

419

## Meghalaya Scheme for Empanelment Of Para-Legal Volunteers in Police Stations for Missing Children

### I. Background:

Right to free legal aid and assistance is an essential ingredient of reasonable, fair and just procedure for a person accused of any offence. It is implicit in the guarantee of Article 21. It is, therefore, essential that Access to Justice is available at all stages of the criminal process. Access to Justice during the early stages of the criminal process has its importance. It ensures, amongst other things, protection of the rights of people when they are most vulnerable. It strengthens the criminal justice system.

While availability of services of a trained lawyer at the stage of trial in a criminal prosecution and inferentially, of free legal aid, for those who cannot afford a lawyer on their own, is the norm in most jurisdictions, legal aid during pre-trial stages has its importance. It ensures, amongst other things, protection of the rights of people when they are most vulnerable and thereby strengthens the criminal justice system.

Hon'ble Supreme Court in *Bachpan Bachao Andolan Versus Union of India & Ors* vide Writ Petition (Civil) No. 75/2012 held that:

*"Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer in terms of Section 63 of the Juvenile Act. We are also inclined to accept the suggestion that there should be, in shifts, a Special Juvenile Officer on duty in the police station to ensure that the directions contained in this Order are duly implemented. To add a further safeguard, we also direct the National Legal Services Authority, which is being represented by its Member Secretary through Ms. Anitha Shenoy, learned advocate, that the para-legal volunteers, who have been recruited by the Legal Services Authorities, should be utilized, so that there is, at least, one para-legal volunteer, in shifts, in the police station to keep a watch over the manner in which the complaints regarding missing children and other offences against children, are dealt with.*

It is also a constitutional mandate that legal aid is a fundamental right. Article 39A Constitution of India gives special importance to Para Legal Volunteers and same is reproduced below:

*The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.*

As per the Constitutional mandate and on the directions of Hon'ble Supreme Court of India in connection with Writ Petition (Civil) No. 75/2012 titled *Bachpan Bachao Andolan Vrs Union of India & Ors*, the Meghalaya State Legal Services Authority with the prior approval of the Hon'ble Executive Chairman framed the following Scheme for providing Services of Para-Legal Volunteers in various Police Stations in the State of Meghalaya for providing assistance in bases of Missing Children.

## II. Definitions:

- a) Missing Child - A child whose whereabouts are not known to the parents, legal guardian or any other person or institution legally entrusted with the custody of the child, whatever may be the circumstances or causes of disappearance, and shall be considered missing and in need of care and protection until located or his safety and well being established.
- b) Para-Legal Volunteers - Para-Legal Volunteers (PLVs) are persons who are drawn from different sections of the society such as people from medical profession and various NGOs, law students and teachers with minimum qualification of matriculation.
- c) Child Welfare Police Officer: Section 107 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides that in every Police Station there shall be a one Police Officer designated as Child Welfare Police Officer who is dealing exclusively with the children.

## III. Procedure to be followed when a Child goes missing

- a) Upon receipt of a complaint regarding a missing child, an FIR should be registered forthwith as a case of trafficking or abduction.
- b) Inform the Child Welfare Police Officer and forward the FIR to the Special Juvenile Police Unit for immediate action for tracing the child.

## IV. Duties of Police

- a) Collect a recent photograph of the missing child and make copies for District Missing Persons Unit, Missing Persons Squad, National Crime Records Bureau/Media etc.
- b) Fill Form "M" on the designated portal [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in). Fill the specific designated "Missing Persons Information Form" and immediately send to Missing Persons Squad, District Missing Persons Unit, National Crimes Records Bureau, State Crimes Records Bureau, and Central Bureau of Investigation, PCRs, Railway Police and other related institutions.
- c) Fill the specific designated "Missing Persons Information Form" and immediately send to Missing Persons Squad, District Missing Persons Unit, National Crimes Records Bureau, State Crimes Records Bureau, Central Bureau of Investigation, PCRs, Railway Police and other related institutions;
- d) Send copy of the FIR by post/email to the office of nearest Legal Services Authority along with addresses and contact phone numbers of parents or legal guardians of the missing child or the child care institution, after uploading the relevant information onto the designated portal.

- e) Prepare sufficient number of Hue and Cry notice containing photograph and physical description of the missing child to be sent for publication.
- f) Give wide publicity by publishing or telecasting the photographs and the description of missing child, as feasible in
  - (a) Leading newspapers
  - (b) Television/electronic media,
  - (c) Local cable television network and
  - (d) Social media and thereafter submit for ratification by the Board or the Committee or the Children's Court, as the case maybe,
- g) Give wide publicity in the surrounding area through the use of loud speakers and the distribution and affixture of Hue and Cry notice at prominent places. Social networking portals, short message service alerts and slides in cinema halls can be used to reach out to the masses.
- h) Give wide publicity through the Headman of the village and its adjoining villages for alerting them.
- i) Distribute Hue and Cry notice at all the outlets of the city or town, that is, railway stations, airports, regional passport offices, and other prominent places.
- j) Search areas and spots of interest such as movie theatres, shopping malls, parks, game parlors and areas where missing or runaway children should be identified and watched;
- k) Scan the recordings of the Close Circuit Television Cameras installed in the vicinity of the area from where the child was reported missing and on all possible routes, transit and destinations.
- l) Inquire from under construction sites, unused buildings, hospitals and clinics, child line services and other local outreach workers, railway police and other places.
- m) Details of missing children should be sent to the District Crime Records Bureau of the neighboring States and Station House Officers (SHOs) of the bordering police stations including in charge of all.

