

Bill No. 343 of 2019

THE MISSING CHILDREN (FASTER TRACKING AND REUNITING)
BILL, 2019

By

DR. MANOJ RAJORIA, M.P.

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BILL

to provide for faster tracking and reuniting the children, who go missing due to abduction, kidnapping, luring or runaway from their homes; establishment of Special Cells in Police establishments with specifically trained personnel to trace missing children; immediate registration of F.I.R. for flashing photograph and details of missing children in television, newspapers and social media so as to put in place proper mechanism to trace missing children and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Missing Children (Faster Tracking and Reuniting) Act, 2019.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.	2. In this Act unless the context otherwise requires,—	
	(a) "appropriate Government" means, in the case of a State, the Government of that State and in all other cases, the Central Government;	
	(b) "child" means any human being who is below the age of eighteen years; and	
	(c) "prescribed" means prescribed by rules made under this Act.	5
Appropriate Government to constitute Special Cells for missing children.	3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall constitute Special Cell in the Ministry or Department, as the case may be, dealing with children to exclusively deal with missing children and put in place a proper mechanism to trace missing children.	
	(2) The appropriate Government shall also set up Special Cells, as per the need, in its Police establishment with specifically trained personnel from the National Police Academy or any such other organisation specialised in imparting training to personnel of Police or Para military forces, as the case may be, for tracking the missing children.	10
Special provisions for missing children.	4. (1) Notwithstanding anything contained in any other law for the time being in force,—	15
	(a) it shall be mandatory for Station House Officer of every police station to register First Information Report (F.I.R.) immediately, on being informed, either in writing or verbally by anyone, regarding a missing child and the F.I.R. shall be specific with missing and abducted or kidnapped child and shall pass on the F.I.R. to Special Cells constituted under section 3 in such manner as may be prescribed.	20
	(b) the Special Cell of Police, shall, at the earliest opportunity flash the photograph and other details of the missing child in all the Television networks and shall also publish in the newspapers and social media in such manner and with such details, as may be prescribed;	
	(c) the Special Cell of Police shall start its probe with immediate effect to trace the missing child so as to reunite him with his near and dear ones; and	25
	(d) non-registration or any wilful delay in registration of F.I.R. regarding a missing child shall be a criminal offence under this Act and the in-charge of the Police Station shall be deemed to have committed the offence.	
	(2) The National Police Academy or any other organisation referred to in sub-section (2) of section 3 shall formulate training module for the Police personnel meant for Special Cells and if required the assistance of academic Centres of Universities or Institutes shall be taken for the purpose of tracking of missing children.	30
	(3) The Special Cell while adopting its methodology of investigation in cases of missing children may also identify begging spots, take mobile phone numbers of beggars and put them on surveillance particularly in areas where large number of children have gone missing, identify the children who are begging and investigate as to whether they are controlled by any group or leader and whether they resemble missing children, probe the known clinics where human organs are transplanted, in such manner as may be prescribed.	35
	(4) The missing children rescued by the Special Cell of the Police shall be reunited with their parents or guardians, as the case may be, at the earliest opportunity.	40
Power to search etc.	5. Any Police officer of the Special Cell who is investigating case or cases of missing children shall have the powers, with the assistance, if any, as he may deem fit, to inspect any place, at any reasonable time, which he considers necessary for carrying out the purposes of this Act.	45
Penalty.	6. The offence committed under clause (d) of sub-section (1) of this Act shall be punishable with imprisonment for a term which may extend upto one year and also with fine which may extend upto one lakh rupees.	

7. The appropriate Government shall formulate rehabilitation and such other welfare measures for the children covered under this Act who could not be reunited with their families or guardians.

Welfare measures.

5 **8. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments, from time to time, for carrying out the purposes of this Act.**

Central Government to provide funds.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

10 **10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Act not in derogation of any other law.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

15 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in
20 such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is very unfortunate and sorry state of affairs that a very large number of children go missing every day in every nook and corner of the country and it is more horrifying that the National Capital tops the list where twenty children go missing every day and most of them remain untraceable forcing their parents for endless wait for their return and reunion with them. It is more shocking that most of these missing children belong to poor families and when their parents go to Police Station to lodge an F.I.R. they are welcomed by indifferent and heartless Police personnel who not only refuse to lodge F.I.R. but also insult the hapless parents and shoo them away instead of making efforts to trace the missing child. This negligent nonchalance is one major reason for the increasing number of missing children across the country. In fact, in the present Police scheme of things, rescue of the missing child is of lesser moment.

The very large number of missing children also indicate presence of trafficking mafias in the country who lure and abduct, the children and force them into begging, stealing, pick-pocketing and other crimes after making them drug addicts. The girl child is pushed into prostitution. It is also apprehended that the missing children might being used in illegal organ transplantations.

The Supreme Court of India has taken a serious view over the missing children and has also given directive to the Government. Though of late Delhi Police have made move in this regard and Ministry of Women and Child Development has launched a web portal but it is not sufficient. The Bill propose to set up special cells in the Ministry or Department of the Government and in the Police establishment exclusively to deal with missing children. The Police personnel must get appropriate training for this purpose. Non filing of F.I.R. is proposed to be made a criminal offence with penal provision. The task of rescue is very critical for the missing children so that they are reunited with their near and dear ones.

Hence this Bill.

NEW DELHI;
November 6, 2019.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of special cells by appropriate Governments for missing children. Clause 7 of the Bill provides for the welfare measures for the children covered under this Bill. Clause 8 makes it mandatory for the Central Government to provide funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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(Dr. Manoj Rajoria, M.P.)