

Child Trafficking in India



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HAQ: Centre for Child Rights
and
Campaign Against Child Trafficking (CACT)

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Preface

It was 2000. George Chira of tdh (Germany) approached HAQ: Centre for Child Rights to research and publish a national report on child trafficking in India. With that began HAQ's journey on this very important issue. In 2001, HAQ became the national secretariat for the Campaign Against Child Trafficking [CACT] that was launched the same year with 16 partners.

In 2001 itself HAQ was asked to compile the report on Commercial Sexual Exploitation and Sexual Abuse of children in South Asia as well as the Strategy Document based on the report in partnership with UNICEF, ROSA-Kathmandu for the Second World Congress against Commercial Sexual Exploitation of Children, to be held in Yokohama, 17-20 December 2001.

On June 6 June, 2002 we rescued our first child from a trafficker in Delhi. Today she is 24 years old and a graduate. She taught us our first lessons in dealing with children who are trafficked. But has a lot changed in these 16 years?

Yes, there is a much greater recognition of many more forms of trafficking. In 2000, the word 'trafficking' was much less known and, at best, was synonymous with prostitution. So much so that posters designed to spread awareness on the issue had to say that "this traffic is not about movement of cars, but about people, women and children who get bought and sold". Now there is a law and myriad of different court judgements, government advisories, protocols and SOPs that recognise trafficking in its different forms and purposes.

And yet, the number of children being trafficked has not reduced. In fact, with the opening up of the markets and globalisation, children are 'exported' across continents from, into and through India. We are a source, transit and destination country- which means we not only 'supply' children, we also receive them.

In the name of rescue operations, children are mopped up from different locations by both government as well as NGOs along with the government. These children either find themselves in badly managed institutions or 'sent' back with little or no follow up or rehabilitation to families that are often not ready to have them. So, many simply return to, sometimes, even more exploitative situations.

But after 16 years, it was important to document the situation of child trafficking in India and also examine the way forward. Because, hard as it is, there has to be some light at the end of the tunnel for children who lose their childhood and their lives to the market that trades in them.

Coincidentally, the report will be released at a time when the Ministry of Women and Child Development is mulling over bringing in a new law on trafficking and has already put out a draft bill for public comments. We hope the report will help the Ministry in giving the final shape to its Bill.

We are grateful to Krishna Rao Foundation and iPartner India for having supported this study. The RTI responses were a huge challenge and we thank our CACT partners who did not give up!

As always, our reports are a rush to the finish. When every editor refused, Chitra Gopalakrishnan did not. She spent days and nights to give the report as she said a “cleaner form”. She regrets that that is all she could do in the time she had! We thank Paromita Shastri for agreeing to review the report- again in record time and reassure us that it has value and needs to see the light of day.

We thank Sonia Suchak, who was interning with us, for carefully going through the never ending footnotes and citations and formatting them.

Nishant Singh and Sukhvinder (Bittoo) Singh – how would we ever have our reports in time without you. Thank you as always.

Enakshi Ganguly Thukral
Co- Director

Bharti Ali
Co- Director

Foreword



Dear Friends

As a father of young children, I find it difficult to comprehend the daily life of abuse, exploitation, pain and torture that children across the world face. For my family and myself this is unacceptable and we have pledged to do everything in our power and in our lifetimes to strive to end child abuse of any sort – child trafficking being at the worst end of the spectrum of that.

In the light of that, I am delighted to share this report on the Child Trafficking in India. As we all know sound evidence, hard facts and statistics should underpin action and this report aims to do just that. It is indeed shocking that government figures state that every eight minutes a child goes missing in India and forty percent of them are never found! Another statistic hard to come to terms with is that Of the three million people engaged in sex work, more than forty percent of them are below the age of eighteen years, some as young as five. Many trafficked children remain unreported, untraced and invisible. Though some statistics are available, they are inconsistent and huge chunks of data are missing. Without consistent, comparative, scientific data to capture the real scale of child trafficking in India, the efforts to limit this growing crime remains fragmented and under resourced.

This report, Child Trafficking in India, is therefore a landmark step in the movement against child trafficking. The report is significant on many counts. One, through the process of data collection and research it engaged with frontline organisations under the banner of Campaign Against Child Trafficking (CACT), to collect, document and validate reports of missing children at the district levels across thirteen states of India. The collected statistics are extensively compared and analysed against available government records on child trafficking from the district and state to national level, giving us sound background evidence. And finally, it validates the fears that available national figures reporting child trafficking has many contradictions. There are differences in understanding the definition of child trafficking and recording cases of trafficked minors, to lack of a uniform working mechanism to record, analyse and report comparable child trafficking data across India. That said this is an excellent first step in using this data and recommendations from this research as a significant advocacy agenda with relevant government agencies.

I congratulate my colleagues at iPartner India and HAQ: Centre for Child Rights for the courageous work they continue to do in upholding and protecting

the rights of trafficked children. My warmest wishes to all the partners of the Campaign Against Child Trafficking who remain at the frontline and fight against the odds every single day.

In the final analysis, whilst numbers are important it is the individual lives and stories of children that continue to haunt me and push me to remain committed to this cause. Ayesha (name changed), a young woman who we have supported, has lived and fought through nights of getting raped, is now attending college and dreams of joining the performing arts. Or Devi (name changed), who was married as a minor, sold by her husband, spent months in a brothel and forced to give up her child for adoption. Devi now goes to school and dreams of getting reunited with her child one day.

At the public hearing, you will meet and hear many more stories of human resilience demonstrated by young people. I urge you to listen to their stories and dreams of a better future. I urge you to stand by them.

With best wishes

Krishna Rao

Krishna Rao Foundation

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Introduction

chapter 1

Reshmi's childhood crashed when she was barely 13 years old. She was abducted from a colony in Delhi by a neighbourhood youth, drugged and sold into a brothel in Uttar Pradesh. She was not only made to ingest drugs but injected with a blend of substances to grow breasts and look older. Till date, she is also not quite sure what she was made to drink, but every time she came awake, she realised she was being raped. Understandably, she does not recall very much from those days – it's all a haze. Yet a distinct memory is of herself on a flight to Dubai (this although getting a visa is next to impossible unless one has a sponsor). She says there were other girls like her, some as young as 10 years. She says she kicked and screamed and protested so much that the traffickers panicked and got her off the flight. They sent her instead to Jalpaiguri in West Bengal, from where she was rescued a year after she was reported missing in 2012.

Reports of raids in factories and workshops and rescue of children from different cities of the country appear with unflinching regularity. Children from disparate geographical regions: West Bengal, Bihar, Jharkhand, Assam, Delhi, Bangalore and Kerala have fallen victims. Children from Nepal, for instance, have been rescued from rat-hole coal mines in Meghalaya¹; girls from Assam have been found to be married to men in Haryana as there are not enough girls in the state; and children from Tamil Nadu have been kidnapped and sent to Europe.² Girls often find themselves in Goa's spas and parlours where they are forced to cater to needs that exceed massage and health treatments.

One night in 1999 when Nagarani and Kathirvel, who only use one name each, were sleeping with their three children in front of their hut in their slum colony, one-year-old Sathish was snatched from their bed. Months of searching for the baby proved futile, but the couple suspected that Sathish had been stolen by child traffickers to be sold abroad. Then in 2005, when police arrested a gang of child traffickers in south India, it was found that they had secretly supplied the children, Sathish among them, to the Malaysian Social Services (MSS), a Chennai-based orphanage that had the permit to send children for adoption abroad.



The investigation revealed that in the previous decade MSS had illegally sent at least 350 Indian children abroad for adoption. From the office of the orphanage, police recovered in 2005 photos of scores of children who apparently had been stolen from their parents. Nagarani and Kathirvel identified one child, sent for adoption in the Netherlands, as their son. As India's Central Bureau of Investigation (CBI) began investigating the case of Sathish, Against Child Trafficking (ACT), a Netherlands-based non-governmental organisation fighting for the prevention of child trafficking for international adoption, contacted the Dutch family in the city of Almere in 2006 and broke the news that their adopted son, Robit Shivam Bissessar, may have been stolen from his original family in India.

The Bissessar family, who paid US\$35,000 (Dh 128, 555) to adopt the child, have refused to take a DNA test, fearing that the child could be taken away. Nagarani and Kathirvel, with the help of ACT activists, last Tuesday filed a complaint with the Almere police against officials of the Meiling Foundation, the intermediary Dutch adoption agency that placed Robit, and the Bissesars, accusing them of kidnapping.

1 Staff Reporter. "Horrendous Truth of Coal Mines of Jaintia Hills." Meghalaya Times. N.p., 30 Mar. 2012. Web.

2 Rahman, Shaikh Azizur. "Indian Children Stolen for Adoption." The National. Abu Dhabi Media, 29 June 2010. Web. Feb. 2016.

Another extremely disquieting instance that came to light was the killing of children in Nithari village near Delhi. Between 2005 and 2007, more than 40 young children and women went missing from a small urban hamlet of Nithari, at the centre of Noida, a satellite town bordering Delhi (India). Children continued to go missing despite reports being filed, reportage in the local media and cognisance taken by the National Women's Commission of India. It was only when some human remains were spotted at the backyard of a palatial house situated at the edge of the village of Nithari, in the last week of December 2006 that the chilling story of abuse and cold blooded serial murders came to be unravelled.³

Following this episode, National Human Rights Commission (NHRC) constituted a committee to look into the issue of 'missing' children, *"in order to put an end to this callous indifference and insecurity with regard to the protection of children and to prevent more lives from being lost in similar crimes"*. The Report of the NHRC Committee on Missing Children (June 2007)⁴ states:

"The revelations at Nithari exemplify that missing children may end up in a variety of places and situations – killed and buried in a neighbour's backyard, working as cheap forced labour in illegal factories/establishments/homes, exploited as sex slaves or forced into the child porn industry, as camel jockeys in the Gulf countries, as child beggars in begging rackets, as victims of illegal adoptions or forced marriages, or perhaps worse than any of these as victims of organ trade and even grotesque cannibalism as reported at Nithari."

Trafficking of human beings is not a new phenomenon. Historically, it has been linked to slavery which involved the sale and purchase of human beings as chattel, treating them as commodities that could be bought and sold. The owner maintained absolute rights over the slaves, who were considered his private property. Brazil was the last to abolish its participation in the transatlantic slave trade in 1888. The year 2007 marked the 200th anniversary of the abolition of slave trade.

However, recent reports by the UN and NGOs suggest that the slave trade is very much alive and one of the worst manifestations of this is the trafficking of both adults and children. Contemporary slavery is now understood to take many forms, from women forced into prostitution, to child slavery in agriculture supply chains or whole families working for nothing to pay off generational debts, to child marriage – all of which affect the world's most vulnerable people.

Explaining modern slavery, *The Guardian* says that slavery exists in one form or another in every country and that Asia accounts for more than half of the International Labour Organization's (ILO's) 21 million estimate. Further, as percentage of population, central and south-east Europe has the highest prevalence of forced labour, followed by Africa, the Middle East, Asia Pacific, Latin America and the Caribbean.⁵

The ILO estimates that there are some 5.5 million children in slavery or practices similar to slavery. Child slavery, as defined by the 1956 UN Supplementary Slavery Convention addresses cases where children are in a hazardous situation, and there is an intention to exploit these children for someone else's gain.

According to this Convention, this group of children includes:

- Children who are used by others – who profit from them, often through violence, abuse and threats, in prostitution or pornography, illicit activities (such as forced begging, petty theft and the drug trade), and forced child labour (for example, in agriculture, factories, construction, brick kilns, mines, bars, restaurants or tourists environment)
- Children who are forced to take part in armed conflict (they don't only include child soldiers but also porters or girls taken as "wives" for soldiers and militia members. According to UNICEF there are about 300,000 child soldiers involved in over 30 areas of conflict worldwide, some even younger than 10 years old. Children

3 Raj, Dr. Pushkar. The Story of the Poor Who Lost Their Children. Rep. People's Union for Civil Liberties, Feb. 2007. Web. Mar. 2016.

4 Sharma, P.C. Report of the NHRC Committee on Missing Children. Rep. Childline India, 2 July 2007. 10-11. Web. 4 Jan. 2016.

5 Kelly, Annie. "Modern-day Slavery: An Explainer." The Guardian. Humanity United, 3 Apr. 2013. Web. 2 Feb. 2016.

involved in conflict are severely affected by their experiences and can suffer from long-term trauma)

- Child domestic workers, many of whom are forced to work long hours, in hazardous and often abusive environments, for little or no pay, and often far from home
- Trafficking for adoption and marriage use the legal means of a valid adoption and marriage to traffic children (while marriage may seemingly be the end purpose, it is also a process to send young girls into other forms of exploitation including prostitution)

Although not all people in slavery-like situations are trafficked, over the years trafficking has come to be recognised as a way to bring human beings into modern day slavery.



Figure 1: Definitions of "modern-day slavery" and "human trafficking" shape our understanding of the problem and its scope

Modern day slavery is...

... a state in which people are deprived of their liberty and treated as things, goods or chattels. This covers the sexual exploitation of victims and their exploitation as workers ("wage slavery"). In some sources, forced labor (involuntary work under threat of punishment) and modern-day slavery are synonymous

Human trafficking is ...

... the recruitment, transportation, delivery and harboring of people by force or deception for the purpose of their exploitation. People are turned into goods to be traded within and across national borders, often involving a number of different middlemen

> Life as a modern slave in the 21st century often involves a cruel combination of wage slavery, sexual exploitation and/or forced labor. This fate is typically initiated – and repeatedly redirected – by professional human traffickers. So slavery and trafficking cannot always be clearly distinguished

Source: Philip D Curtin: *The Atlantic Slave Trade*; ILO; UN; *Terre des Hommes*; Amnesty International

> The outcome is a malign symbiosis of several crimes

Source: Roland Berger Foundation, Munich, November 2008, *Slavery and human trafficking in the 21st Century: Violations of human dignity and human rights in a globalised society*

In 2000, HAQ: Centre for Child Rights undertook a national study on Child Trafficking in India, a first-time attempt to examine the comprehensive nature of trafficking in India. Till then the term trafficking was used almost synonymously with prostitution.

What this report brought to the fore was the fact that:

What makes the issue of trafficking complex is that very often it is difficult to distinguish between the cause and purpose of trafficking. For example, while children are trafficked for religious prostitution, the cultural and religious sanction is the cause of trafficking. Similarly, marriage may be the means to traffic young girls for labour or prostitution, but trafficking may be for the purpose of marriage. A similar situation applies to adoption.⁶

This report formed the basis of launching a national Campaign Against Child Trafficking (CACT) in 2001.

HAQ's list of forms and purposes of trafficking remains relevant even today, although their extent, intensity or levels of exploitation may have increased or decreased.

The most significant shift since the HAQ's report is the recognition of multiple forms and purposes of trafficking. More rewarding has been the fact that this recognition has been reflected in law and policy as well. Although, commercial sexual exploitation remains the most widely recognised form, as also other forms of trafficking have found their way into public discourse as well as implementation strategies.

The truth of multiple forms of trafficking beyond sexual exploitation worldwide has been highlighted succinctly by Piper, Segrave and Napier Moore's article in *Anti Trafficking Review*, 2015:

Evidence of the shift away from the emphasis on sex work is the International Labour Organization's (ILO) Protocol of 2014 to the Forced Labour Convention, 1930 (Forced Labour Protocol) which, in part, recognises debt bondage, human trafficking and other forms of modern slavery as all forms of forced labour. Arguably such an approach recognises the interconnection between exploitative practices –namely the overlap of issues around citizenship, migration status, poor working conditions and/or absence of workplace protections. This may enable a more united global effort to address the broad contributing factors that lead to the occurrence of such exploitation.⁷

Yet till 2013 the legal framework was limited to defining trafficking only in terms of trafficking for prostitution. There was no comprehensive legal framework to cover trafficking of children for labour, begging, pornography etc. It is important to understand that child trafficking is not just the "moving" of children from one place to another, it is also breach of trust and the pain, agony and trauma suffered by the victim both while being trafficked and thereafter. There is hence a dire need for a law that addresses all these concerns.

India is signatory to several important international instruments (*see annexure 1*). Since the last report on trafficking in 2000, India has ratified two very important international instruments:

- Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography in August 2005

6 HAQ: Centre for Child Rights, Child trafficking in India. New Delhi. 2000

7 N Pieper, M Segrave & R N Moore, 'Editorial: What's In A Name? Distinguishing Forced Labour, Trafficking and Slavery', *Anti-Trafficking Review*, Issue 5, 2015, pp. 1-9, www.antitraffickingreview.org, Accessed 1.02.2016

The Campaign against Child Trafficking (CACT) was formally launched on 12 December 2001 in Delhi and has chapters in 13 states across the country. HAQ: Centre for Child Rights is the National Coordination Office for the Campaign.

CACT believes that trafficking of children is one of the gravest violations of human rights of children and hence it has been the first ever campaign in the country to draw specific attention to child trafficking. The members of the campaign work in source as well as destination areas to create awareness and undertake rescue and rehabilitation of trafficked children. The campaign's advocacy initiatives brought some significant changes in the government's policies. Notable amongst these are inclusion of all forms of child trafficking in the National Plan of Action for Children, 2005 and India's ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol on Human Trafficking.

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organised Crime (popularly known as the Palermo Protocol) (signed in 2002) in May 2011

It was following the ratification of the Palermo Protocol that India further expanded its definition of trafficking. It was included in the Indian law as Section 370 of the Indian Penal Code following first the Criminal Law Amendment in 2013.

This was a huge step forward in the building of an overarching and comprehensive understanding and also of an edifice to address the phenomenon of trafficking in the country. Following the amendment, trafficking was defined as “*buying or disposing of any person as a slave, which includes importing, exporting, removing, buying, selling or disposing of any person as a slave, or accepting, receiving or detaining against his will any person as a slave. Following on the definition in the Palermo Protocol it includes the acts of recruiting, harbouring, transferring or receiving persons for the purpose of exploitation using a range of methods such as threats, force, coercion, fraud, abuse of power and inducement.*”

The explanation to this provision adds that “*exploitation*” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs and that the consent of the victim is immaterial in determination of the offence of trafficking (this has been dealt with in detail in chapter 4).

Post this, there have been other encouraging changes in the legal and policy framework. The setting up of Anti-Trafficking Units (AHTU) to address the issue has been the most significant. Several Advisories and Standard Operating Procedures (SOPs) have also been drafted by different ministries, especially the Ministry of Home Affairs (MHA), following Supreme Court orders. Some of these have been discussed in this report.

Another important global milestone post our report has been the compilation of global reports on Trafficking in Persons (TIP) by the U.S. Department of State that also ranks countries based on their performance. It has consistently ranked India as a tier 2 country,⁸ which means that it has flagged the issue of trafficking in India to be worrisome and made recommendations.

According to the U. S. Department of State, the TIP report is the U.S. Government’s principal diplomatic tool to engage foreign governments on human trafficking.⁹ Defining its intent, it says:

It is also the world’s most comprehensive resource of governmental anti-human trafficking efforts and reflects the U.S. Government’s commitment to global leadership on this key human rights and law enforcement issue. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it. The U.S. Government uses the TIP Report to engage foreign governments in dialogues to advance anti-trafficking reforms and to combat trafficking and target resources on prevention, protection and prosecution programmes. Worldwide, the report is used by international organizations,

Based on a review of the available literature HAQ’s report in 2000 listed out the different forms and purposes of child trafficking that existed then:

Sexual Exploitation

- Forced prostitution
- Socially and religiously sanctified forms of prostitution
- Sex tourism
- Pornography

Illegal Activities

- Begging
- Organ trade
- Drug peddling and smuggling

Labour

- Bonded labour
- Domestic work
- Agricultural labour
- Construction work
- Carpet industry, garment industry, fish/shrimp export as well as other sites of work in the formal and informal economy.

Entertainment and Sports

- Camel jockeying

8 In the TIP report, the Department of State places each country onto one of three tiers based on the extent of their governments’ efforts to comply with the “minimum standards for the elimination of trafficking” found in Section 108 of the Traffic Victims Protection Act of 2000. Accessed on 6.04. 2016.

9 Trafficking In Persons Report. Rep. U.S. Department of State, July 2015.Introduction. Web. 6 Apr. 2016.

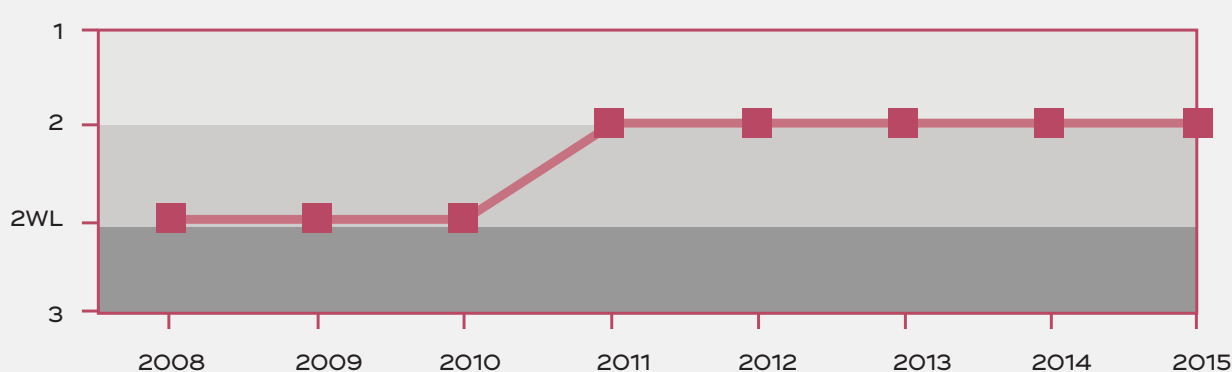
foreign governments, and nongovernmental organizations alike as a tool to examine where resources are most needed. Freeing victims, preventing trafficking, and bringing traffickers to justice are the ultimate goals of the report and of the U.S Government’s anti-human trafficking policy.

The first TIP report (July 2001) put India in tier 2 Watch List and said¹⁰:

“The Government of India does not yet fully meet the minimum standards; however, the Government is making significant efforts to combat trafficking in persons. The Central Government recognizes the trafficking problem, but is severely underfunded and typically unable to implement plans and initiatives with which it agrees....The Immoral Traffic (Prevention) Act (ITPA) prohibits trafficking in human beings (including children), encompasses sexual exploitation for commercial purposes of members of both sexes, and provides enhanced penalties for offences involving minors. While there is federal anti-trafficking legislation, almost all cases are tried at the state level, which is outside the jurisdiction of federal laws. The Government is amending the ITPA to increase penalties for traffickers, assist victims and is seeking legislation conferring on the Central Government the primary role in efforts to prosecute trafficking. Backlogged courts and local corruption render most prosecutorial efforts ineffective. There has been limited progress toward training, sensitizing and gaining the cooperation of Indian State police. Many victims are arrested and abused by local police. Cooperation with neighboring countries (specifically Bangladesh and Nepal) in fighting trafficking has recently begun, but the Government has not yet prosecuted cross-border trafficking cases. In July 2000, the Government provided assistance to investigators from the United States who were seeking evidence to use to prosecute a trafficker. The NGO community has taken the lead on prevention, protection and prosecution programs and works well with some entities in the Central Government; however, NGO’s have a mixed record in securing the cooperation of state police and local government. The Government manages approximately 80 protective homes for victims of trafficking, some of which NGOs have criticized as severely lacking in victim assistance. Calcutta-based anti-trafficking NGOs have joined efforts with state agencies to protect and care for victims of trafficking by improving the quality and security at the main remand home for women and by providing counselors.”

It remains a matter of concern that the line “The Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so” can be found in every TIP report on India. The beginning of the section on India in the 2015 TIP report hence is almost like a repeat of the first report the U.S. Department of State began compiling – the only difference is that it maps India’s performance over the years:¹¹

Figure 2: India Trafficking in Persons (TIP) Tier Ranking by Year



Source: TIP Report 2015

10 Trafficking In Persons Report. Rep. U.S. Department of State, July 2001.51. Web. 4 Apr. 2016.

11 Trafficking In Persons Report. Rep. U.S. Department of State, July 2015. 184.Web. 6 Apr. 2016.

The 2015 report in addition stated:

“The Government of India does not fully comply with the minimum standards for the elimination of trafficking ... the government’s law enforcement progress was unknown as the government did not provide adequate disaggregated anti-trafficking data and official complicity remained a serious concern. The government sometimes penalized victims through arrests for crimes committed as a result of being subjected to human trafficking. The government denied international travel to some Indian national trafficking victims who had been identified as trafficking victims abroad by a foreign government, and their family members. Many Anti-Human Trafficking Units (AHTUs), which liaise with other agencies and refer victims to shelters, were not functioning and NGOs assessed that government victim care services were inconsistent and inadequate for the scale of India’s trafficking problem”.

It further elaborated:

“Official complicity in human trafficking occurred at varying levels of government. The government did not report investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Some corrupt law enforcement officers protected suspected traffickers and brothel owners from enforcement of the law, took bribes from sex trafficking establishments and sexual services from victims, and tipped-off sex and labor traffickers to impede rescue efforts.”¹²

However, the report did acknowledge government efforts to fund shelter and rehabilitation services for women and children, training of prosecutors and judges, as it did the efforts to trace missing children based on the order of the Supreme Court.¹³

The government of India acknowledges the gravity of the issue. In 2008, in the foreword to the India Country Report, the Minister for Women and Child Development underscored the fact that:

There has been a significant shift in the perception of the problem of sexual exploitation of children and adolescents, especially through devious means of trafficking, by seeing it not just as a law enforcement issue, but as a heinous crime which violates basic human rights, including their right to live with dignity and self-respect.¹⁴

In 2013, the United Nations Office on Drugs and Crime (UNODC) in its India Country Assessment Report on Human Trafficking¹⁵, like the TIP report expressed reservations:

“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.”¹⁶

With the spotlight on the issue of missing children getting intense, the time is opportune to look at the international *bazaar* where the children are being traded like commodities. Globalisation has made these markets bigger and the process of transportation easier. A perusal of the TIP reports over the years shows that India is not just a destination or a transit country but a source country to 18 other countries in Africa (Uganda, Kenya and South Africa), South Asia (Nepal, Pakistan and Bhutan) South East Asia (Singapore and Malaysia), Middle East (UAE and Kuwait), Pacific Islands (Fiji), Europe (Cyprus, Belgium, Italy, Greece, Norway, Austria and Finland). This has been discussed in detail in this report.

12 Trafficking in Persons Report. Rep. U.S. Department of State, July 2015. 184. Web. 6 Apr. 2016.

13 Ibid., 185.

14 India Country Report: To Prevent and Combat Trafficking and Commercial Sexual Exploitation of Children and Women at World Congress III Against Sexual Exploitation of Children and Adults (Rio De Janeiro, Brazil, 2008). Publication. United Nations Office on Drugs and Crime & Ministry of Women and Child Development (Government of India), Nov. 2008. Foreword. Web. Jan.-Feb. 2016.

15 India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Anti Human Trafficking. Rep. United Nations Office on Drugs and Crime, 2013. 9. Web. Mar. 2016.

