

**CIRCULAR No. 32/2009**

Sub:- Missing Persons – Registration and Investigation of Cases – Instructions issued – Reg.

01. Complaints about missing of persons are being regularly received in all Police Stations. Sometimes such complaints are not given due attention because of lack of prima facie evidence regarding commission of a defined cognizable offence in relation to the matter. The importance of proper investigation is realized belatedly when subsequent discoveries bring out serious criminal offences.

02. It is essential that immediate and adequate Police attention is paid towards the missing of persons. There are no detailed instructions in force now with regard to the investigation of those cases which are being registered as cases under caption Man Missing. In this context, the following instructions are issued for strict compliance by all concerned in addition to the instructions now in force as per Circular No. 53/71, 54/71,21/04 etc.

- (i) Whenever the missing of a person is reported to the Police Station, the details of such information shall be entered in the General Diary. In case there is information or reasonable suspicion or belief that the missing person had been abducted or kidnapped or is involved in some crime, a case under relevant section of law shall be registered immediately and the investigation earnestly started immediately.
- (ii) If there is no reasonable suspicion that a criminal offence has been committed with regard to the missing of the person, a preliminary enquiry shall be started immediately to locate the missing person. If the missing person is not traced within 24 hours, it shall be presumed that there is a possibility that some serious criminal offence or danger to the life of such person exists and in view of such possibility, which merits enquiry by the police, a case shall be registered in the Police Station under caption "Missing Person".

- (iii) The preliminary enquiry should be exhaustive to find out whether the missing person has left on his /her own or not.
- (iv) If the person is found to have left the place, other than by the free will of the person, the crime case should be treated as a Grave Crime.
- (v) If the missing person is a minor or unmarried girl, the case shall be treated as a Grave Crime, even if there is no direct evidence of kidnapping or abduction or procurement or enticement.
- (vi) Whenever any person is reported to be missing it shall be the duty of the Investigating Officer to collect, inter alia, the following details immediately and study the facts for clues:-
  - (a) The place at which the missing person was last seen.
  - (b) The person/ persons who saw the missing person last prior to his/her missing.
  - (c) The objects and personal effects found missing along with the person.
  - (d) The dress worn by the person when last seen and at the time of missing.
  - (e) Personal properties, correspondence, diaries, notes, books etc left behind by the missing person.
  - (f) Details of his/her movements, communications and mobile calls for seven days prior to the time of missing.
  - (g) The financial and emotional condition of the missing person.
- (vii) The initial investigation shall also collect evidence relating to the following:-
  - a) Photograph of the missing person from as many angles as possible.
  - b) Identification marks of the person, particularly on face and the other normally visible parts of the body.
  - c) Physical description of the person with colour, height, weight, colour of hair, colour of iris, physical deformities, physical peculiarities, beard, moustache, baldness etc
  - d) Particulars of Identity Cards, Driving License, Credit Card, Passport, mobile phones, e-mail identity etc
  - e) Any peculiar habits/mannerisms of the person.

- (viii) Photographs and news about of the missing person shall be requested to be published in the Newspapers and telecast on the Television promptly and in any case not later than one week of the receipt of the complaint.
- (ix) Photographs of the missing person shall be given wide publicity at all the prominent outlets of the City/Town/Village concerned, i.e. at the Railway Stations, Inter-State Bus Stands, Airports, Regional Passport Office and through Law Enforcement Personnel at Border Check posts by sending Crime Cards/Memo. 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 girl, such photograph shall not be published without the written consent of the parents/guardians.
- (x) Inquiries shall be made in the neighbourhood, the place of work/study of the missing person from friends, colleagues, acquaintances, relatives, banks, financial institutions etc immediately. Equally all the papers and personal belongings of the missing person should be promptly examined for clues and connections.
- (xi) The Principal, Class Teacher and students at the School/Educational institution attended by the missing person shall be contacted. If the missing person had been employed somewhere, then the employer and colleagues at the place of employment must be contacted.
- (xii) Inquiries may be conducted into the whereabouts of the extended family of relatives, neighbours, school teachers including school friends of the missing person.
- (xiii) Inquiries may be made as to whether there had been past incidents or reports of violence within the family.
- (xiv) Records at hospitals and mortuaries may be verified immediately after receiving the complaint. Similarly crosschecking with the details unidentified dead bodies located after the missing of the person may be done.
- (xv) Investigation shall be conducted on a daily continuous basis for the first 15 days in respect of all cases regarding missing of persons.
- (xvi) The mobile phones and SIM cards of the missing person may be notified to Mobile Service Providers and information collected as to any activity.

(xvii) Other lines of investigation which arise from the facts and circumstances of each case must be vigorously pursued in each case by the Investigation Officer.

(xviii) The case under caption Missing Person may be closed after six months of registration after the case diary is examined by the Sub Divisional Police Officer and if the SDPO is satisfied that no useful line of investigation remains to be undertaken at present to trace the person.

03. There should be a Missing Persons Enquiry Cell in every Police station under the direct supervision of the SHO/SI. The functioning of the Missing Persons Cell should be monitored and reviewed by Senior Officers. SPs/CPs shall review the functioning of the Cell on their visits and whenever necessary timely instruction and assistance shall be provided to them. The cell will, in addition to their normal duties, continuously cause enquiries about the Missing Persons.

04. The Cell will also maintain the Missing Person's Register in which the particulars of all persons missing from the station will be entered. They will also maintain a loose leaf file (separately for every year) for recording details of Missing Persons received from other stations and cause enquiries to be made about such persons. The information received from SCRB on Missing Persons also should be systematically filed year wise and enquiries made about the persons referred to therein.

05. SPs/CPs shall ensure that the identification details and photographs of unlocated missing persons are furnished to the State Crime Records Bureau immediately. They shall personally review the position with regard to the number of missing person remaining untraced in the district every month.

06. SCRB should maintain a centralized Data Bank about all missing cases after removing, every month, the names of all those missing earlier who subsequently had been traced. The Data Bank should be updated every month incorporating the return/tracing of Missing Persons.

07. The details of Missing Persons should be incorporated in the Criminal Intelligence Digest and should also be reported to NCRB.

08. SCRB shall take action to establish a Police Website Link relating to Missing Persons of Kerala State and shall constantly liaise with other States with regard to action relating to the missing of persons. IGP SCRB will co-ordinate inter-state action and co-operation in this regard.

09. It should be remembered that when the case is one registered merely under the caption "Person Missing", the powers of investigation given to the Police under the Criminal Procedure Code are not available to the Police. So wherever and whenever possible, at the first available opportunity or on the receipt of any information creating reasonable suspicion of a criminal offence under any law, the sections of the law concerned should be incorporated. If the offence is a non-cognizable one, the orders of the Magistrate concerned may be sought for launching a full scale investigation. Where no criminal offence is made out, the Investigation Officer should take particular care to ensure that he does not carry out searches or effect any arrest invoking powers of investigation under Cr.P.C.

**DIRECTOR GENERAL OF POLICE**