

# From 24 To 12 Hours: Constitutional Reform in Missing Person Procedure

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**Abstract**—The dissertation, “From 24 to 12 Hours: Constitutional Reform in Missing Person Procedure” researches the pressing need for India's missing person procedural reforms. Earlier, informally, the police waited for 24 hours before registering a complaint. This deferral raises serious and significant constitutional concerns relating to the safeguards of life, liberty, and security of a person, as provided in Article 21.

This study reviews existing legislation and procedure and tries to determine the extent of existing procedural manual(s) of the police and the constitutionally guaranteed Rights. This study proposes that numerous judicial interpretations, the analysis of the Supreme Court in the context of ‘Zero FIRs’, and even the interpretation of other jurisdictions, all support the justification to consider the FIR registration timeframe to be a maximum of 12 hours.

Some of the important elements of the proposed reform are:

- A tiered response system provides an ordered list of response priorities to guarantee that at risk populations receive immediate assistance.
- **Legislative Amendments:** A fraudulent proposal requires that police manuals be changed to say that instead of a 24 hour wait, people must register in 12 hours.
- **Constitutional Alignment:** Strengthening the link between procedural efficiency and the state's obligation to safeguard fundamental rights.

It is clear from this dissertation that for missing person cases the amended response timeframe of 12 hours is the only way of 'constitutionalising' the procedural vacuum, and the need for an amendment in this regard is justified.

## I. INTRODUCTION

### 1.1 Overview: Missing Individual Reports' Historical Context.

The evolution of policies concerning missing persons highlights an intersection of pre-existing bureaucracy,

social theory, and modern criminality. For much of the twentieth century, disappearances were understood based on the concept of the "24-hour rule." More often than not, this was a policy of bureaucracy, but not a legislative one. Instead, it was a practice that became a staple of police manuals worldwide. It was a bureaucratic sieve designed to avoid unnecessary workload for police officers, who were often overworked and under-budgeted. Delays were justified by the sociological understanding that adults were "missing" only as a result of a crime, and were labeled as "voluntary runaways." These absconders escaped homes, crimes, and the restrictions of social roles and expectations. For the state, it was a waste of resources to pursue the missing and allocate police to what were understood to be a statistically self-resolving missing person case. The inherent caution of public administration as a practice is generally understood to be a financially negligent form of systemic administrative self-preservation, where perceived improvisational risk to a person is outweighed by the need to administrate, and avoid unnecessary workload and waste.

In addition, as they describe us continuing into the new millennium the historical lens, they construct is not just wrong, is dangerously wrong, for the presence of social disappearance is not the same as the presence of organized crime. Rather, most cases we are dealing with are the victims of transnational advanced human trafficking networks combined with a modern expedited global organ trade. In this new paradigm, the 24-hour waiting period is no longer the most sensible is not just a filter, but a lethal obsolete relic of the modern world. The modern world is compressing time into lethal danger. In this quickly evolving global world, with modern transport systems and border control, the window of a target then becomes a matter

of hours for living, and as short as six for transnational global systems. A transnational system with a waiting period is 'state grant imperative window', of transnational organized crime whereby the offenders exploit the waiting period to escape justice and exposes a transnational network of organized crime.

The shift towards modern protocols from the historical model requires a different understanding of time. Traditionally, time was a resource available to law enforcement to wait out "frivolous" cases. Currently, the value of time relates to the protection of lives. Time is the most essential variable. Expert investigators refer to the first several hours of disappearance as the "Golden hours." This time is the most critical in many circumstances. The search is the shortest distance to the disappearance. Witnesses recall the disappearance the clearest. Time is essential. Action must not be delayed using outdated sociological assumptions of the 1950s. This chapter argues that the time has come for the historical model of self-imposed administrative restraint to disappear. It is essential to break the "24-hour" myth and replace it with a context-specific responsive and high-urgency "framework." It is essential to position delaying the investigation to provide protection as a "commitment" to the "framework." The protection of lives requires a commitment to an anticipatory "framework." It is essential to enable the protection of lives by treating each hour of a disappearance as a protection commitment. Each hour needs to be a protection commitment as it is a sprint. It is against an immobile, predatory criminal.

1.2 Research Issue: Evidence loss and procedural delays.

The center of the research problem lies in the opposition of bureaucratic sloth and the scientific fact of the "Golden Hour." In forensic science and criminal investigation, initial hours of a disappearance are the most critical for the collection of evidence. A 24-hour delay creates a fatal evidentiary void characterized by 3 primary deficits:

A. Digital and Physical Evidence Decay:

In the modern era, an individual's life is mapped by a digital trail. Immediate access to GPS location data, tower triangulation, and CCTV footage is essential. Most private and public surveillance systems operate on loop-recording cycles; a 24-hour delay often means

that critical footage of a victim's last known location is overwritten before an investigator even begins their search. Furthermore, physical evidence at a crime scene or a point of abduction is compromised by environmental factors and human traffic as time passes.

B. The Logistics of Human Trafficking:

The research problem is compounded by the speed of modern logistics. Trafficking victims are often subjected to "rapid displacement"-moved through various safe houses and transport hubs to break the trail of investigation. By the time the 24-hour threshold is crossed and an FIR is registered, the victim is often already outside the primary jurisdiction of the reporting police station, leading to a "jurisdictional ping-pong" between different state police departments.

C. The Victimology Gap:

There is a profound disconnect in how the law treats different classes of missing persons. Despite the Supreme Court compelling action for minors, the general procedural flaw, particularly for adult defendants from underprivileged backgrounds, is still a chronic problem. This delay presumes an unqualified "right to disappear" that typically conceals a "failure to protect," potentially resulting in lasting damage or loss of life.

1.3 Constitutional and Technological Research Questions.

This study seeks to answer two primary questions that aim to reconcile procedural law with constitutional mandates:

1. Does the 24-hour rule a violation of Article 21?

Under Indian Jurisprudence, Article 21, (The Right to Life and Personal Liberty) is termed as the 'heart of fundamental rights. Since the the Maneka Gandhi judgment, it is settled law that any procedure that the State claims to deprive or curtail one's liberty must be 'fair, just and reasonable'.