Therefore, it is extremely essential that Para-legal Volunteers are introduced to the basic concepts of law that we encounter in our day to day life. The common conflicts in the society, very often, are the result of ignorance of law. Although the Para-Legal Volunteers cannot be trained to become legal practitioners but they can be legally informed. They would be informed about basic rights of the citizens so as to make them aware about the rights and duties of the citizens and availability of legal recourse for getting relief for aggrieved persons.

**v. Services of Para-legal Volunteers:** Services of Para-legal Volunteers shall be utilized by deputing them in police stations to assist the parents, guardian and family members of Missing Children. Initially Para-legal Volunteers shall be deputed in all Police Stations.

The Para Legal Volunteers shall be on call duty to visit Police Station once in a day depending on the load of work. As soon as he received a telephone call or a message from the Police Officer, he/she shall immediately report to the Police Station and assist the Police and the family members of the missing person.

The Para Legal Volunteer shall inform the nearest Police Station regarding news of any missing children. He/she shall also report the matter immediately to the District Legal Services Authority.

The Para Legal Volunteer shall coordinate with the Police Officer and family members and other stake holders.

The Para Legal Volunteer shall submit a report every week to District Legal Services Authority regarding the work done during the week and any matter regarding special attention which comes to his/her notice in a prescribed format.

The PLV shall assist the children who are victims of crime under POCSO Act, Child Labour and other offences against children.

The PLV shall inform the Police Station or the DLSA regarding any crime against children. (POCSO Child Labour JJ Act).

**VI. Rate of remuneration:** With the approval of the Hon'ble Executive Chairman, Meghalaya State Legal Services Authority, the honorarium for Para-Legal Volunteers shall be enhanced to Rs. 500/- per day for those has physically visit the Police Station/ Front Office/Legal Care & Support Centre and Jails and his/her travelling expenses on actual basis to be certified by the concerned Block Development Officer. He/she may claim other miscellaneous expenses such as printing, photo copying (Xerox) etc duly certified by the Chairperson of the District Legal Services Authority.

**VII. Qualification and Age Criteria:** Minimum qualification required to be selected as a Para Legal Volunteers under this Scheme is Intermediate (10+2). The age criteria is 25 to 65 years, except in case of Law Students for which the age criteria is 18-65 years.

**VIII. Procedure of Selection:** The District Legal Services Authority shall issue necessary action/orders for the engagement of the Para- Legal Volunteer in Police Stations. The Para-Legal Volunteers shall be selected through Personal Interview by a committee to be constituted by Chairperson of the District Legal Services Authority.

**IX. Tenure of engagement:** Para Legal Volunteers shall be empanelled initially for a period of one year which shall be further extended on satisfaction of their service and on the basis of their performance.

**X. Empanelment and Training of PLVs**

Para Legal Volunteers shall be empanelled by District Legal Services Authority and shall be trained on the following topics:

**a) Child Rights**

- To provide Para-Legal Volunteers an understanding of the different laws relating to children.
- To give them a clear perspective of the different situations in which the children can be in difficult circumstances and need relief.

**b) Juvenile Justice (Care and Protection of Children) Act, 2015**

- Juvenile Justice (Care and Protection of Children) Act, 2015 is the primary legal framework for juvenile justice in India.
- Act provides for a special approach towards the prevention and treatment of juvenile delinquency and provides a framework for the protection, treatment and rehabilitation of children in the purview of the juvenile justice system.

**c) Standard Operating Procedure on Cases of Missing Children**

- Standard Operating Procedure (SOP) envisages assisting Police, Child Welfare Committee and Juvenile Justice Board in dealing with the cases of missing and found or recovered children.
- Objective of the SOP is to put in place guidelines while dealing with cases of missing children and to work in coordination with stakeholders and respond with urgency to issues of missing children.
- Ensure expeditious and effective law enforcement including prosecution. Create mechanism and systems to prevent further victimization of missing children. Ensure that appropriate and timely protection/care/attention is provided to victims/witnesses.

**d) Child Labour (Prohibition And Regulation) Act 1986**

- An Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.

**e) Protection of Children from Sexual Offences Act, 2012**

- To secure a child's right to safety, security and protection from sexual abuse.
- To protect children from inducement or coercion to sexual activity
- To prevent exploitative use of children in prostitution and generation of pornographic material.
- To provide a comprehensive legislation to safeguard the interest of a child at every stage reporting, recording of evidence, investigation and trial of offences.
- To provide for establishment of special courts for sensitive and speedy trial.

f) Constitution of India

- To inform the Para-Legal Volunteers about the basic structure of the Constitution.
- To inform the Para-Legal Volunteers about the sensitivity of the Constitution towards the weak and the underprivileged.
- To inform the Para-Legal Volunteers how legal services emanate from the basic structure of the Constitution

g) Legal Services Authority Act & Role of Para Legal Volunteers

- To introduce the participants to the entire structure and working of the legal services institutions under the Legal Services Authorities, Act 1987.
- To give the participants an overview of the Scheme of NALSA.
- To give the participants an insight into the role of Para-Legal Volunteers, do's and don'ts, standards of behavior expected from them.

h) Criminal Justice System

- To give the participants a working knowledge of criminal procedure.
- To inform the participants about the rights and duties of accused and victims involved in the criminal proceedings.