16 Ibid.,9.

Despite such awareness, countries at the regional (South Asia) level have been unable to put in place a unified tracking mechanism. And, children continue to remain at the mercy of multiple agencies and often get lost in the “system”.

However, there is some welcoming news amidst this bleak scenario. Over the last one and a half decade, especially between 2000 and 2010, some major initiatives on anti-human trafficking have been initiated and implemented internationally as well as nationally. Spearheaded by bi-lateral agencies/aid departments of countries, UN agencies as well as by international organisations like the *terre des hommes*, several breakthrough efforts have been made and an International Campaign Against Child Trafficking (ICACT) was initiated.

Between 2003 and 2006, the USAID supported a concerted regional initiative on human trafficking, the South Asia Regional Initiative/Equity Support (SARI/Equity Program(me)). Through its 32 India-specific projects¹⁷, which were added to the SARI/Equity Program(me) during its first year of existence through awards by USAID, support was provided for a range of anti-trafficking activities. They either preceded “region-focused” grant activities (to serve as a “learning experience”) or were piloted as a set of care activities (so as to become a model for future replication elsewhere in the region).¹⁸ Apart from the activities that partner organisations carried out, Regional Action Forum mechanisms were set up and two regional protocols were created – one on victims’ rights and protection and the other on care and support for survivors.¹⁹

In March 2007, UNODC, in partnership with several others including ILO, the International Organization for Migration (IOM), the United Nations Children’s Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (UNHCHR) and the Organization for Security and Cooperation in Europe (OSCE), launched the Global Initiative to Fight Human Trafficking (UN. GIFT).²⁰

This initiative aimed to garner international attention and efforts on human trafficking using international agreements reached at the UN as its springboard. The UNODC Regional Office for South Asia (UNODC ROSA) and the UN Women, South Asia, signed a Memorandum of Understanding whereby they committed to strengthen the existing cooperation in dealing with the organised crime of human trafficking in the South Asian countries of Bangladesh, Bhutan, India, Nepal, Maldives and Sri Lanka. Several initiatives in India were supported through UN-GIFT.²¹

About the Report

The decision to formulate this report was taken at a meeting with CACT partners (with 11 state partners in attendance in January 2015) and has been produced with their active support.

Information based on primary and secondary sources (collected from partners in the CACT) has been largely used to collate this report as has evidence gathered through the filing of RTIs (by the partners). Use has also been made of actual case experiences of the partners as well as HAQ’s case studies (as per the decision at the

17 International Narcotics and Law Enforcement Bureau (INL)/Office to Combat and Monitor Trafficking in Persons (GTIP)

18 Academy for Educational Development, Center for Civil Society and Governance. South Asia Regional Initiative/Equity Support Program (SARI/Equity) End of Project Report August 2003- September 2006. Rep. United States Agency for International Development, Dec. 2006. 4.Web. 20 Apr. 2016.

19 Academy for Educational Development and South Asia Regional Initiative/Equity Support Program. Minimum Standards of Care and Support for the Victims of Trafficking and Other Forms of Violence in South Asia. Rep. United States Agency for International Development, n.d. 2. Web. 1 May 2016.

20 United Nations Office on Drugs and Crime (UNODC). United Nations Global Initiative to Fight Human Trafficking (UN. GIFT): An Overview. 2008. Web. 20 May 2016.

21 Thomas, Dr. Sarasu Esther. Responses to Human Trafficking in Bangladesh, India, Nepal and Sri Lanka. Rep. A Review Commissioned by UNODC under the United Nations Global Initiative to Fight Human Trafficking, 2011. ix. Web. 20 May 2016.

meeting). The report also draws upon existing information (governmental and others) and media reports to trace the changes that have taken place in the last decade since the last report.

This report attempts to collate the developments – or the lack of them – since the last report in 2000 to arrive at an accurate current situational analysis of trafficking in India. It aims to be both an update and a critical assessment, the idea being to inform and enable the formulation of a strategy for all further actions/campaigns on trafficking.

The biggest challenge has been eliciting information through RTI applications. Despite several appeals, responses have been delayed and the information received is sparse and inconsistent across districts, making it difficult to use it as comparable data across districts or states.

MONDAY, MARCH 30, 2015

A 'billionaire' after 13 yrs of trafficking

TREACHEROUS Mahto used to operate from Jharkhand and send girls to Delhi and other metropolitan cities

Faizan Haider
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RANCHI: He had first visited Delhi in 2002 when he was just 18 years old and worked for a placement agency to supply minor domestic workers to households. Panna Lal Mahto, 31, is now the biggest trafficker who operates from Jharkhand, Chhattisgarh and supplies minor girls and boys to Delhi and other metropolitan cities.

After he was arrested in September last year, investigators have identified seven properties worth crores in Ranchi and two multi-storey flats in Delhi belonging to Mahto.

"I asked him that he must have become a millionaire by now but he replied that he was in fact a billionaire. His whole family was involved in the racket and used to operate in tribal areas of Jharkhand and supply girls to Delhi. We have written to the Enforcement Directorate (ED) to seize his properties and have also asked the Income Tax (IT) department to investigate the money trail," said Aradhana Singh, in-charge of Anti-Human Trafficking Unit (AHTU) in

Khunti district, from where Mahto started his racket.

According to Mahto's confession statement (a copy of which is with Hindustan Times), after his first visit to Delhi, he had returned back to Khunti in 2003 with four girls and ₹5,000 in his pocket.

"I placed these girls and got ₹5,000 as commission, I used to get ₹1,000 from the girls' salaries every month. A year later I sent them back to Delhi with more girls and that's how the racket started. In turn these girls became agents as well," said Mahto.

Raghubar Das, chief minister of Jharkhand, has now announced that Mahto's properties will be used for welfare of tribal girls.

"In 2005, with the money I earned through commission, I constructed a four-storey building in west Delhi's Shikarpur. We used to live on the upper floors, while girls brought from Jharkhand were kept in the basement.

Apart from placing girls in Delhi, Ghaziabad, Noida, Gurgaon and Faridabad, we used to send girls to

Chandigarh, Lucknow, Jaipur, Patna, Kanpur, Bangalore and Hyderabad too," he admitted.

According to NGOs, the government needs to bring in a placement agency bill to curb trafficking. "Jharkhand government has promised to bring the bill within a year, which is a welcome step. There should be memorandum of understandings between governments to curb trafficking," said Rishkant of Shakti Vahini NGO.

Mahto, along with his wife

Sunita Devi, was arrested by the joint team of Delhi and Jharkhand Police in September. Police had recovered four registers from him containing details of over 10,000 Jharkhand girls who were trafficked to Delhi to work as domestic help.

Sources said that police have also recovered CDs containing videos and pictures of trafficked girls dancing at Mahto's New Year party in Punjabi Bagh.



Aradhana Singh (top) is the in-charge of Anti-human Trafficking Unit (AHTU) in Khunti district of Jharkhand where Mahto was arrested in September last year.

HT PHOTO

case study

ACT OF BRAVERY

SAVITA (18)
Name changed

She has set an example for tribal girls of Jharkhand by doing something that many couldn't even dream of. In 2013, she fled from a placement agency in Delhi. However, she couldn't get her education certificate, which was still in the possession of the agency.

After returning to Ranchi, she bravely met the police to lodge a complaint to get her documents back. A month later, she, along with the police, came back to Delhi and raided

the placement agency in Maharanji Bagh.

"If the government creates enough opportunity here, we will never go to Delhi or any other city to work. I started crying when I was asked to clean a house. I had never done that in my life," she said.

Savita was taken to Delhi by her relative in July 2013, who later sold her to a placement agency. She was kept at a house in Kashmere Gate but her employer sacked her. After that the placement agency trained her in household chores but a few months later, she fled to Ranchi.

A GRUELLING JOURNEY

AAKANSHA (14)
Name changed

The journey for Aakansha was not easy. In 2014, a friend had brought her to Delhi and sold her to a placement agency. Luckily, during a gathering during Christmas held by her trafficker Panna Lal Mahto, her friend saw her and informed the police.

She was then rescued and was kept at Nirmla Chhaya home for girls, but after one month her trafficker Mahto tried to pose as her guardian and take custody. However, the court intervened and asked Mahto for proof and since he could not provide any, an NGO tracked her mother and brought her from Jharkhand.

I ASKED HIM THAT HE MUST HAVE BECOME A MILLIONAIRE BY NOW BUT HE REPLIED THAT HE WAS IN FACT A BILLIONAIRE. HIS WHOLE FAMILY WAS INVOLVED IN THE RACKET.

ARADHANA SINGH, in-charge of Anti-human Trafficking Unit (AHTU) in Khunti district

Human and Child Trafficking

chapter 2

Human trafficking has, over the last few decades, become one of the most lucrative forms of organised crimes across the globe. The buying and selling of persons for the purpose of sexual exploitation, forced labour, domestic work and organ trade has become common. According to Shankar Sen, who has written extensively on the subject²²:

The globalization of world economy has increased the movement of people across borders, legally or illegally, from poorer to wealthier countries. International organized crime has taken advantage of free flow of people and services to further extend its own reach and operations. International trafficking trade is highly organized, involving sophisticated international networks of procurers, document forgers, escorts, corrupt officials etc.

Chinese Asian, Central American and Russian gangs are among the major traffickers of people. International Organization of Migration (IOM) reports that Russian organized crime groups control European prostitution industries such as those in Poland and Germany. One major Russian criminal syndicate Mogilevich owns night clubs in Prague, Riga and Kiev and is engaged in trafficking in women and children for forced prostitution in these clubs. But largest numbers of victims are trafficked from South East Asia and South Asia. Cambodia, Philippines and India have become popular destinations for sex tourists including p(a)edophiles from western countries and Australia. Japan is considered to be one of the largest markets for Asian women trafficked for sex. Japanese organized crime syndicate Yakuja is involved in a big way in trafficking in women.

India for long has been considered the source, destination and transit country for women and children for forced labour and sex-trafficking. Ninety per cent of trafficking in India is internal, and those from India's most disadvantaged social and economic strata, are most vulnerable²³.

However, as can be seen from this report, trafficking between states in the country is rising due to increased mobility, rapid urbanisation, and a growth in a number of industries that use forced labour such as construction, textiles, cable and biscuit factories. An increasing number of job placement agencies lure adults and children for sex trafficking or forced labour, including domestic servitude, under false promises of employment. Also, women and children are now trafficked to about 18 countries of the world for a wide range of purposes (*also listed in the report later*).

22 Sen, Shri.Shankar. "Trafficking in Women and Children." Journal of the National Human Rights Commission, India 13 (2014): 51-74. <http://nhrc.nic.in/>. National Human Rights Commission, 10 Dec. 2014. 54.Web. 4 Apr. 2016.

23 Trafficking in Person Report. Rep. U.S. Department of State, 2013. 195.Web. 4 Apr. 2016.

Defining Trafficking

The Immoral Traffic (Prevention) Act (ITPA) 1956, the only law still in force for trafficking, deals only with trafficking of girls and women for prostitution. Amendments to this law have been long pending.

HAQ's report in 2000, made a salient observation with regard to this –

“The problem in dealing with this very complex phenomenon begins with its very definition. There is no single definition of trafficking. In the absence of a common understanding, it becomes difficult to design policies, guidelines or even interventions to tackle this issue.”

As a result, the report said:

For purposes of this analysis, we have defined trafficking of children as: “Sale and purchase of children for gain, within the country (intra-country) and across borders (inter-country), by deceit, fraud or force, resulting in exploitation of the person trafficked”.

What is new?

A more comprehensive definition of trafficking and the setting of new international standards emerged following the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (hereafter referred to as the Palermo Protocol). India had signed it in 2002 but ratified it only in May 2011. The Protocol for the first time provided a comprehensive definition of trafficking –

“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 service, slavery or practices similar to slavery, servitude or the removal of organs.”

Article 3, paragraph (b) of the Protocol says:

“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”.

The legal impact of the ratification of the Palermo Protocol by India was immense. It helped build the comprehensive definition of trafficking which has now been adopted in the Indian Penal Code (IPC) under Section 370 (*discussed later*). However, the adoption of this comprehensive definition of trafficking in the IPC happened only as recently as 2012 following the criminal law amendments based on the recommendations of the Justice Verma Commission Report.

This is an important example of how international law can be a resourceful tool to enhance the national law, therefore providing a way of dealing with gaps within the existing legal framework and further specify it.

Palermo Protocol

- drafted by the UN on 15th of Nov 2000
- signed on the 12th of Dec 2000
- in force since the 25th of Dec 2003
- ratified by the government of India on the 5th of May 2011

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

This optional protocol came into force on 18 January 2002, in accordance with article 14(1) of the UN Convention on the Rights of the Child (UNCRC). India signed it on 15 November 2004 and ratified it on 16 August 2005.²⁴

This optional protocol was adopted by the UN Committee on the Rights of the Child following the recognition of significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography, and the widespread and continuing practice of sex tourism, to which children are especially vulnerable. The Committee also recognised that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation. And that girl children are disproportionately represented among the sexually exploited.²⁵

India's ratification of this optional protocol signifies that it recognises the need to address the issues included in the optional protocol.

Amendment to The Indian Penal Code and Inclusion of Definition of Trafficking (Section 370 in 2013)

Following a horrific gang rape of a woman in New Delhi in 2012, a committee was constituted on 23 December 2012. It was set up under the chairpersonship of Justice Verma to review laws on sexual assault and give recommendations.

Based on the recommendations of what is popularly known as the Justice Verma Committee Report, a definition of trafficking was added to the IPC in its amendment in 2013. It was first brought in as an ordinance and then passed as an amendment and included in the Indian Penal Code. What is interesting is the word *child* used in the ordinance was substituted with the word *minor* in the amendment which was finally enacted.

In the amendment trafficking is defined as – Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by –

1. using threats, or
2. using force, or any other form of coercion, or
3. by abduction, or
4. by practising fraud, or deception, or
5. by abuse of power, or
6. 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

Till the above definition was arrived at (following the amendment in 2013) addressing all the other forms and purposes of child trafficking depended largely on the creative use of the existing laws for children and along with the other criminal law provisions available. *(these have been dealt with in detail in the training manuals on child trafficking, including the one developed by CACT).*²⁶

24 "Chapter IV Human Rights:11 .c Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography." <https://treaties.un.org>. United Nations Treaties Collection, Jan. 2002. Web. 25 Apr. 2016.

25 "Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography." www.ohchr.org. United Nations Human Rights Office of High Commissioner. Web. 31 May 2016.

26 HAQ: Centre for Child Rights, Combating Child Trafficking- A Users Handbook, New Delhi, 2007.

What is Trafficking of Children?

The definition provided by the Palermo Protocol is applicable to all persons, including children. The Protocol states:

- (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.*²⁷

The Palermo Protocol is clear that it is not necessary for a child to have been subjected to abusive means of control, e.g., coerced or deceived, in the course of being recruited for the case to constitute trafficking. It is sufficient that a child under age 18 has been recruited and moved elsewhere to be exploited to be regarded as a victim of trafficking. In addition, if a child’s recruitment or transportation – regardless of end intention – involves any of the means used to traffic adults, e.g., threats, violence, abduction or deception, the case is also considered trafficking.²⁸

Although the terms “exploitation of the prostitution of others” and “other forms of sexual exploitation” are not specifically defined in the Palermo Protocol,²⁹ the term “exploitation of the prostitution of others” is defined elsewhere³⁰ and includes cases in which a child accepts money or any other consideration in return for acts of sex and passes this on to another person who thereby exploits the child’s prostitution. “Other forms of sexual exploitation” are not the subject of another international legal instrument. This phrase may be interpreted as referring to pornography and a range of other forms of abuse such as forced marriage.³¹

The Palermo Protocol definition of trafficking makes a clear delineation between ‘exploitation’ in the context of trafficking and other forms of exploitation such as child labour or economic activities involving children. ‘Exploitation’ is defined in terms of sexual exploitation and forms of economic exploitation associated with coercion and servitude, as well as the removal of a child’s organs³² for financial gain.³³

The use of the term ‘exploitation’ means that the individuals who profit from a child’s exploitation are sometimes referred to as ‘exploiters’. In cases of commercial sexual exploitation, these individuals are referred to as ‘pimps’. In other cases, they may be employers and are sometimes referred to as ‘controllers’ because they control a child while she or he is earning for them. Sometimes these same individuals were responsible for a child’s initial recruitment or movement. In most cases, the child has been moved from the trafficker to an exploiter.³⁴

27 General Assembly. “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.” www.ohchr.org. United Nations Human Rights Office of High Commissioner, 15 Nov. 2000. Web. Mar. 2016.

28 Dottridge, Mike. “Chapter 2: Essential Information about Child Trafficking.” Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe. Ed. UNICEF Regional Office for CEE/CIS. UNICEF, 2005. 14-43. Print.

29 United Nations Office on Drugs and Crime (UNODC). A/55/383/Add.1: Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions. paragraph 64.Rep. United Nations General Assembly, 3 Dec. 2000. 19.Web. Mar. 2016.

30 “Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.” www.ohchr.org. United Nations Human Rights Office of High Commissioner. Web. Apr. 2016.

31 Weissbrodt, David, and Anti-Slavery International. Abolishing Slavery and Its Contemporary Forms. Rep. Office of the United Nations High Commissioner for Human Rights-Geneva and New York, 2002.23. Web. Apr.-May 2016.

32 United Nations Office on Drugs and Crime (UNODC). A/55/383/Add.1:Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions. paragraph 64.Rep. United Nations General Assembly, 3 Dec. 2000.55. Web. Mar. 2016.

33 Dottridge, Mike. “Chapter 2: Essential Information about Child Trafficking.” Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe. Ed. UNICEF Regional Office for CEE/CIS. UNICEF, 2005. 14-43. Print.

34 Ibid.,15.

When examining a case of suspected trafficking, there is need to look out for these three critical elements:

Action	the recruitment, transportation, transfer, harboring, procurement or receipt of persons
Means	threat, force, coercion, abduction, fraud, deception, abuse of power enjoyed by the trafficker (s), abuse of the position of vulnerability of the victim, giving or receiving payments or benefits, some consideration
Purpose	exploitation, which includes exploitation of the prostitution of others, other forms of sexual exploitation, forced labour, slavery or similar practices, servitude or removal of organs

Only when we find all three elements in the case, can we treat it as a case of **‘trafficking’**.

CACT, *Child Trafficking- A Users Handbook*

There are also some other efforts made over the years to define child trafficking. Here are some examples:

Working Definition of CACT

“the recruitment, transportation, transfer, harbouring or receipt of persons below the age of 18 years, within or across borders, legally or illegally, by means of threat or use of other forms of coercion, of abduction, of deception, of the abuse of power or of position of vulnerability or, of the giving or receiving of payment or benefits to achieve the consent of such person, with the intention or knowledge that it is likely to cause or lead to exploitation.”

The words ‘legally or illegally’ were inserted by CACT to cover all forms and purposes of trafficking in children be it marriage that is valid or adoption that has met all legal procedures and formalities.

Working Definition of Save the Children Alliance ³⁵

“all acts of recruitment, transportation, purchase, sale, transfer, receipt or harbouring of a person including a child (as defined by the United Nations Convention on the Rights of the Child and/or the applicable national laws of state parties) within or across borders that involve the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt bondage, whether or not any payment is given or received, for the purpose of placing or holding such person in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, in slavery-like condition or for false adoption.”

International Labour Organization³⁶

“Child trafficking is about taking children out of their protective environment and preying on their vulnerability for the purpose of exploitation.”

As can be understood from some of the definitions above, sale and purchase of children is intrinsic to trafficking, as is their movement from one place to another. The lack of concrete definitions of both sale and trafficking makes it very difficult in most instances to determine whether a particular transaction is a sale amounting to trafficking. There is, therefore a need to examine what the understanding on these issues is to be able to arrive at a comprehensive understanding of trafficking.³⁷

What is equally important to bear in mind is that when it comes to minors, all child prostitution is to be treated as trafficking and hence an illegal activity. While there may be varying views on legalising prostitution in the case of adults, in the case of minors, there can be no question of consent and hence no question of legalising ‘child prostitution’.

35 UN-Inter Agency Project on Combating Trafficking in Women and Children in the. Training Manual for Combating Trafficking in Women and Children. Rep. Save the Children, International Organization for Migration, 2002. 11.Web. Feb.-Mar. 2016.

36 “Trafficking in Children.” www.ilo.org. International Labour Organization. Web. Apr.-May 2016.

37 Child trafficking in India, HAQ: Centre for Child Rights, 2000.

While it may seem that **migration**³⁸ and **trafficking** are distinct and separate, they are at the same time integrally connected. The pressing need to migrate in search of work creates a fertile ground for traffickers and unscrupulous agents to exploit this need and profit from it. Contemporary developments have caused population movements due to war, persecution, and violations of human rights, natural disasters, or very poor economic conditions. A number of countries have imposed more stringent measures for border control and entry requirements and have reduced opportunities for legal migration. Such measures, however, do not alter the demand in these countries for cheaper sources of labour in the informal sector which gives rise to irregular, trans-border movement. In today's world, trafficking cannot be seen out of the context of migration as the most common form of trafficking is 'migrant trafficking'.³⁹

At the same time, it is important to distinguish between trafficking and illegal migration. By its very nature, trafficking involves some element of involuntariness - either through deception, force or intimidation, whereas illegal migration often occurs with the free co-operation, if not the instigation of the illegal migrant. There are, however, linkages between the two activities.

As was described in HAQ's 2000 report, the process of 'migrant trafficking' occurs in at least two phases - recruitment and transportation, and confinement to the site of work under exploitative conditions - when a migrant and unsuspecting victim is recruited and/or transported and delivered to a site of work which is different from the one promised by the agent involved in it or, when such migrant is subjected to such conditions of work about which she/he had no prior knowledge and therefore did not consent to. A greater number of cases under this category are those that fall on the borderline of illegal migration, smuggling of persons and trafficking. It is difficult to distinguish between the three as they have certain common elements.⁴⁰

Elements of Child Trafficking⁴¹

There are some terms that need a little further clarity in the context of children:

Sale of Children

It is difficult to have a definition of "sale of children" since children are not, and should not be, legally and/or morally, the objects of trade or commerce. The reality of such sales, however, proves the need for a definition. The traditional concept of sale is that it pertains only to property - real, personal or incorporeal - and that the consideration is always price in money.

In order to gain a clearer perception of the meaning of "sale" in its commercial application, it may be useful to take a look at some definitions of "sale" in general. Black's Law Dictionary defines it as "a contract between two parties, called, respectively, the 'seller' (or vendor) and the 'buyer' (or purchaser), by which the former, in consideration of the payment or promise of payment of a certain price in money, transfers to the latter the title and the possession of property".

Recruitment

The process of recruitment of children is always by adults with the knowledge and support of at least certain members of the community and sometimes even the parents or other family members. Abuse of authority also plays a vital role when anyone who exercises any form of authority over a child or involved in recruitment resulting in trafficking.

38 Child trafficking in India, HAQ: Centre for Child Rights, 2000.

39 Ibid., 5.

40 Child trafficking in India, HAQ: Centre for Child Rights, New Delhi, 2000.

41 This section draws upon HAQ's report on child trafficking as well as all other available literature on this subject.

Children are generally recruited into (this is not an exclusive list - just exemplary):

- Prostitution
- Industrial/ factory based labour
- Bonded labour
- Domestic labour
- Agricultural labour
- Construction work
- Circus
- Dance troupes
- Liquor shops
- Camel jockeys
- Insurgent groups
- Or any other employment, which may be legal or illegal

Often, recruitment is done through:

- Personal contacts
- Agencies
- Advertisements/Internet
- Kidnapping/threats or violence or other forms of coercion such as debt bondage, or with consent through deception, when good job opportunities are promised or implied

Transportation

Transporting a child from one place to another would result in trafficking when it is done by:

- Using force as in the case of kidnapping or
- When the travel is under threat or
- When the travel is done with consent taken deceptively

Transfer

Sometimes, children are transferred from one place to another, sold several times to middlemen or agents before they reach the final destination. Generally, transfer is done secretly by using force or coercion and without informing the child about it.

Harbouring

In the context of trafficking, harbouring implies confinement.

Abuse of a position of vulnerability

It has been observed that often the victims/trafficked children are pushed into difficult situations by someone whom they trust or someone close to them or someone whom they cannot refuse to. In the case of trafficking, generally, these people are either parents or community leaders or some close friend.

Procurement

In the case of child trafficking, procurement means acquiring a child for the purpose of exploitation either through:

- Sale and purchase
- By kidnapping
- By use of threat, force, coercion
- By deception or fraud

Consideration

It is the benefit received (in cash or in kind) in exchange of the child.

A case of trafficking covers a chain of events from the source areas to their destinations. In this chain, there may also be several halts before the trafficked child reaches the final destination. These points of halts are known as the transit areas.

Several kinds of crimes may be committed against a child in each of these areas. For example, the buying or selling or kidnapping may happen in the source area. In transit areas, the child may be kept in wrongful confinement and subjected to sexual as well as other forms of abuse and violence or fraud and deception.

In the destination areas too many transactions may take place such as final selling, forced labour or prostitution.

Source → Transit → Destination

The lack of credible data on the extent of child trafficking and commercial sexual exploitation of children has been the biggest challenge confronting this issue.

According to a study by Stanford University⁴² the nature of human trafficking does not make for reliable data. This is so because, for one, trafficking transcends borders and is closely related to migration. More importantly, the most reliable data pertains to only those who report the crime, and this is a very small subset of the number of actual crimes that occur, and are not representative of the larger population of the trafficked.

Before HAQ's report in 2000, the last study connected to this subject was on child prostitution in the 1990s by the Central Social Welfare Board.

In 2003, a comprehensive study was undertaken by National Human Rights Commission, UNIFEM and ISS (hereafter referred to as NHRC report) on human trafficking (with Dr. PM Nair as its principal investigator and researcher). Although, this report focussed on trafficking for commercial sexual exploitation in detail, it also highlighted other forms and purposes of trafficking. It underscored the magnitude of the problem, identified trafficking routes - source, destination and transit areas, gaps in the law and their implementation and suggested a clear need for investing in prevention as much as law enforcement, care, protection and rehabilitation of victims.

As per the NHRC report,⁴³ the maximum percentage of interviewed women and children had been trafficked from

- Andhra Pradesh (25.9 per cent),
- Karnataka (15 per cent),
- West Bengal (12.5 per cent)
- Tamil Nadu (12.3 per cent).

The report also found that in most states, *intra-state* trafficking was a common phenomenon. This was particularly true for a state like Tamil Nadu, where, out of a total of 156 interviewed trafficked victims, 148 (94.8 per cent) had been subjected to intra-state trafficking. Similarly, in Rajasthan, intra-state trafficking is 88.5 per cent, followed by Assam and Meghalaya at 88.4 per cent, Bihar at 80.26 per cent, and Uttar Pradesh at 73.5 per cent.⁴⁴

42 Hameed, Sadika, Sandile Hlatshwayo, Evan Tanner, Meltem Turker, and Jungwon Yang. Human Trafficking in India : Dynamics, Current Efforts, and Intervention Opportunities for The Asia Foundation. Rep. Stanford University, 12 Mar. 2010. Web. Feb.-Mar. 2016.