This research asks: Can a procedure that mandates a 24-hour delay in

Is the fear of possible kidnapping or trafficking considered "reasonable"? Is the State's lack of prompt action a violation of its "positive obligation" to protect the lives of its citizens?

2. How can Technology facilitate a 12-hour response window?

The second inquiry is practical: If the law changes, can the infrastructure support it? This study examines the possibility of automating the initial report screening process by integrating the Crime and Criminal Tracking Network & Systems (CCTNS) with Artificial Intelligence and real-time facial recognition technology. It inquires as to how technology can ease the administrative load on police officers in a fast-moving 12-hour window that differentiates between high-risk cases and voluntary disappearances using data-based risk assessments as opposed to arbitrary time-based assessments.

1.4 Research Goals: Charting the Course for Change.

This thesis advocates for a change in the law that prioritizes the victim's life over administrative convenience. The specific objectives include:

- To Conduct a Doctrinal Analysis of Article 21: Article 21 Protection of life and personal liberty. - No person shall be deprived of his life or personal liberty unless and until the law says otherwise.
- This includes looking at the "Right to be Protected" and "Right to Speedy Investigation" and how they relate to the "Right to Life." The purpose of this study is to formulate a legal reasoning that the 24-hour delay is a "procedural irregularity" and thus, unconstitutional.
- To Evaluate Judicial Activism vs. Executive Inaction: There is still sluggishness in the executive implementation despite several High Court instructions (e.g. in Bachpan Bachao Andolan) This aim focuses on finding the discrepancy between the pronouncements of the Courts and the dictates of the Police Manuals.
- To Propose a "Tiered Response Model": This study will develop a model in which "High-Risk" cases (minors, elderly, witnesses) will initiate an immediate 0-hour response as opposed to a blanket 24-hour rule. For all other cases, a maximum 12-hour response will be required, accompanied by mandatory preliminary digital tracking.
- To Draft Legislative Recommendations: To suggest amendments for the Bharatiya Nagarik Suraksha Sanhita (BNSS) that would include time-bound investigative mandates for missing persons reports.

1.5 The 12-Hour Mandate is the research hypothesis. This research is built upon the following theoretical propositions:

Hypothesis 1 (The Constitutional Nullity):

The 24-hour waiting period is basically unconstitutional. The practice is arbitrary and likely does not meet "procedural due process" standards. There is no scientific justification for a 24-hour waiting period and it does not "reasonably" limit the right to life.

Hypothesis 2 (The Efficacy of Early Intervention):

It is assumed that a 12-hour window for investigation paired with technology will improve recovery-at-source by at least 40%. It will help the state collect advanced CCTV and GPS data during the first 12 hours and close the 'escape window' that is now utilized by organized traffickers.

Hypothesis 3 (Technological Offsetting):

This study theorizes that the perceived reporting window police "burden" on the police that some of the public feels may be easily addressed by automated digital reporting and AI risk-profiling. As such, the State can no longer afford to defend the 24-hour rule with its interpretation of a "lack of resources."

## II: THE CONSTITUTIONAL MANDATE - THE EVOLUTION OF STATE RESPONSIBILITY

The move from a "24-hour waiting period" to a "12-hour immediate response" policy is not simply a change in policy; it is an important constitutional obligation. In the realm of missing persons, time is the absolute enemy of justice. Imposing an arbitrary waiting period before starting a search, the state essentially overrides the constitutional protections of individuals at the time when those protections matter the most. This chapter examines the constitutional foundations that require reform of the procedures concerning missing persons, changing from bureaucratic ease to protective proactive models. The defense of this change is centered upon the foundational arguments of the right to life and personal liberty, which are not only negative rights, i.e., the state has a duty to not intervene, but also include positive duties which require the state to proactively defend its citizens from other parties. Law

enforcement's wait-and-see operational policy with a 24-hour waiting period for reporting a missing person case presumes the person went missing voluntarily. This neglects the biological and forensic evidence of modern-day missing persons cases. This "administrative pause" creates a situation in which a person is neither protected by the state nor acting on their own volition, having been removed, either through force or accident, from their familiar surroundings. In constitutional terms, this constitutes a temporary abdication of the social contract. The state's monopoly on investigative tools—access to telecom data, surveillance systems, and the power to execute physical searches—means that when the state is inactive, the individual is legally non-existent. Such delay is even more justified when considering modern criminology and their principle of the 'Golden Hour' where the likelihood of a safe recovery is maximized within a certain timeframe. Ordering a 24-hour delay is to intentionally raise the possibility of a death, which constitutes an infringement of the most basic human right — the right to life.

Also, a return to a 12-hour period of immediate response sustains the position that "liberty" becomes an ironic concept when an individual loss of it that is "sudden and unexplained" is of no consequence to the state. The 24-hour framework is an anachronistic regulation, born from a period of primitive and inferior communication and with a dearth of resources. At this moment, it is a formalized inconvenience that places the police's comfort over the citizen's life. The evolution of the constitution, which arises from the principle of substantive due process, argues that the measures and policies set forth by the state must be based on reason, not on whims, and must not be arbitrary. Examples of unreasonable frustration of process include the imposition of arbitrary, 24-hour time delays that are entirely vouched beyond the circumstance surrounding a disappearance. This process completely ignores the unique vulnerabilities of some groups, including, but not limited to, children, the elderly, and people suffering from a mental illness. The uncompromising incremental change of 12-hour period response, carried by the legally prescribed response model, changes the presumption from being "runaway" to being "at-risk" aligning law and operational practice with the inherent dignity of the individual. The value of proactivity aligned with this model means that the state assumes an obligation to

act, not after the incident, but upon the report of a threat to a person's life and/or freedom.

