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Current Status of Victim Service Providers
and Criminal Justice Actors in India on
Anti Human Trafficking

2013



COUNTRY ASSESSMENT

INDIA COUNTRY ASSESSMENT REPORT: CURRENT STATUS OF VICTIM SERVICE PROVIDERS AND CRIMINAL JUSTICE ACTORS ON ANTI HUMAN TRAFFICKING

A REVIEW COMMISSIONED BY UNODC

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About the Report

Trafficking in persons is an organized crime that violates basic human rights.

With the entry into force of the United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocols, the international community took a major step in the fight against organized crime. The Protocol in particular gives the first comprehensive definition of human trafficking. It obliges States to criminalize this practice, and many have adopted legislation translating the Protocols' obligations into national law. Reaffirming its commitment to prevent and control trafficking in persons, India ratified the UNTOC and the Trafficking Protocol in 2011.

UNODC with support of the European Union is implementing a Global Project focused on 'Promoting the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol), and the Protocol against Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol), both supplementing the UNTOC'.

It is felt that in many countries, there is lack of an environment that adequately assists and protects victims of trafficking. Similarly, many countries do not adequately recognize the need for protection of the rights of trafficked survivors and exemption from criminal liability as called for in the Trafficking Protocol. Through the provision of protection and appropriate referral procedures, trafficked survivors can gain the confidence and security to provide evidence against their traffickers during the criminal investigation. To ensure a victim-centred and human rights approach to the crime of trafficking in persons, there is a need to improve mechanisms for the identification of victims and establish adequate referral procedures to institutions providing support, assistance and reintegration. Moreover, it is of utmost importance to institutionalize – that is to clearly regulate and guide – the working relationship between the police and NGOs with a view to better assist trafficked survivors and create an environment in which they feel safe and secure to participate in the criminal investigation.

To this end, UNODC has undertaken a country assessment on the current status of victim service providers and criminal justice actors in India. This report is a result of ten months (March-December 2012) of intensive consultations with the nodal AHT officers, field visits to see the functioning and measure the impact of the Anti Human Trafficking Units (AHTUs) on the ground, visits to the government and NGO run shelter homes, interaction with Ministry and NGO officials. Given the clandestine nature of the crime and difficulty in reporting the same, data and statistics are largely based on anecdotal and media reports. We sincerely hope that the findings of this report will pave the way for developing a strategic plan on establishing an adequate system of victim assistance, protection and referral mechanism for the country.

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List of Abbreviations

AHTU	: Anti Human Trafficking Unit
BLA	: Bonded Labour Act
CARA	: Central Adoption Resource Agency
CLA	: Child Labour Act
CBI	: Central Bureau of Investigation, Govt. of India
CID	: Criminal Investigation Department (of the State Government)
CRC	: Child Rights Convention (of the UN)
CrPC	: Criminal Procedure Code
CWC	: Child Welfare Committee
CSE	: Commercial Sexual Exploitation
CSW	: Commercial Sex Worker
CSWB	: Central Social Welfare Board, Govt. of India
DD	: Daily Diary
FIR	: First Information Report
GD	: General Diary
ICPS	: Integrated Child Protection Scheme
ILO	: International Labour Organization
IPC	: Indian Penal Code
ITPA	: Immoral Trafficking Prevention Act
JJ Act	: Juvenile Justice Act
MHA	: Ministry of Home Affairs
MPB	: Missing Person Bureau
MWCD	: Ministry of Women and Child Development, Govt. of India
NCLP	: National Child Labour Project
NCRB	: National Crime Records Bureau
NCT	: National Capital Territory of Delhi
NCW	: National Commission for Women

NCPCR	: National Commission for Protection of Child Rights
NHRC	: National Human Rights Commission
NIPCCD	: National Institute of Public Cooperation and Child Development
NPA	: National Plan of Action (of the Government India to Fight Trafficking for Commercial Sexual Exploitation)
NSSO	: National Sample Survey Organization
PIL	: Public Interest Litigation
Trafficking Protocol	: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000
SC	: Supreme Court of India
SCC	: Supreme Court Cases (a case decided by the Apex Court)
TIP	: Trafficking in Person
TIT	: Trial Initiative against Trafficking
UN	: United Nations
UNCRC	: United Nations Convention of Rights of the Child
UNICEF	: United Nations International Children’s Emergency Fund
UNODC	: United Nations Office on Drugs and Crime
UT	: Union Territories
WCD	: Women and Child Development (of the State Government)

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Situational Analysis of Human Trafficking in India

Trafficking in human beings, especially in women and children, has become a matter of grave concern in India. Trafficking is an organised crime which thrives on human misery. Despite strong steps taken by the Government of India, the trafficking rackets and gangs have become more organised and expanded into newer forms of trafficking. The crime has expanded in such a way that today almost every state is affected with this social and criminal menace. Though trafficking for commercial sexual exploitation continues to be an area of concern, lately, there has been an increase in trafficking of women and children for forced labour, bondage and slavery. The situational analysis of the dimensions of human trafficking in India is as follows:

Child Labour and Trafficking

There is an increasing trend of migration and trafficking of children for labour in different parts of the country. Compelled by the socio-economic conditions, a large number of children are migrating from economically backward areas to big cities for work. In many of these cases, children are being trafficked by middle men and agents who are bringing them to the employers in the city by extending meagre advances to the parents and giving false assurances of lucrative jobs etc. These children work under highly exploitative situations such as very long working hours, paltry wages, unhygienic and most difficult working conditions. Such children mostly work in industries like *zari* making (gold thread work), jewellery units, domestic help, *dhabas* (local highway restaurants), tea stalls, etc. Very often, they are kept within the confines of the work places and therefore, lack any kind of freedom and are vulnerable to abuse. There are instances of migration or trafficking of children for labour from neighbouring countries like Nepal and Bangladesh. So far away from their families, these children are highly vulnerable to all kinds of abuse, including physical and sexual abuse.

The National Commission for Protection of Child Rights (NCPCR) has reported a rampant child labour problem in Gujarat and Rajasthan for children to work in the BT cotton fields. Many of the children working in these cotton fields are coming from Uttar Pradesh, Bihar and West Bengal².

The latest government data shows that over 1,26,000 such cases of child labour trafficking were registered during 2011-12. A total of 4,52,679 cases were reported since 2008-09, with the highest number of 1,33,266 such incidents taking place during 2009-10. In 2010-11, 95,289 cases were registered in the country. During 2011-12, the maximum number of 29,947 cases was reported from Uttar Pradesh, followed by 19,673 instances in Bihar. From the National Capital, 605 cases were registered³.

Bihar, Uttar Pradesh, West Bengal, Jharkhand, Odisha, Madhya Pradesh, Assam and Chhattisgarh continued to remain high source areas for trafficking of children for the purpose of forced labour. In the year 2009-2011, Bihar and Uttar Pradesh have reported that more boys are missing than girls⁴.

These children are being brought from Nepal, Bangladesh and Eastern parts of India to be used as low paid workers in these dangerous coal mines. The entry to these mines is restricted and only children can gain access to these mines⁵. Pursuant

²<http://www.ncpcr.gov.in/Reports/Report%20on%20Gujarat%20Visit%20Oct%202011.pdf>, accessed on 14.08.2012

³<http://indiatoday.intoday.in/story/over-1.26-lakh-cases-of-child-trafficking-reported-in-2011-12/1/213814.html>, accessed on 14.08.2012

⁴Missing Children Data 2009-2011, NCRB

⁵The NCPCR team found children working in hazardous conditions in coal depots and road construction. It was confirmed from the size of rat holes that only children can work and adults cannot enter into it. Visiting the area with widespread coalmines, the team observed that in none of the coalmines, any safety measures were provided for, not to mention the welfare measures, not even a first aid kit could be seen in any of the depots/mines. The coalmine area was bereft of any crèche for working mothers and no anganwadi centre could be seen operational. On account of a message spread by the local administration, as reported by one of the managers of a coal depot, the children working in the area were reportedly sent away to the jungle surrounding these mines. However, the rat holes prevalent in the mines bore the testimony of prevalence of child labour, as it is humanely not possible for an adult to enter those holes to extract the Black Gold- the Coal, and this was concurred by the District Administration and the Deputy Labour Commissioner accompanying the team.

to the state wide research conducted by Impulse, the NCPCR sent a team to investigate the child rights violations. The NCPCR team found children working in hazardous conditions in coal depots and road construction. It was confirmed from the size of rat holes that only children can work here while adults cannot even enter inside⁶.

Impulse, an NGO based in Meghalaya (North East India) conducted a state wide research and reported that thousands of trafficked children are being exploited to dig coal in the rat mines of Meghalaya

Child Trafficking for Domestic Help and Maids

There has been an increasing trend of children being trafficked from the states of Jharkhand, Chhattisgarh, Odisha, Assam, West Bengal and Madhya Pradesh for the purpose of domestic labour. The trafficking of children is being undertaken by illegal placement agencies. Many of these placement agencies are operating from Delhi and the NCR (National Capital Region). These placement agencies are earning huge profits by bringing in children from these states.

Trafficking and Placement agencies

The modus operandi of the placement agencies is to recruit children from far flung tribal villages by luring them with the promise of getting jobs. Once these children reach the capital they are traded off to prospective employers who pay an advance of Rs.30,000 (USD 566) to Rs.45,000 (USD 849) plus Rs.10,000 (USD 189) to Rs.15,000 (USD 283) as placement agency charges. After the money has been paid, the custody of the children is given to the employers. The children have to work 10-14 hours daily without any salary or holidays. The advance money taken by the placement agencies never reaches the family of the child. After sometime, these children become bonded and they are forced to work. Many such children have reported physical and sexual abuse, torture and violence. It is only when information reaches the police about their conditions, that the rescue takes place. The Crime Branch, Delhi Police in collaboration with various organizations has undertaken rescue operations of hundreds of such children between 2010-12.

The Department of Labour, Delhi Government concerned about the problems of mushrooming placement agencies and their involvement in trafficking of children has drafted a new legislation called “The Delhi Private Placement Agencies (Regulation) Bill, 2012”⁷. Many of these placement agencies are organized crime rackets specialising in child trafficking. They regularly change their addresses as well as the name of the firm to escape prosecution. These agencies also have very strong networks in the source areas. They threaten the parents and prevent them from lodging complaints. Investigation has proved that these agencies have been involved in trafficking of thousands of children and are also responsible for the missing children figure in the states.

Trafficking for Forced Marriages

Often projected as voluntary marriage, every year, thousands of young women and girls are lured into the idea of a happy married life with a rich man in Punjab or Haryana. Most ‘purchased brides’ are exploited, denied basic rights, duplicated as maids, and eventually abandoned. With skewed sex ratios (Punjab-893, Haryana-877 females per 1,000 males) it is impossible to find a bride for each man, and ‘importing a bride’ has become the only solution. The demographic situation of these states has become so skewed that it will take many years to stabilise the situation. The demand for “marriageable age” girls is so intense that organised trafficking rackets have started operating in Haryana, Punjab and Uttar Pradesh.

Decades of unchecked sex-selective abortions have resulted in Punjab and Haryana facing a serious shortage of marriageable age women, making human trafficking a lucrative and expanding trade.

⁶<http://www.ncpcr.gov.in/Reports/Jaintia%20Hills%20Visit%20Report%20-%20Revised.pdf>, accessed on 14.08.2012

⁷<http://www.business-standard.com/generalnews/news/govt-submits-to-hc-draft-bill-to-regulate-placement-agencies/14388/>, accessed on 28.09.2012

A field study on the impact of sex ratio on the pattern of marriages in Haryana by *Drishti Stree Adhyayan Prabodhan Kendra* NGO covering over 10,000 households, revealed that over 9,000 married women in Haryana were bought from other States. The study which covered 92 villages of Mahendragarh, Sirsa, Karnal, Sonapat, and Mewat districts said that most of the people accepted it as a common practice, but denied having bought a bride in their family. Most of the women and girls for forced marriages come from poverty-ridden villages of Assam, West Bengal, Jharkhand, Bihar and Odisha, because their families need money and hence fall in the trap of traffickers. Most are untraceable or exploited or duplicated as domestic servants by the agents or men who marry/buy them. There are also instances of girls being resold to other persons after living a married life for a few years⁸.

Trafficking for forced marriages has also been reported from the Kutch area in Gujarat. Hundreds of Bengali-speaking Muslim women are being trafficked from West Bengal and Bangladesh to Kutch, where they are sold off as brides, due to the districts' skewed sex ratio and unmarried men's desperate hunt for wives. A large number of these women are even pushed into the flesh trade⁹.

Trafficking for Commercial Sexual Exploitation

Trafficking for commercial sexual exploitation is on the increase. West Bengal, Andhra Pradesh, Karnataka, Maharashtra and Odisha continue to be the high source areas in India for the purpose of trafficking to the red light areas across India. The missing girls' data in these states continue to be very high. With modernization, the commercial sexual exploitation of women and children for the purpose of prostitution has undergone a change. The red light areas have continued to be prostitution dens but the business has expanded out of the red light areas and has become much more organised by providing services on demand. The operators of the sex trade have expanded their business and have started operating from residential colonies, market places, malls etc., in the garb of friendship clubs, escort services, massage parlours, spa, dance bars, beer bars etc. This has helped the traffickers to earn maximum money and also get access to high paying customers. They have even started advertising their services in the newspapers and internet. Deals are fixed on the phone itself and transactions happen through the internet. Such agencies have mushroomed across the country and even though there has been a lot of police action through the AHTUs the business continues to expand.

The *India Today*, a leading news magazine while documenting this growth in prostitution rackets reported how women and girls are being brought from Ukraine, Georgia, Kazakhstan, Uzbekistan, Azerbaijan, Chechnya and Kyrgyzstan, all of which are part of the Commonwealth of Independent States (CIS)¹⁰. The rackets are also procuring victims from Nepal, Thailand, Malaysia etc. In 2012, the police have busted sex rackets being run from Pune and Goa¹¹ supplying women and girls from Thailand¹². Most of the business is transacted via the internet and has become a money spinning business.

North East India has also emerged as a high source area for trafficking of women and children. Girls from Manipur, Nagaland, Meghalaya and Mizoram have been rescued from various trafficking rackets from Goa, Maharashtra, Andhra Pradesh and Karnataka

Kidnapping Rackets and Denotified Tribes

Police investigations have in Delhi, Agra, Madhya Pradesh and Rajasthan found that the denotified tribes¹³ (also known as criminal tribes) like the Bedia, Nat, Kanjar, Banjara etc. practising prostitution as a tradition in the family

⁸<http://www.thehindu.com/news/national/article2400857.ece>, accessed on 14.08.2012

⁹<http://indiatoday.intoday.in/story/bengali-speaking-girls-human-trafficking-kutch-flesh-trade/1/213428.html>, accessed on 14.08.2012

¹⁰<http://indiatoday.intoday.in/story/the+new+white+flesh+trade/1/80283.html>, accessed on 14.08.2012

¹¹http://articles.timesofindia.indiatimes.com/2012-09-04/goa/33581128_1_message-parlours-go-a-police-racket, accessed on 14.08.2012

¹²http://articles.timesofindia.indiatimes.com/2012-06-23/pune/32381837_1_parlour-thai-women-immoral-trafficking-act, accessed on 14.08.2012

¹³http://en.wikipedia.org/wiki/Denotified_Tribes, accessed on 21.11.2012

have been found to be involved in kidnapping of minor girls from across North India. They kidnap minor girls and rear them as their own children. They use hormones like oxytocin on the minor girls to make them look older¹⁴. The victims are then supplied as dancers in the bars of Mumbai and also for further supply to Middle East countries including Dubai for prostitution rackets. Police investigations in a village in Alwar district of Rajasthan have found that women from these villages have a large number of passports. Madhya Pradesh police investigations in Mandsaur district have also found similar activity in prevalence¹⁵.

Supply of Victims for Prostitution in Middle East

There is a continuous traffic of victims from India being sent as entertainers and actors for the sex rackets operating in Middle East countries. Police in Mumbai¹⁶ have arrested many groups being sent to Dubai from the airports. Similar investigations by Kerala Police and Delhi Police have indicated the flourishing trade of supplying victims from India for prostitution¹⁷. In a recent case in August 2012 one of the victims had lodged a complaint with the Mumbai Police that she had been induced on the pretext of a dance performance in gulf countries. After detailed investigation and follow up, the police busted a racket and rescued 37 victims who were being sent to Dubai for the purpose of prostitution. Similarly, a Crime Branch team investigating a sex racket in Kochi, whereby young girls were taken to the Gulf, found that about 12 girls were transported with the assistance of Kochi airport officials by forging the passports. The Crime Branch investigation was held on the basis of the complaint from a girl who escaped the clutches of the racket and reached Mumbai. The sex racket operating in the Gulf has links across the country and also has agents operating in Kerala¹⁸.

Trafficking and Adoption Rackets

There has been an increase in trafficking of children for adoption. The traffickers procure children from impoverished and poverty stricken families by paying them money and then pass off these children for adoption abroad. Police investigations in Delhi and many parts of the country have found such cases are rampant¹⁹. Cases have been reported from Jharkhand, Andhra Pradesh, Maharashtra and Delhi of illegal adoption agencies selling off children for adoption. Though the Government of India has notified a Central Agency to monitor adoptions, the practise of procuring children for adoption through exchange of money has shown an increase. In a shocking story of child trafficking and exploitation of the poor, a sting operation carried out by *CNN-IBN* and *Cobrapost* (print and electronic media houses), uncovered a “baby bazaar” in a government hospital in Uttar Pradesh, where babies were being stolen from poor parents and sold to the highest bidder²⁰.

Trafficking of Children by Unregistered Homes in South India

Hundreds of children from the north-eastern states are being trafficked by well-networked groups, who have found a safe haven in Tamil Nadu. Children from Manipur, especially those belonging to the Kuki tribe²¹, are targeted by traffickers masquerading as evangelists and missionaries, as people in the insurgency-hit areas are willing to send off their children if they are promised a good education. The children aged 6 - 15 years are kept in pathetic conditions and are often made to do jobs like carpentry, cooking and laundry. There have even been cases of children dying under suspicious circumstances while some are being molested and abused²².

¹⁴<http://indiatoday.intoday.com/story/Girls+drugged+into+puberty,+sold+as+prostitutes/1/99132.html>, accessed on 14.08.2012

¹⁵<http://daily.bhaskar.com/article/MP-OTC-32-girls-abducted-for-brothels-rescued-2628838.html>, accessed on 14.08.2012

¹⁶<http://www.hindustantimes.com/India-news/Mumbai/Sex-racket-busted-Cops-rescue-36-women-from-Delhi-airport/Article1-914252.aspx>, accessed on 14.08.2012

¹⁷<http://www.siasat.com/english/news/sex-racket-involving-300-girls-busted>, accessed on 14.08.2012

¹⁸http://ibnlive.in.com/news/sex-racket-girls-taken-to-gulf-on-forged-passports/27_84-62-126.html, accessed on 12.08.2012

¹⁹http://articles.timesofindia.indiatimes.com/2010-10-19/delhi/28262187_1_child-trafficking-childless-couples-police-zero, accessed on 12.08.2012

²⁰<http://www.firstpost.com/india/baby-trafficking-bazaar-uneearthed-in-up-274650.html>, accessed on 12.08.2012

²¹http://en.wikipedia.org/wiki/Kuki_people, accessed on 21.11.2012

²²http://articles.timesofindia.indiatimes.com/2010-01-26/india/28147902_1_child-traffickers-kuki-manipur-and-assam, accessed on 12.08.2012

In the month of January 2010, 54 boys from Tousem sub-division in Tamenglong district of Manipur were found trafficked to Tamil Nadu and later rescued by the volunteers of Child Welfare Committee (CWC), Tirunelveli from a children's home. The boys were admitted to the children's home through one local agent, N. Paul from Tamenglong who had taken Rs 6,000 (USD 111)-Rs 7,000 (USD 130) for each child with the false promise of giving free education. The boys were kept in miserable conditions with no proper food and education. They were also harassed both mentally and physically by the warden of the home²³.

Nineteen children from Odisha were rescued from illegal confinement from a children's home in Coimbatore district of Tamil Nadu²⁴. Unregistered child care homes have come under the state government's scanner after trafficking of 37 children, including 36 from the state, came to light from unregistered institutions in Tamil Nadu. The Women and Child Development Department of Odisha has asked the Child Welfare Committees (CWCs) in various districts to monitor the unregistered institutions²⁵.

The Supreme Court concerned with the rising number of trafficking of children from North East and other regions of the country to unregistered homes in Kerala and Tamil Nadu issued notice to the states and Union of India to submit a detailed report in this regard. The court appointed the NCPCR to submit a detailed report. The NCPCR was also directed by the Court to monitor the child trafficking situation in these states. The court has in this regard issued various directions to the state government to ensure protection of children in these states²⁶.

Kerala government has recently advised the orphanages in the state not to admit children under 12 years from Naxal-infested states and North-eastern states. The Social Welfare Department issued an advisory note after the CWC had alerted the government that several groups were trafficking children from North-Eastern states to Kerala under the pretext of offering free education and boarding in orphanages in Kerala.

Trafficking for Child Labour in the name of Education

A worrying trend has emerged in Bihar, which is considered a source state for child labourers to various states. Middlemen in the guise of clerics are fooling parents of prospective child labourers, saying that their wards will be taught free of cost in *madarsas* (Islamic education institutions)²⁷. Similarly, an investigation by “*Tehelka*” (a news magazine) has found that traffickers in the role of clerics have been recruiting children for the purpose of cheap child labour in Delhi. Many of these children are brought to Delhi in the name of education in the *Madarsas* and eventually made to work as child labour in the sweat shops of Delhi²⁸.

Child Trafficking and Begging Rackets

Recent rescue of four Bangladeshi children have pointed to the operation of an international gang of traffickers who kidnapped children from Bangladesh, Nepal, West Bengal, Odisha and Bihar and then forced them to beg at important corners of the city which attract a lot of crowd. The money the children got through begging is taken away by their handlers while the children are told to manage their meals by eating at temples and mosques. To keep them hooked, the gang hands out low-end drugs and stimulants like whiteners to the children. To evoke pity among people, the gang often mutilate the limbs of some children. Delhi Police has been informed about the arrest of an international trafficker in Bangladesh who offered incentives

Many children are brought from Bihar to Delhi in the name of education in the Madarsas and eventually made to work as child labour in the sweat shops of Delhi

²³<http://kanglaonline.com/2011/01/2010-saw-highest-number-of-child-trafficking-cases-in-manipur/>, accessed on 12.08.2012

²⁴http://articles.timesofindia.indiatimes.com/2012-06-27/bhubaneswar/32440615_1_odia-odisha-saranalayam, accessed on 12.08.2012

²⁵http://articles.timesofindia.indiatimes.com/2012-06-28/bhubaneswar/32456311_1_odia-odisha-child-care, accessed on 12.08.2012

²⁶RE: EXPLORATION OF CHILDREN INJURED IN STATE OF TAMIL NADU Writ (Cr.) 102 of 2007. Case pending in the Supreme Court

²⁷<http://dailypioneer.com/nation/91384-child-labour-racketeers-don-guise-of-clerics.html>, accessed on 12.08.2012

²⁸http://www.tehelka.com/story_main46.asp?filename=Ne110910Coverstory.asp, accessed on 12.08.2012

to impoverished children around Dhaka Airport in the form of jobs in India. He used the Indo-Bangladesh border at Bangaon to smuggle them to Kolkata before making them board trains from Howrah and Sealdah in West Bengal²⁹.

A Bangalore police investigation led to the busting of a gang of traffickers bringing in small children from Andhra Pradesh, Madhya Pradesh, Chhattisgarh and Rajasthan for using them for begging purpose. The police operation led to the rescue of 300 children who were trafficked and also found to be drugged³⁰. Such trafficking rackets and gangs are active in almost all the metropolitan cities of the country.

Organ Trafficking

There have been media reports of organ trafficking from India. The availability of cyclosporine, new surgical methods of organ transplantation and lack of proper medical ethics to prevent such a practice, acted as catalysts in the emerging arena of Indian organ trade. Further, the curse of poverty coerces people to sell their kidneys to repay any kind of debt³¹.

The victims of organ trafficking, such as, in cases of human trafficking are recruited from vulnerable groups surviving under conditions of extreme poverty, unemployment or not having any alternative income support. Most likely situations are under pretext of false assurances coercing poor vulnerable social groups to sell their organs and in return, receiving huge money as brokerage sum from rich recipients. However, the nature of middlemen in organ trafficking differ from other forms of trafficking since, there is an active involvement of medical professionals, ambulance drivers and mortuary workers³².

Investigation by the Haryana Police into a trafficking racket run by a doctor has brought to light the rampant kidney racket operating in Northern India. Hundreds of poor labourers were tricked into selling kidneys. Trade in human organs is banned in India but many continue to sell their kidneys to clients, seeking transplants. Many poor labourers are lured from across Northern India and bribed into selling their kidneys. Investigations have found that the trafficker would pay about one hundred thousand rupees (approx USD 1,800) to the person tricked into donating the kidney³³.

Missing Children and Human Trafficking

The NHRC Action Research 2004 clearly brought out the linkages of human trafficking and missing persons³⁴. Since then the missing persons figures reported by the NCRB has been under close scrutiny as to the number of women and children being trafficked in India. The missing children data in India is grave in terms of the number of children who continue to remain missing. The NHRC Report estimated 44,000 missing children during the period 1996-2001, while a report on missing children by Bachpan Bachao Andolan (NGO) has reported a total of 1,17,480 children missing in 2010-11³⁵.

As per the NCRB data for the period 2009-2011, a total of 1,776,60 children were reported missing out of which 1,22,190 children were traced and 55,470 children continue to remain missing. Out of the children who continue to remain missing, 35,615 (64%) of them are minor girls.

In the period 2009-2011, a total of 1,59,418 women were reported missing. Out of this, 1,03,468 women were traced and 55,950 continued to remain missing.

²⁹http://articles.timesofindia.indiatimes.com/2011-12-18/delhi/30530724_1_international-gang-nizamuddin-dargah-cwc, accessed on 12.08.2012

³⁰http://articles.timesofindia.indiatimes.com/2011-12-16/bangalore/30524200_1_bangalore-police-beggar-police-officer, accessed on 27.11.2012

³¹http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2019001, accessed on 10.09.2012,

³²<http://www.unodc.org/documents/human-trafficking/2008/BP011HumanTraffickingfortheRemovalofOrgans.pdf>, accessed on 10.09.2012

³³http://news.bbc.co.uk/2/hi/south_asia/7212596.stm, accessed on 12.08.2012

³⁴<http://nhrc.nic.in/Documents/ReportonTrafficking.pdf>, accessed on 28.09.2012

³⁵<http://bba.org.in/images/Synopsis.pdf>, accessed on 10.09.2012.

Trafficking through Illegal Recruitment Agencies

Emigration of Indian workers seeking employment in 17 Emigration Check Required (ECR) notified countries is regulated under the Emigration Act, 1983. Despite the existing framework to facilitate legal migration and the efforts made by the government to prevent irregular migration, complaints regarding fraudulent offers of overseas employment and cheating of job seekers are received by the Ministry of Overseas Indian Affairs from time to time. Such complaints include fraudulent advertisements for jobs abroad, fake recruitments for non-existing employers or for foreign employers who never authorized the agents, thus rendering the workers without jobs; and offers of exaggerated benefits to lure job seekers. These complaints are received against registered recruiting agents, unauthorized intermediaries as well as some foreign employers. Whenever a complaint is received against a registered recruiting agent about cheating or exploitation of an emigrant, action is initiated for suspension or cancellation of the registration certificate of the recruiting agent. If the recruiting agent indulges in forgery of documents, he is also prosecuted through the state police. Complaints against illegal agents are referred to the state police for prosecuting them. If there is a complaint against an employer about exploitation of the worker, proceedings for blacklisting of the employer are initiated. Attestation of work contracts by the Indian mission concerned has been made mandatory in all cases of women workers holding ECR passports, emigrating to ECR countries.

For protecting the safety and welfare of women workers of the ECR (Emigration Check Required) category to emigrate to 17 ECR notified countries, the government has notified minimum age limit of 30 years and has made it mandatory in respect of all intending women emigrants. The employment contract must be duly attested by the Indian Missions in respect of all such women. Women household workers are allowed to emigrate after the Indian mission has attested the identity of the foreign employer and terms and conditions of the contract. A pre-paid mobile facility must be provided by the employer to every woman household worker. The Foreign Employer recruiting a woman household worker is required to deposit a security amount of USD 2500 with the Indian Mission.

Despite these provisions there has been increasing reports of women being trafficked into prostitution in the name of domestic workers / stage performers in Middle East countries. Illegal recruitment agencies have been very active in the North East, North Bengal, Kerala and Maharashtra. Many of these recruitment agencies work illegally and lure women and girls into exploitative working conditions abroad. Victims from Nagaland were rescued from Malaysia after they had been sold to the prostitution rackets. The travel agents operating under the guise of an NGO, Abel and Leo Private Limited, had been luring girls in Assam, Nagaland, Manipur and Meghalaya with attractive job offers including domestic helps in Singapore and Malaysia. The victims were sold to a nightclub in Kuala Lumpur³⁶. Nagaland police rescued five Manipuri girls, who were being lured to Singapore with job offers from Chumukedima check post near Dimapur District in Nagaland³⁷.

³⁶<http://www.assamtribune.com/scripts/details.asp?id=oct0308/at07>, accessed on 28.09.2012

³⁷http://e-pao.net/epSubPageExtractor.asp?src=news_section.editorial.editorial_2012.Human_Trafficking_What_are_we_doing_to_spot_it_HL_20120704, accessed on 28.09.2012

State Response to Combat Human Trafficking

Legislations

1. The Government of India has shown its commitment to combating human trafficking and strengthening various legislations for victim protection by ratifying the United Nations Convention against Transnational Organised Crime (UNTOC) and its three Protocols supplementing the convention which includes the Protocol to Prevent, Suppress and Punish Trafficking in persons, especially Women and Children. The UNTOC along with the Trafficking Protocol came into force in India with effect from 4th June 2011.
2. The Government of India has constituted an Inter Ministerial Group to consider and recommend proposals for the amendment to the special legislation in India titled the “Immoral Traffic Prevention Act, 1956”.
3. The Ministry of Women and Child has notified the Protection of Children from Sexual Offences Act, 2012 to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. Sexual offences are currently covered under different sections of IPC. The IPC does not provide for all types of sexual offences against children and, more importantly, does not distinguish between adult and child victims.
4. The Union Cabinet has in August 2012 recommended the amendment of the Child Labour (Prohibition & Regulation) Act 1986 to bring it in conformity with the Right to Education as mandated in Article 21-A of the Constitution of India.
5. The Government of India has also notified rules for the Juvenile Justice (Care and Protection) Act 2000 and almost all states have adopted the model rules in their State Rules.
6. The Government of India has strengthened the application and enforcement of the Emigration Act, 1983 to regulate the recruitment agencies.
7. The Government of India has amended the Code of Criminal Procedure in 2009 and included Section 357-A relating to victim compensation, thus making victim compensation a reality in India. Compensation for victims of human trafficking and grave sexual offences has been included as a special category by almost all the states who have notified the scheme.

Judicial Interventions

1. The Supreme Court of India has nominated the National Legal Services Authority and the State Legal Services Authority to conduct training and sensitization programmes for all Juvenile Police Units across the country. In the matter of Sampurna Behrua vs Union of India (Writ Petition Civil 473 of 2005) the court has been monitoring the implementation of the Juvenile Justice (Care and Protection) of Children Act 2000.
2. The Supreme Court in the matter of Re Exploitation of Children (Writ Petition Criminal 105 of 2008) has appointed the National Commission for Protection of Child Rights to monitor the implementation of the Juvenile Justice (Care and Protection) of Children Act 2000.
3. The Supreme Court in the case Bachpan Bachao Andolan vs Union of India³⁸ has laid down detailed guidelines for combating human trafficking in India.
4. The Supreme Court in the matter of Buddhadev Karmaskar vs State of West Bengal³⁹ has constituted a panel to examine the issue of rehabilitation of sex workers and trafficked victims. The committee has been holding various meetings and consultations with various state governments to suggest solutions for strengthening of the rehabilitation mechanism.

³⁸Bachpan Bachao Andolan (2011) 5 SCC judgement in the case related to exploitation of children

³⁹Criminal Appeal No 135 of 2010 in the Supreme Court. The Supreme Court in this case has been monitoring the state response to rehabilitation of sex workers and victims of human trafficking

5. The Supreme Court in 2012 has issued notice to all states on the issue of missing children.
6. The High Courts of Delhi, Punjab and Haryana have passed detailed orders to register FIR in cases of missing children.

Ministry of Home Affairs, Government of India

1. The Ministry of Home Affairs' initiative of creating an Anti Trafficking Cell has led to the strengthening of the law enforcement response to the organised crime of human trafficking. The Ministry has initiated 225 AHTU's across the country (as of August 2012) which has led to the increase in registration of cases and strengthening of prosecutions.
2. The nodal officers meeting being conducted by the Ministry has led to strengthening of inter-state police cooperation which was a contentious issue in the fight against human trafficking. During 2010-12, in most cases of human trafficking, police investigations have started to cover the traffickers at the source, transit and destination.
3. The Advisories issued by the MHA has led to the strengthening of various legal procedures and investigations of cases of human trafficking. The advisories have brought clarity on many of the issues concerning enforcement of laws on human trafficking in India. The State Governments have been asked to implement the advisories and send action taken reports. With the various proactive advisories, the State Governments have started capacity building of the various law enforcement agencies in their states. The advisories have also created a mandate for the State Governments to ensure convergence among all stakeholders in the state.
4. The training and capacity building of law enforcement agencies including the prosecutors have created a big difference in countering human trafficking. The law enforcement machinery has become responsive and aware of the complexities of the crime of human trafficking. The need of multi stakeholder participation in each case of trafficking is being ensured.
5. The capacity building and training of prosecutors has also created good results in terms of the prosecutors devoting time with the victims and understanding their case history. The very fact that victims and prosecutors are having an interview in the presence of the NGOs lead to the prosecutors' getting clarity in the case. Also the instructions have been provided to the prosecutors to get help from NGO's counsels in this regard.
6. The Judicial Colloquiums being held at the High Court level is creating a positive impact in the trial of cases of human trafficking. A mandate is being created by the high courts to ensure fast trials of cases of human trafficking and dealing with victims in a sensitive way. The Colloquiums have led to the capacity building of trial court magistrates.
7. The Ministry has created a set of 12 Manuals for the training of law enforcement agencies in collaboration with UNODC.
8. The number of arrests of women under the Immoral Traffic Prevention Act 1956 has gone down indicating that the police are not arresting the victims under Sec 8 ,ITPA⁴⁰.

Ministry of Women and Child, Government of India

1. The Ministry regularly holds Central Advisory Committee meetings to review the various issues in countering human trafficking. Almost all the states and the nodal NGOs are part of the Central Advisory Committee.
2. The Ministry has launched an ambitious comprehensive scheme called the "Integrated Child Protection Scheme". The scheme is to implement the provisions of the Juvenile Justice (Care and Protection of Children) Act 2000. As a part of the scheme, all State Governments have initiated the State Child Protection Societies. The scheme has led to the formation of country wide network of District Child Protection Societies, Child Protection Homes and the creation of Child Welfare Committees. This scheme has led to the creation of

⁴⁰Section -8 of the Immoral Traffic Prevention Act ,1956 provides punishment for soliciting.

institutional bodies to ensure child protection at the district level and also to create convergence among various stakeholders. To combat human trafficking and to ensure victim protection, the presence of these institutions is very crucial. Besides creating the institutions, the Ministry has also initiated steps to build their capacities. This scheme is making a big difference in countering human trafficking as the agencies have been created across the country and are instrumental in conducting home investigation reports and also to oversee repatriation and rehabilitation of victims of human trafficking.

3. The Ministry has expanded the CHILDLINE network to 211 cities under the Integrated Child Protection Scheme. The Ministry has increased budgetary allocation for its flagship schemes for rehabilitation which includes *Swadhar* and *Ujjwala Scheme*. Proposals are being reviewed in consultation with the State Government inputs and recommendations. The Ministry of Home Affairs has also been made part of the project sanction committee. The Ministry is also taking steps to bring a monitoring mechanism for the shelter homes. The Ministry has in principle taken a decision to sanction one *Swadhar* home in each district of the country. The *Ujjwala* project has a very strong component of prevention of human trafficking at the source areas.

Ministry of Overseas Indian Affairs, Government of India

1. The Ministry of Overseas Indian Affairs has created a helpline for providing immediate support to victims who may be caught in exploitative situations while they are abroad for work.
2. It provides monetary support to Indian women who are in distress in foreign countries.
3. It has also implemented the registration of recruitment agencies indulging in supply of manpower to foreign destinations. Recruitment agencies which are not registered are being prosecuted.
4. The Ministry has also launched awareness programmes on illegal recruitment agencies and also prepared manuals for the same.
5. The Ministry has been proactively supporting return of victims of human trafficking who are caught abroad in exploitative situations.

Ministry of Labour and Employment, Government of India

The Ministry of Labour, Government of India has drafted and operationalised the Protocol which provides practical guidelines to key stakeholders on crucial issues relating to prevention, rescue, repatriation and rehabilitation of trafficked and migrant child labour.

The Protocol operationalised by the Government of India follows the general principles of the UN Trafficking Protocol, viz., Protection of rights of the child, Best interest of the child, Equality and non discrimination, Avoidance of harm, Non criminalization of the child, Respect for views of the child, Right to confidentiality, Right to information shall be broadly followed in the rescue, repatriation and rehabilitation of migrant and trafficked child labour. This Protocol applies to any migrant or trafficked child labour in the country, irrespective of the child's home state or country of origin, without any discrimination on the grounds of gender, caste, language, ethnicity, religion or origin.

National Commission for Protection of Child Rights (NCPCR)

1. The NCPCR has been inter-alia involved in the implementation of the Juvenile Justice (Care and Protection) of Children Act 2000.
2. It has been assisting the Supreme Court and the various High Courts in the implementation of legislations related to children.
3. It has done extensive case reports on the issue of child labour in BT cotton fields in Gujarat and Rajasthan.
4. It has done extensive case reports on brick kilns in Rajasthan and Odisha.
5. NCPCR has assisted the Supreme Court in providing a situational report in case of trafficking of children

from the North East by shelter homes in South India.

6. It has undertaken reports on the trafficking of child labour in the rat hole coal mines of Meghalaya and trafficking of children from Jharkhand.
7. On the orders of the Delhi High Court, the NCPCR has drafted an action plan for combating child labour in Delhi. It has undertaken investigation of shelter homes in Haryana, Uttar Pradesh, Kerala and Delhi where cases of sexual exploitation have been reported.
8. NCPCR has been undertaking visits to various states to monitor the implementation of Right to Education and Integrated Child Protection Schemes.

State Governments

1. Many of the states have been proactively addressing human trafficking issues and taking measures to strengthen the law enforcement and institutional machineries.
2. The State of Andhra Pradesh, Kerala, Karnataka, Bihar and Goa have created a State Plan of Action to combat human trafficking. Bihar Government has notified a scheme for combating child labour in the state.
3. The State of Delhi , Andhra Pradesh , Meghalaya , Mizoram , Bihar , Rajasthan , West Bengal , Kerala , Manipur, Karnataka, Maharashtra, Odisha ,Tamil Nadu and Punjab have initiated the Victim Compensation scheme.
4. Andhra Pradesh, Karnataka, Tamil Nadu, Kerala, Odisha, Meghalaya and Mizoram have proactive State Advisory Committees to coordinate convergence among various stakeholders.
5. The State of Andhra Pradesh has put in place Minimum Standards of Care in shelter homes of victims of trafficking. These standards for shelters for victims of commercial sexual exploitation/ survivors of sex trafficking are those non-negotiable care components that should be integrated in any home managed either by the government or the civil society to ensure that facilities for rehabilitation is in place as a matter of right of the victim. These standards ensure that the safety, dignity and well being of each victim are provided for.
6. Maharashtra Government is the first state government to create a SOP for the Child Welfare Committees.
7. In view of the rising cases of trafficking of children from Jharkhand, the State Government has sanctioned a shelter home in Delhi for coordinating the rescue and repatriation of children.
8. Andhra Pradesh, Maharashtra and Delhi Police have taken proactive steps to trace missing children and women. In these states the percentage of recovery of missing children and women has increased considerably.
9. Andhra Pradesh, Delhi, Haryana and Punjab are registering FIR in cases of missing children.
10. Delhi Police has created a “zipnet” network of ten states for profiling missing children and missing persons.
11. The West Bengal Police has created a website for profiling missing children (www.trackthemissingchild.gov.in).
12. AHTUs across the country have initiated a database of traffickers.

Way Forward

1. The National Plan of Action 1998 needs to be reviewed and the same needs to be notified. State Governments should also draft their Plan of Action to Combat Human Trafficking.
2. The Central Advisory Committee to combat Human trafficking should meet more often and ensure multistakeholder participation and interstate collaborations to combat Human Trafficking.
3. Standard Operating Protocols need to be notified for inter state police investigations.
4. Ensure regular meetings of the State Advisory Committees since they have a great potential to create convergence among all stakeholders at the state level.
5. To strengthen Police- NGO partnership and rescue efforts in the states, form advisory board of social workers u/s 13 (b) of the ITPA.
6. Frame Model Minimum Standards of Victim Care for shelter homes. This will enable the State Governments to adopt them. This will ensure better victim care and protection.
7. SOPs for the working of the Child Welfare Committees need to be put in place. Absence of such guidelines creates situations of conflict between the law enforcement agencies, NGOs and the Child Welfare Committees especially in cases of repatriation of trafficked victims.
8. There is an urgent need for a review of the Rehabilitation Schemes for trafficked victims.
9. Funds for the shelter homes need to be sanctioned on time to avoid mismanagement of the shelter homes. The present system of sanction of instalments continues to be time consuming.
10. The budget allocation for skill development needs to be increased and the homes need to be linked to various skill development programmes of the Government of India.
11. The ICPS has created various institutional mechanisms at the District level like the Child Protection Units and the Child Welfare Committees. There is a need for capacity building and strengthening of institutions in addition to adequate funding and infrastructural support so that these agencies can function properly and ensure documentation of each and every case.
12. Undertake a vulnerability mapping study and research to find out the vulnerable areas from where trafficking is rampant and bring in action plans to combat trafficking. The support of community organizations and Panchayats is a must for ensuring prevention of trafficking.
13. Emphasis should be laid on prevention of trafficking from source and transit areas. Panchayati Raj institutions should be strengthened and these can be facilitated to act as vigilance mechanism for prevention of trafficking. Role of community in this exercise should be explored. Moreover, institutions like anganwadi etc. can be used as vehicles for carrying information and awareness.
14. Missing Children is an area of concern and requires urgent attention.
15. The Missing Children Advisory Committee requires all State Governments to nominate a State Nodal Officer on Missing Persons. Similarly, a District level nodal officer should be appointed to monitor cases of missing children and women at the district levels.
16. The AHTUs and the Police need to ensure scientific and efficient investigations into the cases of crimes against children and women. The present rate of conviction stands at 25%-30%. With multi stakeholder participation and partnerships, the police can ensure better investigation of cases and also ensure strong prosecution witnesses in order to get conviction of cases. All State Nodal Anti Human Trafficking Units should monitor the conviction rates of human trafficking cases.
17. The state police agencies should ensure cooperation and active partnership between police stations and AHTUs in order to ensure that police stations investigating trafficking cases get the support of specialised AHTUs. Cases of organised crime in human trafficking should be referred to the CBI for further investigations.

18. Ensure that the District level police training programmes on human trafficking are conducted in all vulnerable areas. The quality of the training programmes need to be constantly monitored and all efforts should be made to get it done through national level agencies specialising in trainings.
19. Upscale the budgetary provisions of the AHTUs and include costs for interstate police investigation and also to upgrade investigation techniques. This is very important because of the crucial role the AHTUs are playing in combating human trafficking.
20. Training manuals prepared by the MHA in collaboration with UNODC need to be translated into regional languages.
21. Constitution of special courts for speedy trial in trafficking cases need to be established in all states as per the provision of Immoral Traffic (Prevention) Act ,1956 .
22. Need for video conferencing facilities at district levels in order to ensure that trafficked victims don't have to personally appear for testifying and cross examination⁴¹.
23. There is a need of a country SOP for repatriation of victims from Bangladesh , Nepal and Bhutan. The SAARC protocol provides a mandate and a platform for such cooperation and exchange of information. The SOP will help to expedite the process of repatriation. The present process done at NGO level is slow and sometimes it takes months to get victims of trafficking repatriated.

⁴¹This can be ensured through video conferencing in light of the Judgement of the Supreme Court in State of Maharashtra Vs. Praful B Desai CDR)2003(4) SCC 601.

Introduction

1. Defining Trafficking

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Trafficking Protocol) that was adopted in the year 2000 and came into force in December 2003, has perhaps brought the much-needed and widespread consensus on a working definition of trafficking at the global level.

Article 3 of the Protocol defines trafficking as:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.

2. Constitutional Provisions

Article 14	Equality before Law	The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India.
Article 15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth	(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (3) Nothing in this article shall prevent the State from making any special provision for women and children.
Article 21	Protection of life and personal liberty	No person shall be deprived of his life or personal liberty except according to procedure established by law.
Article 21-A	Right to education	The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
Article 23	Prohibition of traffic in human beings and forced labour	(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Article 24	Prohibition of employment of children in factories, etc.	No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
Article 39-A	Equal justice and free legal aid	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.

3. The Criminal Law (Amendment) Ordinance, 2013

For section 370 of the Penal Code, the following sections shall be substituted, namely:–

370. (1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by–

First – using threats, or

Secondly– using force, or any other form of coercion, or

Thirdly– by abduction, or

Fourthly– by practising fraud, or deception, or

Fifthly– by abuse of power, or

Sixthly– by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Explanation 1– The expression “exploitation” shall include, prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Explanation 2–

- (1) The consent of the victim is immaterial in a determination of the offence of trafficking.
- (2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.
- (3) Where the offence involves the trafficking of more than one person, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.
- (4) Where the offence involves the trafficking of a minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life.
- (5) Where the offence involves the trafficking of more than one minor at the same time, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years but which may extend to imprisonment for life.
- (6) When a public servant including police officer is involved in the trafficking of a minor then such public servant shall be punished with imprisonment for life, which shall mean the remainder of that person’s natural life.
- (7) If a person is convicted of the offence of trafficking of minors, on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life.

370A.

- (1) Whoever, despite knowing, or having reason to believe that a child has been trafficked, employs such child in any form of labour, shall be punished with rigorous imprisonment for a term which shall not be less than five years but which may extend to seven years, and with fine.
- (2) Whoever, despite knowing or having reason to believe that an adult has been trafficked, employs such adult for labour, shall be punished with rigorous imprisonment for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.’.

4. Special Legislations

Legislation	Purpose
<i>The Protection of Children from Sexual Offences Act, 2012</i> (Notified on 14 December 2012)	The Protection of Children from Sexual Offences Act, 2012 has been enacted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. Sexual offences are currently covered under different sections of IPC. The IPC does not provide for all types of sexual offences against children and, more importantly, does not distinguish between adult and child victims. The Protection of Children from Sexual Offences Act, 2012 defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in law. The Act provides for stringent punishments, which have been graded as per the gravity of the offence. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the Court.
<i>Immoral Traffic (Prevention) Act, 1956</i>	To combat commercial sexual exploitation and prohibits prostitution. It has provisions for providing rehabilitation and protection to victims of commercial sexual exploitation
<i>The Juvenile Justice (Care and Protection of Children) Act, 2000</i>	Defines a child and provides provisions for care and protection of children. It has provisions which provide for protection measures for the repatriation and rehabilitation of children.
<i>Child Labour (Prohibition and Regulation) Act, 1986</i>	It has provisions which prohibit child labour. The law has provisions for rehabilitation of child labour.
<i>Bonded Labour System (Abolition) Act, 1976</i>	It defines and prohibits Bonded Labour. It has provision for punishment for bonded labour and provides for rehabilitation measures for bonded labours.
<i>Inter-State Migrant Workmen (Regulation of Employment Conditions) Act, 1979</i>	It provides for institutional machinery to provide safe migration opportunities for labour.
<i>The Goa Children’s Act, 2003</i>	The Goa Children Act is a State Legislation. This legislation provides for holistic care and protection of children. It also has the definition of human trafficking as per the UN Protocol
<i>Maharashtra Control of Organized Crime Act, 1999</i>	Inter alia it provides for punishment of persons indulging in organised crime related to prostitution.
<i>Transplantation of Human Organs Act, 1994</i>	Provides for regulatory mechanism to monitor organ transplants
<i>The Emigration Act, 1983</i>	The Act provides for regulatory mechanism for recruitment agencies and related punishments.
<i>CARA Guidelines</i>	The guidelines provide for mechanisms to regulate adoptions. It has provisions to prevent human trafficking through adoptions.

5. International Conventions⁴²

Name of Convention	Status for India
UN Convention on the Rights of the Child	Ratified on 11 December, 1992
Optional Protocol to CRC on Sale of Children, Child Prostitution, Child Pornography	Signed on 15 November, 2004
Optional Protocol to CRC on involvement of Children in Armed Conflict	Signed on 15 November, 2004
Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children	Ratified on 5 May, 2011
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Ratified on 9 July, 1993, with a declaration/ reservation
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002 and SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	Signed on 5 January, 2002, at the Eleventh SAARC Summit in Kathmandu on 4-6 January, 2002
Covenant on Economic, Social and Cultural Rights	10 July, 1979
Covenant on Civil and Political Rights	10 July, 1979
Convention on Elimination of Racial Discrimination	4 January, 1969
Convention Against Torture	Signed 4 October, 1997
ILO Convention No.105 Abolition of Forced Labour, 1957	18 May,2000

6. Judicial Mandate

The Supreme Court and the various High Courts have been taking up cases for strengthening of the Institutional Machinery and various statutory agencies mandated by various laws. The court, while exercising its jurisdiction for enforcement of fundamental rights has given various landmark judgements for strengthening government response in combating trafficking. The Supreme Court has also set up various panels and committees to ensure that there are various monitoring mechanisms in place for the enforcement of rights of trafficked victims and also to ensure implementation of the law. Apart from this, the courts have also been creating mechanisms for victim protection and various guidelines for victim's rights in terms of court procedure. Some of the various proactive landmark judgements related to combating human trafficking are provided below.

Case	Citation	Judgement Brief
<i>People's Union for Democratic Rights Vs. Union of India</i>	(1982) 3 SCC 235	While considering a PIL on Bonded Labour the Supreme Court defined the meaning of Forced Labour vis a vis Article 23 of the Constitution of India.
<i>Laxmi Kant Pandey Vs. Union of India (1984)</i>	(1984) 2 SCC 244	Guidelines for Inter Country adoptions laid down to check trafficking through adoption rackets
<i>Bandhua Mukti Morcha Vs. Union of India and others</i>	AIR 1984 Supreme Court 802	Rehabilitation of bonded labour ordered and Vigilance Committee set up in prone areas
<i>Santhal Pargana Antyodaya Ashram Vs. State of Bihar and Others</i>	1987 (Supplementary) Supreme Court cases 141	Release Certificates to be provided to bonded labour who are liberated. The released bonded labourers must be rehabilitated by the State government on a permanent basis.
<i>Public Union for Civil Liberties Vs. State of Tamil Nadu & Others</i>	Writ Petition Civil No. 3922 of 1985	NHRC made the Nodal Agency for monitoring the rehabilitation of bonded labour in the country

⁴²Resource Book on the Legal Framework on Anti Human Trafficking, UNODC South Asia, available at http://www.unodc.org/documents/human-trafficking/India_Training_material/Resource_Book_on_Legal_Framework.pdf

Case	Citation	Judgement Brief
<i>Vishal Jeet Vs. Union of India</i>	(1990) 3 SCC 318	Formation of Advisory Committee ordered for all States and Union Government to combat trafficking. The Advisory Committee to make suggestions for the measures to be taken in eradicating child prostitution, and the social welfare programmes to be implemented for the care, protection, treatment, development and rehabilitation of trafficked victims of commercial sexual exploitation.
<i>M C Mehta Vs. State of Tamil Nadu</i>	1996 6 (SCC) 756	In this Public Interest Litigation, the Supreme Court laid down various measures which need to be taken in order to provide rehabilitation & support to the child labour and his family.
<i>Madhu Kishwar Vs. State of Bihar</i>	(1996) 5 SCC 125	In this case, the Supreme Court considered the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) and held the same to be an integral scheme of the Fundamental Rights and the Directive Principles.
<i>Gaurav Jain Vs. Union of India</i>	(1997) 8 SCC	While clearly stating the violation of Right to Life of trafficked victims the Supreme Court ordered the Union Government to form a Committee to frame the National Plan of Action and to conduct an in-depth study into these problems and evolve such suitable schemes for rehabilitation of trafficked women and children.
<i>Prerna Vs. State of Maharashtra</i>	2003 (2) Mah.L. J. 105	Court lays down process for care and protection of trafficked children. It stated that Advocates cannot appear before the Child Welfare Committee to take custody of trafficked child.
<i>Munni Vs. State of Maharashtra</i>	Criminal Writ Petition No. 227/2011(Bombay High Court)	Child Welfare Committees have the final say to dispose of the cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs, protection and restoration to their family.
<i>Geeta Kancha Tamang Vs. State of Maharashtra</i>	Criminal Appeal No. 858 of 2009	Sealing of brothels will ensure in curbing organised crime.
<i>State of A.P. Vs. Bodem Sundara Rao</i>	[(1995) 6 SCC 230: 1995 SCC (Cri) 1097]	Courts should grant stricter punishment for crimes of sexual offences. It stated that courts have an obligation while awarding punishment to impose appropriate punishment so as to respond to the society's cry for justice against such criminals. Public abhorrence of the crime needs a reflection through the court's verdict in the measure of punishment.
<i>State of Punjab Vs. Gurmit Singh</i>	[(1996) 2 SCC 384: 1996 SCC (Cri) 316]	Sexual offenders should not be shown leniency. Examination of the victim should be in camera and anonymity of the victim should be maintained. No questions should be asked on a victims character.
<i>HORI LAL Vs. Commissioner of Police, Delhi & Ors Respondents</i>	Writ Petition (Crl.) No. 610 of 1996	The Court in its order dated 14/11/2002 laid out guidelines for effective search of the kidnapped minor girls, which are to be followed by the Investigation Officer in all the states.
<i>Kamaljit Vs. State of NCT of Delhi</i>	(2008)101 DRJ 582	Trafficking is an organised crime and stringent measures are required to combat it. In this case the Court upheld the validity of imposing MCOCA on the accused.
<i>Court on its own Motion</i>	W.P.(CRL) 249/2009 Delhi High Court	High Court orders the creation of Zipnet in order to monitor missing children and orders for registration of FIR in all cases of missing children.

Case	Citation	Judgement Brief
<i>Court on its Own Motion Vs. Govt of NCT of Delhi</i>	ILR(2009) 6 DEL 663	Action Plan to combat child labour in Delhi. It also lays down guidelines for post rescue care and protection of children.
<i>Bachpan Bachao Andolan Vs. Union of India</i>	(2010) 12 SCC 180	NCPCR made the Nodal Agency for implementation of the Juvenile Justice (Care and Protection of Children) Act 2000.
<i>Sampurna Behrua Vs. Union of India</i>	(2011) 9 SCC 801	State Legal Services Authority made the Nodal Agency for training and implementation of Special Juvenile Police Unit
<i>Bachpan Bachao Andolan Vs. Union of India</i>	2011 SCC (5) 1	In order to implement the fundamental right of the children under Article 21A, it is imperative that the Central Government must issue suitable notifications prohibiting the employment of children in circuses. It also laid down fresh guidelines for combating human trafficking in India.
<i>Bachpan Bachao Andolan</i>	2011 177 DLT 198	High Court orders convergence in action, recovery of wages of child labour, registration of placement agencies by Delhi police and public display of information related to placement agencies.
<i>Budhadev Karmaskar Vs. State of West Bengal</i>	(2011) 11 SCC 538	Supreme Court appoints a Panel to monitor and suggest rehabilitation scheme for trafficked sex workers and trafficked victims.
<i>Bachpan Bachao Andolan vs Union of India and Ors.</i>	W.P. (Civil) 75 of 2012 order dated 17/01/2013	Supreme Court orders for mandatory registration of First Information Report (FIR) in cases of missing children and appropriate steps should be taken to see that follow up investigation is taken up immediately thereafter.

Initiatives of the Government of India

1. Initiatives of the Ministry of Home Affairs

In September 2006, the Ministry of Home Affairs set up a Nodal Cell for Prevention of Trafficking. The main function of this Cell was to coordinate, network and provide feedback to the State Governments and other concerned agencies on a sustained and continuous basis so as to prevent and combat trafficking in human beings. This Cell was made responsible to document 'best practices' in preventing and combating trafficking in human beings, as well as share data inputs with other stakeholders.

The 2004 NHRC Action Research Study clearly brought about the fact that there was a very low level of awareness and sensitization about the crime of human trafficking among the law enforcement agencies and the crime continued to be a low priority area. The NHRC Action Research also for the first time brought a focus on missing persons. The data generated by the study showed thousand of missing women and children who continued to remain missing. The Ministry of Home Affairs realised the gravity of the complex growing organised crime which preyed upon human misery and was a serious violation of constitutional and fundamental rights of individuals guaranteed by the state.

As a response a project on "Strengthening the law enforcement response in India against trafficking in persons through training and capacity building" was taken up in the Ministry of Home Affairs as a joint initiative of the Government of India and the United Nations Office on Drugs and Crime. Over a three-year period w.e.f April 2006, through a series of training programmes, the project aimed at raising the awareness of law enforcement officers, (i.e., police and prosecutors) on the problem of human trafficking and build their capacity to better investigate and prosecute offenders perpetrating this crime. The five states selected for the project were Andhra Pradesh, Bihar, Goa, Maharashtra and West Bengal and represented source, destination and transit areas for human trafficking of differing types (e.g., trafficking of women and children for commercial sexual exploitation, child labour, bonded labour, etc.).

The project has had very positive outcomes in most of the states and the Anti-Human Trafficking Unit (AHTU) model was found to be particularly effective. The project contributed towards developing of 12 very important resource books, Protocols and Standard Operating Procedures (SOPs), and in setting up of Anti Human Trafficking Units (AHTUs) under the police department of the project states.

The Ministry of Home Affairs, Government of India also took various proactive steps which included creation of a response mechanism on missing persons, compilation of data on missing children and women through National Crime Records Bureau and also adding a chapter on Human Trafficking in the Yearly Crime in India Report since 2007.

Establishment of Anti Human Trafficking Units

In 2009, with the positive outcomes of the project, the Ministry of Home Affairs set up a Nodal Cell for dealing with matters relating to trafficking in human beings. Also the process was initiated to appoint Nodal Officers to ensure better coordination in the states. The Cell inter alia was responsible for collecting and analyzing the data related to trafficking from the State Governments/UT administrations, identifying problem areas and analyzing causes for their being source/transit/destination areas, monitoring action taken by the State Governments/UT administrations for combating the crime and organizing co-ordination meetings with the nodal Police Officers of States/UTs. MHA also took a decision to expand the Anti Human Trafficking Units across the country as a law enforcement response mechanism to combat trafficking.

The objective of the AHTU expansion was to take up the crusade against all criminal aspects of the crime of human trafficking particularly in women and children as a National Mission Mode Project by creating an institutional mechanism and working with all the stakeholders including police, prosecution, NGOs etc. It also aimed at a coordinated action for rescue of victims and post rescue care with a view to empower them and also prevent re-trafficking. The project

emphasised on sensitizing, capacity building and training of police and prosecution personnel, especially at the grass root level to improve law enforcement response to the organized crime of human trafficking and also developing a detailed database on the criminal activity of trafficking in humans by effective use of information & communication technology. It had a very strong component of information sharing between stakeholders, states and organizations for effective implementation of anti trafficking measures.

Expansion of Anti Human Trafficking Units

During the year 2009-2012 the Ministry of Home Affairs vigorously expanded the AHTU network across the country. Till March 2012, a total of 225 AHTUs have been set up with a financial support of Rs 17,05,50,00 (Approx. USD 307,000).

Nodal Officers Meetings in MHA

Each state has appointed nodal officers to coordinate and oversee the work of the AHTUs. These Nodal Officers are invited quarterly to Delhi for the Nodal Officers meeting where they are expected to present the progress achieved in their respective states and also to discuss strategies for improvement in various institutional machineries. The quarterly meetings have been a success as the government has been regularly monitoring the implementation of the AHTUs. In each of these quarterly nodal meetings, the MHA outlines various 'action areas' for each state which becomes the focus of the work in these states. The Nodal Officers meeting has also led to exchange of information among various states and strengthening of interstate investigations. NGOs and civil society have also reported that the Nodal Officer machinery created has helped them in undertaking interventions for rescue of victims and also for investigation of cases, most of which are interstate in nature.

Trainings and Sensitization of the Police

The Anti Trafficking Cell in the Ministry of Home Affairs has initiated a 3-day training and sensitization programme on addressing human trafficking for states and districts. The focus of the police training programme on human trafficking is on the concepts and dimensions of human trafficking, relevant penal and procedural laws , protocols on rescue operations , victim support, role of NGOs, various landmark judgements of the Supreme Court and court processes etc. The Ministry of Home Affairs has notified a pool of resource persons who have been conducting these workshops. The training of trainers pattern has led to the trainees getting involved in district level workshops. These initiatives have resulted in intensive training of more than 8000 investigating officers across the country. The trainings have created a general level of sensitization on the issue across the police forces and created a pool of trainers.

Advisories Issued by the MHA

During the period 2009-2012, the Anti Trafficking Cell of MHA issued various advisories which had an impact on prioritization of the issue of human trafficking across the country. The detailed advisory on human trafficking was issued by the Ministry of Home Affairs on 09.09.2009. Following this, the Anti Trafficking Cell of Ministry of Home Affairs issued an Advisory on Missing Children in January 2012. This was followed by an Advisory on Trafficking as an organised crime and also an Advisory on Foreign Victims of Human Trafficking. These advisories had a lasting impact on the law enforcement agencies across the country and have conveyed the seriousness and gravity of the crime. The copies of the advisories in many states have been distributed to the police station level. The advisories are now being treated as guiding principles to carry out investigations. NGOs and civil society have used these advisories as advocacy documents. The advisories can be issued as GO notifications by the State Government in order to make it effective.