43 Nair, P.M., IPS, and National Study Team. A Report on Trafficking in Women and Children in India 2002-2003. Rep. Institute of Social Sciences-New Delhi, National Human Rights Commission-New Delhi, United Nations Development Fund for Women-New Delhi, 18 July 2004. 50.Web. 1 Mar. 2016.

44 Ibid., 50-51.

In Delhi and Goa the intra-state trafficking is very minimal. As per the findings of this report, trans-border trafficking from Nepal and Bangladesh to India seemed to be almost a one-way traffic, without any instances of reverse trafficking to these countries. Further, between the two countries, trafficking from Nepal was higher (although the researcher admitted to the fact that it was difficult to identify Bangladeshi traffickers and trafficked victims as they both spoke Bangla).⁴⁵

The study expressed deep concern for the fact that **one-fifth of the brothel population consists of children**. The largest number of children came from Maharashtra, West Bengal and Goa. This finding reflects the magnitude of the vulnerability of children to trafficking in this country.⁴⁶

In 2008, the India Country Report⁴⁷ stated –

The number of trafficked persons is difficult to determine due to the secrecy and clandestine nature of the crime. However, studies and surveys sponsored by the Ministry of Women and Child Development (MWCD) estimates that there are about three million prostitutes in the country, of which an estimated 40 per cent are children, as there is a growing demand for very young girls to be inducted into prostitution on account of customer preferences.

Apart from this, data on trafficking in all its forms and purposes is sparse. For long, the only government data available to provide some insights on the situation of trafficking was the crime statistics relating to human trafficking and missing and kidnapped children available in the Crime in India Reports brought out by the National Crime Records Bureau (NCRB).

It was only in 2006 that a chapter on Human Trafficking was introduced in the yearly Crime in India reports brought out by the NCRB. But since this data does not pertain only to children, it is difficult to disaggregate the data for children. Moreover, it is important to remember that this does not provide the entire picture as since most cases go unreported. Here are some examples of the challenges that the available data poses:

- The chapter on Human Trafficking in the Crime in India Publications of the NCRB fails to take into account cases of kidnapping and abduction, even though the chapter on Violent Crimes gives age-wise details on kidnapping and abduction according to its purpose i.e. whether kidnapping is for prostitution, or marriage, or illicit intercourse, begging etc.
- There is no data available on cases of ‘child trafficking’ registered under the ITPA since neither the tables on crimes against women nor those on crimes against children or violent crimes provide age-wise break-up of cases registered under ITPA

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- Section 5 of ITPA makes it a punishable offence to procure a person for prostitution purposes but records show that this is the most underused provision with few convictions
- Children who are subjected to the offences under ITPA are arrested for soliciting and treated as criminals instead of victims → victims become the convict
- ‘Zipnet’ website: intended to act as a country-wide database for missing women and children; was meant to be complete by 2012 but still not achieved
- 85% of all prosecutions under the Immoral Traffic Prevention Act were against female prostitutes rather than the traffickers

Source: United States Department of State, 2013, Trafficking in Persons Report – India, (19 June 2013), <http://www.refworld.org/docid/51c2f3b7c.html>

45 Nair, P.M., IPS, and National Study Team. A Report on Trafficking in Women and Children in India 2002-2003. Rep. Institute of Social Sciences-New Delhi, National Human Rights Commission-New Delhi, United Nations Development Fund for Women-New Delhi, 18 July 2004. 51. Web. 1 Mar. 2016.

46 Ibid., 51.

47 India Country Report: To Prevent and Combat Trafficking and Commercial Sexual Exploitation of Children and Women at World Congress III Against Sexual Exploitation of Children and Adults (Rio De Janeiro, Brazil, 2008). Publication. United Nations Office on Drugs and Crime & Ministry of Women and Child Development (Government of India), Nov. 2008.4.Web.24 May. 2016.

- A case of trafficking may get registered under more than one legal provision in the IPC and other special laws (the same case may get registered under Sections 370/370A, 366 A, 372, 373 of IPC and the ITPA), thereby making it difficult to enumerate the exact number of cases of trafficking in women and children

But as the situation is today, NCRB remains the only regular source of information. Since the chapter on human trafficking does not provide age specific data, the data on kidnapping and abduction have been used to understand the nature of trafficking as collated by NCRB.

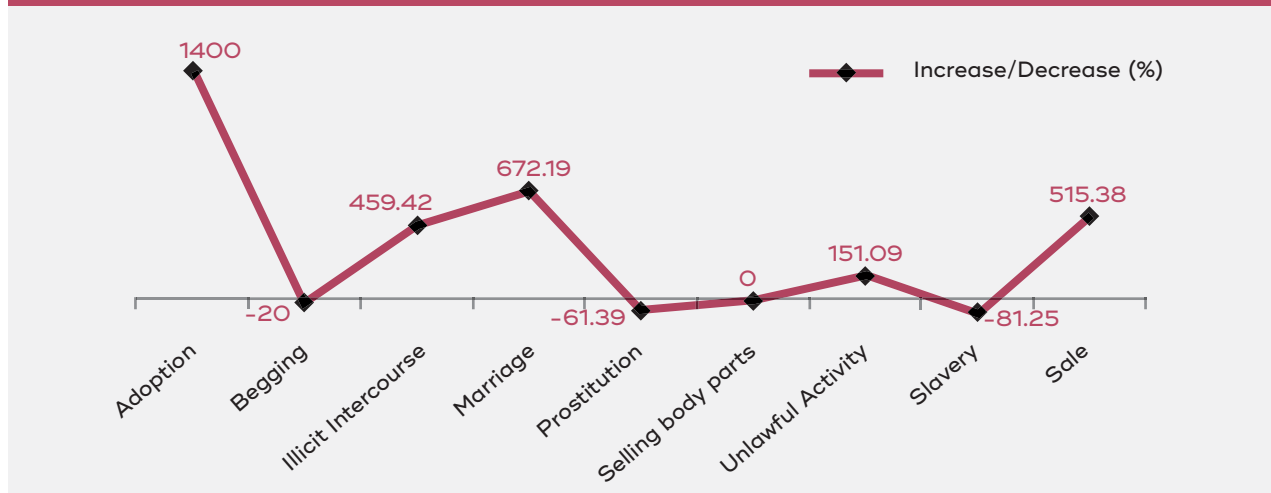
In the last decade there has been a 571 per cent increase in kidnapping and abduction of children with kidnapping for adoption being the highest (1400 per cent) followed by marriage- 672.19 per cent.

Table 1: Kidnapping and Abduction cases of Children that qualify as cases of child trafficking

Purpose of kidnapping and abduction	Year											Percentage Increase(+)/decrease(-) (in 10 years)
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	
Adoption	15	41	23	36	34	44	37	62	46	111	225	1400.00
Begging	20	19	24	13	17	30	34	45	29	44	16	-20.00
Illicit Intercourse	414	501	676	649	825	765	749	1373	1113	2910	2316	459.42
Marriage	1593	1693	2621	3224	4003	4177	5193	8409	10572	14242	12301	672.19
Prostitution	101	117	148	130	130	165	93	137	143	60	39	-61.39
Selling body parts	1	3	1	0	0	0	0	0	0	0	1	0.00
Unlawful activity	92	58	30	84	138	219	160	222	270	382	231	151.09
Slavery	16	4	15	35	32	49	26	24	5	19	3	-81.25
Sale	13	9	11	12	14	39	51	166	54	49	80	515.38
SUM TOTAL	2265	2445	3549	4183	5193	5488	6343	10438	12232	17817	15,212	571.61

Source: Crime in India. National Crime Records Bureau. Ministry of Home Affairs.

Figure 3: Crime Head-Wise Variation under Purpose of Kidnapping & Abduction (2004 to 2014) (per cent)



But if one delves deeper into the purposes of these kidnappings, the real picture emerges and compels one to question the methods of data collation:

- As mentioned above, the 1400 per cent increase in the number of kidnappings for the purpose of adoption, to 225 in 2014 is a matter of deep concern. There were only 15 cases registered under kidnapping for the purpose of adoption in 2004.

- At the same time, it is surprising to see a 20 per cent **decrease in kidnapping for begging** in the last decade with only 16 cases reported in 2014. Does this not indicate a mismatch between reality and data? One has only to look around to see how many children are begging.
- What adds to the doubt and concern is that while there is an almost 81 per cent **reduction in kidnapping of children for slavery**, the Global Slavery Index, 2014 has ranked India as number 5 with the highest number of people in modern slavery in absolute terms. The report further highlights that it **is women and children who get affected by modern day slavery**.⁴⁸ If the number of children in begging is decreasing, then how does one explain this ranking? According to the Global Index, “people engaged in begging” is one of the critical indicators of deciding modern slavery.
- There is an **alarming increase in kidnapping of children for illicit intercourse** with a 460 per cent increase in these crimes, and these are just the reported cases. The prevalence of a highly rigid and patriarchal society becomes a major obstruction in reporting of such cases. But with the existing figures, the growing concerns of child protection needs cannot be ignored cases.

Cases under the ‘buying of minor girls’ had increased by 133.3 per cent during the year 2014 as compared to the previous year (6 cases). In 2014, data was collected under buying of minors for prostitution whereas in previous years it was collected under buying of girls for prostitution.

Table 2: Other Crimes that qualify as cases of child trafficking

Crime Head	Year											Percentage Increase(+)/ decrease(-) (in 10 years)
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	
Procuration of minor girls	205	145	231	253	225	237	679	862	809	1224	2020	885.37
Buying of girls/ minors for prostitution#	21	28	35	40	30	32	78	27	15	6	14	-33.33
Selling of girls/minors for prostitution	19	50	123	69	49	57	130	113	108	100	82	331.58
Importation of girls	89	149	67	61	67	48	36	80	59	31	2	-97.75

Source: Crime in India. National Crime Records Bureau. Ministry of Home Affairs. Table 6A (A)

Note: 'Newly included in 2014; #' Modified in 2014, earlier data collected under girls whereas presently data collected under minors

The following tables were available on the website of the MHA⁴⁹. Table 3 provides some information on the number of girls below the age of 18 years who were victims of trafficking under the ITPA.

It is heartening to see the high levels of rescue that are reported - 83 of the 85 children below the age of 16 and 165 of the 171 children trafficked between the ages of 17 and 18 have been rescued. Although, given the large number of girls who go missing every year, this seems a very under-reported figure. Yet even with these under-reported numbers, this table gives an indication of which the endemic states are. Of the states that have reported, Maharashtra has the highest number of victims both under 16 as well as in the 17-18-year age cohort. Andhra Pradesh (undivided) and Tamil Nadu too have very high number of victims. This corroborates the findings of the NHRC study cited earlier except in the case of Karnataka.

48 http://www.dh.cii.eu/0_content/Global_Slavery_Index_2014_final_lowres.pdf, accessed 1.03.2016

49 Government of India. Anti-Human Trafficking. Ministry of Home Affairs. *Statement on Immoral Traffic Prevention Act during the Year 2013*. 21 Jan. 2014. Web. Apr.-May 2016.

Table 3: Statement on Immoral Traffic Prevention Act During the Year 2013 (as on 21.01.2014)

States /UT	No. of cases reported under ITPA ACT	No. of victims girls/women reported in such cases			
		No. of reported victims below the age of 16 years	No. of reported victims between the age group of 17-18 years	No. of reported victims above the age of 19 years	Total no. of reported victims in these cases (Col 2+3+4)
	1	2	3	4	5
Andhra Pradesh	195	1	7	279	287
Arunachal Pradesh	0	0	0	0	0
Assam	26	5	8	7	20
Bihar	8	0	4	24	28
Chattisgarh					
Goa	18	0	2	60	62
Gujarat	56	0	3	86	89
Haryana					
Himachal Pradesh	2	0	0	10	10
Jammu & Kashmir	0	0	0	0	0
Jharkhand					
Karnataka	18	0	0	35	35
Kerala	0	0	0	0	0
Madhya Pradesh	2	2	0	0	2
Maharashtra	295	52	131	1039	1222
Manipur	0	0	0	0	0
Meghalaya					
Mizoram	0	0	0	0	0
Nagaland	0	0	0	0	0
Odisha	17	12	4	25	42
Punjab					
Rajasthan	35	0	0	16	16
Sikkim	0	0	0	0	0
Tamil Nadu	166	3	5	236	244
Tripura	0	0	0	0	0
Uttar Pradesh	10	5	3	38	46
Uttarakhand	13	1	1		9
West Bengal					
TOTAL STATES	861	81	168	1863	2112
A&N islands	7	0	0	0	0
Chandigarh	5	2	0	15	17
D&N Haveli	1	0	0	0	0
Daman & Diu	4	0	0	0	0
Delhi	10	2	3	18	23
Lakshwadeep	0	0	0	0	0
Puducherry	0	0	0	0	0
TOTAL UT'S	27	4	3	33	40
ALL INDIA TOTAL	888	85	171	1896	2152

Source: [http://stophumantrafficking-mba.nic.in/writereaddata/STATEMENT%20ON%20IMMORAL%20TRAFFIC%20PREVENTION%20ACT%20DURING%20THE%20YEAR%202013%20\(As%20on%2021_01_2014\)\(VICTIMS\).pdf](http://stophumantrafficking-mba.nic.in/writereaddata/STATEMENT%20ON%20IMMORAL%20TRAFFIC%20PREVENTION%20ACT%20DURING%20THE%20YEAR%202013%20(As%20on%2021_01_2014)(VICTIMS).pdf)

Victims rescued			Total no. of victims yet to be recovered			Data not received for the month	
No. of reported victims below the age of 16 years rescued	No. of reported victims between the age group of 17-18 rescued	No. of reported victims above the age of 19 years rescued	Total no. of victims rescued out of reported victims (Col. 6+7+8)			Non - Indian	
6	7	8	9	10	11	12	13
1	5	259	265	22	258	7	Jan, Feb, Jun, Oct, Dec
0	0	0	0	0	0	0	Nov to Dec
5	7	7	19	1	19	0	Oct to Dec
0	4	24	28	0	28	0	July to Dec
							NR
0	2	60	62	0	47	15	Mar, Aug, Sept, Dec
0	3	86	89	0	89	0	Nov to Dec
							NR
0	0	10	10	0	9	1	May to Aug, Nov
0	0	0	0	0	0	0	Jan-Mar, Jun-Oct, Dec
							NR
0	0	35	35	0	34	1	Mar to Dec
0	0	0	0	0	0	0	Dec
2	0	0	2	0	2	0	Jan to Jun, Nov, Dec
52	128	1041	1221	1	1190	31	Mar, Dec
0	0	0	0	0	0	0	Except May
							NR
0	0	0	0	0	0	0	Dec
0	0	0	0	0	0	0	Mar, Dec
12	4	26	42	0	42	0	Nov to Dec
							NR
0	0	3	3	13	3	0	Dec
0	0	0	0	0	0	0	Dec
3	5	236	244	0	244	0	Dec
0	0	0	0	0	0	0	Dec
5	3	38	46	0	40	6	Nov-Dec
1	1		9	0	6	3	Dec
							NR
81	162	1832	2075	37	2011	64	
0	0	0	0	0	0	0	Dec
1	0	7	8	9	8	0	Dec
0	0	0	0	0	0	0	Oct, Dec
0	0	0	0	0	0	0	May, Jun, Oct-Dec
1	3	19	23	0	22	1	Feb, Jul, Sep, Dec
0	0	0	0	0	0	0	Jan, Feb
0	0	0	0	0	0	0	May, Dec
2	3	26	31	9	30	1	
83	165	1858	2106	46	2041	65	

The following table (Table 4) gives the most comprehensive break up cases according to the purpose of trafficking. Why this data is not always available year after year is a question that remains. Although the data is for adults as well as children, there are some heads such as child labour and child pornography that are child specific. What is even more interesting is the mismatch between the data provided by the states in response to RTI applications and what is presented here in the context of trafficking for child labour.

Table 4: Purpose-wise Data on Human Trafficking During 2013							
State /UT	Sexual exploitation	Forced labour	Child labour	Hazardous jobs	Forced marriage	Begging	Maiming
	1	2	3	4	5	6	7
Andhra Pradesh	24	0	1	0	1	0	0
Arunachal Pradesh	1	0	0	0	1	0	0
Assam	79	5	23	3	0	0	1
Bihar	19	0	6	0	0	0	0
Chattisgarh							
Goa	14	0	0	0	0	1	0
Gujarat	0	0	14	0	17	0	0
Haryana							
Himachal Pradesh	1	0	0	0	0	0	0
Jammu & Kashmir	0	0	0	0	0	0	0
Jharkhand							
Karnataka	1	0	0	0	0	0	0
Kerala	60	2	7	0	1	0	0
Madhya Pradesh	0	1	0	0	0	0	0
Maharashtra	89	0	4	0	0	0	0
Manipur	0	0	0	0	0	0	0
Meghalaya							
Mizoram	0	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0	0
Odisha	74	11	8	1	78	0	0
Punjab							
Rajasthan	36	7	157	0	7	0	0
Sikkim	0	0	0	0	0	0	0
Tamil Nadu	6	41	12	2	37	4	0
Tripura	0	0	0	0	0	0	0
Uttar Pradesh	9	0	107	0	0	0	0
Uttarakhand	34	0	0	0	4	0	0
West Bengal							
TOTAL STATES	447	67	339	6	146	5	1
A&N islands	0	0	0	0	0	0	0
Chandigarh	1	0	0	0	0	0	0
D&N haveli	0	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0	0
Delhi	10	18	92	1	0	0	1
Lakshwadeep	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	0
TOTAL UT'S	11	18	92	1	0	0	1
ALL INDIA TOTAL	458	85	431	7	146	5	2

Source: <http://stophumantrafficking-mha.nic.in/writereaddata/purpose-wise%20data%20on%20human%20trafficking%20during%202013.pdf>

Drug peddling	Petty crimes	Domestic servitude	Organ transplant	Child pornography	Other reasons	Total	Data not received for the month
8	9	10	11	12	13	14	13
0	22	0	0	0	52	100	Feb, Jun, Oct, Dec
0	0	0	0	0	23	25	Nov to Dec
0	0	0	0	0	2	113	Oct to Dec
0	0	0	0	0	0	25	July to Dec
							NR
0	0	0	0	0	0	15	Mar, Aug, Sept, Dec
0	0	0	0	0	6	37	Nov to Dec
							NR
0	0	0	0	0	0	1	May to Aug, Nov
0	0	0	0	0	0	0	Mar, Jun-Oct, Dec
							NR
0	0	0	0	0	1	2	Mar to Dec
0	0	0	0	0	45	115	Dec
0	0	0	0	0	13	14	June, Nov, Dec
0	0	0	0	0	19	112	Mar, Dec
0	0	0	0	0	0	0	except May
							NR
0	0	0	0	0	0	0	Dec
0	0	0	0	0	1	1	Mar, Dec
0	0	0	0	0	91	263	Nov to Dec
							NR
0	0	3	0	0	235	445	Dec
0	0	0	0	0	0	0	Dec
0	0	0	0	0	11	113	Dec
0	0	0	0	0	0	0	Dec
0	0	0	0	0	1	117	Nov, Dec
0	0	0	0	0	74	112	Dec
							NR
0	22	3	0	0	574	1610	
0	0	0	0	0	0	0	Dec
0	0	0	0	0	0	1	Dec
0	0	0	0	0	0	0	Oct, Dec
0	0	0	0	0	0	0	May, June, Oct-Dec
0	0	39	0	0	7	168	Feb, July, Sept, Dec
0	0	0	0	0	0	0	Jan, Feb
0	0	0	0	0	0	0	May, Dec
0	0	39	0	0	7	169	
0	22	42	0	0	581	1179	

Examining the profile of the traffickers, the NHRC report states that 40 per cent of the traffickers admitted that they had trafficked in children. Of them, almost 80 per cent stated that the purpose was commercial sexual exploitation, while the rest cited nonsexual exploitation, which includes begging, domestic labour, industrial labour, etc. While about 23 per cent of these traffickers admitted that they were engaged in trafficking of children without the consent of their parents and family members, 29.7 per cent stated that they trafficked children with the consent of the family members. However, as per the report 46.9 per cent of the traffickers said that they obtained the consent of the family members only sometimes. Among the family members who gave their consent to the trafficking of children, a staggering 85.7 per cent pointed a

Table 5: Data on Human Trafficking in India During 2013 (as on 21.01.2014)

STATE / UT	Total number of victims reported trafficked	Number of victims rescued	Nationality of rescued victims (Pl. mention names of the countries)		Total number of victims yet to be recovered/rescued	Total no of accused persons arrested
			Indian	Foreigners		
1	2	3	4	5	6	7
Andhra Pradesh	110	111	12	0	8	201
Arunachal Pradesh	37	19	1	0	18	18
Assam	200	146	125	2	54	80
Bihar	0	0	0	0	0	0
Chhattisgarh						
Goa	0	0	0	0	0	0
Gujarat	36	22	1	0	9	30
Haryana						
Himachal Pradesh	10	10	10	0	0	22
Jammu and Kashmir	0	0	0	0	0	0
Jharkhand						
Karnataka	29	36	35	1	0	62
Kerala	137	137	136	0	0	120
Madhya Pradesh	12	12	0	0	0	35
Maharashtra	630	658	653	17	30	212
Manipur	0	0	0	0	0	0
Meghalaya						
Mizoram	0	0	0	0	0	0
Nagaland	1	1	0	0	0	1
Odisha	363	260	0	0	103	165
Punjab						
Rajasthan	1190	1104	1101	3	85	212
Sikkim	0	0	0	0	0	0
Tamil Nadu	762	762	1	0	0	223
Tripura	0	0	0	0	0	0
Uttar Pradesh	68	116	130	7	133	38
Uttrakhand	116	47	16	1	31	52
West Bengal						
TOTAL STATES	3701	3441	2221	31	471	1469

finger at the parents. The remaining respondents obtained the consent of other family members, including stepfathers, stepmothers, uncles, brothers, and even caretakers of orphans.⁵⁰

What is more, although these are not figures that pertain to only child trafficking, government's own figures show very disheartening rates of arrest, conviction and even punishment for those convicted for trafficking. Is it any wonder that trafficking of children and women remains a lucrative business in the country?

Total number of persons charge sheeted	Total number of persons convicted	Quantum of punishment awarded to convicted persons			Number of persons acquitted	Number of cases pending under investigation	Number of cases pending for trial	Data not received for the month
		Below 2 years	2 to 7 years	Above 7 years				
8	9	10	11	12	13	14	15	13
138	3	0	3	0	30	89	575	Jan, Feb, June, Oct, Dec
0	0	0	0	0	0	35	0	Nov to Dec
20	0	0	0	0	0	111	0	Oct to Dec
0	0	0	0	0	0	0	0	July to Dec
								NR
0	0	0	0	0	0	0	0	Mar, Aug, Sep, Dec
6	0	0	0	0	0	24	7	Nov to Dec
								NR
0	0	0	0	0	0	21	0	May to Aug, Nov
0	0	0	0	0	0	0	0	Jan to Mar, Jun to Oct, Dec
								NR
29	1	0	0	0	0	14	3	Mar to Dec
0	0	0	0	0	0	0	0	Dec
0	0	0	0	0	0	0	0	Jan to Jun, Nov, Dec
29	2	0	0	0	8	47	5	Mar, Dec
0	0	0	0	0	0	0	0	Except May
								NR
0	0	0	0	0	0	0	0	Dec
0	0	0	0	0	0	1	0	Mar, Dec
1	0	0	0	0	0	267	1	Nov, Dec
								NR
41	0	0	0	0	0	276	39	Dec
0	0	0	0	0	0	0	0	Dec
78	7	2	0	0	0	398	220	Dec
0	0	0	0	0	0	0	0	Dec
12	0	0	0	0	0	0	0	Nov, Dec
2	0	0	0	0	0	60	21	Dec
								NR
356	13	2	3	0	38	1343	871	

(Contd.)

50 Nair, P.M., IPS, and National Study Team. A Report on Trafficking in Women and Children in India 2002-2003. Rep. Institute of Social Sciences-New Delhi, National Human Rights Commission-New Delhi, United Nations Development Fund for Women-New Delhi, 18 July 2004.152. Web. 1 Mar. 2016.

Table 5: Data on Human Trafficking in India During 2013 (as on 21.01.2014)

STATE / UT	Total number of victims reported trafficked	Number of victims rescued	Nationality of rescued victims (Pl. mention names of the countries)		Total number of victims yet to be recovered/ rescued	Total no of accused persons arrested
			Indian	Foreigners		
1	2	3	4	5	6	7
A&N Islands	0	0	0	0	0	0
Chandigarh	1	1	0	0	0	1
D&N Haveli	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0
Delhi	864	864	822	41	14	195
Lakshadweep	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0
TOTAL UTs	865	865	822	41	14	196
ALL INDIA TOTAL	4566	4306	3043	72	485	1665

Source: [http://stophumantrafficking-mba.nic.in/writereaddata/DATA%20ON%20HUMAN%20TRAFFICKING%20IN%20INDIA%20DURING%202013%20\(As%20on%2021_01_2014\).pdf](http://stophumantrafficking-mba.nic.in/writereaddata/DATA%20ON%20HUMAN%20TRAFFICKING%20IN%20INDIA%20DURING%202013%20(As%20on%2021_01_2014).pdf)

Missing Children – Data Management and Information Sharing and Accuracy

The linkage between missing children and trafficking was first established in the NHRC Report on trafficking of women and children.⁵¹

“It is a fact that out of the large number of women and children reported missing every year, many of them never return and are not located either. They continue to remain missing. Many a time, during rescue operations carried out by the police in the red-light areas, many children and women who are rescued turn out to be those who were earlier reported missing elsewhere in the country. Many case studies collected during the Action Research substantiate this missing link. This chapter is an effort to understand this mysterious link between ‘missing persons’ and ‘trafficking’..... Since the study shows every possibility that a large number of children who are reported missing are trafficked and, thereafter, are being subjected to exploitation of different types, there is an urgent need to combat the problem of missing women and children⁵².”

But, data on missing children is remains mystery. Although children are missing, HAQ’s research and even experience with dealing with cases show that police investigations do not link these to abductions with trafficking.

The prosecution rate of child traffickers is low due to the overburdened system. Most victims are young girls who are lured under false pretences of marriage or employment. Moreover, the scanning of media articles shows that they do not provide equal weight to the trafficking of young males.

Despite the Supreme Court making it mandatory for every report of a missing child to get converted into an FIR, NCRB fails to provide numbers in its Crime in India publication. RTI applications or a question in the Parliament is needed to get such information from the NCRB. And the data provided is often contradictory.

For example, in a response to one such question on data on missing children, the recent data put out by the

51 Nair, P.M., IPS, and National Study Team. A Report on Trafficking in Women and Children in India 2002-2003. Rep. Institute of Social Sciences-New Delhi, National Human Rights Commission-New Delhi, United Nations Development Fund for Women-New Delhi, 18 July 2004.203-217. Web. 1 Mar. 2016.