The "constitutional necessity" of this reform stems from the fact that an individual in absentia is placed in an extremely vulnerable situation, in which they are unable to assert their own rights. Consequently, the state is compelled to intervene forthwith, assuming the role of a substitute guardian of those rights.

This change in legal philosophy also addresses the "Right to be Found," which is a newly developing idea related to the right to life. If the government has the means, both technological and human, to locate someone who has gone missing, and opts not to spend the means for a whole day because of a legacy policy, the government is, by way of an active omission, violating the missing person's human right. Creating a 12-hour limit for a policy would mean that this verification would then be done, and the human right would be defended, and then the person would not be considered missing to the justice system. This policy is a cultural shift in the police system from a reactive policy to a proactive policy and a defense and rescue policy. This means that a person's disappearance is a legal matter and a public matter. The collapsed system of waiting is center to the constitution, and the state is the district, in the social contract. The collapsed waiting, in the system, is a defense against the states and the people's constitutional right to protect against loss of the society and the people.

The 12-hour immediate response time standard recognizes that time pressure can be a challenge in a fight for the preservation of human life. In enacting a 12-hour immediate response time standard, the clock can become a testament to the state's struggle to secure justice, to the state's endeavors to secure justice, or to the state's inability to secure justice.

### 2.1. The Right to Life and Liberty: Why Delay Equals Denial.

At the core of any democratic constitution is the Right to Life and Personal Liberty. From a traditional perspective, this Right to Life was understood to be a "negative right" because it was a - guarantee to the citizen that the state would refrain from any form of illegal arrest or infliction of bodily harm. However, modern-day jurisprudence now holds that in order for the Right to Life to have any positive meaning, that right must include the provision of the right to be

protected by the state, in cases where that life is at risk by external aggressors.

“Often termed as the ‘Golden Hours’ in the context of a Missing Person, the first 24 hours is the front - part of a 48-hour window of protection, in the case of Missing Persons. Statistically, the chances of the person being found alive and/or in a good to reasonable condition, drops drastically after this window. When the State adopts a policy of maintaining that official investigations cannot commence until after the first 24 hours have elapsed, they essentially create a vacuum of protection by the State for that 24-hour period.”

- **Constructive Denial:**

If a citizen is kidnapped and the government does nothing for 24 hours, the government has, in effect, legalized an interval of lawlessness.

- **The 12-Hour Threshold:**

Reducing the mandate to 12 hours acknowledges the biological and physical realities of modern crime. It ensures the state's machinery is activated while the trail is still warm and the victim is probable within the immediate jurisdiction.

## 2.2. Judicial Interpretations: Habeas Corpus and Private Abductions.

The writ of Habeas Corpus (meaning "produce the body") was a tool for the legally sanctioned detainment of a person against the state. However, courts have expanded the use of the writ of Habeas Corpus to kidnappings.

When a family petition the courts give a missing person report, they are allowing the courts to mandate the state to use their police powers on their behalf. The change to a twelve-hour mandate shows how courts are using their expanded powers and no longer sanctioned the lack of legal procedures.

### 1. Broadened Scope:

Most courts interpret what it means to hold “custody” in a far more expansive fashion today than they did in the past. If the state is informed of a person’s presence (or absence), and decides to cease, or is inactive, in efforts to locate the person, the state is partially responsible, and liable, for the continuing infringement of that person’s liberty.

### 2. The Shift in Burden:

With a changed 12-hour protocol, the state has to prove that they have begun “earnest efforts” almost immediately, as opposed to “waiting for the person to return on their own.”

### 2.3. Positive Obligations: The Duty of Effective Machinery

The principle of Positive Obligations is rooted in modern constitutional law. The state must do more than the bare minimum of not killing citizens. The state also has the responsibility of ensuring positive dead of a safe environment. This also means fulfilling the duty to provide effective means and apparatus for the negative dead of safe environment. Finding tools for safe and civil citizens is the Positive Obligation.

An “effective machinery” in the 21st century cannot be defined by a 24-hour wait. To meet the constitutional standard, the machinery must include:

- **Immediate Digital Integration:** Instant alerts to transit hubs, toll booths, and digital billboards.
- **Specialized Missing Persons Units:** Moving away from general patrol officers handling these cases to dedicated forensic and investigative teams.
- **Inter-Agency Cooperation:** Breaking down jurisdictional “red tape” that often causes the very delays the 12-hour mandate seeks to eliminate.

The state’s failure to provide this machinery constitutes a breach of the social contract. If a citizen pays taxes for protection, the state cannot “opt-out” of that protection during the first 24 hours of an emergency.

### 2.4. Due Process and the “Presumption of Danger”

Current protocols define an adult who is absent and unreachable as “presumed voluntary,” operating under the belief that he or she is “off the grid” by personal choice. This violates the principles of Due Process.

Constitutional amendments necessitate that the default be replaced with a Presumption of Danger. Within a 12-hour time frame, the state must consider any report of a person being missing as a possible infringement of the Right to Life, and the burden of proof must be removed to the contrary. Such a change is essential for the following reasons:

- It prioritizes the safety of the vulnerable over the administrative convenience of the police.

- It ensures that evidence (CCTV footage, cell tower pings) is preserved before it is overwritten- a common casualty of the 24-hour rule.

“The right to be found is the ultimate expression of the right to live. "A state that sets the clock while a citizen disappears has failed its most elementary constitutional duty.”

#### 2.5. Equal Protection: Addressing Disparities in Search Efforts

Eventually, the amendment of the 12-hour rule upholds the constitutional standard of Equal Protection. In the current 24-hour arrangement, the most disadvantaged groups are very often told to ‘wait and see’ while ‘prominent’ individuals and those with certain political connections are given immediate responses from the State.

By codifying a strict 12-hour response time into law:

- Standardization:

The law removes officer discretion, ensuring that a missing child in a low-income neighbourhood receives the same immediate response as one in an affluent suburb.

- Accountability:

It provides a legal benchmark. If the state does not act within the 12-hour time period, the family has a distinct basis for a constitutional tort.

