

**SCHEME FOR EMPANELMENT OF PARA-LEGAL  
VOLUNTEERS IN POLICE STATIONS  
FOR  
MISSING CHILDREN**

**BY  
SIKKIM STATE LEGAL SERVICES AUTHORITY**

## **Scheme for Empanelment of Para-Legal Volunteers in Police Stations for Missing Children in the State of Sikkim**

### **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 which is guaranteed by Article 21. It is therefore, essential that Access to Justice is available at all stages of the criminal process. It ensures, amongst other things, protection of the rights of people when they are most vulnerable and 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, it is the norm in most jurisdictions and 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 Writ Petition (Civil) No. 75/2012, Bachpan Bachao Andolan Vs. Union of India & Ors. vide order dated 10.05.2013 held as follows:**

*“Each police station should have, at least, one Police Officer, especially instructed and trained and designated as 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 represented by the 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 of the Constitution of India states that through suitable legislation or scheme, free legal aid shall be provided by the State.

*“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 in compliance to the directions issued by the Hon’ble Apex Court, Sikkim State Legal Services Authority has framed this Scheme for providing services of Para-Legal Volunteers in various Police Stations in Sikkim to monitor the manner in which the complaints regarding missing children and other offences against children, are dealt with and for providing assistance to the parents/guardians/family members of children.

## II. Definitions:

- a) **Missing Child** – A child who has not completed 18 years of age and 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 society such as people from medical professions and various NGOs, law students and teachers (including retired teachers) with minimum qualification of matriculation, retired Government Servants, senior citizens, social workers and Anganwadi workers.

### III. Services of Para-Legal Volunteers:

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 the basic rights of the citizens so as to make them aware about the rights and duties of the citizens and availability of legal recourse to the aggrieved persons.

- a. 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.
- b. Para-Legal Volunteers shall be deputed in the 29 Police Stations of Sikkim on a weekly, fortnightly or monthly basis on need basis and can also be on call during the night on rotation basis. The PLVs shall be under the direct control of their respective DLSAs under the aegis of Sikkim SLSA.
- c. Para-Legal Volunteers would be required to submit a report to the respective DLSAs of their visits to the Police Station as certified by the concerned Station House Officer. These reports to be forwarded to Sikkim SLSA and any concern with regard to any case pertaining to children shall also be mentioned in the report.
- d. A directory of the PLVs including their names, addresses and telephone numbers and the required visits to the Police Stations shall be prepared by the Sikkim SLSA which shall be circulated to all the Police Stations and Out Posts by the concerned DLSAs and TLSCs.
- e. Staff from schools could be trained as Para-Legal Volunteers as they have direct access to children and they will be able to gather information faster. Similarly, unemployed youth/graduates could also be trained as Para Legal Volunteers **(suggested by Chairperson, DLSA, Gangtok)**.

- f. Para-Legal Volunteers to be identified by the concerned DLSA for manning the police station under its jurisdiction to monitor cases of missing children. They should be familiar with the surroundings and the people residing in the given area and they are to help the police station and local authority in effectively tracing a missing child. **(suggested by Chairman, DLSA, Gyalshing).**
- g. **No. of PLVs to be empanelled:** Sikkim has 29 Police Stations and it is deemed fit to empanel 51 PLVs on rotation basis as per Schedule-I.
- h. **Rate of Remuneration:** As per the NALSA Scheme for Para Legal Volunteers (Revised) & Module for the Orientation-Induction-Refresher of PLV Training, honorarium of Rs. 500/- per visit shall be paid to such PLVs. Taxi fare on share basis (*as per actuals*) will be reimbursed.
- i. **Qualification and Age Criteria:** Minimum educational qualification required to be a PLV is Class X pass and between the age of 25–65 years except for law students whose age criteria is between 18-25 years. However, with the consent and approval of the Hon'ble Executive Chairperson of Sikkim SLSA, upon the recommendation of the DLSA, the social activity and accreditation of a person can be considered sufficient for being appointed as a PLV. **(Suggested by Chairperson, DLSA (North)).**
- j. **Procedure for selection and empanelment:** PLVs shall be selected by a Board constituted by Hon'ble Executive Chairperson, Sikkim SLSA comprising of the Member Secretary and the Chairperson and Secretary of the concerned DLSA. On the basis of the names recommended by DLSAs, the Para-Legal Volunteers shall be trained by SLSA/DLSA as per Sl. no. V of the said scheme. After completion of the training, the PLV shall be empanelled with

the Sikkim SLSA. However, the Sikkim SLSA reserves the right to terminate the empanelment of the PLV upon receipt of a complaint against such PLV or as and when, the PLV tenders a letter of resignation. A student PLV (Law College) will cease to be a PLV after his/her enrollment in the Bar Council.