52 Ibid., 205.

Total number of persons charge sheeted	Total number of persons convicted	Quantum of punishment awarded to convicted persons			Number of persons acquitted	Number of cases pending under investigation	Number of cases pending for trial	Data not received for the month
		Below 2 years	2 to 7 years	Above 7 years				
8	9	10	11	12	13	14	15	13
0	0	0	0	0	0	0	0	Dec
0	0	0	0	0	0	1	0	Dec
0	0	0	0	0	0	0	0	Oct, Dec
0	0	0	0	0	0	0	0	May, June, Oct to Dec
8	0	0	0	0	0	168	0	Feb, Jul, Sep, Dec
0	0	0	0	0	0	0	0	Jan, Feb
0	0	0	0	0	0	0	0	May, Dec
8	0	0	0	0	0	169	0	
364	13	2	3	0	38	1512	871	

home ministry in the Parliament shows that over 3.25 lakh children went missing between 2011 and 2014 (till June 2014) at an average of nearly 1 lakh children going missing every year⁵³. And yet the figures provided in response to another question puts it at 36740 (provisional) for the same year.

Here is an example of the disparate figures that are put out in the public space. Although the data on missing children in table 6 and 7 relate to missing children only, notice how they differ for 2013. Similar problems lie with other data.

Note how even newspapers and media mislead people. While the figures for 2014 in the table are provisional and hence

Police: Traced 80 pc of children who went missing in last 4 years

So much information on odd-even, why nothing on this, asks High Court

ANEESHA MATHUR
NEW DELHI, MAY 19

OVER 80 PER CENT of children who went "missing" in the capital between 2012 and 2016 have been traced using a national database and reunited with their families, Delhi Police informed the Delhi High Court Thursday.

The statement was made before the High Court bench of Justice G.S. Sistani and Justice Sangita Dhingra Sehgal during a hearing on a PIL on the issue of missing children and the steps taken by the government to stop trafficking of children across the country.

Police cited examples of "brides" who were allegedly bought from poor families in West Bengal and Jharkhand and sold in Haryana and western UP. They had refused to go back to their families as they were living in "better conditions," said Crime Branch Deputy Commissioner of Police Rajeev Sharma.

DCPSharma, who is the nodal officer of the anti-human trafficking unit programme, told the bench that in situations where the "missing" woman had been married off, they "usually don't want to return to their families as they hail from very poor areas."

According to police, a study conducted in various children's homes in the capital between December 2014 and May 2016 showed that so far, as many as 1,638 children had been reunited with their families. While 167 children said they had run away from home after being scolded by parents, 165 went "missing" during a visit to Delhi, 407 said they forgot the way home and 418 children went missing for "unknown reasons".

Of all the children found in the city's children's homes, one was a victim of kidnapping and another a victim of human trafficking.

In their affidavit, police said that standard operating procedures have been framed to ensure that all FIRs regarding missing children are not only registered, but also followed up on. The Zonal Integrated Police network — ZIP-NET — connects the police of eight neighbouring states and enables sharing of data. The national level portal trackthemissingchild.gov.in has been created to share details of all missing children across the country as well as "vulnerable" children found by child welfare committees and juvenile justice boards.

The High Court had taken up the issue after a writ petition regarding "missing" children had been taken up by the court along with the plea, while monitoring the implementation of the various schemes by the central government, police and Delhi government to trace children.

"Lots of children go missing, it's a horrible feeling. This is as bad as terrorism. Parents losing a child is horrible. If we can't keep our children safe, it's unfortunate. Unless and until your (police) force is sensitive, nothing can be done," said the bench.

The court also observed that nobody knew about the steps taken by police to trace missing children, and asked them as well as the government to publicise such measures.

"We heard so much about the odd-even scheme but nothing about this," said the bench after Delhi government's senior standing counsel Rahul Mehra told the court that the government was taking various measures to trace the missing children.

The court also slammed traffic police for not doing enough to help children who were found on Delhi's roads. "We have so many policemen, traffic constables, beat constables... they sit at the red light with their hands in their pockets... chatting among themselves, instead of doing their duties. It should not be the issue of jurisdiction when it comes to performing their duties," said the bench.

WHY CHILDREN GO 'MISSING'

REASONS GIVEN BY CHILDREN FOUND IN VARIOUS HOMES IN DELHI

Academic pressure	102	Elopement	12
Forgot way home	407	Found abandoned	2
In search of work	159	kidnapped	1
Other/unknown reasons	418	Human trafficking	1
Went missing while visiting Delhi	165	Influence of bad company	24
Ran away willingly	156	Mentally/physically challenged	24

Table 6: Missing Children (provided in 2014)

Gender	2011	2012	2013	2014 (Provisional)
Male	34971	25702	67638	1832
Female	55683	39336	67624	18368
Total	90654	65038	135262	36740

Unstarred Question - L.S.U.S.Q.NO. 1804 [22.7.2014] raised by Shri. P. C. Gaddigouda

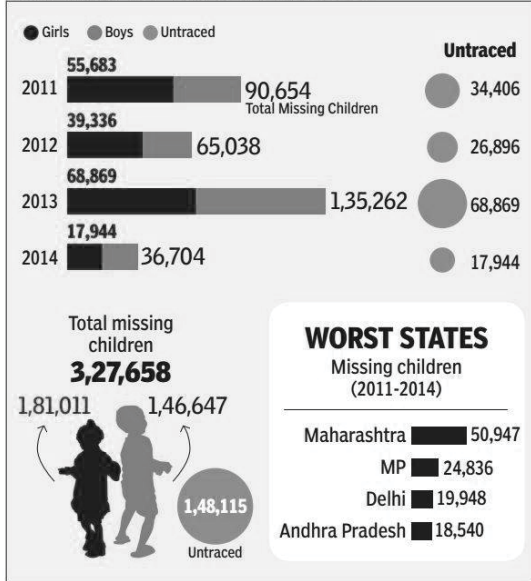
Table 7: Missing Children (provided in 2015)

Gender	2010	2011	2012	2013
Male	30954	34971	25702	25376
Female	46179	55683	39336	39847
Total	77133	90654	65038	65223

Unstarred Question - L.S.U.S.Q.NO. 1804 [22.7.2014] raised by Shri. P. C. Gaddigouda

53 Tiwary, Deepiman. "One Lakh Children Go Missing in India Every Year: Home Ministry," Times of India. 7 Aug. 2014. Web. May-June 2016.

UNTRACEABLE KIDS



Source: Ministry of Home Affairs; Figures for 2012 not available for MP; West Bengal and UP did not provide figures for 2013 and 2014

Similarly, situations of natural disasters and civil unrest render women and children vulnerable to trafficking and there are no systems in place to track and assess movement of people in such situations of emergency. Only journalistic pieces of information are available on number of women and children trafficked in such times as in the case of the Orissa cyclone, Tsunami or the Gujarat or Uttarakhand earthquake and Kandhamal riots.

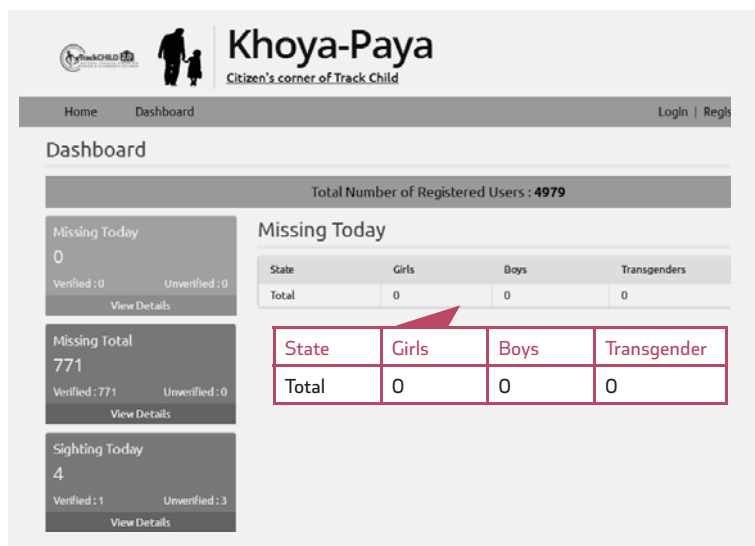
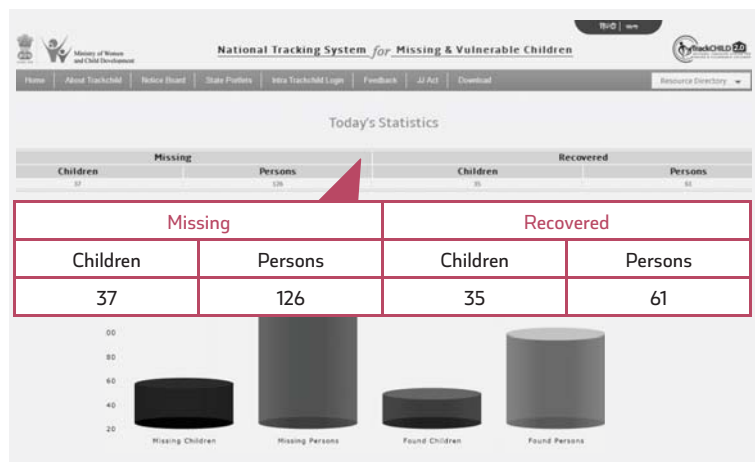
The MHA states that the NCRB is not kept updated about the progress of each missing child. This has resulted in an inaccurate register of missing children that does not represent the true incidence of trafficking.

Although the need to ensure coordination between the police and the Child Welfare Committees (CWCs) is well recognised in order to ensure that information on missing children available with the police is matched with the information about children produced before a CWC on a regular basis, very little is being done in this regard. The CWCs do not even have the capacity to computerise all their data.⁵⁴

shows as 36740, the graphic presented in Times of India, based on the same data, does not mention that the figures are provisional and it appears from the graphic that the numbers have reduced. This is misleading and mis-informative.

Here are examples of more discrepancies in the presentation of the government data (*khoya paya* site) where data for the same day (20 May 2016) are different:

There are other situations in which there is no data at all and hence these children remain at risk. For example, there are many refugees or illegal migrants in India who are at a greater risk of being trafficked for sexual purposes and labour. However, there is no data available in this regard and very little research has been carried out to document their problems. At the same time a note of caution is important - as pointed out earlier, not all migrants or immigrants are trafficked.



The following tables give some details of recovery of abducted persons (2014). What is clear is that there are a large number of children who remain unrecovered, of whom most are female and in every age group, the largest number being in the 16-18 year age group.⁵⁵

S. No.	Recovery	Total No. of Cases Reported	Below 6 yrs		6 yrs & Above - Below 12 yrs		12 yrs & Above - Below 16 yrs		16 yrs & Above - Below 18 yrs	
			M	F	M	F	M	F	M	F
			(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	Recovered Alive	51760	443	483	1357	1404	2933	7537	2023	11152
2	Recovered Dead	228	12	4	18	3	35	35	7	27
3	Total Recovered	51988	455	487	1375	1407	2968	7572	2030	11179
4	Unrecovered Kidnapped & Abducted Persons	57782	662	787	1606	1454	2935	6622	2259	11672

Uttar Pradesh has reported the highest number of children (below 18 years) recovered from kidnapping and abduction (5,938 out of 27,473 children) accounting for 21.6 per cent of total recovered children during 2014. Uttar Pradesh has also reported the highest number of victims recovered under the age group of 18 years. A total of 27,473 children victims (below 18 years) were recovered and 27,997 were still unrecovered accounting for 52.2 per cent and 47.3 per cent of total recovered and unrecovered children respectively during 2014.⁵⁶

The Delhi Police Standard Operating Procedure (SOP) states that police officers must immediately lodge a report in the Daily Diary when a child is traced, in order to inform the Police Control Room, District Missing Persons Units, Missing Persons Squad, AHTUs and Central Bureau of Investigation (CBI).⁵⁷

As per the MHA Advisory on missing children dated 31 January 2012, the Missing Persons Bureau in the state should have a centralised 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 digitised and regularly sent to NCRB. The NCRB should in turn upload this data in their website www.ncrb.gov.in for pan-India search by other state police/stake holders.

The recent order by the Supreme Court requires Faculty of Management Studies of Delhi University and Tata Institute of Social Sciences, Mumbai to ensure the figures on missing children are properly calculated (www.trackthemissingchild.gov.in). Whether this will be a body referred to in future operating procedures remains to be seen.

In reply to a question raised by Shri P. C. Gaddigoudar regarding missing persons (LS US 1804),⁵⁸ the Minister of State in the Ministry of Home Affairs, Shri Kiren Rijiju replied:

An Advisory on missing children- measures needed to prevent trafficking and trace the children was issued to all States/UTs on 31st January, 2012 which includes a comprehensive pro-forma to facilitate better data collection

55 Ministry of Home Affairs. National Crime Records Bureau. Table 23.4 Sex and Age-Wise Details on Recovery of Kidnapped and Abducted Persons and Total Unrecovered Persons During 2014. ncrb.nic.in. 2014. Web. Apr. 2016.

56 National Crime Records Bureau. Crimes in India 2014: Compendium. Rep. Ministry of Home Affairs, 8 July 2015.187.Web. Apr-May 2016.

57 Office of the Commissioner of Police: Delhi. Standard Operating Procedure for Dealing with Cases of Missing/Found Children. 19 May 2011.3-6. Web. Feb.-Mar. 2016.

58 Ministry of Home Affairs. Lok Sabha, Unstarred Question No.1804 to Be Answered on the 22nd July, 2014. Government of India, 22 July 2014.2. Web. Apr.-May 2016.

on missing and found children. Another Advisory as per the Hon'ble Supreme Court's direction in Writ Petition (Civil) No. 75 of 2012 to file FIR in case of Missing Children was issued to all States/UTs on 25th June, 2013. The Ministry of Women and Child Development have further augmented programmes and policies for children and girls in their policy initiatives including a portal namely 'Track Child' in the country, which is aimed at maintaining the data of all children availing rehabilitation services under the Integrated Child Protection Scheme (ICPS), which would enable every particular details of the missing/found children; like physical attributes, place of missing/recovery, special identification marks etc., as reported in the Police Stations are stored in database. The special software along with search engine, then matches the identical parameters of recovered children within its database uploaded from various functionaries of ICPS to facilitate identification of recovered children. It is also administering Swadhar and Short Stay Home Schemes for relief and rehabilitation of women in difficult circumstances, including the victims of rape. Safety of women in the country is of utmost priority for the Government. The Government of India endeavouring effective mechanisms to provide safe environment for women to move around, work and live. Continuous awareness creation among men and women in the society through workshops, seminars, street plays, Nari Chaupals, special gram sabha and through advertisements in the press and electronic media are also being taken up. (L.S.U.S.Q.NO. 1804 FOR 22.7.2014)

Information Collected by Using the Right to Information (RTI)

Information on the nature of trafficking and the efforts made to address it was sought to be collected through RTI. All state partners were provided with a set of questions that they were to use to file RTI applications (*see annexure 3 for detailed questions*). These applications were filed in the districts and the state level (in 13 states, namely Andhra Pradesh, Bihar, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Uttar Pradesh, Tamil Nadu, Telangana and West Bengal).

The information was sought district-wise from year 2012-2014. The questions were framed in such a manner that it covered details of the not just the cases registered in a State for kidnapping and abduction, missing children, victims of trafficking, children booked under Section 8 of the ITPA as offenders rather than victims, but also details of structures required to address the growing menace of child trafficking.

Out of the 13 states that had filed RTIs, no information was received from Gujarat, Andhra Pradesh, Bihar and Jharkhand. The information received from the rest of the states was also partial and insufficient..

Major problems faced in getting information-

1. All states did not give RTI responses. Even if they did it was inadequate, for example West Bengal considered as one of the most progressive states to take action against trafficking and setting up of AHTUs provided no district-wise data of cases.
2. Majority of the questions were unanswered despite RTIs going to the second appeal stage.
3. The data was not received from all the districts in a state, hence they could not be compared across districts.
4. Discrepancy in the data on the same indicator from different sources creates confusion.
5. In some states, the number of police districts differ from revenue districts.

Table 9 shows the states and number of districts from which information was received on the RTI applications. Since the number of revenue districts are not always the same as the police districts, the number of districts from which information is received is not a match. The number of police districts is often enough more than the number of revenue districts and this can be seen in Table 9 in the case of Maharashtra. As for other states, the situation would most likely be the same, but all districts did not respond to the RTI applications.

Table 9 : RTI Information From States on Trafficking

State	Total number of districts	No. of police districts for which information was received
Karnataka	29	11
Maharashtra*	35	45
Tamil Nadu	32	9
Odisha	30	18
Telangana	10	2
Uttar Pradesh	71	1
West Bengal	19	0
Delhi	11	11
Kerala	14	7

*Note: The number of police districts from which information was received is more than the number of districts

Source: Crime in India. NCRB. 2014

There is no consistency in the information received from the different districts within the states. Hence the data is not comprehensive or complete. Moreover, examining the RTI information received shows that often they are incorrect. There is discrepancy between the information provided as RTI response and the data available for the same indicator from other sources.

Missing information for Missing Children

Of the 13 states where RTI applications were filed with various Departments, no information was received from four states - Gujarat, Andhra Pradesh, Bihar and Jharkhand. Information received from the rest of the states was inconsistent across districts, partial and insufficient. What is more there were sometimes discrepancies between information received in reply to the same query/indicator from two different sources in the same state.

Different replies for the same indicators

Analysis of most of the RTI responses received show that in many cases data for the same indicator does not match or is highly questionable even when it is provided by the same source. In the response received from Karnataka police, the number of cases of children kidnapped and abducted for marriage in the years 2012, 2013 and 2014 are 6, 14 and 14 respectively. However, another reply on number of child victims kidnapped for marriage shows only 5 victims in 2014 and none in the years 2012 and 2013.

A similar situation was found in Tamil Nadu. On analysing the available data from nine districts that replied to the RTI applications, maximum number of cases of kidnapping of children below the age of 18 years were for the purpose of marriage - 104, 107 and 118 in 2012, 2013 and 2014 respectively. However, the figure

Table 10: District-wise Number of Cases of Kidnapping and Abduction of Persons Below the Age of 18 Years by Purpose in Karnataka

District	Marriage			Prostitution			Slavery			Sale		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Kalburgi	5	7	10	0	0	0	0	0	1	1	0	0
Bidar	0	1	0	0	0	0	0	0	1	0	0	0
Yadgiri	0	2	0	0	0	0	0	0	0	0	0	0
Koppal	1	1	0	0	0	0	0	0	0	0	0	0
Raichur	0	1	1	0	0	0	0	0	0	0	0	0
Mysore	0	0	0	0	0	0	0	0	0	0	0	0
Dhardwad	0	0	0	0	0	0	0	0	0	0	0	0
Haveri	0	1	1	0	0	0	0	0	0	0	0	0
Bagalkot	0	1	1	2	0	0	0	0	0	0	0	0
Gadag	0	0	1	0	0	0	0	0	0	0	0	0
Total	6	14	14	2	0	0	0	0	2	1	0	0

Table 11: District-wise Number of Children/Child Victims Below the Age of 18 Years Kidnapped and Abducted for the Purpose of Marriage in Karnataka

District/ Year	2012	2013	2014
Bidar	0	0	1
Kalburgi	0	0	1
Yadgiri	0	0	1
Koppal	0	0	1
Raichur	0	0	1
Total	0	0	5

provided for the number of victims below the age of 18 years kidnapped for marriage did not match the number of cases, to the extent that in 2012, as against 104 such cases, the number of victims was only 99, while in 2013, the data shows 106 victims in 107 cases.

If there is a case, there must be at least one victim and therefore it is evident that there has been no application of mind in both Karnataka and Tamil Nadu while providing information under the RTI Act.

Further, it is understandable to have more than one victim involved in a case, but if there are more victims in a case of kidnapping for marriage, the possibility of kidnapping for mass marriages or marriage being used as a means for procuring girls for prostitution cannot be ruled out. In 2014, the Tamil Nadu RTI data shows 123 child victims in 118 cases of kidnapping of children for marriage.

RTI information was sought from 20 districts in Kerala. While no information was provided on child labour rescued in the year 2014, interestingly, the reply to the question on number of rescued child labour belonging to other states shows one child rescued from Kasargod district in the same year. News reports have constantly been highlighting a spurt in number of migrant child labour in Kerala. Besides, according to a Times of India news dated June 8, 2015, there has been a 110 per cent increase in out-of-school children between 2009 and 2014 as per a survey of the Union Ministry of Human Resources Development.⁵⁹

OF LOST CHILDHOOD

- ▶ A survey by MHRD says the number of children not attending schools in Kerala had gone up from 15,800 in 2009 to 33,200 in 2014, an increase of 110% in five years
- ▶ The Census 2011 also puts the number of children aged 5-14 years engaged in work at 45,400 in 2011, 74% up from 26,200 in 2001

It is children migrating from other states to Kerala who are engaged in child labour

Fr. Joye James | CHAIRMAN, CHILD WELFARE COMMITTEE

AHTUs unable to provide number of cases investigated

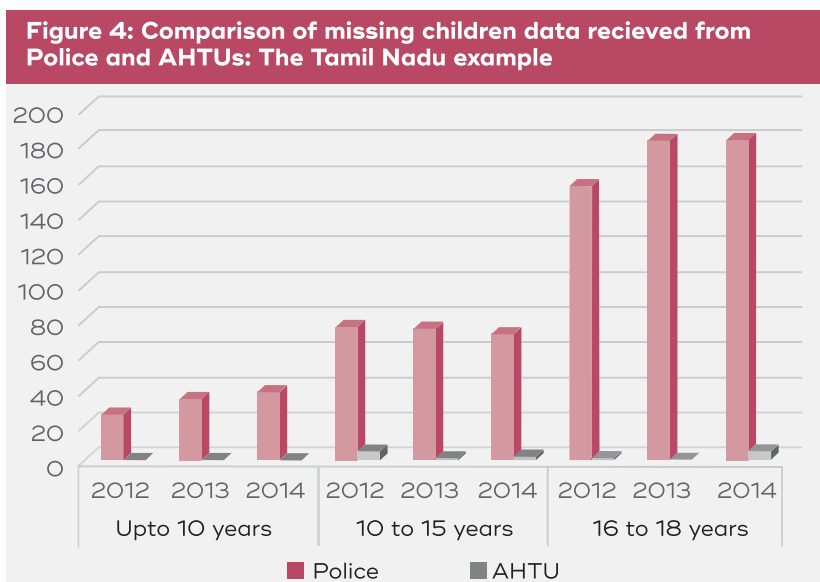
The AHTUs are also meant to keep records of all trafficking cases that they investigate. While some AHTUs shared number of cases of child trafficking received by them, none except Delhi AHTUs provided details of the cases investigated by them (Table 12).

Year	Cases Investigated by AHTUs in Delhi
2012	46
2013	16
2014	42
TOTAL	104

⁵⁹ Laxmi Prasanna Ajai, Spurt in child labour cases in Kerala, Jun 08 2015, The Times of India (Kochi). Available at: <http://epaperbeta.timesofindia.com/Article.aspx?eid=31811&articlexml=Spurt-in-child-labour-cases-in-Kerala-08062015006005>. Last accessed on 13 June 2016.

Lack of coordination between AHTU s and other government structures and agencies

Responses validate the critique that there is lack of coordination between the local police and specialised structures such as AHTUs. RTI replies for nine districts from Tamil Nadu for instance revealed that as against 843 children reported missing by the police between 2012 and 2014, the AHTUs listed only 14 cases of missing children. The trackthemissingchild portal of Tamil Nadu government, (<http://trackthemissingchild.gov.in/trackchild/tamilnadu>), as accessed on 13 June 2016 suggested that 2455 children went missing in the last one year, of which 1291 (52.6 per cent) were recovered. Even if one assumes that 50 to 60 per cent of children reported missing to the police are traced within the mandated six months before a case gets transferred to an AHTU, RTI data clearly suggests that all cases that remain untraced do not reach the AHTUs.



Similarly, data maintained by the Maharashtra Commission for Protection of Child Rights (MSCPCR) for missing children during the period 1 April 2014 to 20 April 2015 reads 7233. Of these, 1351 were reported to have been traced/found (excluding Palghar district). On the other hand, RTI reply from Maharashtra police dated 05.08.2015 mentions that in 2014 alone 13,094 children went missing out of which only 7819 were traced/found (including Palghar). MSCPCR has a mandate to monitor implementation of child rights programmes, schemes and laws. Given the huge mismatch in the data provided by MSCPCR and Maharashtra Police, one wonders how much of this role are the Commissions able to perform and why should it not be able to coordinate with relevant agencies to get correct figures?

Inadequate budgets, underutilisation of funds and poor budget planning make a mockery of AHTUs

Most of the budget for AHTUs lies unutilised. RTI response from Maharashtra for example points out that while the budget sanctioned to the AHTUs seems highly inadequate in the light of responsibilities assigned to them, even the sanctioned amount is not fully utilised by 5 out of the 6 AHTUs in the state.

The Ministry also needs to ask itself if it is wise to allocate the same budget to all AHTUs given that the number of cases is different in different AHTU jurisdictions

More highlights on information received from the various states

There is no consistency in the information presented for the states nor are they comparable since presents a picture as received. But here are some examples of the kind of information the RTI applications generated...

Odisha

As per the RTI response it would appear that there are AHTUs in only 2 districts. However, as per the Odisha Government's website titled, Odisha State Initiatives on Anti Human Trafficking of Girls and Women there are 37 AHTUs in 30 districts (in the office of the district SP)⁶⁰. On the other hand the reply to the Parliament question and the document available on the anti- human trafficking portal of the Ministry of Home Affairs mention 12⁶¹ and 11⁶² respectively. .

District	AHTU
Boudh	Inspector P K Chaudhary, WSI G Malick, SI B.K.Barik, C/180 P.K.Mahapatra
Rayagada	AHTU created on 31.10.2015, Insp Bata Kumar Krushna, S.I. BL Nayak, ASI Dhanurjaya Khilo, Constable Jyochhanarani Mishra, Constable Prasad Bidika

The following is the information received on missing children from the different districts.

District	2012	Traced	Untraced	2013	Traced	Untraced	2014	Traced	Untraced
Boudh	12			20			14		
Ganjam	3	11	11	47	14	40	36	33	36
Jharsuguda	1			1			3		
Rayagada	0			0			0		
Nuapara	59			29			35		
Kalahandi	147			118			43		
Puri	84	84	0	111	108	3	61	54	7
Sambalpur	15			16			87		
Nabarangpur	31			17			6		
Total	352	95	11	359	122	43	285	87	43

No response was received when asked to provide the number of cases of trafficking or persons reported to the AHTU from 2012 to 2014. When asked data for the number of cases which were investigated by the AHTUs, there was hardly any information provided.

Data on child labour was only received from Nabarangpur and Ganjam. The information received also shows that 157 children under 14 years were rescued from labour in 2014.

60 "Odisha State Initiatives on Anti Human Trafficking of Girls and Women." Review. Odisha Review Sept. 2015: 2-5. www.odhisa.gov.in. State Resource Center for Women, Women & Child Development Department, Govt. of Odisha, Bhubaneswar, Sept. 2015. Web. Feb.-Mar. 2016.

61 Ministry of Women and Child Development. Rajya Sabha: Unstarred Question No. 2798 to Be Answered on 23rd December, 2015/Pau-sha 2, 1937 (Saka). Government of India, 23 Dec. 2015. Web. Mar.-Apr. 2016.

