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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1560/2017**

SADHAN HALDAR

..... Petitioner

Through

Ms. Neena Malhotra, Advocate
(Mob:9811383669)

versus

THE STATE NCT OF DELHI & ORS

..... Respondents

Through

Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Chaitanya Gosain,
Advocate for the State and
Dr. Joy Tirkey, DCP Legal Cell/DCP
AHTU Crime Branch, Insp. Mahesh
Pandey, AHTU/Crime Branch, Insp.
Ajay Gosain and Insp. Anil Gandhi,
Legal Cell
Ms. Prabhsahay Kaur, Mr. Bhuwan
Ribhu, Ms. Shilpa Dewan and Ms.
Kriti Narang, Advocates for BBA.
Mr. Anant Kr. Asthana, Advocate for
DSLISA.
Mr. Rahul Bhatia, Advocate for News
Broadcasters Association.
Mr. Anil Grover, Standing Counsel
for R-9.
Mr. A. K. Singh, Advocate for
DCPCR.
Mr. J.K. Singh, Standing Counsel
with Ms. Madhulika Agarwal,
Advocate for Railways.
Mr. Ripu Daman Bhardwaj, CGSC
for Ministry of Women & Child
Development and Ministry of
Information and Broadcasting/UOI
with Mr. Sameer Sinha, Under Secy.



Ministry of Women & Child Development.

Ms. Richa Dhawan, Advocate for SDMC.

Mr. Vidit Gupta, Advocate for EDMC.

Mr. Tarun Johri and Mr. Ankit Saini, Advocates for DMRC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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26.04.2019

1. Pursuant to the last order, the draft minutes of the meeting of the Committee held on 28.3.2019, are handed over by Mr. Rahul Mehra, learned Standing Counsel (Crl.), who explains that the said minutes have not been signed so far and, therefore, are titled as 'draft minutes', though they have already been circulated to all the stakeholders and they shall soon be signing the same. On the basis of the discussions held in the aforesaid meeting, the following aspects need to be highlighted and followed up:-

(i) The suggestion made by the DCP, Legal Cell that BBA should institute awards for the efficient investigation carried out by the Delhi Police officers, has been accepted. BBA shall be doing the needful within three months, under intimation to the Committee.

(ii) Delhi Police is working on installing display boards/screens at major bus stands/railway stations for which purpose, cooperation from various Agencies/Authorities, i.e., North Delhi Municipal Corporation (Nr.D.M.C), South Delhi Municipal Corporation (S.D.M.C), East Delhi Municipal Corporation (E.D.M.C), New Delhi Municipal Council (N.D.M.C), Delhi



Cantonment Board(DCB), DMRC and the Railway Authorities, is required. S.D.M.C, E.D.M.C, DMRC and the Railway Authorities are duly represented through their respective counsel, who assure us that they shall render all necessary co-operation to the Delhi Police for setting up of display boards/screens at different places in their jurisdiction, as suggested. Notice shall be issued to the remaining agencies/authorities noted above, who are unrepresented today with an intimation of the next date of the meeting of the Committee so that they can participate in the same. A separate meeting on the side can be called to deal with the aforesaid aspect at the earliest.

(iii) Though it was decided in the meeting that the DCPCR will work out the modalities for monitoring of cases in coordination with the DCP, Legal Cell within one week commencing from 17.3.2019, i.e., on or before 25.3.2019, we are informed that no steps in this regard have been taken by the DCPCR so far. Learned counsel for the DCPCR assures the Court that needful shall be done in coordination with the DCP, Legal Cell within one week. Compliance report be filed within one week thereafter.

(iv) Regarding appointment of Para Legal Volunteers at each Police Station in the NCT Delhi, we are informed that steps have not been taken in this direction for lack of funding. The Chief Secretary, GNCTD is directed to convene a meeting of the heads of the concerned departments to iron out *inter se* difficulties relating to funding etc. A compliance report shall be filed by the Principal Secretary (Home), GNCTD before the next date of hearing.

(v) A Training Calendar for conducting training workshops for IO's, for calling experts etc. in the field shall be prepared within two weeks by Delhi Police and a copy placed on record before the next date. Officers from CWC and DSLSA shall be included in conducting sensitization workshops for the



IOs by the Delhi Police. It shall be ensured that wherever CWC is required to participate in the workshop, the training programmes are conducted on weekends so that the working hours of the concerned officers of CWC, remains undisturbed.

(vi) A request has been made to implead Prasara Bharti as a party in the present case for issuing suitable directions to display photographs of missing children through Doordarshan. BBA is directed to file the process fee for effecting service on Prasara Bharti directly and through its nominated counsel and ensure that they are intimated of the next date of meeting of the Committee so that they can participate in it.

(vii) Though all the stakeholders have suggested to the MWCD that there must be designated person(s) to execute the special task relating to '*Facial Recognition Software*' and its implementation, we are informed that MWCD has not taken any steps in that direction so far. We are also informed that MWCD has been unresponsive to the suggestions made by the stakeholders.

(viii) It is deemed appropriate to direct the Additional Secretary and Joint Secretary, MWCD to ensure their presence in the web-meeting for proper assistance of the Court. Before the next date of hearing fixed in Court, the Additional Secretary, MWCD shall also file an affidavit stating inter alia, the manner in which it proposes to carve out zones pan India and then designate Directors as Nodal Officer for a particular zone for executing the aforesaid task. The said affidavit shall be filed within two weeks with copies furnished to the remaining stakeholders. MWCD shall also respond to the suggestions given by the BBA in respect of www.trackthemissingchild.gov.in, before it launches the new version on its website.



(ix) The meeting has noted the problems being faced in tracking the missing children and restoring them to their parents through www.trackthemissingchild.gov.in, a portal of the MWCD. MWCD has informed the Committee that it has the data with regard to 11,093 children out of which, 10,617 children are probable matches, after removing duplication. Out of 10,617 matches, 3202 children have been verified across the country. These 3202 missing children are stated to be lodged at various child care institutions in different States. Out of these 3202 children who have been verified, 127 pictures have been actually matched. In other words, the parents of 127 children have been traced, but their children have not yet been restored. It is a matter of grave concern that apart from the above 3202 children, whose faces have been verified by using '*Facial Recognition Software*', there still remain 6415 children, whose faces have yet to be matched and verified. MWCD must address this aspect and respond by filing an affidavit within two weeks.

(x) On enquiring from learned counsel for MWCD as to how long has the data relating to 11,093 missing children mentioned above, been available with them, Mr. Sameer Sinha, Under Secretary, MWCD states that this information can only be furnished by the NIC. None is present on behalf of the NIC today. Mr. Bhardwaj, learned CGSC shall ensure that not only is the Ministry represented in the web-meeting, through the Additional Secretary and Joint Secretary, NIC is also represented by a senior officer, who has been attending the meetings of the Committee in this case and is well versed with the facts.

(xi) Lastly, learned counsel state that despite an assurance given by the MWCD that they shall furnish the information to Delhi Police, as recorded



in para 12 of the minutes of the meeting, the said information has yet to be furnished. MWCD shall ensure that the said information is communicated to the Delhi Police within two weeks.

2. Mr. Bhardwaj, learned CGSC states that a separate meeting has been convened by the Ministry with the BBA on the above aspect on 6.5.2019 and hopefully, the pending issue will be satisfactorily resolved in the said meeting.

3. Having regard to the fact that the Delhi High Court has launched a Telepresence Facility in the Court complex only yesterday, we consider it appropriate to schedule a web-meeting on 9.5.2019 at 3.30 P.M. as there are several stakeholders involved in the present case. Using the said facility will ensure that not only are all the stakeholders duly represented by their counsel, the Court can directly interact with the concerned officials, who are well-versed with the facts of their case. All the stakeholders will be able to participate in the real time interaction from their respective offices, without wasting their time to physically attend the hearing.

4. List on 09.5.2019, at 3:30 P.M., at the Telepresence Facility, for conducting a web-meeting. The officers of the concerned stakeholders, whose telepresence will be required, shall be intimated by the Standing Counsel (Crl.) to the IT Branch of this Court so that a link can be sent to them in advance, for participation.

5. Coming to the merits of the present case, a fresh Status Report dated 24.4.2019, has been filed by the ACP, AHTU, Crime Branch stating *inter alia* that a private broadcaster has flashed the photograph of the missing girl on its news channel on 8.1.2019, through tickers, but no clue has been received so far. Details of the missing girl have also been published through



announcements made by All India Radio.

6. In the earlier Status Report dated 1.4.2019, filed by the ACP, AHTU, Crime Branch, it had been stated in para 3 that a polygraph test of Smt. Pushpa, mother of the suspect was conducted at FSL, Rohini and on an analysis, she was found to be truthful in part of her answers, but gave deceptive responses to questions No.(ii) and (iv), reproduced in the very same para.

7. The police is directed to conduct further interrogation qua Smt. Pushpa, for gathering information about her son, Ashish, who as per the petitioner, has kidnapped her daughter.

8. List on 24.5.2019.

A copy of this order be given **dasti** to the Standing Counsel (Crl.), GNCTD, MWCD and BBA for making compliances.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

APRIL 26, 2019

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