The advisories⁴³ issued by the MHA are as follows:

1. Advisory on Preventing and Combating Human Trafficking in India (09.09.2009)
2. Advisory on Crime Against Women (04.09.2009)
3. Advisory on Crime Against Children (14.07.2010)
4. Advisory on Prevention Registration and Prosecution of Crime (16.07.2010)
5. Advisory on Preventing Cyber Crime Against Children (16.07.2010)
6. Advisory on Missing Children (31.01.2012)
7. Advisory on Human Trafficking – Organised Crime (30.04.2012)
8. Advisory on Human Trafficking – Dealing with Foreign Nationals (01.05.2012)

Training of Prosecutors

The Ministry of Home Affairs has initiated zonal level training programmes for prosecutors to equip and motivate prosecutors towards pro-active conviction of traffickers with surety and certainty, from pre-trial to post-trial and to take all steps in ensuring the best care and attention to victims and survivors. The focus of the trainings is on the interface between the prosecutor and the victim. The need is to understand the victim, to analyse the crime and crime motivation, and to explore what more can be done within the ambit of the existing criminal justice system so that successful prosecution, crime prevention and protection of victim's rights is ensured.

Judicial Colloquiums

In order to train and sensitise the trial court judicial officers, the Ministry of Home Affairs has launched Judicial Colloquium on human trafficking at the High Court level. The aim is to sensitize the judicial officers about the various issues concerning human trafficking and to ensure speedy court process. The emphasis is also on the need of victim protection and to have proper trial processes which is not intimidating to the victims. In cases of children, the magistrate should ensure that the child is treated with care and sensitivity while taking evidence and during questioning. The Judicial Colloquium also focuses on the role of magistrates in ordering further investigations under Section 173(8) Cr PC if he/she is not satisfied with the police investigations. Other focus areas include victim compensation u/s 357-A Cr. PC , Sealing of brothels u/s 18 of the Immoral Traffic Prevention Act 1956 , video conferencing, court examination , victim rehabilitation and the role of NGOs in victim protection. The Judicial Colloquiums held in Chandigarh, Shimla and Delhi evoked very serious discussions on the human trafficking issues among the judges. The Chandigarh Judicial Colloquium was telecast live through video conferencing in order to ensure participation of all judicial officers at the district level across Haryana and Punjab.

IGNOU Course on Human Trafficking

The Ministry of Home Affairs, in partnership with Indira Gandhi National Open University (IGNOU) has launched a web-based certificate course on human trafficking on 10 December 2010.

The objectives of the Certificate Course are:

1. To create awareness and provide a comprehensive understanding on anti human trafficking.
2. To develop functional understanding and coordination amongst learners about various stakeholders/agencies associated with the process of human trafficking directly.
3. To build awareness in the area of law, policies, rehabilitation and prevention aspects of human trafficking.
4. To develop practical skills for learners to engage with the process of understanding rehabilitation, prevention and reintegration of human trafficking victims.

⁴³Refer to Annexure for the complete text of the advisories.

Convergence in the Fight Against Human Trafficking

At the state and district levels, the AHTUs have promoted and facilitated convergence among various stakeholders like NGOs, Railway Police, Childline, Department of Social Welfare, Shelter Homes, Protection Homes, Labour Department, District Legal Services Authority, Child Welfare Committees, Child Protection Units and Prosecutors. The AHTUs have been actively working in collaboration with these agencies and creating partnerships that have helped in creating a unified approach in dealing with crimes of trafficking. As part of their implementation, the AHTUs are working in close partnership with Civil Society Organizations (CSOs). It is ensured that each rescue operation is done as per the protocol laid down and in close partnership with NGOs working on Anti Trafficking.

2. Initiatives of The Ministry of Women & Child Development

The Ministry is the Nodal Agency for the implementation of the Immoral Traffic (Prevention) Act 1956. The Ministry has been in the forefront for preparing schemes and policies for the fight against human trafficking in India. The problem of human trafficking is multidimensional and requires coordination between other ministries like the Ministry of Home Affairs, Ministry of Labour, Ministry of Overseas Indian Affairs, Ministry of External Affairs etc. The Ministry of Women and Child continues to be the nodal ministry and is also responsible for inter ministerial coordination for tackling this crime.

Legislative Measures

The Ministry of Women and Child, Government of India is the Nodal Ministry for the implementation of the following legislations pertaining to the care and protection of women and children.

Legislation	Provisions
The Immoral Traffic (Prevention) Act, 1956 (ITPA)	ITPA is a special legislation that deals exclusively with trafficking. The Act defines the terms 'brothel', 'child', 'corrective institutions', 'prostitution', 'protective home', 'public place', 'special police officer' and 'trafficking officer'. The purpose of the enactment was to inhibit or to abolish commercialised vice, namely the traffic in women and girls for the purpose of prostitution, as an organised means of living. The law confers wide powers on the concerned authorities in matters of rescue and rehabilitation of victims and survivors and provides for stringent action against exploiters including the eviction of brothels, surveillance, as well as aggravated punishment when the offences are committed on children.
Juvenile Justice (Care and Protection of Children) Act, 2000	The Juvenile Justice (Care and Protection of Children) Act, 2000 was passed in consonance with the Convention on the Rights of the Child, to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection. The focus of the Act is to provide for proper care, protection and treatment by catering to the child's development needs and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interests of children and for their ultimate rehabilitation through various institutions established under the Act. 'Child' means a person, either male or female, who has not completed his or her eighteenth year of age. It empowers state governments to constitute child welfare committees for such areas as they may deem fit. It also outlines the powers of the committee and the procedures to be followed and specifies the ultimate authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights.

Legislation	Provisions
Protection of Children from Sexual Offences Act, 2012	Protection of Children from Sexual Offences Act, 2012 has been enacted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. Sexual offences are currently covered under different sections of IPC. The IPC does not provide for all types of sexual offences against children and, more importantly, does not distinguish between adult and child victims. The Protection of Children from Sexual Offences Act, 2012 defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in law. The Act provides for stringent punishments, which have been graded as per the gravity of the offence. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the Court.

Institutional Measures

National Plan of Action 1998

The Ministry of Women and Child Development (MWCD) has formulated a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children in 1998, with the objective to mainstream and to reintegrate women and child victims of commercial sexual exploitation in society.

Central Advisory Committee (CAC)

The Ministry has constituted a Central Advisory Committee (CAC) which functions under the Chairpersonship of the Secretary, MWCD, Government of India with members from Central Ministries like Ministry of Home Affairs, Ministry of External Affairs, Ministry of Tourism, Ministry of Health, Ministry of Social Justice and Empowerment, Ministry of Information Technology, Ministry of Law and Justice, State Governments which are important source, transit or destination points of trafficking, prominent NGOs working in this area, international organizations working in this field, NCW, Central Social Welfare Board (CSWB), National Institute of Public Co-operation and Child Development (NIPCCD), Director, National Crime Records Bureau (NCRB); Director General, Border Security Force (BSF); Director, Intelligence Bureau (IB); Director, Central Bureau of Investigation (CBI), Director General, Sashastra Seema Bal (SSB) etc. Some of the Director Generals of Police from vulnerable states are also being nominated on the Advisory Committee as special invitees. The Committee CAC was formed in pursuance of the Supreme Court Judgment in Vishal Jeet vs Union of India⁴⁴, wherein the Supreme Court had directed that a Committee be formed both at the Central and State levels to look into the issues of trafficking, particularly child trafficking. Gradually the mandate of CAC has grown and it has been expanded to include representatives from all agencies concerned, thereby becoming a forum facilitating interaction between stakeholders to understand issues relating to trafficking and to evolve strategies for combating it⁴⁵.

State Advisory Committees

The State Advisory Committee constituted under the orders of the Supreme Court is to monitor initiatives being undertaken on prevention, rescue, rehabilitation, reintegration and repatriation of victims of trafficking in their respective states. All State Women and Child Department Secretaries have been requested for holding regular meetings of the State Advisory Committees.

⁴⁴1990 3 SCC 318

⁴⁵<http://wcd.nic.in/trafficking/meet250512.htm>, accessed on 14.01.2013

Cross Border Trafficking

The Ministry of External Affairs has been requested to set up an Internal Task Force to ensure that the legislations, programs etc. are in place for operationalising the provisions of the SAARC Convention on Preventing and Combating Trafficking of Women and Children in Prostitution⁴⁶. A special assignment was undertaken by UNICEF on behalf of MWCD for preparing a quick assessment of the problems, constraints faced in repatriation of Bangladeshi victims back to their countries of origin. A Task Force headed by MHA held a bilateral meeting on 9th April 2012 with Bangladesh laying down a roadmap for finalising SOP for repatriation.

Protocols and Manuals

The Ministry has formulated a Protocol for Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation⁴⁷. The Protocol has been translated into regional languages for wide distribution.

The MWCD in collaboration with NIPCCD and UNICEF has developed three manuals namely 'Judicial Handbook on Combating Trafficking of Women and Children for Commercial Sexual Exploitation'⁴⁸; 'Manual for Medical Officers for Dealing with Child Victims of Trafficking and Commercial Sexual Exploitation'⁴⁹; and 'Counselling Services for Child Survivors of Trafficking'⁵⁰.

Research, Studies and Trainings

The MWCD from time to time undertakes research, studies and surveys on issues related to trafficking. Some of the studies include:

- A national study on Child Abuse was conducted by the Ministry in 2007 with an aim to develop a dependable and comprehensive understanding of the phenomenon of child abuse. The Study covered 13 states with a sample size of 12447 children (51.9% boys, 48.1% girls; 25.4% from Scheduled Castes, 15.1% Scheduled Tribes, 29.2% Other Backward Classes), 2324 young adults and 2449 stakeholders.
- MWCD also supported a study (2007) on "Girl and Women in Prostitution in India" conducted by *Gram Niyojan Kendra*, an NGO in Uttar Pradesh.

Convergence

Coordination with the AHTUs and Ministry of Home Affairs

The coordination and convergence between Women and Child Departments with the AHTUs have been initiated. A detailed advisory by MWCD has been issued in May 2011 to ask all the states to appoint Nodal NGOs and Nodal Officers to coordinate with State AHTUs⁵¹. The convergence is also ensured by highlighting the same in all the review meetings with the State Governments. Even for participation in the CAC the participating states are requested to coordinate with the State AHTU /Police. The Director, Ministry of Home Affairs is part of the Project Sanctioning Committee of Swadhar and Ujjwala Schemes. The advisory advises the states to take the following steps:

1. Formation and regular meeting of the State Advisory Boards.
2. Appointment of Nodal NGO for AHTUs.
3. Convergence in activities conducted by the Ministry of Home Affairs.

⁴⁶www.saarc-sec.org/userfiles/conv-trafficking.pdf

⁴⁷<http://wcd.nic.in/final%20draft%20of%20Inter%20State%20Rescue%20Protocol.doc>

⁴⁸<http://wcd.nic.in/Judicial%20Manual.pdf>

⁴⁹<http://wcd.nic.in/ManualMedicalOfficers.pdf>

⁵⁰<http://wcd.nic.in/ManualMedicalOfficers.pdf>

⁵¹<http://wcd.nic.in/icdsimg/letterdtd17102011.pdf>

4. Rehabilitation homes under Ujjawala having linkages with Training Institutes and Skill Development Mission.
5. Monitoring of Ujjawala homes to be done regularly by the state.
6. Details of various shelter homes to be shared with AHTUs.

Schemes

The care and protection of a trafficked victim encompasses immediate care and protection, long term rehabilitation, repatriation and reintegration. Legislations like the Juvenile Justice (Care and Protection) of Children Act 2000 and The Immoral Traffic Prevention Act 1956, mandates the Ministry of Women and Child, Government of India to create such institutional mechanism and formulate programmes and schemes for the welfare of women and children who are in need of care and protection. Some of the various initiatives of the Ministry of Women and Child which have a direct impact on the care and protection of victims of human trafficking are as follows:

- A. Ujjawala Scheme
- B. Swadhar Greh
- C. Integrated Child Protection Scheme

A. UJJAWALA : A comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking and commercial sexual exploitation⁵²

Trafficking of women and children for commercial sexual exploitation is an organized crime that violates basic human rights. India has emerged as a source, destination and transit for both in-country and cross border trafficking. The problem of trafficking of women and children for commercial sexual exploitation is especially challenging due to its myriad complexities and variation. Poverty, low status of women, lack of a protective environment etc are some of the causes for trafficking. A multi sectoral approach is needed which will undertake preventive measures to arrest trafficking especially in vulnerable areas and sections of population and to enable rescue, rehabilitation and reintegration of the trafficked victims. Keeping the above issues and gaps in mind the Ministry has formulated a central scheme named “*Ujjawala*” which is a comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking for commercial sexual exploitation. The scheme launched in 2007 has been conceived primarily for the purpose of preventing trafficking on the one hand and rescue and rehabilitation of victims on the other. As per the latest data available there are 228 projects supported by the Ministry in 21 States, under which 117 are Protective and Rehabilitative homes.

The scheme is being implemented mainly through Non-Governmental Organizations (NGOs). Eligible implementing agencies from all States/Union Territories can apply under the scheme. The project proposals under the scheme are required to be submitted through the concerned State Governments/Union Territory Administrations. The beneficiary of the Ujjawala scheme are women and children who are vulnerable to trafficking for commercial sexual exploitation and who are victims of trafficking for commercial sexual exploitation. A monitoring mechanism is under formulation, and inter alia, the states have been requested to involve district level officers for regular monitoring. An evaluation study for Ujjawala has been entrusted to the Programme Evaluation Organisation of the Planning Commission, which will inter-alia review the components.

The Ministry of Women and Child Development have introduced video conferencing since July 2012 for sanctioning of *Ujjawala* projects so that the State Secretaries in charge of the programme can participate in the Project Sanctioning Committee Meetings. Increased involvement of State Government in Ujjawala projects at the high level is essential.

⁵²<http://wcd.nic.in/schemes/ujj.htm>

B. SWADHAR GREH⁵³

SWADHAR – A Scheme for Women in Difficult Circumstances

The *Swadhar Greh* was launched by the Department of Women and Child Development in 2001-02. Another Scheme namely "Short Stay Home Scheme" aimed at providing temporary accommodation and rehabilitation services to women and girls rendered homeless. The scheme through the provisions of shelter, food, clothing, counseling, trainings, clinical and legal aid aims to rehabilitate such women in difficult circumstances. Centre for Market Research and Social Development, New Delhi conducted an evaluation in 2007 to assess the performance of both the schemes. The evaluation report while citing the effectiveness and positive impact of measures adopted under the schemes for counseling and rehabilitation found that the profile and category of residents, admission procedure, counseling, quality of service, vocational training, rehabilitation and follow up procedure are almost similar in both the schemes. It, therefore, recommended merger of these two schemes for better functioning and outcomes with lesser administrative burdens and procedures. It also recommended that the new scheme should focus on establishing one such home in every district. The positive findings of the evaluation study has encouraged the Ministry to prepare this new scheme that would enable the women victims of unfortunate circumstances who are in need of institutional support for rehabilitation to lead their life with dignity.

The scheme envisions a supportive institutional framework for women victims of difficult circumstances so that they could lead their lives with dignity and conviction. It envisages that shelter, food, clothing, and health as well as economic and social security are assured for such women. It also envisions that the special needs of these women are properly taken care of and under no circumstances they should be left unattended or abandoned, which could lead to their exploitation and desolation.

Under the proposed scheme, 'Swadhar Homes' will be set up in every district with capacity of 30 women in order to cater to the primary needs of shelter, food, clothing, medical treatment and care of the women in distress and who are without any social and economic support. It would also enable them to regain their emotional strength that gets hampered due to their encounter with unfortunate circumstances and provide them with legal aid and guidance to enable them to take steps for their readjustment in family/society. The scheme proposes to rehabilitate women in distress economically and emotionally and to act as a support system that understands and meets various requirements in order to start their life afresh with dignity and conviction.

For big cities and other districts having more than 4 million population or those districts where there is a need for additional support to the women, more than one 'Swadhar Home' could be established. The capacity of 'Swadhar Homes' could be expanded up to 50 or 100 on the basis of need assessment and other important parameters.

The benefit of the scheme can be availed by women above 18 years of age of the following categories:

1. Women who are deserted and are without any family support;
2. Widows survivors of natural disaster who have been rendered homeless and are without any social and economic support;
3. Women affected by HIV and AIDS;
4. Women prisoners released from jail and are without family, social and economic support;
5. Women victims of domestic violence, family tension or discord, are made to leave their homes without any means of subsistence and have no special protection from exploitation and/ or facing litigation on account of marital disputes; and
6. Trafficked women/girls rescued or runaway from brothels or other places where they face exploitation. However such women/ girls should first seek assistance under UJJAWALA Scheme in areas where it is in operation.

⁵³<http://wcd.nic.in/schemes/swadhar.pdf>

‘Swadhar Greh’ facilities can also be availed by the children accompanying women in the above categories. Girls up to the age of 18 years and boys up to the age of 12 years would be allowed to stay in the ‘Swadhar Greh’ with their mothers.

C. INTEGRATED CHILD PROTECTION SCHEME⁵⁴

The Integrated Child Protection Scheme (ICPS) has been launched by the Government of India in 2009 for creating a convergence and to ensure quality child protection mechanisms in the country. The ICPS has significantly contributed to the realization of Government/State responsibility for creating a system that will efficiently and effectively protect children. It is based on cardinal principles of protection of child rights and best interest of the child. The ICPS objectives in brief is to contribute to the improvements in the well being of children in difficult circumstances, as well as to reduce vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children.

The ICPS is being implemented by the MWCD for creation and management of infrastructure and human resources necessary for establishing a safe and secure environment for children, especially children in difficult circumstances. Financial assistance is provided to State Governments/UT Administrations for improving, setting up and maintenance of homes, Specialised Adoption Agencies (SAAs) and open shelters’ for children in need of care and protection. Besides, financial assistance is also provided for setting up of dedicated service delivery structures at the state and district levels, with staff exclusively engaged for providing services to children including inter-alia need assessment, training and sensitization, awareness generation etc. The scheme also focuses on non-institutional care through adoption, foster-care and after-care.

All states except Jammu & Kashmir have signed the Memorandum of Understanding (MoU) with the Ministry for implementation of the scheme. The scheme, being centrally sponsored, is being implemented mainly through the State Governments/UT Administrations and funds are being released to them. The State Governments/UT Administrations are, in turn, implementing various components of the scheme either by themselves or through NGOs. However, for implementing the Childline services, which is a 24 hour telephone helpline for children in distress, the MWCD has partnered with Childline India Foundation (CIF), Mumbai under Government-Civil Society Partnership.

In order to ensure effective service delivery, the ICPS is being implemented through State and District Child Protection Societies as the fundamental units at state and district levels for the implementation of the scheme. These Societies have been registered under the Societies Registration Act, 1860 and function under the overall supervision and control of the State Governments/UT Administrations. The MWCD has formulated the detailed guidelines along with the bylaws for setting up these societies at the district and state levels. In cases of trafficked children this scheme provides for the response mechanism for care and protection of the child.

Some of the institutional and statutory mechanisms created under the Integrated Child Protection Scheme having a direct impact on care and protection of trafficked children are:

1. **Child Tracking System**
2. **Childline**
3. **Children Homes**
4. **Sponsorships**
5. **Child Welfare Committees**
6. **Special Juvenile Police Units**

⁵⁴THE INTEGRATED CHILD PROTECTION SCHEME (ICPS) - A Centrally Sponsored Scheme of Government – Civil Society Partnership- Ministry of Women and Child , Government of India.

1. Child Tracking System

MWCD recognizes that at present there is acute shortage of data and information pertaining to issues related to child protection. Due to this gap, there is no comprehension about the dimension of the problem i.e. number of children requiring support and the kind of services they are in need of. In order to bridge this gap, the MWCD, under the ICPS, is developing an effective system for child protection data management and reporting as well as a tool for monitoring the implementation of all its child protection schemes. This is to be achieved by developing a web-enabled data management system on child protection by creating a resource base for child protection issues. It is also planned to develop a nationwide website for tracking missing children and their ultimate repatriation and rehabilitation. The Child Tracking System will have two components:

- **Web-enabled Child Protection Management Information System (MIS):** The DCPSs are responsible for carrying out an exercise to map all services available to children in difficult circumstances and vulnerable children and their families in a district. This would include for example, location and contact details of all police stations, child care institutions, hospitals, primary health care (PHC) systems, paediatricians, members of CWCs and JJBs, CHILDLINE services, etc. The DCPS shall also maintain a database of all children in institutional care and non-institutional care at the district level. In order to facilitate the work performed by DCPSs in development and management of the above database, the scheme shall support establishing a Data Management System. The ultimate goal is to develop a comprehensive, integrated, live database for children in care and in need of care in India.
- **Website for missing children:** There are large numbers of children who either run away or are missing for various reasons. There is a need to create a systematic and centralized mechanism for tracking such children to facilitate their recovery and rehabilitation. The ICPS envisages setting up of a National Website on Missing Children with linkages to SCPSs and DCPSs. The website shall form a part of the child protection data management system.

2. CHILDLINE

CHILDLINE is a 24 hour emergency phone outreach service for children in need of care and protection. It also links children in need of care and protection to long-term services for rehabilitation. The CHILDLINE India Foundation⁵⁵ (CIF) is the central nodal agency for setting up and monitoring the CHILDLINE service. Additionally, CIF is responsible for undertaking process documentation and research, awareness campaigns and advocacy on issues related to strengthening the CHILDLINE service in the country.

At the district level, CHILDLINE is the key Government supported Child Protection agency which is being called in by various Law enforcement agencies for the rescue of trafficked children from exploitative situations. It has been playing a very proactive role as the primary response agency in terms of providing emergency care, counselling and protection to rescued trafficked children.

As of June 2012, CHILDLINE was operational in 211 cities of India. CHILDLINE- 1098 receives over 2 million calls each year. CHILDLINE-1098 is one of the world's single largest children's helpline service and receives 20% of all children's calls on helplines working worldwide. The XIth Five Year Plan of the Government of India has mandated that the CHILDLINE service must be available in every one of India's 600+ districts. To meet that mandate, the MWCD supports CIF under its Integrated Child Protection Scheme.

CHILDLINE India plays the role of a link between service providers (both government and non-government) and children in need of care and protection. All CHILDLINE interventions aim to bring children out of emergency situations, provide options for long term rehabilitation and then link them to appropriate agencies to ensure the same. The period of CHILDLINE intervention may vary from a few hours to a few days and in the case of some children it may stretch to years.

⁵⁵<http://www.childlineindia.org.in/>

CHILDLINE DATA IN 2009-2010⁵⁶

INTERVENTION	2009			2010		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
MEDICAL	5150	2668	7818	4249	2365	6614
SHELTER	4339	1965	6304	4526	1997	6523
RESTORATION	5144	1144	6288	6415	1516	7931
PROTECTION FROM ABUSE	1752	970	2722	1466	774	2240
SPONSORSHIP	1740	1646	3386	1829	1601	3430
CHILD IN CONFLICT WITH LAW	116	28	144	100	53	153
MISSING	3739	1316	5055	3479	1033	4512
EMOTIONAL SUPPORT AND GUIDANCE	11992	8050	20042	11702	8127	19829
NO INTERVENTION	1497	693	2190	728	269	997
TOTAL	35469	18480	53949	34494	17735	52229

3. Children Homes

A large number of children in need of care and protection who enter the juvenile justice system through the Child Welfare Committees (CWCs) are in need of residential care and protection during the pendency of any inquiry and subsequently for their long-term care, treatment, education, training, development and rehabilitation.

The Juvenile Justice (Care and Protection of Children) Act 2000 empowers the State Government either by itself or in collaboration with voluntary organizations to set up 'Children's Homes' in every district or group of districts for the reception and residential care of such children. These homes shall serve as a home away from home and provide comprehensive child care facilities to children for ensuring their all-round development. They shall work towards enhancing the capabilities and skills of children and work with their families with the view of facilitating their reintegration and rehabilitation into mainstream society.

4. Sponsorships

Many children are at risk of abandonment, exploitation, neglect and destitution because of poor socio-economic conditions of their families. Poor families often place their children into institutional care as a poverty coping measure. In many other cases children run away from their families because of abuse and/or exploitative conditions and often do not want to be reunited with their families. Many trafficked children also continue to languish in homes as conditions for their return are not conducive. As a result, large numbers of children are forced to spend their lives in institutions. It is an accepted fact that institutionalisation of children should be the last resort and the family-based non-institutional care is a better option. The Government of India realizes the importance of reintegrating, to the extent possible, institutionalized children into families. To that end, individual cases of children in institutions are periodically reviewed and the reintegration into their biological family facilitated with necessary support under the sponsorship component.

5. Child Welfare Committee

With the enactment of the JJ Act and its subsequent amendment in 2006, the Child Welfare Committee has been made the core central mechanism for care and protection of children across the country. The Juvenile Justice Rules drafted by the MWCD provides for various guidelines for the working of these committees and also its powers and duties.

⁵⁶Child Line India Foundation Website, accessed in August 2012

The Hon'ble Supreme Court in *Sampurna Behrua vs Union of India*⁵⁷ and *Bachpan Bachao Andolan vs Union of India*⁵⁸ has laid down detailed instructions for implementation of the JJ Act. Among the various guidelines the most important orders relate to the creation of Child Welfare Committees in all districts of the country. The JJ Act has recognized the participation of civil society as members of the Child Welfare Committee (CWC).

Section 31 of JJ Act empowers CWC to be the final authority in disposing cases of children in need of care and protection such as trafficked children, abandoned children, orphaned children, abused children and others (Section 2 (d) of the Act). CWCs as role holders for the protection of children's right are confronted with a very challenging task as every child comes in with her/his unique problem and a context which is also unique. While coming to a decision in relation to the child the CWC has to take into consideration several factors like the family background, the specific reason for which the child is produced before the CWC, the child's physical and psychological status, and if any intervention has taken place before the child was produced before CWC. In cases of trafficked children, the Child Welfare Committee is the custodian of the child and is responsible for the care and protection of the child. The CWC undertakes home investigation reports for each child and then decides the repatriation and rehabilitation plan of children.

The decisions of the CWC are informed by the general principles laid down in the JJ Act and CRC, which is the moral, ethical and value framework that upholds the approach to be taken for children who need the care and protection of the state. The Child Welfare Committee also ensures convergence of all stakeholders including Health, Special Juvenile Police Unit (SJPU), Child Rights organizations and government functionaries at the district level.

6. Special Juvenile Police Unit

The Juvenile Justice Act 2000 provides for setting up Special Juvenile Police Units in every district and city to coordinate and upgrade the police interface with children. All the police officers, designated as juvenile/child welfare officers in the district or city, are members of the SJPU. As a statutory requirement, the ICPS provides for two paid social workers in each SJPU for supporting the unit. Of the two social workers, at least one should be a woman and another having expertise in child protection.

State-wise details of number of Child Protection Units set up, amount sanctioned and released for setting up of and maintenance of child protection units under ICPS (May 2012)⁵⁹:

S. No.	Name of the state / UT	No. of child protection units provided assistance	No. of child protection units set up
1.	Andhra Pradesh	23	23
2.	Assam	27	27
3.	Bihar	32	-
4.	Chattisgarh	18	18
5.	Gujarat	26	26
6.	Haryana	21	21
7.	Himachal Pradesh	12	-
8.	Jharkhand	24	-
9.	Karnataka	16	16
10.	Kerala	14	-
11.	Madhya Pradesh	50	50
12.	Maharashtra	35	35

⁵⁷(2011) 9 SCC 801 Judgement of the Supreme Court

⁵⁸2011 SCC (5) 1 Judgement of the Supreme Court of India

⁵⁹Reply to Parliamentary Question submitted by the Ministry of Women and Child, Government of India

S. No.	Name of the state / UT	No. of child protection units provided assistance	No. of child protection units set up
13.	Manipur	9	9
14.	Mizoram	8	8
15.	Nagaland	11	11
16.	Odisha	30	30
17.	Punjab	20	-
18.	Rajasthan	33	33
19.	Sikkim	2	4
20.	Tamil Nadu	32	32
21.	Tripura	4	4
22.	Uttar Pradesh	72	72
23.	West Bengal	19	19
24.	Delhi	1	-
25.	Pondicherry	1	-
	Total	540	438

State wise details of No. of various types of homes assisted under the ICPS (May 2012)⁶⁰:

S. No.	Name of the state / UT	Number of Homes
1	Andhra Pradesh	102
2	Assam	7
3	Bihar	14
4	Chattisgarh	13
5	Gujarat	57
6	Haryana	12
7	Himachal Pradesh	22
8	Jharkhand	16
9	Karnataka	76
10	Kerala	28
11	Madhya Pradesh	24
12	Maharashtra	91
13	Manipur	13
14	Mizoram	18
15	Nagaland	4
16	Odisha	29
17	Punjab	15
18	Rajasthan	63
19	Sikkim	5
20	Tamil Nadu	42
21	Tripura	11
22	Uttar Pradesh	67
23	West Bengal	55
24	Delhi	25
25	Pondicherry	6
	Total	815

⁶⁰Reply to Parliamentary Question submitted by the Ministry of Women and Child, Government of India

List of Special Juvenile Police Units established in India under the ICPS (May 2012)⁶¹:

S. No.	States / UTs	Number of districts in the State	Special juvenile police units (SJPU) established
1.	Andaman & Nicobar	3	1
2.	Andhra Pradesh	23	29
3.	Assam	27	26
4.	Arunachal Pradesh	17	17
5.	Bihar	38	40
6.	Chattisgarh	18	20
7.	Chandigarh	1	1
8.	Dadar & Nagar Haveli	1	1
9.	Daman & Diu	2	2
10.	Delhi	9	11
11.	Goa	2	1
12.	Gujarat	26	31
13.	Haryana	21	20
14.	Himachal Pradesh	12	12
15.	Jharkhand	24	25
16.	Karnataka	30	38
17.	Kerala	14	17
18.	Lakshadweep	1	1
19.	Madhya Pradesh	50	50
20.	Maharashtra	35	NA
21.	Manipur	9	11
22.	Meghalaya	7	7
23.	Mizoram	8	8
24.	Nagaland	11	9
25.	Odisha	30	30
26.	Punjab	20	26
27.	Pondicherry	2	10
28.	Rajasthan	33	33
29.	Sikkim	4	4
30.	Tamil Nadu	32	9
31.	Tripura	4	4
32.	Uttar Pradesh	72	71
33.	Uttarakhand	13	13
34.	West Bengal	19	19
35.	Jammu and Kashmir	-	-
	Total	618	597

⁶¹Reply to Parliamentary Question submitted by the Ministry of Women and Child, Government of India

List of Child Welfare Committees Established (May 2012)⁶²:

S. No.	States / UTs	Number of districts in the State	No of Child Welfare Committee Established
1.	Andaman & Nicobar	3	N/A
2.	Andhra Pradesh	23	23
3.	Assam	27	27
4.	Arunachal Pradesh	17	12
5.	Bihar	38	28
6.	Chattisgarh	18	12
7.	Chandigarh	1	1
8.	Dadar & Nagar Haveli	1	
9.	Daman & Diu	2	
10.	Delhi	9	6
11.	Goa	2	
12.	Gujarat	26	25
13.	Haryana	21	9
14.	Himachal Pradesh	12	12
15.	Jharkhand	24	
16.	Karnataka	30	30
17.	Kerala	14	14
18.	Lakshadweep	1	
19.	Madhya Pradesh	50	48
20.	Maharashtra	35	35
21.	Manipur	9	9
22.	Meghalaya	7	7
23.	Mizoram	8	8
24.	Nagaland	11	11
25.	Odisha	30	30
26.	Punjab	20	20
27.	Pondicherry	2	2
28.	Rajasthan	33	33
29.	Sikkim	4	4
30.	Tamil Nadu	32	20
31.	Tripura	4	4
32.	Uttar Pradesh	72	69
33.	Uttarakhand	13	12
34.	West Bengal	19	18
35.	Jammu and Kashmir	-	-
	Total	618	529

⁶²Reply to Parliamentary Question submitted by the Ministry of Women and Child, Government of India

Cumulative Data of the Implementation of the ICPS in India (May 2012)⁶³:

COMPONENT	Cumulative Achievement upto 26th March, 2012
Setting up of Juvenile Justice Boards (JJBs)	Established in 548 districts.
Setting up of Child Welfare Committees (CWCs)	Established in 561 districts.
Setting up of State Child Protection Society (SCPS)	Established in 23 States.
Setting up of State Project Support Units (SPSU)	Established in 21 States.
Setting up of State Adoption Resource Agency (SARAL)	Established in 18 States.
Setting up of District Child Protection Units (DCPU)	Established in 438 districts.
Expansion of Childline Service	Functioning in 201 cities/districts.
Setting up and maintenance of Open Shelters	100 Open Shelters are being provided financial support.
Setting up and maintenance of various types of Homes	815 various types of Homes are being provided financial support.
Setting up and maintenance of Specialized Adoption agencies (SAAs)	189 SAAs are being provided financial support.

Sanctioned Projects Under Ujjawala Scheme⁶⁴:

S. No.	Name of the States	Total No. of Projects Under Ujjawala Scheme	P & R Homes
1.	Andhra Pradesh	17	11
2.	Arunachal Pradesh	1	1
3.	Assam	22	15
4.	Bihar	1	1
5.	Chhatisgarh	2	1
6.	Delhi	1	1
7.	Jharkhand	1	--
8.	Karnataka	36	27
9.	Kerala	7	3
10.	Maharashtra	44	16
11.	Manipur	6	6
12.	Madhya Pradesh	4	1
13.	Mizoram	1	1
14.	Punjab	1	1
15.	Nagaland	3	---
16.	Rajasthan	11	4
17.	Orissa	32	16
18.	Tamilnadu	12	4
19.	Uttar Pradesh	16	7
20.	Uttarakhand	1	1
21.	West Bengal	9	2
	Total	228	119

⁶³Reply to Parliamentary Question submitted by the Ministry of Women and Child, Government of India

⁶⁴As per MWCD data of 13th february 2013.

S. No.	Name of the States	Total No. of Projects Under Ujjawala Scheme	Prevention	Rescue	P & R Homes	Reintegration	Repatriation
1.	Andhra Pradesh	17	15	9	11	8	--
2.	Arunachal Pradesh	1	--	--	1	--	--
3.	Assam	22	19	9	15	8	1
4.	Bihar	1	--	--	1	--	--
5.	Chhattisgarh	2	1	1	1	--	--
6.	Delhi	1	1	--	1	1	1
7.	Jharkhand	1	1	--	--	--	--
8.	Karnataka	36	33	24	27	22	2
9.	Kerala	7	5	--	3	--	--
10.	Maharashtra	44	44	19	16	10	5
11.	Manipur	6	6	6	6	2	2
12.	Madhya Pradesh	4	3	1	1	--	--
13.	Mizoram	1	1	1	1	1	--
14.	Punjab	1	1	1	1	1	--
15.	Nagaland	3	3	3	---	--	--
16.	Rajasthan	11	11	3	4	--	--
17.	Orissa	32	29	15	16	9	--
18.	Tamil Nadu	12	12	5	4	4	--
19.	Uttar Pradesh	16	13	6	7	3	2
20.	Uttarakhand	1	1	1	1	1	1
21.	West Bengal	9	8	2	2	1	1
	Total	228	207	106	119	71	15

3. Initiatives of The Ministry of Labour and Employment, Government of India

There are a number of factors that make children more vulnerable to trafficking for labour. Some of these are at the family level and some others at the community or society level. While at the family level, the major push factors are poverty, illiteracy, dysfunctional family life, under-employment and a lack of income-generating opportunities for families, those at the community or society level are a general apathy or tolerance towards exploitative forms of child labour, degeneration of moral values, increasing commercialization, lack of community support, social vulnerabilities and weak law enforcement⁶⁵.

CROSS BORDER TRAFFICKING

There are several instances of migration or trafficking of children for labour from neighbouring countries like Nepal and Bangladesh. These children are being brought to big cities in India in search of labour and they end up working in most difficult conditions, mostly in *dhabas (Highway Hotels)*, tea stalls or as domestic servants. So far away from their families, these children are highly vulnerable to all kinds of abuses, including physical and sexual abuse.

⁶⁵Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked & Migrant Child Labour 2008, Ministry of Labour and Employment, Government of India available at <http://labour.nic.in/cwl/DraftProtocolPreventionMigrantChildLabour.pdf>

GOVERNMENT INITIATIVES

At present, there are 7300 National Child Labour Project (NCLP) schools spread over 266 districts being run in the country with an enrolment of 3,40,000 children and 4,50,000 working children have already been mainstreamed to regular education under the NCLP scheme. Since poverty and illiteracy are the root causes of child labour, Government of India is taking steps to supplement educational rehabilitation of these children with economic rehabilitation of their families so that they are not compelled by their economic circumstances to send their children to work. Efforts are being made for convergence between the schemes of different Ministries like Ministries of Human Resource Development, Women & Child Development, Urban Housing & Rural Poverty Alleviation, Rural Development, Panchayati Raj etc, so that child labour and their families get covered under the diverse schemes of these ministries also.

In the Year 2011-2012, the Ministry of Labour implemented two schemes for rehabilitation of child labour:

- NCLP Scheme, which is a 100% central sector scheme and is being implemented through District Project Societies headed by Deputy Commissioner/District Magistrate.
- Grant in Aid (GIA) Scheme under which funds to the extent of 75% of the project cost are released directly to NGOs for elimination of the child labour in the districts which are not covered under the National Child Labour Project.

The government is also laying stress on the enforcement of the Child Labour (Prohibition & Regulation) Act. State Governments are the appropriate authority for implementation of the Act for areas under their jurisdiction and the Chief Labour Commissioner (Central) for areas under the central sphere. Strong enforcement measures act as deterrents and also lead to voluntary action on the part of the employers not to employ child labour in their respective units. The government took a major step in 2006 in the direction of elimination of child labour by banning the employment of children below the age of 14 years in two occupations viz., children working as domestic workers (CDL) and in teashops, hotels, road side eateries, etc. For the effective enforcement of the ban and the rehabilitation of the affected children, the government has been coordinating with the State Governments for taking appropriate measures in this direction. Extensive awareness generation campaign against child labour is being launched from time to time in the print and electronic media.

In *Writ Petition (Civil) No.465/1986 M.C. Mehta Vs State of Tamil Nadu*, the Supreme Court of India, gave certain directions on the issue of elimination of child labour which include⁶⁶:

- Survey for identification of working children.
- Withdrawal of children working in hazardous industries and processes and ensuring their education in appropriate institutions.
- Contribution @ Rs. 20,000/- (USD 368) per child to be paid by the offending employers of children to a welfare fund to be established for this purpose.
- Employment to one adult member of family of the child withdrawn from work and if that is not possible a contribution of Rs. 5000/- (USD 92) to the welfare fund to be made by the State Government.
- Financial assistance to the families of the children withdrawn to be paid-out of the interest earning on the corpus deposited in the welfare fund as long as the child is actually sent to school.

PENAL ACTIONS

As per the 2001 census, the total number of working children between the age group 5-14 years in the country was 12,60,0000. However, as per NSSO survey 2009-10, the working children are estimated at 49,84,000 which shows a declining trend. Under the Child Labour (Prohibition & Regulation) Act, 1986, Sec. 3 prohibits the employment of children below the age of 14 years in 18 Occupations and 65 Processes. Any person who employs a child in any occupation or process where employment of children is prohibited under the Child Labour (Prohibition & Regulation) Act, is liable for punishment with imprisonment for a term which shall not be less than 3 months but which may

⁶⁶<http://labour.nic.in/content/division/directions-of-supreme-court.php>

extend to one year or with fine ranging from Rs.10,000 (USD200) to Rs.20,000 (USD400). States/UT Governments are appropriate authorities for implementation of the Child Labour (Prohibition & Regulation) Act, 1986 in the areas that come under their jurisdiction.

Data on enforcement of Child Labour (Prohibition & Regulation) Act, 1986⁶⁷

Year	Inspections	Violations	Prosecutions	Convictions
2007	351279	9979	12705	617
2008	355629	2709	11149	742
2009	295572	1719	11033	1312
2010	213544	2219	8854	1226
2011	39963	1258	3904	366
Total	1255987	17884	47645	4263

No. of rescued child labourers benefited through training during the last three years

S. No.	State	2007-08	2008-09	2009-10
1	Assam	Nil	Nil	3685
2	Andhra Pradesh	11,501	10779	13689
3	Bihar	657	1126	7998
4	Chhattisgarh	3015	1674	1063
5	Delhi	Nil	Nil	Nil
6	Gujarat	620	845	1437
7	Haryana	Nil	1164	1354
8	Jammu & Kashmir	6	Nil	Nil
9	Jharkhand	617	4785	1816
10	Karnataka	4343	4549	3217
11	Maharashtra	3430	3495	5150
12	Madhya Pradesh	9692	9582	9692
13	Odisha	9661	10283	10585
14	Punjab	460	428	1023
15	Rajasthan	4155	11630	12326
16	Tamil Nadu	9215	7950	6321
17	Uttar Pradesh	9500	26390	40297
18	West Bengal	1092	3127	13187

PROTOCOL ON PREVENTION, RESCUE, REPATRIATION AND REHABILITATION OF TRAFFICKED AND MIGRANT CHILD LABOUR

The Government of India has drafted and operationalised the Protocol which provides practical guidelines to key stakeholders on crucial issues relating to prevention, rescue, repatriation and rehabilitation of trafficked and migrant child labour.

The Protocol has clearly defined the following:

- **Child:** For the purposes of this Protocol, a child shall mean any person who has not completed the fourteenth year of age, pursuant to Section 2 (k) of the Child Labour (Prohibition & Regulation) Act. The term 'children' shall be construed accordingly. The definition of child has to be in consonance with that given under the Child Labour (Prohibition & Regulation) Act, 1986.

⁶⁷Parliamentary Question Reply, Ministry of Labour

- **Child Labour:** Pursuant to the definition of child under the Child Labour (Prohibition & Regulation) Act, child labour will include children below 14 years of age engaged in hazardous occupations and processes as detailed by the Act.
- **Migrant child labour:** Migrant child labour may be broadly taken to be a child who has moved with or without the family across state borders or even within the same state and is engaged in hazardous work as specified under the Child Labour (Prohibition & Regulation) Act.
- **Trafficked child labour:** In comparison, a trafficked child labour may be taken as a child who has been recruited, transported, transferred, harboured or received for the purpose of labour exploitation through forced labour or forced services, bonded labour, slavery, practices similar to slavery, or servitude. A child has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child.
- **Prevention:** It would mean various activities to be taken up to prevent migration and trafficking of children into exploitative labour. It would include stepping up enforcement drives against offenders employing children in prohibited hazardous work to act as a detriment, increasing community level awareness of the problem, providing alternative income generating or educational opportunities to children at risk. It would also include raising general awareness among public against child labour. Monitoring and reporting of movement of children under suspicious circumstances will also have to be strengthened.
- **Rescue operations:** It would involve all activities associated with organizing inspections and raids, for identification, establishment, and withdrawal of child labour engaged in prohibited work as specified under the Child Labour (P&R) Act, with the aim of securing the rehabilitation and social reintegration of the rescued child. The term rescue operation shall include both the rescue of an individual child or of several children.
- **Interim protection:** All processes to be adopted pursuant to the rescue operation and until the repatriation of the child has been secured shall be termed as interim protection. In case repatriation is not possible, then it would also include measures to secure the rehabilitation and social reintegration of child within the state they are rescued from with a view towards ensuring the safety and well being of the child, in accordance with the Juvenile Justice Act, 2000 or any other Act or Rules in operation in the state supporting the process of interim protection
- **Prosecution:** Legal proceedings against the offenders under Child Labour (P&R) Act or any other labour or criminal laws applicable.
- **Repatriation:** It would involve all actions taken after the rescue of the children till their effective restoration with their families or legal guardians or others, in line with the proceedings outlined under the Juvenile Justice Act and the Rules laid down in this regard. Repatriation shall include intra state repatriation, if the child belongs to the state of rescue and interstate repatriation, if the child is from any other state in the country and repatriation shall be cross border if the child is from any other country.
- **Rehabilitation and Social Reintegration:** The term 'rehabilitation and social reintegration' shall include the processes included in Chapter IV of the Juvenile Justice (Care and Protection of Children), 2000 Act. The term 'rehabilitation' shall include the economic rehabilitation of the family and educational rehabilitation of the child. All terms and expressions used in this document, but not defined, unless the context requires otherwise and defined in the Child Labour (Regulation and Prohibition) Act, 1986 and Juvenile Justice (Care and Protection of Children) Act, 2000 shall have the meanings respectively assigned to them in those Acts.

The Protocol also outlines the pre/post rescue measures, rehabilitation plan, preventive measures and the duties / responsibilities of the government agencies.

BONDED LABOUR

The Bonded Labour System has been abolished by law throughout the country with effect from 25 October, 1975 under the Bonded Labour System (Abolition) Ordinance which was replaced by the Bonded Labour System (Abolition) Act, 1976. The responsibility for implementing the Act lies with the State Governments. Under the Act, Vigilance Committees at District and Sub-Divisional level under the Chairmanship of District Magistrate/Sub-Divisional

Magistrate are constituted by the State Government to identify incidence of bonded labour. In order to assist the State Government in the task of identification and rehabilitation of bonded labourers, a centrally sponsored scheme for rehabilitation of bonded labour is in operation since 1978. The scheme, inter-alia, has a provision for providing financial assistance to the State Governments/UTs @ Rs. 2 Lakh (USD 3600) per district for conducting survey of bonded labourers once in 3 years. As and when existence of bonded labour is detected, such persons are identified for rehabilitation.

The salient features of the Centrally Sponsored Scheme for rehabilitation of bonded labour announced in 1978 are:

Rehabilitation Assistance increased from Rs. 10,000 to Rs. 20,000 (USD 182-USD 364) in May, 2000:

- Assistance is shared on 50:50 basis by the Centre and the States. Out of this, Rs.1,000 (USD 18) is paid immediately on release of a bonded labour as subsistence allowance.
- Pattern of assistance is land based, non-land and skill/craft based occupation.
- Rs.2 lakh (USD 3600) per district provided once in three years for survey of bonded labour.
- Rs.5 lakh (USD 9120) provided for five evaluatory studies per state every year.

A Grant of Rs.10 lakh (USD 18240) made available to State Governments for launching awareness generation activities:

- Printing of pamphlets/leaflets/campaigns through local newspapers – Rs.1 lakh.
- Cost of organizing orientation and training of folk cultural troupes who will perform at Nukkad Nataks, skits, street theatres, etc. – Rs.2 lakhs (USD 1824).
- Cost of actual performance by folk cultural troupes including cost of travelling – Rs.2 lakhs (USD 3600).
- Cost of campaigning and telecast of various audio visual inputs through AIR, Doordarshan, Song and Drama Division, etc. – Rs. 5 lakhs (USD 9120).

Rehabilitation package provided by the State Governments for the freed bonded labourers includes:

- Allotment of house-site and agricultural land preferably in the village where he ordinarily resides.
- Providing of low cost dwelling units.
- Animal husbandry, dairy, poultry, piggery, etc.
- Training for acquiring new skills.
- Developing existing skills– wage employment, enforcement of minimum wages, etc.
- Supply of essential commodities under targeted public distribution system.
- Education for children.
- Protection of civil rights.

DOMESTIC WORKERS

Each and every day the big cities witness a large influx of non-literate, semi-literate and unskilled women in the city. Many of them have been trafficked and are forced to come without knowing their future. Some of them arrive in search of a better life as they are attracted by the facilities and advantages offered by a city like Delhi, Mumbai, Kolkata, Hyderabad etc. In short, we can divide this influx of women into two categories; 'by choice migrants' and 'forced migrants'. Whether by choice or by force, this migration of unskilled female domestic workers has been a common phenomenon for urban India. The transformation of society from a joint family structure to the nuclear one, more and more involvement of women in professional activities and substantial increase in income levels; have all acted as major demand factors for domestic workers. These domestic workers, particularly the female workers are playing the roles of a cook, a cleaner, a care-taker, a baby-sitter, a gardener, so on and so forth, in urban India. A huge

chunk of domestic workers involves a large number of children, particularly girls. The child domestic workers remain unseen behind the doors of their employers' houses. They have left-overs to eat, old clothes to cover themselves and the floor of the kitchen to sleep. Unlike their adult counterparts, the child domestic workers mostly work as full-time domestic workers as they are not 'expensive'. Also, the employers want them as they cannot demand their rights and can be dominated easily. They are deprived of education, freedom of expression and movement and have nobody to share their loneliness with. In most of the cases they are forced to work as maids in order to free their families from loans or to feed themselves and possibly their large families as well. Several cases of violence, torture and sexual exploitation have been reported. Many of these domestic workers are brought to the big cities through the illegal placement agencies who continue to exploit them.

In order to provide protection to the domestic workers many of whom are trafficked, the Ministry had set up a Task Force to evolve a policy framework for domestic worker in the context of a regulatory mechanism and providing social security. On the recommendation of the Task Force, following steps have been taken:

- The State Governments have been requested to take necessary steps for inclusion of domestic work as employment in the Schedule and fix minimum rate of wages for domestic workers.
- The State Governments have been requested to take steps for registration of placement agencies providing domestic workers under the Shops and Establishment Act.
- The Government has extended Rashtriya Swasthya Bima Yojana⁶⁸ (RSBY) to the domestic workers. RSBY is a flagship programme of the Government which provides health insurance to unorganized workers to avail smart card based cashless hospitalization facilities upto Rs.30,000 (USD 560).

The Task Force has also prepared a draft National Policy. The policy provides directions for Central and State Governments.

NATIONAL POLICY ON DOMESTIC WORKERS

The Policy places an obligation on the Central and State Governments to take effective and appropriate measures to ensure that domestic workers are able to exercise their labour rights as guaranteed under the Indian Constitution. The policy aims to promote domestic workers' human rights and fundamental principles and rights at work by bringing them in the ambit of labour legislations, and relevant labour policies and schemes that are available to other workers in India. The Policy lays down a labour rights framework to facilitate the inclusion through amendments in Central and State labour legislations where required, and setting up of legislative mechanism to address any inconsistencies, insufficiencies and inapplicability arising from their specific nature of work which existing legislations are not able to address. The Policy aims at providing a direction for Central and State Governments to establish formal rights of domestic workers and ensure that domestic workers can exercise their rights by:

1. Explicitly and effectively expanding the scope of applicable legislations to domestic workers by making necessary amendments in legislations, policy and schemes to grant domestic workers rights that are enshrined in laws for other categories of workers.
2. Setting up of legislative mechanism to address any inconsistencies, insufficiencies and inapplicability arising from their specific nature of work which existing legislations are not able to address.
3. Setting up of an institutional mechanism which provides for social security cover, social protection benefits, fair terms of employment, grievance redressal and disputes resolutions, which can be easily used by the domestic workers.
4. Facilitating the process to register as workers and being recognized as workers.
5. Promoting the skill development as one entry point to professionalize domestic work and enhance employability, wages and living and working conditions.
6. Setting up necessary mechanisms to protect the rights of domestic workers who seek work abroad.

⁶⁸<http://www.rsby.gov.in/>

7. Setting up necessary mechanisms to regulate placement agencies establishing the roles and responsibilities of the government, the private household employer and the workers and employers organizations including the adoption of the Code of Practice.
8. Creating public awareness of domestic work as legitimate labour market activity and the household employers' obligations under the law to provide decent working and living conditions.

In pursuance of excellence in vocational training, a new strategic framework for skill development for early school leavers and existing workers has been developed since May, 2007 in close consultation with industry, State Governments and experts. The Scheme offers multi-entry and multi-exit options, flexible delivery schedule and lifelong learning. Modular Employable Skills (MES) Framework envisaged under this Scheme is the 'minimum skills set' which is sufficient for gainful employment.

Skill Development Initiative

Emphasis in the curricula is also on soft skills. Courses are also available for persons having completed 5th standard and attained the age of 14 years. Central Government is facilitating and promoting training while industry, private sector and State Governments are associated with training the persons through Vocational Training Providers. At present, 1386 Modules for employable skills covering 60 sectors have been developed, 36 Assessing Bodies empanelled for conducting assessment, 6,753 Vocational Training Providers (VTPs) have been registered and more than 12,19,000 thousand persons have been trained / tested (since 2009).

INITIATIVES OF THE MINISTRY OF OVERSEAS INDIAN AFFAIRS, GOVERNMENT OF INDIA

Over the last decade there has been an increase in trafficking to foreign countries through marriage rackets and placement / recruitment agencies. In these cases, the basic ingredients of trafficking - fraud, coercion and exploitation is present. Many cases of trafficking for prostitution and sex rackets in the garb of recruitment agencies have been reported. Even domestic workers going to Middle East countries have reported exploitation in the hands of the employers who keep them in slavery like conditions and sometimes in bondage. The Ministry of Overseas Indian Affairs, Government of India⁶⁹ (MOIA) has initiated several schemes for Indians particularly women who can get help either through contacting the embassy or through a 'helpline'.

- The Ministry of Overseas Indian Affairs has issued instructions to the Head of Missions of 17 Emigration Check Required (ECR) countries for setting up shelter homes for Indian women in distress overseas. As per available information, Bahrain, Malaysia, Kuwait, Kingdom of Saudi Arabia (Riyadh), Oman and United Arab Emirates (UAE) have 'shelter homes' in operation for distressed Indian women workers.
- The initial legal assistance to overseas Indian workers in deserving cases, including Indian women workers in distress, is provided from the Indian Community Welfare Fund (ICWF), which has been extended to all Indian missions abroad w.e.f March 2011.
- The Ministry also runs a scheme for providing legal/financial assistance to Indian women deserted by their overseas spouses. The objective of the scheme is to provide financial assistance to needy Indian women who were either deserted or divorced by their overseas spouses and help them in getting access to counselling and legal services through credible Indian women organisations/Indian community associations and NGOs empanelled with the Indian Missions/Posts. The limit of assistance is USD 3,000 per case in developed countries and USD 2,000 per case in developing countries as initial legal aid for documentation and preparatory work for filing the case.
- Assistance to deserted NRI Women: Legal and financial assistance is already being provided to Indian women who have been deserted by their NRI husbands, by MOIA through Indian Missions abroad. The assistance is for meeting the initial cost and incidental expenses for documentation and filing of cases by Indian women's organizations/NGOs empanelled with the Indian Missions/Posts. Assistance of US\$ 3,000 in the case of developed countries and USD 2000 in developing countries is being provided.

⁶⁹<http://moia.gov.in/index.aspx>

- MOIA has brought out a guidance booklet on “Marriages to Overseas Indians” which contains information on safeguards available to women deserted by their NRI spouses, legal remedies available, authorities that can be approached for redressal of grievances. A pamphlet entitled “Thinking of the marriage of your daughter with an NRI?” has also been brought out by the Ministry highlighting the precautions to be taken before entering into marriage alliance. Apart from this, the National Commission for Women (NCW), the coordinating agency at the national level for dealing with the issues pertaining to NRI marriages has brought out a pamphlet entitled “Problems Relating to NRI Marriages-Dos and Dont's”. It describes the problems related to NRI marriages and suggests precautionary dos and dont's for Indian women considering marriage to an NRI or a Person of Indian Origin (PIO). NCW has also brought out a report on problems relating to NRI marriages, titled “The ‘No where’ Brides”.
- Beside this, a scheme was launched in 2007 to provide legal /financial assistance to the deserted or divorced overseas Indian women through the Indian Missions/Posts. It was revised and the revised scheme came into effect from November 2011. The scheme would be available to Indian women who have been deserted by their overseas Indian / foreign husbands or are facing divorce proceedings in a foreign country, subject to the following conditions:
 1. The marriage of the woman has been solemnized in India or overseas with an overseas Indian or a foreigner.
 2. The woman is deserted in India or overseas within fifteen years of the marriage.
 3. Divorce proceedings are initiated within fifteen years of the marriage by her overseas Indian / foreign husband or
 4. An ex-parte divorce has been obtained by the overseas Indian / foreign husband within twenty years of marriage and a case for maintenance and alimony is to be filed by her.

Legal Assistance to Indians in Foreign Countries

- The Government provides legal assistance to Indians in foreign countries through Indian Missions abroad. MOIA provides legal and financial assistance to Indian women who are victims of fraudulent marriages and deserted by their overseas Indian husbands or are facing divorce proceedings in a foreign country through Indian Missions in USA, UK, Canada, Australia, New Zealand and the Gulf. The funds are placed at the disposal of the Indian Missions/Posts. This scheme, introduced in 2006, provides assistance limited to US\$ 1,500 per case for meeting the legal costs and incidental charges for documentation and filing of the case by the Indian women's organization/NGOs empanelled with the Indian Missions/Posts.
- The Ministry has set up the Indian Community Welfare Fund (ICWF) at the disposal of the Indian Missions in 42 countries to meet contingency expenditure incurred by the Indian Missions for carrying out onsite welfare measures for overseas Indian workers in distress including initial legal assistance in deserving cases. An Indian Workers' Resource Centre (IWRC) has also been set up in the Indian Mission in Dubai, UAE which provides 24x7 assistance to the Indian workers in that country. One of the objectives of IWRC is to extend legal, financial and medical counselling to the workers.

Action against Recruiting Agents

- The complaints are received from time to time in MOIA and the Indian Missions abroad, mostly from the Gulf countries, regarding ill-treatment, non-payment of salary, unfavorable working conditions, and harassment etc. of Indian workers recruited by agents in India. On receipt of the complaint(s) show-cause notice under the Emigration Act, 1983 is issued to the registered Recruiting Agents against whom complaints are received and the recruiting agent is directed to settle/ resolve the complain in the first instance. If the recruiting agent fails to respond to the Show-Cause Notice or his reply is not satisfactory, his registration certificate is initially suspended for 30 days. If the complaint still remains unresolved, the registration certificate is suspended for a further indefinite period and action is initiated for cancellation of the registration certificate and forfeiture of bank guarantee, as warranted.
- In respect of complaints received against agents who are not registered with Protector General of Emigrants, MOIA, these are referred to the police authorities concerned for investigation and action.

COMPLAINTS AGAINST REGISTERED RECRUITING AGENTS (MAY 2012)⁷⁰

Year	No. of complaints	Show Cause Notices issued	No. of Registration Certificates suspended/ cancelled	No. of complaints dropped	Cases which are being followed
2009	158	53	53	63	42
2010	145	32	32	53	60
2011	117	26	26	14	77

COMPLAINTS AGAINST UNREGISTERED RECRUITING AGENTS(MAY 2012)⁷¹

Year	No of Complaints	Prosecution Sanctioned	Cases Referred to Protector General for Emigrant
2009	136	14	136
2010	166	10	166
2011	155	6	98

Indian Missions receive complaints from women workers particularly housemaids on account of non-payment of salaries, long working hours, inadequate living conditions, physical harassment, refusal of leave or 'exit/re-entry permits' 'final exit visa' etc. The government has taken various measures for protecting the safety and welfare of women migrant workers of the ECR (Emigration Check Required) category who emigrate to 17 notified (ECR) countries. These include:

- Age restriction of 30 years has been made mandatory in respect of all such women emigrants. The employment contract must be duly attested by the Indian Missions in respect of all such women.
- Women household workers are allowed to emigrate after the Indian mission has attested the identity of the foreign employer and terms and conditions of contract.
- A pre-paid mobile facility must be provided by the employer to every woman household worker. If the foreign employer recruits the worker directly, he is required to deposit a security of \$2500 with the Indian Mission.
- The Ministry has set up the Overseas Workers Resource Centre (OWRC) with a 24x7 Helpline to enable emigrant workers/prospective emigrants including women to obtain information on all emigration related matters and to seek redressal of their complaints.
- The Ministry undertakes awareness campaign through the print and electronic media to sensitize potential emigrant workers including women emigrants about the legal emigration process and hazards of illegal emigration.

5. Initiatives on Missing Children

The link between missing persons and human trafficking was first reported in the 2004 NHRC Action Research. Across the country, hundreds of women and children disappear daily and a large number of them continue to remain missing. In the absence of any monitoring mechanism, law enforcement agencies remain clueless on the whereabouts of the missing persons.

It is seen in many cases that even a FIR is not registered. State police across the country, barring a few states, just enter the data in the missing person's diary and hence the real cases of trafficking of children and women are never tabulated or get reflected in the cognizable offence section of the National Crime Records Data. The crime record data thus remains incomplete and most of these cases continue to remain pending in the missing persons list.

⁷⁰Ministry of Overseas Indian Affairs, Parliamentary Question Reply

⁷¹Ministry of Overseas Indian Affairs, Parliamentary Question Reply

In cases of missing children there is also a large number of cases that never gets reported as many parents and relatives fear to go to the police stations for reporting the case as traffickers by fraud and deception obtain the consent of the parents or relatives. Such cases are never reported as the relatives or parents fear that they may be prosecuted.

The NHRC Action Research brought out very clearly the linkages between missing cases and trafficking. Many NGOs working on Anti Trafficking have also reported that in many cases of recovered and rescued victims of trafficking they are able to trace the missing persons report at the local police station level.

There is a wide network of traffickers across the country who procure women and children from rural areas experiencing poverty and low awareness on trafficking issues. The traffickers move in the community as placement agencies, recruitment agencies, job agents or contractors etc. Some of the women and children especially young girls are recruited by professing love and promises of marriage and lured to elope. In most of the cases local level traffickers are involved. The huge demand for victims fuels the supply. Hundreds of women and children get sucked into the trade through this organised crime and end up in a life of slavery. Many of these cases are never reported. Some cases are reported by parents only after a considerable period of time has passed. Apart from this, many children are abducted and kidnapped by gangs operating in the source areas. Investigations by police agencies report presence of such organised crime syndicates which are operating openly with much ease and fearless of the law. Finally many of these victims who are trafficked just become numbers and are reflected in the Crime Records Bureau Data.

Research by many agencies and also by the NHRC Action Research has proved the fact that the traffickers use well defined routes for transiting a procured person from the source areas to the destination. Many source areas have fixed destination and this makes it very clear that if a rapid response system of reporting and search is put in place many of these victims can be rescued before they are exploited and sold during the transit period itself.

The Supreme Court of India provided detailed guidelines on 14-11-2002, while hearing the Writ Petition (Crl) No 610 of 1996 filed by Horilal vs Commissioner of Police, Delhi and others with regards to effective and emergency steps to be taken in case of tracing out the missing women and children.

The Nithari Case in 2007⁷² brought the plight of missing children and women before the nation. The case was a classic example of how the law enforcement agencies treat the missing persons as regular cases and even fail to recognise a set pattern emerging out of the cases. In this particular police station several children and women were reported missing in a span of time and yet they failed to recognise that most of them were being exploited and killed in a single house. In this particular case, a committee was set up by MWCD, Government of India and also by the National Human Rights Commission (NHRC) to study and analyse the case.