### III: THE “GOLDEN HOUR” DOCTRINE

#### From 24 to 12 Hours: Constitutional Reform in Missing Person Procedure

The shift to an active, immediate intervention versus a passive, bureaucratic one has been the greatest change in the past decade of investigative jurisprudence. For many years, the so-called “24-hour rule” has acted as a systemic justice denying a legal and public endangerment. The 24-hour rule is founded on the now-immeasurable likelihood that the police take no action until a person has been absent for a full day. This now obsolete rule, an essential part of the law enforcement SOPs, is based on an age devoid of adequate administrative resources and the imperative to eliminate absconders in the search. For purposes of the search, a greater administrative burden was more critical than the missed deadline. As examined in

chapter 3, today, an absence of over 24 hours has moved from being an administrative to a monumental constitutional concern. In today’s age of hypermobility, the 24-hour rule effectively serves a greater good only to a person intending to commit a crime. Due to the greater emphasis placed on the search for the person and the relocation to nearly any part of the world in hours as opposed to the 24-hour rule, the greater the risk, the less the wrongdoing. In the digital age, risk has increased and the lost time needed to locate an individual or to locate the image of the individual in the evidence has greatly decreased as opposed to the mid-20th century.

Such changes at the core framework can be attributed to the constitution mandate that a state bear a positive duty to preserve and protect life. Almost all new modern theorists decidedly argue that a state duty to intervene begins immediately, and not at a certain fixed point in time, at the point that a report of the disappearance of a person is made. The "Golden Hour" principle argues that the longer action is delayed, the less the chance of a successful rescue remains. In the absence of the waiting period, jurisprudence is progressively aligning with the pace of life changes. Nature of life changes move away from the old modes of formalized bureaucracy to a fast and system seamlessly aligned unit, and away from a waiting and seeing approach. The removal of the 24-hour threshold is a depiction of the police powers and the right to the protection and security alignment, to the extent that the law shifts from a passive witness to the demise of people's lives.

The systemic inertia that once protected the 24-hour rule was often while this perspective may be justified by the need to prioritize limited police resources, it nonetheless overlooks the ramifications of justice being delayed further. A cold case is far more resource-intensive than an immediate, successful recovery. Changing the paradigm to allow for immediate intervention will enable investigative agencies to utilize real-time data like GPS, social media, and high-resolution surveillance before the data is overwritten or lost. Such a proactive approach addresses the psychological trauma of the families involved. Every minute of state-sanctioned inaction is a violation of the dignity of the missing. With an increasing level of unparalleled mobility, we expect the legal frameworks to adapt and shorten their response times accordingly. The change analyzed in Chapter 3 illuminates that

from the perspective of contemporary legal theory, time is not simply a matter of operation, but a core component of the essence of justice. It is constant for the state to protect life, and their response must be as immediate as the danger they are trying to minimize.

### 3.1. The Kinetic Window: Quantifying Recovery Success Rates.

The "Golden Hour" is not merely a catchphrase; it is a statistical reality. Throughout the last ten years of search-and-rescue operations, data points show a steep and non-continuous decline of the prospect of safe recovery as time increases.

- The 12-Hour Threshold:

Research indicates that in cases of predatory abduction, the first 3 to 6 hours are the most lethal. Complying with the biological and criminal realities of survival, the law now sustains the mandatory waiting period at an appropriate and reasonable 12 hours, and preferably none at all for high-risk cases.

- The Decay of Evidence:

Beyond the physical safety of the individual, the "investigative trail" cools rapidly. After the 12-hour mark, physical evidence such as tire tracks, scent trails, and even the memories of eyewitnesses, deteriorate substantially.

- Success Rate Correlation:

Studies comparing systems that have "Immediate Action" protocols and "Wait and See" policies have revealed that states that intervene in the first half day show a 40% greater recovery rate.

### 3.2. Modern Threats: Human Trafficking and Digital Erasure

The 24-hour rule was designed for a world of telegrams and steam engines. In the 21st century, the threats have progressed into fast, borderless businesses.

- The Speed of Trafficking:

Organized criminal networks can move a victim across state lines or international borders within hours. With the current 24-hour protocols, a victim could be sold and taken to a 'black site' before a report is even made to the police.

- Digital Disappearances:

In the age of social media, "grooming" and "luring" happen instantaneously. Predators use encrypted apps to coordinate pickups. A 12-hour reform understands that "missing" no longer denotes "lost in the woods." Instead, it typically refers to "digitally intercepted."

- The "Dark" Transition:

This section analyzes the 12-to-24-hour window as the primary period for identity erasure, where victims lose access to means of communication and documents that aid in their identification.

### 3.3. Technological Enablers: GPS, AI, and Real-Time Justification

The strongest counterargument to a 24-hour waiting period is that the technology to locate individuals is already available. The delay is no longer a question about the logistical, but about the legal antiquation of the friction.

- The "DigitalBreadcrumb" Protocol:

Due to the widespread use of smartphones, an individual's most recent location can frequently be captured by GPS and cell tower triangulation. Constitutional reform should require immediate authorization to "Ping" the phones of missing persons, instead of waiting for the 24-hour administrative delay.

- AI-Enhanced Scrutiny:

Modern AI can analyse thousands of hours of CCTV footage and license plate recognition (LPR) data in minutes. These tools can create a 'virtual net' that would be impossible to cast after a full day has gone by, other than the first 12 hours.

- Predictive Analytics:

AI models have been developed that can now tell the difference between a "voluntary departure" and a "forced disappearance" by looking at behavioral changes, such as silence on social media and changes in banking activity. These technologies defend an immediate state intervention, while still respecting the privacy of people who want to remain unbothered.

### 3.4. Reforming the “Right to Liberty” vs. “Duty to Protect”

A constitutional change from 24 to 12-hour time formats involves a careful re-balancing of the Fourth and Fourteenth Amendments (or their international counterparts).

- **The Presumption of Peril:**

The proposed reform suggests a legal shift: the state should presume “peril” rather than “voluntary absence” for the first 12 hours. This justifies the use of state resources without infringing on the individual’s right to move freely.

