

# A CRITICAL STUDY ON GLOBAL ISSUE OF MISSING CHILDREN

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**Abstract:** My research paper is based on the current problem of Missing Children in the society with reference to the articles 21 and 23 of the Constitution of India. Everyday in electric media as well in print media we can see atleast one news that a boy or a girl is missing from his/her parents. There is no greater vacuum, no greater void than the helplessness felt by parents whose children have gone missing. A missing child in the Indian legal system is generally not considered a heinous crime with little attention being paid, until sometime has elapsed, on recovering the child. The case of missing children in Nithari in 2006 came to bring to into public limelight. The case demonstrated the worst forms of abuse and exploitation of children, with more than 30 children having gone missing and brutally murdered. The significance of timely recovering of the missing child can only be understood if one empathies with feelings of the missing child or that of a mother who is unable to locate her child irrespective of the circumstances under which a child goes missing. This situation is compounded by the fact that there is no clear cut definition of missing children in the Indian legal system. Therefore, efforts to trace missing children remain ad-hoc and slipshod. Unfathomable is the agony of the child who goes missing, as the child is highly vulnerable to all kinds of exploitation and trafficking. India is a hub of trafficking with children being trafficked in hundreds of thousands and the majority of missing children are also vulnerable to trafficking. A dipstick survey of studies on diverse child rights issues, such as child labor or trafficking, and news reports post the Nithari-case yield some figures for missing children. The consensus seems to be that these existing figures are questionable and cannot be treated as accurate indicators of reality.

**Key Words:** Abduction, Agony, Exploitation of children, Harboring, Hub of trafficking, Nation's assets, Untraced children

## INTRODUCTION:

My thesis is based on the current problem of Missing Children in the society with reference to the articles 21 and 23 of the Constitution of India. Every day in electric media as well in print media we can see at least one news that a boy or a girl is missing from his/her parents.

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circumstances under which a child goes missing. This situation is compounded by the fact that there is no clear cut definition of missing children in the Indian legal system. Therefore, efforts to trace missing children remain ad-hoc and slipshod. Unfathomable is the agony of the child who goes missing, as the child is highly vulnerable to all kinds of exploitation and trafficking. India is a hub of trafficking with children being trafficked in hundreds of thousands and the majority of missing children are also vulnerable to trafficking.

How many missing children are reported missing across the country each year? How many of those reported missing, are recovered and return to their parents and guardians? How many children actually go missing every year, versus the number reported? Where do they go? These and related questions are very difficult to address as there is no national database or uniform tracking procedure existing in India today that deals with missing children across the country. A dipstick survey of studies on diverse child rights issues, such as child labor or trafficking, and news reports post the Nithari-case yield some figures for missing children. The consensus seems to be that these existing figures are questionable and cannot be treated as accurate indicators of reality.

## **METHOD:**

### **1<sup>st</sup> Primary Information:-**

In this research there are some primary data also for current information regarding research subject.

### **2<sup>nd</sup> Secondary Information:-**

1. Present research is done by secondary information also, it means data is used.
2. Secondary data book of law, Magazine, Law book, Journals, Report website, Case in law, News paper, etc. is used.

Following technique would be applied for collecting information.

1. Review of existing literature such as, Books, Journals, Published Articles, Reports of various committees constituted by the Government, Law Commission, NHRC, Non-Governmental agency etc..
2. To visit number of Libraries and Documentation centre and organisation etc..
3. To locate review and analyse the provisions of law.
4. Study of decided cases both Reported and Unreported on the subject related to the thesis.
5. Use of various sources such as Internet.
6. Interview of Person who is having socio-legal knowledge and interest about the subject matter.

## **GLOBAL ISSUE OF MISSING CHILDREN:**

Children are the nation's assets. A happy child will make his/her home and the country happy. The future of any country depends upon the right upbringing of its children, for which a congenial environment and adequate opportunities for wholesome development are essential. According to UNICEF's "The State of the World's Children," report for 2006, one-third of the world's children lack adequate shelter, 31% lack basic sanitation and 21% have no access to clean, potable water. Illness, malnutrition, and premature death are common when children lack the most basic protection. The brutal killing of several innocent children in

Nithari sparked off nationwide indignation on the abuse to which the victims were subjected and gross violations of their human rights. It was shame that shook the nation's conscience. In order to put an end to this callous indifference and insecurity with regard to the protection of children and to prevent more lives from being lost in similar crimes, the National Human Rights Commission constituted a Committee to look into the issue of 'missing' children. The Committee was to examine the problem of missing children and bring this issue to the forefront as a national priority.