Post the Nithari episode, the NHRC set up a panel to examine the cases of missing children across the country. The NHRC panel provided to the nation a well set out roadmap for combating cases of missing persons.

In 2009, the MWCD under the ICPS recognised the need of a portal and a network to be created for tracing missing children by including the same in the ICPS policy document.

In 2010, the Delhi High Court ordered detailed guidelines for Delhi Police. Among the various guidelines it was mentioned that the Police have to register FIR in all cases of missing children.

⁷²On December 2006, two Nithari residents claimed they knew the location of remains belonging to children who had gone missing in the previous two years: the municipal water tank behind house D5 in Noida Uttar Pradesh. Both had daughters who had disappeared, and they suspected Surender Koli, the domestic help at D5, had something to do with the disappearances. The residents claimed they had been repeatedly ignored by local authorities; therefore they sought the help of former Resident Welfare Association (RWA) President S C Mishra. That morning, Mishra and the two residents searched the tank drain, and one of the residents claimed to have found a decomposed hand, after which they called the police. Anxious parents of the missing children rushed to Nithari with photographs. Koli, under the alias Satish, later confessed to killing six children and a 20-year-old girl known as "Payal" after sexually assaulting them.

In 2011, the Ministry of Home Affairs published a detailed Advisory to all states for taking steps for tabulating each and every missing case and also the various ways and methods the police can recover these cases. The Advisory recognised the fact that trafficking in human beings was an organised crime and the response to the same should also be organised. The Ministry of Home Affairs advisory was again a well researched document and resulted from a series of zonal workshops held across the country.

In the period 2007-2012, Delhi Police collaborated with other neighbouring states to set up the 'zip net' network. West Bengal Police also initiated a missing person portal which has also been able to very carefully profile each and every missing case reported in West Bengal.

In 2012, Bachpan Bachao Andolan (NGO) published a report on missing persons which reflected that the actual number of missing persons are much more than what is being reported in the NCRB data.

With the ratification of the UN Trafficking Protocol it is now imperative that the Government of India develops a response plan for tracing missing persons. The National Portal is of course needed but the same should be supplemented by a very strong infrastructure and communication network with the technology for fast collection and dissemination of information. It also calls for convergence among all stakeholders so that fast and quick action can be taken across the country and even abroad without loss of time. It also requires profiling of traffickers and the organised crime racketeers. All the enforcement agencies along the travel routes taken by traffickers should be well connected.

The Government of India has taken steps to create machinery and institutional mechanisms across the country with the roll out of Integrated Child Protection Scheme and the Integrated Anti Human Trafficking Units. In both these schemes, NGOs and Civil Society is an integral part of the system. Now the time has come to create a robust technological system for profiling, publishing and disseminating information as fast as possible among all stakeholders and also a synergy and convergence among all agencies.

Guidelines for search of Missing Children laid down by Supreme Court of India

Hori Lal Vs Commissioner of Police, Delhi & Ors Respondents (14.11.2002)

The Court in its order dated 14/11/2002 laid out the following guidelines for effective search of the Kidnapped minor girls, which are to be followed by the Investigation Officer in all the States:

1. Publish photographs of the missing persons in the newspaper, telecast them on television promptly, and not later than one week of the receipt of the complaint. Photographs of a missing person shall be given wide publicity at all the prominent outlets of the city/town/village concerned that is at the railway stations, interstate bus stands, airport, regional passport office and through law enforcement personnel at border checkpoints. This should be done promptly and in any case not later than one week of the receipt of the complaint. But in case of a minor/major girl such photographs shall not be published without the written consent of the parents /guardians.
2. Immediately make inquiries in the neighbourhood, the place of work/study of the missing girl from friends, colleagues, acquaintance, relatives etc. Equally all the clues from the papers and belongings of the missing person should be promptly investigated.
3. Contact the principal, class teacher and students at the missing person's most recent school /educational institutions. If the missing girl or woman is employed somewhere, then contact the most recent employer and her colleagues at the place of employment.
4. Conduct an inquiry into the whereabouts from the extended family of relatives, neighbours, school teachers including school friends of the missing girl or woman.
5. Make necessary inquiries whether there have been past incidents or reports of violence in the family.

Thereafter the investigation officer/agency shall:

1. Diligently follow up to ensure that the records requested from the parents are obtained and examine them for clues.
2. Hospitals and mortuaries to be searched immediately after receiving the complaint.
3. The reward for furnishing clues about missing person should be announced within a month of her disappearance.
4. Equally hue and cry notices shall be given within a month.
5. The investigation should be made through women police officers as far as possible.
6. The concerned police commissioner or the DIG/IG of the state police would find out the feasibility of establishing a multitask force for locating missing persons.

Further, in the metropolitan cities such as Delhi, Mumbai, Kolkata and Chennai the Investigating Officer should immediately verify the red light areas and try to locate the minor girls. If any minor girl (may or may not be recently brought there) is found her permission be taken and she may be taken to the children's home (Sec 34 of the Juvenile Justice (Care and Protection of the Children) Act 2000, and the I.O. to take appropriate steps that all medical /other facilities are provided to her.

General Pattern of Investigation Followed for 'Missing Children'⁷³

Normally, the investigation of a crime commences with the registration of a First Information Report (FIR) in a police station. The registration of an FIR pre-supposes a cognizable offence. However, in the case of a missing child, there is no system of registering an FIR across the country. Complaints of missing children, by and large, are treated as any other non-cognizable offence and only an entry is made in the General Station Diary (GD) that is followed by an enquiry. In other words, just as in the case of a missing person, no FIR is registered but only an entry is made in the GD of the police station concerned, the same procedure is followed in the case of missing children. The follow-up procedure thereafter entails the Station House Officer in the police station forwarding the information to all concerned, as well as to the Superintendent of Police or to the Deputy Commissioner of Police who in turn forwards it to the Chief of Police. At the field level, local police officials publicize the particulars of the missing child in the media by circulating the available identification details and photographs.

The message concerning missing child/ children that reaches the police headquarters normally is taken care of by the Missing Persons Bureau. At the state level, this Bureau is often a wing of the CID of the state police. While taking action, they also forward the message to the State Crime Records Bureau who, in turn, transfers the information to the Missing Persons Wing at the National Crime Records Bureau (NCRB) in New Delhi, which operates under the Ministry of Home Affairs. The NCRB, transmits this message to the chiefs of police in other states. The research wing of the NCRB coordinates this information and further transmits it to other places. The NCRB, under the TALASH Information System, maintains a national level database of missing persons under the following broad categories - 'missing', 'kidnapped', 'arrested', 'deserted', 'escaped', 'proclaimed offender', 'wanted', 'unidentified dead body', 'unidentified person' and 'traced/ found'. Earlier, data on missing children under the broad category of 'missing' was not available. However, this is now available for both the sexes under the age group 0-12 and 13-18 years.

Although the category of missing children has come to be reflected in the TALASH Information System, there is no mention or analysis of it to date in the Crime in India Report being published by the NCRB. This is in spite of the fact that Chapter Six therein titled 'Crime Against Children' categorically affirms that "Generally, the offences committed against children or the crimes in which children are the victims are considered as Crime Against Children". It then goes on to highlight crimes committed against children that are punishable under the Indian Penal Code 1860 and crimes committed against children that are punishable under the Special and Local Laws. Apart from the NCRB, there are some regional police websites like the Zonal Integrated Police Network (ZIPNET) and a few state police websites, which provide data on missing persons, including data on missing children. But the information provided therein

⁷³NHRC- Recommendation of the Committee on Missing Persons- NHRC Annual Report 2007-08

remains largely incomplete. Awareness about these databases -- particularly, among police personnel is low and it has not got adequate attention in the investigation and tracing of missing children. It is pertinent to mention that sending "look out" notices and publishing photographs and other details in local visual and print media is somehow not mandatory in every State/ Union Territory. In addition to this, there are a host of other factors - absence of effective supervision and follow-up, lack of interest on account of low priority accorded to the problem of missing children, lack of resources, lack of coordination and lack of national strategy to deal with the challenge – due to which cases of missing children do not receive the desired attention that they really deserve. With the passage of time, routine efforts to locate missing children have also been abandoned. As a result, a large number of missing children remain untraced. Sustained efforts to locate the missing children are rare.

NHRC Recommendations on Missing Children⁷⁴

The NHRC Committee has proposed for prioritization of the issue of missing children /women among law enforcement agencies. It has asked for creation of a missing person's desk which will monitor and document each and every case of missing person in the police station. In this regard, it has advocated that the Juvenile Police Units can be utilized for the purpose. This squad/desk should have a Registering Officer who should be made responsible for registering complaints of missing children and to maintain complete records of efforts made by them to trace missing children as well as by the Special Squad.

The Report recommended that State Police Headquarters should evolve a system of mandatory reporting whereby all incidents of missing children across the country should be reported to the National Commission for Protection of Child Rights (NCPCR) within 24 hours of occurrence. Failure to report promptly would give rise to the presumption that there was an attempt to suppress the incident. The reporting should be done promptly and the procedure could be the same as is being followed by the concerned authorities for reporting custodial death cases to the NHRC.

The NHRC Committee emphasized the need of establishing a National Tracking System that would encompass the grass-root level in locating and tracing missing children at NCRB. There should be prompt reporting of not only missing children cases, but also of return/ rescue/ recovery. All instances where children are rescued from places of exploitation including places of sexual exploitation and also exploitative labour, should be dovetailed into the NCRB data base. The database should be updated on a regular and systematic basis.

The NHRC Committee has stated that as of now the issue of missing children is not a cognizable offence and the very fact of missing of a child does not convey occurrence of a crime. The State Governments were advised to consider issuance of appropriate directions to the law enforcement agencies to set a time limit of 15 days from the date of reporting that if a missing child is not traced back within 15 days, a presumption may be made of some malafide and an FIR registered with respect to all such issues of missing children. It has also been advised in the recommendations to order the law enforcement agencies for regular rescue and recovery of children in need of care and protection.

Delhi Police Issues Orders for Registration of all missing cases as FIR

The Delhi High Court had taken a suo moto cognizance on 2nd March 2009 and stated that since in most of the cases of missing children the parents cannot pursue the case, the court issued orders to Delhi Police to promptly, without any delay register all complaints of missing children as FIRs. The Court among other things gave the following directions:

1. Delhi Police will ensure strict compliance with its revised Standing Order No. 252 dated 18th March, 2009. The information with regard to missing children shall be immediately uploaded on Delhi Police's web bases Zipnet programme. The Home Ministry is directed to issue appropriate directions to neighbouring states of Delhi to adopt web based Zipnet programme with regard to missing children.
2. It shall be mandatory for Delhi Police to forward both by e-mail and by post a copy of each FIR registered with regard to missing children to Delhi Legal Services Authority (hereinafter referred to as "DLSA") along with addresses and contact phone numbers of parents of the missing children.

⁷⁴NHRC- Recommendation of the Committee on Missing Persons- NHRC Annual Report 2007-08

3. DLSA will in turn constitute a team comprising a lawyer and a social worker to follow up the case with the Delhi Police. The said team will not only provide all possible legal aid to the parents and families of the missing children but shall also act as an interface between the parents of the missing children and the Delhi Police. DLSA will maintain a record of all cases of missing children.
4. Both DLSA and the Delhi Police shall ensure that the Supreme Court interim directions/guidelines pertaining to missing/kidnapped children passed in Writ Petition (Crl.) No. 610/1996 (Horilal vs. Commissioner of Police, Delhi) and the case of Lalita Kumari vs. State of U.P. & Ors.(Writ Petition(Crl.) No. 68/2008) are strictly complied with.
5. Whenever a missing child is traced or he/she comes back on his/her own, the Investigating Officer will examine all relevant angles such as involvement of organized gangs, application of provisions of Bonded Labour Act and such other relevant Acts.
6. Whenever, the involvement of any organized gang is found, it shall be the responsibility of the Investigating Officer to refer the matter to the Crime Branch of Delhi Police or the Special Cell constituted in the CBI.

Report of Bachpan Bachao Andolan⁷⁵

According to the data procured through RTI applications, 24,744 children reported missing from metro cities of Hyderabad, Kolkata, Bangalore, Mumbai and Delhi in the year 2011. Delhi had the highest number of missing children as well as children untraced, where 12% of total reported missing was untraced as of January 2013. Each year, 6,785 children disappear from Delhi with 850 children remaining untraced. Out of the total untraced children from these metro cities, Delhi and Kolkata alone constitute 89%. Data from 392 districts show that 1,17,480 children were reported missing within a span of 2 years. However, the fact remains that the number of missing and untraced children in India is startling. If the average number of 150 reported missing children per district (from available data) is extrapolated to all 640 districts in the country, the total number of missing children in India every year would come to the tune of 96,000. In the same way, if an average number of 54 untraced children per district is extrapolated to all districts including GRPFs in the country, the total number of untraced children in the country in a year would be 34,500.

Some of the most significant findings of this study are:

- No clear definition of missing children in line with the legal system, which, in turn, leads to confusion on how the cases should be treated.
- No provision on addressing the issue of missing children in the Indian legal system.
- No comprehensive SOPs/Protocol for addressing the issue of missing children at the national level, involving all states/UTs and other stakeholders.
- No proper mechanism to document and update the database and information on the number of registered, traced and untraced cases of missing children.
- Lack of coordination between the agencies dealing with the missing children for example police, NCRB/SCRB/DCRB and NGOs/CSOs.
- Urban centres have high number of children reported missing.
- Areas with better connectivity and facility of transport and communications have high number of missing children.
- States and districts with international borders also have large number of children registered missing.
- Regions with migratory population, including slums, are registering more missing children.
- Children and families from socially and economically poorer background formed the majority of victims.

⁷⁵Missing Children of India – Bachpan Bachao Andolan (2012) www.bba.org

Initiatives by the State Police Agencies

The main objective of the ZIPNET project of Delhi Police is to share crime and criminal information in real-time. The project has been approved by the Ministry of Home Affairs, Government of India. The information published on it, relates to Public Interest. Prior to ZIPNET, the information used to circulate through offline modes like Papers, TPM, and Wireless Communication. It provides Search Engines to match information from central repository in online environment. Initially, it was brought forward with the collaborative efforts of Delhi, Haryana, Uttar Pradesh, and Rajasthan police in the year 2004. Subsequently, in the year 2008, Punjab and Chandigarh Police also joined it. In 2008, Uttarakhand Police and Himachal Pradesh Police also joined the project. Among the various modules, missing children and missing persons is an important segment. This project enables a wider distribution of information real time across seven police agencies.

In West Bengal, the Missing Persons Bureau in the CID, West Bengal has been actively profiling each and every reported case in the CID West Bengal website. It ensures that each case is given wide publicity through public media i.e. Doordarshan, All India Radio, Daily News Paper and also through Criminal Intelligence Gazette, Missing Persons Website of CID, West Bengal and other Government Office to trace out the missing persons. West Bengal police also runs a National Portal in collaboration with the Department of Social Welfare (www.trackthemissingchild.gov.in). This portal is dedicated to the cause of tracking missing children. The portal holds the database of missing / recovered children. Many police agencies of Andhra Pradesh, Maharashtra, Assam etc are uploading real time data on missing children on their police websites.

Advisory on Missing Children (Ministry of Home Affairs)

The Ministry of Home Affairs, Government of India has issued an advisory on missing children measures needed to prevent trafficking and trace the children. The advisory was issued on 31st January 2012 after wide scale consultations with State Police agencies through zonal and national level workshops with various stakeholders. The details in the advisory inter alia include:

1. Implementation of the guidelines of Honourable Supreme Court of India dated 14/11/2002 in *Horilal vs Commissioner of Police Delhi* and court orders issued on 12/10/2011 in *Sampurna Behrua* case. These instructions need to be complied and monitoring ensured.
2. Implementation and Monitoring of NHRC guidelines on missing children.
3. An officer of the rank of Deputy Inspector General of Police should be declared Nodal Officer in each state.
4. Supervision of investigation of cases by senior police officials of the rank of Addl. Superintendent of Police /Dy. Superintendent of Police
5. Heinous offences related to organized crime should be transferred to the State CID.
6. Convergence between District Missing Children Unit and Missing Persons squad needs to be ensured.
7. All cases of trafficking should be treated as organized crime and real time data and profile of the gang members need to be maintained.
8. Police officials need to be sensitized and trained on procedural laws, investigation techniques and data collection and compilation.
9. AHTUs should be involved in the Missing persons work at the district level.
10. SP should review all cases of missing children in the Monthly District Review.
11. In cases of international trafficking, investigators can network with Interpol for search of the missing child.
12. All missing cases should be uploaded at the district level and data disseminated and the same needs to be updated.
13. At the police station level, SHO should ensure that the data on missing children is shared with DCRB and SCRB.

14. Integration of Childline in the search and recovery of missing children needs to be ensured.
15. Police should be trained to take preventive steps.
16. Involvement of Community/Panchayats/Resident Welfare Association needs to be ensured for prevention and protection measures.
17. Community awareness on missing children needs to be ensured at district level. School level sensitization should also be ensured.
18. Appointment of Nodal NGOs at the state level needs to be ensured. Wherever possible NGO partnership should be evolved for counseling and awareness raising activities.
19. The protocols and SOPs developed by MHA-UNODC project including protocols on interstate transfer of rescued victims should be effectively utilized

The SC order on Mandatory Registration of FIR in Cases of Missing Children in W.P. (Civil) 75 of 2012 (Bachpan Bachao Andolan Vs. Union of India) dated 17/01/2013. Supreme Court has ordered for mandatory registration of First Information Report (FIR) in cases of missing children and appropriate steps should be taken to see that follow up investigation is taken up immediately thereafter.

State Reports



Andhra Pradesh

The problem of trafficking of women and children has assumed alarming proportions in recent years in Andhra Pradesh and it is one of the high prone source areas in India. Trafficking is prevalent at various levels- local, inter-district, inter-state and cross-border. Commercial sexual exploitation of women and children takes place in various forms including brothel based prostitution, sex tourism, entertainment industry and pornography in print and electronic media. Data indicates that nearly 50% of the victims belong to Scheduled Caste and up to 30% belong to the other Backward Classes⁷⁶.

Most of the victims from Andhra Pradesh have been trafficked with promises of work, better career prospects and marriage. Some are inducted forcibly through abduction. Poverty and deprivation, secondary status accorded to women in society, prejudice against the girl child, weakening of the family structure, changing public attitudes towards sex and morality, the caste structure, urbanization and migration are other factors which have contributed to the commercial sexual exploitation of women and children. Apart from trafficking, certain traditional forms of prostitution are prevalent, e.g. *Jogins, Marthammas, Dommaras and Basavis*.

Trafficking Routes

Trafficking of women and children has been reported from across all districts in Andhra Pradesh. However, areas of coastal Andhra Pradesh like Chilikaluripet, Ongole, Guntur, Mangalagiri, Eluru, Guduwada, Nalajerla, Tadepalligudem, Rajamundry, Kavali, Nellore, Sullurupeta and Naidupeta etc., are known to be most affected. Victims are mostly taken from Andhra Pradesh to Mumbai and Delhi. Many of these victims are supplied to the red light areas in Delhi, Poona, Surat, Mumbai and Kolkata. Trafficking across international borders also takes place from Andhra Pradesh. Victims are sent to different Middle East countries with false promises of jobs as domestic maids and marriages while they land up in situations of slavery. Trafficking to Andhra Pradesh has been reported for friendship clubs, massage parlours, prostitution rackets etc. Victims from the Northeast and West Bengal are being brought to Andhra Pradesh by these organised crime syndicates.

According to the State Crime Records Bureau, in 2009 the total number of missing children cases reported was 3,084 where as in 2010 the number was 3,700. In 2008, out of 3,886 missing children, 1,948 were restored to parents and 1,938 were not even traced. Similarly for the year 2007, out of 3,808 missing children, 1,799 are yet to be traced. The rate of increase in the missing children cases is 21%.

In 2009, the total number of missing women in Andhra Pradesh was 2,463 and the number of traced was 1,464. Whereas in 2010, the total number of missing women was 3,054 and the number of women traced was 2,395. Within a span of one year, there was 23% increase in the number of women missing in Andhra Pradesh.

Andhra Pradesh Government provides an immediate relief of Rs. 10,000 to rescued victims of human trafficking. It also has a comprehensive plan of action to combat trafficking.

It is notable that the Andhra Pradesh Government with proactive policing has been able to recover a lot of missing women and children. Compared to the national data on missing children and missing women, Andhra Pradesh has a high rate of recovery of missing cases. The data on missing persons is updated on <http://www.missingperson.ap.nic.in>

Government Initiatives

The Government of Andhra Pradesh has framed a comprehensive policy and action plan for covering various aspects such as prevention, rescue, repatriation, economic empowerment, health care, education, housing, legal reforms and creation of corpus fund necessary for addressing the problem of trafficking. The policy recognised the need for

⁷⁶GO Notification on Rehabilitation Policy 2003 <http://nlrd.org/wp-content/uploads/2012/01/ANDHRA-PRADESH-POLICY-TO-COMBAT-TRAFFICKING-.pdf>, accessed on 27 November 2012

planning and coordination both at the district and the state level for addressing the deep rooted and underlying causes of trafficking and also taking adequate measures for psychological support, economic empowerment and re-integration so that the victims do not get drawn into the trade again on account of non availability of other options for livelihood. District-level Committees for taking up activities for prevention, rescue and rehabilitation of victims were also created, as was the creation of corpus funds for addressing the problem of trafficking⁷⁷.

Andhra Pradesh Government has been the first State Government in the country to provide for victim support, compensation and relief.

To ensure holistic care and support for all rescued victims, minimum standards of care have been notified by the Government of Andhra Pradesh. These standards for shelters for victims of commercial sexual exploitation / survivors of sex trafficking are those non-negotiable care components that should be integrated in any home managed either by the government or the civil society to ensure facilities for rehabilitation are in place as a matter of right of the victim. These standards are to ensure that the safety, dignity and the well being of each victim is ensured⁷⁸.

The Government has reiterated the sanction of Rs.10,000 (USD 200) as immediate relief to rescued trafficked victims. Free legal aid is provided to the victims through the District Legal Service Authority⁷⁹. Under the *Kishori Shakti Yojana* the Government sanctioned funds towards an effective preventive anti trafficking strategy⁸⁰.

In order to ensure that trafficked victims are not subjected to influence or inconvenience, with the help of the National Informatics Centre (NIC), the state department organized the first video trial of a trafficked victim from NIC centre, Hyderabad with a Judicial Magistrate of Mumbai City Civil Court, Maharashtra. The trafficked victim was able to talk fearlessly and identified the traffickers and has given her evidence against them in C.C no. 703/PW/2010 Metropolitan Magistrate Court Mazagaon. Enthused with effectiveness of video conferencing, on the request from the department, the DGP of AP has since issued instructions to all SPs promoting such trials through video conferencing of such cases including trafficked victims.

The office of the Department of Women Development, Child Welfare and Disabled Welfare has also conducted job *melas* with the guidance of the District Collectors and Employment Generation and Marketing Mission where girls including the trafficked girls were given an opportunity for placement with prospective employers.

Andhra Pradesh has also notified Minimum Standards of Care and Protection for victims of human trafficking in the various shelter homes and rehabilitation programme.

In order to avoid re-trafficking, the government has made a proposal before the Central Advisory Committee to amend Sec. 18 of Immoral Trafficking (Prevention) Act, 1956 to the effect that the premises used for trafficking of minor children should be confiscated and auctioned and part proceeds be utilized for rehabilitation of the victims concerned and part be credited to a fund for trafficked victims⁸¹.

Under the SWADHAR Scheme, 26 shelter homes have been sanctioned. Government order specifying adoption of minimum standards of care by institutions and service providers providing protective and rehabilitative facilities to victims of commercial sexual exploitation/sex trafficking has been notified⁸².

Andhra Pradesh is the first state to issue a Government Order providing victim compensation, to the tune of Rs. 1,00,000 (USD2000) to a minor victim of gang rape and Rs. 10,000(USD 200) as immediate relief to a rescued victim of commercial sexual exploitation⁸³.

⁷⁷GO Ms. No. 1 dt 3.1.2003 of Department of Women Development, Child Welfare and Disabled Welfare.

⁷⁸GO MS. No. 16 dt. 24.4.2010

⁷⁹GO MS No. 28 WCD and SC dt. 13.6.2011

⁸⁰Memo no. 3481/JJ/A1/09, of Department of Women Development, Child Welfare and Disabled Welfare dated 22.3.2010

⁸¹Response of the Govt. of Andhra Pradesh in the matter of Budhadev Karmaskar Vs. State of West Bengal.

⁸²vide G.O. Ms. No. 16 of Women Development Child Welfare & Disabled Welfare (WP) Dept dated 24.04.2010

⁸³Govt. of A.P issued G.O. Ms. No. 28 Dept of Women & Child Welfare dd. 13.6.2011 in which for payment of compensation to victims of rape (Rs.50,000/-), gang rape of minors (Rs. 1 lakh), acid attacks (Rs. 1 lakh), selling and buying of minors of prostitution (Rs. 20,000/), interim relief for women and children rescued from trafficking (Rs.10,000/-), dowry death (Rs.50,000/- to the next of kin) and causing grievous injuries (Rs.50,000/-).

The Government of Andhra Pradesh has formulated the Andhra Pradesh State Plan of Action for Children 2009-10 (ensuring child well being) wherein it has reiterated its commitment towards preventing and combating child trafficking⁸⁴. Efforts are on to designate Special Courts for the trial of cases related to trafficking, especially in Hyderabad and Cyberabad Commissionerates, and in principle, a special court has been designated to try cases of human trafficking in Hyderabad.

Anti Human Trafficking Unit (AHTU)

Andhra Pradesh was the first state to set up 3 AHTUs in 2007 under the UNODC supported project at Eluru (now at Rajahmundry), Anantapur (Kadiri) and Women Protection Cell, CID, Hyderabad (for Hyderabad and Cyberabad region). As of August 2012, Andhra Pradesh has a total number of 12 AHTUs⁸⁵.

Andhra Pradesh Government is one of the first state governments to designate Nodal NGOs for AHTUs. The Nodal NGOs -Prajwala, Ankuram, HELP, STHREE, Chittoor, REDS are the regular partners in rescue and rehabilitation and victim/witness support. These non- state players help the police during pre- rescue, rescue and post- rescue operations across the country with the help of other local NGOs in places where rescue operations were conducted, and also in pre- trial and during trial cases. Andhra Pradesh Police went beyond the state to break traffickers' network and conducted rescue operations at Bhivandi, Pune, Chandrapur, Yavatma, Varni (Maharashtra), Valsad (Gujarat), Bengaluru (Karnataka), Chennai, Vellore (Tamil Nadu), Katni (Madhya Pradesh) and Delhi⁸⁶.

The Andhra Pradesh Government has conducted training programmes for the police and prosecutors upto the district level. Judicial Officers have also been sensitized.

ANDHRA PRADESH – PROTECTION MECHANISMS AT A GLANCE⁸⁷

No of Anti Human trafficking Units (Districts)	12
No of Child Protection Units	23
No of Child Protection Homes	102
No of Special Juvenile Police Units	29
No of Child Welfare Committee	23
No of Homes under Ujjawala P & R Schemes	11
No of Shelter Homes under Swadhar Scheme	26

MISSING PERSONS CASES - ANDHRA PRADESH

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	-	-	-	-	-	-
2010	3700	3066	634	3054	2395	659
2009	3084	2576	508	2463	1945	518

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

⁸⁴RTI reply received from the Public Information Officer, Govt. of Andhra Pradesh

⁸⁵Under the sanction of funds from MHA for 2010-11, five more AHTUs were set up at Guntur, Anantapur, Karimnagar, Eluru, and WPC, CID, vide G.O.Ms. No. 165 Home (PS & A2) Department dtd. 25.6.2011. Each AHTU is functioning with the strength of one Inspector, two Sub-inspectors, 2 Head Constables and 2 Constables, under the supervision of the Deputy Superintendent of Police. The units are provided with four wheelers, 2 wheelers, mobile phones, land phones, furnished office space with bathroom facility, computer and accessories and other amenities. Under the MHA sanction for 2011-12, five more AHTUs are proposed to be set up at Warangal, Tirupathi, Nellore, Vijayawada and CID (at Visakhapatnam). The designated NGOs in respective districts are associated with the AHTU as active partners.

⁸⁶In Cr. No. 40/2011 of CID Police Station, Hyderabad, in a massive rescue operation conducted by CID, Andhra Pradesh in Delhi, 72 victims belonging to various states of the country including 15 major and 2 minors of Andhra Pradesh, were rescued from brothel houses of Delhi, and 13 traffickers were arrested.

⁸⁷Ministry of Women and Child, Government of India – September 2012

State Reports



Assam

Assam is a North Eastern state of India and has its capital in Dispur, located on the inside of its largest metropolis, Guwahati. Geographically, Assam is located south of the eastern Himalayas with an area of 30,285 square miles (78,440 km²). Assam is surrounded by six of the other Seven Sister States: Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura and Meghalaya. These states are connected to the rest of India via a narrow strip in West Bengal called the Siliguri Corridor. Assam shares 263 kms with Bangladesh and 265 kms with Bhutan⁸⁸. Recurring floods in the state have led to the displacement of a large population and traffickers have targeted victims from such groups. There is trafficking of girls from Assam to Haryana and Punjab for marriage⁸⁹. The growing need for better livelihood options and employment has turned Assam into a source area for human traffickers and in the past few years, thousands of young men and women of the state have fallen prey to the designs of traffickers and have been exploited as cheap labour. Women and children from Assam are trafficked to various parts of the country such as Delhi, Mumbai, Haryana, Gujarat, etc. for sexual exploitation, labour and forced marriages. The reasons of trafficking in Assam have mainly been poverty, unemployment, migration from rural to urban areas, insurgency, communal clashes, natural disaster etc. There is a trend to send children to other states for education which sometime ends up in exploitation of the children.

In Silchar, Assam, there is a Red Light Area. The vulnerable areas in Assam are Nowgaon, Morigaon, Baksa, Nagrijuli, Dimakuchi and border areas of Hailakandi and Karimganj districts, particularly at the Mizoram and Bangladesh border⁹⁰. Women and children from Assam and Bangladesh are trafficked to More in Manipur and from there, they are moved out to Myanmar and other countries in South East Asia through the Golden Triangle. Similarly, women and children from Assam, especially Jorhat are trafficked to the Panga International Treaty Tower and moved to the Golden Triangle. Dimapur is a transit centre for people trafficked from Assam, especially upper Assam, Lumding and Guwahati⁹¹.

The North Eastern Region has long international boundaries connecting with other South East Asian countries such as Bhutan in the North, Bangladesh in the South West, and Myanmar in the North East corner. Almost all the eight states of North Eastern Region have direct open borders. Manipur, Nagaland, Arunachal Pradesh and Mizoram have long and open boundaries with Myanmar. Often this geographical situation is taken advantage of by the traffickers, smugglers, arms dealers and other anti social elements⁹². There is an organized racket of trafficking active in Assam as well as in metro cities. The traffickers lure children mostly from the poverty stricken areas of Assam and hand them over to the illegally run placement agencies in Delhi. Some children are being shifted to other states like Haryana, Punjab, Rajasthan and Uttar Pradesh via Delhi. Due to the closure of tea estates in the recent past in Assam, the traffickers take advantage and easily lure the adivasi people on the pretext of jobs to metro cities. Organizations working in Haryana and Delhi have reported ongoing trafficking rackets operating for forced marriages. The common route of traffickers from Assam is the rail route within the country.

Government Initiative

The Government of Assam including the Police Department has taken several initiatives to combat human trafficking in the state. In order to improve coordination for the rescue of victims of commercial sexual exploitation and for the protection, counselling and rehabilitation, the State Government has constituted a State level Advisory Committee⁹³.

There are 26 Special Juvenile Police Units and 27 Child Protection Units in Assam. Under the Integrated Child Protection Scheme (ICPS) there are 7 Shelter Homes in Assam. Assam Police in coordination with NIPCCD has organized workshops on Women and Child Rights/Trafficking in the year 2010-11. Regional workshops on Anti-Trafficking are also being organized by the Assam Police. The Police department has initiated the Special Juvenile Police Unit (SJPV) in every district and designation of Police Officers as Child Welfare Officers in every Police station has been completed⁹⁴.

⁸⁸http://www.borderdarshan.com/border_glance.html

⁸⁹Trafficking in Women and Children –NHRC Research, 2004

⁹⁰Response of Assam Government submitted to Supreme Court of India on rehabilitation of women in prostitution

⁹¹Trafficking in Women and Children, NHRC Research, 2004

⁹²Anti Trafficking Initiative by Assam Police –Anti Human Trafficking Unit Compendium prepared by Crime Branch Assam Police

⁹³Reply of Assam government to the Supreme Court (Writ Petition no. © 190/2002) in the matter of Shakti Vahini Vs Union of India and others

⁹⁴RTI reply received from SSP, CID, Assam

The government has taken initiative to form networks with other NGOs, policy makers and police to facilitate rescue, rehabilitation and repatriation of the trafficked victims. The Assam Government has initiated several measures to implement the guidelines issued by the National Human Rights Commission on missing children. Assam police has also taken the initiative in maintaining the missing persons' data properly. The Advisories on Human Trafficking, Missing Children and Violence against Women and Children issued by the Ministry of Home Affairs, Government of India have been shared with the district officials for prioritization of the issue and to have more clarity on legal processes. The government has initiated awareness programmes as well.

The Department of Social Welfare has initiated awareness programmes in villages in partnership with local panchayats across Assam since 2010. Vigilance committees have been constituted in trafficking prone villages with *Gram Pradhan*, *Gram Panchayat* president, Anganwari workers, Asha workers, school teachers to keep track of the numbers of girls migrated/missing from the village.

The police (Women Cell) has been collaborating with the Panchayats and maintains the record of the persons who migrate from the village.

The missing children and women data continues to remain high in the region especially from Assam. In March 2011, the Special Branch, Assam Police shared a document of 500 missing women and girls with Crime Branch, Delhi Police and the Anti Human Trafficking Unit, Delhi⁹⁵ to conduct search operations. According to the missing cases compiled by the CID Assam, in 2001 the total number of missing children was 1,065 whereas in 2009 the number was 745. As far as the missing of women from the state is concerned, the data states that 459 women were missing in 2001 and 794 were missing in 2009⁹⁶. As per the State Crime Records data, total number of missing children in 2009 was 899 whereas in 2011 the missing number went up to 1,565. In 2011 the number of girls trafficked was more than double as compared to the boys.

As far as the missing data of women is concerned, in 2009 the total number was 600 and in 2011 it was 1,243.

Anti-Human Trafficking Units (AHTU)

The Assam Police issued a notification in 2010 notifying all the Superintendent of Police as Special Police Officers to undertake measures to prevent trafficking of women and children in Assam. As per the direction of the Ministry of Home Affairs, the Assam Police has created 14 AHTUs with IG CID as the Nodal Officer. The AHTUs of Assam include Kamrup (Metro) at CID HQ, Kokrajhar, Kamrup (Rural), Karimganj, Sonitpur, Morigaon, Dibrugarh, Dima Hasao, Lakhimpur, Jorhat, Dhubri, GRP, Goalpara and Cachar.

The AHTU of Assam police have recovered many victims of Assam. It is evident that while rescues and registration of cases have increased, convictions remain low in the country. But the government continued to make progress in its law enforcement efforts to combat human trafficking in 2011⁹⁷.

Appointment of Anti Trafficking Police Officers has already been made in all the districts of Assam. Instructions have already been issued to all immigration officers through the Superintendent of Police of the bordering districts of Assam to keep vigil especially on the entry of young girls into the international bordering districts of the states. A "Special Cell" has been established to function under the overall direction of the DIG of Police, CID to coordinate action of Crime against women in general and under ITPA in particular.

The State Home Department has also instructed the IGP Assam to issue Identity Cards to select NGOs who are involved in rehabilitation of child victims⁹⁸.

⁹⁵Report from NGO Shakti Vahini, accessible at http://shaktivahini.org/wp-content/uploads/2012/03/situational_report_shakti_vahini.pdf

⁹⁶RTI reply by the Spl. Superintendent of Police, CID, Assam.

⁹⁷Other anti-trafficking measures included networking with nodal officers of other states and the Ministry of Home Affairs. Besides, awareness generation among the masses through a proactive role played by the media and focus on missing children will be part of the campaign. The measures include a victim-friendly approach and focus on prevention and interception before the victims are trafficked out at transit points such as railway stations and bus terminals.

⁹⁸Reply of Assam govt. to the Supreme Court (Writ Petition no. ©190/2002) in the matter of Shakti Vahini Vs. Union of India and others

Since there is a direct relationship between missing persons and trafficking, the NHRC and Supreme Court issued directions in this regard on the basis of which detailed guidelines were issued in respect of the missing persons to be followed by the field agencies. As per direction of the Hon'ble Supreme Court of India in the matter of Bachpan Bachao Andolan Vs. Union of India & Others (W.P.(C) 51 of 2006) for implementation of Juvenile Justice (Care and Protection of Children) Act, 2000, 30 Juvenile Police Units, 27 Child Welfare Committees and 27 Juvenile Justice Boards have been notified in all districts of Assam. In compliance of the Hon'ble Supreme Court of India's direction on safety of children, the Assam Police CID has been ear-marked as a specialized investigative agency for the purpose of ensuring that trafficking/prostitution of women and children is reduced⁹⁹. All the SSPs have been directed to take necessary action for identification of areas where trafficking/commercial sexual exploitation of women and children are prevalent and to initiate action. The SSPs have been directed to take necessary action for proactively involving NGOs and Voluntary Organizations in handling the matter of human trafficking¹⁰⁰.

In order to implement the NHRC Guidelines on Missing Children, the Assam Police has initiated the following measures:

1. Information of the missing children is being sent to the Criminal Intelligence Cell (CIC), CBI as per Performa. In this connection, all SSPs of Assam are instructed to send the required information of kidnapped/ missing persons.
2. Particulars and photographs of the kidnapped/missing persons are being up-loaded in Assam Police Website i.e. assampolice.com and also sent to CPRO, Assam Police Headquarter for wide circulation.
3. Information of the kidnapped/missing persons is being included in Criminal Intelligence Gazette (CIG), CID. In this connection, all SSPs of Assam were instructed to send the required information of kidnapped/ missing persons.
4. Information of the missing children is being sent to NCRB, New Delhi.

Capacity Building measures at the various State Agencies level:

1. The AHTU of Assam conducts two day Training of Trainers on combating human trafficking.
2. AHTUs have been directed to sensitize the grass root agencies at District, Block and Panchayat level.
3. Optimum use of various schemes under MWCD like Swadhar, UJJWALA ICPS, ICDS, STEP (Support to Training and Employment of Women) and Sabla etc
4. Creating synergy among various government / non-government stakeholders agencies like social welfare, legal empowerment, health, NGOs, women's group, Information and Public Relations Department by holding periodical meetings and establishing the role of each agency in the AHTU by a nodal officer at the CID HQ.
5. Increase the functional utility of CWC by putting up the various cases before them for juvenile care and rescued victims.
6. AHTUs were directed to establish an Anti-Trafficking Committee at the village level to monitor the movement of children by involving Panchayati Raj institutions, VDPs(Village Defence Party) and Anganwadi workers etc. Maintenance of migration register.
7. Establishment of fast-track courts for the cases pertaining to various social legislations.

⁹⁹Ref. LC/W.P.(C) No. 51/2006/SC/38/150 Dated 14-5-2010

¹⁰⁰Considering the sensitivity of Human right violation by way of crime against women, Letter No. F.No.15011/48/2006-SC/ST-W, dated 14-7-2010 as follows:-

1. Training programmes either initiated by other agencies or conducted by the Police Headquarter are being attended by police officers/ personnel from time to time. Stress is laid on developing victim centric approach during investigation of such cases.
2. Enforcement of all existing legislations relating to crime against children is being ensured during registration of such crimes. District SSPs have been instructed accordingly.
3. The Women Cell and SJPU in the districts are issued instructions and relevant guidelines from time to time to ensure speedy disposal of cases without compromising quality of investigation.
4. Identification of trafficking/commercial sexual exploitation prone areas/routes/ belts in coordination with local NGOs by district police is being monitored by the Police Headquarters.

The Advisories sent by the Ministry of Home Affairs on human trafficking, crimes against children and missing persons have been circulated across all police stations. The CID has also initiated an Action Taken Report on the same. The Assam Police AHTU has initiated partnership with various Civil Society Organizations across the country to help in rescue of trafficked victims from Assam. This has also helped in collection of information about cases from Assam from across the country. The AHTU, Assam has organized eight State Level/Regional level workshops/seminars on Anti Human Trafficking in coordination with the Anti Trafficking NGOs in Assam. A total of 90 human trafficking cases have been registered since the establishment of the AHTU in Assam i.e. July 2011 to April 2012. Two hundred & sixty one victims have been rescued and 119 persons have been arrested in connection with those cases.

ASSAM – PROTECTION MECHANISMS AT A GLANCE¹⁰¹

No of Anti Human trafficking Units (Districts)	10
No of District Child Protection Units	27
No of Child Protection Homes	7
No of Special Juvenile Police Units	26
No of Child Welfare Committee	27
No of Homes under Ujjawala P & R Schemes	12
No of Shelter Homes under Swadhar Scheme	16

MISSING PERSONS CASES – ASSAM

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	1565	965	600	1243	668	575
2010	995	582	413	725	421	304
2009	899	577	322	600	409	191

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

NEDAN Foundation (Kokrajhar) has initiated Weaving Destination (WD), a weaving production unit, has been started as social enterprise in the Bodoland Territorial Council in the State of Assam, which is a post-conflict area as well as prone to flooding. WD has been set up by involving vulnerable indigenous women including women living with HIV, survivors of human trafficking and female migrant returnees who are highly vulnerable to re-trafficking, social exclusion and impoverishment. WD capitalizes and enhances the inherent inborn skill of Bodo women in weaving, and is committed to convert traditional weaving skills into income-earning opportunity for women and girls. Weaving Destination is one of the initiatives of NEDAN FOUNDATION in collaboration with UNDP's Women and Wealth Project designed for the socio economic empowerment of women living with and affected by HIV and trafficking in South Asia.

¹⁰¹Ministry of Women and Child, Government of India – September 2012

State Reports



Bihar

Bihar, due to its geographical proximity to the international borders of Nepal and Bangladesh and migration due to poverty and employment opportunities makes it vulnerable trafficking. The district of North Bihar has open borders between India and Nepal and is a high trafficking zone in the region. Intra state/inter district trafficking is high in Bihar. Children are trafficked for several reasons including sexual exploitation, adoption, entertainment and sports (for example, acrobatics in circus, dance troupes, beer bars, camel jockeys), marriage, labour, begging, organ trade, drug peddling and smuggling. As per a recent report, approximately 35,000 to 40,000 children from the state are missing¹⁰².

Migration from Bihar to other parts of country has been a regular feature. Poverty, loss of livelihood, landlessness, environmental disaster and insufficient assets, among other socio-economic factors, tend to push people to migrate in search of economic opportunity, or simply survival. Most preferred migration destinations from Bihar are to Uttar Pradesh, Delhi, West Bengal, Maharashtra, Haryana and Punjab. It is in this migration process that the traffickers and agents take advantage of and lure families to send their children to work in big cities. Once these children reach the destination areas, they are made to work in unbearable conditions for long hours and end up in slavery and bondage like conditions. Rescue data from Uttar Pradesh, Haryana, Maharashtra, Rajasthan and Delhi show that most of the children from Bihar end up as child labour in these states. During the Kosi floods in 2008 several organisations reported an increase in child trafficking from the entire North Bihar region.

The state of Bihar is also a source area for trafficking of children for forced labour. Thousands of children are trafficked every year to work in towns or cities in various unorganised sectors of work. East Champaran, West Champaran, Begusarai, Darbhanga, Katihar, Khagaria, Madhubani, Madhepura, Siwan, Sitamarhi, Supaul, Araria, Kishanganj, Purnia and Koshi districts are high source areas. Mostly the children who are trafficked for child labour are sent to Delhi, Haryana, Uttar Pradesh, Rajasthan, Gujarat and Maharashtra. For sex trafficking cases the victims are sent to Delhi, Kolkata and Uttar Pradesh.

According to the Census of 2001, Bihar accounts for 8.9% of the child labour in India in the age group of 5 - 14 years. It ranks 3rd in the number of children in the age group of 5-14 years engaged as “main workers”. There are 0.54 million children in the 5-14 yrs age group falling in the category of main workers and about 0.58 million children in the category of marginal workers (*main workers are those who work for 6 months or more in a year, and marginal workers are those who work for less than 6 months in a year*). According to a household survey conducted by Bihar Education Project Council (BEP) in the year 2005, there were 2.3 million out of school children in Bihar, out of which 0.56 million children were found out of school because they had to work. The survey has reported that children engaged in work are one of the major reasons for children not attending school. The child labour incidence is worst in the districts of East Champaran, West Champaran, Begusarai, Darbhanga, Katihar, Khagaria, Madhubani, Madhepura and Siwan¹⁰³.

Although hard figures are extremely difficult to collect and analyze, it is generally acknowledged that thousands of children in Bihar are routinely engaged in homes as domestic servants, in dhabas, hotels, eateries and factories etc. These states have been requested to keep the State Government informed about the travel plan of such children back home.

The Government has opened an office of Joint Labour Commissioner in Delhi which has the responsibility to coordinate with Delhi and other adjoining states in the matter of sending these children to Bihar.

Offences related to sex trafficking is also on the rise. Recently in 2012, 525 minor girls, who were allegedly forced to dance naked at a theatre in a rural fair near the Indo-Nepal border in Bihar's Araria district, were rescued and 44 people were arrested under human trafficking charges. The rescued minor girls belonged to neighbouring areas and from Nepal. Investigations proved that all the girls were minors and the arrested people were from Haryana, Uttar Pradesh, Nepal and other parts of Bihar¹⁰⁴.

¹⁰²http://articles.timesofindia.indiatimes.com/2012-04-10/patna/31317887_1_human-trafficking-amod-kanth-bihar-police, accessed on 19 August 2012

¹⁰³State Plan of Action to combat Child Labour, Govt of Bihar Gazette, available in Bihar Gazette

¹⁰⁴<http://www.ndtv.com/article/cities/police-rescue-25-minor-girls-from-bihar-fair-176008>, accessed on 14 August 2012

In the Katihar and Kishanganj area, recruitment agencies claiming to provide jobs in Middle East countries have been active. In August 2011, a dozen poor villagers of Buxar district who went to Saudi Arabia for work found themselves in slavery like conditions and were unable to return. Their relatives urged the State Government's labour department to free them from this slavery. Such reports of migrants facing hardships are common.

Government Initiatives

The State Government launched a Human Trafficking Prevention Programme in 2007-10 to check trafficking of women and child labourers and ensure a comprehensive rehabilitation package. The State Government has adopted several programmes with a special focus on trafficking prone districts like Purnea, Katihar, Kishanganj, Araria, Madhubani, Sitamarhi, East Champaran and West Champaran. A State Level Anti-Human Trafficking Cell is being headed by the Chief Secretary. Special programmes are being conducted for policemen to train them to quickly respond to cases of human trafficking.

District level anti trafficking cells have been constituted in 26 districts under the supervision of the district magistrates.

The Bihar Government has undertaken a series of measures, including constituting raiding teams to eradicate child labour from the state. The flying squad would carry out raids to free working children and file cases against their employer. The State Government has also proposed to strengthen the Integrated Child Development Scheme (ICDS) and ration cards will be issued to the needy families, particularly poor families with children¹⁰⁵. The State Government has in 2011 notified the State Juvenile Justice Rules. The state has initiated the formation of District Child Protection Units. The state has 14 Protective homes for children and 40 Special Juvenile Police Units have been formed in Bihar.

Astitva Policy

The Bihar Government has drafted and notified a State Action Plan called the Astitva Policy¹⁰⁶ for combating human trafficking. The goal of the project is to combat trafficking in persons with a multi stakeholder partnership. The salient feature of the plan is to increase interventions to combat human trafficking across

The Bihar Government has drafted and notified a State Action Plan called the Astitva Policy.

source, transit and destination areas linked to Bihar. This also ensures active participation and collaboration with destination areas related to trafficking from Bihar. The Astitva Policy focuses on care and protection of victims at all stages of rehabilitation and also ensures strong prosecution of cases. The policy has created a mandate for partnership and sensitization of government functionaries and law enforcement officials and ensures coordination with the AHTUs, labour and social welfare officials. A State Level Anti Human Trafficking Coordination Committee has been formed by reconstituting the State Advisory Committee. The committee has to have regular meetings under the chairmanship of the Chief Secretary to ensure coordination among all stakeholders. Similar to the State Coordination Committees, district level committees and community based vigilance groups have been created in vulnerable areas. The community based coordination committee are working in close coordination with the AHTUs.

At the state level, another committee has been formed which is called the Prosecution Committee headed by the Department of Prosecution. The role of the Prosecution Committee is to ensure the partnership and sensitization of the public prosecutors so that trafficking cases are rightly represented before the court and victim protection procedures are in place. The Astitva Policy has a set of guidelines for victim rehabilitation and the role of each department has been fixed. Since 2010, the Bihar Government has held two state level meetings to review the implementation of the Astitva Policy.

Village level anti trafficking bodies have been constituted in high supply areas especially the district areas bordering Nepal and districts near the Bangladesh border.

¹⁰⁵<http://ibnlive.in.com/news/bihar-measures-to-eradicate-child-labour/255320-3.html>, accessed on 16 August 2012

¹⁰⁶Bihar State Action Plan to combat trafficking <http://nird.org/resources-childs-rights/child-trafficking/schemes-policy-document-child-trafficking/bihar-government-astitva-policy-to-combat-trafficking>

Bihar Government has instituted shelter homes under the Swadhar Scheme and the Ujjawala Scheme. The same needs to be strengthened and Standard Operating Procedures need to be put in place. Presently the homes for rehabilitation have no minimum standards of victim care and protection. This is very important in order to ensure the quality of the rehabilitative processes.

The State Government has also notified the Victim Compensation Scheme and the Integrated Child Protection Scheme.

Plan of Action to Combat Child Labour

The State Government has notified a plan of action to combat Child Labour in 2010. The plan of action provides for a holistic programmatic approach for combating the problem of child labour which has affected the state of Bihar. State, District and Panchayat level task forces have been envisaged in the State Plan. The labour department has been made the Nodal Agency for the implementation of the scheme. A multi stakeholder approach in partnership with UNICEF has been initiated. Inter alia, the plan of action has also proposed a register of working children and all labourers including children migrating from the Gram Panchayat in search of work shall be maintained in the Panchayat office and would be regularly updated. The register would have the pages earmarked for the children released from work and restored to their families and/or enrolled in the schools. The Gram Panchayat will track the educational and economic rehabilitation of all such released children and take measures to ensure that the released children do not relapse to the same condition again.

Anti Human Trafficking Unit

Human trafficking is rampant in the poverty-stricken districts bordering Nepal which have emerged as the hub of human trafficking. According to official figures, the police have rescued 350 children and 127 women from human traffickers in the last three years. A total of 381 human traffickers have been arrested. Most of the rescued victims of human trafficking were minors. While 2007 witnessed 21 such cases, as many as 55 cases were recorded in 2008, 39 in 2009 and 59 in 2010. The State Police have instituted 14 AHTUs in Bihar. The State Level Training of Trainers Workshops have all been completed. Prosecutors have also been sensitized and the Bihar Police have initiated the District Level Police Training Programmes. The advisory related to missing children and human trafficking has been distributed across all district police chiefs.

BIHAR – PROTECTION MECHANISMS AT A GLANCE¹⁰⁷

No of Anti Human trafficking Units (Districts)	14
No of District Child Protection Units	-
No of Child Protection Homes	14
No of Special Juvenile Police Units	40
No of Child Welfare Committee	28
No of Homes under Ujjawala P & R Schemes	1
No of Shelter Homes under Swadhar Scheme	3

MISSING PERSONS CASES – BIHAR

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	-	-	-	-	-	-
2010	-	-	-	-	-	-
2009	740	442	298	202	162	40

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

¹⁰⁷Ministry of Women and Child, Government of India – September 2012

State Reports



CHHATTISGARH



Chhattisgarh

Trafficking in this state has been quite prevalent especially in the tribal areas. The migration of young girls and women started from this region for labour purposes and slowly the migration became controlled by middle men and agents. These middlemen also operate as placement agencies. Families never complained of their daughters going missing as they thought that the police would prosecute them for sending their children through agents. In such circumstances it is very easy to entice tribal families to send their daughters with agents just by offering a very small amount of money. It is only after several months that the families realise that their daughters may have been sold.

Chhattisgarh's northern region that includes Surguja, Korba, Jashpur, Korea and Raigarh districts is infamous for human trafficking cases. Instances of men taking away impoverished girls to big cities on the pretext of providing them jobs and forcing them into prostitution has been on a rise in the past decade. Its rural, remote villages have little contact with the outside world. Human traffickers drive to the remote villages in Chhattisgarh to spread their net. They quietly persuade residents, often teenage girls, to come with them. They promise good jobs in the big city, nice clothes and good salaries. The gentle nature of the tribals and no access to the justice system makes them very vulnerable. Since the people are not aware of how the legal systems work, they think that if they have complained to the police verbally it is enough.

According to a former Chief Minister of Chhattisgarh, 20,000 girls belonging to Chhattisgarh's tribal region have been sold by human traffickers in the last eight years in cities like Delhi, Mumbai, Bangalore and Chennai. These girls mainly belonged to Jashpur, Surguja and Raigarh districts and were taken away by human traffickers in the name of jobs and trainings¹⁰⁸.

The crisis of livelihood is assuming critical dimensions in rural and urban areas, and in and around cities, pushing many women into prostitution, although the extent of this phenomenon is at the moment difficult to quantify. From Raipur there have been some recent reports on trafficking of young girls for the Mumbai sex market that point to the operation of organized trafficking rackets¹⁰⁹.

The problems of migration and atrocities faced during migration are increasing at a tremendous rate. There have been several instances where women are gang raped. This has been the tale of hundreds of tribal girls from Sitapur in northern Chhattisgarh for years. For more than a decade, "agents" and "suppliers" here have been taking advantage of the region's backwardness, offering a mere Rs 500-Rs 2,000 (USD 10-USD 40) as advance to the poor tribal girls' parents in return for employment as maid servants in the country's metros and other major cities. The agents tell poor parents that their girls will contribute towards the family income by making careers in places like Delhi and Mumbai. The traffickers then supply girls purely for sexual exploitation and it's been happening for more than a decade. Parents who believe their girls are earning money and making a career in metros are often in for a rude shock when the girls return to narrate the tales of sexual exploitation.

In 2011, 20 women were rescued and brought back to Jashpur. Nearly 50 cases were registered but the biggest challenge remains to be the reluctance of the victims themselves to register a case¹¹⁰.

Several local agents who were engaged in this racket were arrested in raids but the supply is still unabated. The supply racket has become a thriving business for the many agents in contact with the Manjhi, Manjwar and Urao tribes of some 30 odd village panchayats, including 18 situated on the top of the Mainpat hills¹¹¹.

¹⁰⁸<http://www.bharatwaves.in/news/20,000-Chhattisgarh-girls-sold:-Jogi-26118.html>, accessed on 17 August 2012

¹⁰⁹Situational Analysis of Women , National Commission of Women 2007

¹¹⁰<http://www.sruti.org.in/index.php?q=news-media/human-trafficking-continues-rise-jashpur-chhattisgarh>, accessed on 17 August 2012

¹¹¹http://www.dnaindia.com/india/report_trafficking-of-tribal-girls-unabated-in-chhattisgarh_1105861, accessed on 17 August 2012

If we examine the missing children data almost all the districts of Chhattisgarh are trafficking prone. Districts of Surguja, Korba, Jashpur, Korea and Raigarh are vulnerable to trafficking. Jashpur, adjoining Jharkhand has reported maximum number of trafficking cases. Placement agencies are very active in these regions and they are mostly catering to the labour demand in Northern India. These placement agencies indulge in trafficking as there are high profits involved. They never take the responsibility of welfare of the placed persons. Many children are also brought from these regions to work in Delhi.

Most of the victims from Jashpur and Sarguja are sent via Jharkhand to Delhi and Northern parts of the country. The trafficking route from Central Chhattisgarh is through Nagpur to Mumbai and Delhi. Cases from Chattisgarh have been reported in Haryana, Punjab and Western Uttar Pradesh where victims are brought mostly for forced labour, bonded labour and slavery like situations. Many families from these regions work in brick kilns, construction work sites and farm labour. The rate of migration is very high in these regions due to poverty and conflict like situations.

Government Initiatives

The Chhattisgarh Government has been slow in the implementation of the Integrated Child Protection Scheme. Initiation of the State Child Protection Agency took two years. It has started working since 2012 and has initiated work to open the District Child Protection Units. The District Child Protection Units are not in existence and the Child Welfare Committee is not working to their proper strength. The Child Welfare Committees have no infrastructure and documentation procedures. Funds have been underutilised in Chattisgarh. Though the Central Government has shown its proactiveness, the State Government has been slow to implement the same. Without a proper Child Welfare Committee and no institutional protection measures for women and children, the situation of women and children continue to remain vulnerable. This is more serious as Chhattisgarh is a high trafficking source area.

The State in 2012 has taken some very proactive steps for implementation of the ICPS scheme such as training of all CWCs, JJBs, probationary officers, on child protection, setting up of the State Commission for Protection of Child Rights and notification and training of SJPU across the state.

The state police, on the orders issued by the Supreme Court have initiated the Juvenile Police Units in each district. Juvenile Police officers have been appointed in each police station. Though these initiatives have been taken, training of police personnel continue to remain an area of concern. The State Advisory Committee has been formed in 2012. A state level three day workshop was held where prosecutors and police personal were trained on both the legal provisions and actual preventive and rehabilitative action.

At the community level, UNICEF is partnering with CBOs to help fight the menace of girls trafficked from Jashpur. UNICEF has drafted a communication strategy to implement it in the community with the partner agencies.

At the community level, UNICEF is partnering with CBOs to help fight the menace of girls trafficked from Jashpur. UNICEF is in the process of doing a door to door survey in three blocks, survey by the NGO partners as well as preventive/rehabilitative efforts and has been able to generate data of trafficked victims which were reported from the police department. UNICEF has also advocated with the district administration at Jashpur, through several consultations to undertake registration of all placement agencies and a toll free BSNL number/WOMEN'S HELPLINE 1091 allotted by DWCD has been activated. Posters and pamphlets have been distributed in the high supply villages through Panchayats. Mechanisms have been created where all boys/girls going out of the district can leave their contacts through the administration at district level. A letter has been written to the Secretary DWCD for quick installation of the CHILDLINE 1098 for follow up on rescue, restoration of girls on an ongoing basis The government has allocated extra funds to DWCD for prevention of trafficking related action areas, community policing and organising special Gram Sabhas to address trafficking at the community level.

UNICEF has supported DWCD in the rescue and reintegration of victims of trafficking from states like Karnataka. These children were trafficked from Chattisgarh state into the circus industry and also into begging. The government has till date not initiated the Victim Compensation Scheme.

Anti Human Trafficking Units

A total of 8 Anti Human Trafficking Units have been initiated in Chhattisgarh. At the nodal level, trainings and sensitization of officers have been initiated. A Training of Trainer's Workshop has also been initiated. There is an urgent need to expand the activities of the AHTUs in Chhattisgarh.

CHATTISGARH – PROTECTION MECHANISMS AT A GLANCE¹¹²

No of Anti Human trafficking Units (Districts)	8
No of District Child Protection Units	18
No of Child Protection Homes	13
No of Special Juvenile Police Units	20
No of Child Welfare Committee	12
No of Homes under Ujjawala P & R Schemes	0
No of Shelter Homes under Swadhar Scheme	3

MISSING PERSONS CASES – CHATTISGARH

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	3594	2401	1193	3244	2028	1216
2010	4808	3565	1243	4391	3241	1150
2009	2823	2460	363	2453	2065	388

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

¹¹²Ministry of Women and Child, Government of India – September 2012

State Reports



Delhi

Delhi is a destination and transit point for victims being brought from the North East, Nepal, Bangladesh, Jharkhand, West Bengal, Bihar, Uttar Pradesh, Madhya Pradesh, Uttarakhand and Rajasthan. It is also a destination for cross border trafficking rackets from Central Asian countries. The trafficking situation in Delhi has worsened as the trafficking rackets have expanded their operations in the guise of beauty parlours, friendship clubs, spas, massage parlours and escort services. The traffickers have become organized considering the fact that the profits are very high. Though concerted efforts of law enforcement agencies and organizations are being carried out, the traffickers have somehow managed to expand their trade by moving the area of operation to various satellite towns in Delhi.

Delhi's GB Road (Red Light Area) has 92 brothels operating in these buildings and house at least 4,000 women. There is large scale trafficking of minor as well as major girls from states like Andhra Pradesh, Bihar, West Bengal, Rajasthan, Karnataka, Maharashtra, Uttar Pradesh, Assam, Tamil Nadu, Arunachal Pradesh, Delhi, Sikkim, Madhya Pradesh, Uttarakhand and Haryana. These trafficked victims are forced into sex trade in the GB Road red light area and in other cities also. Besides, the victims of cross border trafficking mainly from Nepal are also being forced into flesh trade in GB Road.

In Delhi, the traffickers operate for supply of domestic labour in homes, child labour to work in factories, young girls for the sex trade not only in GB Road but also as rackets operating from residential colonies, forced marriages for supply to Haryana and Punjab, supply of bonded labour to brick kilns in Haryana, Uttar Pradesh and Punjab etc. Delhi also has a lot of missing children who are being trafficked for the sex trade by organised crime syndicates being operated from Rajasthan and Mumbai. The young victims who are being kidnapped by these gangs are kept at remote locations by the Bedia, Nat, and Kanjar tribes and once the girls attain puberty they are sent to Mumbai to work in bars and dance clubs. Many of these victims are sent to Middle Eastern countries for prostitution rackets. The crime branch of Delhi Police unearthed a big trafficking racket which was operating from Alwar district of Rajasthan in 2010.

Thousands of illegal placement agencies flourish in cities like Delhi where there is a high demand of live-in maids who can work even at odd hours according to the schedule of the employers. The employers are also specifically looking for younger children because 'they are cheaper', complain less and can be exploited. Apart from this there are those source regions struck by poverty, natural calamities, lack of employment and education where parents are willing to let go of their children in the hope that their child will live a better life in the city and send back some money so that those back home can enjoy two meals a day, but instead what the children go through in these cities is nothing less than hell.