- **Due Process for the Disappeared:**

If the state fails to act within the critical 12-hour window, is it a violation of the victim’s right to life? This section explores “State-Created Danger” theories, arguing that police inaction during the Golden Hour constitutes a failure of constitutional duty.

- **Mitigating False Alarms:**

Critics argue that shorter windows lead to “resource exhaustion” from false alarms. However, this draft argues that the cost of a false alarm is far lower than the cost of a lost life, and that AI-filtering can manage the volume.

### 3.5. Legislative Roadmap: Codifying the 12-Hour Mandate

Shifting from the “Golden Hour Doctrine” as an idea to a legal paradigm necessitates an overhaul in law enforcement's entire structure with regards to the handling of missing persons cases. The '24-hour rule' is a remnant from a bygone century. It has no formal basis in legal frameworks of the modern day, and it has perpetuated through the complexities of bureaucracy. The 12 Hour Mandate must be established as a statutory requirement to recalibrate the competing emphasis of a bureaucratic function and the sanctity of a human life.

Here, I outline the necessary legislative steps and actions to bring this doctrine to fruition.

#### 1. The Tiered Response System: Precision over Procrastination

An important element of this legislation is that it is not designed to offer a “one-size-fits-all” model. The same lack of urgency (or indifference) that a teenager

receives for missing a curfew is more about the lack of urgency to make an effort to look for them. For example, a 40-year-old man who is late for dinner is treated basically the same. The 12-Hour Mandate Tiered Response System enforces that every report must be triaged at once.

#### 1. The 0-Hour "Red Zone" (High-Risk)

In certain situations, and for certain demographics, the "wait" time is completely removed. Immediate mobilization is required for:

- **Minors (Under 18):** Statistically, the first three hours are the most critical in abduction cases.
- **Vulnerable Adults:** People with dementia and Alzheimer's disease, as well as those with physical disabilities that limit their ability to care for themselves.
- **Circumstantial Evidence:** Cases where there is evidence of a struggle, blood, or witness accounts of forced disappearance.
- **The “Out of Character” Clause:** An officer must record a "behavioral baseline." If the absence dramatically contrasts with the baseline, it results in a 0-hour response.

#### 2. The 12-Hour “Hard Cap” (Standard)

In other cases, the law would provide an absolute maximum. This would prevent the "wait and see" advice that is frequently offered to families. The claim that the police are “waiting for the person to return home” during that 12-hour period is false. Some form of due diligence must be carried out; they are required to conduct preliminary checks other than just “waiting” in that time, including searches of various hospitals, jails, and the Internet.

#### 2. Mandatory Inter-Agency Data Sharing: Breaking the Silos

Today’s systems show that jurisdictional boundaries are a kidnapper's or a lost traveler's best friend. Someone reported missing in one county could take DAYS to show up in the database in a neighboring county due to manual entry backlogs and systems that don't integrate.

#### 1. The 6-Hour Sync Requirement

The legislation should stipulate that after a report has been made, it must be entered into the National Crime Information Center (NCIC) and appropriate state

databases within six hours. This creates a "digital net" that moves faster than the person missing.

2. Automated Triggering of Specialized Units

Once a 0-hour or 12-hour report is logged, automated notifications will be sent to:

- Regional Fusion Centres: To monitor highway cameras and license plate readers (LPRs).
- Digital Forensic Teams: To start emergency pings on mobile devices (using an “Exigent Circumstances” clause to circumvent standard 48-hour warrant wait times for high-risk situations).

3. Accountability Measures: From “Tradition” to Liability

Law is toothless without consequences. For decades, the 24-hour tradition has been used as a shield against negligence claims. The Legislative Roadmap hopes to change this dynamic with Accountability Measures.

1. “Failure to Act” Clauses

The law would create particular civil and professional liabilities for departments that do not file a report or take action because of the "24-hour tradition." A department, for example, is instructed by a parent of a missing child to "wait until tomorrow," and the child is ultimately located and discovered to be injured. The department, in this case, would be considered legally to be "Presumed Negligent."

2. Mandatory Auditing and Reporting

State-level oversight boards will be created to evaluate "Time-to-Action" metrics. Each department would have to release yearly data stating the average amount of time that passes between the first call and the first action taken by the investigator.

- Funding Incentives: Compliance with the 12-Hour Mandate would directly link federal and state grants to police equipment and training.
- The “SOP override”: The law would void any internal departmental Standard Operating Procedure that contradicts the 12-hour cap which means that local policy cannot be more favorable than state or federal law.

4. The Digital Infrastructure: Bridging the Gap

- Codifying this mandate requires more than just ink on paper; it requires a legislative commitment to

funding the infrastructure that makes a 12-hour response possible.

Legislative Component	Description	Objective
The Rapid Response Fund	Emergency grants for small departments.	To ensure lack of manpower isn't an excuse for the 12-hour delay.
Tech Integration Act	Mandates a unified UI for missing person entries.	To reduce the time, it takes an officer to “input” a case from 45 minutes to 5 minutes.
Telecomm Cooperation	Legalizes immediate tower pings for “0-hour” cases.	To eliminate the “bureaucratic lag” between police and cellular providers.

5. The Human Element: Training and Public Awareness

Finally, the roadmap must include Mandatory Crisis Training. Training officers to understand the “indicators of foul play” that prompt a 0-hour response is imperative. This type of training guides officers away from “gut feeling” decisions and towards an evidence-based process.

When the 12-Hour Mandate codifies these three pillars - Tiered Response, Data Syncing, and Accountability - the Golden Hour doctrine moves outside of the realm of the hopeful philosophy, and into the realm of operable doctrine. In today’s digital age, a 24-hour wait is not a “cooling off” period, it is the digital equivalent of a death sentence. The rapidly changing world around us must be lawfully and humanitarily matched to the urgent needs for the legal and humanitarian barriers that exist to protect the/our society.