62 Ministry of Home Affairs, Government of India. Information available from [http://stophumantrafficking-mha.nic.in/writereaddata/AHTUs-DISTRICTS-2010-11\(10\).pdf](http://stophumantrafficking-mha.nic.in/writereaddata/AHTUs-DISTRICTS-2010-11(10).pdf)

Uttar Pradesh

No information was received regarding missing children, establishment of AHTUs or cases booked under ITPA etc. The only information received from Uttar Pradesh was from one districts and that was regarding the children rescued from labour, and the information was restricted to Lucknow although as per newspaper reports there are children rescued in other districts as well.

Table 15: Child Labour Rescued in UP

District	Up to 14 years			14-18 years		
	2012	2013	2014	2012	2013	2014
Lucknow	48	32	37	8	5	0

MID-DAY

25 CHILD LABOURERS RESCUED IN UTTAR PRADESH

| By PTI | Posted 22-Oct-2014 | 17 0 0 0 2

Bhadohi: Twenty five child labourers who were employed as workers at a carpet factory in the district, were today rescued by police and local administration, a senior officer said here.

A team led by sub divisional magistrate Umakant Triathi raided a carpet factory this morning and rescued 25 child labourers, District Magistrate Narendram Shanker Pandey said. Three persons were arrested during raid, he added.

Bhadohi is known by the name of 'carpet city' as it is home to one of the largest hand-knit carpet weaving industry hubs in South Asia.



Representational picture

- See more at: <http://www.mid-day.com/articles/25-child-laborers-rescued-in-uttar-pradesh/15704151#sthash.B9d5kdm.dpuf>

Karnataka

In Karnataka, RTI responses were received only from 11 districts. Only eight districts (Kalburgi, Bidar, Koppal, Raichur, Haveri, Bagalkot, Gadag and Dharwad) actually responded to all the RTI queries yet their answers are incomplete.

Only nine districts answered this question regarding missing children. Unfortunately this data does not match that made available on the state TrackChild portal - <http://trackthemissingchild.gov.in/trackchild/karnataka>.

Table 16: District-wise Number of Children Below the Age of 18 Years Reported as "Missing" in the Last Three Years (2012, 2013 and 2014)

Year/District	2012	2013	2014
Bidar	1	2	1
Kalburgi	1	2	2
Koppal	5	7	8
Raichur	6	5	10
Mysore	3	3	8
Dhardwad	4	5	7
Haveri	1	2	1
Bagalkot	2	1	1
Gadag	1	3	2
Total	24	30	40

Karnataka is the only state to have provided data on the number of children who have been booked under ITPA, Section 8 as offenders for trafficking. (data shared in Table 24 in Chapter 4)

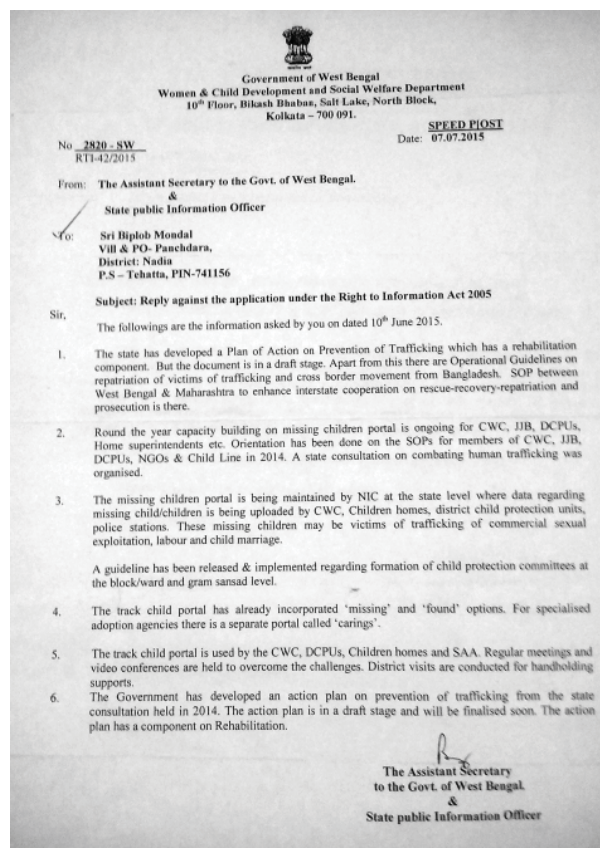
West Bengal

No data was received from any district in West Bengal. The only information that was received was from the state's Women and Child Development and Social Welfare Department.

Information was restricted to the missing children portal and the track child portals being maintained by the concerned authorities. The RTI reply mentioned that for the specialised adoption agencies there is a separate portal called 'Caring'.

The reply mentioned that the State maintains a missing child portal wherein data is uploaded by the CWCs, Children's Homes, District Child Protection Units (DCPU) and Police, although no other data was made available.

As per the RTI response, after a consultation held in 2014, an action plan was developed to prevent trafficking and it also has a component on rehabilitation.



Kerala

The response to the RTI questions was available only for child labour. From the compilation of the data it would appear that child labour is not a major problem in the state. However, a scan of news items tell us that it is a serious issue that is gaining magnitude and one that needs to be urgently addressed.

What is more, most of the child labour in Kerala are from other states. Given that there is a thin line that divides migration and trafficking, in the absence of authentic data, it is difficult to say how many of these children are trafficked

Table 17: District-wise Number of Children Rescued from Labour in the Last Three Years Under the Following Age Categories in Kerala

District / Year	Up to 14 years			14-18 years		
	2012	2013	2014	2012	2013	2014
Thaliparambu		1 (age not mentioned)				
Kalpetta		1				
Trivandrum					1	
Pathanamthitta	1					
Alappuzha	2					
Thrissur		1				

THE HINDU

RISING CHILD LABOUR LEADS TO HUMAN TRAFFICKING

ABDUL LATHEEF NAHA MALAPPURAM, August 24, 2012

Increasing child labour in the wake of the influx of migrant labourers into the State in recent years has begun to assume serious proportions of human trafficking. Recent 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 the Childline from different parts of the district last week. A.K. Mohammed Salih, Childline coordinator, said that they had been brought into the State by their distant relatives who allegedly paid their parents.

Migrant labour

Mr. Salih said engaging teenagers from other States in various kinds of labour had increased with the arrival of migrant labourers into the State. Although Kerala does not have major industries with scope for potential child labour, small-scale industries, particularly based in cottages and quarters, are stealthily engaging children.

Among the seven cases rescued within the past week, four children were from Vengara and three from Areekode in the district. They were employed in cottage-based units of tapioca chips and other fried items.

A boy and a girl were rescued from a chips-making unit at Manjeri less than four months ago. Some months ago, 10 Bihari children were rescued from a papad-making unit at Irumbukudukka, near Chelari.

Childline officials said the children were engaged in long hours of labour with minimal pay. Some of them were given food only two times a day. Some of the children were made to work from 5.30 a.m. to 8 p.m.

THE TIMES OF INDIA (KOCHI)

SPURT IN CHILD LABOUR CASES IN KERALA

LAXMIPRASANNA AJAI, Jun 08 2015

...The Census 2011 also corroborates the spurt in child labour in the state. As per the census report, the number of children in the age group of 5-14 years engaged in work (including main and marginal workers) was 45,400 in 2011, registering an increase of 74% over 2001. The number of children in this age group engaged in child labour in 2001 was 26,200.

As per Census 2011, the highest number of working children in the state is in Thiruvananthapuram (7,378), followed by Malappuram (5,023), Kollam (3,549) and Kasaragod (3,540). The number is lowest in Wayanad (1,254), followed by Pathanamthitta (1,463), Idukki (2,204) and Kottayam (2,318). This is despite a legal ban and regular enforcement drives by the labour department. Kerala state childline forum convener and child welfare committee chairman Fr Joye James said it was mostly migrant children who were engaged in child labour in the state.

"Practically, all children below 14 years in Kerala go to school. It is the children migrating from other states to Kerala who are engaged in child labour, mostly in brick and furniture industry in Palakkad and Ernakulum. Some migrant children are also working in small-scale industries. We are planning to launch a campaign against child labour on June 12 at Shangumugham here," he said.

Tamil Nadu

The maximum responses were received from the districts of Sivagangai, Trichy, Thiruvarur, Karur, Ramnad, Ariyalur, Salem, Krishnagiri and Namakkal.

The data provided shows that in 2012, 2013 and 2014 - 8, 5 and 5 minor girls, respectively, were procured under Section 366 A of the IPC for immoral purposes. In 2012, 8 girls were procured in 2 cases, clearly pointing to a possibility of trafficking girls into prostitution. Interestingly, while 21 cases of child trafficking were reported to have been booked in Trichy district under the ITPA during 2012 and 2014, reply to the information sought on number of victims in these cases was NIL.

According to the RTI replies in both 2013 and 2014, 182 children were reported to be missing in the age group of 16-18 years. Out of these, 0 in 2013 and only five in 2014 were found to be trafficked. Data received from the AHTUs shows that none of these cases were reported to them.

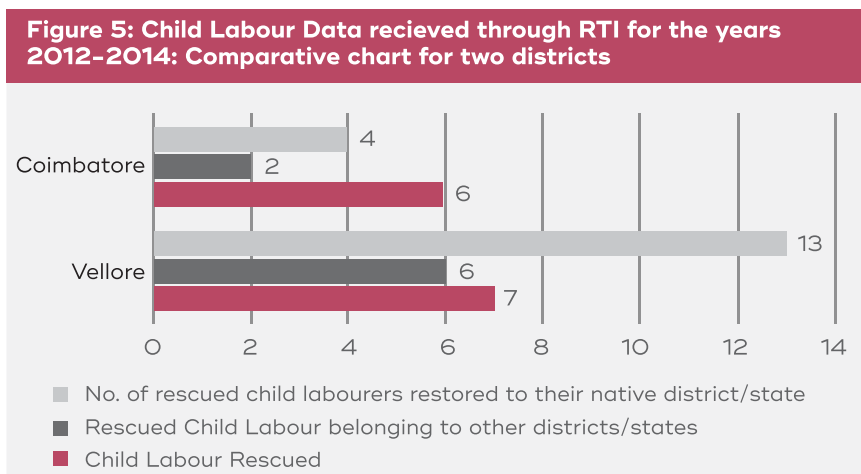
Data from the National Tracking System for Missing and Vulnerable Children shows that 441 children went missing in Tamil Nadu in 2014.⁶³ If this is true, then the nine districts which provided data on missing children comprise 66.4 per cent of all missing children in the state.

Analysis of the information received from 20 districts shows no child labour rescued in 8 districts in the years 2012, 2013 and 2014. In the remaining 11 districts, 39 children up to the age of 14 years were rescued in 2012, 18 in 2013 and 29 in 2014.

As against the two districts, Vellore and Coimbatore, that showed some figure for rescued child labour be-

63 Selvaraj, A. "5 Children Go Missing Every Day in Tamil Nadu: Report." Times of India. N.p., 23 Mar. 2016. Web. Apr.-May 2016.

longing to other districts/states, the question on restoration of rescued child labour to their native district/state generated figures from four districts. For a better understanding, a comparative chart is presented for Vellore and Coimbatore districts.



Evidently, all data mismatch is due to poor application of mind by the concerned authorities in responding to the RTI questions.

According to the RTI information received, AHTUs had been set-up in only Trichy, Thiruvapur, Ramnad, Salem, Krishnagiri and Namakkal. However the data available on the AHTU web portal of Ministry of Home Affairs⁶⁴ says that there are 13 AHTUs and the data made available in a response to a Rajya Sabha question raised says there are 12 AHTUs⁶⁵ in Tamil Nadu.

Delhi

Delhi was the most responsive of all states in providing information, with responses from all districts. The PIO, however failed to provide information year-wise as had been sought.

While year-wise data on children kidnapped and abducted in 2012, 2013 and 2014 was not available, the total number of cases registered in these three years was provided as 1753.

Table 18: Number of children under 18 years in Delhi kidnapped and abducted

Location/ District	Adoption	Begging	Illicit Intercourse	Marriage	Prostitution	Selling Body Parts	Unlawful Activity	Slavery	Sale	Other	K&A Overall	Total
Crime	-	-	-	-	-	-	-	-	2	1	-	3
East	-	-	6	-	-	-	135	-	-	246	86	473
Central	-	-	29	1	-	-	-	-	-	38	123	191
North West	-	-	34	5	-	-	1	-	-	101	-	141
Outer	-	-	19	26	2	-	5	-	-	-	-	52
South	-	-	39	12	1	-	-	-	-	-	49	101
South East	-	-	6	24	1	-	-	-	-	38	47	116
South West	2	-	18	23	1	-	-	1	-	216	170	431
North	-	-	-	-	-	-	-	-	-	-	-	-
New Delhi	-	-	-	13	-	-	25	-	-	9	62	109
West	-	-	1	10	-	-	51	-	-	74	-	136
TOTAL	2	-	152	114	5	-	217	1	2	723	537	1753

64 [http://stophumantrafficking-mha.nic.in/writereaddata/AHTUs-DISTRICTS-2010-11\(10\).pdf](http://stophumantrafficking-mha.nic.in/writereaddata/AHTUs-DISTRICTS-2010-11(10).pdf) accesses 03.03.2016

65 Ministry of Women and Child Development. Rajya Sabha: Unstarred Question No. 2798 to Be Answered on 23rd December, 2015/Pau-sha 2, 1937 (Saka). Government of India, 23 Dec. 2015. Web. Mar-Apr. 2016.

According to the RTI response received on missing children, a total of 12,627 children under the age of 18 years went missing in Delhi from 2012 to 2014, of whom only 72 were found to be trafficked.

The RTI information revealed that in 2012 only 13 cases of children were reported to AHTUs, in 2013, 27 cases and in 2014 a total of 39 cases were reported. At the same time, the RTI responses on the number of cases investigated by AHTUs tell us that 46 cases were taken on in 2012, in 2013 it was 16 and in 2014 it was 42. Here again, the reported cases and those investigated do not tally. It would certainly help if the AHTUs are open to providing information on the kind of cases they investigate as clearly it is not only about missing children who cannot be traced, but other forms of trafficking also that get investigated by AHTUs.

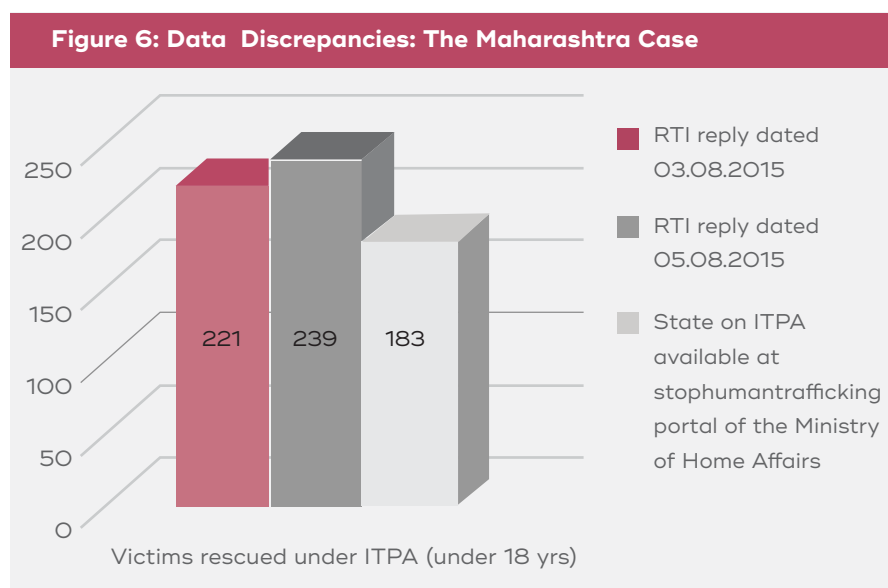
Location	Year- 2012	2013	2014	Total
Crime	1	1	4	6
East	5	8	6	19
Central	-	31	-	31
North West	-	1	-	1
Outer	-	-	-	-
South	2	1	1	4
South East	2	1	4	7
South West	-	2	2	4
North	-	-	-	-
TOTAL	10	45	17	72

Maharashtra

In Maharashtra RTI responses were received from 45 places which are as follows - Amravati city, Navi Mumbai, Solapur city, Aurangabad city, Nasik city, Mumbai city, Thane city, Pune city, Pune (Rly), Nagpur city, Nagpur (Rly), Mumbai (Rly), Thane (R), Sindhudurg, Ratnagiri, Raigad, Nandurbar, Nasik (R), Jalgaon, Dhule, Akola, Amravati (R), Ahmednagar, Gondia, Wardha, Nagpur (R), Gadchiroli, Chandrapur, Bhandara, Solapur (R), Satara, Sangli, Kolhapur, Pune (R), Hingoli, Parbhani, Latur, Nanded, Osmanabad, Beed, Jalna, Aurangabad (R), Washim, Yavatmal, Buldhana and also from Palghar, a district created in 2014.

RTI replies on certain crimes against children were not provided by the Maharashtra police for the year 2012 and neither was any data provided for cases under the ITPA in the year 2012 and 2013. The 2014 data provided by the state police showed 446 minor victims trafficked for prostitution under the ITPA, 7 were sold and 24 bought for prostitution, 34 girls procured for immoral purposes and 54 were victims of child marriage in cases registered under the Prohibition of Child Marriage Act.

Like in all other states, serious discrepancies were found in data provided by the same source for the same indicator in Maharashtra as well. The RTIs filed to glean the number of victims rescued under the Immoral Trafficking (Prevention) Act was responded to twice by the Public Information Officer (PIO), Maharashtra Police - on 3 August and again on 5 August. Interestingly, both had conflicting data for the same questions asked. The data for



the victims rescued under ITPA (under 18 years) in 2013 was 221 as provided by RTI reply on 03.08.2015. This number matches the data provided in Table 11 of the 2013 Compendium on Crime in Maharashtra. However, the reply provided by the same PIO for the same question contradicts this data. The reply dated 05.08.2015 gives the number of victims rescued under ITPA as 239. Data provided for 2014 also reflects similar variance with the reply dated 03.08.2015 providing a figure of 80 victims as against 105 victims shown in the reply dated 05.08.2015.

As mentioned earlier, data maintained by the Maharashtra Commission for Protection of Child Rights (MSCPCR) for the missing children during the period 1 April 2014 to 20 April 2015 did not match the RTI reply from the Maharashtra police dated 05.08.2015, reiterating not just poor data maintenance, but also inadequacy of the MSCPCR in monitoring implementation of laws relating to children.

Again, the information provided through RTI reply dated 24 June 2015 by the PIO and Government Labour Officer, Smt. N.V. Nagare regarding the number of child labourers (above 14 years of age) rescued in 2014 is conflicting with another reply she sent on the same date.

Table 20: Number of Child Labour Rescued in Maharashtra

Age group	2012	2013	2014	Total
Below 14 yrs	367	237	561	1165
Above 14 yrs	29	80	36	145

Table 21: Number of Child Labour Rescued in Maharashtra

Age group	2012	2013	2014	Total
Below 14 yrs	367	237	561	1165
Above 14 yrs	29	80	38	147

Regarding the number of AHTUs set up, the RTI information provided details of 12 AHTUs set-up in Maharashtra as on 05.08.2015. However, the information provided on budgets for AHTUs shows that only six out of the 12 AHTUs have been budgeted for during 2010-11 and 2011-12.

At the same time, while the budget sanctioned to the six AHTUs seems inadequate given the diverse roles of AHTUs, even the sanctioned amount has not been fully utilised by five of the six AHTUs for which the data was received through RTI applications.

Even though similar activities are expected to be carried out by all AHTUs, the budget for such authorities should be proportionate to the case load falling under the jurisdiction of each unit. One is therefore compelled to ask how does the AHTU in Sangli manage to utilise the entire budget sanctioned even with the least number of cases compared to other AHTUs (for instance, the Mumbai city AHTU with highest number of cases).

Table 22: Number of Children Rescued and Funds Sanctioned and Utilised

AHTU units	Missing and found children (2012)	Kidnapping and abduction of children (2012)	Child labour (2012)	Children rescued under ITPA (2012)	Funds sanctioned to AHTUs in 2011-12	Funds utilised by AHTUs (2011-12)
Mumbai city	3536	142	235	29	58,000	57,807
Thane city	1445	85		4	58,000	58,000
Pune city	1254	74	1	39	58,000	57,980
Nagpur city	847	32	15	20	58,000	56,474
Thane Rural	902	37	17	11	58,000	56,000
Sangli	209	22	2	0	58,000	58,000

Also, as mentioned earlier the information provided under RTIs for the funds sanctioned and utilised by the AHTUs for the year 2010-11 shows a clear mismatch between the total sanctioned amount and the unit-wise sanctioned amount.

Table 23: AHTUs – Funds Sanctioned and Utilised (2010–11)

	Total sanctioned amount	Unit-wise sanctioned amount	Amount utilised
DG Office	4,548,000	4,200,000	4,109,000
Mumbai city		43,500	43,192
Thane city		43,500	43,500
Pune city		43,500	43,500
Nagpur city		43,500	43,489
Thane Rural		43,500	42,500
Sangli		43,500	43,500
Total		4,461,000	4,368,681

Recognising the challenges posed by the lack of systematic data, the UN Committee on the Rights of the Child in its Concluding Observations on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography has noted:⁶⁶

1. While noting that a child tracking system for missing children has been developed, the Committee is concerned about the lack of a comprehensive system collecting data on all offences under the Optional Protocol as foreseen under the Integrated Child Protection Scheme launched in 2009–2010, which would have enabled the State party to identify the extent and the forms of the sale of children, child prostitution and pornography. The Committee also regrets the very limited statistics available, for instance through the National Crime Records Bureau, on offences covered under the Optional Protocol.

8. The Committee urges the State party to:
 - (a) Develop and implement a comprehensive and systematic mechanism of data collection, analysis, monitoring and impact assessment of all the areas covered by the Optional Protocol;
 - (b) Ensure that data are systematically collected on all crimes covered under the Optional Protocol, and on children in vulnerable situations who are at risk of becoming victims of such crimes, and disaggregated, inter alia, by sex, age, national and ethnic origin, state or autonomous region, rural or urban residence, indigenous status and socio-economic status, with particular attention to children living in the most vulnerable situations;
 - (c) Ensure that data are also collected on the number of prosecutions and convictions, disaggregated by the nature of the offence;
 - (d) Analyse and use the data collected as a basis for designing policies to implement the Optional Protocol, assessing progress achieved towards this objective, and for the purposes of prevention; and
 - (e) Establish a system of common indicators when collecting data for the various states and territories

⁶⁶ United Nations. Convention on the Rights of the Child. Concluding Observations on the Report Submitted by India under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Committee on the Rights of the Child, 7 July 2014. Web. Jan.-Feb. 2016.

India has had provisions to address human trafficking since the enactment of the ITPA 1956. However, this law did not address all forms of trafficking as its focus was commercial sexual exploitation. Hence an innovative use of the existing provisions of the IPC (that dealt with different issues) was made to address other forms and purposes of trafficking.

Law enforcement is primarily a state subject in India. However, as has been pointed out in the India Country Report 2008, the MHA deals with all the matters related to law enforcement, especially the provisions of ITPA and specific provisions of the IPC. In addition, the MHA has under its aegis, special enforcement agencies such as CBI, Border Security Force (BSF) and the NCRB which compiles crime statistics.

The Ministry of External Affairs (MEA) handles issues related to international treaties and protocols dealing with trafficking, and also the care and support to victims of trafficking across borders, while the Ministry of Overseas Indian Affairs deals with the issues relating to migration, with a special focus on prevention of unsafe migration. The Ministry of Labour and Employment focuses on all matters related to the enforcement of labour laws, and rehabilitation and repatriation of child labour.⁶⁷

India officially ratified the Palermo Protocol after signing the United Nations Convention Against Transnational Organized Crime (UNTOC) on May 5, 2011 which formally indicated the State's consent to be bound by the terms and provisions of the UNTOC and its Protocols. However, since, India has a dualist regime with regard to international law and international treaties, ratified treaties do not automatically have the force of law in domestic courts. They have to be enacted through national law.

With the enactment of the Criminal Law (Amendment) Act of 2013 (in 2013), which also amended various sections of the IPC, for the first time there were very specific provisions on human trafficking in India. These reforms reflect a step towards aligning the country with its obligations under the Palermo Protocol. It does so by redefining human trafficking under Section 370 of the IPC, where in it draws upon the definition in the UN Trafficking Protocol.⁶⁸

67 India Country Report: To Prevent and Combat Trafficking and Commercial Sexual Exploitation of Children and Women at World Congress III Against Sexual Exploitation of Children and Adults (Rio De Janeiro, Brazil, 2008). Publication. United Nations Office on Drugs and Crime & Ministry of Women and Child Development (Government of India), Nov. 2008. Foreword.7.Web. Jan.-Feb. 2016.

68 Avon Global Center for Women and Justice at Cornell Law School, Centre for Health Law, Ethics and Technology at Jindal Global Law School, Cornell Law School International Human Rights Clinic, and International Human Rights Clinic at the University of Chicago Law School. India's Human Trafficking Laws and Policies and the UN Trafficking Protocol: Achieving Clarity. Rep. Avon Foundation for Women, Feb. 2015. 4.Web. Apr.-May 2016.

Who is a Child?

According to international law, a 'child' means every human being below the age of 18 years. This is a universally accepted definition of a child and comes from the United Nations Convention on the Rights of the Child (UNCRC), an international legal instrument accepted and ratified by most countries.”

India has always recognised the category of persons below the age of 18 years as distinct legal entity for civil as well as criminal law purposes. Moreover, after ratifying the UNCRC in 1992, India changed its law on juvenile justice to ensure that every person below the age of 18 years, who is in need of care and protection, is entitled to receive it from the State. That is precisely why people can vote or get a driving license or enter into legal contracts only when they attain the age of 18 years.

In India, till 2000 when the Juvenile Justice (Care and Protection) Act (JJ Act) was enacted, the definition of child was not just ambiguous, it was by and large considered to be 14 years as that was the age defined for number of laws and programmes. This changed with the enactment of the JJ Act which very clearly defined a child as a person who has not reached the age of 18 years. Following the new JJ Act 2000, many other laws and policies adopted the same definition of such as the new National Policy for Children 2013 and the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

However, there continue to be laws that define children differently. It leads to discriminating against some children's right to protection, causing confusion among the existing laws and their application and affecting planning and programming for children. For example, the child labour law provides protection to only children aged up to the age of 14 years, whereas the national policy covers all children up to the age of 18 years and the new JJ Act 2015 prohibits sale and procurement of all children upto the age of 18 years for any purpose, making it a cognizable and non-bailable offence. The Child Marriage Prohibition Act 2006 defines a girl below the age of 18 years and a boy below the age of 21 year as a child.

Similarly, different personal laws have a different age for marriage and hence some children belonging to certain communities stand the risk of getting married early, despite the national law. In fact, many also argue that having a different age of marriage for girls and boys is also discriminatory. (*see annexure 2 for details*).

