

Bill No. XXXV of 2015

THE MISSING CHILDREN (FASTER TRACKING AND
REUNITING) BILL, 2015

A

BILL

to provide for faster tracking and reuniting the children who go missing due to abduction, kidnapping, luring or runaway from their homes and parents, for creation of Special Cells in Police establishments with specifically trained personnel to trace missing children, for immediate registration of FIR, 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 reuniting them with their near and dear ones and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Missing Children (Faster Tracking and Reuniting) Act, 2015.

(2) It extends to the whole of India.

5 (3) It shall come into force at once.

Short title,
extent and
commencement.

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 other cases the Central Government;

(b) “child” means any human being who is below the age of eighteen years;

(c) “prescribed” means prescribed by rules made under this Act.

5

Appropriate Government to set up Special cells for missing children.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall set up 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 organization specialized 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 every Station House Officer to ensure that the First Information Report is compulsorily registered immediately on being informed, either in writing or verbally by anyone, regarding a missing child and the FIR shall be specific with missing and abducted or kidnapped child and pass on the FIR to Special Cells set up under section 3 of this Act 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 the Police shall start its probe with immediate effect to trace the missing child so as to reunite him with his near and dear ones;

25

(d) Non-registration or any willful delay in registration of FIR regarding a missing children shall be a criminal offence under this Act and the incharge of the Police Station shall be deemed to have committed the offence.

(2) National Police Academy or any other organization referred to in sub-section (2) of section 3 shall formulate training module for the Police personnel meant for Special Cells and if need be academic Centres of Universities or Institutes be roped in for this purpose for tracking of missing children.

30

(3) The Special Cell while adopting its own 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 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,—

(a) 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

(b) to exercise such other powers as may be prescribed.

- | | | |
|----|--|--------------------------------------|
| | 6. The offence committed under clause (d) of sub-section (1) of section 4 of this Act shall be punishable with imprisonment for one year and also with fine which may extend to one lakh rupee. | Penalty. |
| 5 | 7. The appropriate Government shall formulate rehabilitation and such other welfare measures for the children covered under this Act who could not be reinvented with their families or guardian. | Welfare measures. |
| | 8. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act. | Central Government to provide funds. |
| 10 | 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. 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 to supplement other laws. |
| 15 | 11. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. | Power to make rules. |

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 20 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 FIR they are welcomed by indifferent and heartless Police personnel who not only refuse to lodge FIR but also insult the hapless parents and shoot 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, pickpocketing 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 Woman and Child Development has launched a webportal 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 FIR 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.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

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 for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the expenditure at this stage but it is estimated that a sum of rupee one thousand crore may involve as recurring expenditure per annum.

Non recurring expenditure of rupee five thousand crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

A
BILL

to provide for faster tracking and reuniting the children who go missing due to abduction, kidnapping, luring or runaway from their homes and parents, for creation of Special Cells in Police establishments with specifically trained personnel to trace missing children, for immediate registration of FIR, 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 reuniting them with their near and dear ones and for matters connected therewith and incidental thereto.

(Shri Rajkumar Dhoot, M.P.)