The continuing atrocities on domestic labourers in the capital have reiterated the need to regulate the working of these placement agencies which are involved in the financial exploitation and emotional trauma of the victims hired as domestic help. Most of the victims commonly report absence of regular payment of wages, physical and sexual abuse and emotional stress exercised by their employers. There are still millions of children trapped in middle/upper middle class Indian households with their employers completely unaware about the fact that they are committing a heinous crime.

Many cases of sexual abuse of maids have been reported. The maids work from dawn till midnight, do all household chores, they are deprived of food, clean clothes, basic sanitation, and what they get is physical, sexual and mental abuse with most or all wages going to the agents operating the placement agencies. The employers do not think twice before giving their wages to these middlemen who never send back the money home nor do they intimate the families of these maids about their whereabouts.

Recently, more cases have come to light. This has been possible due to an increased partnership between NGOs and police. With awareness and sensitization programmes being conducted and also with increased media space being provided to such issues, there has been increased public participation in providing information about such violence to NGOs and police.

For the safety of women the government has launched the “Awaz Uthao Campaign” to prevent crime against women.

The Delhi Police has been collaborating with various State AHTUs across the country to proactively pursue the cases of trafficking. The Assam Police in 2011 handed over a list of 500 victims who have been trafficked to Delhi and are missing. A joint investigation by the Assam police and their Delhi counterpart has brought to light the involvement of as many as 36 Delhi-based placement agencies in trafficking Assamese girls and children to Haryana, Punjab, Mumbai and several other metropolitan cities. After the submission of a list of 36 placement agencies to the Delhi Police, the Assam Police’s CID has already rescued many Assam girls from the placement agencies located at Rajouri Garden, Raghbir Nagar, Uttam Nagar, Kalkaji and several other areas in New Delhi. The crime branch of Delhi Police recovered five missing girls in collaboration with West Bengal Police, all hailing from Sandeshkhali village in Sunderbans. This village has a large number of missing girls.

The Delhi Police AHTU has also busted several sex rackets operating in the NCR Region through websites. These rackets are also supplying foreign girls for the trade.

The widely published Baby Falak case also brought to light the stark reality of trafficking of children¹¹³.

There has been an upsurge of cases of recruitment agencies taking migrant women workers to Gulf and Middle East countries in the name of maids and where they are forced into prostitution and sexual slavery. Placement agents from Nepal have also been using the Delhi route to send Nepalese women for work. Dance bar agents from the Gulf have formed a nexus with some airport officials, who clear visas without checking their authenticity. Many agents fail to provide documents mandatory for travel to Gulf countries, and yet secure clearances. Approximately 10-12 women get authorisation every day. Mumbai is no longer a popular transit point for trafficking bar girls due to ‘harassment’ by immigration officials. It’s easier to send them via New Delhi, Chennai and sometimes Hyderabad¹¹⁴.

Child Labour Situation in Delhi

Delhi has 28,319,471 children in the age group 6-13 years, of whom 2,747,523 are school going and 43,735 (3.34%) are out-of-school. There are other estimates of out-of-school children. The survey conducted by *Samajika Suvidha Sangam* (Mission Convergence Directorate) shows that there are 6,43,315 children in the age group 7-17 years of whom 4,50,402 are not in schools. According to *Sarva Shiksha Abhiyan* (SSA), the number of out-of-school children in the age group 6-14 years in North West District was 72,192, whereas the door-to-door survey conducted by NCPDR in 9 slums of Jahangirpuri was 2,929. Perhaps this discrepancy in data is due to the fact that names of children who are out-of-school and school dropouts may be continuing in the attendance registers as enrolled. All such out-of-school children are to be considered as child labourers or potential child labourers who would sooner or later join the labour pool. The areas of concentration of child labour in Delhi are: Mitapur, Jetpur, Sangam Vihar, Khanpur Extension, Khanpur Village, Tughlakabad Village, Hamdard Nagar, Garhi Lajpat Nagar, Uttam Nagar, Kotla Mubarakpur, Kureji, Arampark, Brijpuri, Jagatpuri, Zafrabad, Wazirabad, Jahangir Puri and Seelampur. Most of these children are from Bihar, West Bengal, Jharkhand, Uttar Pradesh and Madhya Pradesh.

¹¹³<http://indiatoday.intoday.in/story/child-sex-rackets-in-delhi-hotels-exposed/1/179243.html>, accessed on 17 August 2012

¹¹⁴<http://www.mid-day.com/news/2012/aug/150812-mumbai-ACP-Dhoble-rescues-37-bar-girls-from-Delhi-airport.htm>, accessed on 2 September 2012

Government Initiative

For the safety of women, the government has launched the “Awaz Uthao Campaign” to prevent crime against women. The Department of Women and Children is running a State Protective Home for women under sec 21 of ITPA, 1956 for the women rescued from commercial sexual exploitation and two Children Homes for girls at Nirmal Chaya Complex. The minor victims housed in the Children Home are shifted to the After Care Home in the same complex on attaining the age of majority. At present the Delhi government is running 104 Gender Resource Centres (GRCs) as non institutional measures to prevent the vulnerability among women and girls for falling prey to sexual abuse, trafficking etc. Through GRCs, the government is also providing legal awareness to the women and girls and to devise strategies to address safety issues concerning women and to provide immediate response to the women in distress. To save the girl child, the Delhi Government has a scheme for scholarship to the school going girl child. The government recently conducted one meeting with the women in prostitution at G.B Road to discuss about various issues of rehabilitation of these women. A Drop- in Centre and Day Care Centre is being run in the Red Light area in G.B. Road with the support of Women and Child Development Department for the children of women in prostitution. The department is planning to provide more space to the programme for extending the preventive services. Nari Niketan, is a state run Protective cum Corrective Home set up at Nirmal Chaya Complex to provide safe shelter to the victims of commercial sexual exploitation. The government has allocated two Swadhar homes in Delhi. Presently there are no Ujjawala homes in Delhi. The Government of NCT of Delhi has sanctioned 25 Child Protection Homes under the Integrated Child Protection Scheme. Seven Child Welfare Committee have been established. Though the homes and Child Welfare Committee have been established, there is a serious need of monitoring the facilities in these homes and Minimum Standards of Victim Care and Protection need to be established. Also there is an urgent need of capacity building of Child Welfare Committees.

The Delhi High Court, vide a detailed order dated 24th September, 2008 directed the National Commission for Protection of Child Rights (NCPCR), to formulate a detailed Action Plan for strict enforcement and implementation of Child Labour Prevention and Regulation Act, 1986 and other related legislations. The NCPCR was directed to suggest measures regarding education, health and financial support to the rescued children. The NCPCR was also directed to suggest measures for timely recovery and proper utilization of funds collected under the Supreme Court’s direction in the aforesaid *M.C. Mehtas* case¹¹⁵. The National Commission after holding consultation with various stakeholders and after conducting research and survey submitted to the Court a Delhi Action Plan for Total Abolition of Child Labour. The Action Plan for Total Abolition of Child Labour is based on two strategies. The first strategy is an ‘Area Based Approach’ for elimination of child labour, wherein all children in the age group of 6 to 14 years would be covered whether they are in school or out-of-school. The National Commission proposed that this approach be initiated as a Pilot Project in North-West District of Delhi. The second strategy is an approach to be adopted in the context of migrant child labour. It involves a process of identification, rescue, repatriation and rehabilitation of child labour. This strategy is being implemented as a Pilot Project in South Delhi District.

According to the Action Plan, trafficked and migrant child labourers are primarily engaged in prohibited occupations such as zari, bulb manufacturing, auto workshop units and domestic household etc. This strategy contemplates constitution of a *Steering Committee on Child Labour* at the state level and a *District Level Task Force on Child Labour* at the district level. The Delhi Action Plan provides for a detailed procedure to be adopted at the pre-rescue and actual rescue stage. The pre-rescue plan encompasses how information is to be collected and verified, the composition of the rescue team as well as what training is to be imparted in advance to the members of the rescue team. The pre-rescue plan provides for prior preparation of residential centres through RBC, JJ Homes, and NGO Shelter for

¹¹⁵On 10th December 1996 in Writ Petition (Civil) No.465/1986 the Supreme Court of India, gave certain directions on the issue of elimination of child labour. The main features of judgement inter alia were Survey for identification of working children. Withdrawal of children working in hazardous industry and ensuring their education in appropriate institutions. Contribution @ Rs.20, 000/- per child to be paid by the offending employers of children to a welfare fund to be established for this purpose. Employment to one adult member of the family of the child so withdrawn from work and if that is not possible a contribution of Rs.5,000/- to the welfare fund to be made by the State Government. Financial assistance to the families of the children so withdrawn to be paid -out of the interest earnings on the corpus of Rs.20,000/25,000 deposited in the welfare fund as long as the child is actually sent to the schools.

accommodating the child labour proposed to be rescued. The Delhi Action Plan provides a detailed procedure for interim care and protection of the rescued children. It provides for immediate medical examination of the children and as to how investigation is to be conducted and charge sheet is to be prepared. The strategy for Unaccompanied Migrant Children also provides for assessment and verification of the child's background and intrastate as well as interstate repatriation. The Action Plan provides for detailed procedure for rehabilitation and social integration of child labour as well as training and capacity building of duty bearers.

National Commission after holding consultation with various stakeholders and after conducting research and survey submitted to the Court a Delhi Action Plan for Total Abolition of Child Labour.

Anti Human Trafficking Units (AHTUs)

There are 12 AHTUs of the Delhi Police. The AHTUs consist of a group of trained and sensitive officials of the police working in close coordination with NGOs and Child Welfare Committees. In Delhi, the AHTU with Anti Kidnapping Section of the Crime Branch is the Nodal Agency for combating human trafficking. The AHTUs are working in close coordination with the NGOs, Department of Women and Child Development, Labour Department, Health Department etc. They conduct rescue operations with the assistance of NGOs whenever there is any information about human/child trafficking cases. The rescue and post rescue operations are done ensuring the victim centric approach. More focus is being given in functioning of the grass roots unit for collection and development of a database on all aspects of the crime, including information on traffickers and the trafficking gangs.

The AHTUs in Delhi have been maintaining a close vigil in railway stations and bus stands in coordination with NGOs involved in service delivery for spotting and rescuing the victims. Effective patrolling and vigil at locations prone to trafficking are being undertaken by the AHTUs. The AHTU has also been providing support to all source area police teams arriving in Delhi. It has also undertaken steps to improve interstate police collaboration among various police agencies across the country. The AHTU has conducted 1532 rescues (118 from commercial sexual exploitation, 1,371 child labourers, 12 forced labourers, 25 from hazardous work and 6 under various other circumstances) in the year 2011-12. A total of 271 rescue operations were conducted in Delhi in coordination with the NGOs. Numerous criminal gangs indulging in prostitution, child labour, bonded labour and cross border trafficking for prostitution and domestic help have been busted by AHTU, Delhi Police.

Regular Training Sessions on Anti Human Trafficking laws have been organized for officers dealing with the cases of trafficking. Nine rounds of training have been conducted so far. A total of 500 police officers have been trained at the District TOT. Altogether 18 officers have been enrolled in IGNOU Anti Trafficking course. In the year 2011, 148 girls and 675 boys were rescued from various railway stations in Delhi. In the year 2012 (till April), more than 30 girls and 150 boys have been rescued from various railway stations in Delhi. Fourteen brothels were sealed under the ITPA, 1956. All cases of missing children are reported to CBI for giving wide publicity on their website and seeking help in tracing of the missing children. Standing Order no. 68 of Delhi Police ensures the appointment of at least two upper subordinates as Juvenile Welfare Officers in every police station. The District Crime against Women Cell acts as the District Special Juvenile Police Unit and Crime against Women Cell, Nanakpura functions as the State Special Juvenile Police Unit. In all districts SJPU have been formed. Training session on Juvenile Justice System is also being regularly conducted in collaboration with the Special Police Unit for Women and Children, Delhi Police across Delhi. Information, Education and Communication materials on human trafficking are circulated among the staff of Delhi Police. The Advisory issued by the Ministry of Home Affairs have been circulated to all senior officials. Delhi Police has been working in close coordination with various State Police departments to link source and destination of human trafficking cases.

Missing Children Initiative

Analysis of the missing children data in Delhi shows that Delhi has been reporting a very high rate of missing children. A total of 3,094 children continue to remain missing between 2009-2011 out of which 1,636 are girls.

DELHI – PROTECTION MECHANISMS AT A GLANCE¹¹⁶

No of Anti Human trafficking Units (Districts)	11
No of District Child Protection Units	9
No of Child Protection Homes	25
No of Special Juvenile Police Units	11
No of Child Welfare Committee	6
No of Homes under Ujjawala P & R Schemes	1
No of Shelter Homes under Swadhar Scheme	0

MISSING PERSONS CASES – DELHI

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	5111	3752	1359	4214	2774	1440
2010	5091	3937	1154	3456	2203	1253
2009	5946	5365	581	3073	1980	1093

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

Bachpan Bachao Andolan undertook a nationwide study on the issue of missing children in India. Based on the findings of the National study the organization filed a Public Interest Litigation which resulted in a landmark order of the Supreme Court making mandatory registration of FIR as soon as the case of missing child is reported.

¹¹⁶Ministry of Women and Child, Government of India – September 2012

State Reports



Goa

Goa being a tourist destination has emerged as a destination area for trafficking in persons. Brothel based prostitution was stopped with the demolition of Baina beach brothel houses in 2004. Since then the prostitution related activities have extended across the city and are operating in the guise of beauty parlours, spa, escort services, friendship clubs and also through internet services. The demand for sex services by the tourists has led to an upsurge of trafficking rackets operating in the state. The victims today are being procured from across the country.

As per data by NGO ARZ¹¹⁷ an anti trafficking organization based in Goa, a total of 179 victims were rescued in the last three years (2009-12). Out of these, 146 victims were of Indian origin and 33 were foreigners. Among the foreign victims, 27 were from Nepal, 4 from Bangladesh and 2 from Russia. From among Indian states, the highest number of 39 girls came from Mumbai, 31 from Manipur, 16 from Goa and 14 from Andhra Pradesh. The breakup of other states was Manipur (31), Goa (16), Andhra Pradesh (14), West Bengal (09), Nagaland (08), Karnataka (07), Maharashtra and Assam (5 each) and Mizoram (4)¹¹⁸.

In 2010, 11 girls from the North East were rescued in Goa. They were lured to Goa with a promise to teach them skills in order to get a job. They had been brought by agents and traffickers and forced into the sex trade. Of the 11 victims, 6 belonged to Nagaland, 3 from Mizoram and the rest from Belgaum¹¹⁹. In a similar incident, Mizoram police had rescued 10 girls and arrested 13 people, who wanted to send them to Goa¹²⁰.

Sex work and trafficking has also been reported among the Lamani tribals, a migrating community from Karnataka and Maharashtra who are regular visitors to Goa. The children of the Lamanis are the high-risk group who fall into the trap set by the tourism trade in Goa. These children are sometimes not accompanied by their parents but come to Goa along with relatives or with some close neighbours in search of employment in order to escape poverty and hunger. Here they are exploited and pushed into the sex trade¹²¹.

The Russian mafia in Goa is not only involved in real estate deals and drug trade but have also extended their tentacles into the flourishing flesh trade. Young Russian, Yugoslavian and Romanian girls, sometimes minors, are being trafficked into Goa for commercial sexual exploitation.

Business conferences and commercial events have emerged as a new front for flesh trade, with girls from various states being trafficked for these events in Goa. This is a new phenomenon in which girls are recruited through event management agencies by the companies holding their conferences in Goa. Several victims from Andhra Pradesh were rescued by police from Anjuna when they were brought by an Andhra Pradesh-based fertilizer firm for their conference in Goa. The conference was to entertain the distributors¹²².

The state has also reported trafficking for labour. Recently a Goa based North East association rescued 16 Assamese and Naga labourers who were illegally trafficked to work in Goa's controversial mining sector. The North East Association of Goa (NEAG) tracked down 16 people working in pathetic conditions in forested mining areas¹²³.

In May 2012, a Consultation was organised in Goa in which eight states including Goa have established a network of government agencies, police and non-governmental organizations to collaborate in combating the trafficking of girls for commercial sexual exploitation. These states have agreed to work closely in helping to quickly repatriate and rehabilitate the trafficked girls to their home states apart from sharing of information. The states included Maharashtra, Karnataka, Andhra Pradesh, Nagaland, Assam, Mizoram, Manipur and West Bengal¹²⁴.

¹¹⁷www.arzindia.org

¹¹⁸http://articles.timesofindia.indiatimes.com/2012-07-04/goa/32535917_1_anti-trafficking-combat-human-trafficking-commercial-sexual-exploitation, accessed on 2 August 2012

¹¹⁹<http://surahmar.wordpress.com/2010/10/20/nagaland-cops-arrive-in-go-to-probe-trafficking/>, accessed on 2 August 2012

¹²⁰<http://surahmar.wordpress.com/2010/10/20/nagaland-cops-arrive-in-go-to-probe-trafficking/>, accessed on 2 August 2012

¹²¹<http://goadourada.blogspot.in/2008/06/lamani-tribe-abused-in-go.html>

¹²²<http://www.nagalandpost.com/ChannelNews/Regional/RegionalNews.aspx?news=TKVXUzEwMDAyMDIyMA%3D%3D-KAoftDZumj4%3D>, accessed on 14 August 2012

¹²³http://twocircles.net/2012aug25/panic_post_assam_riots_exposes_human_trafficking_go_mines.html_0, accessed on 14 August 2012

¹²⁴http://articles.timesofindia.indiatimes.com/2012-07-04/goa/32535917_1_anti-trafficking-combat-human-trafficking-commercial-sexual-exploitation, accessed on 14 August 2012

Government Initiatives

Goa Government has set up 2 Special Juvenile Police Units. A State Advisory Committee has also been formed though it has not been meeting frequently. The Goa government has initiated the Integrated Child Protection Scheme (ICPS). The state has no Ujjawala Scheme for care and protection for victims of trafficking and Victim Compensation Scheme has not been initiated.

The objective of the Prabhat scheme is to protect, rehabilitate, provide livelihood alternatives and prevent re-trafficking of victims of commercial sexual exploitation. The scheme has been submitted as a model scheme to the Hon'ble Supreme Court of India in the case of Budhadev Karmaskar vs State of West Bengal (Criminal Appeal 135 of 2010 pending in the Supreme Court of India).

Under this scheme victims can be of any age or gender and there is an option of institution and non institution based rehabilitation to the victim and provision of shelter. This scheme provides various kinds of options - education, vocational training, job, economic enterprise etc. Victims can be referred for the scheme by anyone – social work organization, W&CD, self group, police, sex workers collective, etc and victims can themselves make an application for the scheme. The scheme introduces the concept of “Mentor”, a person to assist the victim in rehabilitation. There is also a provision of a monitoring team consisting of victims, and representative of WCD, police, social worker, business entrepreneur to select the beneficiaries and monitor the progress of each victim.

Department of Women and Child Development, Goa and NGO Anyaya Rahit Zindagi (ARZ) have repatriated victims of Bangladesh origin rescued in Goa. The Bangladeshi girls rescued in Goa on an average take 5-6 months for repatriation. This period is less than the time taken for repatriation in other state. This has been possible by developing linkages and partnership with authorities in India and Bangladesh. There is also collaboration between NGOs in both the countries which is helpful in speeding up the repatriation process. The magistrate with the assistance of social workers appointed under Sec 17 (5) of ITPA conducts an inquiry of every victim rescued from commercial sexual exploitation. The inquiry is conducted at the protective home in a victim friendly manner. The emphasis of inquiry is to check the role of the family member in trafficking, and to ensure that the victim is not re-trafficked. The Department of Women and Child Development, Goa makes arrangement and pays for the repatriation of the victim to their home state or country. With each victim two police constables, matron of the protective home and Arz councilor goes to hand over the custody of the victim to the family or to the government or non government organization. ARZ and Department of Women & Child Development, Goa since 2001 have collaborated to provide rehabilitation to the inmates of the government state protective home. ARZ provides rehabilitation services such as counselling, income generation, self expression, self development, recreation, after care, follow-up etc. and the Department of Women and Child Development takes care of security, administration, logistic, repatriation, etc. ARZ was appointed “Nodal NGO” of Anti Human Trafficking Unit of Goa police in 2007.

The Goa Government has recently issued a new scheme called the Prabhat Scheme which means a new beginning. Prabhat is a comprehensive scheme for rehabilitation of victims of commercial sexual exploitation.

Anti Human Trafficking Units

The state of Goa has formed 1 AHTU. Training of Trainer workshops and general sensitization has been held as part of the scheme. The Advisories issued by the Ministry of Home Affairs has been widely distributed. Training of 200 police officers has been conducted.

GOA – PROTECTION MECHANISMS AT A GLANCE¹²⁵

No of Anti Human trafficking Units (Districts)	1
No of District Child Protection Units	0
No of Child Protection Homes	0
No of Special Juvenile Police Units	1
No of Child Welfare Committee	2
No of Homes under Ujjawala P & R Schemes	0
No of Shelter Homes under Swadhar Scheme	0

Anyaya Rahit Zindagi (ARZ) based in Goa has launched a web portal to use the ICT in combating human trafficking. The web portal is primarily a network of stakeholders – government organizations, non-government organizations, academia, civil society, victims and the media - to smoothen the service delivery to victims of human trafficking in India. The Initiative is based on the principle that human trafficking is the worst form of slavery and a network of all available services is required to combat it. The web portal introduces some of the unique methods and features. Some of the unique features of the web portal is

- **Data bank (phone numbers & email addresses) of individual and organizations working to combat trafficking of women and children in India**
- **State wise details of Child Welfare Committee (CWCs), Juvenile Justice Boards (JJBs)**
- **Updated information about services being provided by the Government, Non-governmental organizations and Civil Societies**
- **Posting and tracing missing persons by using information technology such as SMS alerts, e-mails.**
- **Connecting individual and organization from source, destination and transit through usage of IT such as SMS alerts, Email alerts etc.**
- **Knowledge sharing through documents, e-materials, films, documentaries, research papers, media reports on social issues**
- **Mass Awareness Generation & Information Sharing (MAGIS) through sending alerts in the form of Short Message Services (SMSs) & Emails**

¹²⁵Ministry of Women and Child, Government of India – September 2012

State Reports



GUJARAT



Gujarat State

The State of Gujarat does not feature among the high prevalence states for trafficking of women and children. However, it is not totally free from the vice. Thousands of women are engaged in commercial sex in brothels and areas along the highways. The red light area in Surat was closed down in 2003 but the trade continues with impunity as it has expanded across the city and operates as massage parlours, friendship clubs and flying sex workers. Though there are no red light areas in Ahmedabad, there is a flourishing sex trade, involving victims who are brought in from West Bengal, Odisha and even from Bangladesh. Migration of people to Gujarat is a common phenomenon. As far as trafficking is concerned many community groups/individuals are indulging in buying and selling of young girls from the Kanjhar community. These girls are being brought up as their own daughters and pushed into the flesh trade¹²⁶.

The problem of trafficking for child labour is rampant in Gujarat. Children are brought from Rajasthan, Bihar, Uttar Pradesh and Madhya Pradesh for working as child labour in jewellery polishing units and diamond cutting industry. Large number of children are being trafficked to Gujarat (Banaskanta, Sambarkanta and Patan districts) from Rajasthan (especially from Udaipur, Banswara and Dungarpur districts of Udaipur division) for engaging them as child labour in the artificial pollination work in 'Bt Cottonseed Farms'. The young children between 8 - 15 years are preferred as labour force for the same job. Over the years production of Bt cotton is going up, bringing more prosperity to Gujarat's agrarian economy, which grew by 16.6 per cent last year. The state contributes to one-third of the country's cotton output, as the region got better irrigation facilities from Narmada and Sujalam Sufalam canals and is getting cheap labour from the neighbouring state. The NCPCR taking cognizance of the rampant trafficking of children in the 'Bt Cottonseed Farms' of North Gujarat made several recommendations to the State Government for taking action¹²⁷.

Sarania tribals in the Sabarkantha district of Gujarat practice traditional prostitution through their women. The women in this community are made to do sex work in the name of tradition. Recently the community was in news when the NGO *Vicharta Samudaya Samarthan Manch* organised a mass wedding of the community in order to stop women and girls being trafficked or forced into traditional prostitution. Most of the girls who got married reiterated the fact that they had got married in order to ensure that they are not pushed into sex work.

Raids in Maharashtra, Madhya Pradesh and Uttar Pradesh have reported an increasing trend of victims from Gujarat. Police officials in Maharashtra have reported that Gujarat and Rajasthan are emerging as new source areas in trafficking. The trend is supported by the missing children and women data of Gujarat which reports a sizeable number of missing women and children¹²⁸. In the recent past Gujarat has witnessed a large number of intra-state trafficking. Young girls are being trafficked and forced into prostitution from one district to another within the state. The girls trafficked from West Bengal and Odisha are reported to be sold in Gujarat. There have been reports of women and girls from West Bengal being trafficked to Gujarat for forced marriages. This has been attributed to the skewed sex ratio in the Kutch region. Some of the victims have also been reported to be from Bangladesh. The traffickers involved in cross border trafficking specially from Bangladesh are now well connected with Gujarat¹²⁹.

Gujarat is also connected mostly with Rajasthan, Bihar, West Bengal, Odisha and Uttar Pradesh for trafficking of child labourers, which is rampant in the state. The children are being employed in the cotton seed farms in Gujarat. Sometimes children are also being trafficked to Gujarat via Delhi for domestic help. Placement agencies operating in Delhi employ children in Gujarat. Traffickers also use the route of Jharkhand-Delhi-Gujarat. All the routes leading to Gujarat from Rajasthan are prone to child trafficking for labour in Gujarat. There have also been reports of trafficking happening from Gujarat to Maharashtra and Madhya Pradesh.

¹²⁶ Migration, trafficking and sites of work: Rights and vulnerabilities- A study in Rajasthan and Gujarat by Jagori, 2007

¹²⁷ <http://www.ncpcr.gov.in/Reports/Report%20on%20Gujarat%20Visit%20Oct%202011.pdf>, accessed on 12 september 2012

¹²⁸ http://articles.timesofindia.indiatimes.com/2012-07-20/nagpur/32763445_1_minor-girls-brothel-owners-red-light-area, accessed on 14 August 2012

¹²⁹ <http://indiatoday.intoday.in/story/bengali-speaking-girls-human-trafficking-kutch-flesh-trade/1/213428.html> accessed on 9 August 2012

Government Initiative

The Government of Gujarat has undertaken measures to combat human trafficking in the state. The Department of Women and Child Development had formed the State Advisory Committee under the leadership of the Principal Secretary, Department of Women and Child Development, Government of Gujarat. The committee was formed as per the provision under the Immoral Trafficking Prevention Act, 1956. The government formed the committee under the resolution number Shshy-102001-I-277 (883/05-(2)-A Sachivalay, Gandhinagar dt. 22/9/2005. The committee involves Women and Child Development Department, Legal Department, Home Department, Gujarat Women Economic Development Nigam Limited, Gujarat State Social Welfare Board, Mahila Suraksha Samiti, Social Defence Department, Gandhinagar. Besides, the government has also taken some other concrete steps. Five acres of land were earmarked in village bhatha of Taluka Choryasi in Surat district for providing residential and work facilities for sex workers in Surat. Facilities like Anganwadi, Primary School, Primary Health Centre etc. will be provided in this colony. A training programme of 150 sex workers in collaboration with NIFT has been chalked out by the department. For purchase of textile products, linkages have been established with units like Haria Garments. NIFT provided garment making training to 50 sex workers.

As per the resolution of Women and Child Development Department, the Social Defence Directorate has distributed sewing machines to 24 sex workers in Surat. Fifty one children of sex workers have been admitted in government run children's home for care and protection, medical, vocational training and proper rehabilitation. The government in collaboration with the NGO Shantaba Gajera Trust has started a cotton toys preparation training programme with 40 sex workers in Surat. Besides, the government took the initiative and conducted various trainings cum workshops on Juvenile Justice (Care and Protection of Children) Act for government officials, NGOs, Police, Juvenile Justice Board members, Child Welfare Committee Members, judicial officers etc¹³⁰. The State Government has notified rules in the official gazette to carry out the purpose of Juvenile Justice (Care and Protection) of Children Act under Sec 68 of the Act. There are 123 protective homes for the victims run by the government as well as NGOs in Gujarat. The letters/advisories were sent to all the district authorities on the issue of Implementation of the Immoral Trafficking Prevention Act, 1956.

The Gujarat Government has issued the order of monetary compensation of Rs.5000 for self employment and livelihood of the victims. The government also provides assistance of Rs.10000 in the form of N.S. certificate and domestic appliances.

Missing Statement of Children and Women

The Gujarat police have reported a large number of missing children and women. In 2010 the total number of girls missing is 1,818 whereas the total number of women missing is 4,120. During 2010, the total number of children missing is 2,890. Since 2006 the total number of missing children has been increasing. Gujarat Police has started special drives in all the cities and districts in 2011 to trace the missing children. These "Drives" enabled the police to trace a large number of individuals, including minors, from different cities and districts.

Anti Human Trafficking Unit (AHTU)

The State CID Crime is the Nodal Agency of Anti-Human Trafficking in Gujarat State. A Nodal Officer of the rank of Deputy Inspector General of Police is coordinating Anti-Human Trafficking activities in the state. The DG & IG of Police, Gujarat has appointed all Police Inspectors/Circle Police Inspectors/Police of Local Crime Branch, Detection of Crime Branch of Gujarat state and all ACPs/ASPs/Dy. SP/SDPOs of divisions of Gujarat state and all jurisdictional police officers above the rank of ACPs/ASPs/SDPOs by virtue of section 36 of the CrPC, 1973 as Special Police Officer, vide Standing Order no. 9/94 of 21/9/1994.

Gujarat Government has reconstituted the Gujarat State Coordination Committee on 22/9/2005 under the ITPA. The said committee is being chaired by the Chief Secretary of the State and reviews the trafficking problem quarterly.

¹³⁰RTI reply received from the Public Information Officer and Deputy Director, Dept. of Social Defense, Gujarat.

To help the children in crisis situation, the Gujarat police have constituted four “Child Crisis Intervention Centre” in Ahmedabad, Vadodara, Surat and Rajkot in 2009. The missing/trafficked/abandoned or any child in need of care and protection are being given shelter in these intervention centres and is followed by efforts to trace their parents. If parents are found suitable to hand over the children, they are being restored, otherwise these children are being shifted to the Children Homes.

As a part of this campaign, audio/videos were prepared and distributed among the Education Commissioner, Commissioner/Superintendent of Police, local TV channels and Department of Information and Broadcasting.

There are five AHTUs in Gujarat¹³¹. The AHTUs are at Ahmedabad Rural, Ahmedabad City, Vadodara City, Surat City, and Rajkot City. The AHTUs are now well equipped with 4-wheeler vehicles, 2-wheeler vehicles, digital cameras, and landline phones and one Police Sub Inspector, two Head Constables and two Police Constables are posted in each AHTU. Presently these units are functioning with the staff of concerned police stations with additional responsibilities. Request has been made to the DG&IG of Police for appointing separate staff for these units.

Rehabilitation and Protection

There is no Ujjawala Scheme operational in Gujarat. The Ujjawala scheme was not allotted by the Central Government to Gujarat State¹³². In Gujarat, there are 3 Swadhar Homes for the rehabilitation of trafficked victims. The Homes are being run by the NGOs ‘Gujarat Musturur (Mahila) Seva Trust, Ahmedabad’, ‘Subhag Mahila Utkarsh Trust, Bhavnagar’ and ‘Pragna Chakshu Mahila Seva Kunj, Surendranagar’.

The Gujarat Police in coordination with the AHTU has been running a campaign on awareness of anti human trafficking/sexual harassment among the school/college going girls. The name of the campaign is “Saavcheti Ma Suraksha.”

GUJARAT – PROTECTION MECHANISMS AT A GLANCE¹³³

No of Anti Human Trafficking Units (Districts)	10
No of District Child Protection Units	26
No of Child Protection Homes	57
No of Special Juvenile Police Units	31
No of Child Welfare Committee	25
No of Homes under Ujjawala P & R Schemes	0
No of Shelter Homes under Swadhar Scheme	4

MISSING PERSONS CASES – GUJARAT

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	2295	1352	943	3105	1649	1456
2010	2868	2275	593	4053	3163	593
2009	2718	2121	597	3308	2341	967

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

¹³¹The AHTUs were formed vide Government of India, Ministry of Home Affairs, New Delhi letter no. VI-21011/36/2010-PM-I-CR dated 28/7/2010 and no. 15020/8/2007-ATC dated 30/7/2010.

¹³²RTI reply received from the Public Information Officer and the Deputy Director, Department of Social Defence, Gandhinagar

¹³³Ministry of Women and Child, Government of India – September 2012

State Reports



Haryana

Haryana, a North Indian state is known for its skewed sex ratio. Female foeticide is a major factor resulting in trafficking for forced marriage in the state. Women and girls being trafficked mostly from the Eastern and North Eastern states to Haryana is the ramification of large scale female foeticide in the state. A number of people in Haryana are employed with the police, army and transport (eg. truck drivers) who during their visits and travel to other regions started marrying outside their own state, caste and community.

Haryana is a destination for the trafficked victims being brought from states like Assam, West Bengal, Bihar, Jharkhand and Andhra Pradesh. The victims are trafficked mainly through railway routes and they are transited via Delhi. From Haryana the victims are also sent to the border areas of Rajasthan. Gurgaon and Faridabad in Haryana is the major destination for the victims of sexual exploitation and domestic help.

There is a trend of girls from the North East being brought to Haryana for forced marriage and bonded labour. The districts of Karnal, Mewat, Rewari, Kurukshetra, Jind, Yamuna Nagar and Hisar in Haryana are known to be a destination for girls trafficked from the North Eastern states. This is a critical trend in Haryana due to its dismal sex ratio¹³⁴. There is also a trend for luring girls on the pretext of marriage and later the traffickers sell them. The traffickers use Delhi as the transit point and the selling and buying of girls mostly takes place in Delhi¹³⁵.

While the maximum number of women forced into marriage are from Assam and West Bengal, a sizeable number of the girls and women trafficked for domestic work, bonded labour like conditions and slavery, are from Jharkhand, Bihar, Odisha, Madhya Pradesh and Uttar Pradesh. As the whole process of this bridal migration is increasingly gaining momentum, the sale and trafficking aspects involved in it needs immediate attention. The shortage of brides in villages and towns of Haryana and Punjab are often filled by buying and trafficking of women from distant states like Assam, West Bengal, Jharkhand, Bihar and Odisha. In the Mewat districts of Haryana, there are many girls who are being brought from states like Assam, West Bengal, Jharkhand, Bihar and Andhra Pradesh and are forced to get married against their will. These girls are popularly known as "Paro"¹³⁶.

A report by NGO Shakti Vahini in 2004 found that every year, hundreds of young women and girls in northern India are lured or sold into involuntary marriage. They are bartered at prices that vary depending on their age, beauty and virginity, and exploited under conditions that amounts to a modern form of slavery. These victims are lured from Assam, West Bengal, Jharkhand, Odisha, Bihar, Madhya Pradesh, Uttar Pradesh, Uttarakhand and Himachal Pradesh through deceit for a better living or have been bought through the traffickers or sold by their poor parents. Although trafficking in women and girls has become a lucrative and expanding trade in these regions, it routinely escapes effective administrative and social sanctions and the general response is to deny the existence of any such problem. The widespread unemployment especially in Haryana and the low status accorded to women has only added to the problem. A field study on the impact of sex ratio on the pattern of marriages in Haryana by *Drishti Stree Adhyayan Prabodhan Kendra* (2010) covering over 10,000 households revealed that over 9,000 married women in Haryana were bought from other states.

In June 2010, a marriage racket was exposed in Kolkata. The accused was arrested along with a fake groom from Haryana who specialised in fake marriages. One common aspect in these marriages was that the girls used to be from North 24 Parganas region and the grooms used to be from Haryana and Uttar Pradesh. Police investigations have found that the accused had arranged countless marriages and he had close links with a gang operating from Uttar Pradesh. Some parents had also complained to the police about their daughters who have never returned after getting married¹³⁷. Similarly one more marriage racket came to the notice of the police with the arrest of a pimp in Delhi. Investigations have unfolded a harrowing tale of two sisters, aged 13 and 8 years, who had been kidnapped

¹³⁴http://articles.timesofindia.indiatimes.com/2012-01-19/india/30642582_1_trafficking-home-ministry-ahtus, accessed on 09 August 2012

¹³⁵A 14-year-old girl from Assam was rescued from a Haryana village in a joint operation by cops from the city and Haryana and NGO Shakti Vahini. The rescuers overcame stiff resistance by the villagers, who claimed their "daughter-in-law" was five months pregnant. http://articles.timesofindia.indiatimes.com/2011-10-07/delhi/30257146_1_haryana-village-haryana-police-assam-police, accessed on

¹³⁶<http://naorem.wordpress.com/2005/07/19/paro-in-haryana-india/>, accessed on 14 August 2012

¹³⁷http://articles.timesofindia.indiatimes.com/2010-03-26/kolkata/28128433_1_trafficking-racket-weddings-complaint, accessed on 07 June 2012

from New Delhi and thereafter trafficked. The arrest of one woman trafficker was a major breakthrough as she is suspected to have trafficked dozens of girls to Haryana and other states¹³⁸.

The Placement agencies providing domestic help are rampant in Delhi and these agencies supply children for domestic help in Haryana. Due to the nuclear family system there is a huge demand of maid servants which is being fulfilled by trafficking of maids from poorer states. Once these children land up in their employer's house in Haryana via Delhi, they end up in slavery. These children are not even allowed to be in touch with their families. They are mostly kept as bonded labour. The children employed as domestic help mostly belong to the poor families and they always keep quiet even if they are being tortured by the employer. There are many cases in which the children also become victims of sexual exploitation at the hands of either the placement agency owner or the employer themselves. Gurgaon, Faridabad, Panipat and Rohtak have a big problem of child labour. The placement agencies illegally run their business and have good links in the source areas and with the help of their organized network, they bring girls from the source states and employ them as bonded labour in the colonies and these placement agencies collect the money out of their work¹³⁹.

In the last five years (2007-12), many sex rackets have been uncovered by the police. Raids on sex rackets have been reported from almost all the districts in Haryana. Recently, Karnal police raided a prostitution racket and rescued 5 girls who were brought from West Bengal and forced into prostitution in Karnal. All the girls were brought on the pretext of providing them good jobs¹⁴⁰.

As per the National Crime Records Bureau, the number of missing children in Haryana since 2006 has been 2,625. Out of these there are 1016 girls. A total of 4,731 persons went missing in which there are 2,075 women.

Government Initiatives

The Haryana Government has been implementing various schemes of the Government of India for the welfare of trafficked victims. Since 2007 the Haryana Government has taken proactive steps for the expansion and strengthening of the shelter homes. The State Government has approved 7 Swadhar Homes in Haryana. The government has also proposed 2 Ujjawala homes but the same has not been approved till date. The State Advisory Committee for monitoring the various schemes on rehabilitation and combating trafficking has been constituted in 2008. The State Government has also constituted District Vigilance Committees under the Bonded Labour Act. For the rehabilitation of trafficked victims and sex workers, the Haryana Government has formulated a new scheme and created a corpus fund for providing marginal money to the victims so that they can start their entrepreneurship activities after receiving skill development training. The State Women Development Corporation has been nominated to be the implementing authority. The Haryana Government has started implementing the Integrated Child Protection Scheme. All District Child Protection Units have been constituted. The Child Welfare Committee in most of the districts has been constituted under the new model rules and the Child Welfare Committees have been provided office space. The Haryana Police has created the Special Juvenile Police Unit in all the districts.

The state level training programmes of the district Child Protection Units has been conducted. The State Commission of Protection of Child Rights has also been constituted. Recently the Haryana and Punjab High Court has ordered the State Police Units to register all cases of missing children as FIRs and then start investigations. Pursuant to the orders of the Haryana and Punjab High Court, the Haryana Police has come out with a detailed set of guidelines for the police units.

A Judicial Colloquium was recently conducted in Chandigarh where 400 judicial officers and the same number of them through video conferencing connectivity attended the meeting¹⁴¹. The State Government has also conducted a Regional Prosecutors Training programme on Human Trafficking. The Childline network was also expanded from Gurgaon to 4 more cities.

¹³⁸http://articles.timesofindia.indiatimes.com/2012-05-05/delhi/31586084_1_trafficking-racket-girls-sirsa, accessed on 07 June 2012

¹³⁹http://articles.timesofindia.indiatimes.com/2012-01-09/india/30607320_1_racket-girl-maid, accessed on 07 July 2012

¹⁴⁰http://articles.timesofindia.indiatimes.com/2012-04-27/gurgaon/31420919_1_minor-girls-nepalese-girl-placement-agencies, accessed on 07 July 2012

¹⁴¹<http://www.punjabnewsexpress.com/news/5242-Human-trafficking-curse-on-our-civilized-society-Justice-Jasbir-Singh-.aspx>, accessed on 20.10.2012

Though Haryana has initiated various schemes for the care and protection of children, the absence of a monitoring mechanism and having no SOPs and minimum standards of victim care and protection was recently highlighted when the State supported Swadhar Home and Childline was raided in Rohtak by a team of the National Commission for Protection of Child Rights (NCPCR). There was a serious case of selling of infants and sexual exploitation of girls in the 'Home' premises. The High Court took cognizance of the same and issued notice to the Haryana Government. Also the High Court ordered a CBI enquiry into the matter. The raid at the 'Home' was preceded by two raids at 'Drone Foundation Home' in Gurgaon and also a 'Home' being run for children named 'Suparna Ka Angan'. These two homes also faced complaints of sexual exploitation. Another home in Karnal called *Apna Ghar* was sealed by the administration. Following intense media reportage and also severe criticism from the NCPCR, the Government of Haryana ordered a detailed enquiry into each and every children's home running in Haryana. It was only after these cases were highlighted did the Haryana Government issue notification that all shelter homes need to be registered under the Juvenile Justice Act. The case of Haryana clearly shows how important the monitoring of the shelter homes is and also the need of the SOPs and the minimum standards of care and protection. The case comes as an eye opener to all State Governments. Also the case highlighted the need of having Child Protection Policy in each shelter home so that any wrongdoing can be properly documented and accounted for.

The main reasons for trafficking in Haryana is for forced marriages. The 2010 census results projects the same dismal scenario. Even though the Haryana Government may ensure that not a single sex determination test takes place by strictly implementing the Pre Conception and Pre Natal Diagnostic Techniques (PCPNDT) Act, demographers say that for the population to stabilise and come to its natural ratio, it will take another 50 years. Till then, Haryana will continue to have a shortage of brides. The demand for marriageable age girls will be much more intense in the coming years and the demand will be met by interstate marriages. The challenge before the State of Haryana as well as the regions of Western Uttar Pradesh, Punjab and Rajasthan is to ensure that the bride demand is not catered through human trafficking. The governments in these regions should ensure legislations which protect the rights of women and children.

Anti Human Trafficking Units

Haryana has established 6 AHTUs across the state. The formation of the AHTUs is a positive step seeing the increase in trafficking cases being reported from across the state. The AHTUs created have undertaken raids and rescue operations though there is no convergence with local district police authorities. The State Government has not yet notified the nodal NGO which is mandated by the Government of India Advisory to all AHTUs. The advisories sent by the Ministry of Home Affairs have been widely distributed across all district police units. The AHTUs have also collaborated with various other state police in interstate police cooperation which is needed in cases of human trafficking.

The Anti Human Trafficking Units have though not independently started working, the training and sensitization of the police forces has been taken up in a big way by the Haryana Police Academy, Madhuban (HPA). The HPA has till date trained 3000 policemen on various issues connected to human trafficking.

HARYANA – PROTECTION MECHANISMS AT A GLANCE¹⁴²

No of Anti Human Trafficking Units (Districts)	6
No of District Child Protection Units	21
No of Child Protection Homes	12
No of Special Juvenile Police Units	20
No of Child Welfare Committee	9
No of Homes under Ujjawala P & R Schemes	0
No of Shelter Homes under Swadhar Scheme	4

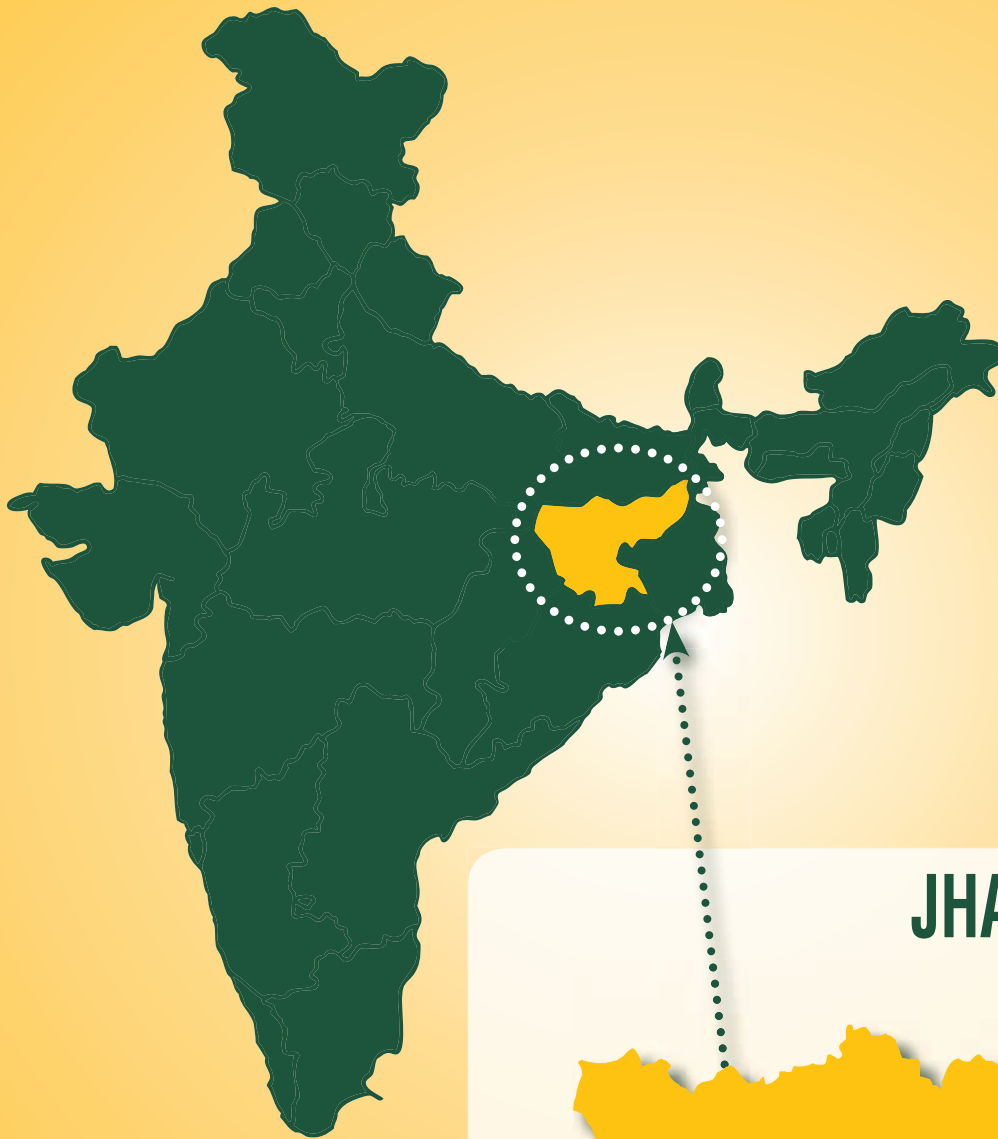
¹⁴²Ministry of Women and Child, Government of India – September 2012

MISSING PERSONS CASES – HARYANA

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	1063	530	533	1262	497	765
2010	1259	699	560	1517	610	907
2009	915	491	424	783	380	403

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012).

State Reports



JHARKHAND



Jharkhand

In recent years, the state of Jharkhand has emerged as a vulnerable state for trafficking of women and children for forced labour and slavery. Thousands of children from Jharkhand are traded and trafficked by placement agencies to domestic homes in Delhi. The children and women remain in slavery and bonded labour like conditions. Several cases of sexual slavery have also been reported from rescued victims from Jharkhand in Delhi. The placement agencies operate without fear of law and have mushroomed across Jharkhand. Most of these placement agencies are organised crime syndicates and they regularly indulge in trafficking of women and children. The business of placement agencies has been fuelled by huge demand of maids from eastern tribal states in the National Capital Region of Delhi. In the last three years, NGOs working in Delhi have reported rampant trafficking of women and children from Jharkhand.

Red Light areas exist in the districts of Dhanbad, Bokaro and Hazaribag. The trafficking affected districts include Garwah, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Ranchi, Palamu, Hazaribag, Dhanbad, Bokara, Girdih, Kodarma and Lohardagga. Most of the women trafficked from Jharkhand belong to Oran, Munda, Santhal (including endangered Pahariya) and Gond tribes, out of which, maximum are from Oran and Munda.

Traffickers from Jharkhand operate from New Delhi in the guise of placement agencies which is a high earning business. The traffickers bring the victims to Delhi from where they are supplied to different places depending on the price the trafficker can get. Mostly these victims are being sent to domestic homes to work as slaves in Faridabad, Gurgaon, Noida and Delhi. Children as young as 11- 14 years are placed in homes and are made to work as domestic help for 14-16 hours a day. Some of the victims are sent to Haryana where there is a demand of brides for marriage. Jharkhand women and children have been also in high demand to work as bonded labour in Haryana and Punjab.

Abject poverty, illiteracy, ignorance, difficult access areas, shrinking land holding by the local populace, network of placement agencies were cited as the main reasons for large-scale migration from Jharkhand to other cities. The land is degraded to a great extent due to deforestation, mining activities and rampant industrialization. Though vast area of land is available, no technological inputs have been brought out to improvise the production in the region. Thus in majority of the regions, there is one crop pattern and mainly rain fed cultivation takes place. Lack of agricultural operations in a full-fledged manner is also leaving the landless labor high and dry. The only option available to them is migration. Thus during the non-agricultural seasons one can witness exodus from the villages in search of work in the neighboring states.

Jharkhand faces a huge problem of child labour. The state has been running the National Child Labour Project in Garwah, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Gumla, Palamu, and Hazaribagh. As per the 2001 census, the number of child labour working stood at 4,07,200. As per the 2006 NSSO data, Jharkhand has 2,06,000 children working as child labour. The number of child labour who have been mainstreamed by the NCLP programmes till 2011 was 18,241.

The gaps between the "haves" and "have nots" are quite large in Jharkhand. Though in the books of law, the *Zamindari System*¹⁴³ is abolished, they have now taken the new avatar of middlemen and contractors in the region. In the extreme torn regions of Palamu, Garhwa, Lohardaga, Chaibasa, Koderma and Hazaribag, the common people are subjected to ills of administration on the one hand, the contractors on the other hand and above them are extremists who virtually rule the region with their own *Jan Lok Adalats*¹⁴⁴, extortion and the levy of taxes which is known in the local language as percentage system. The Gair Majaru lands are in the absolute possession of the landlords. The landlords own even trees of common property. Their control over the resources is absolute. With the abolition of the Zamindari system, the feudal landlords have taken to extortion of the people by becoming the contractors for all the development programs in the regions. The poor landless labourer is forced to work for their lifetime in the landlords' land and the only other option is migration in search of greener pastures.

¹⁴³A zamindar or zemindar in the Indian subcontinent was an aristocrat, typically hereditary, who held enormous tracts of land and held control over his peasants, from whom the zamindars reserved the right to collect tax (often for military purposes). Over time, they took princely and royal titles such as Maharaja (Great King), Raja (King), Nawab (Lord), Mirza (Prince), reddy (ruler), Chowdhury (Lord), and many others.

¹⁴⁴Lok Adalat is a system of alternative dispute resolution developed in India. It roughly means "People's court".

As per the ATSEC Jharkhand Report in 2010, approximately 42,000 girls have been trafficked from Jharkhand to metropolitan cities. The victims who are working as domestic help in various urban households across the country are often made to work in pathetic conditions. In some cases they are even sexually exploited. About 70 percent of the total migrant women and girls are forced to join the flesh trade. A Rapid Assessment of Domestic Workers in 8 districts (the most affected with problem of migration) was done by ATSEC Jharkhand and Research Plus Group, Ranchi. The findings of the study indicated that most of the trafficked victims are below 20 years and many of them are children. Many of them are in slavery like conditions and earn below minimum wages. The main destination for migration is Delhi¹⁴⁵.

Due to the shortage of brides in villages and towns of Haryana and Punjab, women are trafficked from distant states like Assam, West Bengal, Jharkhand, Bihar and Odisha. From the state of Jharkhand, the girls are brought to Delhi and Punjab mainly for the purpose of prostitution and daily labour. A small percentage of the total migrating women from Jharkhand are also sold into coerced marriage. Another aspect of girls being brought to Delhi from Jharkhand, Bihar, and Odisha is for domestic work. A great number of these women are brought and then sold to the brothels and sent to other places. The others are sexually exploited as sex slaves and forced into prostitution in the form of unorganized and movable brothels. The trafficking from West Bengal, Jharkhand and Bihar is mainly through train routes and only a small percentage is through other means¹⁴⁶.

Trafficking of children for the carpet industry in Uttar Pradesh is also very high. Majority of the children working in the carpet sector, be it in Uttar Pradesh (UP) or in Jharkhand are migrant child labourers from Palamau and Garwa district in Jharkhand. These districts are the prime catchment area for child labourers especially Garhwa. In any village in the district there is hardly a home where child labour does not exist. Estimates are that there are 11,000 in Garhwa alone who are child labourers within the carpet industry. There are two kinds of child labour in this sector, child labour involving forced migration of children to UP where they stay and work with their masters, and child labour whereby children work in the looms in their own villages. These children lead a life of bondage and slavery. Parents pledge their children for petty loans of Rs.300 – 500 (USD 9) to the middlemen. The children are packed off to dark, dingy prisons under the guise of loom houses, where they are expected to live and work. Some fortunate ones do manage to escape but their freedom is usually temporary. Most parents do not welcome the return of the prodigal son if he is empty-handed and he is soon forced back to work. Although carpet-weaving employment exists in their villages, the wage rates in Garwa, Jharkhand are much lower than in neighbouring U.P. However, the work conditions are so miserable that many children run away before their advance contract has been fulfilled, so they never actually earn a regular wage. The main factors responsible for the migration of children are the advance payment systems and the active role of the agents or middleman. Occupational health hazards such as asthma, lung diseases caused by dust and fibres, tuberculosis, skin allergies, poisoning by dyes, scabies, back pain, hip pain, limb pain and severe strain in the fingers are common. Cuts and injuries while using sharp knives and tools are a regular occurrence.

Missing Children

As per the National Crime Records Bureau, the state of Jharkhand has not been reporting figures related to missing children and missing persons since 2009. In the absence of data on missing children and rampant trafficking of victims being reported from Jharkhand, it is very difficult to assess the real situation of trafficking of children and women.

State Government Initiatives

Though the State Advisory Committee on trafficking was set up, the same has not been functioning. The Jharkhand State has formulated a state action plan to combat human trafficking but this has not been implemented so far.

¹⁴⁵"Childhood on fire" ATSEC Jharkhand -2010, Report by Bharatiya Kisan Sangh Ranchi (ATSEC Jharkhand)

¹⁴⁶http://shaktivahini.org/wp-content/uploads/2012/03/situational_report_shakti_vahini.pdf, accessed on 24 December 2012

The Jharkhand Police have set up 25 Special Juvenile Police Units in all districts of the state. Sixteen 'protection homes' under Integrated Child Protection Scheme have been designated. In spite of receiving a grant under ICPS, the state of Jharkhand has not set up any of the Child Protection Units at the district level. Twenty four CWCs have been established but they continue to work without any infrastructure. Some of the CWCs have reported non payment of salaries. The documentation level of CWC and 'protection homes' is very dismal. The government has not initiated standard minimum care and protection for victims. Despite the huge amount of trafficking reported in the region, this continues to be treated as a migration problem and not as organised crime.

In a recent case of trafficking of a 13 year old child in Delhi, the NCPCR visited Ranchi and Gumla district to take a view of the government run initiatives. The Commission among other things has recommended establishment of

Children's Homes at Ranchi and Gumla, capacity building and strengthening of CWCs and registration of all child care institutions under the Juvenile Justice (Care and Protection of Children) Act 2000. The NCPCR also stated that Jharkhand should accelerate the implementation of Integrated Child Protection Scheme. The Department of Social Welfare has been asked to evolve the mechanism to work in coordination with the Anti-Human Trafficking Units (AHTUs) and NGOs on the issue of trafficking and missing children. The Jharkhand Government has agreed for a routine survey undertaken by the Sarva Siksha Abhiyan (SSA) to include a separate column on missing children. The role of NGOs as handholding could be vital in spreading the awareness among parents and community, undertake preventive rescue, rescue from the railway station, destination point and ensure implementation of schemes like SABLA for their rehabilitation to prevent re-trafficking. The Commission also recommended to ensure that the railway authority coordinates in curbing the trafficking of children at the source point while boarding the trains. There is a need to impart training to the 'village chowkidars' to act as the 'first information officer' to report about the missing children from their respective villages and to set up emergency helpline numbers to be circulated and displayed prominently at all the major points depicting the names of persons to be contacted in case of suspected trafficking. The State Government has also been requested to designate a senior officer of the rank of DRC in Resident Commissioner's office in important metro centers to ensure speedy coordination and facilitate rescue & restoration process of the identified trafficked children. Also the NCPCR recommended that the community should be sensitized on the issue of trafficking through wall writings/ cultural activities /road shows, etc. and to ensure that the details of identified traffickers are displayed prominently at all prominent places including the village *Chaupals*, police stations, bus depots, railway stations, etc¹⁴⁷.

A state level network of organizations working on anti trafficking has been initiated in Jharkhand called the "Voices against trafficking". This network consisting of 70 organizations has conducted a state level anti trafficking campaign across Jharkhand in December 2011. The Secretariat of the Voices against Trafficking is presently with "Jharkhand Mahila Samakhya". The network has also coordinated with National level NGOs in Delhi for rescue of trafficked victims.

The Government of Jharkhand, aware of the rampant trafficking of women and children has set up a Women and Child Helpline in Delhi by providing assistance to NGO Bharatiya Kisan Sangh. A total of 155 victims have been provided support out of which 143 have been repatriated till August 2012.

¹⁴⁷Inter alia the NCPCR has also recommended :

1. Activate the institutions prescribed under ICPS within next three months;
2. State Government to map all the Child Care Institutions (CCIs) in the State and ensure their registration under Juvenile Justice (Care & Protection of Children) Act, 2000, and also ensure a robust mechanism of monitoring and inspection and regular submission of Inspection reports to ensure protection of children against any child right violations, deprivations or subject to any kind of physical or sexual abuse;
3. While mapping the out-of-school children under SSA, an extra column may be inserted as "Missing Children", which is expected to be of immense help in tracking the missing / trafficked children;
4. The network of NGOs to be utilized extensively and in close coordination with the District administration and State Government in advocacy and awareness programme on anti-trafficking and curb child labour;
5. Training requirements of anti-human trafficking units (AHTUs) and special juvenile police units (SJPUs) be extensively taken up for sensitizing the Police officials on the issues concerning to child rights; and
6. Ensure inclusion of the child right issues and the child jurisprudence in the curriculum of Police Training Module in the Police Academy & Police Training College.

Anti Human Trafficking Units

Compared to the State Government initiatives, the AHTUs set up by the Ministry of Home Affairs in Jharkhand have been proactively working on various anti trafficking initiatives. The Unit has already held several refresher courses on human trafficking for the police and other stakeholders. The State AHTU has also organised a prosecutor regional consultation and the state level prosecutors have also been trained. The AHTU Jharkhand has initiated partnerships with various organizations in Delhi and Kolkata for getting support for conducting raids for recovery of victims of human trafficking. The advisories sent by the Ministry of Home Affairs on human trafficking and Missing Children has been widely distributed to all district police chiefs. The AHTU has also established linkage with the State Commission of Women to provide support to trafficked victims. The AHTU has in collaboration with UNICEF brought out a district level directory of all institutional mechanisms existing in the state for child protection. The same has been widely distributed to all police stations and special Juvenile Police Officers in Jharkhand.

JHARKHAND – PROTECTION MECHANISMS AT A GLANCE¹⁴⁸

No of Anti Human Trafficking Units (Districts)	8
No of District Child Protection Units	-
No of Child Protection Homes	16
No of Special Juvenile Police Units	25
No of Child Welfare Committee	24
No of Homes under Ujjawala P & R Schemes	0
No of Shelter Homes under Swadhar Scheme	2

Yuwa is a Jharkhand based NGO using girls' football to promote health, education, and improved livelihoods. Yuwa provides a platform for young women to gain confidence to make a change in their world. Teamwork is a powerful force to prevent trafficking by focusing on the three primary causes of a young woman's vulnerability: little opportunity, gender inequality, and lack of confidence. Founded in January 2009 with 15 girls in one village, Yuwa now has over 200 girls in 10 villages practicing three hours a day, six days a week. In less than a year, 13 of Yuwa's girls lifted the state team's national ranking from 20th place to 4th. With her newfound confidence comes a sense of self-worth which sparks her interest in her own education and health. The organization has been successfully using football as a means to bring empowerment among girls and adolescent so that they don't fall in the clutches of human traffickers.

¹⁴⁸Ministry of Women and Child, Government of India – September 2012

State Reports



KARNATAKA



Karnataka

Karnataka is both a source and destination state for human trafficking. Women and children are trafficked for commercial sexual exploitation, bonded labour and also for international trafficking to Gulf countries.

The Devadasi system¹⁴⁹ is prevalent in 10 districts of north Karnataka and 14 districts in Andhra Pradesh. The social evil is thriving because of poverty and absence of opportunities in many families. The social customs combined with economic pressures have pushed girls into this system¹⁵⁰. Districts bordering Maharashtra and Karnataka are known as the “Devadasi belt”. This belt is most vulnerable to trafficking. Victims from this belt have been supplied for prostitution to far off place like Delhi GB Road and Mumbai.

The number of women and child trafficking cases in Karnataka has been on the increase in the last five years, with a total of 3,234 such offences being reported during the period. In the last five years, there had been as many as 3,234 cases of women and child trafficking reported in the state. In 2007, there were 440 cases which rose to 488 the next year and to 534 in 2009. While in 2010 and 2011, there were 697 and 672 cases reported respectively, as many as 403 cases had been reported till June 2012¹⁵¹. In Bangalore and the urban metropolitan areas of Karnataka, prostitution business has expanded and many of these rackets are being run from residential colonies in the name of spas, massage parlours and friendship clubs. Many of these escort services have started operating through cyber space. The prostitution business in Bangalore has gone hi-tech. A lot of the victims from Bangladesh, West Bengal, Odisha, North East and Nepal are being procured to run this business of prostitution.