- k. **Monitoring:** For the purpose of close monitoring of the PLVs, the officer-in-charge of the police station concerned may be requested to maintain a register to record the presence of the PLVs attending the Police Stations.
- l. The visits of the PLVs to the Police Stations to be certified by the concerned Police Officers/Officer-in-charge and shall form the basis for entitlement to honorarium. This shall also be counter-signed by the Secretary of the concerned DLSA.

m. **Publicity Drive (points suggested by Chairperson, DLSA, Gangtok):**

- Notice Boards Display Screens to be set up in taxi stands and bazaars or other prominent places to display information of missing children. SLSA/DLSA can also use the services of the display boards already affixed by the Municipal Corporations to display information of missing children.
- Similarly, Notice Boards could also be placed in schools along with a list of “Do’s and Don’t (s)” as a preventive measure to avoid children from being kidnapped, abducted or trafficked.
- Details of nearest DLSA/TLSCs could be provided to all schools. Police Stations & O.Ps, BDO offices, Panchayat Ghar for prompt access to justice.

#### IV. Procedure to be followed when a child goes missing

- a) The Police Stations in Sikkim upon receipt of a complaint regarding a missing child, shall immediately register the case as a case of kidnapping, trafficking or abduction. The case of missing children shall be taken up on priority.
- b) If report is received in Police Out-Post (OP) or Police Post (PP) then the In-Charge shall immediately inform the Station House Officer of the concerned PS. The Station House Officer shall brief all their OP/PP In-charges to inform of such information to him/her without delay (**taken out from S.O.P., A.H.T.U.**).
- c) Investigation of case relating to missing of a child shall be entrusted to a police officer not below the rank of Sub-Inspector (SI). If required during investigation, the assistance of a woman Police Officer be obtained. The Child Welfare Police Officer be informed and the FIR be forwarded to the Special Juvenile Police Unit for taking immediate action for tracing the child.
- d) Police shall also undertake the following actions:
  - i. Collect a recent photograph of the missing child and make copies for District Missing Persons Unit, State Crime Record Bureau (SCRB), Anti-Human Trafficking Unit (AHTU), Missing Child/Persons Squad, National Crime Records Bureau/Media and Zonal Integrate Police Network.
  - ii. Fill form "M" on the designated portal; **www.trackthemissingchild.gov.in**. Fill the specific designated "Missing Persons Information Form" and immediately send to Missing Persons Squad, Missing Persons Unit, National Crimes Records Bureau, State Crime Records Bureau, and Central Bureau of Investigation, PCRs, Railway Police and other related institutions.
  - iii. Send the copy of the FIR by post/email to the address of the nearest Legal Services Authority along with address and contact phone numbers of parents or legal guardians of the missing child or the child care institution, after uploading the relevant



information into the designated portal pertaining to missing children of Ministry of Women and Child Development.

- iv. Cell phone details like Call Detail Records (CDR) with tower locations, Customer Acquisition Form (CAF), if any, of the children/suspect/accused should be immediately (requisitioned) for further investigation **(taken out from S.O.P., A.H.T.U.)**.
- v. Prepare sufficient number of Hue and Cry notice containing photograph and physical description of the missing child which are to be sent for publication and for being affixed in prominent localities/places and all police outposts. Search areas and spots of interest such as movie theatres, shopping malls, parks, game parlors and areas where missing or runaway children could be identified and watched.
- vi. Give wide publicity by publishing or telecasting the photographs and the description of missing child, as feasible in:
  1. Leading newspapers
  2. Television/electronic media
  3. Local cable television network and
  4. Social media.
- vii. Give wide publicity in the surrounding areas through the use of loud speakers and the Hue and Cry notice are to be distributed and affixed at prominent places like bus stands, taxi stands, railway stations, etc. Message also to be displayed through social networking portals, short message service alerts and slides in cinema halls can also be used to reach out to the masses.
- viii. Under construction sites, unused buildings, hospitals and clinics, child line services and other local outreach workers, railway police and other places are also to be searched and visited to trace out the child.
- ix. If the child is found to be a drug/substance-user, all known drug peddlers in the area should be duly investigated **(taken out from S.O.P., A.H.T.U.)**.