These differences definitely create problems in implementation. This has now got even more complicated with the inclusion of the option of judicial waiver into the adult system for 16-18 year olds who are alleged to have committed 'heinous' offences. For example – what will happen to the child who was trafficked to join the naxal ranks and when apprehended was a naxalite carrying arms and having killed people. Will this child be treated as a trafficked child who needs care and attention or sent into the adult prison system to be tried as an adult?

Definition of the 'Child' in different laws and the varying understanding of childhood remains a challenge

- **Social construct of childhood** – for some childhood ends at the age of 6 years, others take it to 10 years, some others may extend it to the age of puberty and generally for most parents children remain children as long as the parents are alive.
- **Childhood in neurosciences** – Brain science extends childhood to early 20's.
- **Legal construct of childhood** – This is necessary to reduce ambiguities and determine age appropriate entitlements or lay down procedures when it comes to matters governed by civil or criminal laws.

Some legal (law and policy) milestones since 2000

Recognition of the Larger Nature and Purpose of Trafficking

Till 2013, the only law that specifically mentioned the term trafficking in India was the ITPA and it confined itself to trafficking in women for the purpose of prostitution. It prescribes a range of offences and punishments to curb procurement of minor and adult women for prostitution, running a brothel etc. and lays down a special mechanism for law enforcement and trial in such cases. This was also the only law that addressed child trafficking

It is only around the mid-2000s, after a lot of advocacy and campaigning by various groups, including the CACT, that there came about a growing recognition of the fact that children were being trafficked for many more reasons and those to be addressed as such.

The Government of India recognised and addressed the wider nature and manifestation of trafficking in 2005 within its **National Plan of Action. For the first time in its Goal 14 on Child Trafficking it said:**

To stop sale of children and all forms of child trafficking, including for sexual purposes, marriage, labour, adoption, sports and entertainment and illegal activities, like organ trade, begging and drug peddling.

The second important recognition of child trafficking beyond prostitution or sexual exploitation was **Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour** that ensures smooth rescue, repatriation and rehabilitation of trafficked and migrant child labour.

The inclusion of a comprehensive definition of Human Trafficking in IPC in 2013 has been yet another milestone towards the recognition of the much larger manifestations of trafficking beyond commercial sexual exploitation.

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

- Firstly** threats, or
- Secondly** using force or any other form of coercion, or
- Thirdly** by abduction, or
- Fourthly** by practicing fraud or deception, or
- Fifthly** by abuse of power, or
- Sixthly** by inducement, including by 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

While the law in its entirety is applicable to children too, the explanations to this section include some very specific mention of children or minors:

1. The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.
2. The consent of the victim is immaterial in determination of the offence of trafficking.
3. 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.
4. 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.

5. 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, and shall also be liable to fine.
6. Where the offence involves **the trafficking of more than one minor**, 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, and shall also be liable to fine.
7. If a person is convicted of the offence of **trafficking of minor** 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, and shall also be liable to fine.
8. When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Section 370A (1) specifically deals with trafficking of children

Whoever, **knowingly or having reasons to believe that a minor has been trafficked**, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may also extend to seven years, and shall also be liable to fine.

What is however interesting to note is that while it was an ordinance, the word child had been used in section 370A which has since been changed to minor following its adopting in parliament as a law.

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

The JJ Act 2000 was one of the most comprehensive Acts to deal with the issue of children and this Act also provides a universal definition of the child as 'any person below the age of 18 years'. To address the issues of children with greater sensitivity, the Act separates children into two broader categories:

- Children in need of care and protection
- Children in conflict with law (child in conflict with law" means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence)

The JJ Act identifies certain offences as special offences against children and addresses the crime of trafficking of children for beggary and labour and in general provides for cruelty against children by persons having their charge or control over them. Besides mentioning children who are trafficked categorically as those who are in need of care and protection, the JJ Act 2015, also included several other categories of children who could be be already trafficked children or are in situations that make them vulnerable to trafficking (Section 14):

- who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or
- has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out;
- who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or
- who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or
- who is found vulnerable and is likely to be inducted into drug abuse or **trafficking**; or
- who is being or is likely to be abused for unconscionable gains; or
- who is victim of or affected by any armed conflict, civil unrest or natural calamity; or

- who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage

In addition the JJ Act recognises sale and procurement of children for any purpose as a cognizable and non-bailable offence with punishment of rigorous imprisonment that may extend to five years and shall also be liable to a fine of one lakh rupees. It also prohibits the use of children for begging, vending, peddling or smuggling of drugs and psychotropic substances, for labour, as child combatant by non-state, self styled militant groups and for illegal adoption.

Prohibition of Child Marriage Act, 2006 (PCMA) – Sections 12 (a), (b) and (c)

Although this law is essentially about prohibiting child marriage, recognising that there is a lot trafficking for and through marriage, it categorically states that a child marriage is recognised as invalid and hence null and void especially where some of the following means are used for the purpose of marriage –

- use of force or,
- inducement or,
- kidnapping or,
- sale or,
- trafficking or,

If after the marriage the child bride is sold or trafficked for immoral purposes, then such marriage is also held invalid and declared null and void.

National Policy for Children, 2013

The State shall protect all children from all forms of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, **sale or trafficking for any purpose or in any form**, pornography, alcohol and substance abuse, or any other activity that takes undue advantage of them, or harms their personhood or affects their development.

Protection of Children from Sexual Offences Act, 2012 (POCSO Act)

POCSO is one of the most recent legislation to deal with the crime of child sexual abuse. It brings in more stringent punishments and covers a wide range of sexual offences against children. Often, children are sexually abused either in the process of trafficking or after the process of trafficking and POCSO, being a special law with severe punishment provisions, has a greater role to prosecute both the actual perpetrators of sexual abuse and the traffickers who can be booked for abetment.

Some Landmark Judgements since the last report in 2000

In the absence of a clear law on trafficking of children, the courts have played a very important law in laying down procedures and roles.

Importance of Juvenile Justice Act in addressing victims of child trafficking and role of the Child Welfare Committee

In 2009 two girls, aged about 13-14 years were rescued from a brothel in Delhi. Since they spoke only Bangla, HAQ was approached by the police for help. The girls were produced before a magistrate who decided to

hand her over to a man who claimed to be her father without any verification or inquiry required under Section 17(a) of the ITPA.

As the order notes⁶⁹:

“One person claiming to be the father of B, thereafter, filed an application before the Metropolitan Magistrate seeking her custody. On this application, the Metropolitan Magistrate passed an order on 10th August, 2009, noting that as per the reply filed by the investigating officer, the age determination test of the prosecutrix had been conducted and that the investigating officer had no objection to handing over the physical custody of the victim to the father. The learned trial judge scrutinised the voter identification card, ration card and transfer certificate of the applicant. On this material alone, without inquiring any further, the learned trial judge concluded that the applicant was the father of one of the girls and passed the order for handing over her custody to the applicant as he was her natural father. No further inquiry was deemed necessary by the learned Metropolitan Magistrate before directing handing over custody of the child to the father.”

The fact is that several magistrates and judges are unaware of the provisions of the Juvenile Justice Act and its requirement of child victims of trafficking to be treated as children in need of care and protection and hence be produced before the Child Welfare Committee. They only make their orders based on the ITPA Act, and that too without fulfilling all the requirements for verification.

It required a petition in the High Court of Delhi initiated by HAQ through the Delhi High Court Legal Services Authority to stay the custody order that was granted by the magistrate. Based on the petition the Order says: ⁷⁰

The court is therefore confronted with the question as to whether the provisions of the IT Act, 1956 would prevail over the provisions of the JJ Act, 2000. If the answer to the first question is that the JJ Act is to prevail, then whether the children rescued in a raid conducted under Section 15 and 16 of the IT Act are to be treated as juveniles in conflict with law and the requirements of Section 7 of JJ Act have to be complied with as well as the inquiry is to be conducted by the JJB under section 14 or whether the children are to be treated as children in need of care and protection and the inquiry as required to be conducted by the CWC under section 33 of the JJ Act, 2000.

The Conclusions to the order states:

(i) A child is incapable of giving consent and any sexual behavior or activity involving a child renders the participating adult open to stringent penal action under several enactments. No penal liability vests on the child for the same.

(ii) A bare reading of the statutory provisions, International Conventions & Treaties as well as the available jurisprudence manifests the statutory intendment that such child (i.e. a child found begging is a street child, a working child or a child being or likely to be grossly abused, tortured, or exploited for the purpose of sexual abuse or illegal acts as well as a child who is found vulnerable and likely to be inducted into drug abuse or trafficking) is not to be treated as an offender but is only to be treated as a victim hence as a ‘child in need of care and protection’ within the meaning of the expression under the JJ Act.

(iii) A person under the age of eighteen years, if found involved in any aspect of trafficking or prostitution, within the meaning of the expression in the IT Act, 1956, or is rescued in police action under Section 15/16 of the IT Act cannot be treated as a ‘juvenile in conflict with law’ as defined Section 2(l) and has to be treated as a child in need of ‘care and protection’ as defined under section 2(d) of the JJ Act, 2000.

(iv) Notwithstanding the provisions of Section 17 and 17(a) of the Immoral Traffic (Prevention) Act, 1956 by virtue of Section 31(1) and 39(3) of the Juvenile Justice (Care and Protection of Children) Act, 2000, it is only the Child Welfare Committee constituted under Section 29 of the enactment which has the final authority in respect of the custody and restoration of a child victim – a child in need of care and protection.

69 High Court of New Delhi. Crl. Rev. No. 443/2009 & Crl.M.A.No.3071/2010. Tech. N.p., 12 Aug. 2014.3. Web. Mar-Apr. 2016.

70 Ibid.

(v) If a person rescued by the police under the IT Act, 1956 and produced before the Magistrate appears to be under 18 years of age, such person must forthwith be transferred to the Child Welfare Committee which shall proceed in the matter in accordance with the provisions of Sections 30, 31, 33 and other relevant provisions. If the child is found to be hailing from a place outside the jurisdiction of the Committee, the Committee shall ensure compliance with the provision of Section 38 of the JJ Act, 2000.

Clarifying what will happen if there are two special laws addressing a similar situation the court elaborated:

“131. ... Both the special enactments are required to be allowed to operate in entirety just as any other self-contained code. The construction of the legislations has to be harmonious/in tune so as to ensure that the special features and purpose of both the enactments can remain intact and in the best interest of children as well as for the benefit of the society. If an enactment meant to apply to all age groups is allowed to override the special enactment meant for children, it will ultimately result and reduce such statute (i.e. the special enactment for children) to a state of futility.

132. Going by the above principles, the JJ Act deals specifically with person below 18 years of age whereas the IT Act deals with persons of all ages; also the JJ Act being a subsequent or later enactment and the IT Act being an earlier enactment and both containing non-obstante clauses, the non-obstante clause in the JJ Act would ordinarily prevail over the non-obstante clause in the IT Act”.

Court Rules that advocates appearing for pimps and brothel owners cannot appear for the victim

Prerna v. State of Maharashtra [2003 (2) Mah.L.J. 105]

The Division Bench of the Bombay High Court while examining the court process for child victims of trafficking gave following guidelines on how children in need of care and protection must be dealt with, bearing in mind the possibility of their rehabilitation:

- No Magistrate can exercise jurisdiction over any person under 18 years of age whether that person is a juvenile in conflict with law or a child in need of care and protection, as defined by Sections 2(1) and 2(d) of the Juvenile Justice (Care and Protection of Children) Act, 2000. At the first possible instance, the Magistrates must take steps to ascertain the age of a person who seems to be under 18 years of age. When such a person is found to be under 18 years of age, the Magistrate must transfer the case to the Juvenile Justice Board if such person is a juvenile in conflict with law, or to the Child Welfare Committee if such a person is a child in need of care and protection.
- The said child should be released only in the care and custody of a parent/guardian after such parent/guardian has been found fit by the Child Welfare Committee to have the custody of the rescued child.
- If the parent/guardian is found unfit to have the care and custody of the rescued child, the procedure laid down under the Juvenile Justice (Care and Protection of Children) Act, 2000 should be followed for the rehabilitation of the rescued child.
- An advocate appearing for a pimp or a brothel keeper is barred from appearing in the same case for the victims rescued under the Immoral Traffic (Prevention) Act, 1956.

Guidelines for search of missing children laid down by the Supreme Court

Hori Lal v. Commissioner of Police, Delhi & Ors Respondents [Writ Petition (Crl.) No. 610/1996]

- i. The Supreme Court in its order dated 14/11/2002 laid out the following guidelines for effective search of kidnapped minor girls, which are to be followed by the Investigation Officers in all the States:
- ii. 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.

- iii. 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, Inter-state bus stands, airport, regional passport office and through law enforcement personnel at border checkpoints. This should be done promptly. But in case of a minor/major girl such photographs shall not be published without the written consent of the parents / guardians.
- iv. Make inquiries in the neighbourhood, the place of work/study of the missing girl from friends, colleagues, acquaintance, relatives etc. immediately. Equally, all the clues from the papers and belongings of the missing person should be promptly investigated.
- v. To contact the Principal, class teacher and students at the missing person's most recent school / educational institution. If the missing girl or woman is employed somewhere, then contact the most recent employer and her colleagues at the place of employment.
- vi. Conduct an inquiry into the whereabouts from the extended family or relatives, neighbours, school teachers including school friends of the missing girl or woman.
- vii. Make necessary inquiries whether there have been past incidents or reports of violence in the family.

Thereafter the investigation officer/agency shall:

- i. Diligently follow up to ensure that the records requested from the parents are obtained and examine them for clues.
- ii. Hospitals and Mortuaries to be searched immediately after receiving the complaint.
- iii. The reward for furnishing clues about missing person should be announced within a month of her disappearance.
- iv. Equally, Hue and Cry notices shall be given within a month.
- v. The Investigation should be made through women police officers as far as possible.
- vi. The concerned Police Commissioner or the DIG/IG of the State Police should find out the feasibility of establishing a multi-task force for locating girl children and women.

Further, in metropolitan cities such as Delhi, Mumbai, Kolkata and Chennai, the Investigating Officer should immediately verify the red light areas and try to find out the minor girls. If any minor girl (may or may not be recently brought there) is found, she may be taken to a children's home, and appropriate steps be taken to ensure that medical and all other necessary facilities are provided to her.

“Prostitution” per se is not an offence and prostitutes should not be harassed by police

Radha & Ors. v. State of UP [2003 (1) AWC 455]

Allahabad High Court held that prostitution is not an offence except under Section 7 & 8 of the ITPA Act. Women become prostitutes due to poverty and therefore they should be shown sympathy and not harassed due to their choice of work. Prostitutes are entitled to have a life of dignity, which is a constitutional right under Article 21.

“Detention” under Section 6 to be interpreted widely and consent is not material

Nilofar & Nilam Usman Sheikh v. State of Gujarat [(2004) 3 GLR 2630]

In the said case, some girls were caught in a raid on a bungalow where they were staying. The question before the court was whether they were detained there or living there at their own will. The main thrust of the

argument was that there is no ingredient of detention as envisaged by S. 6 of Immoral Traffic (Prevention) Act, 1956. The High Court of Gujarat held that so far as S. 6 of the Act is concerned, the term 'detaining' is also required to be interpreted widely and in parity with the expression used in S. 9, which deals with seduction of a person by someone who is having the custody, charge or care of, or is in a position of authority over such person. The court also held that the consent is not material for attracting S. 6 even if any person agrees to stay in any brothel house or upon any premises as mentioned in clause (b) of S. 6.

Sealing of brothels will ensure the curbing of organised crime

Geeta Kancha Tamang v. State of Maharashtra [Criminal Appeal No. 858 of 2009]

While denying the plea of a woman trafficker who had served 14 months imprisonment to be released on mercy grounds, the court stated that the first aspect that the Court has to consider for such a heinous crime is that trafficking in persons is prohibited under Article 23 of the Constitution of India. It is, therefore, the Fundamental Right of every Indian citizen not to be trafficked.

Recognising such an act as the grossest violation of the human rights of the victim child, the court said that "The offence is prone to repetition since the applicant is shown to be a brothel owner and accordingly carries on the business of running a brothel, in which, inter alia, a child was detained.

In fact, the Applicant's Advocate also stated to Court that the brothel has not been sealed, as required under Section 18 of the ITP Act. The same offence, though for violations upon other persons, including children, is liable to be committed if the applicant is released, since she is the owner of the brothel which has not even been closed/sealed."

Decisions of the Child Welfare Committee are final in terms of care and protection of children

Munni v. State of Maharashtra [Criminal Writ Petition No. 227/2011(Bombay High Court)]

In this writ petition, Bombay High Court held that the possible danger of sexual abuse by immoral trafficking of children to force them somehow to enter in the business of prostitution is age-old phenomenon and needs to be tackled by Central as well as State Governments with utmost care and precaution. Poverty, illiteracy or helplessness of parents may make the minor girls vulnerable to sexual abuse/exploitation. Protecting children against any perceived or real danger/risk to their life, their personhood and childhood is necessary.

It is about reducing their vulnerability to any kind of harm or harmful situations. It is also about protecting children against social, psychological and emotional insecurity and distress. It must ensure that no child falls out of the social security and safety net and those who do, receive necessary care and protection to be brought back into the safety net by child-friendly measures.

CWCs constituted under the Act, can do commendable service to fight against child abuse and to protect children from child abuse of various forms. The decision as to protective custody of the child in need of care and protection with a view to rehabilitate the rescued minor child can be left best to be considered by the competent quasi-judicial authority like CWC Committee created under the said Act as it can pass appropriate orders to protect the dignity of the child as well as its best interest.

The CWC shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the 'Children in Need of Care and Protection' as well as to provide for their basic needs and protection of human rights. CWCs 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.

Supreme Court issued directives for registration of FIRs in cases of missing children

Bachpan Bachao Andolan v. Union of India & Others [Writ Petition Civil 75/ 2012]

In the Writ Petition filed by Bachpan Bachao Andolan, the apex court issued certain directives regarding the manner in which a complaint and investigation regarding missing children should be handled by the Police Stations.

- All cases of missing children in India to be registered as a cognisable offence (as First Information Report) and investigated.
- In cases where First Information Reports (FIRs) have not been lodged at all and the child is still missing, an FIR should be lodged within a month.
- In all missing children cases, there will be a presumption of the crime of kidnapping or trafficking unless proven otherwise from investigation.
- All complaints regarding children (for non-cognisable offences), to be investigated after referring them to a magistrate.
- Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer to investigate crimes against children.
- National Legal Services Authority (NALSA) to appoint para-legal volunteers, so that there is, at least, one para-legal volunteer, in shifts, in the police station to keep a watch over the manner in which the complaints regarding missing children and other offences against children, are dealt with.
- A computerised programme (website), which would create a network between the Central Child Protection Unit as the Head of the Organisation and all State Child Protection Units, District Child Protection Units, City Child Protection Units, Block Level Child Protection Units, all Special Juvenile Police Units, all Police stations, all Juvenile Justice Boards and all Child Welfare Committees, etc. to be created as a central data bank.
- Photographs of the recovered child to be put up on the website and through the newspapers and even on the T.V. so that the parents of the missing child could locate their missing child and recover him or her from the custody of the police.
- A Standard Operating Procedure (SOP) must be developed to handle the cases of missing children and to invoke appropriate provisions of law where trafficking, child labour, abduction, exploitation and similar issues are disclosed during investigation or after the recovery of the child.
- Even after recovery of the missing child, the police shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing.
- The State authorities shall arrange for adequate Shelter Homes to be provided for missing children, who are recovered and do not have any place to go to within 3 months.

Bachpan Bachao Andolan v. Union of India [2011 SCC (5) 1]

In a writ petition concerning exploitation and trafficking of children in circuses, the Supreme Court laid down the following actions which need to be taken by the State:

- i. In order to implement the fundamental rights of children under Article 21A, it is imperative that the Central Government issues suitable notifications prohibiting the employment of children in circuses within two months from the date of this judgement.
- ii. The respondents are directed to conduct simultaneous raids in all the circuses to liberate the children and check the violation of fundamental rights of the children. The rescued children be kept in the care

and protective homes till they attain the age of 18 years.

- iii. The respondents are also directed to talk to the parents of the children and in case they are willing to take their children back to their homes, they may be directed to do so after proper verification.
- iv. The respondents are directed to frame proper scheme of rehabilitation for children rescued from circuses.

Supreme Court appoints a panel to monitor and suggest rehabilitation scheme for trafficked sex workers and trafficked victims

Budhadev Karmaskar v. State of West Bengal, [(2011) 11 SCC 538]

In this case the Supreme Court stated that the prostitutes also have a right to live with dignity under Article 21 of the Constitution of India since they are also human beings and their problems also need to be addressed.

The Court observed that a woman is compelled to indulge in prostitution not for pleasure but because of abject poverty. If such a woman is granted opportunity to avail some technical or vocational training, she would be able to earn her livelihood by such vocational training and skill instead of by selling her body. The Court directed the Central and the State Governments to prepare schemes for giving technical/vocational training to sex workers and sexually abused women in all cities in India.

The schemes should mention in detail who will give the technical/vocational training and in what manner they can be rehabilitated and settled by offering them employment. For instance, if a technical training is for some craft like sewing garments, etc. then some arrangements should also be made for providing a market for such garments, otherwise they will remain unsold and unused, and consequently the woman will not be able to feed herself. In this regard, the Court issued notice to all States and the Union of India.

The Supreme Court stated that “from a perusal of the UJWALA Scheme, it appears that the Central Government has a scheme only for rescued trafficked women but no scheme for those sex workers who voluntarily want to leave the sex trade. In our opinion, proper effective scheme should be prepared for such women also. In this connection, we would like to say that the Central Government Scheme has placed a condition that the rescued sex workers must stay in a corrective home in order to get technical training. In our opinion, no such condition should be imposed, as many sex workers are reluctant to stay in these corrective homes which they consider as virtual prison”.

The Court also appointed and directed the Central Government and State Governments and other concerned authorities to make a panel of NGOs, activists and lawyers to carry out research and provide the panel with basic infrastructure to function, which will suggest a scheme in terms of:

- i. Prevention of trafficking,
- ii. Rehabilitation of sex workers who wish to leave sex work, and
- iii. Conditions conducive for sex workers who wish to continue working as sex workers with dignity.

Delhi High Court on trafficking of children for domestic labour and the role of placement agencies

- WP (Crl.) No.82 of 2009 Bachpan Bachao Andolan & ORS. Versus Union Of India & Others
- WP (Crl.) No.619 of 2002 Shramjeevi Mahila Samiti v. State & Others
- WP (Crl.) No.879 of 2007 Kalpana Pandit v. State

The issue of trafficking of children for the purposes of domestic labour and role of placement agencies was comprehensively addressed in this bunch of three cases by Delhi High Court. Judgement dated 24.12.2010 starts with observation:

“In all these three writ petitions filed in public interest, a disturbing problem which our society faces, day in and day out, has been highlighted. This conundrum relates to child trafficking. It is this menace prevailing in our society, which has been raised in all these writ petitions, albeit from different perspective. However, the primary objective and aim of all these writ petitions remains the same, viz., how to eradicate, or at least reduce to significant level, this peril.”

Taking note of inadequacies in existing laws, Court issued a detailed judgement whereby additional powers and duties were created for the Child Welfare Committees and Child Rights Commission and Court also laid down procedure for adjudication of the complaints and regulation and monitoring of placement agencies.

Children at railway stations

Khushboo Jain v. Ministry of Railways [Writ Petition (Civil) 5365 of 2012, Delhi High Court]

The Delhi High Court held that as soon as a child is found sitting at a railway station, the Railway Protection Force/Government Railway Police/Station Master shall try to obtain name, address and other particulars of the parent/guardian/relative from the child. The concerned Station Master shall make announcement on the public address system of the railway station with respect to the child found there and inform the local police station/police post as well as the parent/guardian/relative of the child about his/her being found at the railway station. A copy of such intimation shall forthwith be sent to the police station in jurisdiction of which the parent/ guardian/ relative of the child live, with a request to locate the parent/guardian/relative of the child and inform him/her about the child having been found at the railway station.

The children who arrive and stay at railway stations shall be produced by RPF, GRP or railway employees before the Child Welfare Committee constituted under the aforesaid Act, at the earliest possible and in any case within 24 hours of such a child being found at a railway station.

The articles, if any, found with the child shall be kept in safe custody of the Station Master after preparing an inventory of such articles and those articles shall be forwarded to the Committee along with the child. A copy of the inventory shall be placed in the register to be maintained in terms of this direction, against the name of the child in question.

The entire information in respect of such children, including their photographs, to the extent publication of such particulars and/or photographs is not prohibited under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 or any other law for the time being in force, along with information relating to his/her being produced before the Child Welfare Committee, shall be made available on the website of Indian Railways, in a searchable format, so that the parents/guardian of such children are able to identify them and seek their custody.

The respondents shall give wide publicity in leading English and vernacular newspapers, with respect to the availability of the information, on the website of Indian Railways, in respect of such children, in terms of this order.

In October 2012, the Supreme Court issued a judgment which described noncompliance by state governments of numerous prior judgments regarding the implementation of the Bonded Labour System Abolition Act (BLSA). It directed state governments to comply with these previous judgments and to take a number of other measures to enforce the bonded labour law.

There remain some gaps in the existing legal framework and their implementation that impact the addressing the rescue, repatriation and reintegration of trafficked children. Moreover, there seems to be an indifference on part of the law enforcing agencies towards trafficking. They view it as a **social menace** rather than as **hard-core crime and law and order problem**. The priority that this work receives is mostly in accordance with this perspective. Much confusion prevails when it comes to using relevant sections of the laws related to trafficking. **The work of anti-trafficking and rescue is marked by tokenism and adhocism**, often depending on media reports about sex-rackets, pressure from NGOs, judicial activism and the individual interest shown by some committed officers.

Despite the fact that these reforms have brought India into closer alignment with international standards, gaps still remain in India's current laws.

A study by Jindal Global Law School along with Chicago Law School and Cornell Law School -*India's Human Trafficking Laws and Policies and the UN Trafficking Protocol: Achieving Clarity* has identified these gaps⁷¹ as has NALSA Committee in their report of their meeting on the 03.09.2015⁷²:

- India's laws do not explicitly recognise and penalise all forms of labour trafficking to the extent required by the Palermo Protocol. The definition of human trafficking in Section 370 excludes forced labour from its definition. As a result, such conduct is not covered by Section 370's trafficking prohibition. Further, the other existing laws on forced labour in India too do not adequately address the intricate problems involved in the trafficking of persons for the purpose of labour. Furthermore, while Section 370 punishes those who engage victims of sex trafficking, it does not similarly criminalise the acts of those who engage victims of labour trafficking.
- There is no definition of 'commercial sexual exploitation' in the IPC, ITPA or the "Protection of Children from Sexual Offence Act, 2012" (POCSO)
- India's laws (including the Amendment Act) do not provide an effective system for the safety, recovery and compensation of human trafficking victims as required by the Palermo Protocol. It requires that State Parties should ensure the safety of trafficked victims after rescue as well as consider instituting measures to assist victim recovery and re-integration into society. In addition, the Palermo Protocol requires that domestic legislation and systems be established to offer victims of human trafficking "compensation for damage suffered." Such compensation systems are necessary to provide trafficking victims with the economic resources and protection to avoid being re-trafficked, the financial resources to afford psychological recovery services, and the means to reintegrate into society.
- The Palermo Protocol requires State Parties to adopt measures aimed at preventing human trafficking. India has only a handful of policies that specifically address prevention, most of which focus only on trafficking for the purposes of sexual exploitation and not trafficking for other purposes like labour.
- The Palermo Protocol states that State Parties shall consider adopting measures that permit victims of cross-national trafficking to stay within the country. Interviews carried out in the course of the study by the study team revealed that India's migration policies create significant barriers for victims of cross-national human trafficking. These policies have the effect of treating cross-national victims of human trafficking as illegal immigrants.
- Section 8 of the ITPA criminalises the act of solicitation for prostitution, which is used in the past to arrest and punish women and girls who are victims of trafficking. Information received through RTI presented in Table 24 gives details of girls under 18 who were apprehended and sent to observation homes in Karnataka. The Inter-Ministerial Committee on Trafficking in Persons has drafted revisions to the ITPA, in consultation with civil society groups, and has submitted these revisions to Parliament for

71 Avon Global Center for Women and Justice at Cornell Law School, Centre for Health Law, Ethics and Technology at Jindal Global Law School, Cornell Law School International Human Rights Clinic, and International Human Rights Clinic at the University of Chicago Law School. *India's Human Trafficking Laws and Policies and the UN Trafficking Protocol: Achieving Clarity*. Rep. Avon Foundation for Women, Feb. 2015. 4.Web. Apr.-May 2016.

72 Report of National Legal Services Authority. Submitted to the Hon'ble Supreme Court of India in the Writ Petition (C) No. 56/2004 Titled *Prajwala v. Union of India and Others*. Rep 6 Dec. 2015. Web. May-June 2016..

Table 24: District-wise Number of Girls under the Age of 18 years Booked Under Section 8 (ITPA) and Sent to an Observation Home under JJ Act Karnataka

District ↓	Girls up to 18 years booked under Section 8 of ITPA					
	2012		2013		2014	
	Cases booked	Sent to Observation Home	Cases booked	Sent to Observation Home	Cases booked	Sent to Observation Home
Bidar	1	1	1	1	1	1
Kalburgi	2	2	3	2	2	1
Koppal	3	1	3	1	3	1
Raichur	4	1	4	1	4	1
Mysore	8	8	5	4	6	6
Dhardwad	3	1	3	1	2	1
Haveri	1	1	1	1	1	1
Gadag	3	2	3	2	2	2
Total	25	17	23	13	21	14

Source: RTI responses

consideration. The revisions would eliminate Section 8, thereby affording victims of trafficking greater protections.⁷³

- Different states follow different laws for licensing and monitoring of protective homes/shelter homes/child care institutions. Some states follow the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960, some follow the Women’s and Children’s Institutions (Licensing) Act, 1956 and in the case of child care institutions. The central government requires registration of institutions keeping children under the JJ Act 2000. But compliance is poor.
- Many victims either do not know their correct age or tend to get themselves registered as adults hoping that it will make the judicial process easier for them. They are often trained by their exploiters to do this and hence the fear of defying the rules of the exploiters looms large. At the same time, age verification is seldom carried out by courts especially in cases where the victim appears to have developed physical characteristics akin to an adult. Further, there is no clarity on the age verification process to be followed by courts in case a victim claims to be a minor or where the victim appears to be minor, or there is sufficient reason for the court to believe that the victim is a minor.

The 2013 TIP Report on India highlights the following gaps in the existing law:⁷⁴

- “With the ratification of the “Palermo Protocol” and the “Criminal Law (Amendment) Act 2013” a lot of substantial gaps in the legal framework have been closed. There are however still several loopholes, gaps and mistakes/misinterpretations within the legal system that result in issues with prosecution of human traffickers and the protection and re-integration of the victims of trafficking.
- Foreign victims were often detained under the Foreigners’ Act for their undocumented status or for document fraud. The MHA issued a non-binding directive in May 2012 urging state governments to avoid prosecuting foreign female sex trafficking victims for undocumented migration under the Foreigners Act; however, the practice continued, and NGOs reported that police were not aware of this directive.
- The ITPA does not provide for, nor prescribes the facilities and services, such as continuing education, vocational training and treatment for health and addiction problems.
- Due to the absence of witness support programmes such as the “Delhi Vulnerable Witness Programme”, witnesses are not able to testify, often caused by threats and pressure from the traffickers or exploiters, against the traffickers and trial suffers ultimately leading to a poor conviction rate.

73 Trafficking In Persons Report. Rep. U.S. Department of State, June 2005. 123. Web. 10 Mar. 2016.

74 Trafficking In Persons Report: Country Narratives. Rep. U.S. Department of State, 19 June 2013.196. Web. 10 Mar. 2016.

- The lack of a specific investigation agency, e.g. the Narcotics Control Bureau, for investigating and dealing with trafficking crimes is yet another gap in the existing legal framework according to the committee. The AHTU, which is handling trafficking cases, is not an independent or exclusive agency, and is depending on existing police for manpower. A separate budget for dealing with trafficking or rescue and rehabilitation is missing completely.
- There have been incidents where, due to proper verification of the antecedents of the applicant who seek the release of the victim, the victims have been released to the traffickers/exploiters.

Draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016

The MWCD has drafted a new bill on trafficking. It has placed it on its website.⁷⁵

Though meant to be a law on trafficking it does even define the term “trafficking”. It also does not state what forms and purposes of trafficking it will cover since no offences that amount to trafficking are mentioned in the Bill. There is no section that suggests this Bill is going to repeal the Immoral Traffic Prevention Act (ITPA).

There is considerable discussion today on the lack of an adequate definition of sexual exploitation and whether it needs to be clarified in law. This has also been remarked upon in the NALSA report⁷⁶ where it says',

There is no definition of “sexual exploitation” in the ITPA or the IPC. While ITPA says that prostitution means sexual exploitation or abuse for commercial purposes, the IPC merely provides for more severe punishment if a trafficked person particularly a minor is engaged for sexual exploitation in any manner There is a lacuna in the legislation regarding the definition of sexual exploitation, which is required to be filled.....

The current bill too does not address this issue.

So one does not know whether the Bill is in addition to ITPA or a replacement of ITPA. If a replacement of ITPA, the provisions of ITPA must find a place in the Bill. The definitional section must then certainly contain definitions of ‘prostitution’ and ‘trafficking’ as distinct phenomena and must clarify whether all ‘prostitution’ is declared illegal or not, whether soliciting is an offence or not, whether customers will be penalised or not and in what form, whether massage parlours and escort services will be covered under the Bill, who will investigate the cases, it must specify the role of Special Police Officers, the procedures to be followed for ceiling a premise used for prostitution, etc.

There may accordingly be a need to define many more terms such as ‘brothel’, ‘public place’, ‘sexual exploitation’, ‘sex tourism’, ‘pornography’, etc. The moot question is if it is indeed meant to be an addition to ITPA, then should the provisions of the Bill not be added into the ITPA, instead of becoming a new law, which does not even deal with the offence of trafficking.

On the face of it, the Bill seems to focus on rehabilitation and social reintegration of victims and therefore there is all the more reason to ensure that it becomes part of an amendment to the ITPA, instead of a new law in itself.

75 Ministry of Women and Child Development. Draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016. Government of India, 1 June 2016. Web. May-June 2016.

76 Report of National Legal Services Authority. Submitted to the Hon’ble Supreme Court of India in the Writ Petition (C) No. 56/2004 Titled Prajwala v. Union of India and Others. 6 Dec. 2015.3-15.Web. May-June 2016.

The ongoing schemes on trafficking have been criticised on the grounds that children and adult women rescued from brothels are kept together in homes under Swadhar and Ujjwala schemes and there is no age segregation, which may be detrimental to the well-being of minor girls. The Bill overlooks such criticism in as much as it fails to lay down that the children shall be kept in homes under the JJ Act, except where they are below the age of 12 years and are children of women rescued from brothels. If the Bill seeks to cover all forms of trafficking, segregation of rescued victims by age and gender becomes all the more necessary and must be clearly stated.

Even the procedures for repatriation of victims to their respective countries has not been addressed adequately. The relevant section in the Bill does not mention any role for the Ministry of External Affairs in repatriation, given that no foreigner can be repatriated without the involvement of the said Ministry and the concerned Embassy. Unless the roles of these bodies are mentioned in the Bill there can be no assurance that necessary protocols will be adhered to.

While it is important to ensure that action taken in good faith does not get penalised, it is equally important to ensure that erring officials serving or acting on behalf of the Government of India or any state or UT administration do not get away despite their involvement in such serious crimes. The immigration officials, passport officials, police and functionaries in the child protection system have special responsibility in cases of human trafficking. And there are enough reports unearthing connivance of officials of various departments in cases of trafficking. To that extent, by preventing any action against government officials or persons acting on behalf of the government in the name of action taken in good faith provides, the Bill provides great immunity to erring officials. It does not even refer to Section 197(1) of the IPC, which was introduced as a recent amendment to the Criminal Procedure Code only to ensure that no sanction is required for action against public servants in cases of trafficking, rape and other forms of sexual offences.

While providing for appeals, the Bill violates the Constitutional Scheme to be followed for suits and appeals. The High Court's discretion is taken away by stating that appeals have to be disposed only by a Division bench of the High Court. Such a provision will not be tenable and is liable to be struck down by the Supreme Court of India.

The Bill seeks to override all other laws even if its provisions are inconsistent with such other laws. This is a serious issue requiring attention as matters governing rehabilitation of children will have to be addressed through the Juvenile Justice Act, 2015 and the mechanisms set up there under.

The Bill does not even take into account the procedures laid down in numerous Advisories and SOPs and Protocols put in place by various Ministries, including the very Ministry that has developed the Bill. At least those which are a non-negotiable could have found a place in the Bill. Even the Supreme Court directions laid down from time to time have been ignored. For example, there is nothing in the Bill on reporting of missing children to AHTUs or treatment of cases of children missing for more than a certain period as a case of trafficking (Directions issued in the Hori Lal case, Bachpan Bachao Andolan case, Sampurna Behura v. Union of India etc.)

Anatomy of Child Trafficking

chapter 5

Child trafficking across the globe has failed to receive adequate attention even though it takes place in large numbers and in various forms, for various purposes, some of them being absolutely gruesome. While data available on child trafficking is inadequate and scattered, it surely provides useful insights on the various forms and purposes of trafficking in children. An attempt has been made in this analysis to present them systematically and as explicitly as possible.

Based on available literature, it can be seen that many of the forms and purposes for trafficking are the same as it was in 2000. However, some new forms and purposes are also to be found:

- **Sexual Exploitation**
 - Forced prostitution
 - Socially and religiously sanctified forms of prostitution
 - Sex tourism
 - Pornography
- **Illegal Activities**
 - Begging
 - Organ trade
 - Drug peddling and smuggling
- **Labour**
 - Bonded labour
 - Domestic work
 - Agricultural labour
 - Construction work
 - Carpet industry, garment industry, fish/shrimp export as well as other sites of work in the formal and informal economy.
- **Entertainment and Sports**
- **Adoption for and through Marriage**
- **Marriage for and through Marriage**
- **New Forms and Purposes**
 - Commercial Surrogacy
 - 'In the name of charity' and education.
 - Massage parlours
 - Escort services and use of online services



As pointed out by the Stanford University Report for the Asia Foundation,⁷⁷ the nature of trafficking differs across the states of India. While the said report identifies the same forms and purposes as the ones listed in this report (above), it adds that while trafficking for any of the listed purposes can be found in many countries, *bonded labour* and *forced marriages* are more prevalent in India than most other countries.⁷⁸ This is corroborated by the data presented earlier.

The Stanford Report identified the following trends across states⁷⁹:

Key distinguishing state/territory characteristics:

1. Andhra Pradesh

- High. levels of child labour in Andhra Pradesh is a significant human rights concern and a contributing factor to trafficking.

2. Bihar

- A majority of cases reported of importation of girls to other states came from this state.
- Agriculture is the primary industry.

3. Chhattisgarh

- This state was newly created in 2001, and was originally part of Madhya Pradesh
- State government is amenable to working with civil society organisations and donors to overcome the problem.
- Agriculture remains the mainstay of the economy.

4. Goa

- Even though the incidence of crime against women has decreased, trafficking is on the rise.
- Goa represents an interesting case study of new types of trafficking entering India via developing industries such as tourism.

5. Delhi

- It is a primary economic hub of India.
- This is a prime destination for trafficked persons both from within India and from across international borders, particularly Nepal.

6. Odisha

- Prone to natural disasters, Odisha saw an increase in trafficking after the super cyclone of 1991.

7. Tamil Nadu

- The rural areas provides substantial employment to women.
- Crimes against women and children, generally are on the rise.

8. Jharkhand

- Some of the most highly industrialised cities of India are in Jharkhand, which until 2000 was part of Bihar.
- A large number of it's districts outperform the national average on social-economic indicators.
- Trafficking is on the increase mainly because of the rural-urban divide, with labour being trafficked from the rural areas into the urban areas.

9. West Bengal

- With contiguous borders to Nepal, Bangladesh and Bhutan, West Bengal serves as a hub for international trafficking in persons, inter-state trafficking in persons.
- NGOs report that the large figures associated with trafficking of persons in this state are a gross understatement, as West Bengal remains a state where the reporting of crime is far lower than other states.

77 Sadika Hameed, Sandile Hlatshwayo, Evan Tanner, Meltem Türker, and Jungwon Yang. *Dynamics, Current Efforts, and Intervention Opportunities for The Asia Foundation*. Rep. Stanford University's Ford Dorsey Program in International Policy Studies, 12 Mar. 2010. 2.Web. 6 May 2016.

78 Ibid.,2.

79 Ibid.,9.

This is affirmed by the NHRC report where it says – “*In India, a large number of children are trafficked not only for the sex ‘trade’ but also for other forms of non-sex-based exploitation that includes servitude of different types, viz. domestic labour, industrial labour, agricultural labour, begging, organ trade, camel jockeying, false marriage, etc.*”⁸⁰ This is also affirmed by the report published by UNODC in 2013.⁸¹

A perusal of the news items as well as experience of working on trafficking over the past few years reveals that children are also being trafficked ‘in the name of charity’ and ‘education.’

Massage parlours are yet another reason for trafficking and escort services and use of online services.⁸² These are new forms and purposes and was not listed in the 2000 HAQ Report.

The UNODC report, 2013 has also identified - Kidnapping Rackets and Denotified Tribes; Trafficking of Children by Unregistered Homes in South India along with the above. It also dwells in detail on the role of placement agencies in trafficking of children.⁸³

Disasters provide the most ‘conducive’ environment for trafficking, with children becoming vulnerable. In its report after the Tsunami, Human Rights Watch said in its report-

*“Disruptions in family and community support structures, inadequate housing, and a lack of support services also put women and children at increased risk of violence or trafficking..... Displaced children living in temporary shelters need special protection. Girls, in particular, are at risk of rape or sexual harassment. The tsunami has made children particularly vulnerable to trafficking because of loss of family and livelihood. It is important for the authorities to recognize that children not in the care of their parents or customary caregivers are at heightened risk of abuse and exploitation and could even end up in the worst forms of child labour. There should be constant monitoring and support for children affected by the tsunami.”*⁸⁴

In the wake of the 2004 tsunami, the issue of adoption had acquired another dimension with an outpouring of solidarity and generosity from India and abroad – the trafficking of children under the guise of adoption. As evidence poured in of child trafficking from all other tsunami-affected countries, some 60 child rights organisations called for a year-long ban on the adoption of children affected by the tsunami, drawing upon the example of the action taken in Gujarat after the Bhuj earthquake in 2001. Realising the problems, the Tamil Nadu government wisely decided not to entertain any request for adoption of tsunami-affected children.⁸⁵

More recently, due to the droughts in many states in India, in which the government estimates that more than 330 million people are affected - almost a quarter of India’s population across 13 of the 29 states it is reported that – “*As crops wither and livestock perish, tens of thousands of people are migrating in search of food, water and jobs, leaving behind women, children and older family members who are vulnerable to human traffickers.*”⁸⁶

80 National Study Team (NST), and P.M. Nair. *A Report on Trafficking in Women and Children in India 2002-2003*. Rep. Institute of Social Sciences, New Delhi. National Human Rights Commission, New Delhi. UN Development Fund for Women, New Delhi., 18 July 2014. 159. Web. Mar.-Apr. 2016.

81 Kant, Ravi. Kant, Nishi. Roy, Subir. Ramchandran, Vibhuti. Jain, Rajul. Kant, Rishi. Shetye, Saie and Laulendra Kaushik. *India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Human Trafficking*. Rep. European Union and UNDOC, 11 July 2013. 9. Web. May-June 2016.

82 John, Nirnay. *Human Trafficking in North Bengal*. pptx. Mankind in Action for Rural Growth (MARG), 13 Mar. 2016. 7. Web. Mar.-Apr. 2016.

83 Kant, Ravi, Kant Nishi, Roy Subir, Ramchandran Vibhuti, Jain Rajul, Kant Rishi, Shetye Saie, and Kaushik Laulendra. *India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Human Trafficking*. Rep. European Union and UNDOC, 11 July 2013. 12. Web. May-June 2016.

84 Ganguly, Meenakshi. *After the Deluge India’s Reconstruction Following the 2004 Tsunami : IV. Addressing the Needs of Vulnerable Populations*. Rep. Human Rights Watch, May 2005. 12. Web. 2 June 2016.

85 Krishnakumar, Asha. “The Adoption Market.” *Frontline*. The Hindu, 21 May 2005. Web. Mar.-Apr. 2016.

86 Thomson Reuters Foundation, Mumbai. “Prostitution to Child Marriage: India’s Drought Hurts Women, Dalits More.” *Hindustan Times*. HT Media Limited, 23 May 2016. Web. 1 June 2016.

What is also new are the number of countries that the children from India are now sent to. A collation of information from the TIP reports over the years shows that India is not just a destination or a transit country, it also a source country **to 18 countries**, across continents- in Africa (Uganda, Kenya and South Africa), South Asia (Nepal, Pakistan and Bhutan) S.E Asia (Singapore and Malaysia), Middle East (UAE and Kuwait), Pacific Islands (Fiji), Europe (Cyprus, Belgium, Italy, Greece, Norway, Austria, Finland). Based on the various TIP reports, an attempt has been made to see which countries the women (which includes girls) and children sent to.

Table 25: Indian Women and Children Trafficked to Other Countries: Highlights from TIP Reports

S no.	Country	Purpose	Relevant TIP reports
1	Tanzania	Women and children trafficked for forced agricultural labour and forced prostitution	2003, 2004, 2008, 2009, 2010, 2011, 2012, 2013
2	UAE	Boys from Pakistan, India, Bangladesh, and Sri Lanka reported to be trafficked as camel jockeys in 2002. Subsequently India was removed from the list of source countries Women reported to be trafficked into domestic servitude, to work as secretaries, beauticians and hotel cleaners and subjected to exploitation in the form of withholding their passports, not paying salaries, denying permission to leave the place of employment in the home, and face sexual or physical abuse by their employers In July 2008 seven members of the royal family of Abu Dhabi (UAE) investigated by Belgian authorities for trafficking 17 girls, including from India for domestic servitude	2002, 2003, 2007, 2008, 2009, 2011, 2012, 2013, 2014
3	Kuwait	Women and children trafficked for the purpose of labour exploitation such as domestic work	2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015
4	Uganda	Women and children trafficked for commercial sexual exploitation by Indian networks	2005, 2008, 2009, 2010
5	Pakistan	Women and children trafficked for sexual exploitation and involuntary servitude	2006, 2007, 2009
6	Fiji	Women trafficked for the purposes of commercial sexual exploitation and forced labour	2007, 2008
7	Finland	Men and women trafficked for purposes of forced labour; victims are exploited in the construction industry, restaurants, and as domestic servants	2007
8	Malaysia	Some economic migrants, including children from India work as domestic servants and as labourers in the construction and agricultural sectors, food service, plantation, industrial, and fisheries sectors and face exploitative conditions that rise to the level of involuntary servitude	2007, 2009
9	Austria	In December 2007, one Austrian man was sentenced to two years for traveling to India and purchasing commercial sex acts from children ranging from six to nine years of age	2008
10	Norway	Men and children trafficked for domestic servitude and forced labour in the construction industry	2009
11	Belgium	Men, women, and children trafficked for forced labour and forced prostitution	2010, 2011, 2012, 2015
12	Nepal	Indian boys subjected to forced labour in Nepal's brick kilns and the embroidered textiles industry	2010, 2013, 2014, 2015
13	Greece	Men and children forced to work primarily in the agriculture or construction sectors, with some in domestic servitude	2012, 2013, 2014
14	Italy	Women, children, and men subjected to sex trafficking and forced labour	2013
15	Bhutan	Some women and girls transported to Bhutan from India for domestic work	2014

Table 25: Indian Women and Children Trafficked to Other Countries: Highlights from TIP Reports

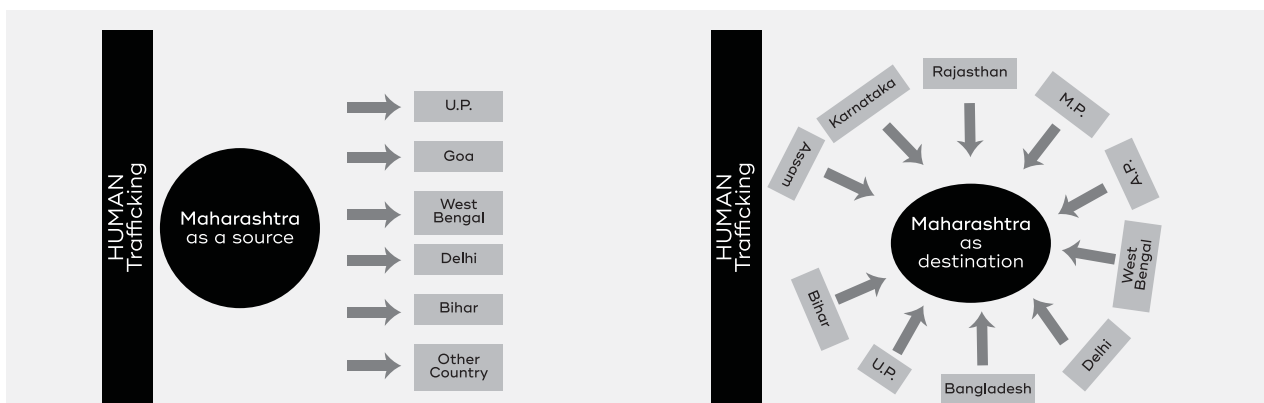
S no.	Country	Purpose	Relevant TIP reports
16	Cyprus	Men and women subjected to forced labour and forced prostitution. Sex trafficking occurs in private apartments and hotels, and within commercial sex trade outlets in Cyprus, including bars, pubs, coffee shops, and cabarets	2011, 2012, 2013, 2014, 2015
17	Singapore	Women are trafficked for sexual exploitation	2001, 2002, 2008, 2010, 2011, 2012, 2013, 2014
18	South Africa	Women and girls trafficked for commercial sexual exploitation, domestic servitude, and other forced work in the service sector	2009, 2010, 2011, 2012, 2014

The CACT partners have identified the following trends in the last decade:

Table 26: Forms of Trafficking as Highlighted by CACT Partners

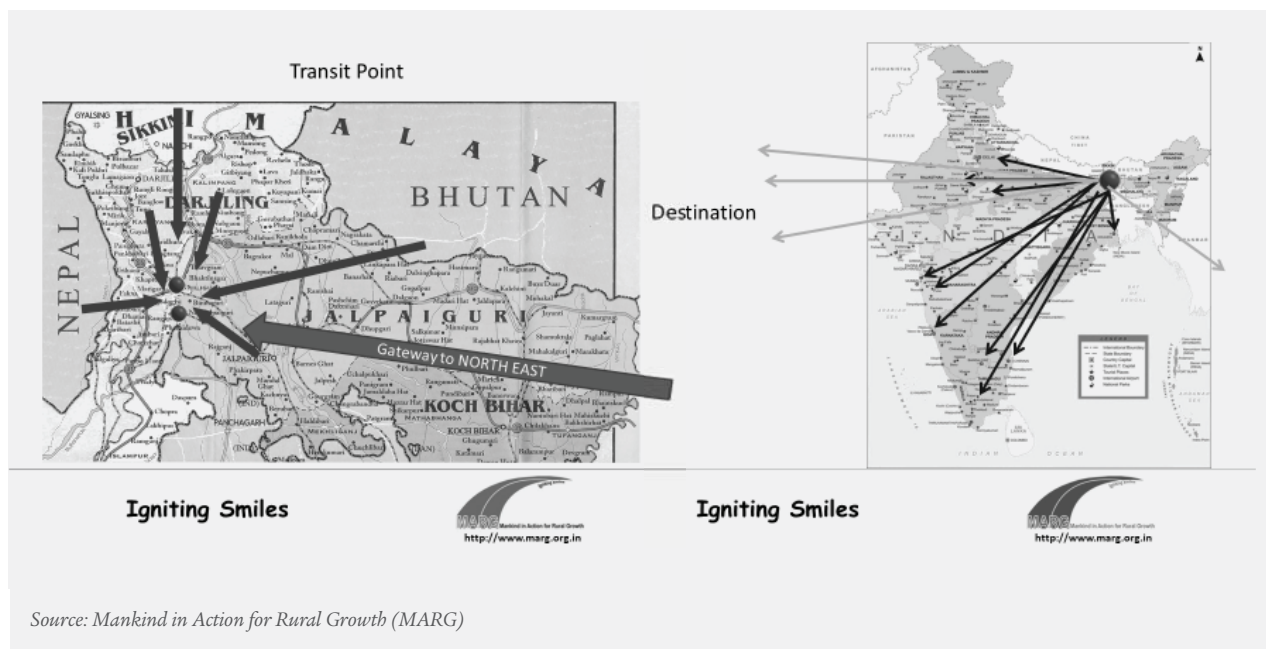
States	Types of Trafficking
Maharashtra	Foreigners want to adopt tribal children as they are considered 'pure' and indigenous
Andhra Pradesh	Due to emerging issues such as privatisation of school/education as well as healthcare, families are pushing young women and girls into prostitution
Telangana	Illegal adoption is on the rise. Also it has been seen that many parents come to the CWCs to relinquish their children but the relinquishment documents are processed by the agencies registered under Integrated Child Protection Scheme
Kerala	The agricultural crisis and globalisation in India is also giving rise to new forms of trafficking in Kerala. Tribals are trafficked for purpose of cheap labour for the ginger farms. Also public auctions are held where children are sold for the purpose of domestic labour
Tamil Nadu	Trafficked for the purpose of begging, illegal adoption, labour in textile industries and poultry farms
Gujarat	Underage girls from far off districts are trafficked for 'marriage racket'. Girls are made to leave the husbands home after the first night and then married off for at least 10-12 times. Children in the age group of 16 to 17 years are trafficked to be surrogate mothers
Uttar Pradesh	Inter-country trafficking especially from Nepal
Karnataka	Girls between the ages of 15 to 18 years are taken away to undergo a 'Mysore marriage' or forced marriage and later taken away to become surrogate mothers. Girls from Northern Karnataka are taken to Maharashtra, Gujarat, Goa and Nepal to either become a Devdasi or to enter into forced marriage
Odisha	Girls between the ages of 14 and 25 years are being trafficked to Haryana and Punjab for marriage
West Bengal	Inter-country trafficking of girls from Bangladesh
Jharkhand	Children are trafficked to work as domestic helps. Also trafficking is done for the purpose of making children work in brick kilns, admission to Madarsas as well as to join the Naxal forces

Many of the states are source areas, but there are others like Maharashtra which are both a destination as well as a source for trafficking.