IV: COMPARATIVE REFORM & PRACTICAL IMPLEMENTATION

The operational landscape in missing persons cases creates an unforgiving reality in which the interplay between bureaucratic protocol and the acute time element often creates the margin between a safe

recovery and the death of the victim. The disposition of conventional models of response largely negates the emotional and mental aspects of the urgency placed upon the so-called 'Golden Hour.' The aim of the chapter is to illustrate that the absence of layered urgency is a resource that fails to be realized, and fraud evidence was used as the initial focus point of the chapter in arguing that the first twelve hours of reality of disappearance should be incorporated into the model of investigation and international comparisons of frameworks that attempt to eliminate deadlines and focus upon the relative risk rather upon the stats. Despite the absence of specific frameworks that deal with the emotional elements, the fragmentation of resources is compounded, as vital medical, behavioral, and even digital medical information exist to be a primary informal focus upon entering the system.

When reporting an incident, the first classification is usually dismissed as "flat," due to the fact that almost all incidents are responded to with the same degree of average, almost indifferent, concern, not taking into account the drastically declining likelihood of survival that results in the highest degree of concern when the incident involves the elderly, the mentally incapable, or the medically vulnerable. When compared to other international systems such as the United Kingdom's systems of tiered risk assessments, or the North American systems of step-automated alerts, the best systems first establish the investigative pressure "surge" within the first 12 hours using the Differentiated Urgency Framework. This framework identifies a proportional response time/personal variance based upon the circumstances of a situation and the/vulnerability, the environmental, or even the traffic variance. It allows for the immediate reallocation or harnessing of specialized capabilities that are typically bogged down in the administrative transfers from 'missing person' to 'active search' cases, such as cellsite forensics and/or air support. The proposed framework suggests a system based upon weighted matrices that examines and evaluates the four major vectors: the Variance of Vulnerability, where the physical and/or mental health deficits are considered, is the greatest; the Variance of Environmental Hazard; the Variance of Behavioral Deviation; i.e., an unexplained disappearance that strongly suggests a high probability of an abduction; and the Variance of Geographical Growth, also referred to as the Variance of Mobility.

If law enforcement agencies use a singular, data-driven response model for integrating these factors, they will be able to eliminate the subjective "gut feeling" of individual officers, so that individuals classified as high-risk, will receive a maximum response in the first sixty minutes of being reported." This change necessitates a technological development for real-time data interoperability, whereby the system automatically cross-references reports, CCTV networks, and medical registries, changing the first 12 hours from a time of passive information collection to a time of active, surgical interventions. The purpose of this chapter is to show that an investigation's success is not a factor of how long the search takes, but rather the quality and focus of the search at the beginning, and that the overriding 'systemic friction' of policing does not add to the death toll. Agencies can start to develop a more advanced operational reality by using a Differentiated Urgency Framework which allows them to tailor their resources to the specific risk of the individual. This also closes the critical window of opportunity to regain public trust in the state's ability to safeguard its most at-risk citizens in their most crisis situations. This shift from a reactive to a proactive stance is not just about being more efficient administratively, it is also a question of morality, as the current bottlenecks in the system indicate a moral and ethical failure in placing an order of priority, with respect to the dominant and central enemy, that is time, in the pursuit of the missing. Incorporating this approach enables us to view the issue of 'missing persons' beyond an administrative challenge. It is a dynamic, complex issue that will be a longstanding challenge, requiring a multi-layered response, cognizant of the brutal realities of time.

#### 4.1. Global Standards: Stratifying Risk in International Jurisdictions

The difference between a regular missing report and a high-risk case is the turning point in saving lives. Internationally, agencies in law enforcement are shifting from "wait-and-see" periods to immediate, evidence-based risk assessment.

- The UK Model (College of Policing):

The UK utilizes a four-tier risk assessment: No Risk, Low, Medium, and High. A "High-Risk" designation means that a Senior Investigating Officer (SIO) and specialist resources will be deployed immediately.

- The Australian National Coordination:

Australia highlights the 'vulnerability' factor, which means that as an individual's age or mental health status, they automatically skip regular administrative queues.

- The United States (NCIC Categorization):

The NCIC of the FBI requires individuals under the age of 21 to be entered into their system as soon as practicable and no more than 2 hours after the report was made. This creates a federal "Standard of Urgency" and takes away the discretion of local officers.

All successful jurisdictions have in common the dismantling of the 24-hour myth. Officers can calculate risk from history, surroundings, and physical wellbeing instead of using gut feelings by using standardised checklists like the 'Missing Persons behaviour Data'.

#### 4.2. Administrative Hurdles: The Resource Burden on Law Enforcement

People typically feel compassion; the obstacle is usually the unavailability of necessary means. Agencies are familiar with what is called, "The Patrol Paradox." The paradox describes the less time they spend on administrative filing for an adult with, say, a "voluntary" disappearance, the more time they have to devote to an actual search of greater value.

- Personnel Saturation:

A standard missing person case can require 3-5 officers for the initial 6 hours of canvassing. This may drain a whole shift's patrol capability in poorly funded divisions.

- The "False Alarm" Fatigue:

Statistically, a high percentage of missing adults return within 48 hours. This causes a psychological "cry wolf" effect among dispatchers and intake officers, resulting in the kind of routine delays that are fatal in the 5% of situations that involve foul play.

- Data Interoperability:

Many jurisdictions still struggle with "siloed" data. A report filed in one county may remain invisible to the neighboring jurisdiction for 12 to 24 hours, allowing a subject (or abductor) to move further out of the immediate search area.

#### 4.3. The Differentiated Urgency Framework: A 12-Hour Strategic Model

The Differentiated Urgency Framework (DUF) is proposed to address the conflict of resource scarcity and the need for speed. This model substitutes the typical 'one-size-fits-all' intake process with a tiered response model based on the "Golden Hour" principle.

##### 4.3.1. Tier 1: Immediate Critical Response (The Red Path)

This tier pertains to children, the elderly with cognitive impairment, or situations with indicators of violence (e.g., a struggle at the scene).