At present Missing Children remains a neglected, low priority intervention area for everyone other than those who have lost their children. It will be NHRC's endeavor to ensure that such grave human rights violation is prevented. It is hoped that the State Government, the departments concerned and society will join the NHRC's efforts to take an opportunity strengthening the dialogue on this vital concern and enabled to identify imperatives and formulate action plans at various levels.

### **HISTORY OF RESEARCH PROBLEM:**

The first comprehensive information in India on missing children was the collection of information by National Crime Record Bureau which started in 1953. A report on child prostitution (B. Bhamati for UNICEF in 1996), wherein the hidden linkage of 'missing children' to child trafficking was detailed, was one of the first efforts on the issue. A more liberal approach to expand the issue was taken by the National Human Rights Commission (NHRC) in its research on trafficking of women and children in India in 2004. The 2007 recommendations by NHRC were probably more informed and sophisticated in approach on missing children when Nithari massacre came into light and concentrated more on the issue of policy gaps that existed and the issue of governance rather than correlating the Nithari case with numbers, regions, districts, states, etc.

Nevertheless, the figure of 44,000 missing children as estimated by NHRC in 2004-05 and the figure of 1,17,480 missing children (in 392 districts) is just the tip of the iceberg.

According to NCRB, total number of missing children (kidnapped and abducted, procurement, selling and buying of minor girls) stands at 17,279 for the country. However, figures through RTI applications tell a different story. As per data collected by BBA through RTI, 1,17,480 children are reported missing and 41,546 children are still untraced from India. Whereas, as per NCRB data, 13,554 children are missing from only 20 states and 4 union territories. Interestingly, the number of untraced children (41,546) in RTI data is 2.5 times more than number of children missing provided by NCRB (17,279). Hence, only 12% of the total reported missing and 33% of the total untraced children (as per RTI) get registered in the NCRB database as missing children. As per NHRC report on trafficking, on an average 44,476 children are reported missing in a year whereas as per RTI figures 58,740 children are reported missing every year (in 392 districts). The reported missing has shown an increase of 32% over a period of 7 years. However, besides reported missing, the children remaining untraced have also shown an increase in the percentage change. As per NHRC report (2001-02) 11,000 children remain untraced whereas according to RTI figures (2009-10) 20,773 children were untraced. In 10 years time the percentage of untraced children to reported missing children went up from 25 to 35 which is an increase of 40%.

## **ANALYSIS:**

### **MISSING CHILDREN - LINK TO TRAFFICKING**

Missing Children are often in a number of high-risk situations and the links with trafficking are of great significance. Each year, some 1.2 million children are trafficked worldwide, according to the United Nations. The Organization for Security and Cooperation in Europe estimates that 200,000 individuals are trafficked annually from Eastern Europe, a significant proportion being children. Some become unpaid domestic servants, or work in sweatshops, but many more—boys, girls, teenagers—are forced into prostitution and crime.

### **WHAT IS “ TRAFFICKING IN PERSONS ”?**

*"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*

### **THE INDIAN SITUATION ON TRAFFICKING**

In India the National Human Rights Commission (NHRC) launched the Action Research on Trafficking in Women and Children, with the involvement of the Department of Women and Child Development, Government of India. UNIFEM, supported NHRC for this project. The study has brought out some important facts and figures around trafficking. The study has found a clear linkage between trafficking and those reported missing. It has also brought to light that an average of 22,480 women and 44,476 children are reported missing in India every year. Out of which 5,452 women and 11,008 children continue to remain untraced. Similarly the study found correlation between. Trafficking and migration. Law enforcement is hampered by serious limitations as trafficking is a very complex crime, extending beyond the jurisdictional boundaries of law enforcement officials. This is further compounded by lack of proper procedures for assessment of age of the rescued victims, inadequacy of women police staff, and absence of training/orientation/infrastructure as well as page 153 public support systems.