- x. Inquiries should be made from the hospitals about unidentified injured children/persons admitted in the hospitals.
- xi. The Police Officer, handling the Missing Report, shall remain in touch with the complainant/family members of the missing child to ascertain if any demand for ransom has been received, and further action, as per law, be initiated accordingly.
- xii. The Investigating Officer of missing complaint/information/case should update the complainant about efforts made in the matter, ascertain further clues, if any, and also find out if the missing child/person has returned on his/her own (**taken out from S.O.P., A.H.T.U.**).
- xiii. 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.
- xiv. Every found/recovered child must be immediately photographed by the police and same is to be published on the website and on the newspapers and local cable network so that the parents of the missing child can locate them and take over their custody from the police.
- xv. The concerned Police Station is to report to the AHTU on investigation periodically. In case a missing child is not recovered within four months from the date of filing of the case, the matter shall be forwarded to the Anti-Human Trafficking Unit (AHTU) of the State in order to enable the AHTU to do a more intensive investigation regarding the missing child. (**Suggested by Chairperson, DLSA (North)**). The AHTU shall update the SLSA by filing quarterly status reports.
- xvi. A desk and chair shall be made available at every Police Station to facilitate the designated PLV to assist the parents/guardians/family members of the missing child and monitor such cases.(**suggested by Secretary, DLSA, Gangtok**).
- xvii. Police to provide the name and contact number of the concerned PLV to the parents/guardians/family members of the missing child after every such case is brought to the notice of the police,

for assistance and follow-up. **(suggested by Secretary, DLSA, Gangtok)**

- xviii. Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Child Welfare Police Officer in terms of Section 63 of the Juvenile Act.
  - xix. In cases where no FIR has not been lodged and the child is still missing, an F.I.R. should be lodged within a month from the date of implementation of this Scheme and further investigation may proceed on that basis.
  - xx. After a child is recovered, the police authorities shall mandatorily carry out further investigation to see whether there is an involvement of any trafficking by examining the circumstances on how the child went missing and if, on such investigation, any link is found, the police shall take appropriate action thereupon.
- e) The State Government shall arrange for adequate Shelter Homes to be provided for missing children, who are recovered and do not have any place to go. Such Shelter Homes or After-care Homes will have to be set up with proper infrastructure along with rehabilitative programmes within six months, after implementation of the Scheme.
- f) Any private Home, being run for the purpose of sheltering children, shall not be entitled to receive a child, unless forwarded by the Child Welfare Committee and unless they comply with all the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 including registration.

## **V. Topics for the training of Para-Legal Volunteers:**

### **a) Reporting of missing children.**

### **b) Child Rights:**

- To provide Para-Legal Volunteers an understanding of the different laws relating to children and to sensitize them on the rights of the children.

### **c) First Information Report: process of lodging a FIR, authorities before whom FIR is to be lodged.**

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

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

### **e) Standard Operating Procedure issued by various authorities on dealing with 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.

- Create mechanism and systems to prevent further victimization of missing children. Ensure that appropriate and timely protection/care/attention is provided to victims/witnesses.

**f) 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.

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

- To secure a child's right to safety, security and protection from sexual abuse.
- To provide children from inducement or coercion to sexual activity.
- To provide exploitative use of children in prostitution and generation of pornographic 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.

**h) 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.

**i) 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 on the Scheme of NALSA.
- To give the participants an insight into the role of Para-Legal Volunteers, do's and don'ts, standards of behaviour expected from them.

**j) 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.
- (1) Refresher Training Programme for such PLVs empanelled under the Scheme to be conducted on need basis.
  - (2) Periodical Meeting of the PLVs by SLSA by physical mode or virtual mode, once every three months.
  - (3) Annual meeting under the Scheme with the stakeholders by Sikkim SLSA (Police, Social Welfare, Chairpersons of DLSAs and Para-Legal Volunteers).

**SCHEDULE-I**

<b>EAST DISTRICT</b>			
<b>Sl. No</b>	<b>Name of the Police Station</b>	<b>Name of PLV</b>	<b>Remarks</b>
1.	CID P.S., Gangtok	a) Mrs. Aruna Rai, Kopibari, Syari, Gangtok. b) Mrs. Jit Kumari Rasaily Tathangchen Gangtok	Fortnightly (1 visit by one PLV)
2.	Sadar P.S.	a) Ms. Pemdem Bhutia, Ranka b) Ms. Tshering Choden Bhutia, Upper Lingdok, Pangthang c) Mrs. Aruna Rai, Kopibari, Syari, Gangtok d) Mrs. Tulasha Bhutia, Arithang Social Welfare Association	Weekly (one PLV per week)
3.	Kupup P.S.	a) Ms. Reena Biswakarma, Kupup, East Sikkim	Monthly
4.	Pakyong P.S.	a) Ms. Tshering Phuti Sherpa, Nov Gaon, Pakyong b) Mr. Lakchung Lepcha, Taza Kaputhang, East Sikkim c) Ms. Lalita Tamang, Kayong Pakyong d) Ms. Amna Basnettt, Samaj Kalyan Mahila Samiti, Amba, Pakyong	Weekly (one PLV per week)
5.	Rangpo P.S.	a) Mrs. Nirmala Dhakal	Fortnightly
6.	Ranipool P.S.	a) Mr. Amber Chettri, Nandok, Saramsa, Ranipool b) Mr. Karma Ongyal Bhutia, Sikkim Mahila Kalyan Sangh, Ranipool c) Ms. Kunta Pradhan, Sikkim Mahila Kalyan Sangh, Ranipool d) Mrs. Sonam Bhutia, Sikkim Mahila Kalyan Sangh, Ranipool	Weekly (one PLV per week)
7.	Rhenock P.S.	a) Mrs. Jayanti Gurung, Rhenock Bazar b) Mrs. Geeta Rai, Kopchey, Rhenock	Fortnightly (1 visit by one PLV)

