be registered by the concerned jurisdictional Police Station for taking further action in the matter or any other website that has been created for the said purpose;

D. Forensic evidence of the family members of the missing person to be secured to enable the investigating authorities to compare through DNA analysis, in case the mortal remains of the person be located subsequently;

E. A recent photograph of the missing person is to be collected and copies of the same are to be circulated to the AHTU, CID, National Crime Records Bureau, etc.

F. The details of the missing persons complaint shall be circulated electronically to the Beat Police Personnel as also Mobile Police Units like, Hoysala, etc., within 24 hours of a complaint being registered.

G. The details of the missing persons (after obtaining necessary consent in that regard) be published in recognized daily newspapers as well as periodicals, daily/weekly/bi-monthly, as also through audio and video news networks.

H. The details of the missing persons complaint shall be uploaded on various portals of Union Government and the State Government as also similar portals of the other State

Governments. A chart containing the same is set out herein, so as to indicate the various portals, and the Police Authorities shall be required to update the same periodically. The chart is not exhaustive, but is set out so as to collate the information together and is meant to be indicative in nature;

I. No.	Portal/Platform	Description and Purpose	Managed By
1.	Mission Vatsalya	It is a New Unified Mission, which now includes the Khaya Poya and Trackthemissinghchild portals. To safeguard the interests of children in the country	Ministry of Women and Child Development, Govt. of India.
2.	GHAR – Go Home and Re-unite	A portal to digitally monitor and track the restoration of children.	National Commission for Protection of Child Rights
3.	CCTNS (Crime and Criminal Tracking Network & Systems)	A platform for Citizens to file crime related complaints	National Crime Records Bureau, Ministry of Home Affairs.
4.	Digital Police	Includes several portals, including CriMAC, CCTNS, National Database of Human Trafficking Offenders	Ministry of Home Affairs

5.	Citizen Central Police	As part of the Crime and Criminal Tracking Network and Systems of the state of Karnataka (CCTNS), this website was developed.	Karnataka State Police
----	------------------------	---	------------------------

I. The Investigating Officer shall also report the matter to the CID of the State Government so as to explore the possibility of an *inter-state* ramification vis-à-vis the missing complaint;

34. The State Government to issue an appropriate comprehensive circular/notification to ensure compliance of the directions issued at para 33 hereinabove, by also incorporating aspects as set out in the Standing Order bearing No.252 dated 18.3.2009 and the *Standard Operating Procedure for Cases of Missing Children* issued by the Government of Delhi, which has been noticed in the case of **Vinod¹⁸** as referred to in para 21 hereinabove and also the SOP dated 23.11.2016 issued by the Ministry of Women and Child Development and the Standing Order No.Crime/18/2024 titled as "*Procedure To be Followed On Receipt of Cases About Missing Children Persons & Incentive to Police Personnel For Recovery of Missing Children*" issued by the Delhi

Police which has been noticed in the case of **Lambodher Jha¹⁹**, as referred to in para 22 hereinabove, as also taking into account circulars / SOPs / notifications issued by the Union and State Governments as noticed in this judgment. The State Government while issuing the said circular is also required to specify any special steps/measures to be taken in the case of a complaint with regard to a missing woman/minor while also dealing with the cases of other missing person. The State Government, in the said circular / notification shall also mandate compliance of the same by the police authorities while investigating a missing persons complaint by stipulating that if the police authorities do not follow the directions, the concerned officer/s shall be liable to face appropriate disciplinary proceedings in accordance with the relevant service rules.

35. Every case of missing persons wherein the missing person has not been found or the mortal remains of the missing person having not been recovered for more than two months, the said case shall be placed before a committee consisting of the following officers:

- i. Inspector General of Police of the particular Range;

- ii. Superintendent of Police of the concerned District;
- iii. The Deputy Superintendent Of police of the jurisdictional Police Station.

35.1 The Committee shall review the investigation already done in the case placed before it and shall oversee further investigation in the matter and ensure compliance of various directions issued by the Hon'ble Supreme Court and this Court as also compliance of the Circulars and SOPs issued by the Central and State Governments.

35.2. The Committee shall forward a report with regard to the investigation already carried out and the further steps to be taken to investigate the missing persons complaint to the Registrar (Judicial)/Additional Registrar(Judicial) as the case may be within two weeks of the case being referred to it.

35.3. The Registrar (Judicial)/ Additional Registrar (Judicial) shall ensure listing of the matter before the Court together with such reports received by the Committee immediately upon its receipt.

36. It is noticed that the affidavit filed periodically in the present case do not comply with the various stipulations/directions issued by various Courts as also the Central and State Governments as noticed hereinabove. Hence, the third respondent – Police Sub-Inspector, Yellapur, shall file an affidavit reporting the status of the investigation after specifically noticing the directions issued at para 33 herein above.

37. The State Government shall file compliance affidavit reporting the compliance of the following:

- A. Furnish details of AHTUs in each District together with details of the staffing patterns of such AHTUs and the powers conferred to them;
- B. File an affidavit placing on record the compliance made by the State Government pursuant to the directions issued at para 19 herein as has been ordered in the case of **Shiva¹⁷**;
- C. File an affidavit reporting compliance of the directions issued at para No.34. hereinabove;

D. Issue notification regarding constitution of the committee as ordered in para No.35 hereinabove by also indicating the scope of the said Committee;

38. Requisite compliance by respondent No.3 as well as the State Government on the next date of hearing i.e., 15.10.2025.

(S G PANDIT)
JUDGE

(C.M. POONACHA)
JUDGE

PMP/ND/YAN
List No.: SI No.: