

**No.D4-2457 /2010**

Police Headquarters,  
Thiruvananthapuram,  
Dated: 21-07-2011.

**Circular No. 20/2011**

Sub:- Missing Persons – Registration and Investigation – Kerala Police Act, 2011 – New procedure – Instructions – Regarding

Ref:- 1. PHQ Circular No.54/1971 dated 27.04.1971.  
2. PHQ Circular No.32/2009 dated 12.08.2009.  
3. PHQ Circular No.10/2010 dated 21.02.2010.

Attention of all police officers is invited to Sec. 57 of the Kerala Police Act whereby police are given authority and responsibility under law to trace missing persons. It is pointed out that so far there was no explicit provision under law specifically authorising investigation by police in Missing Person cases. Registration of cases was being done as a departmental practice rather than as a requirement mandated under any explicit provision in any specific law.

**2.** As per Sec. 57 of Kerala Police Act, whenever a Station House Officer receives any information from which he reasonably suspects that any person is missing and there are circumstances to believe that,-

- (a) such person is in danger or not under the protection of lawful guardianship;  
or
- (b) such person may be subjected to some dangerous offence; or
- (c) such person is absconding to prevent someone from implementing a lawful right declared by any court,

such officer shall register the information in a manner similar to the procedure prescribed for a cognizable offence and take immediate action to locate the missing person.

**3.** This means that when a complaint about missing persons is received, the case may now be registered under Section 57 Kerala Police Act instead of under caption "Missing Person" which has been the practice so far. If during the course of the action to locate the missing person, some definite offence under some law is revealed, the Section of Law may be suitably altered in the course of the enquiry and proper investigation into the offence begun.

**4.** While taking action to locate the missing person under Sec 57 Kerala Police Act, the SHO (or any officer deputed by him) is lawfully authorized to examine and record the statement of any witness or to search any place. During such enquiries, all persons who are questioned by police are now mandated under the Kerala Police Act to truthfully answer any question put to them by the enquiry officer. When any person is questioned, his statement may be recorded by the enquiry officer. The copy of such recorded statement shall be given to the witness who will be requested to sign

and acknowledge on the original to the effect that a copy of the record of his statement has been received by him.

**5.** Officers must note this as the new procedure. This must be scrupulously followed while enquiring into cases relating to missing persons. If at any time during the enquiry, the commission of a cognizable offence is revealed, then the normal provisions of 161 and 162 CrPC will prevail and from then on, the statutory need to give copies of statements to witnesses after getting their acknowledgements will not be operative.

**6.** When the missing person is traced and it is found that there is no offence made out with regard to the disappearance and subsequent events or if such traced person is a juvenile and the circumstances do not justify any action under the Juvenile Justice Act, then the traced person may be handed over to a responsible guardian in the presence of two independent witnesses after obtaining the signatures of such guardian, witnesses and, if possible, of the traced person himself. If no guardian is available, the person may be produced before a Magistrate having jurisdiction. If any offence is made out or if the provisions of Juvenile Justice Act are attracted, either with regard to the disappearance or with regard to events which followed the disappearance, then the traced person may be produced before the Magistrate or Committee having their jurisdiction.

**7.** The Police also must take care that when the missing person is either woman or child, adequate steps should be taken to safeguard the privacy as well as good reputation of the person concerned. If any such person is produced before any Magistrate or Committee, request for maintaining the privacy and the legitimate interests of the traced person should be made before the Magistrate by the Police Officer. The attention of the Magistrate may be specially invited to the provisions of Sec. 57(6) of the Kerala Police Act.

**8.** Instructions in this Circular may be read along with the contents of Circular No.32/09 as well as Circular No.10/2010, both of which will stand modified to the extent required by the provisions of this Circular.

**State Police Chief**  
Kerala

To

All officers in list 'B' for information and necessary action.

Copy to: All Officers in PHQ / Manager / A.O. / Legal Advisor  
Stock File / Operations Cell / Circular File