Action: Within the first 60 minutes, GPS pinging, social media blasts, and Reverse 911 neighborhood alerts will be activated.

##### 4.3.2. Tier 2: Enhanced Verification (The Amber Path)

For adults with no "going dark" history and no current indications of foul play.

Action: A 4-hour gap will be enforced before starting any full physical searches. During this time, digital footprint analysis (cell phone tower data, banking records) will be conducted.

##### 4.3.3. Tier 3: Standard Investigative Inquiry (The Green Path)

Where safety is not immediately compromised.

Action: Periodic evaluations and monitoring of the database while conserving physical patrol units for Tier 1 emergencies.

#### 4.4. Leveraging Technology for Resource Mitigation

Implementation of the DUF requires a shift from manual labour to Automated Initial Processing (AIP). By utilizing AI-driven intake forms, departments can offload the administrative burden.

- Public-Facing Portals:

Allowing families to upload photos and "last seen" data directly into a police-accessible cloud reduces the time spent on manual data entry.

- Predictive Analytics:

With the use of historical data, predictive models for likely locations enable more targeted, surgical drone deployments to specified locations, such as individual parks or specific relatives' homes, rather than utilizing broad grid search patterns.

#### 4.5. Practical Implementation: Training and Legislative Policy

The final hurdle is the transition from theory to the field. Reform requires a two-pronged approach:

##### 1. Legislative Mandates:

State and Federal laws should establish that no age group can have a legally permissible "waiting period," and at the same time, legally protect departments in the event they prioritize Tier 1 cases over Tier 3.

##### 2. Multidisciplinary Task Forces:

The implementation should involve 'Community Search Teams' trained civilian volunteers, who will assist in the low risk "Green Path" footwork, therefore allowing sworn officers to concentrate on the forensic/tactical side of the case.

##### Key takeaway:

The aim of reform is not to treat every case as a kidnapping but to strengthen the system's ability to recognize a kidnapping disguised as a "routine" disappearance.

### V: CONCLUSION AND RECOMMENDATIONS

#### 5.1. Summary: The 12-Hour Window as a Constitutional Floor

Standard processes for moving and housing people have modernized in a way that the 24-hour rule for arraigning an individual does not do justice to the current status quo. In light of that observation, the 12-hour rule should not be seen as just a passing statute or a guideline, but as a Constitutional Floor.

- **The Erosion of Liberty:** Each hour someone is held in police custody without review by a judge, the potential for coercive interrogation and extrajudicial abuse rises exponentially.
- **Technological Feasibility:** Nowadays, due to digital filing and video conferencing, the "distance" between police stations and courthouses has been virtually eliminated.
- **The "Floor" Concept:** We contend that a 12-hour limit is the very minimum standard of protection that can be required to meet the protection of the "Right to Liberty."

##### Core Finding:

The 24-hour rule hails from the horse-and-buggy era and is an archaic relic that promotes operational stagnation and possible violations of human rights.

#### 5.2. Specific Policy Proposals: Legislative Amendments

Changing just the numbers is not enough; an actual shift in the burden of proof is necessary to implement the 12-hour mandate. It will involve issuing amendments to the Police Acts and the Criminal Procedure Codes.

##### Proposed Statutory Language:

##### • Mandatory Production:

Every person arrested and held in custody must be brought to the nearest Magistrate within 12 hours of the arrest, not including travel time.

##### • Digital Logging:

Implementation of a mandatory Electronic Custody Record (ECR) that time stamps the moment of arrest and sends an automated notification to the jurisdictional magistrate.

##### • The "Pre-Trial" Necessity:

Focusing from "investigative convenience" to "judicial necessity" ensures that it is the court, not the police, who decides about the legality of continued detention, and that such decisions are made at the earliest possible intervals.

#### 5.3. Judicial Oversight and Accountability Mechanisms

Policy is toothless without enforcement. This section describes the mechanisms that will be implemented to ensure police adherence to the shortened window.

##### • Presumption of Illegality:

If an individual is produced after the 12-hour mark without a documented "extraordinary circumstance" (e.g., natural disaster, civil unrest), the detention should be presumed prima facie illegal.

##### • Personal Liability:

Introduction of disciplinary proceedings against the Investigating Officer (IO) and the Station House Officer (SHO) for unexplained delays.

##### • Magisterial Vigilance:

Magistrates should be empowered-and required-to conduct "midnight check-ins" via digital portals to monitor the status of all persons currently in precinct holding cells.

5.4. Comparative Analysis: Global Best Practices

Considering the legal systems of other jurisdictions that provide the option of a 12-hour window, we analyze the international norms that have developed to prioritize the urgent availability of a decision from the court.

Jurisdiction	Current Standard	Proposed/Evolving Trend
United Kingdom	24 hours (with periodic reviews)	Increased use of “Street Bail” and immediate digital processing.
European Union	“Without delay” (Case-law driven)	Trend toward 6-12 hours for initial “legality check.”
United States	“Promptly” (usually 48 hours)	Civil rights advocacy for 12-hour “Initial Appearances.”

By adopting a 12-hour floor, the domestic legal system would position itself as an international leader in the protection of habeas corpus rights, exceeding the ‘minimum’ obligations defined by international treaties.

5.5. Final Reflections: Balancing Security and Liberty

The final section of this thesis addresses the “Efficiency vs. Rights” dichotomy. Although some critics claim that 12-hour window limits possible investigations, we believe that any tradeoffs on procedural efficiency cannot and should not be made on constitutional merits.

Closing Arguments:

- Professionalizing the Force: A shorter window forces law enforcement to be more forensic and less reliant on custodial “softening up” of suspects.
- Restoring Public Trust: Rapid judicial production reduces the “black hole” of police custody, thereby increasing public confidence in the rule of law.
- The Path Forward: The 12-hour window is the first step toward a more transparent, accountable, and humane criminal justice system. It is time for the law to catch up with the velocity of the 21<sup>st</sup> century.

