

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (CRL) 249/2009

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. H.S. Phoolka, Sr. Advocate as
Amicus Curiae with Mr. Mohit Mudgil,
Advocate.

Versus

STATE

..... Respondent

Through: Ms. Mukta Gupta, Advocate for State
with Ms. Anagha, Advocate,

Mr. Rajan Bhagat, ACP, PRO of Delhi
Police,

Mr. A.K. Singh, Advocate for State
Commission for Protection of Child
Rights,

Mr. Angney Sail, Advocate for Naujawan
Bharat Sabha, Intervener.

Ms. Asha Menon, Member Secretary,
DLSA

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MANMOHAN

ORDER

16.09.2009

On 02nd March, 2009, this Court had suo moto taken cognizance of newspaper reports pertaining to missing children. Since majority of the missing children belong to lower status of the society and their family members are not able to follow up these cases, we deem it appropriate to issue the following directions with regard to missing children upto the age of 16 years:

Delhi Police will promptly, without any delay register all complaints of missing children as FIRs.

1. Delhi Police will ensure strict compliance with its revised Standing Order NO. 252 dated 18th March, 2009. The information with regard to missing children shall be immediately uploaded on Delhi Police's web bases Zipnet programme. The Home Ministry is directed to issue appropriate directions to neighbouring States of Delhi to adopt web based Zipnet programme with regard to missing children.
2. It shall be mandatory for Delhi Police to forward both by e-mail and by post a copy of each FIR registered with regard to missing children to Delhi Legal Services Authority (hereinafter referred to as "DLSA") along with addresses and contact phone numbers of parents of the missing children.
3. DLSA will in turn constitute a team comprising a lawyer and a social worker to follow up the case with the Delhi Police. The said team will not only provide all possible legal aid to the parents and families of the missing children but shall also act as an interface between the parents of the missing children and the Delhi Police. DLSA will maintain a record of all cases of missing children.
4. Both DLSA and the Delhi Police shall ensure that the Supreme Court interim directions/guidelines pertaining to missing/kidnapped children passed in Writ Petition (Crl.) No. 610/1996 (Horilal vs. Commissioner of Police, Delhi) and I the case of Lalita Kumari vs. State of U.P. & Ors.(Writ Petition(Crl.) No. 68/2008) are strictly complied with.
5. Whenever a missing child is traced or he/she comes back on his/her own, the Investigating Officer will examine all relevant angles such as involvement of organized gangs, application of provisions of Bonded Labour Act and such other relevant Acts.

6. Whenever, the involvement of any organized gang is found, it shall be the responsibility of the Investigating Officer to refer the matter to the Crime Branch of Delhi Police or the Special Cell constituted in the CBI.

An Action Taken Report with regard to implementation of the aforesaid guidelines shall be filed by the Delhi Police as well as by the DLSA prior to the next date of hearing.

List on 18th November, 2009.

CHIEF JUSTICE

MANMOHAN, J

SEPTEMBER 16, 2009