Government Initiatives

The Karnataka government has formulated the Karnataka Immoral Traffic (Prevention) Rules-1989¹⁵². Karnataka State Government has appointed Special Police Officers as mandated by the Immoral Traffic (Prevention) Act. The Director General of Police of Karnataka has issued a circular for a victim centric approach in dealing with cases of Immoral Traffic Prevention Act. In this regard it is important to state that Karnataka Police is one of the first police across the country which issued such orders with relation to victim protection¹⁵³. The circular stated to the police that the Immoral Traffic Prevention Act was not being implemented in the true spirit and that police action should be against the traffickers of human beings, exploiters, pimps, brothel keepers and those living on the earning of prostitution and not against the women who are victims of sex trafficking. The police headquarters after reviewing that the district police were still continuing with arrest of victims issued a strict circular in 2005 stating the fact that such practise should be discontinued with immediate effect. If the women in question is running a brothel or is an exploiter then stringent action should be taken¹⁵⁴.

Devadasi Abolition Act of Bombay State and a similar Act of Madras Government are in force in the Bombay Karnataka Area and in Bellary District respectively. It was also found that in some parts of Karnataka, the Devadasi System is still in force and the women who are inducted to this system are in a pitiable condition and this has led them to take up prostitution for a living. Therefore it was found necessary to bring forward a legislation to minimise this social evil and to rehabilitate the victims. Dedication of a woman as devadasi is made an offence and in order to make the

¹⁴⁹The term Devadasi is a Sanskrit term denoting female servant of deity. But they are known by different names in different areas. In Karnataka, old devadasis are called as `Jogati' and young devadasis as `Basavi'. The term `Basavi' refers to feminine form of `Basava' a bull, which roams the village at will without any restriction. This cult is prevalent even today throughout India with some regional variances. When a girl is dedicated to or married not to a mortal-man but to an idol, deity or object of worship or to a temple, some rite is performed. The initiation ritual was said to include a “deflowering ceremony”, known as “uditambuvadu” in some parts, whereby the priests would have intercourse with every girl enrolled at his temple as part of his religious perks.

http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Dalit_Women/Forced_prostitution_in_the_name_of_God.pdf - Manjula Pradeep

¹⁵⁰<http://www.hindu.com/2006/01/30/stories/2006013020130300.htm>, accessed on 14 July 2012

¹⁵¹<http://www.ndtv.com/article/south/women-children-trafficking-on-increase-in-karnataka-249247>, accessed on 14 July 2012

¹⁵²Notification No SWL/179/SPH/80 dated 26.09.1990

¹⁵³Circular No SMS-6/25/2004-05 dated 30.09.2004

¹⁵⁴Circular No 71/CRM /SMS-4/2005 dated 22-11-2005

provisions more effective, higher punishment is provided for a person abetting the offence if he happens to be the parent, guardian or relative of the woman¹⁵⁵.

Karnataka Police has also notified Special Juvenile Police Unit in each district and a Juvenile Police Officer in each police station across Karnataka¹⁵⁶. State Advisory Committee for Preventing and Combating Trafficking of Women and Children for commercial exploitation was constituted in the year 2004. The committee operates under the Chairmanship of the Chief Secretary. The committee has been meeting quite often for reviewing and coordinating the work undertaken by the State on human trafficking issues. The committee over the years has taken various proactive decisions on the issue of Devdasi System rehabilitation, effective implementation of Anti trafficking programmes, putting in a child tracking system in place under the Bhagya Laxmi scheme¹⁵⁷. It has also led to creation of an anti trafficking cell in the Department of Women and Child. The committee is well represented by leading NGOs in Karnataka. In 2008, the government conducted awareness camps for Panchayat members in the vulnerable districts. In 2009, taluk level TOT was conducted for Panchayat members and NGOs. In 2010, Karnataka has held awareness camps for Panchayat Secretaries and supervisors of Gram Panchayat level watch dog committees.

The State Government has drafted a State Action Plan to combat trafficking. It has a strong component of rehabilitation of victims and punitive action against traffickers. The plan also focuses on building a strong network and partnership amongst the members of the civil society, political leaders, bureaucracy, judiciary and media to combat trafficking. It also creates a well developed database that would enable assessment of the problem and plan programme implementation and monitoring. Anti Trafficking Committees have been constituted at district, taluka and gram panchayat level in 2005 and subsequently their responsibilities were enhanced in 2007 to create awareness and maintain statistics of missing children and women in the village. The committees meet every quarter to review the work undertaken.

The State Government has drafted a State Action Plan to combat trafficking. The plans focus is on preventing human trafficking and ensuring stringent action through legal and administrative measures.

Under the ICPS, 45 'Children's Homes' are functioning, 18 for girls and the rest for boys. Out of these, 41 institutions are being run by NGOs. Karnataka has formed 28 Child Welfare Committees for the care and protection of children. The training and capacity building of the Child Welfare Committees have also been held. Karnataka has also started 54 Santawana centres (Women Helpline) which are being implemented in 30 districts with the help of NGOs for women in difficult circumstances by setting up of helplines -1091 (toll free number). Child line services have also been activated in 6 cities. Forty three hostels for girls from rural areas have been created. Under Kishori Shakti Yojana, girls are provided training and trafficking issues are part of the course curriculum. Karnataka Women Development Corporation is running a Devdasi Rehabilitation Programme on income generation, training, linkages to credit institutions and construction of houses and purchase of land. Thirty two 'Shelter Homes' and 34 'Swadhar Homes' have been activated and running.

Anti Human Trafficking Units

The Karnataka Police has issued circulars for appointing nodal officers in the commissionerate and districts in the state to monitor the Anti Human Trafficking operations. In order to tackle the menace of human trafficking, the State Government has initiated an Anti Trafficking Cell in the CID Headquarters¹⁵⁸. The Anti Human Trafficking Cell has been coordinating all anti trafficking raids and rescue operations, identifying nodal NGOs, identifying vulnerable districts in

¹⁵⁵Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 75 dated 3-2-1982 at page 5.

¹⁵⁶105/GSPP/ADGP/R&T/2008 dated 30 December 2008

¹⁵⁷Under the scheme, the State Government would deposit Rs 10,000 (USD 200) in the name of new-born girl child, irrespective of caste and creed, and the interest accrued from it could be utilised for her education. The deposit would mature when the child attains 18 years and the money could be utilised for her higher studies or marriage.

¹⁵⁸AHTUs are established in districts/commissionerates as per the order No: 07/CRM/SMS-4/2011 Dt: 03-06-2011 of DG&IGP of Karnataka state. The 5 units are Bangalore city, Dakshina kannada, district Hubli – Dharwad, Mysore Belgaum district. Central Government aid of Rs.37,90,000/- has been utilized to set up these units as per the Ministry of Home affairs order No. VI-21011/36/2010-P.M-1CR Dt: 28.07.2010.

the state and collecting and collating data. The State has appointed Deputy Inspector General of Police level officer as the nodal officer for AHTU. Various training programmes for officers have been conducted across the state. The state has also initiated training of trainer's workshop for the sensitization of police and prosecutors. The AHTU has been conducting several rescue operations for victims. All advisories related to human trafficking, missing children, cyber crime and organised crime have been widely distributed across all police districts for compliance. The AHTU is focusing on better coordination with NGOs and other concerned departments, documentation of unit and state level initiatives. Profiling of traffickers in the state has been started and will soon be completed. Institutionalizing of procedures involving rescue, rehabilitation, repatriation, etc. is to be worked out.

Missing Persons

According to the NCRB data of missing children, the number of females missing is more than the males throughout the years from 2006 to 2011. In the last six years altogether 22,225 children were missing in Karnataka. Out of this 4,080 children still remain untraced. If the data of untraced children is considered, the percentage is huge in 2011. As far as the missing person reports are concerned, 20,744 persons were missing during the period of three years from 2009 to 2011. Out of them, 5,108 persons still remain untraced. Among the total number of persons missing 11,481 are females whereas 9,263 are males.

KARNATAKA – PROTECTION MECHANISMS AT A GLANCE¹⁵⁹

No of Anti Human Trafficking Units (Districts)	9
No of District Child Protection Units	16
No of Child Protection Homes	76
No of Special Juvenile Police Units	38
No of Child Welfare Committee	30
No of Homes under Ujjawala P & R Schemes	24
No of Shelter Homes under Swadhar Scheme	33

MISSING PERSONS CASES – KARNATAKA

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	3304	2122	1182	3411	2214	1197
2010	4845	4234	611	4629	3840	789
2009	3996	3534	462	3801	3260	541

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

ODANADI's two rehabilitation centres in Mysore house up to 85 young men, women and children at any one time. Through its internationally recognised rehabilitation programme Odanadi aims to educate, empower and eventually reintegrate victims of trafficking back into mainstream society. Counselling and daily psycho-social therapies such as yoga, karate, art, drama, and traditional dance, have been designed to build residents' physical and mental strength, and prepare them for life outside Odanadi.

¹⁵⁹Ministry of Women and Child, Government of India – September 2012

State Reports



Kerala

Kerala, which has the distinction of having achieved the highest levels of female literacy, education and health and the lowest maternal and child mortality rates in India, as well as an enviable male – female ratio, it is also the state which is facing severe challenges on other front. The problem of sexual violence against women and children both within the family and outside is becoming a serious concern. Commercial sexual exploitation of women and children takes place in various forms including brothel-based prostitution, sex tourism, entertainment industry and pornography in print and electronic media. Most of the victims are trafficked with promises of jobs, better career prospects and marriage. Some are inducted forcibly through blackmail, threat or abduction.

Increasing child labour in the wake of the influx of migrant labourers into Kerala in the last ten years has begun to assume serious proportions of human trafficking. Interventions by Childline officials at different places in the state have revealed that children, particularly from Tamil Nadu, are being trafficked into Kerala for labour in unorganised sectors. Seven teenagers working in small-scale cottage industries were rescued by Childline¹⁶⁰.

Intelligence agencies in Kerala have submitted their report (2012) to the State Government on child trafficking and pointed out that child trafficking from other states is on the rise. Children are being brought to orphanages in Kerala and made to work as help in houses, flats and hotels. The report included an incident where 21 children and an agent were caught by the police when they were being brought to an orphanage in Wayanad from Manipur. Children from Manipur, Nagaland, Bengal, Odisha and Tamil Nadu are being brought to the state, mainly to orphanages, through forged documents. The report also indicates that thousands of orphanages work only to grab money by showing the number of orphans.

Rackets specialised in trafficking of women from Kerala for prostitution in the Middle East region has also been reported. As UAE and some other countries have adopted stricter screening before issuing house maid visa, many sex racket operators are now bringing in victims as performers for cultural events for hotels. At Kerala Airport, security is stricter, victims recruited from Kerala for flesh trade in Gulf leave mostly through Chennai Airport. Other ports used by the racket are Coimbatore, Hyderabad and Bombay. Prostitution racket operators of the Gulf pay Rs 25,000 (USD 465) plus air ticket to recruitment agents for each victim recruited. These agents approach poor families in Kerala and offer jobs as house maid and trick them into the trade¹⁶¹.

A flourishing network of agents and pimps are allegedly luring Indian girls to Dubai for prostitution after promising them jobs as housemaids¹⁶². In 2011, 178 runaway housemaids approached the Indian Embassy for help in Gulf countries, out of these 64 victims were from Kerala¹⁶³.

There are no designated red light areas in Kerala. Coastal areas of Kerala have emerged as the destination areas of various sex rackets. These places are mostly tourist places and there is a demand for such activities. Kerala has a very high number of mobile sex workers who work as part of the organised crime.

Government Initiatives

The Government has initiated the State Advisory Committee to combat trafficking and prostitution. The Kerala Police has issued a circular 14/2004 where it has instructed all district units to conduct surprise checks and verification of persons taking young girls and women under suspicious circumstances for the purpose of trafficking at bus and railway stations. It has asked for raids to be conducted in such a manner that

There has also been an increase in sex rackets running through internet services, friendship clubs, escort services, spa and massage parlours.

¹⁶⁰<http://www.thehindu.com/todays-paper/tp-national/tp-kerala/article3814716.ece>, accessed on 14 August 2012

¹⁶¹http://shodhganga.inflibnet.ac.in/bitstream/10603/456/18/18_chapter8.pdf, accessed on 17 August 2012

¹⁶²http://www.nriinternet.com/MIDDLE%20EAST/Dubai/2004_News/1_Prostitution.htm, accessed on 17 August 2012

¹⁶³<http://www.a1saudiarabia.com/2470-indian-embassy-helps-178-runaway-maids/>, accessed on 17 August 2012

pimps, brothel keepers and other exploiters are apprehended. The State Government has initiated 'missing child search and child protection home network'. This is being done through two NGOs, which are the nodal NGOs, 'Don Bosco Vedu Society' and 'Sneha Bhavan Ernakulam'. It has also initiated a website www.missingchildsearch.net. The focus of the project is to collect data on missing children and make efforts to trace them and to build a multi stakeholder network of NGOs, government and the police regarding the problem of missing children and their restoration. It is also the endeavour of the government to ensure that details of each and every missing person is included in the website as fast as possible for a quick search response. The State Government has launched a comprehensive programme for operationalising the policy covering various aspects such as prevention, protection, anti-trafficking measures, economic empowerment, health care, education, housing, legal reforms, creation of safety nets, sensitization campaigns and creation of a corpus fund necessary for addressing the problem of sexual violence against women and children and sex trafficking. This programme has been called NIRBHAYA¹⁶⁴.

The policy addresses the need for planning and co-ordination at the local body level, district and state levels for addressing the deep rooted and underlying causes as also for taking adequate measures for psychological support, economic empowerment and re-integration so that the victims do not get drawn into an abusive situation again on account of non-availability of other options. The institutional preparedness and competence within the government and in collaboration with civil society will be developed to sensitively handle the problem.

The Kerala Police have been specifically asked to keep a check on the illegal orphanages as they have been found to indulge in child trafficking.

The State Government, under this scheme has set up a state level monitoring committee, district level monitoring committee and village level vigilance groups. The activities of these groups are being coordinated by the Social Welfare Department. The State Government has also initiated Anti Trafficking Squads in every district headed by an officer not below the rank of Deputy Superintendent of Police. The Anti-Trafficking Squad is being supported by the District Social Welfare Officer, Probation Officers, Protection Officer, Social Workers and other NGOs who are specially sensitized and trained for rescue and rehabilitation. All the members of this Squad are being trained by professionals so that they are able to work with a correct gender perspective and can offer comfort, care, and hope to the victims.

The state government has launched a comprehensive policy called "NIRBHAYA" for addressing the issue of human trafficking in Kerala.

The Anti-Trafficking Squad is being supported by the District Social Welfare Officer, Probation Officers, Protection Officer, Social Workers and other NGOs who are specially sensitized and trained for rescue and rehabilitation. All the members of this Squad are being trained by professionals so that they are able to work with a correct gender perspective and can offer comfort, care, and hope to the victims.

Under the Integrated Child Protection Scheme, 14 District Child Welfare Committees have been formed. The State Government has also initiated a process for putting in place the Child Protection Units. It has also initiated 17 Special Juvenile Police Units and Juvenile Police officers who are sensitized towards child rights issues have been appointed. The state has also set up 28 protection homes for children. Kerala has set up one Ujjawala Home for rehabilitation of trafficked victims.

Anti Human Trafficking Units

Kerala has set up 6 AHTUs. A Deputy Superintendent of Police rank officer has been made the nodal officer of each of the AHTU. The units work in collaboration with NGOs and other government stakeholders. The Kerala Police issued a detailed notification vide circular no 12/2011. These units have been asked to proactively take up cases of human trafficking. All police units have been asked to refer the trafficking cases to these units. The state police have been asked to carefully investigate the cases of human trafficking and ensure that all evidence is collected. The Kerala

¹⁶⁴The policy fully acknowledges the fact that sexual violence against women and children and sex trafficking are serious offences and declares its deep and steadfast commitment to provide relief to the victims and to prosecute the perpetrators besides creating a safe and enabling environment for women and children

Police have also issued a circular No 32 /2009 with regard to missing children. The circular among other things clarifies the process of investigation and gives clear instructions to the police to treat this as a grave offence. The AHTUs have initiated state level Training of Trainers workshops and district level workshop on police sensitization has been started. The Advisories issued by the Ministry of Home Affairs have been widely circulated. Kerala has not yet launched the victim compensation scheme.

KERALA – PROTECTION MECHANISMS AT A GLANCE¹⁶⁵

No of Anti Human Trafficking Units (Districts)	6
No of District Child Protection Units	16
No of Child Protection Homes	76
No of Special Juvenile Police Units	38
No of Child Welfare Committee	30
No of Homes under Ujjawala P & R Schemes	24
No of Shelter Homes under Swadhar Scheme	33

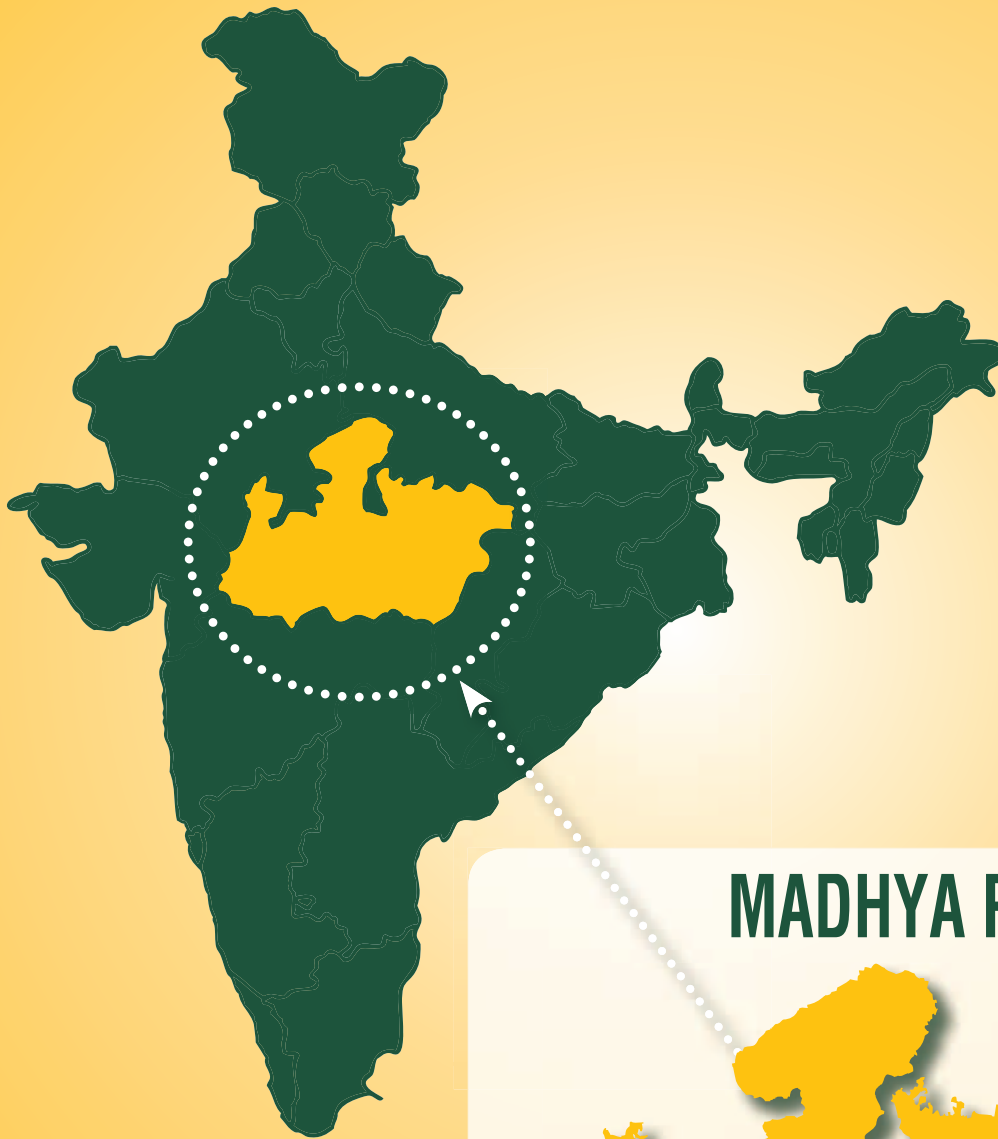
MISSING PERSONS CASES – KERALA

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	1054	831	223	1850	1480	370
2010	1037	895	142	2072	1826	246
2009	996	868	128	2106	1846	260

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

¹⁶⁵Ministry of Women and Child, Government of India – September 2012

State Reports



MADHYA PRADESH



Madhya Pradesh

Madhya Pradesh mainly remains the source and destination state for trafficking. Twenty nine districts of the state have reported trafficking to various parts of the country for commercial sexual exploitation, bonded labour and coerced marriage purposes. Women from Odisha are trafficked into the State for bonded labour and coerced marriages. Women from Madhya Pradesh are trafficked to Bihar, Delhi, Gujarat, Haryana, Punjab, Maharashtra, Pondicherry, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. From Madhya Pradesh, girls are trafficked in the guise of migration for coerced or forceful marriage, domestic servants and agricultural labour in Delhi, Haryana and Punjab. For a considerable number of women trafficked into sex work and domestic labour, Delhi is the destination point. Trafficking of women to Delhi as a transit point and then to other destinations such as Haryana and Punjab has also been reported¹⁶⁶.

In Madhya Pradesh, the denotified tribes of Banchada, Kanjar, Sansi and Bedia-Nut practise traditional prostitution. The problem is multi-faceted. A large women trafficking network is active in the districts of Shajapur, Rajgarh, Guna, Sagar, Sheopur, Morena, Shivpuri, Sagar and Vidisha. The girls are sold to brothels in the state, the neighbouring state of UP (especially in Meerut and Agra), Rajasthan, and the rest of the country. *Bedias* women and girls spread in 16 districts including those mentioned, constitute the mainstay of this traffic. Originally skilled in folk arts of dance and music, rural acrobatics and black magic, *Bedias* just like the *Bancharas* adopted the peculiar practice of introducing their eldest daughters into prostitution. The custom evolved, as a defence mechanism, when they adopted an extremely nomadic lifestyle to avoid colonial administration. Because of their proximity to the prostitution dens in Uttar Pradesh - the districts of Morena, Shivpuri, Bhind, Sheopur, Guna and those around the Chambal region - have reported high incidents of such activities. Many of these bedia tribals have been indulging in kidnapping of young girls from North India and then rearing them for prostitution.

In April 2012, Madhya Pradesh Police rescued 4 minor victims of human trafficking from Rajasthan. The victims were trafficked from Hoshangabad in Madhya Pradesh. Eight traffickers were also arrested. The arrest showed the modus operandi of the interstate trafficking gangs operating in Madhya Pradesh. The victims were being sexually exploited and two of them were sold for forced marriage¹⁶⁷.

Isolated recovery of abducted or trafficked girls in Mandsaur, Mandla, Dindori or Balaghat districts in recent months provided a picture of the enormity of the crime of human trafficking. Out of the 57 girls rescued from the Banchhra, 24 were reported missing in police stations. The other girls who were rescued were not reported missing as they were abducted at a very young age and are now grown ups and, therefore, it is difficult to trace them¹⁶⁸.

In a case related to interstate trafficking, the police in tribal-dominated Betul district of Madhya Pradesh have so far collected details of some 1,300 girls, who have gone missing from the district over the past few years. These victims were allegedly lured by promising jobs in big cities and taken away from their villages by neighbours or acquaintances. After leaving the villages, the families of the victims have not heard from them. A few girls, who managed to flee narrated harrowing tales of how they were raped and forced into prostitution. In 2011, 21 victims were rescued by the Mandsaur police. The police disclosed that the minor girls were being administered hormones and steroids for fast growth to push them into prostitution. The village from which the girls were rescued houses 30 *Banchhra* families, who are scheduled castes and each family had at least one minor girl. It was alleged that each girl was sold to *Banchhra* families for prices ranging between Rs. 20,000 (USD 368) and Rs. 70,000 (USD 1290). A gang of 29 members has been busted. It is believed that the gang used to kidnap minor girls from railway stations, bus stands and temples. The police suspect that over 800 minor girls are still there in almost 16 *Banchhra* bastis. In this case the police have asked for permission to carry out DNA tests to corroborate maternity claims of women the girls are staying with. This case also provides an insight of the human trafficking organised crime gangs operating in the region.

¹⁶⁶Madhya Pradesh –Trafficking and HIV Report –Shakti Vahini 2009, accessible at www.shaktivahini.org

¹⁶⁷<http://ibnlive.in.com/generalnewsfeed/news/human-trafficking-racket-busted-two-women-among-eight-held/983051.html>, accessed on 04 July 2012

¹⁶⁸http://www.dnaindia.com/mumbai/report_9000-minor-mp-girls-go-missing-in-20-months_1601050, accessed on 12 August 2012

In another incident, 16 minor girls were rescued from a brothel in Malhargarh of Mandsour district of Madhya Pradesh. The gang used to pick their victims from temples and other crowded areas like market places. The victims were lured and abducted by the gang from different locations in Indore, Ujjain and Mandsaur. The little girls were being held in captivity so they could join the traditional occupation of the 'Banchra' tribe. Police investigating this case have said that female infants from adjoining districts are being kidnapped so they may join the flesh trade and earn for the tribe.

In the last five years (2006-2010) as per the NCRB Report, a total of 3,484 children are found to be untraced as per the Madhya Pradesh missing children data out of which a total of 2,172 girls are missing.

Government Initiatives

The Madhya Pradesh Government has notified a State Level Committee to monitor the schemes for the eradication of prostitution in 2001. Since in Madhya Pradesh, the problem of trafficking is from the denotified tribes, 2 members of the tribe were also made part of the State Advisory Committee. The State Government has notified the State rules under the Immoral traffic Prevention Act 1956 and also notified a list of Advisory board of social workers as per the provision of the Immoral Traffic Prevention Act to assist the police during raids and rescue. These committees though nominated have not been active. The State Government has also notified the Special Police Officers under this Act.

For the eradication of prostitution among the denotified tribes in Madhya Pradesh, the Government of Madhya Pradesh has been running a special scheme for overall care and protection for the girl child called the Jabala Yojana.

Under the Jabala Yojana the State Government has created Ashrams. This scheme is presently running in the district of Morena, Sagar, Ujjain, Rajgarh, Chattarpur, Raisen, Vidisha and Ratlam. It is very important that the State Government takes up empowerment of these communities in a planned holistic manner as police data has shown that these communities have been indulging in organised crime and are responsible for the kidnapping rackets operating in Northern and Central India. The Government of Madhya Pradesh had not implemented the Victim Compensation Scheme till August 2012, though it is mandated to do so under the Code of Criminal Procedure.

The Government of Madhya Pradesh has approved 14 Swadhar homes. These homes, though established under central government schemes are basically run by NGOs. The Madhya Pradesh Government though has recommended 12 organizations for the Ujjawala Programmes, the same has not been approved by the Ministry of Women and Child, Government of India.

Though the ICPS scheme has been on the roll out since 2010, the implementation of the scheme has been slow. The Child Welfare Committees though in place in all districts are very poorly paid and work without any infrastructure or documentation facilities. There is no SOP in place for running of these committees. Under the Juvenile Justice Act, these committees are the designated authority and are empowered as a bench of magistrate for care and protection of the children. In the present justice system procedures, the Child Welfare Committees have to play a big role in rehabilitation and repatriation of trafficked children. Even statement of victims in front of the Child Welfare Committees and the Home Investigation report for repatriation of the child has an effect on the outcome of the case in the trial courts and the documentation process continue to remain very poor.

Anti Human Trafficking Units

Madhya Pradesh has been allocated 16 AHTUs out of which 8 are now functional. In the year 2011-12, 33 cases have been registered and 235 persons have been arrested. A total of 125 children and 27 women victims have been rescued. The Madhya Pradesh police have also established 47 women desk in police stations across the state. The State Government has held several training programmes for the police and prosecutors. Training of Trainers Course has been launched. The Advisories issued by the Ministry of Home Affairs has been widely distributed across the state to all District Police. The Madhya Pradesh Police has been trying to prioritise the issue of human trafficking

by holding various seminars and training programmes. The district level trainings have yet to be implemented. The Madhya Pradesh AHTU has undertaken several interstate police operations to rescue and recover victims of human trafficking.

MADHYA PRADESH – PROTECTION MECHANISMS AT A GLANCE¹⁶⁹

No of Anti Human Trafficking Units (Districts)	16
No of District Child Protection Units	50
No of Child Protection Homes	24
No of Special Juvenile Police Units	50
No of Child Welfare Committee	48
No of Homes under Ujjawala P & R Schemes	1
No of Shelter Homes under Swadhar Scheme	14

MISSING PERSONS CASES – MADHYA PRADESH

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	-	-	-	-	-	-
2010	10720	9689	1031	9196	7798	1031
2009	9498	8730	768	8266	7293	973

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012).

¹⁶⁹Ministry of Women and Child, Government of India – September 2012

State Reports



MAHARASHTRA



Maharashtra

Maharashtra has a large migrant population. Urbanisation had attracted migrants, especially to Mumbai and other major cities. Nearly half the population in Mumbai, Thane region, Nagpur and Pune division constitutes migrants. Migration both in and out of the state is very high in comparison to other major states in the country. The 2001 census reports the number of in-migrants and out-migrants for Maharashtra, with the highest number of migrants coming from Uttar Pradesh, followed by its neighbouring states like Karnataka, Gujarat and Madhya Pradesh.

Maharashtra is a source, destination and transit route for trafficking in women and children and is considered one of the high trafficking zones for women in prostitution. Kamathipura in Mumbai is the oldest and Asia's second largest red-light district. Trafficking of women and children is a deeply entrenched and growing phenomenon in drought-prone districts of Marathwada such as Latur, Osmanabad, Beed and Nanded. While poor rainfall and irrigation facilities in Marathwada limit the scope for agriculture, landless farmers, dalits and other minority groups have had to survive here under tremendous pressure. Social injustice and exploitation, both cultural and economic is common. Recurrent droughts as experienced in the region have resulted in depletion of economic livelihood creating great pressure for rural masses to migrate in search of economic sustenance. The prevailing state of distress in the region combined with poverty and illiteracy makes most migrant persons dependent on agents who show them illusion of all kinds including job and marriage as an end to their misery and deprivation. In such circumstances, women of marginalized communities easily become commodities. Rendered option-less by the situation and with the challenge of ensuring the survival of the family, women become more and more gullible to be deceived or forced to look at other options for sustenance. Women who are separated from their families are particularly more vulnerable¹⁷⁰.

An average of 28 people went missing from Mumbai every day over the last two years, the highest among Maharashtra's 35 districts¹⁷¹. Belgaum and Kolhapur are common districts from where women migrate to the big cities, as part of an organised trafficking network. Districts bordering Maharashtra and Karnataka, known as the "devadasi belt," have trafficking structures operating at various levels. The devadasi form in Maharashtra is known as *murali*, *jogateen*, and *aradhini*. The women here are in prostitution either because their husbands deserted them, or they are trafficked through coercion and deception. Many are devadasi dedicated into prostitution for the goddess Yellamma. Approximately 50,000, or half of the women in prostitution in Mumbai, are trafficked from Nepal¹⁷².

There are 225 brothels in Pune, 363 brothels in Thane and 45 brothels in Sangli district. Besides, there are pick up points, lodges, hotels and bars which are used for sexual activity. The prostitution trend is changing gradually and is operating as beauty/massage parlours, escort services, home based, lodge based, contract based and bar based brothels.

The Pune police rescued as many as 150 minor girls and 243 women from the prostitution racket and sealed 21 brothels between January - May 2010. The rescued girls and women mostly hailed from West Bengal, Bangladesh and Nepal. Many of the victims especially minors were lured and then forced into prostitution. They come from poor families from other states and do not know the local language. They are lured on false job promises and dragged into sex rackets. The AHTU Pune repatriated 16 minor girls to Bangladesh on December 26, 2011. Still, 36 more Bangladeshi girls are in rescue homes in Pune¹⁷³.

The traffickers across Mumbai and Pune use several means to hide the victims of trafficking. In July 2012, the Mumbai Police has written to the Municipal Corporation as well as the local police, asking them to search the beer bars in their respective areas and keep a record of the layout plan ready in case of emergencies¹⁷⁴.

¹⁷⁰<http://www.sascv.org/ijcjs/renusharma.html>, accessed on 12 August 2012

¹⁷¹http://articles.timesofindia.indiatimes.com/2011-03-14/mumbai/28687441_1_maharashtra-mumbai-trafficking, accessed on 22 August 2012

¹⁷²<http://www.uri.edu/artsci/wms/hughes/india.htm>, accessed on 12 August 2012

¹⁷³<http://www.expressindia.com/latest-news/city-police-leads-in-action-taken-against-prostitution-rackets/955996/>, accessed on 12 July 2012

¹⁷⁴http://articles.timesofindia.indiatimes.com/2012-01-07/mumbai/30601735_1_bar-girls-prostitution-racket-immoral-trafficking-act, accessed on 12 July 2012

In 2011, 7 Bangladeshi women were arrested for allegedly being part of a prostitution racket that operated from nearby Musalgaon industrial area. The arrests were made after police had busted a flesh trade racket from the area near Sinnar on Nashik-Pune highway. It was revealed during investigation that the arrested girls were Bangladeshi nationals following which they were formally arrested. Police also apprehended 4 Bangladeshi men for illegally staying in India without passports and running a human trafficking racket¹⁷⁵.

In another rescue operation which shows the interstate nature of trafficking in Maharashtra, 36 girls were rescued by the AHTU Mumbai. The victims hailed from Choutuppal, Huzurnagar and Kodhad areas in Nalgonda district¹⁷⁶.

There have also been reports of victims being sent to the Middle East for prostitution and trafficking through various recruiting agencies. A Social Service (SS) branch team busted a flesh trade syndicate and rescued 37 Mumbai-based bar girls who were about to board a flight to Dubai from Delhi in August 2012. The women were set to take an Air India flight from Indira Gandhi International Airport. Usually victims leave the country posing as dancers and once they reach the destination, they are forced into prostitution.

Maharashtra has established a Fast Track Court in Mumbai, which is instrumental in speedy trial of cases of human trafficking.

Cities like Mumbai, Pune, Nagpur, and Aurangabad are the destination points. From Mumbai victims are trafficked to Rajasthan, West Bengal, Andhra Pradesh, Karnataka and vice versa. The route of trafficking from the states like Gujarat, Punjab, Madhya Pradesh, Uttar Pradesh, North East States, Odisha, Tamil Nadu, Kerala to Maharashtra is very active. Besides, girls are also being trafficked from Nepal and Bangladesh. Increase in trafficking from Bangladesh and Burma was observed. In Maharashtra, intra state trafficking also takes place from the districts like Solapur, Latur, Nanded and Parvani.

Government Initiatives

The Maharashtra Government has taken many proactive measures to combat human trafficking. In 2007, the Maharashtra Government prepared a State Plan of Action with the participation of different departments to combat human trafficking. The state has constituted a District Level Advisory Committee under the chairpersonship of the Superintendent of Police/Deputy Commissioner of Police in all districts. Under the

The State government has appointed social workers for 35 districts as per the requirement of Immoral Trafficking Prevention Act 13 subsection 3(b).

Addl. Home Secretary (Home), a State level Advisory Committee was also formed to combat trafficking. To work on anti trafficking, 7 tourism police squads have been set up in Mumbai. The State Government has set up a Task Force for speedy and proper repatriation of rescued victims of Bangladesh. Regular sensitization workshops for senior police officials, officials of judiciary, CWCs and officials of WCD in 31 districts were organized.

The Department of Women and Child Development has prepared a special scheme for vocational and technical training for sex workers in the state¹⁷⁷. The State Government has issued protocols for rescue, rehabilitation, repatriation of victims and trials of accused. Significantly, Maharashtra Government has repatriated 75 victims of Bangladeshi origin since 2008 and 30 are in process. The Government of Maharashtra has issued a circular no. DGP/42/PAW/Trafficking/ SLAC/2009 dated 14/1/2009 for protection measures of trafficked victims. According to this order the safety of the victim should be taken care of and in no way the victim should come in contact with the trafficker/accused.

¹⁷⁵http://zeenews.india.com/news/maharashtra/7-bangladeshi-women-held-on-prostitution-charges_766725.html, accessed on 12 July 2012

¹⁷⁶<http://news.fullhyderabad.com/hyderabad-news/ap-girls-lured-into-sex-trade-police-raid-maharashtra-brothels-3043.html>, accessed on 12 July 2012

¹⁷⁷Govt. circular dated 1st July, 2011

Maharashtra is running 'Homes' and 'Shishu Grehs' under the Integrated Child Protection Scheme (ICPS). There are 91 various kinds of Child Protection Homes running in Maharashtra under the ICPS. The state has 35 Child Welfare Committees. Special Juvenile Police Officers have been appointed (one officer in each police station) vide Message no. 445/10 dated 9/7/2010¹⁷⁸. There are 28 Juvenile Justice Boards set up in Maharashtra. The chairpersons of the boards are either the Chief Judicial Magistrate or the Judicial Magistrate of First Class¹⁷⁹. In Maharashtra altogether 35 Child Protection Units were set up under the ICPS.

The Maharashtra Government has regularly been distributing the manuals/correspondence/advisories on Immoral Trafficking Prevention Act, Child Labour Act and Juvenile Justice Act with district administration officials and police units¹⁸⁰.

Missing Statement of Children

The data of last ten years of the missing children in Maharashtra shows the number of missing children is consistent throughout the ten years with a sudden increase in 2006 to 3,463 whereas in 2001 the number of missing children was 2,564 and in 2010 it was 2558. The prosecution rate is comparatively good in Maharashtra. During these 10 years the maximum numbers of cases prosecuted is in 2006 and the number is 55. The details of the missing data of children in Maharashtra are as follows¹⁸¹:

From 2001-2010 a total 28,625 children went missing out of which 26,666 were traced and 1,959 continue to remain untraced. For the missing women data 26,450 women were reported missing out of which 23,450 were traced and 3,000 continue to remain missing. Though the missing women and children data continues to be consistent, Maharashtra is one of the few states where the number of missing persons traced or recovered continues to be very high which is an indicator of proactive policing.

Anti-Human Trafficking Unit

The establishment of AHTUs in Maharashtra has brought a significant change in combating human trafficking. There are 12 AHTUs in Mumbai, Thane City, Thane Rural, Pune, Sangli, Nagpur, Ahmednagar, Kolhapur, Yavatmal, Navi Mumbai, Solapur and Beed. All the AHTUs are equipped with infrastructure like vehicles including four wheelers and two wheelers, furniture, mobile and landline phones.

The team of Anti Human Trafficking Units consists of 15 police officers in each AHTU which includes 1 Assistant Police Commissioner, 1 Police Inspector, three Sub Inspectors (1 woman police officer) and 10 Head Constables (5 women). The State Nodal Officer of Maharashtra took the initiative to include two NGOs and an officer from the Women and Child Development Department in the AHTU team. After the establishment of the AHTUs in Maharashtra altogether 478 rescue operations were conducted and 2,683 victims were rescued with the arrest of 1,558 traffickers. In Maharashtra, the Special Police Officers to combat human trafficking is also notified. Police Inspectors working in the Social Service Branch and District Crime Branch of Maharashtra Police have been notified as Special Police Officers for the purpose of Anti Human Trafficking.

A State Level Advisory Committee was constituted under the Chairmanship of ACS (Home) to combat human trafficking in Maharashtra. The committee meets quarterly to discuss about the strategy of the committee in combating the menace. The state has also drafted a State Action Plan for Anti Human Trafficking Initiatives.

¹⁷⁸RTI reply received from Assistant Police Commissioner, Police Commissioner Office, Mumbai.

¹⁷⁹http://www.ncpcr.gov.in/Reports/Maharashtra_Report.pdf

¹⁸⁰RTI reply received from Assistant Police Commissioner, Police Commissioner Office, Mumbai.

¹⁸¹RTI reply received from Assistant Police Commissioner, Police Commissioner Office, Mumbai

The Nodal Officer of AHTUs, Maharashtra has been maintaining a good inter departmental relationship with the Department of Women and Child Welfare for the speedy restoration and re-integration of victims of human trafficking. The AHTU is also conducting regular meetings with the Nodal Officers and the officials of Women and Child Welfare Department.

Maharashtra has drafted a State Action Plan for Anti Human Trafficking initiatives. A State Level Advisory Committee has been constituted under the Chairmanship of ACS (Home) to create convergence among all stakeholders.

The Maharashtra Police has been regularly conducting training cum workshops for the police officers, AHTUs, NGOs and prosecutors. Seventeen state level Training of Trainers (ToTs) and 6 district level workshops on Anti Trafficking have been organized. Altogether 35 officers from the state, including Nodal Officers have enrolled in the Anti Trafficking courses under Indira Gandhi National Open University (IGNOU). The proposal for 70 more officers for enrolment in the same course is under consideration by the state.

NGOs like 'Rescue Foundation', 'Prerna' and 'Stree Adhar Kendra' are the proactive partners of the Maharashtra Police in combating human trafficking. NGOs are playing an important role to maintain coordination, home verification, repatriation, re-integration and rehabilitation of victims.

The AHTU Maharashtra extends its maximum help to the states police like Andhra Pradesh, West Bengal, Mizoram and Assam for interstate rescue operations. In a remarkable rescue operation in 2011, 115 girls were rescued from the brothels. Out of these, 64 girls are from West Bengal, 34 from Bangladesh, 11 from Andhra Pradesh, 2 each from Maharashtra and Jharkhand and 1 each from Chhattisgarh and Uttar Pradesh. In the year 2011, 17 Interstate Co-ordination Rescue Operations were conducted in which victims from Nepal and Bangladesh was also rescued.

Maharashtra AHTU has compiled a booklet containing the photograph and details of the 78 Bangladeshi victims and shared the same with the Ministry of Home Affairs and Bangladesh Consular Minister in 2012.

Cross Border Rescue and Repatriation of Victims

Maharashtra witnessed a large number of cross border trafficking cases from Nepal and Bangladesh. Cases from Myanmar were also witnessed. To deal with this, AHTUs in Maharashtra prepared their own strategy and worked on it. The AHTU compiled a booklet containing the photograph and details of the 78 Bangladeshi victims and shared the same with the Ministry of Home Affairs. Out of 78 victims, 34 have already been repatriated and the process for repatriation of the rest of victims is in process. The booklet was also handed over to the Bangladeshi Consular Minister on his recent visit to Pune in February 2012. The problem of cross border human trafficking was also discussed with him so that the same can be addressed with the pro-active intervention of the governments. The AHTU concerned officer also shared the data of human trafficking with the Consulate Minister.

The AHTU of Maharashtra was instrumental in closing down 78 brothels in 2011. The police team rescued minors from these brothels and registered cases against the brothel keepers. Later the Hon'ble Court in its verdict ordered for closure of brothels and stringent punishment against the brothel keepers. Since the establishment of the AHTU in Maharashtra, altogether 478 rescue operations were conducted and 2,683 victims were rescued. Police also registered 372 cases and arrested 1,558 traffickers. Training material such as 'Standard Operating Procedures on Investigating Crimes of Trafficking for Commercial Sexual Exploitation' by UNODC, Regional Office for South Asia were translated in Marathi and circulated to all the AHTUs for upgrading their investigation skills¹⁸².

¹⁸²http://www.unodc.org/pdf/india/sop_investigation_131207.pdf

The Commissioners of Police of 9 Commissionerates delegates were empowered under Sec. 18 and 20 of the ITPA by the government in June 2009 to order for closure of brothels. Altogether 78 brothels were closed down. The reports of missing children are regularly being shared with the CBI in the prescribed format with a copy to the Ministry of Home Affairs. Till April 2012, a database of 292 traffickers was shared with the Ministry of Home Affairs.

MAHARASHTRA – PROTECTION MECHANISMS AT A GLANCE¹⁸³

No of Anti Human Trafficking Units (Districts)	16
No of District Child Protection Units	35
No of Child Protection Homes	91
No of Special Juvenile Police Units	35
No of Child Welfare Committee	35
No of Homes under Ujjawala P & R Schemes	14
No of Shelter Homes under Swadhar Scheme	47

MISSING PERSONS CASES – MAHARASHTRA

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	-	-	-	-	-	-
2010	14823	11700	3123	15353	11293	4060
2009	13099	10952	2147	13584	10939	2645

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

¹⁸³Ujjawala and Swadhar Data, Ministry of Women and Child, Government of India – September 2012. All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012)

State Reports



MANIPUR



Manipur

Manipur a state in the North East of India, shares international borders with Myanmar, and has emerged as a high source area of trafficking in North East India.

The highest number of child-trafficking cases in Manipur was recorded in 2010 with as many as 139 children from the state found trafficked to other states in the name of giving free education and jobs. There were cases of 97 trafficked children in 2009, 22 children in 2008 and 5 in 2007.

Following reports of 76 children from Assam and Manipur being rescued from "homes" run by missionaries in Tamil Nadu, the Supreme Court in the first week of April ordered a probe into a possible trafficking racket involving tribal children. Appalled by the growing number of trafficking cases from the North East especially Manipur, the Supreme Court passed an order that imposes a ban on sending out children below the age of 12 years or those in primary schools to other states to pursue education. The Court also directed Ministry of Development of North East Region (DONER) looking after the development affairs of the north east region to assess requirement in terms of educational infrastructure such as construction of school buildings, hostels and children's homes in consultation with the states of Assam, Nagaland, Manipur, Arunachal Pradesh and Meghalaya and submit a report to the Ministry of Human Resources Development for support. The main factor behind parents sending off their ward to other states is for better education at free cost as promised by the traffickers who are mostly missionaries. The National Commission for Protection of Child Rights (NCPCR) studied the ground realities of the trafficking cases and submitted a report to the Supreme Court after which the verdict on imposition of banning children who are 12 years and below in pursuing study outside their respective states of North East India was passed. The Commission also convened meetings of the North-Eastern States and the destination States in working out a coordination plan for State to State mechanisms. There are still thousands of children from Manipur trapped in illegal homes operating in the country¹⁸⁴.

In April 2012, on the intervention of the Child Welfare Committee and in collaboration with NCPCR and NGO Shakti Vahini, 3 children from Manipur were rescued from a shelter home being run by a missionary in Uttar Pradesh. Twenty three children were repatriated from Kerala on the intervention of the Child Welfare Committee in August 2012. These children were trafficked to Kerala after giving false promises to their parents by 5 alleged child traffickers. The children who are in the age group of 10 to 13 years had been staying in Precious Home at Kochiyam in Kerala, (which is not registered under the Juvenile Justice Act) for the last two years after the alleged five child traffickers, all from Ukhrul district of Manipur, took them away on the pretext of giving them free education¹⁸⁵.

In cases of child trafficking in Manipur, most of the victims were from the hill districts. The major cause or factor for the crime is non-functional government schools. The parents prefer good education or simply education for their children. The only alternative is to send their wards to private schools at a nearby town or somewhere else. Poverty is one of the reasons why children get pushed into trafficking. Poverty leads to deprivation of basic needs and harsh living conditions leading them to look for better options elsewhere. The greater the intensity of impoverishment, the higher is the risk of falling prey to trafficking. Traffickers exploit this situation and lure parents to believe that they could provide free education to their children. The ignorance of the parents about child trafficking is another push factor¹⁸⁶. According to the data released by the Goa Police a total of 179 victims were rescued by Goa police in the last three years. Among the rescued girls Manipur is the second largest with 31 victims hailing from the state. Most of these victims have been trafficked from Manipur in the pretext of job opportunity and ultimately get sucked into the sex trade running in the garb of massage parlours, spa, friendship clubs and escort services. Far flung villages in hills where there is no income generation opportunity, very less farm productivity and back breaking poverty have

¹⁸⁴http://e-pao.net/epPageExtractor.asp?src=features.Child_Trafficking_Many_rescued_yet_dozens_of_minor_traceless_since_2010_Part_1.html.

¹⁸⁵<http://www.hueiyenlanpao.com/headlines/item/3913-23-trafficked-kids-repatriated> , accessed on 12 August 2012

¹⁸⁶<http://kanglaonline.net/2011/09/child-trafficking-in-manipur-push-factors/>, accessed on 12 August 2012

reported an increase in trafficking. Traffickers have been sending children from Manipur to Andhra Pradesh, Kerala, Tamil Nadu, Mumbai, Goa and Delhi. There have been cases of sex trafficking reported from Bangalore and Goa where girls from Manipur were forced into the sex trade.

Government Initiatives

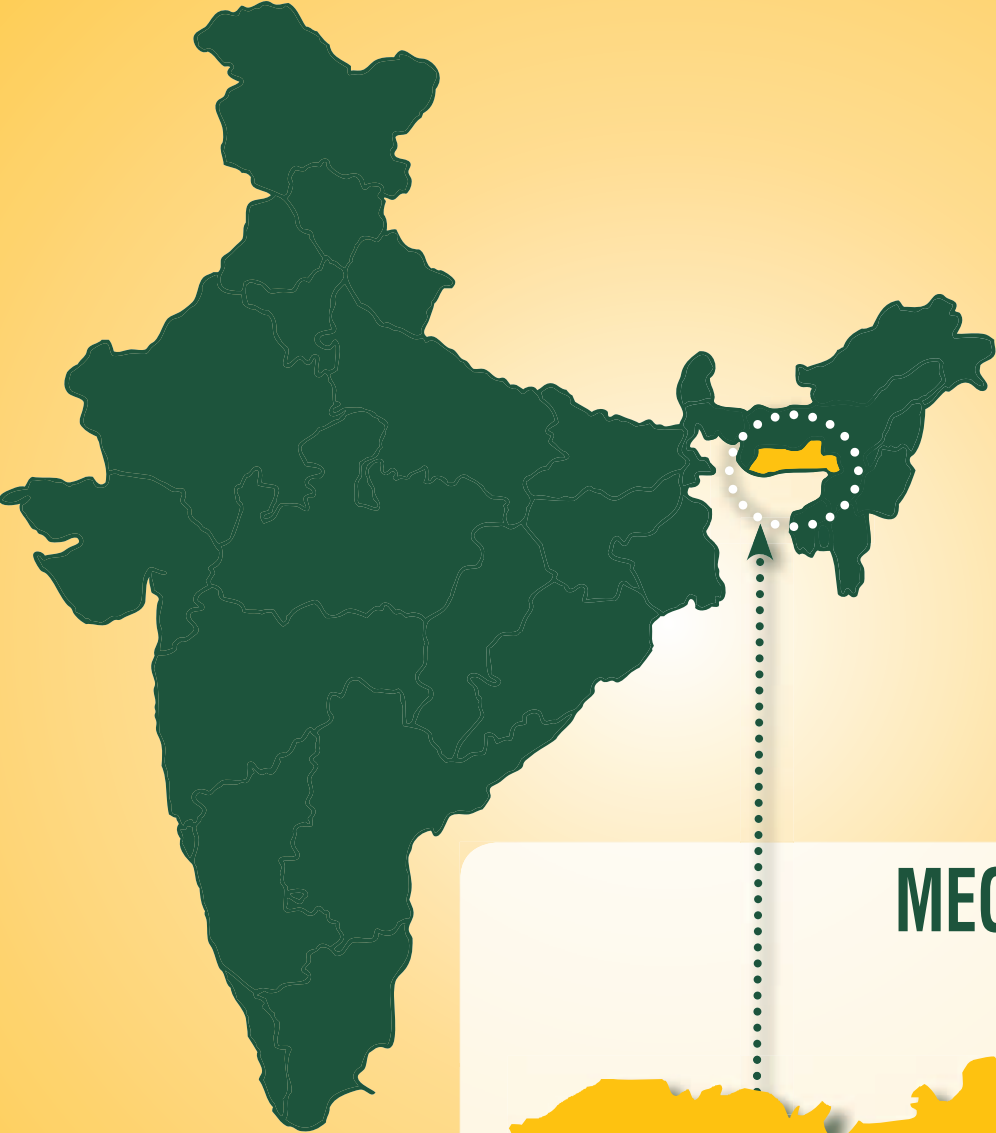
The State Government has allocated 9 'Swadhar homes' in the state. There are no 'Ujjawala homes' in Manipur. The State Government has been implementing the Integrated Child Protection Scheme (ICPS). The State Government has initiated 4 AHTUs in the State. Advisories related to Missing Children and Human Trafficking has been widely circulated across the state. Training of police officials and prosecutors has been initiated. District level training programmes for police officials on the issue of human trafficking has been started. Manipur has initiated the Victim Compensation scheme as mandated by the Criminal Procedure Code (Cr PC) Section 357(A). Victims of human trafficking have also been made a special category.

MANIPUR – PROTECTION MECHANISMS AT A GLANCE¹⁸⁷

No of Anti Human Trafficking Units (Districts)	4
No of District Child Protection Units	9
No of Child Protection Homes	13
No of Special Juvenile Police Units	11
No of Child Welfare Committee	9
No of Homes under Ujjawala P & R Schemes	2
No of Shelter Homes under Swadhar Scheme	18

¹⁸⁷Ujjawala and Swadhar Data Ministry of Women and Child, Government of India – September 2012 All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012)

State Reports



MEGHALAYA



Meghalaya

Meghalaya has reported an increase in trafficking cases to Mumbai, Goa, Delhi, Bangalore, Chennai and Gurgaon. Cases have been reported of recruitment agents operating in the region to supply skilled and semi skilled manpower. Women who have been recruited by these agencies have been forced into the sex trade that operates as spas, massage and beauty parlours, friendship clubs etc. Incidents of trafficking and rape are quite frequent in bordering areas like Mendipatthar. A lot of cases go unreported, especially if the victims are minor. Children brought from Nepal and Bangladesh form part of the workforce in unscientific, ecology-threatening coal mines of Meghalaya. *Impulse NGO Network*¹⁸⁸ - an organization working in the North East has estimated that 5,000 privately-owned coal mines in Jaintia Hills employed some 70,000 child miners. Most of the child miners were being purchased or abducted and sold by gangs in Nepal and Bangladesh to Meghalaya's mining mafia¹⁸⁹. Meghalaya has reported sporadic cases of prostitution. It has a long border with Bangladesh which is in many places porous and a sizeable amount of cross border trafficking takes place through these points.

The NCPCR has recommended that the state undertakes sensitization of the Anti Human Trafficking Units and police stations in order to keep a strong vigil and keep watch on the free movement of labour contractors/agents who indulge in trafficking of children at the border and geographically vulnerable areas. It has also recommended the state authorities to take action against the coal miners who keep child labour for mining.

A National Commission for Protection of Child Rights (NCPCR) Report found that a large number of children were working in the coal mines which are also called the rat hole mines.

Government Initiatives

The Government of Meghalaya has notified the State Advisory Committee to combat trafficking in 2005 for reviewing the implementation of the National Plan of Action and for ensuring care, protection, treatment and rehabilitation of victims of trafficking. 'Impulse NGO' is the nodal organization represented in the State Advisory Committee. The state has also appointed Special Police Officers under the Immoral Traffic (Prevention) Act 1956. The state has not initiated the Swadhar scheme till date. The Government has initiated a survey on sex abuse and trafficking of women and children in Meghalaya in 2009. A state level survey on child labour has been conducted by 'Impulse NGO' in collaboration with 'Save the Children' in the year 2010. The State Government, in collaboration with Impulse has conducted several awareness programmes on human trafficking. Also several stakeholder meetings have been organised. The State Government has initiated the finalization of the State Action Plan to combat trafficking. It has issued instructions to maintain data on missing children in the state to all police stations. Steps have been initiated for the formation of State Commission for Protection of Child Rights and also the formation of District Child Protection Units. The State Government has initiated the implementation of Integrated Child Protection Scheme. Child Welfare Committees have been appointed for all districts. The State Police has formed the State Juvenile Police Units as per the provision of the Juvenile Justice (Care and Protection) of Children Act 2000. Meghalaya State has formulated a Compensation Scheme for the victims of rape and human trafficking. The Meghalaya Victim Compensation Scheme for rape and human trafficking victims is to ensure that those who suffer severe mental trauma and grievous injuries get financial aid from the state. The scheme is mandatory for the State Government in accordance with Section 357(A) provided under the Criminal Procedure Code (CrPC). Victims will have to file complaints before the District Legal Services Authority (DLSA) within 90 days from the date of occurrence of the crime. Meghalaya, despite being predominantly inhabited by tribal communities who follow the matrilineal system, has been witness to numerous crimes against women over the years.

¹⁸⁸www.impulseasia.org

¹⁸⁹<http://www.impulseasia.org> accessible at http://hrn.or.jp/activity/2011/02/08/201102_Meghalaya.pdf

Anti Human Trafficking Units

The State Police has instituted three proactive AHTUs in Meghalaya. The Meghalaya Police has undertaken wide distribution of the various advisories of the Ministry of Home Affairs. SSP (CID) has been appointed as Nodal Officers for trafficking in all districts. Various training programmes have been initiated for police, prosecutors and other stakeholders. The police have also initiated women police stations across the state. The State Police have been conducting various raids and rescue operations for the protection of trafficked victims. A Handbook on Trafficking in Persons has been distributed to all police stations and a state level SOP has been prepared and circulated to the SSP level Officers.

MEGHALAYA – PROTECTION MECHANISMS AT A GLANCE¹⁹⁰

No of Anti Human Trafficking Units (Districts)	3
No of District Child Protection Units	-
No of Child Protection Homes	-
No of Special Juvenile Police Units	7
No of Child Welfare Committee	7
No of Homes under Ujjawala P & R Schemes	0
No of Shelter Homes under Swadhar Scheme	0

¹⁹⁰Ujjawala and Swadhar Data Ministry of Women and Child ,Government of India – September 2012. All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012)

State Reports



MIZORAM



Mizoram

Mizoram is one of the Seven Sister States listed in North Eastern India, sharing borders with the states of Tripura, Assam, Manipur and with the neighboring countries of Bangladesh and Myanmar. Mizoram shares 318 kms border length with Bangladesh and 510 kms with the international border of Myanmar¹⁹¹.

Human trafficking in Mizoram is through the porous international borders with Bangladesh and Myanmar. The traffickers take the advantage of existence of similar ethnic groups living at the Myanmar border, which help them in crossing the borders. There are Myanmarese who have infiltrated or were lured to Mizoram and became the victims of domestic servitude, commercial sex etc. There are manpower agencies who are maintaining good links with the source areas and lure *mizo* youths for better jobs in outside states and abroad as well. The traffickers generally leave Mizoram by road as there is no railway connectivity in this area. From Mizoram they reach Guwahati, the State Capital of Assam and from there they take trains to places like Delhi, Mumbai, Goa etc. There are no designated red-light areas in Mizoram till date and there is no structured set-up in the operation of sex trafficking. As per the interventions of the the Anti Human Trafficking Units, there is definitely a cause for alarm because of the rescue of Mizo girls trafficked in other states like Goa, Mumbai and Haryana in 2011-12. Traffickers have started to establish their network in far flung areas of Mizoram.

Government Initiatives

One of the outstanding initiative taken by the Government of Mizoram and the first of its kind in North Eastern states of India is the '*Mizoram Victims of Crime Compensation Scheme, 2011*'. In exercise of the power conferred by Sec. 357A of CrPC, the Government of Mizoram in coordination with the Central Government framed this scheme for providing funds for the purpose of compensation to the victims of crime or their dependent who have suffered loss or injury as a result of crime and who require rehabilitation. In compliance with the Ministry of Women and Child Development, the Governor of Mizoram notified the constitution of a State Advisory Committee for Preventing and Combating Trafficking of Women and Children for commercial sexual exploitation. The Secretary, Social Welfare Department, Government of Mizoram is the Chairman of this committee. The committee was given the responsibility to conduct periodic visits to the Homes to assess their usefulness and the corrective measures required for effective implementation¹⁹². The Mizoram Police used Mobile Technology and Internet as a tool to locate and connect victims, thus leading to better coordinated action against traffickers. Whenever any missing complaint is received, the Mizoram police first makes the General Diary (GD) entry in the police station. Then an Investigation Officer is nominated for the enquiry and issuance of red alert notice within the state as well as the neighboring states, seeking assistance from NGOs. There is also issuance of missing persons notice through the print and electronic media and if a cognizable offence is committed, FIR is registered and investigation taken up¹⁹³.

Anti-Human Trafficking Units (AHTU)

The Ministry of Home Affairs (MHA), Government of India has established 3 Anti Human Trafficking Units¹⁹⁴. The Mizoram AHTU has conducted police workshops and also conducted Trainings of Trainers workshop. The Mizoram AHTU has proactively investigated several inter-state trafficking cases and has recovered trafficked victims from Goa, Mumbai and Haryana.

¹⁹¹http://www.borderdarshan.com/border_glance.html

¹⁹²Notification no. 12011/9/11-SWD, Govt. of Mizoram, Social Welfare Department. The notification number of this scheme is D-32019/1/2005-HM dated December 5, 2011.

¹⁹³RTI reply received from SPIO & Asstt. Inspector General of Police, Mizoram, Aizwal.

¹⁹⁴Vide. MHA letter No. 6/1/2010 - NEI(V) dt 30.07.2010.

MIZORAM – PROTECTION MECHANISMS AT A GLANCE¹⁹⁵

No of Anti Human Trafficking Units (Districts)	3
No of District Child Protection Units	8
No of Child Protection Homes	18
No of Special Juvenile Police Units	8
No of Child Welfare Committee	8
No of Homes under Ujjawala P & R Schemes	0
No of Shelter Homes under Swadhar Scheme	1

¹⁹⁵Ujjawala and Swadhar Data, Ministry of Women and Child, Government of India – September 2012 All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012)

State Reports



Odisha

Odisha is a source area for trafficking of not only women and children, but also men under false contracts of labour. Due to natural disasters like cyclones and drought, Odisha experiences a problem of migration. Under the guise of migration, traffickers lure women and children for trafficking. Trafficking in the form of selling children for adoption is prevalent in Odisha. Such rackets have been exposed in Cuttack and Phulbani.

Child prostitution is socially acceptable in some sections of Indian society through the practice of Devadasi. Young girls from socially disadvantaged communities are given to the 'Gods' and they become religious prostitutes. This system is prevalent in Odisha. Culturally sanctioned practices, including the institution of *devadasi*, existed in Jagannath Puri, Odisha. Devdasis are also called *ganika* in Odisha. Many devadasis are attached to this temple even today. Odisha also has a tradition of *kasbi*. *Kasbi* girl on attainment of adolescence are bargained by the mother who makes a bargain with some rich man to be her first consort. After the ceremony she goes to live with him for as long as he wishes to maintain her, and afterwards, takes up the practice of prostitution¹⁹⁶.

The tribal district of Balasore, Malkangiri, Nayagarh, Kendrapara, Nabarangpur, Nuapada, Koraput, Rayagada, Ganjam and Puri are worst affected by trafficking. The main trafficking routes in Odisha include Delhi, Mumbai and Pune via West Bengal, are the most common destination for victims of Odisha. After this, the destinations are Haryana, Uttar Pradesh, Rajasthan and Punjab. For commercial sexual exploitation girls are being trafficked to Bihar, Maharashtra, and Uttar Pradesh from places like Baleswar, Kalahandi, Nabarangpur, Ganja, Sambhalpur. The demand for domestic labour in Northern India has also fuelled trafficking of women and children through illegal placement agencies.

As per the data released by the Ministry of Labour, Government of India, Odisha has a serious problem of bonded labour. The number of bonded labour in Odisha is very high as compared to rest of India. Till the year 2011, 50,029 bonded labour has been identified and released. Out of this 46,901 bonded labour have been rehabilitated under the centrally sponsored scheme of the Ministry of Labour¹⁹⁷.

Government Initiatives

The Government of Odisha has taken preventive steps to combat trafficking which includes ensuring enrolment of children under Sarva Shiksha Abhiyan and implementation of the Right to Education Act. The government has focussed on implementation of Child Labour Projects and empowerment of women under Mission Shakti. Protection Officers under Protection of Women from Domestic Violence Act have been notified in all 30 districts. They have been advised to keep a special watch on vulnerable women and coordinate with AHTU if need arises. The State Police Academy has been undertaking intensive training of all police officers posted in Mahila and Shishu Desk.

A Special Task force has been constituted in Odisha for monitoring the Mahila and Shishu desk under the Principal Secretary.

The State Government on the observation of the Special Rapporteur, NHRC issued an advisory to all Child Welfare Committees in Odisha stating not to allow release of traffickers under Personal Bond and take strict action against them as per the law and refer the case to the Office of Inspector General, Crimes. It also asked for a strict compliance of the Advisory issued by the Ministry of Home Affairs, Government of India.

The State Level Coordination Committee has been constituted in 2008. The State Government has prepared a compendium of various legislation and court orders and the same has been widely circulated across all agencies. Child Welfare Committees have been notified in all districts. The State Child Protection Society is now functional. All District Child Protection Units have been made functional. Fifteen open shelters and 15 NGO run protection homes have been sanctioned under the ICPS.

¹⁹⁶NHRC Action Research - Trafficking in Women and Children in India, National Human Rights Commission, Orient Longman, 2005

¹⁹⁷<http://labour.nic.in/cwl/ChildLabour.htm> -Ministry of Labour , Government of India , 2011 accessed in August 2012

The technical and vocational training for the female sex workers and the victims of sexual abuse are being conducted through the projects run under 'Swadhar' and 'Ujjawala' scheme.

Monitoring of Swadhar Home and Ujjawala scheme has also been strengthened in the recent years in Odisha¹⁹⁸. The Women and Child Development Department of Odisha coordinated with the Departments like Law, Finance, Labour and Employment, Health etc. for formulating a rehabilitation scheme for the women in commercial sexual exploitation¹⁹⁹. The state has issued notification for ensuring minimum standards of care and protection in children homes²⁰⁰.

ICPS in Odisha supports the State Child Protection Society and also assists in the formation of Juvenile Justice Board, Child Welfare Committees, and Special Juvenile Police Unit in each district and designates a Child Welfare Officer in each SJPU and formation of Child Protection Unit in each district. The creation of the ICPS network has strengthened the Child Protection Mechanism as well as anti child trafficking in Odisha. In Odisha, 29 Child Protection Homes under ICPS have been set up. There are 30 Juvenile Police Units and 30 Child Protection Units in Odisha. All the districts of Odisha have Child Welfare Committees, i.e., 30 Child Welfare Committees²⁰¹.

Odisha has issued notification for ensuring minimum standards of care and protection in children's homes and various rehabilitation homes under the Ujjawala Scheme.

In Odisha there are 15 protection and rehabilitation centres under the Ujjawala Scheme. Till August 2012, 45 Swadhar Homes for the rehabilitation of trafficked victims have also been established²⁰². The scheme is meant to provide temporary accommodation, maintenance and rehabilitative services to women and girls rendered homeless due to family discord, crime, violence, mental stress, social ostracism or are being forced into prostitution.

An analysis of missing children and women data as released by the National Crime Records Bureau shows that there is an increase in numbers over the years. Odisha is a state where the percentage of children and women who continue to remain missing is very high. The data on missing children and women is self explanatory in terms of the presence of organised crime and the need for the law-enforcement machinery to take immediate and appropriate steps in locating the missing persons.

Anti-Human Trafficking Units (AHTU)

The AHTUs were initiated in Odisha in March 2011 with the crime branch as the nodal office. In a short period of one year, the AHTU initiated several steps to counter trafficking. The Government of Odisha in order to address the issue of trafficking established 6 AHTUs in the state during 2011 on the parameters of an integrated approach of various stakeholders of both government agencies and NGOs in a coordinated manner. The functional competence as well as achievements of those AHTUs has resulted in significant outputs in combating trafficking. Moreover, the establishment of such units have created sensitization amongst the general public against human trafficking. The AHTUs have undertaken several rescue operations across the state and also outside, leading to the busting of various rackets. With the establishment of AHTUs in Odisha, a number of women and children have been rescued

¹⁹⁸The notification dated January 7, 2010 was issued to all State Secretaries for the monitoring of the Swadhar Homes. The District Magistrate was directed to monitor the same at least once in a month regularly and submit proceeding report to the State Secretaries and after examining the reports of District level committee, the reports may be forwarded to the Ministry of Women and Child, Government of India.

¹⁹⁹Response affidavit on behalf of State of Odisha to the Hon'ble Supreme court in the matter of Budhadev Karmakar Vs State of West Bengal

²⁰⁰Department of Women and Child Development, Govt. of Odisha issued a notification dated march 4, 2011 to all the district Collectors on 'Protection of Children in Various Child care Institutions'. The District Collectors were directed to initiate the steps like update database of Child Care Institutions in the district, Registration of Child Care Institutions under J J Act, Code of Conduct and protection policy, Designate a staff as protection officer and lady warden, establish independent monitoring mechanism, Institution as last resort. They were also directed to ensure the display board in all the child care institution.

²⁰¹http://wcd.nic.in/icpsmon/st_cwaddresslist.aspx

²⁰²RTI reply received from the Govt. of Odisha.

and traffickers have been arrested. Odisha AHTU has undertaken several trainings and sensitization programmes across the state for police personnel. It has also undertaken Training of Trainers workshops in order to ensure that training is organised at the district level.

Advisories on missing children, human trafficking and combating cyber crime against children have been circulated to all the district police units. Profile of traffickers are being maintained in CID, AHTU and shared with MHA, CBI and DCP (Crime Branch) Delhi for taking follow up action. Since Delhi is an important destination, Delhi Police is being kept informed about the placement agencies run in Delhi for the purpose of keeping trafficked victims. The partnership between NGO and AHTU in Odisha has been actively maintained in addressing trafficking issues.

Effective inter-state and inter-district coordination are being maintained with Women and Child Department, Prosecution Department, Labour Department, Health Department and local NGOs. DCP (Crime Branch), Delhi is being kept informed about the placement agencies allegedly trafficking children from Odisha and employed as domestic help in Delhi for necessary action. Traffickers' profile are being maintained and furnished to NCRB, MHA, CBI and Deputy Commissioner of Police, Delhi.

Proactive steps and special drives are being taken up by the State AHTU to trace the missing girls and boys. Advisory on missing children issued by MHA, New Delhi has been circulated to all concerned officials and all district police SSPs.

ODISHA – PROTECTION MECHANISMS AT A GLANCE²⁰³

No of Anti Human Trafficking Units (Districts)	12
No of District Child Protection Units	30
No of Child Protection Homes	29
No of Special Juvenile Police Units	30
No of Child Welfare Committee	30
No of Homes under Ujjawala P & R Schemes	15
No of Shelter Homes under Swadhar Scheme	45

MISSING PERSONS CASES – ODISHA

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	-	-	-	-	-	-
2010	2521	1177	1344	2310	898	1412
2009	1882	668	1214	1698	465	1233

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

²⁰³Ujjawala and Swadhar Data, Ministry of Women and Child, Government of India – September 2012. All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012)

State Reports



RAJASTHAN



Rajasthan

Rajasthan is a source state for trafficking of women and girls for commercial sexual exploitation. Tribes such as *Nat*, *Kanjar*, *Bediya*, *Santiya*, *Sansi*, *Banchhada* practice traditional forms of prostitution. In western districts of the state of Rajasthan such as Sikar, Nagpur, Jodhpur, Jaisalmer, Barmer, Churu, Jhunjhunun, Bikaner, Hanumangarh and Ganganagar, women belonging to various castes such as Nayak, Od, Baori, Damami, Sikhlingar, Mazhabi, are involved in prostitution individually or in an unorganised manner. In Hanumangarh and Ganganagar, traditional organised form of prostitution is also prevalent. In southern Rajasthan in the districts of Baran, Dungurpur, Udaipur, Banswara, and Jhalawar, tribal women belonging to various tribes such as Bhil, Garasiya, Damor, Kulbeliya, Banjara, Jogi etc. perform commercial sexual activities to earn a living. For out of state movement, most commonly identified destinations are Mumbai, Delhi, Pune, Calcutta, Allahabad, Ahmedabad, Nagpur, Aligarh, Kasganj, Indore, Mathura, Agra, Chennai, Badagaon (M.P.), Meerut, Basti, Neemach, Mandasaur, Ujjain, Hathras, Guna, Narsinghpura, Surat, few places in Bihar, Haryana, Punjab and Gujarat. Apart from this, cross border trafficking to Bahrain, Dubai, Saudi Arabia also takes place. In the recent past, trafficking to Mumbai and Pune for dance bars has emerged as a new phenomenon and maximum number of victims taken from Rajasthan land up in Maharashtra directly or indirectly²⁰⁴.

The 'Nat' population lived a nomadic life in the past, and the women performed the rope dance and acrobatics for the entertainment of people. Nat women have replaced these performances with commercial sex and today are migrating to Mumbai to work as bar dancers and sex workers. Organised brothel based sex work is practised by approximately half of the female population of castes like Nat, Kanjar, Bediya etc. The Nat, Kanjar, Bediya female sex workers have their settlement preferably on the highways and major roads in the eastern districts of Rajasthan. Migration to Mumbai has emerged as a new route among the women of these communities for undertaking sex work.

In 2012, the CNN Freedom Project had highlighted the plight of these women and children in the TV Documentary "Trapped by Tradition".

In a tragic case of human trafficking which was widely reported in the media in February 2012, "*Baby Falak Case*" (A child trafficking case of organised crime) the mother of the battered baby was found in Rajasthan. The mother was sold to a person at a cost of Rs 2,50,000 (USD 4660). Investigations found that she had been sold three to four times to different men by a trafficking gang. Such gangs are active in Rajasthan, Haryana and Delhi²⁰⁵.

In another case investigated by the Crime Branch of Delhi to search missing girls, the police uncovered the thriving prostitution racket in Sodavas and Girvas villages of the state's Alwar region. The team found that villagers were giving the girl victim - some of them as young as 10 years, repeated and unregulated shots of growth hormone 'Oxytocin' to speed up their sexual maturation. The kidnapped girls, some of them six-month-old babies, are brought to Sodavas and Girvas from across North India. They are raised by the villagers "as their own daughters". Gangs from the Bedia and Nat communities give them hormonal injections to make them reach early puberty. The girls are then sent to Mumbai and even the Gulf for prostitution. "Oxytocin" causes several hormonal changes. Apart from early puberty, the girls develop feelings of love, trust and sexual arousal. This is how the hormone is being misused. The results are shocking: girls as young as 6 or 7 years old suddenly grow up to look like teenagers. Even their age on documents was found to be forged. Investigators also found a large no of women who had passports and are in the gulf countries which indicates a well-organised international prostitution racket²⁰⁶.

The districts of Alwar, Tonk, Dholpur, Sawaimadhopur, Bharatpur, Jaipur, Pali, Bundi, Chittorgarh, Udaipur, Jalore, Jodhpur, Hanumangarh, Dausa, Dungarpur, Bhilwara, Barmer, Rajasmand, Ajmer, Jhalawar, Nagaur, Banswara, Baran, Shriganganagar, Sirohi, Jaisalmer and Sikar are areas where women are traditionally or circumstantially forced to indulge in commercial sexual activities for the survival of their children and their families.

The *Bedia*, *Nat*, *Kanjar* and *Banchara* tribes are involved in kidnapping rackets spread across North India. They raise kidnapped girls as their own daughters. Once the girls are inducted into prostitution they are sent to Mumbai and

²⁰⁴Traditional Female Sex Workers of Rajasthan, An Ethnographic Study of Nat community, R.C. Swarankar published in Unpacking Globalization, Market Gender and Work, By Linda E Lucas, Lexington Books

²⁰⁵<http://indiatoday.intoday.in/story/child-sex-rackets-in-delhi-hotels-exposed/1/179243.html>

²⁰⁶<http://indiatoday.intoday.in/story/Girls+drugged+into+puberty,+sold+as+prostitutes/1/99132.html>, accessed on 07.08.2012

Middle East countries to work in dance bars, prostitution and escort services. Victims from West Bengal, Bihar and Madhya Pradesh are also trafficked by organised crime rackets into Bharatpur, Alwar, Dholpur etc.

Children are trafficked from Bihar, Uttar Pradesh, Madhya Pradesh and Chattisgarh to work in the 'Bt Cotton fields'. In order to curb trafficking to provide labour for 'Bt cotton fields', the Rajasthan Government started a child tracking system to trace missing children with the help of the education department. Every year, a large number of children from districts including Udaipur, Dungarpur and Banswara are trafficked to Gujarat to work in 'Bt cotton fields'. Despite concerted efforts of the district administration and the police, the illegal practice continues²⁰⁷.

In 2011, a report prepared by the National Commission for Protection of Child Rights (NCPCR) had raised the issue of children below 14 years of age being employed in Gujarat's 'Bt cotton farms'. The report also stated that working in these fields is hazardous where adults and children are exposed to pesticides throughout the day for a period of 2-3 months. Children's nimble fingers are used to carry out cross pollination of flowers during the season. If they remove child labour then it would not be easy for the farmers to cross-pollinate as children could easily cross-pollinate the flowers without having to bend too much because of their short height.

Rajasthan has issued a detailed advisory in August 2012 in which the state government has accepted that children are being trafficked for child labour. It has become the first state in the country to accept that child labour age is 18 as per the UN Convention of the Rights of the Child.

The report also highlighted sexual abuse of children working in the fields²⁰⁸. The NCPCR team in a detailed report has asked the Rajasthan Government to put an immediate end to children being trafficked to work in brick kilns and Bt cotton fields.

In June 2012 the Rajasthan High Court expressed concern over the issue of human trafficking and asked the DGP to increase coordination amongst all officers and ensure proper monitoring of such investigations by senior officials. The court expressed serious reservations on the issue of 6000 missing cases²⁰⁹.

Government Initiatives

The Rajasthan Government has set up a State Advisory Committee to combat trafficking and prostitution. The State Government has notified all Dy SP rank officials as special police officers for the implementation of the ITPA. The State Government has till date not taken any concrete step to combat trafficking of women through the so called tribes who practice prostitution in the name of tradition. No special plan of action has been created to combat the traditional mode of prostitution. The State Police have issued several instructions to the police stations on violence against women and children. Rajasthan Government has initiated 1 Shelter Home under 'Ujjawala (P&R) Scheme' and 6 'Swadhar Shelter homes'.

The government has initiated implementation of the ICPS. Child Welfare Committees which have been appointed in all districts need sensitization, orientation and capacity building. Thirty three child protection units have been established in all the districts in Rajasthan and 63 protection homes for children have been initiated. The police have also notified 33 Special Juvenile Police Units. Though the state has a high incidence of trafficking, there is only one Ujjawala home operating in Rajasthan. The government has in 2012 issued a detailed directive on the trafficking rackets operating in the state. After raising the age limit of child labour from 14 to 18 years, the State Government has issued separate directions to various government departments to step up efforts to stop child trafficking. Child trafficking is a serious issue in the state as it is not only a source of child labour (as children cross borders to enter Gujarat to work), but it is also a destination state for child labour as a large number of children from West Bengal, Bihar, Uttar Pradesh, Delhi and Jharkhand come to Rajasthan for work.

²⁰⁷http://articles.timesofindia.indiatimes.com/2012-06-18/jaipur/32298212_1_cotton-fields-child-trafficking-udaipur-and-dungarpur, accessed on 07.08.2012

²⁰⁸http://articles.timesofindia.indiatimes.com/2012-06-18/jaipur/32298212_1_cotton-fields-child-trafficking-udaipur-and-dungarpur, accessed on 07.08.2012

²⁰⁹http://zeenews.india.com/news/rajasthan/missing-cases-hc-asks-police-to-submit-status-rep_782664.html, accessed on 07.08.2012

The State Government has directed the police to identify middlemen who not only employ children in the state but also send them to other states to work. In the notification issued by the Chief Secretary, the police is directed to follow the guidelines issued by the DGP on child labour in April 2012. The Chief Secretary has also directed the labour department to conduct a survey on a regular basis to find out child labour at work sites. On finding child labour, they will be rescued within 24 hours with the help of police and the CWC. Instructions have been issued for the CWC to admit the rescued children to children's homes. The children who are involved in beggary would be identified by the NGOs and they will be admitted to residential schools. Also, the district administration would make arrangements for food and accommodation for those rescued child labourers whose financial and social conditions are appalling. The district administration, in cooperation with the education department ensures that rescued child labourers get admission in schools. For admission in the schools, these children will not require any kind of age proof or other documents. The district administration would give a 'rescued child' certificate to them.

Anti Human Trafficking Unit

The AHTUs have been proactively implementing various advisories issued by the Ministry of Home Affairs, Government of India. The Advisory on Missing Children and Human Trafficking has been circulated across all district Police Chiefs. The AHTUs have carried out door to door survey for identification of Red Light Areas across Rajasthan. Routes of traffickers and the various interstate connections have been identified. The Unit has also taken action against persons employing child labour in the BT Cotton zones of Udaipur. The AHTUs have set up proactive partnerships with organizations for counselling, rescue and rehabilitation of victims. For effective monitoring of the State AHTU, posts of Addl D.G.P. (Civil Rights), SP (Civil Rights), Dy SP (AHTU) have been created. A total of 532 policemen have been trained by the AHTU TOT workshops to carry out further training at the district level. The AHTU has conducted several interstate rescue operations for trafficked victims. A total of 132 rescue operations have been conducted in the year 2011-12. A total of 580 victims and 619 women have been rescued in 2011-12. A total of 80 cases have been registered against the traffickers leading to the arrest of 192 traffickers including 2 Nepalese traffickers. Sixteen brothels have been closed in Rajasthan with the active intervention of the AHTUs.

For search of missing children the Rajasthan AHTU has formed a multi task force at range and district level.

RAJASTHAN – PROTECTION MECHANISMS AT A GLANCE ²¹⁰

No of Anti Human Trafficking Units (Districts)	12
No of District Child Protection Units	33
No of Child Protection Homes	63
No of Special Juvenile Police Units	33
No of Child Welfare Committee	33
No of Homes under Ujjawala P & R Schemes	1
No of Shelter Homes under Swadhar Scheme	11

MISSING PERSONS CASES – RAJASTHAN

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	-	-	-	-	-	-
2010	3492	2842	650	3206	2483	723
2009	2731	2223	508	2566	1981	585

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

²¹⁰Ujjawala and Swadhar Data Ministry of Women and Child, Government of India – September 2012 All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012).

State Reports



TAMIL NADU



Tamil Nadu

Tamil Nadu is a destination as well as source area for human trafficking. Young women and children have been trafficked from Tamil Nadu to the red light areas of Mumbai and some even to Delhi.

Large scale trafficking of women and children is taking place from Odisha's tribal dominated districts for sending them to illegal homes in Tamil Nadu and Kerala. Women and children, especially from poor families of Sundergarh, Mayurbhanj, Keonjhar, Kandhamal, Gajapati and Ganjam, were being trafficked in big numbers on the promise of education and employment.

In 2011, an AHTU raided an illegal adoption racket and recovered 12 babies. The modus operandi used to be that the accused used to kidnap children from various places in Chennai and Tamil Nadu and then sell them off to illegal orphanages. The orphanages had given most of these children for illegal adoption to childless couples, charging a huge amount. In some cases, the accused had also forged birth and adoption certificates.

Hundreds of children from the North-Eastern states are being trafficked by well-networked groups in Tamil Nadu. The rescue of 76 malnourished children, from Manipur and Assam, from a home at Kuzhithurai in Kanyakumari district is only the tip of a vast network, which receives crores of rupees from churches and agencies abroad by showing a large number of children under their "care". Children from Manipur and far flung districts of the North East States are targeted by traffickers masquerading as evangelists and missionaries, as people in the insurgency hit areas are willing to send off their children if they are promised a good education. While 1,096 children's homes, housing 3.5 lakh children are registered in the state, almost an equal number operate without registration, evading government scrutiny. The children aged 6-15 years are kept in pathetic conditions and are often made to do jobs like carpentry, cooking and laundry. There have even been cases of children dying under suspicious circumstances and some being molested and abused.

In 2011, an anti human trafficking operation "exposed" a racket of shelter homes that bring in children from North East to Tamil Nadu for exploitation. Investigation revealed that these children were brought by a pastor who belonged to the tribal community called 'Zeme' in Manipur and Assam. Due to poverty, the parents had entrusted their children to him after giving him Rs. 5,000 (USD 94) for each child towards expenditure on the promise that he would provide the children good education and health care. It was found that these children were brought and kept at the 'Home' without adequate facilities, and without a proper living environment. The 'Home' was not approved by the government as per the Juvenile Justice (Care and Protection of Children) Act. In this case the Supreme Court directed the NCPCR to carry out a detailed investigation into the case. On the enquiry conducted by the NCPCR, the Supreme Court directed closure of all homes which are not registered under the Juvenile Justice Act. Such cases of trafficking of North East Children to Tamil Nadu have been rampant.

Another Crime Branch raid led to the exposure of an interstate racket of certain transgender gangs indulging in grave crimes against minors such as kidnapping, illegal confinement, forced begging, prostitution and even sex-change operation. Increasing instances of trafficking of children for labour have come to notice not only within the state but also from and into Tamil Nadu. Due to poverty and vulnerability, children work at much lower wages and they do not create labour problems like adults do. Therefore, in spite of stringent laws, child labour continues to be rampant in most parts of Tamil Nadu. Tamil Nadu has reported an alarming number of children being trafficked from Cuddalore, Villupuram, Madurai, Theni, Dindigul and Ramanathapuram, for labour and prostitution. Children of poor families are lured to cities like Chennai, Madurai, Coimbatore and Tiruchy for adoption and organised begging rackets.

Most of the gangs are organised with links across the country. In July 2012, the AHTU exposed an elaborate prostitution racket stretching from Darjeeling in West Bengal to Delhi and finally Dindigul in Tamil Nadu. Four people were arrested and three girls, including a minor, from a village near Darjeeling were rescued²¹¹.

²¹¹http://articles.timesofindia.indiatimes.com/2012-07-11/chennai/32631887_1_prostitution-racket-dindigul-delhi-police, accessed on 07.08.2012

During 2009 and 2010, 11 Bangladeshi women, who had been trafficked into India on the promise of good jobs but were forced into prostitution, were rescued by the Tamil Nadu Police in different parts of the state. These raids exposed the disturbing reality that the trans-national traffickers had spread their operations to Tamil Nadu and pointed out the urgent need to control their expanding criminal operations. After rescue, these women were lodged at the Government Vigilance Home, Chennai. Of them, nine women initially identified themselves as Indians but during investigation, they were found to be Bangladeshi nationals.

NCRB data has shown that in the period 2006-2011, Tamil Nadu reported 11,106 children missing. Out of these, 9,290 children were traced and 1,816 children continue to remain missing. The total number of female persons who went missing in 2009-2011 was 5,697. Out of these 4,351 were traced and 1,266 continue to remain missing.

Government Initiatives

A State Level Co-ordination Committee under the Chairpersonship of the Chief Secretary to Government and Members from Education Department, Medical Department, Social Welfare Department, Rural Development Department and NGOs has been formed. The committee has been meeting regularly to monitor various measures needed to eradicate the

problem of trafficking. A District Level Advisory Committee has been formed in all Districts with the District Collector as Chairperson and Superintendent of Police, District Education Officer, Project Director of Women Development Corporation and NGOs etc. as members. The state has also drafted an Action Plan to combat trafficking.

Tamil Nadu has drafted an Action Plan to combat human trafficking. District level Advisory committees have been formed to ensure convergence at district level to combat trafficking.

With the help of the District Collectors, the special drive against human trafficking was launched in 7 districts in 2008, which was extended to 14 districts in 2010. A total of 1,250 Village Level Watch Dog Committees have been constituted under the Chairpersonship of Village Panchayat President. All Commissioners of Police and District Superintendent of Police have been designated as nodal officers. Mapping of areas prone for commercial sexual exploitation of women and children was done by the police department.

The Tamil Nadu Police has designated all Inspectors of Police, Women Inspectors and Sub-Inspectors as Special Police Officer under Sec. 13 of ITPA. One police officer in every police station has been designated as Child Welfare Officer as per section 63 of Juvenile Justice (Care and Protection of Children) Act, 2000.

A total of 197 all Women Police Stations with Women Help Lines (1091) have been established. Railway Police has established 26 help booths in different railway stations across the State. Anti-vice squad established in Chennai under the CBCID has jurisdiction across the State and missing persons bureau has been established by the police department.

A mechanism to share information between stakeholders at the district and state level has been devised by the Department of Social Defence. This has created a convergence among all stakeholders. In response to the High Court order, the government constructed a model home for trafficked victims.

In a review meeting of the State Committee in 2012 it has been decided to monitor each and every home registered under the Juvenile Justice Act. Tamil Nadu Social Defence Welfare Fund for Women and Children has been constituted to extend financial assistance to the victims (financial assistance of Rs.5, 000/- (USD 94) and material assistance of upto Rs.10,000/- (USD 186)). Orientation and sensitization have been provided to the Police, Judiciary, Probation Officers, NGOs, Personnel in Child Care Institution and members of District Level Advisory Committee for Combating Trafficking. A total of 1,492 police personnel have been given orientation and training.

All staff in the Protective Home/Vigilance Home, Children's Home, Observation Home are being oriented periodically. Orientation Programmes have been conducted for Chairperson and Members of Juvenile Justice Boards and Child Welfare Committees on issues relating to child abuse and combating trafficking and commercial sexual exploitation. Capacity building programmes for rehabilitated commercial sex workers who have formed Self Help Groups have also been conducted. Crisis Intervention Centre and Juvenile Guidance Bureau have been established to provide psychological counselling and behaviour therapy to children in distress.

A total of 32 CWCs have been formed across the state. Tamil Nadu State Social Welfare Board supports NGOs for establishing family counselling centres. Free legal services are extended by involving the Tamil Nadu Legal Service Authority. Child Line, a free telephone outreach has also been launched at Chennai, Madurai, Coimbatore, Salem, Tirunelveli, Tiruchirappalli, Nagapattinam, Cuddalore, Kanniyakumari, Kanchipuram (Mabalapuram) by the Department of Social Defence. Short Stay Homes have been established by the Tamil Nadu Social Welfare Board.

A Reference Manual on combating trafficking in Tamil Nadu has been published by the Department of Social Defence with the support of UNICEF in 2011. In Tamil Nadu, 14 'Swadhar Homes' and 5 'Ujjawala Homes' have been initiated in Tamil Nadu. Instructions have been issued to admit victims of trafficking in these shelters at all times.

The Tamil Nadu State Legal Services Authority organised a two day judicial colloquium on justice delivery system in human trafficking cases. The colloquium has recommended that judges need to ensure care to each victim of human trafficking.

ANTI HUMAN TRAFFICKING UNITS

The Government of Tamil Nadu has established an Anti-Trafficking Cell in the Crime Branch of the CID to combat trafficking in women and children. This Cell is empowered with inter-state jurisdiction in dealing with trafficking of women and children. Cases registered under Sec 8 ITPA (*soliciting in public*) have come down as a natural consequence to the shift in emphasis on booking cases on traffickers. Most of the cases are being registered against pimps, brothel owners and traffickers under Sec.3, 4, 5, 6 & 7 of the ITPA.

Four hundred and twenty cases have been registered under the ITPA in 2011. Chennai City registered the highest (137), followed by Coimbatore City (50), Trichy City (48), Dindigul (34) and Tiruppur (30). Other districts registered less than 18 cases.

Tamil Nadu in total has initiated 12 Anti Human Trafficking Units. The DGP, Tamil Nadu convened a video conference with the SPs of pilot project districts and other senior officers in early February 2011. During this conference, the DGP reiterated that women forced into prostitution should be treated as victims and not as accused, AHTUs should maintain a close watch on transportation of children from North-East as they are vulnerable to abuse, even though they were brought with the parents' consent. The DGP instructed that the District Police should inspect Children's Homes in association with the Social Welfare Department and the investigating officers should thoroughly check the unidentified dead bodies of women for any sexual assault.

Tamil Nadu has also initiated a special court for cases of human trafficking. In pursuance to a proposal sent by the ADGP, CBCID, in November 2009, the Registrar General, Madras High Court, vide Official Memorandum dated March 4, 2010, earmarked the IV Metropolitan Magistrate Court, Saidapet, Chennai, as the exclusive court for trial of cases of human trafficking which were registered in Chennai City. Pertaining to cases registered in Chennai Sub Urban and Tiruvallur District, Judicial Megistrate, Chengalpet and Judicial Megistrate, Tiruvallur respectively are the designated courts. This step has expedited the trial of long pending cases.

The AHTUs have been organizing various coordination meetings among stakeholders. Several crucial issues have been discussed and decisions taken such as focused approach to identify, prosecute and convict the kingpins in the human trafficking network, convening of the meetings of District-Level Advisory Committee by District Collectors, monthly review of human trafficking issues by collectors and SPs, sensitization of police and other officials for rescue and rehabilitation of victims and the need for inter-district as well as inter-state coordination. The AHTU has also resolved to include the Labour Officer as a member in the District-Level Advisory Committees. The District Collectors have been requested to focus on implementation of various developmental schemes to prevent exploitation of women and children. They were also requested to activate the Village Level Watch Dog Committees.

In a review of the work being done on human trafficking, the Chief Secretary of Tamil Nadu has emphasised the urgent need to register all the children's homes in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 within a specified time frame and directed the Principal Secretary, Social Welfare Department, to issue public notice to this effect. The Chief Secretary has also directed the AHTU to form special teams in all districts to inspect and verify about the registration, recognition and sources of funds of

various organisations that are running the children's homes or orphanages or adoption centres.

The coordination meeting and review of work on AHTU in Tamil Nadu is being done through video conferencing. This has helped in regular monitoring of the project in vulnerable areas. Although in most of the places in Tamil Nadu, the AHTUs have been performing their role properly, the Tamil Nadu Nodal AHTU has decided to define their charter of duties more clearly in writing.

The MHA guidelines and various reports of the Bureau of Police Research and Development (BPR&D) and the United Nations Office on Drugs and Crime (UNODC) will be referred to in this connection. The AHTUs should also work in close cooperation with the Child Welfare Officers designated in each police station under the Juvenile Justice Act. Similarly, close liaison should be established with the Women Help Desk officers functioning in police stations in pursuance to the directions of the Madras High Court in 2006. Collection of intelligence on human trafficking should be one of the main duties of the AHTUs. The units should also have an effective liaison with the Children Welfare Committees in their area so that the rescued children are shifted to a safe shelter early and, to the extent possible, reunited with their families expeditiously.

Prevention of Trafficking in persons, Child Rights etc., has been included in the agenda of all Gram Sabha meetings. Core-Committees have been formed in all the Districts specifically in Tourism centres to check child sexual abuse and paedophile.

Training plays a very prominent role in all areas of policing, particularly when the police have to implement social legislation. These laws are very difficult to implement mainly because the legislation is very often ahead of the required social change. The laws connected with the basket of crimes under human trafficking also fall under this category. In such a scenario, the module of the training to be imparted to police personnel should not only sensitize them to the suffering of the victims but should also enable them to spread this awareness among other police personnel. Keeping these aspects in mind, the MHA has based its Anti-Human Trafficking Programme on two strategies, i.e. formation of Anti Human Trafficking Units (AHTUs) in the states and conducting of 'Training of Trainers' programmes for police personnel along with officials from the departments concerned like Social Welfare, Labour, Health and Law etc. Accordingly, several training programmes and workshops have been conducted in Tamil Nadu also.

TAMIL NADU – PROTECTION MECHANISMS AT A GLANCE²¹²

No of Anti Human Trafficking Units (Districts)	12
No of District Child Protection Units	32
No of Child Protection Homes	42
No of Special Juvenile Police Units	9
No of Child Welfare Committee	20
No of Homes under Ujjawala P & R Schemes	4
No of Shelter Homes under Swadhar Scheme	14

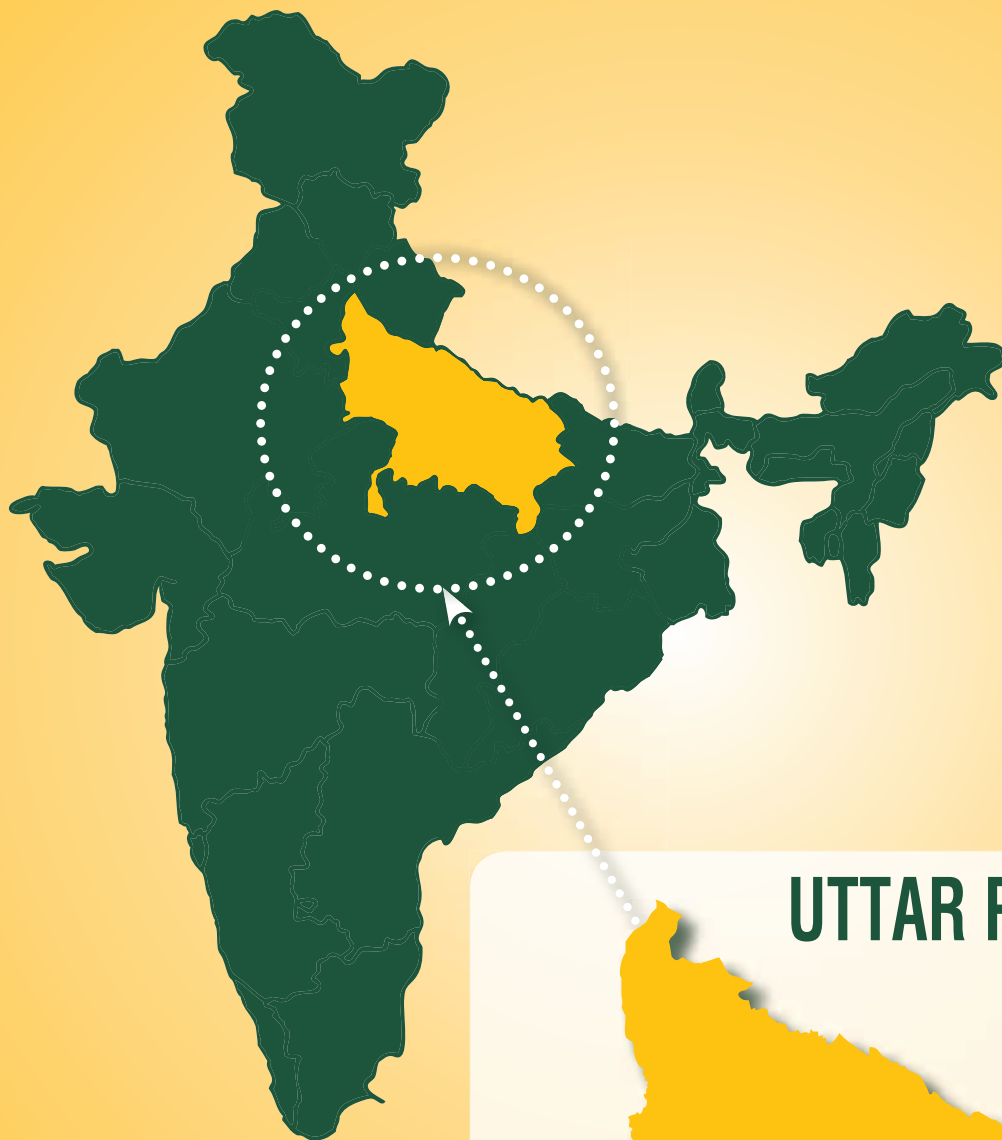
MISSING PERSONS CASES – TAMIL NADU

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	1871	1499	372	1893	1378	515
2010	2504	2062	442	2211	1731	480
2009	1855	1480	375	1513	1242	271

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

²¹²Ujjawala and Swadhar Data, Ministry of Women and Child, Government of India – September 2012. All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012)

State Reports



UTTAR PRADESH



Uttar Pradesh

Uttar Pradesh is a source, transit and destination area for the trafficking of women for commercial sex both within the country as well as across the border. There are many well identified red light areas where women and girls from the state and other states like Rajasthan, Maharashtra, Madhya Pradesh, Odisha, West Bengal, Karnataka, Delhi as well as from Nepal and Bangladesh are trafficked and forced into commercial sex.

The districts adjoining Nepal (which shares long and open borders with India) are transit areas and vulnerable to trafficking. The red light areas in Agra, Allahabad, Meerut, Kanpur, Varanasi and Azamgarh are notorious for the trafficking of women and children. The areas of Western Uttar Pradesh have seen an increase of trafficking for forced marriages. Victims are procured from Nepal and sent to Delhi and Mumbai through Uttar Pradesh. Meerut has emerged as a key destination for keeping in transit Nepali victims. Victims from West Bengal and Bihar have also been reported in red light areas in Uttar Pradesh. The state is a source area for sex trafficking cases due to the presence of organised crime rackets indulging in kidnapping and abduction of minor victims. Child labour is rampant in the Uttar Pradesh carpet belt area and brick kilns. Children are procured from Bihar for this work. Also children are sent from Uttar Pradesh to various destinations in Haryana, Gujarat, Punjab and Rajasthan for the purpose of child labour.

Varanasi, Meerut, Maharajganj, Khiri, Kanpur, Baharaich, Basti, Aligarh, Hardoi, Azamgarh, Mau, Jaunpur, Banda, Agra, Bulandshahar, Etah, Balrampur, Balia, Chitrakoot, Firozabad, Gazipur, Sonebhadra, Gonda, Etawa, Jaunpur, Pratapgarh, Siddhartha Nagar, Sultanpur, Allahabad are some of the districts where brothels exist or women are engaged in commercial sexual activities. These red light areas are used as transit points by traffickers procuring victims from Nepal, Bangladesh, West Bengal, Bihar, Assam, Jharkhand and Odisha. The Uttar Pradesh districts adjoining Madhya Pradesh and Rajasthan are known for their communities like *Nat*, *Bedia*, *Kolta*, *Kashmira*, *Deredar* etc. who are traditionally engaged in commercial sexual activities and girls from these communities are found in the red light areas all over the country. Districts of Agra, Jhansi and Lalitpur have pockets of these denotified tribals. Some of these tribals are also found in Sitapur – Hardoi area. These communities also operate from their villages and along the highways. Various investigations have pointed out that these communities are involved in kidnapping and abduction rackets. They kidnap minor victims and children and rear them as their own children and then once the victims reach the adolescent age they are prepared for prostitution. The victims are sent to dance bars in Mumbai and also for prostitution rackets in Middle East countries. The use of hormones such as oxytocin is also prevalent. This injection is used to make adolescent and minor girls look like adult women.

Uttar Pradesh has emerged as the transit and destination point for trafficking of victims from Nepal. Uttar Pradesh has nine districts adjoining the Nepal Border. The victims are trafficked from Nepal and brought to Meerut, Agra and Allahabad red light areas for transit and then further sent to Delhi and Mumbai. A large number of minor girls and young women trafficked from different parts of the country to Delhi are being re-trafficked to brothels in Meerut to evade detection. The emerging new trend was noticed during recent rescue operations carried out in July 2012 by the local anti-human trafficking unit in coordination with a team constituted under the NCPCR. As the police are carrying out regular raids in Delhi, many girls who were pushed into prostitution in the G.B. Road brothels were transported to Meerut. During the rescue operations, victims from Nepal, Rajasthan and West Bengal were rescued from Meerut. Similarly Allahabad red light area has also emerged as a trafficking hub for in transit trafficked victims from Nepal²¹³.

There is an increased amount of trafficking through illegal marriages, where brides are bought from tribal areas of Madhya Pradesh, Chhattisgarh, Odisha, Jharkhand and West Bengal and then sold to brothels in big cities or in Western Uttar Pradesh and Haryana, where there is a great demand of brides due to the falling sex ratio. Uttar Pradesh is also a state where large-scale migration for employment in agriculture and brick kilns takes place from neighbouring states like Madhya Pradesh, Chhattisgarh, Odisha, Jharkhand and Bihar. Many of these victims work in these brick kilns as bonded labour and are paid salaries much less than the basic minimum salaries.

As per a 2010 NCPCR report, Uttar Pradesh accounts for a larger share of about 15 percent of all child workforce in India followed by Andhra Pradesh, with 10.8 percent. Rajasthan, Madhya Pradesh, Bihar respectively garnered 10, 8.8 and 8 percent of India's child employment²¹⁴. In 2011, NCPCR ordered a survey of child labour in 5 districts of Uttar Pradesh, where a large number of children are employed in the carpet industry and other labour intensive

²¹³<http://www.thehindu.com/news/cities/Delhi/article3757092.ece>, accessed on 06.08.2012

²¹⁴http://www.ncpcr.gov.in/Reports/Magnitude_of_Child_Labour_in_India_An_Analysis_of_Official_Sources_of_Data_Draft.pdf, accessed on 06.08.2012

units. The survey includes data on the number of children rescued and action taken for their rehabilitation. The study focuses on the districts of Varanasi, Bhadohi, Mirzapur, Sonbhadra and Maharajanj²¹⁵. A report released by the Campaign against Child Labour (CACL) states that Uttar Pradesh has emerged as a state which tops in child labour and child sex abuse cases are also growing²¹⁶.

Government Initiatives

The state has not taken any concrete step to combat trafficking. The State Advisory Committee to combat trafficking has not been convened for the last few years. The state has not made any action plan to combat rampant child labour. Few projects supported by the Ministry of Labour have been initiated but much more needs to be done. The state has also no plan of action to combat trafficking. Recently with the implementation of the ICPS, the state has initiated 72 Child Welfare Committee and 72 Child Protection Units. Though these units are in place there is an urgent need of checking the capacity of these units. Trainings and sensitization of the Child Welfare Committees have not yet been instituted. Uttar Pradesh has formed 67 Child Protection Homes. The State has also initiated 72 Special Juvenile Police Units and appointed Juvenile Officers in each police station. The state has established 4 homes under the Ujjawala Scheme and also set up 40 homes for the needy and distressed women under the Swadhar Scheme.

Anti Human Trafficking Units

The state has initiated 24 AHTUs. Some Training of Trainers workshops have been initiated but the same needs to be done at a much bigger level. The district level training programmes have still to be initiated. In comparison to the incidences of trafficking, the state AHTU response has not been proactive. The advisories related to human trafficking and missing children have been distributed at the zonal levels.

UTTAR PRADESH – PROTECTION MECHANISMS AT A GLANCE²¹⁷

No of Anti Human Trafficking Units (Districts)	24
No of District Child Protection Units	72
No of Child Protection Homes	67
No of Special Juvenile Police Units	71
No of Child Welfare Committee	69
No of Homes under Ujjawala P & R Schemes	4
No of Shelter Homes under Swadhar Scheme	40

MISSING PERSONS CASES – UTTAR PRADESH

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	191	128	63	143	84	59
2010	-	-	-	-	-	-
2009	3136	2704	432	1088	764	324

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

²¹⁵<http://www.thehindu.com/news/national/article2726916.ece>, accessed on 06.08.2012

²¹⁶http://articles.timesofindia.indiatimes.com/2012-05-12/varanasi/31679047_1_child-labourers-child-sexual-abuse-child-rights According to the report, UP houses about 20% child labourers of the country in different sectors. While there are 12666377 child labourers in the country, UP has 1927997 child labourers. According a report of International Labour Organisation (ILO), about 70% child labourers are engaged in agricultural sector in the country, while 60,000 children are engaged in glass and bangle industries, about two lakh children are involved in hazardous industry of fire crackers and two lakh children are engaged in the carpet industry. The report further suggests that cases of child sexual abuse are in alarming state. According to the records of National Crime Record Bureau and National Commission for Protection of Child Rights, 900 out of 5446 cases of rape in 2008 were in UP. As per a report, 61 out of 298 cases of child sexual abuse were recorded in UP in 2007. In UP 8.4% girls and 3.57% boys are the victims of sexual abuse in different forms. About 49.7% girls are married before the age of 15 while 79.6% marriage takes place at 18 or before.

²¹⁷Ujjawala and Swadhar Data, Ministry of Women and Child, Government of India – September 2012 All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012)

State Reports



WEST BENGAL



West Bengal

West Bengal, a state in the Eastern region of India is the fourth-most populous state. Covering a total area of 34,267 sq m, it is bordered by the countries of Nepal, Bhutan and Bangladesh, and the Indian states of Odisha, Jharkhand, Bihar, Sikkim, and Assam. West Bengal shares 2216.7 kms with Bangladesh border, 92 kms with Nepal border and 175 kms with Bhutan border²¹⁸. Due to its crucial location in India, West Bengal is not just prone to intra and inter-state trafficking, but also to international trafficking. The state is a major source, destination and transit point for victims of trafficking. West Bengal has several red light areas across the state and thus a sizeable trafficking of women and children is witnessed for supply in these areas. The international borders and the excellent network of railways, roadways, airways and waterways offer easy transit points. West Bengal has also emerged as a recruiting area for agents and traffickers for sending women and children to Middle East countries for various purposes of slavery.

Vulnerable Areas

Almost all districts are vulnerable to trafficking. Jalpaiguri, Darjeeling, North and South Dinajpur, Cooch Behar and Malda are trafficking prone districts in North Bengal. These districts have international borders with Bangladesh, Nepal and Bhutan and have reported rampant trafficking from the tribal areas, tea estates and border areas. The districts of North and South 24 Parganas are other vulnerable areas prone to trafficking. The villages here are far flung as the districts are located in the Sunderban area. Recent data reports these districts to be two of the most significant source areas for trafficking in the state. Push factors include single crop growing fields, lack of livelihood opportunities and natural disasters²¹⁹.

West Bengal contains important transit points which are used by the traffickers to bring in victims not only from adjoining states but also from Nepal and Bangladesh.

The Trafficking Routes

The trafficking routes in West Bengal include Delhi, Mumbai and Pune as the most common destination for victims of West Bengal. After this the destinations are Haryana, Uttar Pradesh, Rajasthan and Punjab. New destinations that have been identified are Ahmedabad, Bangalore and Haridwar. Different districts of Haryana and Uttar Pradesh have been identified as destinations for forced marriages, dance troupes, prostitution and sex rackets.

The West Bengal Police has initiated a Missing Children Tracking Portal (MCTP) in collaboration with National Informatics Centre.

Government Initiative

The Government of West Bengal has taken several initiatives to counter human trafficking. The Government has formed a State level Advisory Committee under the Chairmanship of the Chief Secretary, West Bengal. The State Government has initiated Awareness Generation Programmes at grass roots level through Integrated Child Development Scheme (ICDS) and Anganwari centres in seven districts namely South 24 Parganas, Paschim Medinipur, Purbo Medinipur, Murshidabad, Jalpaiguri and Nadia in collaboration with Jayprakash Institute of Social Science. A Task Force has been formed to expedite the repatriation process of Bangladeshi children staying at different government and NGO runs Homes. A Standard Operating System devised by the Govt. of West Bengal with the assistance of UNICEF framing the time

The Government has roped in Panchayats to maintain registers on missing children and also a list of people migrating to other places in India.

²¹⁸<http://www.angelfire.com/co/pallav/neighbor.html>, accessed on 03.02.2013

²¹⁹IDLO Report 2010-11 quotes a 2003 study of trafficking in Madhusudanpur, a village in South 24 Parganas, which showed that every second to third household in the village lives off the income of a trafficked girl between the ages of 13 and 15.

limit of repatriation has also been prepared. The Government has roped in Panchayats to maintain registers on missing children and also a list of people migrating to other places in India. Special Juvenile Police Units have been initiated and are in operation. Five toll free numbers (10921 to 10925) are operational as women help lines in North 24 Pargana, South 24 Pargana and Hoogly under the Swadhar Scheme. These help lines are being run by prominent NGOs with the support of the Social Welfare Advisory Board.

All District Police have a special cell known as the Protection of Women and Children Cell²²⁰. Manuals related to the Juvenile Justice Act, Bonded Labour Act, Child Labour Act and Child Abuse are distributed to various subordinate officers by Police Directorate.

Seventy police personnel from West Bengal have enrolled themselves in the MHA-IGNOU certificate course on Human Trafficking.

Missing Statement of Children and Women

According to the missing statement of minor children as well as women reported in the CID West Bengal Police there is a huge increase in the number as it is compared between 2001 and 2010. In 2001, the total number of missing children in West Bengal was 368 whereas in 2010 the figure was 8,599. In 2001 the number of missing women was 196 whereas in 2010 it is 6,514²²¹.

MCTP is operational at the Missing Persons Bureau (MPB) in CID. This portal is being used for capturing information about all missing persons in the state including women and children. Comprehensive data entry software has also been provided at the police station and DCRP level²²².

Anti-Human Trafficking Units (AHTU)

Establishment of AHTUs in the states has shown results at the ground level resulting in increase in the number of cases registered, number of rescue operations and more convictions. In West Bengal, the Protection of Women and Children Cell have been designated as AHTUs.

Kolkata High Court has appreciated the proactive work undertaken by the CID and AHTUs in several cases of human trafficking.

The Advisories sent by the Ministry of Home Affairs on Human Trafficking, Crimes against Children and Missing Persons have been circulated across all police stations. The CID has also initiated an Action Taken Report on the same. The West Bengal Police AHTU has initiated partnership with various civil society organizations across the country to help in rescue of trafficked victims from West Bengal. This has also helped in collection of information about cases from West Bengal from across the country.

The AHTU West Bengal has organized 2 State level training and 15 district level training on Anti Trafficking. The West Bengal Police has been organizing workshops/meetings for the sensitization of the police personnel and the related stakeholders of child protection since 2007. Altogether, 29 workshops/meetings were organized by the police department. From 2007 to March 2010, 23 programmes were organized on Human Trafficking. Apart from preventive measures the Anti Human Trafficking Units (AHTU) in West Bengal has been working proactively to prosecute various inter- state trafficking rackets operating from West Bengal.

²²⁰ Crime Against Women Cells are operational in all districts in terms of GO No. 1309/PL/4B-61/92 dated 02/03/1995 issued by the Home (Police) Department, Government of West Bengal. These cells have now been renamed as Protection of Women and Children Cell (POWC Cell) vide police order 10/05 dated 27/05/2005. These cells look after Crime against Women and Children and cases of human trafficking. The Dy. Insp. General Police (Special), CID, West Bengal is the Nodal Officer in the matters relating to offence against women and children.

²²¹ RTI reply received from Spl. SP, CID West Bengal.

²²² West Bengal Police has issued a notification dated August 23, 2012 by the DG and IGP for proper implementation of Missing Children Tracking Portal (MCTP).

Rehabilitation and Protection

Ujjawala Schemes: The Ujjawala Scheme was launched in West Bengal in 2007 and is being implemented mainly through NGOs. In West Bengal, there are two rehabilitation centres under this Scheme of the Ministry of Women and Child Development.

Swadhar Homes: In West Bengal, 18 Shelter Homes under the Swadhar Scheme for providing shelter to women in distress are operational. Five toll free numbers (10921 to 10925) are operational as women help lines in North 24 Pargana, South 24 Pargana and Hoogly under the Swadhar Scheme. These help lines are being run by prominent NGOs with the support of Social Welfare Advisory Board²²³.

The Home being run by 'Sanlaap' a West Bengal based NGO has initiated Child Protection mechanism as well as minimum standards of Care and Protection.

WEST BENGAL – PROTECTION MECHANISMS AT A GLANCE²²⁴

No of Anti Human Trafficking Units (Districts)	7
No of District Child Protection Units	19
No of Child Protection Homes	55
No of Special Juvenile Police Units	19
No of Child Welfare Committee	18
No of Homes under Ujjawala P & R Schemes	2
No of Shelter Homes under Swadhar Scheme	18

MISSING PERSONS CASES – WEST BENGAL

Year	Missing Children			Missing Women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2011	11228	3902	7326	8216	2158	6058
2010	15835	5518	10317	11984	3777	8207
2009	11527	3355	8172	9148	2352	6796

Source: National Crime Records Bureau Data Tabled in the Parliament by the Ministry of Home Affairs, Government of India (May 2012)

Bangla Natak is an organization based in Kolkata which uses theatre to empower marginalized, uneducated and poor communities with improved awareness, knowledge and life skills to reduce their vulnerability to trafficking. It uses theatre as a tool for researching with community factors leading to proliferation of this heinous crime. Street theatre based awareness campaigns have been undertaken at West Bengal, Goa, Bihar, Jharkhand and Sikkim to build awareness on ramifications of trafficking, ways and means used by traffickers and mobilise community to be proactive in protecting women and children.

²²³RTI reply received from Spl. SP, CID West Bengal

²²⁴Ujjawala and Swadhar Data, Ministry of Women and Child, Government of India – September 2012 All other data as per the Ministry of Women and Child Data tabled in the Parliament (May 2012)

NGO Initiatives

NGO Initiatives

ARZ (ANYAYA RAHIT ZINDAGI)

ARZ is a social work organization based in Goa and working towards Combating Human Trafficking for commercial sexual exploitation since 1997. ARZ interventions involve rescue, repatriation, rehabilitation and reintegration of the trafficked victims, prosecution of traffickers and training of different stake holders.

ARZ is appointed as the “Nodal NGO” of the Anti Human Trafficking Unit, Goa by the Goa police. ARZ, in collaboration with the Department of Women & Child Development, Goa has been providing rehabilitation services to the rescued victims at the Government State Protective Home since 2001.

ARZ has set-up a non residential economic rehabilitation unit, Swift Wash, which is a mechanized laundry unit. The rehabilitation unit is the first of its kind and is providing rehabilitation to the victims and perpetrators, male as well as female who have been rescued from commercial sexual exploitation.

Stop Trafficking - Applying ICT to combat Human Trafficking

Stop Trafficking is an initiative of ARZ to use ICT (Information Communication Technology) in addressing the challenges faced by the service providers in the development sector. Stop Trafficking has designed various programmes using internet, SMS, mobile application to address the gaps and challenges under the initiative.

Stop Trafficking has introduced an anti trafficking web portal <http://www.stoptrafficking.in>

The web portal provides for posting and tracing of missing persons by using information technology such as SMS alerts, e-mails. It features details of AHTUs in India, data bank (phone numbers & email addresses) of individual and organizations working to combat trafficking of women and children in India, Nepal and Bangladesh, state wise details of Child Welfare Committee (CWCs), Juvenile Justice Boards (JJBs) etc.

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HELP

HELP is a Developmental Organization formed by a group of service professionals from different professions like journalists, social workers etc. Committed to the protection of women & children from violence, sexual exploitation, abuse and trafficking, HELP is an important policy-influencing organization in the State of Andhra Pradesh. HELP prevents trafficking by educating boys and girls in schools and communities in different parts of the state and by training teachers, professionals, police, governmental authorities and the public about the harm of sexual exploitation and ways to resist and combat it. HELP has promoted networks and groups and it serves as an umbrella that coordinates and takes direction from its network partners in its work against sexual exploitation/abuse and in support of Child Rights and Women's Human Rights. HELP researches and documents the situation of women who have been trafficked and are in prostitution; educates the public about the extent of harm sustained by women and girls in prostitution; galvanizes change through legislation and working with governments and international agencies to create/change/amend policy and legislation that support the rights of children, women and girls to be free of sexual exploitation and helps create and support alternatives for children, women and girls who have been sexually exploited.

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APNE AAP

Apne Aap approach is based on the belief that the most effective and sustainable solutions to end sex trafficking come by increasing choices for at-risk girls and women and by empowering them to demand rights for themselves and their children. The organization has already demonstrated its success in India. In the past ten years, Apne Aap has organized more than 15,000 at-risk and victimized women and girls into small groups that work collectively for rights for themselves, their children and their peers. By advocating for policies that deter men from purchasing sex, the organization's approach tackles both the "supply side" and the "demand side" of the sex trafficking industry.

Apne Aap enables marginalized women and girls to gain independence from prostitution by organizing and supporting small self-empowerment groups, called Mandals. Together, the ten women in each Mandal campaign collectively for access to their most basic rights: legal protection, education, livelihood, and housing. Apne Aap provides direct support to the groups, including a safe space to meet in a local community center and information about available entitlements and services as well as access to a community for collective empowerment. 'Apne Aap Women Worldwide' is a grassroots movement to end sex trafficking that organizes marginalised women and girls into 'Self-Empowerment Groups of Ten' to collectively access their rights and gain their ten assets such as safe space, legal empowerment, literacy certificate etc.

Apne Aap identifies three categories of population with whom it works to dismantle the entire system of sex trafficking: victims and survivors of trafficking, women at risk of sex trafficking and women and girls who are vulnerable to sex trafficking. Apne Aap works with communities forced into intergenerational prostitution especially the denotified tribes (DNTs) by creating leadership from the community to challenge and break the cycle of oppression at the community as well as at the policy level.

Currently, Apne Aap operations are in Forbesganj, Bihar, Delhi and Kolkata. It has reached out to 15,000 women and girls so far. At the moment we are directly impacting over 3,850 women and girls through about 100 Self Empowerment Groups. Other intervention activities include ensuring alternative livelihood skills, leadership, legal and life skills trainings, ensuring access to educational opportunities through remedial and adult literacy classes, etc to name a few.

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SANLAAP

Sanlaap works to combat human trafficking and prevent second generation prostitution. Over time, Sanlaap has evolved as a pioneering organization to holistically address the issue of trafficking in persons, particularly for the purpose of commercial sexual exploitation. The organization has broadened its horizon to encompass “prevention and protection” initiatives as well. Sanlaap walks through the life of a “victim” to her being a “survivor” of trafficking through the mechanism of institutional care and protection. The journey thus starts from the time of her “rescue” to her “re-integration within the community”, through the stages of psychosocial rehabilitation and socio-economic re-integration.

Sanlaap has initiated a 'repatriation partnership' with organizations based in Bangladesh. It works closely with organizations in Bangladesh who help in getting home study reports done of victims from Bangladesh. These organizations also help to get the paper work done at the Ministry level in Bangladesh. Follow up of the repatriation is also done by these partner organizations. Sanlaap has partnered with the West Bengal Government to finalise a SOP for repatriation of victims from Bangladesh. Sanlaap is also recognized by all government shelters and hence are informed when there is a Bangladeshi national waiting to be repatriated.

With the help of UNICEF, the Govt of West Bengal has put together a 'task force', which constantly lists down 'Minor' Bangladeshi children and relevant documents are sent to the Government of Bangladesh and their representatives in Kolkata. All 'Adult' victims are taken care of by Sanlaap.

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MANAV SEVA SANSTHA

SEVA has been intervening in the cross border regions of India and Nepal since 2002 with emphasis on preventing incidents of cross border human trafficking by facilitating safe and informed mobility during the transit phase of migration.

SEVA has initiated 'Migration Right Centers' a model of joint border monitoring in association with Sashastra Seema Bal (SSB). Providing relevant information to cross border migrants entering into India has been an important feature of this intervention and it has proved its significance in terms of making migrants aware about their journey (Transition), their safety and to guide them as per their need & ability. In 2011-12, 12765 cross border and interstate migrants have been counselled and 187 apparent victims of human trafficking have been rescued and repatriated / reintegrated.

SEVA has developed a guidebook on standard operational procedures for Government departments, Law enforcement authorities, Recruitment Agencies, Border Administration, Transport Unions and NGOs. The SOP document was developed after studying a wide range of consultations by IOM, ILO, MOIA and other migration related organizations.

The key components of the SOP include:

1. Guidelines for Recruitment agencies
2. Guide kit for border law enforcing agencies
3. Minimum standard operational guidelines for NGOs working migrant rights
4. Guide kit for government departments including police regarding the rights based framework while dealing with migrants

Manav Seva Sanstha is the Secretariat of CBATN (Cross Border Anti Trafficking Network) a South Asian regional level network with more than 600 members from the government & NGOs. The focus of the Network is cross border prevention of trafficking in person, strengthening of cross border law enforcement and justice delivery and strengthening cross border repatriation and reintegration mechanism.

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NEDAN

NEDAN works with a commitment and conviction for eradication of trafficking of women and children with dual vulnerability to HIV in the North East Region of India. It believes that eradication of this worst form of human rights violation is only possible through partnership, trans-border co-operation and strong networking with like-minded people and community at large. It partners with Civil Society Organizations and government bodies in the region as well as with community on various aspects of prevention, protection, repatriation and re-integration through alternative livelihood. The larger target oriented goal is to evolve counter human trafficking and HIV intervention strategies with demonstrated field practices for scaling up, replication and adaptation. The core anti-human trafficking and HIV interventions are planned keeping in mind the most vulnerable community.

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PRERANA

Prerana, a Civil Society Organization, was established in 1986 with a mission to end second generation prostitution and to protect women and children from the threats of human trafficking by defending their rights and dignity, providing a safe environment, supporting their education and health and leading major advocacy efforts. The work that commenced through 24x7 field based service centers in the heart of the red-light district of Kamathipura, Mumbai with a “rights perspective” soon spread over to other red-light districts.

Prerana's path breaking successful interventions include the ‘globally first’ Night Care Centre, Day Care Centre, Educational Support Program, Institutional Placement Program, Drop-in Centre, Victim Collectives for Civic Rights, Anti CSE&T Electronic Mail News Service, Community Animators' Project, Anti Trafficking Centre and Post Rescue Operations. Through its continuous efforts, it has reached out to over 15,000 children, shifted over 1,700 from red light areas to child care institutions for long term residential care and protection. It shelters 250 children on any given night in its 3 Night Care Centres and covers 1,800 children through comprehensive educational support programme. It was the first organization in the continent that took comprehensive care of children and their mothers who were infected and affected by HIV as early as 1988. Some of Prerana’s interventions were documented by the Government of India in its 'Plan of Action, 1998' - the first national policy on child trafficking.

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BHARATIYA KISAN SANGH – ATSEC JHARKHAND CHAPTER

ATSEC JHARKHAND has taken various measures for rescue and rehabilitation of trafficked children by providing education counseling and safe shelter homes. It has established a Toll Free number for people in distress, so that they may be traced out easily and rescued. It provides a rescued victim with an alternative income opportunity. Traumatized victims are rehabilitated effectively within the larger society. ATSEC Jharkhand has also been involved in coordination with the law enforcement agencies and NGOs through workshops, meetings and at diverse platforms whenever possible.

Bhartiya Kisan Sangh also the state coordinator of ATSEC Jharkhand chapter has taken initiative and has established a shelter home, “Kishori Niketan” at Bijupara for the trafficked survivors in the year 2003. The shelter home has rehabilitated over 1,075 girls till now. The home was built upon the commitment to reduce the vulnerability of women and children and provide care and support to the survivors of trafficking and further restore their life with dignity and future prospects.

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BACHPAN BACHAO ANDOLAN (BBA)

Bachpan Bachao Andolan (BBA) is a pioneering child rights movement working to end child trafficking, child labour and ensure education for all. Since its inception in 1980, BBA has rescued more than 80,000 children trafficked for forced labour. BBA's initiatives include identification of child labourers, their rescue/withdrawal and rehabilitation, awareness generation, coalition building, legal action and policy advocacy. It undertakes rescue of trafficked child labourers and their rehabilitation. Between April 2011 and March 2012, BBA organised 107 raids across India rescuing 1,152 child/bonded labourers. In the same period, 452 release certificates were also issued and 751 children were rehabilitated through *Mukti Ashram* (a short term rehabilitation facility in Delhi). BBA considers prevention as the most significant of its strategies in preventing trafficking of children through promotion of Right to Education, public awareness campaigns, policy change and partnership developments with like-minded organisations and individuals. BBA's campaign on wheels, *Mukti Caravan*, travels in villages where its members enact skits and plays on child trafficking, exploitation and child rights. Last year it reached approximately 30,000 people in four states. BBA's Child Friendly Village Programme is currently running in four states preventing trafficking of children by enrolling all children withdrawn from work in schools. BBA's legal intervention for policy change to prevent trafficking of children for forced labour is underpinned by judgements from different courts in India. Due to legal action brought by BBA, prosecution of employers found employing child labour has been regularised. From April 2011 to March 2012, BBA ensured registration of 44 FIRs against employers with arrest of 171 employers and recovery of Rs. 34,80,000 (US \$69302) as fine. BBA also undertakes training and sensitisation activities of the law enforcement agencies as well as the judiciary on the issues of child labour and child trafficking. In 2009, BBA developed a Standard Operating Procedure on *Investigation of Crimes of Trafficking for Forced Labour* in collaboration with Government of India and the UNODC.

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ATSEC

ATSEC or Action against Trafficking and Sexual Exploitation of Children is one of the oldest and most sustained anti-trafficking networks that has been functional since 1998 in the South Asian Region. ATSEC is the first network in South Asia to come up exclusively against trafficking. It is a network of NGOs and Community Based Organizations (more than 500 in all) from across the country that fight trafficking through extensive networking on prevention, protection and prosecution from the macro to the micro scale. ATSEC is also a network of networks, i.e. there are several smaller networks that are in turn ATSEC members. ATSEC is spread over five countries – Bangladesh, Nepal, Pakistan, Sri Lanka and India, with two more to be added soon – Afghanistan and Mauritius. ATSEC India has been the most effective network against trafficking in the country and is headquartered in Kolkata with an NGO called Socio Legal Aid Research and Training Centre (SLARTC).

ATSEC in West Bengal – As one of the pro-active members of the network, SLARTC is doing prosecution work on behalf of the State Judiciary that normally is an exclusive right of the State Appointed Public Prosecutors. This is an extraordinary achievement where an NGO has been given the authority of substituting the state machinery's specific role. The transfer of responsibility from the Government Prosecutors to the NGO lawyers took place during deliberations and subsequent judgement by the High Court on a Public Interest Litigation.

ATSEC in Bihar – The achievements of ATSEC Bihar are wide ranging. It has trained and oriented 55 lawyers on the issue of child trafficking; organized training of trainers for heads of NGOs, sensitized police, the state selection board

and government functionaries on the issue, given orientation to priests of different religions and established the Inter Religious Priest Forum in Bihar. It has established vigilance cells in eight districts of Bihar that lie across the Indo-Nepal border to check trafficking and created mass awareness through innovative mechanisms. The network in Bihar has actually rescued as many as 265 children and repatriated 125 children through its 115 partners across the State. 209 legal cases have been filed against traffickers of children.

ATSEC in Jharkhand— Formed in 2001, ATSEC Jharkhand has as many as 64 partner organizations. It works closely with the Social Welfare Department, Labour Department and Education Project Council. It has been successful in sensitizing the Police Department on issues of trafficking. ATSEC Jharkhand also started its transit shelter home, “Kishori Niketan”, in 2003, with the sole aim of providing care and protection to survivors of trafficking. From 2006 onwards, it is also running two similar shelter homes in Bijupara and Burmu, Ranchi District.

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IMPULSE NGO NETWORK

Impulse works toward ensuring that equal human rights are provided for all, particularly women and children. This mission is two-fold: to provide direct provisions for those in need of care, protection and empowerment and to create networks with the community, other NGOs/CBOs, and government bodies to ensure a rights-based approach for all, as well as sustainable livelihoods are available for those who need them.

Impulse NGO Network developed the Meghalaya model to combat child trafficking in North East India as a single comprehensive strategic plan, to be adopted by all state agencies and citizen’s organizations in the region. Meghalaya and the rest of Northeast India have emerged as a new supply zone for human traffickers. Due to the region’s porous international borders with neighbouring countries, North East India is also vulnerable to cross-border human trafficking. Impulse conceived of the Meghalaya model. The Meghalaya model addresses the issue of child trafficking and consists of a comprehensive tracking system that brings together the State Government, security agencies, legal support, the media, and civil service organizations. Currently, each of the eight states of North East India is integrating the strategy. The Meghalaya State Government has now accepted the model as an integral part of its anti-trafficking operations. Impulse is in the process of signing Memorandum of Understanding with various state departments to ensure appropriate implementation of the model.

For more than 10 years, Impulse has been working with rural communities in Meghalaya and guiding them to sustainable living. The work with rural villages began in 1993 with the Syntein Village Project, utilising local villagers’ traditions with handicrafts and handiwork to guide them in creating a sustainable livelihood. The organisation focused on capacity building, design inputs and marketing linkages. Following the start of the Syntein Village Project, Impulse began the village adoption programme as a way to help Laitsohum Village, which was not involved in handicraft work. Because of the organisation’s work with rural villages and handicraft projects, the Development Commissioner (Handicrafts), Ministry of Textiles, Government of India, New Delhi chose Impulse as the implementing agency for a Baba Sahab Ambedkar Hastshilp Vikas Yojana (AHVY) Project. To provide even more training for the artisans of the AVHY Project, Impulse began the Shillong Common Facility Centre (CFC) to expose them to even more technology, designs, and training. Although Impulse no longer works directly in rural livelihood sustainability, the organisation continues to extend its networking reach and provide support for other groups working in the field. Since 2004,

Impulse has been extending its design inputs and market linkages internationally to a partner organisation in Assam, North East Social Trust (NEST), that is working with Textile and WISE in Meghalaya.

Impulse has recently launched Impulse Social Enterprises that will develop goods, services, distribution channels and access to markets for those in need of sustainable livelihoods, while investing in partnerships with other development organizations to advance broader social and economic rights, particularly for women and children. Through high quality products and services that engage customers with the social context of producers and their communities, Impulse Social Enterprises will seek profitability to ensure its long term sustainability and the realization of its vision.

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PRAJWALA

Prajwala is an anti-trafficking organization based in Hyderabad, Andhra Pradesh. As an organizational policy, Prajwala believes in working with survivors of trafficking who are full time partners in the day-to-day functioning of the organization. Interestingly, about 60 percent of the organization comprises survivors of trafficking themselves not just as mere staff members at the lowest rung but also as decision makers and programme monitors. Prajwala is the nodal agency in the AHTU in Andhra Pradesh and collaborates with the state police on all aspects of rescue and post rescue operations. In order to prevent sex trafficking through education, transition centres are started for vulnerable children who live in poor localities. These centres are just bridging spaces to mainstream education in regular schools. These centers provide for the holistic psycho-social and scholastic needs of the child. The concept of bridging the space also provides coping skills that will support the child to competently perform in the mainstream school.

To make the problem of sex trafficking visible, an action research on inter state sex trafficking was conducted by Prajwala. Published as “The Shattered Innocence” this study for the first time brought to light the extent and magnitude of inter-state sex trafficking from Andhra Pradesh to other states. Released by the government the study made a huge impact on the minds of people. As a consequence the State of Andhra Pradesh became the first state in the country to evolve an anti-trafficking policy. With the intervention of Prajwala a collective attempt was made with partner child rights organizations and UNICEF to bring in co-management of government homes so as to improve the conditions of government homes.

Identification of need-based, aptitude based, market assessed, viable & sustainable economic options is critical for long term rehabilitation. As this group is specially stigmatized and traumatized, the scope of social reintegration is poor. Any intervention for family based trades may not be suitable. Therefore the options provided should be able to sustain the survivor’s life independently without dependence for basic sustenance. At Prajwala, efforts are taken to do a thorough market study before adopting any particular trade or employment option. Only those livelihood options are chosen which are viable in the job market.

Efforts have been taken to explore both employment and self employment alternatives for the survivors. In this process corporate partnership, establishment of small scale industries and entrepreneurship development has been explored. For any long term systemic change to happen, policy framework and policy input is necessary otherwise civil society intervention largely end up as a reactionary process without long term impact. It is with this objective in mind Prajwala got into advocacy work, lobbying for policy changes at the state, national and international levels. Both policy and legal lobbying is done to bring systemic changes.

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RESCUE FOUNDATION

Rescue Foundation works for rescue, rehabilitation and repatriation of victims of human trafficking from different parts of India, Nepal & Bangladesh, being sold for forced prostitution. Rescue Foundation operates in the State of Maharashtra but has also spread its work in other parts of Western India. Rescue Foundation runs a protective home (shelter) for the rescued girls. Their work focuses on eradication of trafficking; rescue of minors from trafficking and commercial sexual exploitation; running of the protective home with facilities such as counselling, training (vocational and life-skills), legal assistance, health care services (physical and psychological) and consequent repatriation. The organization not only provides pragmatic, practical and informed solutions to the victims to make better choices for their future but also vocational guidance and counselling to rehabilitate them and to give them a valued chance to live respectable life as law-abiding citizens. Assisting victims to prosecute their traffickers and the persons involved in their sexual abuse and repatriation services are also provided by the organization.

Rescue Foundation is involved in multifarious activities for rescuing, rehabilitating, reintegrating and repatriating the unfortunate, underprivileged girls and children from hell to human society. It conducts detailed investigation about presence of minor girls in a brothel and verification of the girls for whom missing complaints are received either from the parents or from NGOs is very necessary before scheduling the rescue raid. This also involves careful in-brothel counseling. Rescue Foundation has developed its expertise in rescue of victims from brothels. It provides all rescued victims security and shelter through its shelter homes. Rescue Foundation trains victims in various income generating skills like tailoring, embroidery, crafts, vocational training, drawing, yoga, karate etc. This is essential because victims hail from poor families and need skills to sustain themselves in life. Rescue Foundation runs a Recovery Care Centre for victims of human trafficking in order to provide special care and protection.

Punishing the anti-social elements by law, is a strong deterrent to the crime of human trafficking. Rescue Foundation file suits in the court of law against the brothel keepers who have subjected these girls to mental and physical torture in the brothels for forcing them to prostitute. This also involves legal counseling, training the girls for court procedures by conducting mock trials and producing them as witnesses in the court. Rescue Foundation also undertakes repatriation of victims of trafficking to their home states or families. It has also been involved in cross border repatriation of victims to Bangladesh and Nepal.

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STOP (Stop Trafficking & Oppression of Children & Women)

STOP, a Delhi based organization, ensures that the empowerment of girl children and women is recognized as a strategy to create a gender sensitive society. STOP aims to re-integrate trafficked survivors by restoring their self-esteem and confidence by providing them marketable job opportunities for self-sustenance. The Institutional Care and Protection Facility, run by STOP is the core programme of the organization. Besides this, the organization in partnership with the State Law Enforcement Mechanism, focuses on rescuing of minors from being trafficked or from places of sexual exploitation and also engages itself in national, regional and international level advocacy on the issue of trafficking and commercial sexual exploitation.

STOP's activities include both preventive and prohibitive strategies ranging from community intelligence services, recovery and long term legal aid for the survivors, prosecution of perpetrators and repatriation of foreign nationals. Rescue and recovery of children and women is one of the major intervention strategies of the organization towards combating trafficking in persons. Post recovery the long term reintegration of survivors is a dedicated and consistent effort that STOP's teams are engaged in through out the calendar.

Pursuing prosecution of traffickers is a long-term major intervention strategy, given that successful prosecution of traffickers can have a deterrent effect on the operation of traffickers. STOP has represented more than 700 survivors before the court of law and cooperating law enforcing agencies. With respect of prosecution of traffickers, 200 arrests and 78 conviction orders have been obtained, out of which many have resulted in imprisonment of seven years and fine. STOP has rescued and repatriated over 3000 women over the years. Over 700 children have found new hope in life through the "AASHRAY" children's family home.

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SHAKTI VAHINI

Shakti Vahini is a national voluntary organization working on the issue of Anti Trafficking. Shakti Vahini interventions are spread across Delhi, Haryana, West Bengal, Bihar, Jharkhand & Assam. Shakti Vahini intervenes in all forms of trafficking which include forced labour trafficking, trafficking for commercial sexual exploitation, trafficking for forced marriages and trafficking for child labour.

Shakti Vahini interventions include collection of information, investigation, raids and rescue, counselling of victims, care and protection of victims, conducting of home investigation report , assisting the victims to access compensation, supporting the victims to fight their cases, preparing dossiers of traffickers, sharing the information with law enforcement and undertaking repatriation and rehabilitation. Shakti Vahini repatriates victims with support of government agencies and in collaboration with local NGOs.

In recent years from 2005 onwards there has been a huge increase in trafficking from West Bengal, Jharkhand and Assam which is being fuelled by the intense demand in the National Capital Region for domestic labour and also for commercial sexual exploitation. Haryana due to its adverse sex ratio has been witnessing increase in trafficking from these regions for forced marriages. It is the sizeable increase in trafficking from the region that made Shakti Vahini to open a centre at Jalpaiguri in 2007. In the last four years Shakti Vahini has been continuously working to build partnerships with various agencies in order to have a coordinated response. In this context Shakti Vahini has initiated networking and advocacy with various Anti Human Trafficking Units across North Bengal and has partnered with CID West Bengal Police to rescue victims in several cases of trafficking. It has also initiated partnerships with the General Railway Police at Jalpaiguri, Kathihar and Malda. It has launched a series of training programmes with Railway Police Force in the region.

In all cases of trafficking, Shakti Vahini ensures that the cases are investigated properly and exploitation happening from source, transit and destination are linked. Shakti Vahini has been continuously linking the source areas to the destination for proper action against the traffickers.

Shakti Vahini conducts several police training programmes across the country in collaboration with the Anti Human Trafficking Units. Shakti Vahini is the member of the Central Advisory Committee on Trafficking and Prostitution formed by the Ministry of Women and Child, Govt of India and has also recently been appointed by the Supreme Court in a panel to advise the court on the work of rehabilitation of Sex Workers.

In this context, Shakti Vahini has been building partnerships with source area organizations to trace various cases of trafficking. It has held several consultations in the region with many of the grass root organizations to enhance their capabilities and also for stricter actions against traffickers.

Since 2010, Shakti Vahini has intervened in 1270 cases and rescued 1300 victims. It has also been part of 462 court proceedings and trial and has achieved conviction in 26 cases till date. Shakti Vahini has been involved in various Public Interest Litigations on issues connecting to human trafficking and victim protection.

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Save The Children India (STCI)

Save The Children India is a non-governmental organization that envisions India as a child friendly nation. The organization is committed to preventing exploitation and all other forms of discrimination against children who are vulnerable on account of their caste, class or sex. It works on varied development issues with a special focus on children's education, women's empowerment, combating human trafficking and health.

STCI has been implementing the 'Prevention of Trafficking' program in rural Maharashtra by addressing the various social and economic causes that result in human trafficking. In Mumbai, which is one of the major destinations in India of human trafficking, STCI assists the government in the effective rehabilitation of trafficked survivors who are rescued from exploitative situations and residing in government protective homes. This is done through their employability skill-development in various courses that are marketable and which have a prospect of career growth. The Organisation also ensures adequate job placement of the survivors after the completion of the training.

Concurrently, since the year 2006, STCI has been engaged in Sensitization and Capacity Building of the Law Enforcement Agencies i.e. police, prosecutors and judges of Maharashtra. The organisation has trained over 2500 police officers, over 400 prosecutors and over 500 judges in the state of Maharashtra.

Ever since the inception of the Maharashtra Judicial Academy at Uttan, STCI has been conducting sensitization and capacity building sessions with the Judicial Officers of Maharashtra for effective adjudication of trafficking crimes. The organisation has established lasting collaboration with the Academy vis-a-vis addressing trafficking crimes. Recently, the organisation in partnership with the Maharashtra Judicial Academy prepared a Training Module for Judicial Officers on Anti Human Trafficking.

STCI is also involved in the Policy Advocacy Initiatives at the State and National Level to Counter Trafficking. In the year 2007, STCI was instrumental in developing the Maharashtra State Plan of Action to Combat Trafficking. After the endorsement of the Plan of Action by the Department of Women and Child Development, Government of Maharashtra, STCI in partnership with the Department established the State Level Anti Trafficking Coordination Unit in Pune district for the implementation of the State Plan of Action. In the year 2009, STCI along with the UNODC and PATA developed the Code of Conduct for Safe and Honourable Tourism to address the ever growing phenomenon of sex tourism in the country. The Code has been adopted by the Ministry of Tourism, Government of India in the year 2010.

Very recently, STCI has started assisting the Special Court in Mumbai in the Immoral Traffic Prevention Act Cases.

Whilst countering human trafficking, the organisation has adopted a collaborative approach and in the process has partnered with the corporate sector, international agencies like the United Nations and has been working alongside the government and other stakeholders to address the issue holistically.

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Annexures

- Annexure 1:** Advisory on preventing and combating human trafficking in India - dealing with foreign nationals dated 01.05.2012
- Annexure 2:** Advisory on Human Trafficking as organized crime issued by the Ministry of Home Affairs, Government of India dated 30.04.2012
- Annexure 3:** Advisory on missing children issued by the Ministry of Home Affairs, Government of India dated 31.01.2012
- Annexure 4:** Advisory on Preventing & Combating Cyber Crime against Children issued by the Ministry of Home Affairs, Government of India dated 04.01.2012
- Annexure 5:** Advisory on measures to be taken by States/UTs for combating trafficking of women and children for commercial sexual exploitation issued by the Ministry of Women and Child, Government of India dated 12.10.2011
- Annexure 6:** Advisory on Prevention, Registration, Investigation and Prosecution of Crime issued by the Ministry of Home Affairs, Government of India dated 16 .07.2010
- Annexure 7:** Advisory on Crime against Children issued by the Ministry of Home Affairs, Government of India dated 14 .07.2010
- Annexure 8:** Advisory on Preventing and Combating Human Trafficking in India issued by the Ministry of Home Affairs, Government of India dated 09.09.2009
- Annexure 9:** Advisory on Crime against Women issued by the Ministry of Home Affairs, Government of India dated 04.09.2009
- Annexure 10:** Adoption of Minimum Standards of Care by Institutions & Service providers providing protective and rehabilitative facilities to victims of commercial sexual exploitation/sex trafficking – Orders. GO MS 16 WD, CW & DW Deptt , Government of Andhra Pradesh, dated 24.04.2010.

Annexure 1

No. 14051/14/2011-F.VI
Government of India
Ministry of Home Affairs
(Foreigners Division)

Dated 1st May, 2012

OFFICE MEMORANDUM

Subject: Advisory on preventing and combating human trafficking in India - dealing with foreign nationals.

1. The undersigned is directed to refer to this Ministry's Office Memorandum No. 15011/6/2009-ATC (Advisory) dated 09.09.2009 on the above mentioned subject (copy enclosed). It has come to the notice of this Ministry that foreign nationals are associated in some instances of human trafficking among women and children.
2. Further to the detailed procedure outlined in the above mentioned Office Memorandum, it has been decided with the approval of the competent authority that in cases of foreign nationals who are apprehended in connection with human trafficking, the State Governments / UT Administrations may follow the following procedure:
 - (i) Immediately after a foreign national is apprehended on charges of human trafficking, a detailed interrogation/investigation should be carried out to ascertain whether the person concerned is a victim or a trafficker.
 - (ii) The victims and the persons actually involved in human trafficking should be treated differently by the police authorities. This is in line with the SAARC Convention which advocates a victim-centric approach.
 - (iii) Missions/Posts in India may be informed of the arrest/detention of the foreign national by the concerned state or other authorities through CPV division in the Ministry of External Affairs(MEA) or the concerned territorial Division in MEA.
 - (iv) It is seen that in general, the foreign victims of human trafficking are found without valid passport or visa. If, after investigation, the woman or child is found to be a victim, she should not be prosecuted under the Foreigners Act. If the investigation reveals that she did not come to India or did not indulge in crime out of her own free will, the State Government / UT Administration may not file a charge sheet against the victim. If the chargesheet has already been filed under the Foreigners Act and other relevant laws of the land, steps may be taken to withdraw the case from prosecution so far as the victim is concerned. Immediate action may be taken to furnish the details of such victims to the Ministry of External Affairs (Consular Division), Patiala House, New Delhi so as to ensure that the person concerned is repatriated to the country of her origin through diplomatic channels.
 - (v) During the interim period, pending repatriation, the victim may be taken care of in an appropriate children's home, or "Ujjawala" home or appropriate shelter home either of the State Government concerned or of any NGO aided by the Government of India / State Government.
 - (vi) If the investigation reveals that the person is actually a trafficker, he/she may be charge-sheeted under the Immoral Trafficking Prevention Act and the Foreigners Act and due process of law should be followed in such cases.
 - (vii) In order to ensure better conviction rates of perpetrators of the crime of trafficking, prosecution should be based on documentary, forensic and material evidence. State Governments are advised to encourage the law enforcement agencies to investigate the cases in a manner that they are able to build fool proof cases against the traffickers, so that convictions can be guaranteed. Use of fasttrack courts and video conferencing to the extent possible also need to be ensured. Please refer to para 7 of the enclosed Advisory dated 9.9.2009.

3. All other instructions contained in this Ministry's Advisory dated 09.09.2009 including reporting to the Anti Human Trafficking Nodal Cell in MHA will be applicable in the case of foreign nationals associated with human trafficking, whether they are women or children (children means both boys and girls upto 18 years of age).
4. You are requested to issue suitable directions to all concerned under intimation to this Ministry.
5. The receipt of this Office Memorandum may kindly be acknowledged.

(G.V.V. Sarma)

Joint Secretary to the Govt. of India

To

The Chief Secretaries/Principal Secretaries/ Secretary (Home) of all State Governments and Union Territory Administrations.

Copy for information and necessary action to:-

- (i) The DGs / IGs (In-charge of Prisons) /- All State Governments/UTs
- (ii) Sri Sandeep Goel, Joint Commissioner(Crime), 3rd Floor, Police Station Kamla Market, Delhi.
- (iii) Ministry of Women and Child Development(Smt. Aditi Ray, Senior Economic Advisor), Shastri Bhavan, New Delhi.
- (iv) Secretary, Ministry of Labour, Shram Shakti Bhavan, New Delhi
- (v) Secretary, Ministry of Social Justice & Empowerment, Shastri Bhavan, New Delhi.
- (vi) Secretary, Ministry of Overseas Indian Affairs, Akbar Bhavan, New Delhi.
- (vii) Ministry of External Affairs:
(a) Addl. Secretary(PV) (b) JS(Consular) (c) JS(BSM)
- (viii) Chairperson, National Commission for Women, 4, Deen Dayal Upadhyaya Marg, New Delhi.
- (ix) Chairperson, National Commission for Protection of Child Rights, 5th Floor, Chandralok Building, Janpath, New Delhi.
- (x) Chairperson, National Human Rights Commission, Copernicus Marg, New Delhi.
- (xi) Director General, NCRB, R.K.Puram, New Delhi.
- (xii) Director General, BPR&D, New Delhi.
- (xiii) Director General, Border Security Force, New Delhi.
- (xiv) Director, CBI, New Delhi..
- (xv) AS(CS) / JS(CS) / JS(UT) / JS(NE) / JS(K), MHA, North Block, New Delhi.

(G.V.V. Sarma)

Joint Secretary to the Govt. of India

Annexure 2

**F.NO.15011/27/2011-ATC
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK, NEW DELHI
CS DIVISION**

New Delhi, the 30 April, 2012

OFFICE MEMORANDUM

Subject: Advisory on Human Trafficking as organized crime.

1. Human Trafficking (HT) is a serious crime and a gross violation of human rights. It is very often linked with organised crime and is considered as one of the most profitable criminal activities worldwide. Combating and preventing HT requires special skills and effort to prevent, investigate and prosecute offenders. Generally a group of offenders in HT crimes ranges from the spotter, recruiter, agents of recruiters, transporter, harbourer, brothel manager, brothel keeper, exploiters, etc at the lower rung and organized crime syndicates above which need to be investigated at source, transit and destination.
2. In May 2011, Government of India ratified the United Nations Convention against Transnational Organized Crime (UNTOC) and one of its three protocols includes the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. The UNTOC is the first comprehensive and global legally binding instrument to fight transnational organized crime and as such has provided for a universally accepted definition of “organized criminal group” and also lists the offences which are transnational in nature. Though there is currently no central legislation in India with regard to organized crime, Maharashtra has enacted the MCOCA 2000 and some States have adopted the same and other states can also do likewise. Legal action against trafficking in India is being taken under the IPC and the Immoral Traffic Prevention Act (ITPA), 1986 and MCOCA against those involved in HT.
3. Organised Crime involves any continuing unlawful activity by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any other persons or promoting insurgency.
4. The present advisory is intended to provide guidelines to law enforcement agencies on the manner and modalities regarding the crime which should be implemented in conjunction with a MHA Advisory dated 09.09.2009. F.No.15011/6/2009-ATC- (Advisory).
5. Central Bureau of Investigation (CBI), Government of India, is the national Nodal Authority to receive and respond to all requests for all inter-state and cross border assistance as a single point of contact and to act as liaison between the Ministry of External Affairs and other State parties on matters relating to the Convention as well as the Protocols. One unit in Special Crime Division of CBI has been designated as AHTU to provide specialized assistance in the area of HT of children and women for the purpose of begging, prostitution, pornography, forced labour in industries & other forms of exploitation. Criminal Intelligence Cell (CIC), CBI which receives data on gangs involved in kidnapping from all States/UTs in India has been subsumed into this Unit. To ensure that all links in a HT chain are identified and prosecuted as per law, the State/UT police agencies can also take assistance of AHTU, CBI for capacity building as well as for investigation of cases having international ramifications. The agency has also activated a helpline number (011-24368638), where any person, having inputs about gangs and syndicates involved in HT can give information.

6. The following **key action points** need to be addressed by States/UTs for effectively dealing with the organized crime aspect of human trafficking.
- a) **Anti Human Trafficking Units (AHTUs):** All states are urged to utilize the AHTUs as a key machinery to deal with the crimes of HT in a holistic manner. Police officers in the AHTU should collect/disseminate/ utilize intelligence on offenders; maintain database of offenders as well as their hierarchical structure, place of operation, segments of supply chain and allied places of exploitation; partner with NGOs and local communities to unearth information relating to HT and above all carry out a professional investigation.
 - b) **Sensitisation of Law Enforcement Agencies:** Police/Border Guards/Railway Police/Immigration officers, Prosecutors and Judiciary may be sensitized through training /seminars and workshops for the effective implementation of the ITPA, the IPC (Sections 3A, 107-117,120A, 120B, 551), the Prevention of Corruption Act, 1988, (Sections 7-11, 13, 17, 20) and other relevant state legislations. This should be with the specific purpose of dealing with the organized aspect of trafficking.
 - c) **Special Police Officers (SPO):** U/s 13 of the ITPA, the State Government may appoint SPOs and ‘Non-official advisory bodies’ to advise the SPOs for dealing with offences under the ITPA.
 - d) **Local Intelligence Units (LIU):** State Governments may consider setting up LIUs in all districts against organized crime to gather intelligence and ensure that it is disseminated. Priority should be given to the database on traffickers and their networks. Their profiling and surveillance can be an effective tool for intelligence collection and for prevention of trafficking.
 - e) **Helplines:** State police agencies may set up helplines and special desks in the police stations and control rooms to address this issue on a real time basis.
 - f) **SOPs:** The protocol on Inter-State rescue and Post-Rescue activities and Standard Operating Procedures for Investigation etc. developed jointly by the MHA and UNODC for conducting joint investigations and operations which also facilitate exchange of information about traffickers and their mode of operation, routes etc should be implemented. These resource materials should be translated and re-printed by the states into local languages for wider use and dissemination.

7. INVESTIGATION OF ORGANISED HUMAN TRAFFICKING CASES

Only relentless law enforcement pressure can diminish the possibility of unattached criminal elements forging alliances with big crime figures, constitute criminal networks and thereby spawn the phenomenon of organised crime. Organised crime can only be combated by a deft mix of good intelligence, proper and exhaustive investigation and national and state level coordination.

8. SUMMARY OF GUIDELINES FOR INVESTIGATION.

An organised criminal group is structured in a hierarchical manner so that the kingpins are insulated from law enforcement. Conviction of kingpins is difficult because of rules of evidence: witnesses are not willing to depose for fear of their lives and informers fail assist law enforcement agencies as documentary evidence is not available. For counter these difficulties which hinder proper investigation and prosecution of cases, the following measures are beneficial – inter-agency coordination, use of undercover agents, early completion of investigation and speedy trials, access to common databases for enforcement, witness protection, confiscation of crime proceeds, training of investigation officers and use of Mutual Legal Assistance Treaty (MLAT) for assistance in investigation from other countries.

- 9.1 **Ingredient of Offence:** Each ingredient of an offence made out in a case must be clearly identified and must be matched against the relevant pieces of available evidence as well as the legal admissibility of each piece of evidence along with linking it with one or more ingredients.

9.2 Investigation at source, transit and destination:

- a) Evidence collection at the source to ascertain the true identity of a victim, identify and whereabouts of the local gang members and their contacts (links), the modus operandi used for recruitment/engagement of a victim, complicity of the family and others (if any).
- b) Evidence collection through transit is required to establish transfer of a victim, routes and modes of transportation used, identify accomplices and the methods used to control a victim through the transfer.
- c) Evidence collection at the destination to establish the nature of exploitation, methods employed by exploiters to control a victim, impact of exploitation on a victim, places used for exploitation, identification of gang members operating the business, property and assets of a gang and individual members, complicity of officials (if any).

9.3 **Corroborative evidence:** Medical reports should be used to establish the nature of exploitation and its impact on victims. Age estimation of a child victim is necessary to book offenders under more stringent provisions; DNA/finger prints and such other test reports may be obtained to establish the identity of a person (victim/accused); call record analysis of gang members to establish contact between relevant persons (victim/accused/others), travel documents/tickets used by traffickers to establish movement of victims/accused and forensic reports of items seized from a scene of crime (SOC) such as blood stains, instruments, weapons, registers, property papers etc. are other forms of evidence which should be used to establish relevant facts for a case.

9.4 **Independent reports from other agencies:** An Inquiry report submitted under Section-10A (b(i) or 17(2) or 19(3) ITPA, would be highly relevant and useful in cases involving adult female victims of trafficking for commercial and sexual exploitation. Similarly, inquiry report submitted u/s 33 JJ Act in case of child victim or Income Tax department assessment or any other official agency in relation to the activities/assets of an accused or the gang or a Counsellor's report about the condition of a victim would be of utility.

9.5 **Sequence of events:** The sequence of events from 'source to destination' should be reconstructed with all available information to identify the missing links of information and their legal admissibility. Each SOC should also be individually reconstructed to identify the missing links of information/evidence. The role of predators/accomplices such as Procurers/Spotters, Recruiters, Transporters of the victims, Financiers and other exploiters such as clientele, pimps, brothel owner and managers should be investigated from a conspiracy angle.

9.6 Defeating Organised Gangs:

- a) A clear plan of action should be chalked out to collect relevant evidence to prove existence of a gang, the identities and activities of its gang members, nexus with other gangs and public officials, if any and identify the trail of illegal and ill-gotten money (proceeds of crime).
- b) Deciphering the communication linkages through link analysis.
- c) Specific and general 'intelligence' about a gang should be developed to make a prima facie assessment about the lines of investigation with respect to the activities of a gang.
- d) Relevant 'surveillance' methods may be employed to develop specific information including the identity, the activities and the level of complicity of gang members in the case and otherwise.
- e) The case history of every crime committed by every gang member should be collected from the concerned districts to prepare a dossier of the gang to be used to book a gang under relevant laws such as the UP Gangster Act.

9.7 Parallel Financial Investigation into Money Laundering

It would be virtually impossible to establish and manage an organized HT network without creating audit trails such as advertising, rentals, transportation, communication, mapping of exploiter profits and financial

transactions. Any of the following four aspects relating to money laundering need to be established during the course of investigation. Assistance of financial experts should be taken:

- a) Conversion or transfer of crime proceeds for the purpose of concealing their illicit origin;
- b) Concealment or disguise of crime proceeds;
- c) Acquisition, possession or use of crime proceeds;
- d) Contributing indirectly to the commission of the offences outlined above, including participation in and conspiring or attempting to commit the offences in question.

9.8 Efforts should be made to identify each and every moveable and immoveable asset of a gang and each of its members including benami properties by verifying documents and analyzing the source of funds. Each business or establishment run by gang members should be scrutinized to assess the investment made into the business/establishment, its source of funding, profits made and utilization/re-investment of profits, possible tax evasion, violation of financial rules and regulations including the ones relating to foreign exchange.

9.9 **Confiscation of Proceeds:**

It will be essential to deprive the criminal gangs of their ill gotten wealth. The laws relating to confiscation of proceeds of crime are available in several statutes. As per the facts of the case being investigated the relevant law is to be invoked.

- a) Sections 102, 105 and 452 of Cr.P.C
- b) Sections 111 to 121 of the Customs Act, 1962 ;
- c) Chapter V A of the Narcotic Drugs and Psychotropic Substances Act, 1985;
- d) The Criminal Law [Amendment] Ordinance, 1944 (Ordinance XXXVIII of 1994)
- e) Foreign Exchange Regulation Act, 1973 (Section 63) ; and
- f) Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.
- g) Unlawful Activities (Prevention) Act,1967
- h) Invoke provisions of ITPA alongwith IPC, ITPA with MCOCA (wherever in force), ITPA with Goa Children's Act, 2003 (applicable in Goa) etc.
- i) Action be initiated under the provisions of the Prevention of Money Laundering Act, 2002 for offences committed u/s. 5, 6, 8 and 9 of ITPA; The Enforcement Directorate is to be informed during the investigation of the predicate offences.

9.10 Collection and sharing of criminal intelligence As with any other form of organized crime, successful investigation of trafficking in persons requires the need to identify and gather evidence from other jurisdictions in the course of investigations, be it inter-state or cross-border trafficking. Hence, joint proactive operations/serious investigations in the region or transit or destinations sites can exploit evidential opportunities to gather collaborative evidence at recruitment and transportation phases of the crime. It is necessary that while investigating the crime of human trafficking, the following needs to be considered at all stages of human trafficking:

- a) Sharing criminal intelligence with other police agencies (different police stations, districts, states, CBI etc.) on traffickers and all other accomplices.
- b) Sharing crime data with other police agencies and CBI regarding vulnerable places and vulnerable people.

9.11 **Transfer of evidence from another country:**

For transfer of evidence from another country Letter of Request (LR) u/s 166A Cr.P.C. or invoking MLAT must be resorted to by contacting the IPCC Division of the CBI.

10. The aforementioned measures are only indicative and the States/UTs may consider any additional measures for dealing with the organized crime of human trafficking. This Ministry may also be kept apprised of any special measures/mechanisms introduced in their respective jurisdictions so that the same could be circulated to other State Governments and UT Administrations for consideration / adoption. States/UTs may consider translating this Advisory into regional languages for dissemination.

The receipt of the Advisory may be acknowledged.

Sd/-

(S. Suresh Kumar)

Joint Secretary to Govt. of India,
Ministry of Home Affairs,
North Block, New Delhi – 110001
Tel. No. 23093410

To
The Chief Secretaries &
The Principal Secretary/Secretary (Home)
All State Governments and Union Territories

Copy also for information and necessary action to:

- i. The DGs of all State Governments/UTs.
- ii. National Commission for Protection of Child Rights
- iii. Director General BPR&D
- iv. Director NCRB
- v. Director CBI
- vi. Director, IB
- vii. Director General BSF
- viii. Director General ITBP
- ix. Director General SSB
- x. Ministry of Women and Child Development
- xi. Ministry of Labour
- xii. Ministry of Social Justice and Empowerment
- xiii. Nodal officers Human Trafficking

Sd/-

(S. Suresh Kumar)

Joint Secretary to Govt. of India

Annexure 3

F.NO.15011/60/2011
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI/CS DIVISION

New Delhi, the 31st January 2012

OFFICE MEMORANDUM

Subject: Advisory on missing children-measures needed to prevent trafficking and trace the children-regarding.

1. The issue of missing and untraced children, based on police records, is a matter of deep concern to the Government of India. It requires a concerted and systematic attention of Central and State Governments. As missing children are exposed to high risk situations, they are vulnerable and fall prey to crimes of exploitation, abuse, including human trafficking. It is, therefore, necessary that effective steps be taken for effective investigation of cases relating to missing children and tracing of these children. This advisory is in continuation of the advisories dated 09.09.2009, 14.7.2010 02.12.2011 and 4.1.2012 issued by this Ministry to all the States / UTs on similar/related issues of crimes against children.
2. A missing child is defined as a person below 18 years of age whose whereabouts are not known to the parents, legal guardians or any other person who may be legally entrusted with the custody of knowing the whereabouts/well being of the child whatever may be the circumstances/causes of disappearance. The child will be considered missing and in need of care and protection, until located and/or his/her safety/well being is established.
3. The legal provisions as existing in the Juvenile Justice (Care and Protection of Children) Act, 2000 and other laws, several rulings of the Hon'ble Supreme Court of India and High Courts and the recommendations of NHRC, inter alia, emphasize the immediacy of prompt action by law enforcement agencies following disappearance of the child, especially minor girls to maximize chances of tracing/recovery.
4. The guidelines of NHRC which has already been communicated to the States/UTs with respect to missing children should be implemented and their monitoring ensured (refer website [www.nhrc.nic.in/ Reports/misc/MCR Report.doc](http://www.nhrc.nic.in/Reports/misc/MCR_Report.doc)).
5. The Hon'ble Supreme Court of India has issued guidelines in respect of missing children on 14/11/2002 (WP (Cri) No.610 of 1996) in *Horilal Vs Commissioner of Police, Delhi and Sampurna Behura vs. Union of India & Ors* dated 12/10/11(WP (Civil) No.473 of 2005). These instructions should also be complied with and monitoring ensured.
6. An officer not below the rank of a DIG should be declared Nodal Officer for every state/UT for handling the cases of missing children.
7. Supervision of investigation of such cases by senior police officers of the level of Dy.SP/Addl.SP may be ensured.
8. When, any heinous crime or organized crime on missing children, such as, victims of rape, sexual abuse, child pornography, organ trade etc, is reported, and then the investigation of such cases should be taken over by the CID of the States/UTs to expedite the investigation and to ensure prosecution of the offenders.
9. State Crime branch should maintain close links with District Missing Children Unit (DMCU) and ensure that uploading of data and matching of missing children with UIDBs/Children found is carried out effectively.
10. The Missing Persons Squad (MPS) will match the information regarding missing children with the data available with the MPS and if matched it should be communicated to the concerned police station. A monthly report should be sent to DMCU.

11. When the missing person is traced through search or rescue from places of exploitation, the police control room, District Missing Persons Unit (DMPU) and Missing Persons Squad (MPS) should be informed immediately for updating the record and for discontinuing the search.
12. Whether these missing children land up in Begging Rings, Prostitution, Pedophilic Net and Organ Trade or end up getting exported for Camel Jockeying etc., it is always an Organised Crime. Profile of all traffickers who facilitate such trafficking should be maintained at PS level in Gang Registers.
13. The State CID should use data mining to analyse patterns, gather intelligence and to build profiles which have inter state ramifications, ascertain angles of trafficking, organized crime, number age/sex profile and maintain liaison with other central agencies dealing with the matter.
14. All police officers and men, especially the team of officers handling investigation into these cases need to be trained and sensitized on an ongoing basis to the issues concerned. The issues of missing children, human trafficking along with JJ Act may be made part of syllabus in the state police training colleges to sensitize the police force. The training should focus on imparting knowledge of the substantial and procedural laws, court rulings, administrative procedures, skills in child-friendly investigations, including interviewing, interrogation, scientific data collection, presentation in the court of law, networking with the prosecutors, facilitating victims/witness protection programmes etc.
15. As there is considerable overlap in the problems of missing children and trafficked children, AHTUs should play an active role.
16. The Superintendent of Police in the districts and Commissioners of Police in the metropolitan areas should review each case of missing children/persons during their monthly crime review meetings to find out the actual number of missing children, number of children traced/untraced, children, the reasons for child disappearance/missing and its links to human trafficking and to take stringent action against the perpetrators of the crime. They should also take strong measures for successful prosecution of the offenders in the court of law.
17. In cases where children and women have been smuggled illegally out of the country, the investigation agencies should utilize Interpol channels to communicate with member countries and if need be, have appropriate Interpol Notices issued through CBI/Interpol wing, in order to trace the victims.
18. An exercise to check all the unclaimed and unidentified children who are kept under safe custody in various shelter homes of the government/non-governmental agencies may be undertaken and details may be matched with the available missing children data base in the country as most of the children lodged in these shelter homes are indeed missing children. Missing Persons Bureau in the state should have a centralized data on children lodged in these shelter homes run by the government/nongovernmental agencies in the state with mechanism to update the data on regular basis. This data along with the photographs of the children should be digitized and regularly sent to NCRB and NCRB will upload this data in their website www.ncrb.gov.in for pan-India search by other state police/stake holders.
19. A number of children reportedly die after disappearance/missing and their dead bodies remain unidentified. States/UTs should also consider making it mandatory for the investigating officers and provide the necessary infrastructure to have the DNA profiling of all such unidentified dead bodies for future comparison and identification. DNA profile of the nearest blood relative through informed consent should be done if child is not found for 3 months. Both the DNA data base may be maintained at the state MPS for future comparison and matching.
20. Similarly, in order to curtail offences of child sex abuse, in all cases of pornography, cyber crimes etc. under investigation, efforts should be made to correlate the pictures of the child with the details of missing children and vice-versa.
21. The data available in each missing children file should be uploaded to the computer maintained at the police station for this purpose. It will be the responsibility of each I.O. to ensure that efforts made towards tracing the missing children is also uploaded on the computer, which would be linked to national database and via CCTNS, eventually. CCTNS should update it promptly on the proposed 'Khoya Bachpan' website.

22. The SHO/Inspector of the police station will ensure that the computerized record of missing children is maintained up-to-date and the same is sent to DCRB and from there to SCRB. The State and District/ City police Control Room/local Police net, ZIP NET, www.trackthemissingchild.gov.in should be updated immediately. It would be useful to access data on missing children through other websites maintained by www.childlineindia.org.in and www.stoptrafficking.in to mention a few.
23. NCRB is mandated to function as a national repository of crime and criminal related data in the country and the States /UTs should evolve a mechanism to share the data on missing children and human trafficking cases to NCRB in the prescribed proforma of NCRB on monthly basis for analysis and study to find the emerging trends in these sensitive issues.
24. NCRB should device methods of uploading the data on a real-time basis not only of missing persons but also with respect to traced and un-traced persons as well as linking the database with those of rescued persons from different places including children rescued from exploitative or forced labour.
25. The universal number 1098 for reporting of missing children 24x7 is being run in some States / UTs, but there is no uniformity. It needs to be made effective and operational if not done earlier. There should be at least one dedicated police personnel at this helpline on 24x7 basis with proper monitoring mechanism. In the meantime BPR&D would explore further possibilities of integrating 1098 with 100 to make it toll free.
26. Responsible and competent NGOs be earmarked as Nodal NGOs in States for assisting the law enforcement agencies in this regard. The NGOs who have done work in this field with commitment be supported by the law enforcement agencies and synergy be established so that they could work in tandem.
27. When training the police, they must be oriented to undertake all preventive steps including steps to identify children in distress, watch of suspicious persons, special attention at transit points viz. border areas, ICPs, railway stations, bus stations, airports, ports etc., identify vulnerable population/places and take steps to address the vulnerability on time.
28. BSF/ITBP/SSB personnel in outposts on borders should be trained to look-out for trafficked children on the borders. They should be sensitized to question and detect unaccompanied minors/children or accompanying adults with suspicious behaviour during pursuant checking of vehicles/public transport.
29. The law enforcement agencies may involve representatives of Panchayati Raj Institutions and the community at large, such as, Village Watch & ward/ Municipal Committees/Neighbourhood Committees/Resident Welfare Associations etc.. This will enable the community to get fully involved along with the administration/ police in identification, tracing & recovery of missing and trafficked children and arrest of accused persons.
30. Community awareness programmes on the issue of missing children and its links with human trafficking may be undertaken by the District administration. Periodic interface with Public and Safety Awareness Campaign should be conducted in schools and vulnerable areas, jointly by the district administration. Schools must be encouraged to issue Identity cards to children.
31. The activities of various departments and agencies in the States /UTs need to be integrated through a nodal agency. These includes Home Department, Police Department, Social Welfare Department, Women and Child Welfare Department, Juvenile Justice Department, Child Welfare Committees, Labour Department, Health Department, Tourism Department as well as other agencies like State Human Rights Commission, State Women's Commission, State Commission for Child Rights, Railways, RPF, BSF, SSB, ITBP etc. State governments may institutionalize a coordinating mechanism among all these agencies through an SOP clearly mandating the roles and responsibilities of each of these agencies.
32. In places, where vulnerable groups of children are found in large numbers, a mechanism should be evolved in partnership with NGOs and social workers, where by apart from rendering counseling to them, awareness-raising activities are also carried out.

33. The protocols and SOPs developed by UNODC in the Joint Project of MHA-UNODC, during 2006-2008, including protocol on interstate transfer of rescued victims may be effectively utilized (refer www.unodc.org/india).
34. The States/UTs may bring out an SOP for guidance of all concerned. The receipt of this letter may kindly be acknowledged immediately.

Sd/-

(B. Bhamathi)

Additional Secretary to Govt. of India,
Ministry of Home Affairs,
North Block,
New Delhi – 110001
Tel. No. 23092514

To,
The Chief Secretaries &
The Principal Secretary/Secretary (Home)
All State Governments and Union Territories

Copy also for information and necessary action to:

- i. The DGs of all State Governments/UTs.
- ii. National Commission for Protection of Child Rights
- iii. Director General BPR&D
- iv. Director NCRB
- v. Director CBI
- vi. Director General BSF
- vii. Director General ITBP
- viii. Director General SSB
- ix. Ministry of Women and Child Development
- x. Ministry of Labour
- xi. Ministry of Social Justice and Empowerment

Sd/-

(B. Bhamathi)

Additional Secretary to Govt. of India,
Ministry of Home Affairs,
North Block,
New Delhi – 110001
Tel. No. 23092514

Annexure 4

F. No. 24013/07/Misc/2011-CSR.III
Government of India/ Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

North Block, New Delhi.
Dated the 4th January, 2012

To,

**The Chief Secretaries,
All State Governments/UT Administrations.**

Subject: Advisory on Preventing & Combating Cyber Crime against Children.

Sir/Madam,

Introduction

1. With the spread of computers and internet, cyber-crime has emerged as a major challenge for law enforcement agencies. The younger generations, which use the internet and other online technologies extensively for staying connected for all day to day work and entertainment, including information, e-mails, social Networking, e-banking, e-shopping, web-TV, news, education, home-work research, online gaming, downloading music, videos, movies and other contents etc, are more vulnerable to targeted cyber-crime. This often happens in the form of cyber stalking, cyber bullying, child pornography, harassment, hacking of email or social networking accounts, identity theft, unwanted exposure to sexually explicit material etc. (Brief description of the above terms is attached at Annexure).
2. The following key action points have been worked out in collaboration with various Stake holders for effective prevention and combating of cyber crime against children.
 - I. The Law Enforcement Agencies i.e. Police, Prosecution and Judiciary etc. and the Public at large may be made aware and trained through special training programmes /seminars and workshops for the effective implementation of Information technology Act, 2000 read with Information Technology (Amendment) Act 2008 and Rules made there under, as these are effective laws to deal with Cyber-Crime, including crime against Children. The training should be with the specific purpose of handling crimes against children.
 - II. Special Juvenile Police Units constituted under sec. 63 of Juvenile Justice (Care and Protection of Children) Act, 2009 may be sensitized and trained to deal with children in conflict of law with respect to cyber-crimes as well.
 - III. Parents, teachers & children should be encouraged to play an active role by reporting suspicious behaviour and give information regarding websites hosting exploitative images, videos and efforts to recruit or groom children for sexual abuse. Special precautions will need to be taken to monitor and regulate the spreading awareness of cyber crime among children so that it does not have any negative effect. Use of electronic and print media may also be made appropriately.
 - IV. It is essential to monitor and regulate social networking sites and services because it has been seen that it hosts most of the obscene materials which induce children to sexually explicit act or other crimes. Parents, teachers and owners of the online computing facilities should be trained to implement “parental control software’ in such a manner that spoofing of age, gender and identity is mitigated. In their implementation, multifactoral authentication and other security techniques should be employed.

- V. Training to protect and seize digital evidence in a secure manner should be provided to law enforcement agencies and also to examiners of digital evidence.
- VI. Maintaining confidentiality of the child victim and providing him/her guidance and support to deal with the after effects of such crimes should be ensured.
- VII. Obtaining help and support of NGO's working in the field of online child protection.
- VIII. Conducting special sensitization programme and skill development for those manning child help lines such as 1098 or Police Control Room etc. may be considered.
- IX. On the State Police websites, social networking websites and web browsers it is suggested to have a children's corner where Internet safety tips in simple language can be explained to them and helpline number or e-mail addresses provided for, in case of any problem.
- X. Efforts can be made to develop some mechanism by which online checking of registers, records of each cybercafé can be done from a central location.
- XI. Mobile Internet security must be promoted among parents and children.
- XII. It is often seen that processing of digital evidence in Computer Forensic Laboratories takes a long time. States must consider as take him their own central as well as regional computer forensic laboratories. Mobile Cyber Forensic Vans would also be useful in seizing electronic evidence from the spot in a proper manner. Assistance of NASSCOM may also be taken to establish cyber labs & training. In addition to NASSCOM help of other agencies like NTRO, CERT-In etc. may also be taken for training.
- XIII. In appropriate cases, police officers may carry out undercover cyber patrol operations to identify internet criminals, lure them by posing as minors and arrest them. The exercise should be done in accordance with Section 72 and Section 72 (A) of Information Technology Act, 2000.
- XIV. Apart from legal provisions for search under Section 100 and 165 Cr. P. C., Section 80 of IT(Amendment) Act, empowering any police officer not below the rank of a Police Inspector for search, can also be used appropriately.
- XV. "Cyber Crime Investigation Manual" published by Data Security Council of India is a useful book and may be referred to.
- XVI. Whenever it is noticed that the investigation requires information or help from outside India, CBI Interpol Division may be approached and provision of Mutual Legal Assistance Treaties and Letter of Rogatories (LRs) may be used. Ministry of Home Affairs circular No.25016/14/2007-Legal Cell, dated 31-12-2007, may be referred to for guidelines in this regard. However, it should be kept in mind that LRs are often time consuming and by the time LRs are issued, the digital foot prints (evidence) is already lost. G8 24x7 Desk of CBI, which looks after network and international aspects of cyber crime, may be contacted.
- XVII. Wherever any material which is covered under Section 67, Section 67 A and Section 67 (B) of Information Technology Act, 2000 and seen on the Web, which is covered under Section 69 (A) of the IT Act under 'Public Order' or 'preventing incitement to commissioning of cognizable offence' in such cases, police may consider invoking provisions of IT Procedure and Safeguards for Blocking of Information by Public Rules, 2009. Provisions of Section 67 (C) of IT Act should be used for preservation of evidence by intermediaries.
- XVIII. Websites hosting online gaming or children centric contents must issue specific guidelines regarding internet safety. Those transmitting, publishing or storing obscene material in contravention with the provisions of Section 67, Section 67 (A), Section 69, Section 69 (A) and Section 69 (B) of the IT Act, must be acted against.
- XIX. In appropriate cases, police should request Social Networking sites to remove undesirable contents. Most frequently visited and popular sites should be audited for security concerns. Many of these are being used either for compromising of systems or for luring and incitement of children.

3. The aforesaid measures are only indicative and the State Governments/UT Administrations may consider any additional measures for the preventing & combating cyber crime against children as necessary. This Ministry may also be kept apprised of any special measures/mechanisms introduced in their respective jurisdictions so that the same could be circulated to the other State Governments and UT Administrations for consideration/ adoption.
4. The receipt of this letter may kindly be acknowledged.

Yours faithfully,
(B. Bhamathi)
 Additional Secretary to the Govt. of India,
 Tele No. 23092514.

Copy for information and necessary action to:-

1. The Principal Secretary/ Secretary Home – All State Governments/UT Administrations.
2. The Director General of Police – All State Governments/UT Administrations.

Annexure

- (a). **Cyber Stalking:** When a victim is repeatedly and persistently followed and pursued online by e-mail or other electronic communication. In such crimes Sections 66A, 66C and 66E of Information Technology Act along with Section 506, 509 IPC can be invoked depending upon the nature and facts of the case.
- (b). **Cyber Bullying:** Acts of harassment, embarrassment, taunting, insulting or threatening behaviour towards a victim by using internet, e-mail or other electronic communication device. In such crimes Sections 66A, 66C and 66E along with Section 506, 509 IPC can be invoked depending upon the nature and facts of the case.
- (c). **Child Pornography:** This has been defined in Section 67B of IT Act. Section 67 and 67A and Section 292, 293 IPC can also be invoked as per the facts of the case.
- (d). **Hacking of E-mails or social networking accounts:** Unauthorized use or access to the e-mail or social networking accounts such as Facebook, Orkut, Gmail, Hotmail etc. Section 43 and 66C of IT Act can be invoked.
- (e). **Identity Theft:** Has been defined in Section 66C of IT Act which can be invoked.
- (f). **Unwanted exposure to sexually explicit material etc.:** When a criminal sends pictures, videos, sound clips, cartoons or animations depicting sexual contents by e-mail or any other electronic means. This would include audio or video chat using web camera etc.
 1. Section 66 A of IT Act needs to be invoked whenever any offensive, annoying or threatening email, SMS or MMS etc. are received by children who are victims of cyber bullying or stalking.
 2. Section 67 B of IT Act must be used when the electronically published or transmitted material contain child pornographic material. The Section also prohibits grooming of children for sexual abuse etc.
 3. Section 66 A of IT Act may be invoked when ever email or social networking accounts of a child are hacked by misusing passwords or his/her photographs, name and other unique identification feature are misused.
 4. Section 66 E of IT Act can be used for violation of bodily privacy of a person.
 5. Section 67 and 67 A of IT Act can be used when ever pornographic material has been received by children by Email or SMS/MMS or other electronic means.

Annexure 5

F.No. 3-1/2010-CP
Government of India
Ministry of Women and Child Development

Shastri Bhawan, New Delhi,
 dated 12.10.2011

Subject: Advisory on measures to be taken by States/UTs for combating trafficking of women and children for commercial sexual exploitation.

The Supreme Court, in its Order dated 2.5.90, in Criminal Writ Petition No. 421 of 1989, Vishal Jeet vs. Union of India and Others, had expressed deep concern over the physical exploitation of girls and children and directed that Advisory Committees be set up by the Central Government and State Governments/UT Administrations. Subsequently, the Government of India set up a Central Advisory Committee (CAC) to advise on issues relating to trafficking for commercial sexual exploitation. In the meeting of the CAC held on 18-5-2011, the role of State Governments in dealing with the issues was re-emphasized. Based on the key recommendations made in the meeting, the State Government/UT Administrations are advised to take immediate action on the following:

- i. The State Governments/UT Administrations should establish State Advisory Committees(SAC) if not done already, for preventing and combating trafficking of women and children for commercial sexual exploitation. The SAC must hold meetings regularly and should meet at least twice a year. The nodal officers of AHTUs should be members of SAC.
- ii. The Ministry of Home Affairs (MHA) has established Anti-Human Trafficking Units in a number of districts and is in the process of setting up such units in some other districts. The State Governments/UT **Administrations have already been requested to nominate an officer of the Women and Child/Social Welfare Department as well as an NGO on these AHTUs. This may be done expeditiously and report sent to MHA and MWCD.**
- iii. State Governments/UT Administrations would participate in State level trainings for AHTUs proposed to be organized by MHA.
- iv. It has been observed that generally the proposals of NGOs under the Ujjawala Scheme are recommended by the State Governments/UT Administrations without assessment of need of the particular area or capacity of the Organization to, particularly, run a Rehabilitation Home effectively. The State Governments/UT Administrations should undertake a baseline survey/ vulnerability mapping to assess the area wise need as well as the capacity of the proposed Home. The need for Rehabilitation Homes is required to be assessed carefully. Further, State Governments/UT Administrations are requested to recommend proposals of only credible NGOs who have the capacity to undertake the activities envisaged in the Scheme with estimates of the number of inmates who would be provided care. The NGOs seeking approval for setting up a Rehabilitation Home would, hereafter, be required to essentially link up with the National Skill Development Mission for providing vocational training to the inmates to improve their employability. This requirement, inter alia, may be kept in view while recommending proposals and the availability of Vocational Training Providers (VTPs) as well as State Training Institutes who will be considered may be indicated in the proposal.
- v. The monitoring of Ujjawala Homes/ projects in the States/UTs should be supplemented by periodic visits to the Homes to assess their usefulness as well as corrective measures required for effective implementation of the Scheme.
- vi. **The details pertaining to Ujjawala Homes sanctioned and being run in the State /UT may be shared with law enforcement agencies and AHTUs immediately to facilitate their use by them for rescued victims.**
- vii. **The States/UTs must, from time to time, undertake studies to understand the changes in the pattern of trafficking so that interventions can be accordingly modified.** As documentation of initiatives helps in making known the extent of Government's response to human trafficking as well as facilitates sharing of best

practices, the States/ UTs may also prepare reports outlining the magnitude of the problem in their States/ UTs, the anti-trafficking initiatives and measures undertaken by them and the impact of such interventions. These reports may be shared with the Ministry of Women and Child Development.

The State Governments/UT Administrations are requested to take necessary action as above and send an action taken report every six months.

The receipt of the letter may kindly be acknowledged.

(Sangeeta Verma)
Economic Adviser
Tel : 23383823

Secretary, Women and Child Development Department

All State Governments/UTs

Copy for information to: Ministry of Home Affairs, North Block, New Delhi.

Annexure 6

**F.No. 24013/201/2009-CSR-III
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
CENTRE- STATE DIVISION**

North Block, New Delhi, the 16th July, 2010

To,

**The Chief Secretaries
All State Governments/UT Administrations.**

Subject: Advisory on Prevention, Registration, Investigation and Prosecution of Crime.

Sir/ Madam,

'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India. The Union Government, however, attaches the highest importance to prevention of crime and, therefore, has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime.

The Government of India is deeply concerned about crime and would, therefore, advise the State Governments and UT Administrations to take the following steps for effective prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction:

Prevention

- i. A concerted effort should be made to fill-up all the vacant posts in the police at the earliest. It should be ensured that the recruitment is transparent, objective and corruption-free using a recruitment procedure that is technology-based and free of all avoidable human interference, wherever possible.
- ii. State Governments/UT Administrations may consider creation of a separate cadre for intelligence; revision of special branch manual; appointment of a dedicated intelligence officer in each police station; and reactivating the beat constable system with suitable localization and modernization.
- iii. All the Police Stations must be provided with pucca buildings, vehicles, appropriate communication equipment, including mobile phones wherever necessary, computers with internet connectivity and backup power supply, photocopiers, fax machines etc. to make their functioning more effective and efficient. Obsolete police equipment, including firearms and riot control equipment, must be upgraded, especially in sensitive and crime-prone areas.
- iv. Regular training, physical exercises and firing practice must be ensured to keep the police force physically and professionally fit and prepared. Suitable training should also be imparted to the police in behavioural aspects to make their functioning citizen friendly, service oriented and to develop a positive and helpful attitude in them. They should especially be sensitized to crime against the vulnerable sections of society, including women, children, SCs/STs, senior citizens and persons with disabilities.
- v. Regular training drills in handling all types of emergencies must be undertaken to check the preparedness of the force for reacting to any emergency in the shortest possible time effectively and efficiently.

Registration

- vi. A Reception Officer (of the rank of Head Constable) must be available round the clock in every Police Station. Equal and fair treatment must be given to every petitioner/ complainant irrespective of his/her status, class or creed and a proper receipt should be given for every complaint forthwith. The disposal of the complaint should normally be ensured within two days by holding an on the spot enquiry in the ward/village concerned. Wherever found appropriate, the complaint should be converted into an FIR.
- vii. Whenever an FIR is registered, a signed copy of the FIR must be provided to the complainant on the spot. The State Governments/ UT Administrations must ensure registration of cases round the clock and deal sternly with any dereliction of duty in this regard.
- viii. 'Crime against Women/Children' desks may be set-up in every police station.

Investigation

- ix. Separation of 'Investigation of crime function' from the 'Law & Order duty' is recommended. Owing to the high priority that the maintenance of public order gets, the work relating to investigation of crime gets neglected. Separation of the two wings should be implemented in urban police stations, to begin with. The possibility of outsourcing non-core police functions to free more policemen for the core policing functions may also be explored.
- x. Proper forensic assistance must be provided for investigation of crime by strengthening the forensic facilities, provision of mobile forensic laboratories and positioning of adequate number of trained technical/ scientific personnel for the purpose.
- xi. Scientific and upgraded investigation/ interrogation skills and methodologies must be used while keeping in view the legal/privacy/human rights of accused/ victims/witnesses.

Prosecution

- xii. Proper legal advice/services of prosecutors must be made available to the police at all levels for effective prosecution of crime. The legal advisory role of prosecuting staff should be emphasized through departmental instructions. Control over prosecution should rest with senior police officers. This is vital for maintaining proper standards of prosecution.
- xiii. A suitable mechanism must be put in place to regularly monitor and review the progress of prosecution of criminal cases at District/ State level and reporting the progress to the State Government/ UT Administration at appropriate level.

Police – Community/Civil Society Partnership

- xiv. Reporting of crime/ valuable information about crime by reluctant/fearful citizens, who are witness to or have important information about a crime, should be encouraged through financial rewards and anonymity. The local police must be assigned to follow up on the tips and information so received. A telephone number/ website must be dedicated to receiving information from informers/general citizens.
- xv. Citizen volunteers must be identified and trained and their services utilised as the "eyes and ears" in prevention and control of crime. The print and electronic media must be used effectively to highlight the efforts of local police in crime prevention and to educate the residents about what they can do to help the police.
- xvi. Senior Police Officers should hold regular meetings with the Resident Welfare Associations (RWAs) and other Associations. They should be encouraged to keep surveillance in their respective areas and inform the police in case any suspicious person/activity/object comes to notice. The local police must also regularly verify the antecedents of all domestic servants/maids/ helps, especially serving in the homes of old persons and persons with disabilities.
- xvii. The community policing initiatives must be encouraged in the area of every Police Station. States/UTs may consider setting up Community Counselling Centres (CCC) at the Police Stations for resolution of conflicts especially affecting women, children and other vulnerable sections of the society. Assistance of eminent personalities of the area, NGOs and other Governmental agencies may be taken to sustain the CCCs. Personal counselling must be provided to resolve family disputes.

Cyber-Crimes

- xviii. State Governments and UT Administrations must build adequate technical capacity in handling cyber-crime (wherein a computer is either a tool or a target or both). They must create necessary technical infrastructure, including establishment of adequate number of cyber police stations, and post technically trained manpower for detection, registration, investigation and prosecution of cyber-crimes.
- xix. The States/UTs must establish anti-cyber-crime missions to stop those behind computer intrusions, frauds, the spread of malicious code etc.; to identify and thwart online sexual predators who use the Internet to exploit children and produce, possess or share child pornography; to counteract operations that target intellectual property, endangering national security and competitiveness; and to dismantle national and transnational organized criminal enterprises engaging in crimes/frauds on the Internet.

The receipt of this letter may please be acknowledged.

Yours faithfully,



(Dr. Nirmaljeet Singh Kalsi)

Joint Secretary to the Govt. of India,

New Delhi-110001

Tele No. 23092630

16.7.2010

Copy for information and necessary action to:-

1. The Principal Secretary/ Secretary Home – All State Governments/UT Administrations.
2. The Director General of Police – All State Governments/UT Administrations.
3. The DGs/IGs (In-charge of Prisons) – All State Governments/UT Administrations.

Annexure 7

**F. NO.15011/48/2006-SC/ST-W
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI /CS DIVISION**

Dated the 14th July, 2010

ADVISORY ON CRIME AGAINST CHILDREN

1. 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The Union Government, however, attaches the highest importance to the prevention of crime and, therefore, the Union Government has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime.
2. The National Commission for Protection of Child Rights has been undertaking visits to various States and has observed that the level of sensitiveness and care with which crime against children should be handled is not up to the desired level. In its Fifth Report, titled 'Public Order', the Second Administrative Reforms Commission has also emphasized the need to combat crimes against vulnerable sections of the society, particularly women and children.
3. The Government of India is deeply concerned about crime against children and would, therefore, advise the State Governments and UT Administrations to take the following steps for effective prevention, detection, registration, investigation and prosecution of all crimes against children within their jurisdiction:-
 - I. Vigorously enforce all the existing legislations relating to crime against children i.e., Prohibition of Child Labour (Prohibition and Regulation) Act 1986, Juvenile Justice (Care and Protection of Children) Act 2000 (as amended in 2006), Child Marriage Prohibition Act, 2006, Immoral Traffic (Prevention) Act, 1956, Information Technology Act, 2000 (as amended in 2008) and relevant sections of IPC.
 - II. Sensitize the law enforcement machinery, i.e. the police as well as other functionaries of the criminal justice system, towards crime against children by way of well-structured training programmes. Such training programmes, including inputs on Juvenile Justice (JJ) and Human Rights (HR), may also be incorporated in the syllabi of various Police Training Academies at all levels including those for Constables, Sub-Inspectors and Deputy Superintendents of Police. Assistance of Bureau of Police Research and Development (BPR&D) as well as National Institute of Public Cooperation and Child Development (NIPCCD) could be taken for this purpose.
 - III. Set up exclusive 'Crime against Women/Children' desks in each police station. There should be no delay, whatsoever, in registration of FIRs in all cases of crime against children. All out efforts should be made to apprehend all the accused named in the FIR immediately so as to generate confidence in the victims and their family members. The administration and police should play a more proactive role in detection and investigation of crime against children and also ensuring that there is no under reporting.
 - IV. Cases of crime against children should be thoroughly investigated and charge sheets against the accused persons should be filed within three months from the date of occurrence without compromising on the quality of investigation. Proper supervision of such cases should be ensured from recording of FIR to the disposal of the case. Speedy investigation should be conducted in heinous crimes like rape, murder etc. The medical examination of rape victims should be conducted without delay.
 - V. Steps may be taken not only to tackle such crimes but also to deal sensitively with the trauma ensuing the crime. Counselling to the victim as well as to the family may be provided by empanelling professional counsellors.

- VI. Ensure all steps for improving the safety conditions in schools/ institutions, public transport used by students, children's parks/ play grounds, residential localities/ roads etc. Crime prone areas should be identified and a mechanism be put in place to monitor infractions in such areas for ensuring the safety and security of students, especially girls. For this purpose the following steps should be taken:
 - a. Increase the number of beat constables;
 - b. Increase the number of police help booths/ kiosks, especially in remote and lonely stretches;
 - c. Increase police patrolling, especially during nights;
 - d. Posting police officers, especially women, fully equipped with policing infrastructure in crime-prone areas in adequate number.
- VII. For improving general awareness about legislations relating to crime against children and mechanisms in place for safety and protection of the children, the following steps may be considered :
 - a. Creating awareness through print and electronic media;
 - b. Involving the community at large in creating and spreading such awareness.
 - c. Exploring the possibility of associating NGOs working in the area of combating crime against children and other vulnerable sections of the society.
 - d. Developing a community monitoring system to check cases of violence, abuse and exploitation against children and take necessary steps to curb the same;
- VIII. The local police must be advised to collaborate with the 'Childline-1098 Service' (which is an emergency service being operated by the Childline India Foundation (CIF) all over the country catering to the needs of children in emergency situations) and NGOs for mutual help and assistance wherever and whenever required.
- IX. The juvenile offenders should be dealt with only in accordance with law through proper implementation of the Rules under the Juvenile Justice (Care and Protection of Children) Act 2000 (as amended in 2006), as these contain the procedures and requirements in detail for dealing with children in conflict with law as well as children in need of care and protection.
- X. All efforts must be made to stop child labour and exploitation of children in all its forms and manifestations. Law enforcement agencies must extend all necessary cooperation to the State Labour Department in the cases of violation of Prohibition of Child Labour (Prohibition and Regulation) Act 1986.
- XI. To save the children from the abuse/ crime of child marriage the State Government must appoint Child Marriage Prohibition Officers as required under the Prohibition of Child Marriages Act, 2006. They should also set up State Commissions for Protection of Child Rights in accordance with the Commissions for Protection of Child Rights Act 2005 (CPCR Act).

The receipt of this letter may kindly be acknowledged.

Yours faithfully,
 (Dr. Nirmaljeet Singh Kalsi)
 Joint Secretary to the Government of India
 Ministry of Home Affairs
 North Block, New Delhi-110 001
 Tele: 23092630

To,

**The Chief Secretaries &
The Principal Secretary / Secretary (Home)**

All State Governments and Union Territory Administrations.

Copy also for information and necessary action to:

- i. The DGs / IGs (In-charge of Prisons) - All State Governments / UTs.
- ii. Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi.
- iii. Ministry of Women and Child Development, Shastri Bhawan, New Delhi.
- iv. Ministry of Labour and Employment New Delhi
- v. Ministry of HRD, New Delhi
- vi. DG BPR&D, CGO Complex, New Delhi
- vii. DG NCRB, RK Puram, New Delhi.
- viii. Director, NCPCR

Annexure 8

F.NO.15011/6/2009-ATC (Advisory)
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI /CS DIVISION

New Delhi, the 09.09.2009

OFFICE MEMORANDUM

Subject: Advisory on Preventing and Combating Human Trafficking in India

Introduction:

The Trafficking in Human Beings (THB) is a crime committed in order to target, lead or drive a human being into an exploitative situation with the aim to make profits. Such exploitation may take many forms, for example commercial sexual exploitation, child labour, forced labour, bonded labour or illegal organ removal etc. The country is witnessing cross-border as well as internal (intra-country) trafficking.

Human Trafficking and Indian Laws:

Trafficking in Human Beings (THB) is prohibited under the Constitution of India under Article 23 (1). Following specific legislations deal with Trafficking in Human Beings (THB)

- Laws relating to trafficking in women and children being administered by the MWCD (wcd.nic.in)
 - i. Immoral Traffic (Prevention) Act, 1956,
 - ii. Prohibition of Child Marriage Act (PCMA), 2006.
- The “Bonded Labour System (Abolition) Act, 1976”, being administered by Ministry of Labour and Employment (labour.nic.in), provides for abolition of the system of bonded labour and the rehabilitation of released labourers. Child Labour (Prohibition and Regulation) Act, 1986 is also being administered by Ministry of Labour.
- Further, commercial dealing in human organs is a punishable offence under the Transplantation of Human Organs act, 1994, being administered by Ministry of Health and family Welfare (mohfw.nic.in). The appropriate authorities appointed under the Act are responsible and empowered to check the illegal activities of human organs traffickers.
- Specific Sections in the IPC, e.g., Sections 372 and 373 dealing with selling and buying of girls for the purposes of prostitution.

‘Public Order’ and ‘Police’ as per the 7th Schedule of the Constitution of India, are State subjects and, as such, detection, registration, investigation and prevention of crime is primarily the responsibility of the State Governments. However, Central Government supplements the efforts of the State Governments by providing policy guidelines, financial assistance for modernization of the State Police Forces in terms of weaponry, communication, equipment, mobility, training and other infrastructure under the Scheme of Modernization of State Police Forces.

A working Group comprising of Directors General of Police of some of the affected States was constituted in 2004 by MHA to study the issues relating to cross border trafficking. The recommendations of this group were sent to the State Governments and they were advised to evolve a comprehensive strategy for effectively dealing with the problem of trafficking. Also an “**Integrated National Plan of Action to Prevent and Combat Trafficking in Human Beings Specially Women and Children**” (nhrc.nic.in/planofaction.doc), which has been worked out through a consultation process of all related Ministries and other stakeholders, has been adopted by Government of India in

the Ministry of Women and Child Development. This plan deals with all aspects of prevention, rescue, registration of cases, investigations, prosecution, conviction, cross border trafficking issues, rehabilitation, repatriation and reintegration of victims etc. Based on these the recommendations of DGPs and the integrated action plan stated above the State Governments may evolve a holistic approach towards combating Trafficking in Human Beings (THB), encompassing all aspects of prevention, rescue and rehabilitation. Convergence should be adopted between various state departments and stakeholders for effective of handling of crime of Trafficking in Human Beings (THB).

Following key points of advice have been worked out in collaboration with the related Ministries of Women and Child Development, Labour and Employment, and Health and family Welfare where the assistance/ action by the State Government/ Police would be required for the effective implementation/ enforcement of laws relating to Trafficking in Human Beings (THB):

1. **Constitution of the State Advisory Committee for Preventing and Combating Trafficking of Women and Children for Commercial Sexual Exploitation.**

According to the Supreme Court order dated 2/05/09 (Vishal Jeet Vs Union of India), every State Government should set-up a State Advisory Committee for Preventing and Combating Trafficking of Women and Children for Commercial Sexual Exploitation. Ministry of Women & Child Development (MWCD) has already issued an advisory in this regard to all the State Governments. .

2. **Implementation of Immoral Traffic (Prevention) Act (ITPA), 1956.**

2.1. Since ITPA is the main Act that can be used to book trafficking for commercial sexual exploitation, its implementation is essential for counter-trafficking. Under Section 23, the State Government may, by notification in the Official Gazette, **make rules for carrying out the purposes of the Act.** Such rules may be formulated, notified and intimated to MWCD with a copy to MHA.

2.2. Under Section 13, the State Government may **appoint ‘Special Police Officers (SPOs)’** and the ‘Non-official advisory bodies’ to advise the SPOs for dealing with offences under the Act.

2.3. Under Section 21, the State Governments may set-up ‘Protective homes’ and ‘Corrective institutions’ for ensuring proper implementation of the provisions of the Act. **The information regarding these homes may be circulated to all Police Stations and officers dealing with the trafficking cases.**

2.4. Under Section 22-A, the State Government may, by notification in the Official Gazette, and **after consultation with the High Court**, establish one or more Courts for providing speedy trial of the offences under the Act.

2.5. It is generally noticed that sections 8 and 20 of ITPA, which focuses on the victims, are more often invoked as a result of which the victim is re-victimized and the exploiters are not punished. It is, therefore, advised that sections 3, 6 and 7 which pertains to pimps, brothel owners, clients who are actual perpetrators of the crimes need to be invoked rather than sections 8 and 20. **Law enforcement agencies need to adopt a victim centric approach in the investigations.**

3. **Implementation of Juvenile Justice Act (JJ Act), 2000:** Juvenile Justice Act provides comprehensive mechanism for care and protection of children including rehabilitation and social integration of children. Therefore, its implementation is essential to address trafficking of children. Following provisions of the Act are concerned with the Home Department/ Police and require action by the State Governments:

3.1. Under Section 62-A, the State Government shall constitute ‘Child Protection Units’ for the State and districts to fulfill its responsibilities as stipulated under the Act.

3.2. Under Section 63, in each police station, at least one police officer may be designated as the ‘Juvenile or Child Welfare Officer’ to handle a juvenile or child in coordination with the police.

3.3. Under Section 68, the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

4. Implementation of Prohibition of Child Marriage Act (PCMA), 2006: Prohibition of Child Marriage Act (PCMA) was enacted in 2006 repealing Child Marriage Restraint Act, 1929. It is reported that traffickers in some pockets in the country are exploiting evil custom of child marriage to target innocent girls for trafficking. Therefore, it is essential to implement the Act to address this modus operandi of traffickers.
 - 4.1. As per PCMA, State Governments under Section 19 (1), may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.
 - 4.2. Under Section 16, the State Government may appoint 'Child Marriage Prohibition Officers' to fulfill the mandate as stipulated in the Act. State Governments may intimate the MWCD about the status of appointment of Prohibition Officers and Rules.
 - 4.3. The State Governments are to maintain MIS and send quarterly information on number of cases registered under PCMA and convictions.
 - 4.4. On receiving a complaint about child marriage, police are required to follow the procedure laid down in the Code of Criminal Procedure, 1973, which include registering an FIR and carrying out investigation.
 - 4.5. The offences under PCMA are cognizable and non-bailable, hence, immediate arrest of offenders is necessary.
 - 4.6. Extra vigilance should be maintained during festivals such as 'Akshya Tritha' to ensure that no child marriage takes place.
5. **Capacity building of the State machinery:** Implementation of the legal provisions in relation to applicable Acts- CLPRA, BLSA, IPTA, JJA and IPC involves not only police but many other officials dealing with the Criminal Justice System - notably the executive magistrates, the labour officials, CWC members and in-charges of Homes. Therefore, the State government may initiate a time bound action plan to build the required capacity of the state investigation and prosecution machinery in this regard. Some of the key areas identified for capacity building are listed below.
 - 5.1. Identification of victims of trafficking for the purpose of commercial sexual exploitation, child/bonded/forced labour and for illegal organ removal.
 - 5.2. Recognition of all applicable legal provisions of the law to a case of trafficking (not just one Act or two) by law enforcement machinery.
 - 5.3. Understanding of legal and administrative provisions for inter-state and cross border investigation.
 - 5.4. Understanding of legal provisions for closure of places of exploitation.
 - 5.5. Understanding of legal provisions for confiscation of proceeds of crime.
 - 5.6. Understanding of the mechanism in place for victim support and assistance.
 - 5.7. Integrated actions on prosecution, prevention and protection by building linkages with other Government departments and agencies, including NGOs.
 - 5.8. For capacity building the Bureau of Police Research and Development (BPR&D) (www.bprd.gov.in), at the behest of MHA, has prepared a training manual on Human Trafficking Handbook for Investigators and this has been circulated to the States for use in the police Training Institutes. All the training materials have also been uploaded on BPR&D website. BPR&D has already translated the training material in Hindi, Telugu and Marathi languages. 12 Resource Books on 'Training and Investigation on Anti-Human Trafficking' prepared as a result of pilot project between MHA and UNODC (www.unodc.org/india/ind_s16.html) have also been uploaded on BPR&D website. These resource materials should be used by State Governments for the capacity building of all agencies involved in prevention of human trafficking.

- 5.9. Also MWCD, in collaboration with National institute of Public Co-operation and Child Development (NIPCCD) and UNICEF, has developed manuals for training of stakeholders such as 'Judicial Handbook on Combating Trafficking of Women and Children for Commercial Sexual Exploitation', 'Manual for Medical Officers for dealing with Child Victims of Trafficking and Commercial Sexual Exploitation', counseling services for Child survivors of trafficking', Counseling services for Child survivors of trafficking', Social workers.
- 5.10. States may organize training/workshops/awareness campaign to sensitize their SHOs/Dy. SP/ACP and other law enforcement agencies towards the crime, safety and security of women and children.
- 5.11. The **Compendium of Best Practices in handling cases of human trafficking** (www.unodc.org/india/ind_s16.html) has already been circulated to all the State Governments and UT Administrations for information and appropriate use.

6. Prevention of Trafficking:

- 6.1. It has been noticed that people, especially women and children are vulnerable to trafficking during 'distress migration' and from 'disaster prone areas'- such as during floods, earthquakes, crop failures, riots, terrorist activities etc. Therefore, it is important to establish extra vigilance in this regard around transit points and at borders- interdistrict/ inter-state and international.
- 6.2. Police should work closely with immigration authorities, Border Security Force (BSF), Railways and other transport authorities, provincial/ territorial and municipal agencies, with Social Services, child welfare authorities and with any NGOs involved in service delivery for spotting and rescuing the victims.
- 6.3. Effective patrolling and vigil at locations prone to trafficking such as highways, dhabas, railway stations and bus stations for suspicious movement of traffickers and victims and monitoring, through involvement of village community, the suspicious/ unnecessary movements of strangers in the villages.
- 6.4. Pro-active policing through information exchange with representatives from the local Government, community, NGOs with a view to raise awareness and garner active support of the community.
- 6.5. Periodical checks on transporters to prevent physical transportation of the trafficked persons.
- 6.6. Prevention at the demand area by understanding/ addressing new forms of demand. For example, placement agencies providing domestic child labourers.
- 6.7. Facilitating inter-State collaboration by sharing data on missing children/ kidnappings and suspected offenders. Development of victim and offender profiles on an interagency basis.
- 6.8. Sensitization programmes/workshops for police officers/railway police force and prosecutors on various legislations mentioned above in relation to trafficking. State nodal officers may hold periodical meetings to review and monitor the efforts taken to prevent and combat the crime of trafficking.
- 6.9. In case of child trafficking, following provisions also need to be kept in view:-
 - 6.9.1. Identification of children at risk, (e.g. following raids on off-street sites, responding to referrals from other agencies, NGO or members of the public, following up reports of missing children).
 - 6.9.2. Report instances of children in need of protection to relevant child protection agencies. For this purpose the Police Stations could be sensitized.
 - 6.9.3. The development of victim profiling with other agencies.
 - 6.9.4. Undertaking joint interviews with social workers of children identified as victims or potential victims to assess risk and assist in the development of protection plans.
 - 6.9.5. Carry out checks on sponsors and people who claim to be the relatives of children identified as being at risk of trafficking.

6.9.6. Participating in local child protection networks with related organizations (immigration, social services, NGOs, health, education) to develop joint approaches to the issue at local level and contribute to wider forums as appropriate.

6.9.7. If children disappear, initiate missing person's procedures, investigate circumstances and circulate information/ undertake investigations, linking with other agencies as required.

6.9.8. Ministry of Labour & Employment has developed a detailed protocol for prevention, rescue, repatriation, rehabilitation and reintegration of migrant and trafficked child labour. The protocol has been issued to all State Governments for implementation.

7. Investigation & Prosecution:

7.1. Standard operating procedures for Investigation have been developed under the pilot project between MHA and UNODC as mention in para 5.8 above, which can be used for effective investigation in trafficking related crimes.

7.2. One of the effective means of securing better conviction rates of perpetrators of crime of trafficking is to base the case on documentary, forensic and material evidence. At present, most of the time, the victim is being used as a witness and more often than not, he/she can easily be intimidated. State Governments are advised to encourage the law enforcement agencies to build full proof investigation against the traffickers, so that, convictions can be guaranteed.

7.3. Use of fast track courts and video conferencing to the extent possible.

8. Rescue and Rehabilitation

8.1. Police should work with other agencies and stakeholders to ensure that those who are rescued or who choose to return are not re-trafficked; this should include a risk assessment of the danger to returning victims (child care authorities would prepare risk assessment for children).

8.2. Identifying support services and referring victims/ potential victims to specialist NGO's and safe accommodation, where these are available. The Ministry of Women and Child Development runs short stay homes Swadhar shelter homes for women in difficult circumstances (wcd.nic.in/Comscheme.doc). These cater to trafficked women/girls rescued or runaway from brothels or victims of sexual crimes who are disowned by family or who do not want to go back to respective family for various reasons. The schemes provide for shelter, food, clothing for women and children below the age of 18 years, counseling, clinical, medical, legal and other support, training and economic rehabilitation and helpline facilities.

8.3. A new scheme - UJJAWALA (wcd.nic.in/Comscheme.doc) – a comprehensive scheme for prevention of trafficking, rescue, rehabilitation, reintegration and repatriation of the victims of commercial sexual exploitation has been launched on 04.12.2007 by the Ministry of women and Child Development which should be effectively used by the State Governments.

9. MHA has already established an Anti Trafficking Cell (ATC) under the Director (SR) which deals with the following major subject matters:

9.1. All matters pertaining to the criminal aspect of trafficking in human beings especially of women and children, which is the fastest growing organised crime and an area of concern.

9.2. To act as the Nodal cell for dealing with the criminal aspect of Human Trafficking in India, hold regular meetings of all States and UTs, communicating various decisions and follow up on action taken by the State Governments.

9.3. To interface with other Ministries like MWCD, MSJE, MEA, MOIA, MOLE, MOL, MOT and NCRB regarding the criminal aspect of human trafficking.

9.4. All matters relating to the UNODC, UNIFEM, their meetings, conferences, conventions, reports etc. in the context of the criminal aspect of Human Trafficking.

10. The Anti Trafficking Nodal Cell of MHA has developed an MIS proforma for the monitoring of the action taken by various State Governments regarding the criminal aspect of human trafficking as well as crime against women. The State Governments are requested to send quarterly information on 1st January, 1st April, 1st July and 1st October of the year in the prescribed proforma.
11. You are requested to issue suitable directions to all concerned under intimation to this Ministry. It is further requested that action taken in this regard may be regularly / periodically reviewed by the State Governments and UT administrations and a report indicating the present status sent to this Ministry within a month.
12. This advisory is being issued in consultation with the Ministry of Women and Child Development and Ministry of Labour and Employment.

The receipt of this letter may kindly be acknowledged immediately.

Yours faithfully,

-Sd-

(Nirmaljeet Singh Kalsi)

Joint Secretary to the Government of India

Ministry of Home Affairs, North Block

New Delhi - 110001

Tel. No. 23092630

To,

**The Chief Secretaries &
The Principal Secretary / Secretary (Home)**

All State Governments and Union Territory Administrations – for information and necessary action.

Copy for information and necessary action to:

- i. The DGs / IGs (In-charge of Prisons)/ - All State Governments / UTs for information and necessary action.
- ii. Ministry of Women and Child Development (Mrs. Manjula Krishnan, Advisor & Joint Secretary, MWCD, Ms. P. Bolena, Joint Secretary) Shastri Bhawan, New Delhi.
- iii. Ministry of Labour (Shri S.K. Dev Verman, Jt. Secy.), Shram Shakti Bhavan, New Delhi.
- iv. Ministry of Social Justice and Empowerment (Sh. D.V.S. Ranga, Joint Secretary), Shastri Bhawan, New Delhi.
- v. Ministry of Overseas Indian Affairs (Shri G. Gurucharan, Jt. Secy.), New Delhi. vi. Ministry of External Affairs, (Joint Secretary SAARC and Joint Secretary UNES) South Block, New Delhi.
- vii. Chairperson, National Commission for Women, 4, Deen Dayal Upadhyaya Marg, New Delhi-110 002.
- viii. Chairperson, National Commission for Protection of Child Rights, 5th Floor, Chandralok Building, Janpath, New Delhi-110 001.
- ix. Chairperson, National Human Rights Commission, Copernicus Marg, New Delhi.
- x. Director General, NCRB, RK Puram, New Delhi.
- xi. Director General, BPR&D, New Delhi.
- xii. Director General Border Security Force, New Delhi
- xiii. Director, CBI, New Delhi.
- xiv. JS (UT)/ JS (NE) /JS (K), MHA, North Block, New Delhi.
- xv. Under Secretary (Parliament), MHA, North Block, New Delhi.

-Sd-

(Nirmaljeet Singh Kalsi)

Joint Secretary to the Govt. of India

Annexure 9

**F. NO.15011/48/2009-SC/ST-W
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI /CS DIVISION**

New Delhi, the 4.9.2009

OFFICE MEMORANDUM

Subject: Advisory on Crime against Women – Measures needed to curb –regarding

1. The Government of India have been advising the State Governments from time to time regarding the steps that need to be taken to afford a greater measure of protection to the women and in particular to prevent incidence of crimes against them. The advisories issued earlier with particular reference to the crime against women vide D.O. letters No.15018/214/94-GPA.VI dated 17.4.1995, No.24013/65/96-GPA.VI dated 12.9.1996, No.15018/214/96-GPA.VI dated 18.3.1997, No.24013/84/97-GPA.VI dated 6.10.1997, No.24013/50/98-GPA.VI dated 8/11.9.1998 and No.24013/83/2001-GPA.VI dated 19/26.3.2002, No.15011/21/2004-SC/STCell dated the 5th May, 2004, 15011/55/2007-SC/ST-W, dated 17th August, 2007 may be referred to in this regard.
2. These advisories, inter-alia, include gender sensitization of the police personnel, adopting appropriate measures for swift and salutary punishment to public servants found guilty of custodial violence against women, minimizing delays in investigations of murder, rape and torture of women and improving its quality, setting up a 'crime against women cell' in districts where they do not exist, providing adequate counseling centers and shelter homes for women who have been victimized, setting up of special women courts, and improving the effectiveness of schemes developed for the welfare and rehabilitation of women who are victimized with greater emphasis on income generation to make the women more independent and self-reliant.
3. Through the aforesaid advisories, the State Governments were also requested to undertake a comprehensive review of the effectiveness of the machinery in tackling the problem of women and to take appropriate measures aimed at increasing the responsiveness of the law and order machinery. No doubt, some State Governments have taken some measures in this regard, however, the inputs regarding crime against women available with this Ministry indicate that these measures need to be strengthened further, so that the women folk feel secure, enjoy their human rights and live their life with dignity and respect that they deserve. Despite several steps being taken by the State Governments, picture still is very grim and disappointing. Complaints are still being received regarding non-registration of FIRs and unsympathetic attitude of police personnel towards rape victims and victims of violence.
4. The National Commission for Women has been undertaking visits to various States to review the status of women and has also been conducting its own investigations in certain cases of serious incidents of crime against women. The Commission has been making available findings of their inquiry to the concerned State Governments as well as to this Ministry. The reports of the inquiries conducted by the Commission in these specific incidents indicate that the level of sensitiveness and care with which crime against women should be handled is not up to the desired level. The Commission has pointed out laxity and insensitiveness on the part of certain police officials in some specific cases. The Commission has observed that filing of FIRs even in heinous cases continues to be a problem. Some critical observations & recommendations made by the National Commission of Women in its various reports of investigations into major incidents of crime against women are annexed herewith.
5. In its Fifth Report, the Second Administrative Reforms Commission titled 'Public Order' have emphasized the need to combat crimes against vulnerable sections of the society, particularly women and children and has given a number of important recommendations. The Government of India is deeply concerned with the

trends mentioned in para 4 above and ground situation and would therefore re-emphasize that urgent action should be taken on the following:-

- i. Vigorously enforce the existing legislation relating to Crime against Women and Children, i.e., Dowry Prohibition Act, 1961, Child Marriage Restraint Act, 1929, Immoral Traffic (Prevention) Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1987 and Violence against Women (Prevention) Act, 2005, Section 67 of the IT Act, 2000, the display of lascivious photographs/films on computer through internet, etc. Major offences under IPC, 1860 which provide punishment for offences against women are (i) Section 302/304-B (Homicide for dowry, dowry death or their attempts) (ii) Section 354 (Assault or criminal force to women with intent to outrage her modesty, (iii) Section 376 (rape); (iv) Section 498 (enticing or taking away or detaining with criminal intent a married women); and (v) Section 498-A (husband or relatives of husband of a women subjecting her to cruelty); and Section 509 (sexual harassment - word, gesture or act intended to insult the modesty of women). Further, Section 376(2)(a) & (b) of the IPC provides for higher minimum punishment in cases of rape committed by a police officer and public servant on a woman in custody.
- ii. Government must ensure proper enforcement of law and convictions in women related crimes. Enforcement agencies should be instructed in unambiguous terms that enforcement of the rights of the weaker and vulnerable sections including women and children should not be downplayed for fear of further disturbances or retribution and adequate preparation should be made to face any such eventuality.
- iii. The administration and police should play a more proactive role in detection and investigation of crime against women and ensuring that there is no under reporting.
- iv. Increasing the overall representation of women in police forces. The representation of women in police at all levels should be increased through affirmative action so that they constitute about 33% of the police.
- v. Sensitizing the law enforcement machinery towards crime against women by way of well structured training programmes, meetings and seminars etc., for police personnel at all levels as well as other functionaries of the criminal justice system. Such programmes may be incorporated in the syllabus of various Police Training Academies at all levels.
- vi. Government must take concrete steps to increase awareness in the administration and among the police in particular, regarding crime against women, and take steps not only to tackle such crimes but also deal sensitively with the ensuing trauma.
- vii. For improving general awareness on legislations, mechanisms in place for safety and protection of women, the concerned department of the State Government must, interalia, take following steps:
 - a. Create awareness through print and electronic media;
 - b. Develop a community monitoring system to check cases of violence, abuse and exploitation and take necessary steps to curb the same;
 - c. Involving the Community at large in creating and spreading such awareness; and
 - d. Organize legal literacy and legal awareness camps.
- viii. Explore the possibility of associating NGOs working in the area of combating crime against women. Citizens groups and NGOs should be encouraged to increase awareness about gender issues in society and help bring to light violence against women and also assist the police in the investigation of crime against women. Close coordination between the police and the NGOs dealing with the interests of women may be ensured.
- ix. There should be no delay whatsoever in registration of FIR in all cases of crime against women.

- x. All out efforts should be made to apprehend all the accused named in the FIR immediately so as to generate confidence in the victims and their family members;
- xi. Cases should be thoroughly investigated and charge sheets against the accused persons should be filed within three months from the date of occurrence, without compromising on the quality of investigation. Speedy investigation should be conducted in heinous crimes like rape. The medical examination of rape victims should be conducted without delay.
- xii. Ensure proper supervisions at appropriate level of cases of crime against women from the recording of FIR to the disposal of the case by the competent court.
- xiii. Help-line numbers of the crime against women cells - should be exhibited prominently in hospitals/schools/colleges premises, and in other suitable places.
- xiv. Set up exclusive 'Crime Against Women and Children' desk in each police station and the Special Women police cells in the police stations and all women police thana as needed.
- xv. Concerned departments of the State Governments could handle rape victims at all stages from filing a complaint in a police station to undergoing forensic examination and in providing all possible assistance including counseling, legal assistance and rehabilitation. Preferably these victims may be handled by women so as to provide a certain comfort level to the rape victims.
- xvi. The specialized Sexual Assault Treatment Units could be developed in government hospitals having a large maternity section.
- xvii. The Health department of the State Govts., should set up 'Rape Crisis Centres' (RCCs) and specialized 'Sexual Assault Treatment Units' (SATUs), at appropriate places.
- xviii. Rape Crisis Centres (RCCs) set up by the Health Deptt. could assist rape victims and provide appropriate level of coordination between the police and health department facilities for medical examination to establish forensic evidence, SAT Units and medical facilities to treat after effects of sexual assault. Hence, these RCCs could act as an interface between the victims and other agencies involved.
- xix. The administration should also focus on rehabilitation of the victims and provide all required support. Counseling is required for victim as well as her family to overcome the trauma of the crime. The police should consider empanelling professional counselors and the counseling should not be done by the police. The effectiveness of schemes developed for welfare and rehabilitation of women who have been victimized should be improved.
- xx. For improving the safety conditions on road, the concerned departments of the State Government must take suitable steps to:
 - a. Increase the no. of beat constables, especially on the sensitive roads;
 - b. Increase the number of police help booth/kiosks, especially in remote and lonely stretches;
 - c. Increase police patrolling, especially during the night;
 - d. Increase the number of women police officers in the mobile police vans;
 - e. Set-up telephone booths for easy access to police;
 - f. Install people friendly street lights on all roads, lonely stretches and alleys; and
 - g. Ensure street lights are properly and efficiently working on all roads, lonely stretches and alleys.
- xxi. The local police should arrange for patrolling in the affected areas and more especially in the locality of the weaker sections of the society. Periodic visits by DM & SP will create a sense of safety and security among these sections of the people.
- xxii. Special steps to be taken for security of women working in night shifts of call centers.

- xxiii. Crime prone areas should be identified and a mechanism be put in place to monitor infractions in schools/colleges for ensuring safety and security of female students. Women police officers in adequate number fully equipped with policing infrastructure may be posted in such areas.
 - xxiv. Action should be taken at the State level to set up of Fast Track Courts and Family Courts.
 - xxv. Dowry related cases must be adjudicated expeditiously to avoid further harassment of the women.
 - xxvi. Appointment Dowry Prohibition Officers and notify the Rules under the Dowry Prohibition Act, 1961.
 - xxvii. All police stations may be advised to display the name and other details of Protection Officers of the area appointed under the Domestic Violence Act, 2005.
 - xxviii. Police personnel should be trained adequately in special laws dealing with atrocities against women. Enforcement aspect should be emphasized adequately so as to streamline it.
 - xxix. Special steps may also be taken by the police in collaboration with the Health and Family Welfare Department of the State to prevent female foeticide.
 - xxx. Special steps should also be taken to curb the 'Violation of Women's Rights by so called Honour Killings, to prevent forced marriage in some northern States, and other forms of Violence'.
 - xxxi. Ensure follow up of reports of cases of atrocities against women received from various sources, including NCW & SCW, with concerned authorities in the State Governments.
6. 'Public Order' and 'Police' as per the 7th Schedule of the Constitution of India, are State subjects and, as such, detection, registration, investigation and prevention of crime is primarily the responsibility of the State Governments. However, Central Government supplements the efforts of the State Governments by providing financial assistance for modernization of the State Police Forces in terms of weaponry, communication, equipment, mobility, training and other infrastructure under the Scheme of Modernization of State Police Forces.
 7. You are requested to issue suitable directions to all concerned under intimation to this Ministry. It is further requested that action taken in this regard may be reviewed by the State Governments and UT administrations and a report indicating the present status sent to this Ministry within a month.
 8. This advisory is being issued in consultation with the Ministry of Women and Child Development.

The receipt of this letter may kindly be acknowledged immediately.

Yours aithfully,

(Nirmaljeet Singh Kalsi)
Joint Secretary to the Government of India
Ministry of Home Affairs, North Block
New Delhi - 110001
Tel. No. 23092630

To,

**The Chief Secretaries &
The Principal Secretary / Secretary (Home)**

All State Governments and Union Territory Administrations.

Copy also for information and necessary action to:

- i. The DGs / IGs (In-charge of Prisons) - All State Governments / UTs for information and necessary.
- ii. Ministry of Social Justice and Empowerment (Sh. D.V.S. Ranga, Joint Secretary), Shastri Bhawan, New Delhi.
- iii. Chairperson, National Commission for Women, 4, Deen Dayal Upadhyaya Marg, New Delhi-110 002
- iv. Ministry of Women and Child Development (Mrs. Manjula Krishnan, Advisor MWCD) Shastri Bhawan, New Delhi.
- v. Director, NCRB, RK Puram, New Delhi. (Nirmaljeet Singh Kalsi) Joint Secretary to the Govt. of India

(Nirmaljeet Singh Kalsi)
Joint Secretary to the Govt. of India

Annexure 10

GOVERNMENT OF ANDHRA PRADESH ABSTRACT

WD, CW & DW Deptt. – Adoption of Minimum Standards of Care by institutions & Service providers providing protective and rehabilitative facilities to victims of commercial sexual exploitation/sex trafficking - Orders – Issued.

WOMEN DEV., CHILD WELFARE & DISABLE WELFARE (WP) DEPARTMENT

G.O.Ms.No.16,

Dated the :24th April, 2010

Read the following:

1. G.O.Ms.No.661, EM & SW (H1) Deptt., Dt:28.08.74
2. G.O.Ms.No.1, WD CW & DW (Prog) Dept., Dt:31-01-2003.

ORDER:

1. Government of Andhra Pradesh acknowledges that human trafficking particularly for commercial sexual exploitation is among the worst forms of human rights violation, destroying the lives of thousands of women and children. All available reports and testimonies of trafficked survivors reveal that a victim when trafficked is subjected to inhuman torture, threat and intimidation leaving deep psychological scars. Lack of holistic care and support for rescued victims, can have serious repercussions for the society, as these victims could be further re-trafficked and the crime of trafficking can go on unabated.
2. Government of Andhra Pradesh is firmly committed to combat trafficking and provide all care and support required for a victim so that she can eventually be re-integrated into the mainstream society to lead a dignified and independent life. PRAJWALA - a voluntary organization committed to the cause of anti-human trafficking has furnished “Minimum Standards of Care”, in consultation with all stake holders including Government officials concerned, NGOs, victims of trafficking etc.,
3. The Government after due consideration, with a view to ensure holistic care and support for all rescued victims of commercial sexual exploitation/sex trafficking, hereby direct that the minimum standards of care as detailed in Annexure shall be adopted and adhered to by all institutions and service providers providing protective and rehabilitative facilities to victims of sex trafficking/commercial sexual exploitation. Any non-adherence, deviation or violation of the minimum standards of care shall entail cancellation of license/registration/recognition/grant-in-aid as the case may be, apart from other appropriate action.
4. Further, no institution providing such shelter shall be considered for license/registration/recognition or grant-in-aid unless the Minimum Standards of Care as prescribed are provided and fully adhered to by the institution/service provider.
5. Finally, all such institutions and service providers shall also adopt and put in place the computerized tracking system with effect from 01-06-2010 as per the software to be made available to them by the Director, W.D. & C.W. Dept.
6. This order issues with the concurrence of Finance Department vide their UO Note.3253/69/Expr. WD/2010, Dated:19-03-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. CHAYA RATAN,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Additional Director General of Police- CID.

The Director, Women Development & Child Welfare Department.

All District Collectors.

All Superintendents of Police.

All Regional Deputy Directors of Women Development & Child Welfare Department.

All Swadhar homes & Service providers concerned through Director, Women Development & Child Welfare .

Copy to:

The Principal Secretary to Government Home Department, A.P. Secretariat, Hyderabad.

The P S to Chief Secretary, A.P. Secretariat, Hyderabad.

The P S to Chief Minister Government of Andhra Pradesh, Hyd.

The Commissioner Information & Public Relation.

All District Medical & Health Officers through Commissioner,
Family Welfare Vidiya Vidhan Parishat, Hyderabad.

All Project Directors DRDA /Indra Kranti Padam through CEO. IKP.

All District Legal Service Authorities through A.P State Legal Service Authority.

All District Aids and Leprosy through Project Director, Aids Control Society.

All Child Welfare Committees through Director Juvenile Welfare, Correctional Services & Welfare of Street Children.

The Managing Director of Housing, A.P. Hyderabad.

All District Supply Officers through Commissioner Civil Supplies Department, Hyderabad.

The Principal Secretary to Government Housing.

The Commissioner Family Welfare, A.P. Hyderabad.

The Director, Medical & Health Services, Hyderabad.

The Principal Secretary to Government, Civil Supplies Department.

The Principal Secretary to Government Education Department.

The Principal Secretary to Government Rajiv Vidya Mission.

The Principal Secretary to Government Higher Education Department.

S.F./S.C.

// Forwarded :: by Order //

SECTION OFFICER

ANNEXURE

MINIMUM STANDARDS OF CARE

In Homes for Victims of Trafficking

Introduction

Anti trafficking measures comprises of prevention, protection and prosecution. It has been seen throughout the country that protection measures is the most important link to effective prevention and successful prosecution. But it is matter of serious concern that protection measures in the form of shelters have not fulfilled their objectives and poor rehabilitation measures have ended up in re-trafficking of victims.

With the aim to improve the conditions of shelter homes minimum standards of care is introduced. These standards for shelters for victims of commercial sexual exploitation / survivors of sex trafficking are those non-negotiable care components that should be integrated in any home managed either by the government or the civil society to ensure facilities for rehabilitation is in place as a matter of right of the victim. These standards will ensure that the safety, dignity and the well being of each victim are provided for.

The minimum standards of care will be reviewed every two years for relevance and changed according to the contemporary information available about care and protection of victims of trafficking.

The guiding principles of these standards are:

Rights Based: All standards will ensure that the basic human rights of the victim is upheld and respected. Additionally the following rights will be a integral part of each care process:

- Right to dignity
- Right not to be re-traumatized and re-victimized
- Right to informed choices and confidentiality
- Right to self-determination and participation

Individualized and Comprehensive: The care components should be inclusive and be able to address the needs of each individual through a continuum of care opportunities for all life domains of survivors.

Equitable: The program should ensure that all services are accessible to all victims. The services are designed in a manner that facilitates people who may be facing more vulnerability or impact to have an equal access to services.

Gender sensitive: The program should be child friendly and focused on the psychological recovery of the victim. The programs will recognize the gender based vulnerabilities and risks, will be developmentally appropriate and ensure that the recovery of the victim is paramount.

Accountable: All the programs will be accountable and will be subject to mandatory external standardized care process audits.

STANDARDS OF CARE

Standard I: Location

1. Any home/shelter meant for victims of commercial sexual exploitation should be located in a residential area and should be maintained and integrated in the local scenario. The name board of the home should not reveal either the purpose or the kind of benefit it provides. The home meant for 50 residents should not be less than 5500 sq ft, which includes, different types of spaces required.
2. The location of the home should minimize risk to the residents and should have a favorable ambience (not close to a red light area, wine shop, slums or shanties and the homes should be far away from auto stands, bus stations, railway stations, road side stalls) with adequate privacy for the residents.

3. The home/shelter should be well connected with other amenities such as water, electricity, sanitation, approach road, etc. Care should be taken to ensure that the physical infra-structure allows no undesirable outside contact.

Standard II: Security

1. The home should have 24 hrs security arrangements. Without appearing custodial in nature the home should ensure adequate security to the residents. The security persons should be free of any addictions and they need to be trained.
2. All inflammatory or hazardous substances such as kerosene, petrol, pesticide, phenol, medicines, acid, bleaching powder, soaps, rat killers, especially sedatives etc) should be kept securely, out of the reach of the residents. Field security plan should be in place (fire exit marking). There should be a regular fire drill. Basements should not be used for residential purposes. Stock register of all the above mentioned hazardous substances should be maintained and regular stock taking (monthly) should be monitored.
3. For residents who are suffering from psychological disturbances any task with sharp/hazardous instruments/substances such as knives, screw drivers, ropes and wires should be avoided to extent possible and if unavoidable to be done under proper supervision.
4. All doors (bathroom, toilets, kitchen, storage, bedrooms) should have provisions for opening from outside in cases of emergency.
5. No visitors for residents should be allowed in the home without requisite vetting and permission. The home should have a visitors' policy which should include arrangements to screen and interact with visitors away from residential area within the campus. The best interest of the resident should be the guiding principle. All visits should be documented in a well maintained visitors book that will record all details such name, designation, organization/institution, address etc Proper check of staff at entry and exit should be done and CCTV cameras may be installed in visitor's room.
6. No resident should have access to mobile phones and any phone call made should be under supervision.

Standard III: Legal Custody and Arrangements for Leave from home

1. Legal custody of residents must be under the supervision of the Child Welfare Committee (if minors) or the Service providing Organization or any other competent authority dealing with the issues of women and/or children of the area as the case maybe.
2. A social worker must accompany the residents (who are at risk to coercion and exploitation) whenever she leaves the place of safety. The home should have protocol for different circumstances when the resident may leave the home unaccompanied by staff. Such protocol should be evolved by a risk assessment and riskreduction information.

Standard IV: Confidentiality

1. The resident should not be exposed to the media and complete confidentiality should be maintained about the facial and other personal identity of the resident. This is valid at all stages from rescue to prosecution and social reintegration and thereafter. All case records especially medical records should be maintained with utmost confidentiality.
2. No information about a resident will be given to any outsider without the permission of the authorized person and the informed consent of the resident.

Standard V: Basic Infrastructure Facilities:

1. The home should be well ventilated, with adequate space (approximately @50-60 sft per resident, toilets and bathrooms at a proportion of 1:5.)
2. The home should have well ventilated kitchen, a common hall, counseling room, medical room, dining hall, bedrooms, quarantine room, storage facility and staff quarters and no basements should be used for residential purposes 3. The home should have open space for recreation, washing/drying arrangements which ensures privacy.

4. The residents of the home should have access to public facilities such as garden, playground and recreational facility etc.
5. Each resident should be provided with individual cot, bedding, 2 bed sheets, 1 blanket and pillow, mosquito nets per year.
6. Universal care processes should be established which enables the home to provide for the special care needs of HIV positives, disabled, pregnant and lactating mothers and severely sick residents without any stigmatization or isolation

Standard VI: Staff recruitment/Training:

1. Staff should be recruited only after adequate screening about their past record and assessment of their skills and attitude. Special care should be taken to ascertain any indications of past criminal record or association, psychological disorders, addictions (alcohol, tobacco, gutkha, drugs etc)
2. All staff irrespective of the post should be given induction training and adequately sensitized on aspects of trafficking, needs of trafficked residents, trauma care, first aid and counseling.
3. Standardized training module has to be developed with regular updates.
4. One head of the home with a postgraduate degree, Two Trained counselors' one with MSW and other with MA Psychology with special training on trauma care should be recruited on a fulltime basis, and where one counselor is to be a resident and other may be a non-resident for better functioning. The home may also choose to use primary level peer counselors who are present in the home all the time and supported by secondary level professional counselors as mentioned above.
5. The home should have the following human resources for better operations for a average of 50 residents with
 - a. 1 fulltime resident Warden/Superintendent who should be at least a graduate.
 - b. 2 resident Cooks
 - c. 4 caretakers with a minimum SSC education d. 1 Accountant cum Documentation personnel.
 - e. 2 Security personnel with a reading and writing skills
 - f. Part time life skill trainer
 - g. A Panel of Medical practitioners (both government and private) should be identified to attend to the needs of the residents at any time of requirement and appropriate budget should be extended for medical kits, transport and honorarium
 - h. For legal assistance it should be converged with existing free legal aid services. If such services are not easily available a budget may be provided for legal support and assistance till such a time mainstream services can be accessed.

Standard VII: Home Management

1. The residents should be directly involved in the day to day management of the home. All residents should be part of the general body in running the home. On democratic lines committees should be chosen from the general body which will support in the management of the home on different aspects.
2. The committee should be reconstituted every 3 months and every resident in the home should be given a chance to be an active committee member
3. All process of the committee meetings, staff meetings, general body should be well documented

Standard VIII: Induction of the residents:

1. As soon as a resident enters a home she should be received with a welcome kit which will consists of two pairs of clothes, towel, toiletry (tooth brush, tooth paste, soap, sanitary napkins, powder, shampoo sachet, hair oil, comb etc)
2. In the first one hour the new resident should be allowed to take bath and fresh in up. A light snack with water should be provided as the initial formalities are completed.
3. Older residents trained, as barefoot counselors should be given the task of receiving a new resident and introducing her to the other residents. As a part of the reception a tour of the home should be given.
4. If the resident is brought during the night she should be allowed to rest and personal profile and other documentation formalities should be taken only the next day after the resident is feeling rested.
5. Develop and establish moral support with the newcomer

Standard IX: Induction and Orientation

1. The preliminary assessment report of the new resident should be recorded on the prescribed format. The profile of the resident will be updated periodically. A photograph of the victim should be taken at the earliest suitable time.
2. As a part of the personal profile care must be taken to establish the true identity of the resident such as her real name, whereabouts of family members, community members, relatives, next of kin, address etc. Updating can be done in a phased manner and computerized
3. The resident should be provided all information regarding the procedures, rules and facilities in the home. She should be also informed about her legal and civic rights. A grievance/redress mechanism should be created
4. The resident should be informed about all the benefits she is entitled from the government such as immediate relief of Rs.10,000/ and all other rehabilitation package such as livelihood skill, livelihood options, education for her children etc as per the GO MS No 1 dated 3-01-2003.
5. The resident should also be informed and counseled about the routine medical tests and examinations she will be asked to undergo and also the tests for which she has to provide informed consent. The resident's consent for HIV test is necessary. The resident should be told why the test is being taken and the importance.
6. Only after the resident is well oriented(may take a minimum of two weeks) an undertaking should be taken by the resident on her choice to rehabilitate /reintegrate.

Standard X: Recording and Documentation

- 1) As soon as the resident is admitted her personal profile should be recorded in a specified format (annexed). The said profile should be updated regularly. The profile to be recorded only when the resident is mentally prepared for the same. The persons responsible for recording/documenting the profile should be trained mainly on communication and documentation. He/She needs to be patient with the residents and ensure authenticity.
- 2) There should be separate files maintained for each resident which should include a profile consisting of personal details, informed consent and referral records with a medical file consisting of medical reports, treatment plan and prescriptions. Confidentiality to be well maintained especially in the case of residents being HIV positive.
- 3) Separate registers should be maintained for attendance, visitors, incoming/outgoing and restoration/reintegration.
- 4) There should be a victim care plan which should take into consideration the educational background and interests/talents/skills of the victim(to be recorded in a prescribed format for all residents and kept in the personal profile). Individual care plans should be made based on this and appropriate training to be imparted taking into consideration the emerging areas of human resource requirements. This care plan should be updated from time to time for each resident even after repatriation and follow up.

Standard XI: Tracking Systems

1. Homes should maintain all relevant details on the resident after the rescue process (FIR copy, remand dairy). A complete record of the resident's contact information (names of relatives, address, phone number etc.) should be maintained in the resident's confidential file. Authenticity of the resident's information should be ensured. A recent/latest passport size photo of the resident should also be kept in the confidential folder. Profiles of the close associates to be secured & maintained. All relevant information should be comprehensive and form a part of the initial assessments.

Standard XII: Health and Medical Support

1. Immediately after a resident is admitted she should be provided immediate medical support (check up, treatment for immediate ailment etc). Pediatric support should be given for children accompanied and a check up by a gynecologist if the woman is pregnant
2. Medical Tests for HIV/AIDS should be done only after the resident gives her informed consent.
3. Each home should have facilities for health check-ups by a registered medical practitioner, gynecologist, pediatrician, referral to external medical experts, hospitals, and facilities for hospitalization, on an as-needed basis
4. Home should have trained caretakers to provide appropriate care and support for HIV positive residents for early management of opportunistic symptoms. All staff in the Home must be trained in HIV care and support
5. Home should have referral networks with mental health professionals (psychologist, psychiatrist, psycho-therapist etc) and mental health institutions for immediate and timely support for psychologically disturbed residents
6. Home should have referral network with de-addiction centers for those residents who have a problem of substance abuse/alcohol addiction
7. Each home should have a first aid box with basic medicines and equipments such as thermometer and updated medical record of each resident. It should be replenished on a regular basis and medicines should be checked regularly for their expiry date
8. Home should have arrangement for caretakers who will escort residents during hospitalization and also facilities for transportation of a sick resident
9. Home should maintain proper registration of births and deaths.
10. Home should have a corpus fund for health related emergencies such as special health conditions, funeral rites
11. At each Home, safe drinking water, sufficient number of bathrooms and toilets, fans and proper ventilation, mosquito nets and proper drainage systems should be in place to ensure the health of all residents.
12. Residents should be provided a nutritious diet. Care should be taken to cater to special needs of residents who are HIV positive, lactating mothers as per the diet chart. The menu for the week should a part of the home committee decisions.

Standard XIII: Counseling and Therapeutic Support

1. There should be both professional and Peer counselors-preferably female- in a home who would provide immediate trauma care and long term counseling for the residents.
2. The ambience of the home should be therapeutic in terms of nonjudgmental attitude of the staff, along with avenues for relaxation, recreation and spiritual growth and activities for executing responsibilities and to gain confidence and control. Illustrated activities include indoor & outdoor sports, physical exercise, cultural activities, workshops, study material, magazines, music, meditation, yoga, gardening etc.
3. There should be both individual and group counseling for the residents. Peer counseling including group discussions should also be promoted.

4. Residents showing symptoms of psychiatric disorders should be immediately referred to professional psychiatrist.

Standard XIV: Life Skills

1. There should be daily classes for residents on life skills such as grooming, socialization, communication, conflict management, stress management and leadership. Both formal and informal processes, including mentoring and exposure visits should be used.
2. Innovative and creative tools of teaching life skills should be used such as art/craft etc which will restore a sense of well being and dignity.

Standard XV: Education

1. Residents who have no formal education should be helped to obtain education through Akshara Jyothi, Vidya program or any other adult education program.
2. Residents who have basic literacy and have an aptitude for further education should be helped to enroll in NFE programs including open school/university for continuum of educational process.
3. Take all measure to mainstream minor residents in normal schools on priority basis.
4. Children of residents should be admitted to either residential hostels or in schools. If in private schools, join through sponsorship preferably from Government. If in Government School the government should take care of all the expenses for education.

Any decision to send the resident from the shelter to any outside place should be taken only after security concerns are satisfactory.

Standard XVI: Diet & Nutrition

1. Home committee should prepare weekly diet chart for the home in consultation with the Superintendent/Warden. Care should be taken to ensure the needs of the residents are incorporated as much as possible.
2. Special diet chart should be prepared for lactating mothers, infants, and pregnant residents, residents with special conditions such as HIV/AIDS, diabetes etc and sick/bedridden residents

Standard XVII: Livelihood Training

1. Residents should be admitted to livelihood training within two months after admission to shelter/home.
2. In collaboration with reputed technical training institutes (Mahila Pranganam, SETWIN, ITI, Community Polytechnic) viable, sustainable and job oriented trades should be taught to the residents. The residents must be allowed to appear for certificate exams or diploma by government or reputed certified agencies such Intermediate Board, State Board for Technical Education for better employability.
3. It should be ensured that all livelihood training should lead to job placement after the stay in the home.
4. Corporate tie up should be explored for developing livelihood training which increases the employability of the resident.

Standard XVIII: Livelihood Option/Economic Empowerment

Economic Rehabilitation Plan for each resident should be developed. Formation of SHG must be encouraged to access micro-credit finance, start placement services for open employment, support for starting small businesses etc.

Standard XIX: Legal Aid/ Assistance

1. The home should have a part time professional legal advisor (reputed advocate) who could provide legal aid/ assistance to the residents.
2. Tie up should be made with enforcement agencies to recover all properties of the victim from the place of exploitation.

3. The residents should be provided all assistance if she is a witness in a case and if need be additional protection as a part of victim witness protection. Care must be taken to take complete consent of the resident for her to become a witness.
4. The legal advisor should provide the residents preparation for trial (through mock trial or any other role play/discussion method). Legal assistance shall be provided unconditionally, that is it shall not be conditional upon the victim/survivor's willingness to serve as a witness. Use existing legal aid/assistance structures fully, and in case of non-availability of Govt. legal aid cell, services of an advocate may be used.

Standard XX: Civic Benefits

1. A requisition on behalf of the resident in the prescribed format should be submitted to the District Collector through the Project Director, Women Development Child Welfare for allocation of housing, ration card, voters ID and other civic benefits entitled as rehabilitation package for the resident. Care should be taken that these benefits reach the resident within a stipulated period of 6 months after being rescued. It should be further ensured that these benefits do not stigmatize the resident but instead mainstream the benefits with the family/community. It should also provide benefits for the second generation taking care to see that it reaches the male child also.

Standard XXI: Restoration and Repatriation

1. Any formalities for the restoration/repatriation process should begin only after getting the informed consent of the resident.
2. Restoration/repatriation plan for a resident should be undertaken only after a complete home investigation (format enclosed) is done. The home investigation should include an assessment of the family (are they involved in trafficking), family and community's willingness to accept the girl and the family's environment.
3. Before a resident is restored/repatriated a detailed discussion should be held with the resident and the restoration team on what explanation should be given to the family on her absence from her village/slum/community. The resident's version should be adopted as the final version.
4. Proper record and documentation (photos, undertaking from parent/guardian) should be maintained for all restoration undertaken.
5. No rescued victim shall be sent back to the family without adequate assessment and without ensuring social acceptance and family support. State will ensure that repatriation is carried out depending on how safe and nurturing the family environment is for the victim. If and when the victim chooses to return to an abusive family situation, the state would need to intervene and repatriate the victim to an institution which can protect and care for the individual. Repatriation will be done after the stay in a shelter.
6. States shall work out the details of the repatriation procedures and structure and mainstream them in order to facilitate the smooth and efficient repatriation of the victims and their dependent minors.
7. The members of the professional and (preferably) voluntary sector organizations who have had some helping interaction with the victim shall be represented in the process of repatriation.
8. No rescued victim shall be sent back to the family without fully ensuring that the victim shall not be re-trafficked.
9. The victim being repatriated should be counseled and prepared to return to the country of origin after providing her with adequate medical and psycho-social care as well as after empowering her through basic life- skills so that she can be reintegrated in main steam life.
10. Adequate financial assistance should be provided for meeting the needs of rescued victims during travel while repatriating them to their families or institutions in source areas
11. Adequate provision for dearness allowance for police escort or any other authorized escort during such travel should be made by the government.

12. It should be ensured that the legal formalities should be completed for the residents before being restored or repatriated.

Standard XXII: Follow Up

1. For the first six months after the restoration is done monthly follow up should be done. Thereafter the follow up could be done once a quarter for the next one year.

Follow up program should ensure the following:

- Protection against re-trafficking and against commercial sexual exploitation.
 - Protection against Stigma and Discrimination.
 - Protection against any other exploitation.
 - Optional link with a variety of professional support systems.
 - Confidentiality
 - Reorientation.
 - Restoration/ensuring/exercising of full citizen ship rights.
 - Livelihood option.
 - Mental health
 - Restoration/ ensuring/exercising of rights over parental, ancestral and community property and entitlements.
 - Survivor friendly.
2. Monthly follow-up should be provided for the first six-months and thereafter whenever required, to ensure that the victim receives adequate support and does not get re-trafficked. Adequate follow-up of the victim supervised by the Child Welfare Committee or any other competent authority dealing with women / children along with the close cooperation of other recognized organizations should be mandatory for a period of three years after the victim has been repatriated

XXIII: Social Reintegration

- 1) Those residents whose families do not accept them and for those whose families are not conducive space for restoration (for example parent's involved in trafficking) special efforts should be made to support the resident to stand on their feet and slowly in a phased manner supported to live in the society independently.
- 2) It should be ensured that no rescued victim is sent back to the family without ensuring social acceptance and family support to the victim in order to prevent re-trafficking and further commercial sexual exploitation.
- 3) Collaborations with appropriate government or non- governmental organizations should be made to provide employment services/entrepreneurship development training, which will include skills, knowledge, and resources, marketing skills and micro-credit at the district where the resident is reintegrated.
- 4) The Home shall conduct outreach / support activities, or shall oversee the delegation of those activities to other organizations or individuals in accordance with the Reintegration Plan. Outreach / support activities shall be conducted only with the consent of the victims.
- 5) In trafficking cases where the entry of the victim in the Rescue Home is very late (e.g. the Home is meant for residents/ victims up to the age of 18 and the victim enters at the age of 17) there is a need to extend the protective cover of residential services for a longer period. Some protective cover for the rescued person shall continue even after reintegration through Drop-in Centers, and After-Care Homes.

Standard XXIV: Accountability

1. All homes run for the purposes of trafficked victims should be directly accountable to the Department of Women Development Child Welfare. The minimum standards prescribed should be adopted irrespective of whether it is government funded or private funded. All homes should have certification of implementing standards.

Standard XXV: Monitoring

- 1) The convener of the Anti Trafficking District Co-ordination Committee (Assisted by the Empowered Committee including NGO, Government & Civil Society) who is also the Project Director, Women Development Children Welfare with the support of other members should monitor the homes every two months. The monitoring and review report should be submitted to the Secretary, Women Development Child Welfare through the Director, Women Development Child Welfare.
- 2) Within the home there should be staff meeting fortnightly to implement the minimum standards. There should also be monthly meetings with the residents to review minimum standards.
- 3) Feedback on the minimum standards should be used to improve on the management of the home. Once in a month management meeting on the improvement of the standards.
- 4) Monitoring should be participatory (Survivors, NGO and Govt. Officials) with the aim to strengthen the standards.
- 5) Half yearly self audits and external social audit should be done annually apart from ensuring total transparency in matters relating to receipt of funds, expenditure.

// Forwarded :: by Order //

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