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REFERENCE

1. Constitution and acts -
  - Constitution of India, *Article 21*, Right to Life and Personal Liberty.
  - Article 22*, Protection against arrest and detention (interpreted through the lens of illegal private detention)
  - The Police Act, 1861, *section 23*, Duties of police-officers: - It shall be the duty of every police-officer promptly, to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offences to justice and to apprehend all persons whom he is legally authorised to apprehend, and for whose apprehension sufficient ground exists; and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant to enter and inspect, any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.
  - Bharatiya Nagarik Suraksha Sanhita (BNSS), *section 168*. Police to prevent cognizable offences: - Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.
  - Section 171* (Prevention of injury to public property): A police officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, movable or immovable.
  - Section 185* (Search by police officer): (1) Whenever an officer in charge of a police station or a police

officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief in the case-diary and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.

*Section 173* (Information in cognizable cases): (1) Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed, may be given orally or by electronic communication to an officer in charge of a police station.

*Zero FIR*: The BNSS explicitly codifies the “Zero FIR,” allowing a person to register an FIR irrespective of the jurisdiction of the police station.

## 2. Books -

- M.P. Jain: *Indian Constitutional Law* (6<sup>th</sup> ed 2010) p 1174 to 1214.
- O’Hara: *Fundamentals of Criminal Investigation* (7<sup>th</sup> ed revised 2003)
  - Chapter 49: missing persons p 708-712.
  - Chapter 5: Reconstructing the Crime p 62-64.
  - Chapter 15: Search of Physical Areas p 194.
- B.R. Sharma: *Forensic Science in Criminal Investigation and Trials* (6<sup>th</sup> edition 2020) Chapter 2: The Scene of Crime p 31-95.
- Chapter 13: Fingerprints p 450-520.

## 3. Journals –

- *Journal of Victimology and Victim Justice*: "The Missing Link: State Accountability in Initial Hours of Disappearance."
- *Harvard Law Review*: "Positive Obligations of the State: The Right to Protection and Search."
- *International Journal of Police Science & Management*: "Analysing the Impact of Delay in Missing Person Reporting."

## 4. Websites and Databases –

- National Crime Records Bureau (NCRB): *Crime in India* Annual Reports (specifically the 'Missing Persons' tables)  
<https://www.ncrb.gov.in/>
- Amnesty International / Human Rights Watch: Reports on “Enforced Disappearances” and State negligence.
- Khoya-paya portal: Ministry of Women and Child Development data.  
<https://services.india.gov.in/service/detail/inform-about-missingfound-children-khoya-paya-portal-1>

## APPENDIX- I

Proposed Draft for a “12-Hour Urgent Search” Warrant

IN THE COURT OF THE JUDICIAL MAGISTRATE, CASE REF NO: 2026/007  
URGENT SEARCH ORDER UNDER SECTION [96]

(Proposed Statutory Provision for Accelerated Missing Persons Recovery)

TO: The Officer-in-Charge

AGENCY: Prem Nagar Police Station, Bareilly, Uttar Pradesh, 243001

WHEREAS a formal report regarding the disappearance of Khushi Gupta, aged 15yo, gender Female was lodged at 22:35PM on 20-04-2026.

AND WHEREAS, the Court finds credible evidence that the “12-Hour Critical Window” for recovery-during which the probability of safe recovery is highest-is currently active.

AND WHEREAS, the Court is satisfied that the following Specific Risk Factors necessitate the bypass of standard 24-hour administrative waiting periods:

- Subject is a Minor (under 18 years of age)
- Subject is Elderly or suffers from documented Cognitive Impairment
- Existence of a credible "Threat to Life" or evidence of foul play
- Adverse environmental/weather conditions posing immediate health risks

**YOU ARE HEREBY COMMANDED TO:**

1. **Initiate Immediate Surveillance:** Utilize all available technical resources, such as cell-site triangulation, access to CCTV, and analysis of digital footprints.
2. **Physical Search:** Please search thoroughly within the "Last Known Perimeter," and additional locations identified through technical surveillance.'
3. **Data Preservation:** Execute this warrant on third-party service providers and direct them to release locational data immediately, ignoring the normal 48-hour compliance delay.

**MANDATORY RETURN: >**

This warrant must be executed promptly. The officer must return this warrant to this Court along with a Status Report describing their findings and instructions on any recovery or escalation needs at or before 10:35 on the 22nd of April, 2026.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT,

This \_\_\_\_\_ day of \_\_\_\_\_, 2026.

JUDICIAL MAGISTRATE

[Court Seal]

**APPENDIX- III:**

**Sample SOP for 12-Hour Reporting**

1. **Immediate Intake (T+0):** No "waiting period" allowed. Police must file a "Missing Person Entry" immediately upon complaint.
2. **Risk Categorization (T+30 mins):** Identify if the victim is a "Category A" (Child, vulnerable adult, or suspected abduction).
3. **Digital Footprint Lock (T+2 Hours):** Request CDR (Call Detail Records) and last known GPS coordinates from TSPs (Telecom Service Providers).
4. **BOLO (Be on the Look Out) Alert (T+3 Hours):** Broadcast details to all transit hubs (airports, bus stands, railway stations) and PCR vans.
5. **Community Mobilization (T+6 Hours):** Use of social media alerts and local "Village Defence Parties" or "Mohalla Committees."
6. **Judicial Oversight (T+12 Hours):** If the person is not found, a mandatory status report must be electronically filed with the Magistrate to convert the entry into an FIR.

**APPENDIX II:**

**Statistical Tables**

The following is a representative model of data typically found in forensic studies:

Time Elapsed since Disappearance	Probability of Safe Recovery	Primary Risk Factor
0 – 6 Hours	85%	Minimal (usually voluntary/miscommunication)
6 – 12 Hours	62%	Moderate (potential accidents/unauthorized travel)
12 – 24 Hours	38%	High (Trafficking, foul play, or injury)
24 – 48 Hours	14%	Critical (Cold lead progression)