8.	Rongli P.S	a) Ms. Karma Cheden Bhutia, South Regoh b) Ms. Dawa Diki Sherpa, Agamlok, Lingtam	Fortnightly (1 visit by one PLV)
9.	Sherathang P.S.	a) Ms. Man Maya Biswakarma, Kupup	Monthly
10.	Singtam P.S.	a) Mrs. Indra Maya Nepal, Middle Khesay, Samdong b) Mrs. Passang Kipu Lepcha, Thasa Lingdong, Khamdong	Weekly (one PLV per week)
11.	Vigilance P.S. Gangtok	a) Ms. Samten Lhamu Bhutia, Arithang Social Welfare Association	Monthly

**NORTH DISTRICT**

Sl. No	Name of Police Stations	Name of PLV	Remarks
1	Chungthang P.S	a) Ms. Chungmit Lepcha, Chungthang GPK b) Ms. Chung Chung Lepcha, Safo-Chungthang GPK	Fortnightly (1 visit by one PLV)
2	Lachen P.S.	a) Ms. Kalzang Lachenpa, Lachen Dzumsa	Monthly
3	Lachung P.S.	a) Ms. Peden Lachungpa, Lachung Dzumsa	Monthly
4	Mangan P.S.	a) Ms. Tshering Doma Bhutia, Mangan b) Ms. Akita Lepcha, Mangan c) Ms. Sarita Tamang, Rangrang Ward d) Ms. Mingma Doma Bhutia, Mangan	Weekly (one PLV per week)
5	Phodong P.S.	a) Ms. Thinley Ongmu Lepcha, Phodong Ward	Monthly



<b>SOUTH DISTRICT</b>			
<b>Sl. No</b>	<b>Name of Police Stations</b>	<b>Name of PLV</b>	<b>Remarks</b>
1	Hingdam P.S.	a) Sanu Rai, Chumlok	Monthly
2.	Jorethang P.S.	a) Ms. Phul Maya Pradhan, Nandugaon b) Ms. Sumitra Tamang, Salghari c) Ms. Sabina Rai, Dong d) Ms. Sabitra Rai, Salghari	Weekly (one PLV per week)
3.	Melli P.S.	a) Mr. Pooran Giri, Sumbuk b) Ms. Sangay Doma Lepcha, Rong	Weekly (one PLV per week on rotation basis)
4.	Namchi P.S.	a) Mr. Chandra Bahadur Rai, Rong b) Mr. Jai Ram Gupta, Namchi c) Ms. Sunita Tamang, Sorok d) Mr. Passang Tshering Bhutia, Namchi	Weekly (one PLV per week on rotation basis)
5.	Ravangla P.S.	a) Ms. Nirmla Sherpa, Sangmoo b) Ms. Santi Kumari Chettri, Ben-Peku	Fortnightly (1 visit by one PLV)
6.	Temi P.S.	a) Ms. Sharda Sharma, Temi Tarku b) Ms. Bhim Kala Baniya, Temi Tarku	Fortnightly (1 visit by one PLV)

<b>WEST DISTRICT</b>			
<b>Sl. No</b>	<b>Name of Police Stations</b>	<b>Name of PLV</b>	<b>Remarks</b>
1.	Dentam P.S.	a) Mr. Palzor Bhutia, Sakyong Yangtey	Monthly
2.	Gyalshing P.S.	a) Mr. Palzor Bhutia, Sakyong Yangtey b) Mr. Bishnu Lall Rai, Sakyong Yangtey	Weekly (one PLV per week on rotation basis)
3.	Kaluk P.S.	a) Mr. Phul Chandra Pradhan, Malbasey	Fortnightly
4.	Nayabazar P.S.	a) Mr. Phul Chandra Pradhan, Malbasey b) Mr. Thakurmani Rai, Malbasey	Weekly (one PLV per week on rotation basis)
5.	Sombaria P.S.	a) Mr. Thakurmani Rai, Malbasey	Monthly
6.	Soreng P.S.	a) Mr. Phul Chandra Pradhan, Malbasey b) Mr. Thakurmani Rai, Malbasey	Weekly (one PLV per week on rotation basis)
7.	Uttarey P.S.	a) Mr. Bishnu Lall Rai, Sakyong Yangtey	Fortnightly