### **WORLDWIDE INITIATIVES FOR TRACKING MISSING CHILDREN**

The problem of missing children has been taken up with varying degrees of focus and severity across the world. Law enforcement agencies, counseling, and support services for parents and families, information technology tools and international cooperation have become key components of a global effort to tackle the situation. Legal provisions and law enforcement are critical aspects of any strategic move towards change within the rights framework. Specifically where missing children are concerned, law and enforcement often take a dual approach. On the one hand the assumption is made that a missing child needs protection in an

unsafe environment. This lends urgency to legal provisions, procedures and their enforcement. Right from the first step of reporting that a child is missing, or taking up the responsibility for a child who is lost, enforcement agencies aim to be geared for immediate information sharing with the aim of locating the child or the child's family. At a national level, or in the case of cross-border cooperation, this invariably implies massive legal intervention and diplomatic cooperation. On the other hand, the law is also capable of creating an environment where civil society is pushed to a consciousness of rights and the need to evolve into a more just and humane entity. The attitudes that a law reflects are important not only as a deterrent to crime but as a proactive tool of development oriented change. Translated in terms of possible impact, this means that every individual is conscious of the fact that a lost or missing child is the responsibility not just of parents and police but also of society.

An important consideration, sometimes relegated to the background, is support at various levels to parents and relatives. A significant set of efforts are being made in the area of counseling and guiding the families of missing children. This takes various forms that include hand-holding through procedures and case follow-ups and psychological counseling. Apart from the direct results of these activities, the indirect consequence is a positive spillover of rising awareness levels in a one-to-one way. This has a different impact entirely from mass based awareness campaigns. Among the most critical factors in the recovery of missing children is time and information. The use of information technology is a crucial part of strategy, research and recovery tools. IT is perhaps the top priority since the immediate sharing of information between multiple agencies is the most important operational factor in tracking and tracing a missing child, or a lost child's family. IT supports the creation of databases that may be accessed globally, to deal with diverse aspects of the missing child problem. Among other information, offences, offenders, trafficking data, case monitoring, statistics, trends and research become available for exchange and strategic cooperation.

International networking over missing children is a necessary consequence of grim realities. In a world that is used to cross border sex trafficking and tourism, labor mafias and dysfunctional criminal minds, it cannot be assumed that a missing child is a runaway who will appear soon. It is also possible that a runaway can get into serious trouble and need to be rescued. Cooperation between countries goes beyond the sharing of information and experience. Often legal and political gateways are required for track and trace operations, to apprehend criminals and ensure the protection of rights.

## **RESULT:**

**RECOMMENDATIONS / SUGGESTIONS:** The NHRC Committee after interacting with the stakeholders has proposed the following recommendations/suggestions to contain the problem of missing children:

1. Priority Issue
2. Missing Persons Squad/Desk in Police Stations
3. Court Directives
4. Role of District Administration

5. Mandatory Reporting
6. Involving Panchayat Raj Institutions (PRIs) ETC
7. Involving NGO's
8. National Data Base and Monitoring
9. SCRB / DCRB
10. Helpline
11. Out Sourcing Preliminary Inquiry to NGOs
12. Cognizability of the Evidence
13. Sensitization of Stake Holders
14. Rescue of Children in Need of Care and Attention
15. I-Card for Children
16. Poverty Alleviation
17. Role of State Commissions
18. Role of Media
19. Attention to Transit Points of Trafficking
20. Missing Children from Across Border
21. Survey and Research

## CONCLUSION:

The problem on 'Missing Children' bears testimony to the fact that not much has been achieved to protect the rights of children in the last 65 years. Undoubtedly, there has been a plethora of documents in the form of plans, policies, programmes, schemes and the like brought forth by the Government since independence pledging to protect and promote the rights of children but the records of national governance, public investment and development action yield little matching evidence of substantive work for children. Given the situation of children, especially from underprivileged and vulnerable sections of society, the Committee is of the view that the Constitution of India has sufficient mandate to secure human rights of children. This being so, the need of the hour is to identify and uphold certain commitments as 'non-negotiables' both by the State and the civil society. Investment in children's well-being and security is one such *sine qua non*. In this context, both the Central and State Governments have to ensure realistic plans of action so as to make protection of children a reality within a specific time frame. This, of course, would require massive mobilization of resources, strong political commitment and decentralized planning and management structure. Most importantly, radical reforms in social services administration for efficient delivery of services are urgently needed. Coordination with other institutions of civil society will also be necessary. All this would ultimately ensure that the nation can have strong human resource base.

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