Source: Human Trafficking Maharashtra Response. Presentation By: Jayant Pawnikar, Officer on Special Duty, Women and Child Development Department

Similarly, the Doorga Region of North Bengal is a source area for trafficking to many parts of the country and abroad. It is also the transit point for trafficking from the North East.

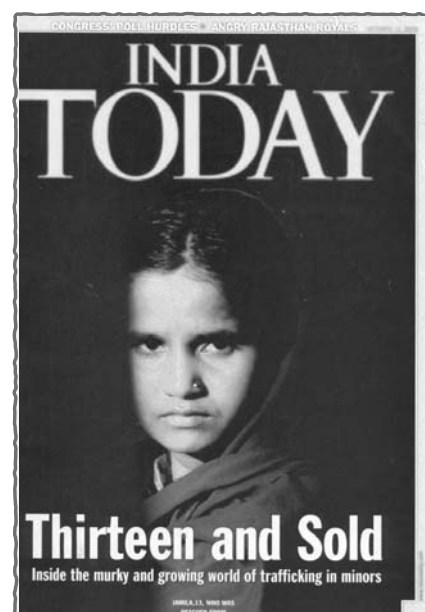


Purposes and Forms of Trafficking

Sexual Exploitation

Trafficking of minor girls – the second-most prevalent trafficking crime – surged 14 times over the last decade and increased 65 per cent in 2014, according to data⁸⁷ from the National Crime Records Bureau (NCRB).

Further, girls and women are the main targets of immoral trafficking in India, making up 76 per cent of human trafficking cases nationwide over a decade. Other cases registered under human trafficking over the last decade include selling girls for prostitution, importing girls from a foreign country and buying girls for prostitution. Investigators also found a large no of women who had passports and are in the gulf countries which indicates a well-organised international prostitution racket.⁸⁸



According to the NHRC study (2003), the majority of the traffickers had said that *it was the high demand for virgin girls and young children that motivated them to traffic in children*. According to this research, this pressure comes from clients, other traffickers and other stakeholders in the exploitative world. The report found that three-fourths of the respondents trafficked virgin girls because many clients demand them for safe sex, in view of the popular myth that sex with virgins can cure them of HIV and other serious diseases. Another reason cited was the high premium placed on sex with children, making it more profitable for brothels and traffickers to traffic children.⁸⁹

87 National Crime Records Bureau. Crime in India 2014: Compendium. Rep. Ministry of Home Affairs, 8 July 2015. 99.Web. 15 Sept. 2015.

88 Kant, Ravi, Kant Nishi,Roy Subir,Ramchandran Vibhuti,Jain Rajul,Kant Rishi,Shetye Saie, and Kaushik Lulendra. India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Human Trafficking. Rep. European Union and UNDOC, 11 July 2013.12.Web. 14 Sept.2015.

89 National Study Team (NST), and P.M. Nair. A Report on Trafficking in Women and Children in India 2002-2003. Rep. Institute of Social Sciences, New Delhi.National Human Rights Commission, New Delhi. UN Development Fund for Women, New Delhi., 18 July 2014. 152-153. Web. Mar-Apr. 2016.

OVER 400 HUMAN TRAFFICKING VICTIMS RESCUED IN ASSAM

Last Updated: Thursday, August 28, 2014 - 10:39

Guwahati: Assam Police has rescued 422 victims of human trafficking, mostly minors, and arrested 281 offenders since 2011, according to the Criminal Investigation Department (CID), highlighting the magnitude of this problem in the entire northeastern region.

Official records showed that of the total 93 victims of trafficking in 2011, 36 were minors, and of these 36, 28 were girls. The number of victims went up to 188 in 2013 and 94 were found to be below 18 years.

“The entire northeast is a major source area for women and child trafficking. Guwahati is the major transit point,” said Additional Director General of Police (CID) Mukesh Sahay.

He said most of the people had fallen victim to traffickers after they moved out of the region due to poverty induced by violence, ethnic conflicts or natural disasters such as floods. The police official said many of the girls and children were rescued from Mumbai, Haryana, Chennai and Siliguri.

“While girls are trafficked for prostitution, minor boys are taken out for cheap labour,” Sahay said. He said women and children were taken on the promise of jobs and often fall prey to the sex trade in brothels, spas and beauty parlours in big cities.”Not only poor and illiterate girls have fallen prey to such gangs, educated girls are also becoming targets. Women are now taken out through placement agencies and there is a need to strongly regulate such agencies,” the police officer said.

He said traffickers take advantage of *violent incidents and riots when both police and the administration are busy in controlling the situation. They target the displaced people in relief camps during conflicts or floods*, he said

http://zeenews.india.com/news/assam/over-400-human-trafficking-victims-rescued-in-assam_1461392.html

Sexual exploitation of women and children for commercial purposes takes various forms including brothel-based prostitution, sex-tourism, and pornography.⁹⁰ While trafficking of girls for commercial sexual exploitation is not new, here too there have been new dimensions that have emerged since the last report.

“Children are reported missing mostly from the states of Jharkhand, Chhattisgarh, Andhra Pradesh, Bihar and Orissa, but the transportation/trafficking of children from the North Eastern states in particular from Manipur, Nagaland, Assam and Meghalaya is alarming. Most state governments do not have dedicated squad or unit for handling cases of missing children. In Assam, from 2001 to 2005, a total of 3,673 children were reported missing of which only 1,386 were traced. The trafficking of children from the North East has also global dimension as many North East girls have been rescued from Malaysia. In October 2008 the Indian High Commission in Kuala Lumpur brought back five North East girls who managed to escape from the captivity of human traffickers”⁹¹

The government of Odisha’s website says:

“The problem of trafficking in women and children for the purpose of commercial sexual exploitation has assumed serious proportion in recent years. Commercial exploitation of women and children takes place in various forms including brothel-based/home based prostitution, sex tourism, entertainment industry and pornography in print and electronic media. In some cases victims are taken to other States with the pretext of domestic help, marriages of poor girls by providing lump-sum money to the family head, fake marriages, developing love affair with promise to marriage, providing work in commercial / industrial units in group etc. while in some other cases, trafficking takes place within the State. The government policy on trafficking covers various aspects such as Prevention of trafficking, intelligence sharing, rescue, rehabilitation, economic empowerment, health care, education, housing, legal reforms and creation of corpus fund for addressing the problem of trafficking”⁹²

In order to ensure that girls look much older than they are, they are injected with growth hormones ‘Oxytocin’ to speed up their sexual maturation. Oxytocin causes several hormonal changes. Apart from early puberty, the girls develop feelings of love, trust and sexual arousal. In a case investigated by the Crime

90 Mallapur, Chaitanya. “Minor Girls, Women Chief Targets as Human Trafficking Surges.” Sudda Haq 2.0.com. India Spend, 26 Aug. 2015. Web. 15 Sept. 2015.

91 Oral statement of Mr Suhas Chakma, Director of Asian Centre for Human Rights on the “North-East Situation” during a high level meeting on inter-state trafficking of children on the pretext of Education, Vigyan Bhawan Annexe (Hall-A), date: 08.11.2010, organised by National Commission for Protection of Child Rights (NCPCR)

92 Women and Child Development Department. “Women Welfare: Anti-Trafficking.” wcdodisha.com. Government of Orissa. Web. Mar.-Apr. 2016.

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 victims - some of them as young as 10 years, repeated and unregulated shots of growth hormone. The police found that 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".⁹³ Gangs from the Bedia and Nat communities, too, give their girls hormonal injections to make them reach early puberty so that they can be then sent to Mumbai and even the Gulf for prostitution. The results are shocking: girls as young as six or seven years old suddenly grow up to look like teenagers. Even their age on documents was found to be forged.



Trafficking for Marriage

It must be mentioned at the outset that not ALL child marriages are cases of trafficking. But over the years it is also true that marriage is often the end and also the means used for trafficking. With skewed sex ratio in many of the northern states such as Haryana and some districts of Rajasthan and even Gujarat, there is a scarcity of girls. This has led to girls being 'bought' as brides. According to the UNODC report- "The demand for 'marriageable age' girls is so intense that organised trafficking rackets have started operating in Haryana, Punjab and Uttar Pradesh".⁹⁴ It is because of the gravity of the situation that this phenomenon has found recognition in the Prohibition of Child Marriage Act 2006, where it categorically states that a child marriage is invalid and hence null and void in cases where it is a result of kidnapping/ abduction and trafficking (Section 12 a, b and c).

According to the NCRB figures, between 2004 and 2014 there has been a 672.19 per cent increase in kidnapping and abduction of children for marriage.

A field study on the impact of sex ratio on the pattern of marriages in Haryana by Drishti Stree Adhyayan Prabodhan Kendra 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.⁹⁵ It is reported that "while people across the country buy gold and silver to celebrate Diwali and Dhanteras, in Rajasthan's Mewat region girls are "purchased" to mark the occasion. It is the grim reality of rampant human trafficking in the region, consisting of Alwar, Bharatpur and Dholpur districts. Girls bought before Diwali are married off to older men on the occasion of "Dev Uthani Ekadashi", considered an auspicious day".⁹⁶

93 Bhalla, Abhishek, and Preeti Choudhry. "Girls Drugged into Puberty, Sold as Prostitutes." *indiatoday.in*. Hindustan Times, 27 May 2010. Web. 17 Sept. 2015.

94 Kant, Ravi. Kant, Nishi.Roy, Subir.Ramchandran, Vibhuti.Jain Rajul.Kant Rishi.Shetye Saie and Kaushik Laulendra. India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Human Trafficking. Rep. European Union and UNDOC, 11 July 2013.12.Web. 14 Sept.2015.

95 Sharma, Vrinda. "Brides Purchased,then Exploited in Haryana,Punjab." *thehindu.com*. The Hindu, 26 Aug. 2011. Web. 19 Apr. 2016.

96 Sharma, Rajendra. "In Rajasthan's Mewat Region, Women Are Bought around Diwali." *indiatimes.in*. Times of India, 19 Nov. 2012. Web. 19 Apr. 2016.

There are reports of Bengali-speaking Muslim women being trafficked from Bengal and Bangladesh to Kutch, where they are sold off as brides helped by the districts skewed sex ratio and unmarried men desperate hunt for wives. A large number of these women get pushed into flesh trade.⁹⁷

MARG - Mankind in Action for Rural Growth - is a non-governmental organisation based in Darjeeling, West Bengal which reports that the north Bengal is vulnerable to human trafficking. Many young girls and women are trafficked to Delhi, Maharashtra, Haryana and Punjab for prostitution and forced marriages.⁹⁸

Man held for 'buying' 14-yr-old bride

By Lalit Kumar/TNN

Ghaziabad: The Kavi Nagar police arrested a 35-year-old blind man for attempting to marry a 14-year-old girl in the city's Sadarpur locality right opposite the district police lines. Tejbir Singh of Hassanpur allegedly gave a sum of Rs 90,000 to the brother and uncle for the bride.

Ten other persons, who were wedding guests, have also been arrested for abetting in the child marriage and have been arrested under various sections of the Child Marriage Act.

A police official said: "We moved in at 9.30 on Sunday night, when all the wedding arrangements had been made. Even the horse had arrived for the groom. We however, allowed the children and the elderly guests to go. Basically, it was a case of a helpless, poor child being sold to a blind groom."



Sonam: Too young to resist pressure

According to the investigating officer, M S Tomar, "We were tipped off by some Sadarpur residents, about the child marriage, on Sunday night. It was hardly believable. But, we were shocked to find that it was true."

Tomar said that Tejbir Singh in the Massoori police station area, had earlier met the bride Sonam's uncle Prahlad and brother Sanjay. "Negotiating underhandedly with them for Sonam's hand, Tejbir paid Rs 40,000 to Prahlad and Rs 50,000 to her brother for fixing the marriage. Sonam, educated only upto Class 2, is too young and helpless to have resisted the pressure," said Tomar. Sonam comes from a family of three brothers, three sisters, a father who died several years ago and a mother who is too ill to work.

Her sisters are married and settled in other cities and two of her brothers have left the family. The only people to take care of her are her brother and maternal uncle. Her brother has a small patch of land for farming.

THE MARRIAGE BAZAAR: HOW FEMALE FOETICIDE HAS MADE BRIDE TRADE A ROARING BUSINESS

DANISH RAZA, Hindustan Times, New Delhi | Updated: Dec 28, 2014 14:18 IST

They talk about her in whispers. "Don't tell her that I gave you directions to her house," a local woman warns this reporter as she points out the two-storey house of Kamla, notorious in her neighbourhood, an upmarket residential colony in Haryana's Jind district, for purchasing brides from distant states for the local bachelors in the region. Kamla is courteous but wary. She is plump and short. Dressed in a purple salwar-kameez and black overcoat, she asks her family members to leave the room while she talks to us.

When she begins to speak, she gives us an unnerving stare. "Who told you that I arrange such marriages?" she inquires, rolling her eyes.

The trade in brides is flourishing in north-west India. Skewed child sex ratios, and a decrease in the size of land holdings per family has meant that local men are hardly seen as good matches here. They are then forced to look for options, outside the state. Women such as Kamla network with brokers and agents in different states to cater to the demand for brides.



WHEN WOMEN COME CHEAPER THAN CATTLE

DANISH RAZA, Hindustan Times | Updated: Mar 23, 2014 15:36 IST

"We paros belong nowhere. We are treated like animals. If a man has to choose between leaving a local woman and one from outside, he kicks us out; if a man is in need of money, we are sold," said Rubina, originally from Assam, who was forced into marriage at 16.

Trafficking for Adoption

Children who are orphans or born out of wedlock or born into families that cannot afford to bring them up are put up for adoption. Although, these adoptions are meant to be through registered agencies which are meant to ensure the antecedents of the adopting couple and ensure that the child is protected in its adopted home, this is not always the case.⁹⁹

There has been 1400% increase in kidnapping and abduction of children for adoption, between 2004 and 2014 according to NCRB.

97 Bhattacharya, D.P. "Bengali-speaking Girls Being Trafficked to Kutch District of Gujarat." *indiatoday.in*. Mail Today, 16 Aug. 2012. Web. 19 Apr. 2016.

98 United Nations Office on Drugs and Crime. "India: From Darjeeling to Delhi- Story of a Young Girl Who Was Trafficked." *unodc.org/southasia*. United Nations, 2013. Web. 2 June 2016.

99 Betigeri, Aarti. "Foreign Adoptions 'make Children Commodities', NGO Challenges Definition of Human Trafficking." *Abc.net.au*. ABC News, Australia, 8 Sept. 2015. Web. 9 Sept. 2015.

A fact-finding mission initiated by CACT in the year 2005 in Tamil Nadu clearly brought out the competition among adoption agencies for getting babies from the Government's Cradle Baby Scheme and the mal-treatment of children in the cradle baby reception centres. Several agencies have been in the news for misuse of the adoption guidelines, charging huge amounts of money as adoption fees, donations from adoptive parents, and using the law (allowing adoption of surrendered children) for procuring children through fraudulent surrendered deeds. In 2001, it was the Tender Love and Care Home and the Bethany Home in Andhra Pradesh that made news on adoption scandals. In 2005, it was the Malaysian Social Service Society in Tamil Nadu and then Preet Mandir in Maharashtra that made the headlines in leading press.¹⁰⁰



In June 2006, CNN-IBN released a series of short articles about the Indian adoption racket. The series covered the scandals in Tamil Nadu, Goa, and Preet Mandir. Another orphanage, Mata Vaishno Devi Trust, funded by the U.S. adoption agency Children's House International (CHI), was also covered.¹⁰¹ On June 10, 2007, a Danish television channel DR1 (in its magazine TV 21 Sondag) exposed the problems with Indian adoptions. Apart from Preet Mandir, the documentary covered an orphanage in Andhra Pradesh, the John Abraham Memorial Home, which had been closed after being accused of child trafficking. In addition, in a sting operation undertaken by a Dutch journalist, Mr. Kumar, the Director of the Pune adoption agency, Priyadarshani, which partnered with the Danish Agency, AC Denmark, was caught red-handed for facilitating illegal adoptions.

Illegal adoption agencies and even hospitals¹⁰² are targeting mostly poor families in vulnerable positions. They either telling them their children were selected to go abroad or demand large fees from the mothers for their service after the delivery of the child and then forcefully take the child away if the demands can't be met.¹⁰³

The NCRB data shows that there has been 1400 per cent increase in the kidnappings for the purpose of adoption with the total number of 225 crimes reported in 2014. This is very important in the context government of India's increased attention to promote adoption. Of late, cases from Jharkhand, Andhra Pradesh, Maharashtra and Delhi have been reported.

And even though the Indian Government has notified a Central Agency (Central Adoption Resource Agency, CARA) to monitor adoptions there is a booming and lucrative underground market of babies sold for adoption.

Quoting a mother whose baby was stolen from her and trafficked into adoption The Hindu reports:

"Speaking about her daughter who went missing in 2009 from Chennai, Fatima said: 'My child was picked up from near my house and after the police investigation we found that the child had been given up for adoption to an

100 Smolin, David. The Wayne Law Review. Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children 52.113 (2005): 1-90. Humantrafficking.org. ExpressO Preprint Series, 2005. 155. Web. May-June 2016.

101 Dhole, Arun. *Inside Story of an Adoption Scandal*. Rep. Cumberland Law Review. Vol 39. 13 Jan. 2009. 154. Web. Mar-Apr. 2016.

102 FP Staff. "Baby Trafficking Bazaar Unearthed in UP." *FirstPost.com*. First Post, 13 Apr. 2012. Web. 23 Sept. 20.

103 Staff Reporter. "Demand to Stop International Adoption." *thehindu.com*. The Hindu, 20 Feb. 2013. Web. 18 Sept. 2015.

*Australian family. There has been no co-operation from the Australian Government or the adoptive parents and we have been able to speak with our daughter only once so far. I appeal to the Indian Government to help get my child back."*¹⁰⁴

In a detailed article in the Cumberland Law Review, Arun Dohle, an Indian adoptee raised in Germany, has documented in detail how the trafficking for adoption takes place. Apart from a detailed documentation of the Preet Mandir Case he has also written about several other similar instances.¹⁰⁵ Dohle says, "The legal framework contains strict procedures, yet violating them does not constitute a criminal act. "Trafficking" in the context of adoption is not defined in Indian law". He suggests that what is needed is awareness about the issues from the grassroots level in sending countries, right up to the agencies and the authorities in receiving countries.

Dohle states that as a fast-developing nation, India will have to think about the question of whether a "business" in children is acceptable and in accordance with its Constitution as well as its obligations under the UN Convention on the Rights of the Child. Illegal adoption agencies and even hospitals¹⁰⁶ target mostly poor families in vulnerable positions and persuade them by either telling them their children were selected to go abroad¹⁰⁷ or by demanding large fees from the mothers for their service after the delivery of the child and then forcefully take the child away if the demands aren't met.¹⁰⁸

Sexual Exploitation and Illegal Adoption- A Case Study

A police woman who had attended HAQ's training workshop called up a team member to inform that young girls were being trafficked by an agency to be 'placed' in Delhi for 'work'. She had received information from a colleague that the owners of the agency were also getting these young girls pregnant and then selling the babies which were born.

HAQ sought the help of an NGO in Delhi, Nirmala Niketan, who with the support of a team from CNN-IBN, not just rescued the girl whose baby had been sold, but many other children housed in the premises. The sting operation by CNN-IBN that led to evidence against this organisation. The Child Welfare Committee and the High Court of Delhi both took cognisance of the case for necessary action.

"The genesis of this petition is a letter dated 12th September 2007 addressed to a learned Judge of this Court by Dr. Bharti Sharma, Chairperson, Child Welfare Committee (CWC), Nirmal Chhaya Complex, Jail Road, New Delhi. That letter was treated as a public interest litigation. In the said letter Dr. Sharma referred to the case concerning the illegal adoption of a male infant born on 13th August 2007 to a girl who was a rape victim as well as a minor. The case was first brought to light by the reporter of a television channel, CNN IBN. The minor girl was a domestic worker with a placement agency by the name of Adivasi Sewa Samiti, Shakurpur. According to the minor girl, the placement agency sold her infant to a couple."

IN THE HIGH COURT OF DELHI AT NEW DELHI
SUBJECT: ILLEGAL ADOPTION
W.P. (C) No. 6830 of 2007 and CM 14015/2007
(impleadment)
Reserved on: 16th July, 2008
Date of decision: 3rd September, 2008

¹⁰⁴ Ibid.

¹⁰⁵ Dhole, Arun. *Inside Story of an Adoption Scandal*. Rep. Cumberland Law Review. Vol 39. 13 Jan. 2009. 143. Web. Mar.-Apr. 2016.

¹⁰⁶ FP Staff. "Baby Trafficking Bazaar Unearthed in UP." *FirstPost.com*. First Post, 13 Apr. 2012. Web. 23 Sept. 20.

¹⁰⁷ Betigeri, Aarti. "Foreign Adoptions 'make Children Commodities', NGO Challenges Definition of Human Trafficking." *Abc.au.net*. ABC News, 8 Sept. 2015. Web. Nov. 2015.

¹⁰⁸ Staff Reporter. "Demand to Stop International Adoption." *thehindu.com*. The Hindu, 20 Feb. 2013. Web. 18 Sept. 2015.

Clearly, the case that HAQ was involved in is not the only one. We can cite the case of Phulmani who found herself turned into a money-minting machine, as she was made to conceive and deliver babies, which were then sold into adoption, from the age of 13 years.

TRAFFICKED TRIBAL GIRLS FORCED TO CONCEIVE, DELIVER BABIES FOR SALE

SAURAV ROY, Hindustan Times, Lohardaga/Gumla, Updated: Feb 25, 2015 09:07 IST

From the time she was 13, Phulmani (name changed) was forced to act as a surrogate mother and deliver six children by human traffickers from Jharkhand, widely considered a hotbed of modern day slavery.

Phulmani, now 31, was made to breastfeed the children – all born in consecutive years in Delhi – for about six months before giving them to the agents who sold them off.

The resident of Patru village in Gumla district was rescued by rights activists and returned to Jharkhand last year. Her experiences have left her emotionally and physically scarred.

“They treated me like a money minting machine. My will never mattered to them, all they wanted was me to deliver babies for them,” she said, avoiding eye contact.

Phulmani was lured to Delhi by an agent from her village with the promise of a job in the national capital. She worked as a domestic help in a posh locality in her first year in Delhi before the inhuman treatment began.

She has no idea who bought her babies or what became of them. But now she is seeking justice and has filed a complaint with the Child Welfare Committee (CWC) in Gumla.

Source: <http://www.hindustantimes.com/india/trafficked-tribal-girls-forced-to-conceive-deliver-babies-for-sale/story-KEbZAB2au7Gyw9aspuTEI.html>

Despite all the measures set up under Central Adoption Resource Agency (CARA) and the Integrated Child Protection Scheme (ICPS), buying and selling of children for adoption remains a challenge to be reckoned with.

The Ministry of Women and Child Development’s revised ‘Guidelines Governing Adoption of Children 2015’ came into force from August 2015. The Guidelines were formulated to simplify and speed up the adoption process. It also aimed to make the adoption process easier and at par for the Non Resident Indians.¹⁰⁹ The earlier process involved a long and frustrating waiting time, often upto three years.

The complexity with trafficking for adoption is that the children may often land up in situations where they are much better off than they would have been in an orphanage, or even being put in foster care within the country. Nonetheless, the very nature of the transaction wherein there is sale and purchase of the child, makes it trafficking.

Although the new Guidelines are aimed at making adoptions relatively easier, news reports suggest that many adoption agencies have been claiming there are no children available for adoption.¹¹⁰ A thriving illegal adoption market is responsible for this.

Commercial Surrogacy

According to newspaper reports trafficking for surrogacy is a new trend emerging in the lucrative business of the human trade since the legalisation of set practice in India in 2002. The laws concerning surrogacy are still vague and leave a lot of room for exploitation. The Assisted Reproductive Technology (Regulation) Bill,



109 Government of India. Ministry of Women and Child Development. *Press Note on New Adoption Guidelines*. pib.nic.in. Press Information Bureau, 14 Oct. 2015. Web. May-June 2016.

110 Lakshmi, Rama. “India Moves to Speed up Adoption.” *the guardian*. Guardian News and Media Limited, 30 Mar. 2015. Web. Mar-Apr. 2016.

ART, based on recommendations by the Indian Council for Medical Research has not been drafted yet and is still pending.

The forms of trafficking for surrogacy are diverse and have many faces. There have been reports of cases where young girls from Jharkhand are lured to Delhi and forced to act as a surrogate mother.

“The CWC in Gumla came across another case of trafficking for surrogacy from Lotwadugdugi village in Palkot block. The girl was trafficked to Delhi when she was just eight years old. Now 29, she returned to Jharkhand last year and alleged that she was forced to deliver at least 10 babies, said Alakh Singh, a member of the CWC. ‘It is not a regular pattern, but we have come across a few such cases in the past. It is a major concern if such practices are happening in the state,’ said additional director general of police (CID) SN Pradhan.”¹¹¹

The fact that commercial surrogacy in India is legal and relatively cheap compared to western nations, leads to a vast amount of couples coming from abroad to have their baby born via a surrogate mother. Those deals are usually conducted through agencies which on average are six times cheaper than Western alternatives, the majority of the agencies are registered and provide support and health assistance to the surrogates there are however questionable practises as recruiting women from slums, making them sign contracts they can't read and once the baby is born, sending them back without paying them the full compensation they were promised¹¹²

Child Trafficking for Organ Trade

On 28 May 2015, it was reported that a four-and-a-half year old girl got operated upon at a hospital in Delhi in March. Two months later, her father alleged that one of her kidneys disappeared after the surgery.¹¹³ The supply-demand gap for donor organs paves the way for illegal transplant and trade of human organs. Organ trafficking, according to World Health Organization (WHO), is a commercial transplantation, where there is profit, or transplantations occur outside of national medical systems. Terms like ‘organ trafficking’, ‘illegal organ trade’, ‘transplant tourism’, ‘organ purchase’ and others are often used interchangeably with trafficking in persons for the purpose of organ removal, even where they would not refer to the same phenomenon.¹¹⁴

While the NCRB data under kidnapping of selling for body parts reports only one

‘CHILDREN BELOW SIX YEARS VULNERABLE TO ORGAN TRADE’

ADITYA VAIBHAV | TNN | Sep 25, 2014, 10.54 PM IST

Patna: Special secretary, state home department, Alok Raj on Thursday asserted that children below six years are the most vulnerable lot when it comes to organ trade. He said since the kids in this age group have little monetary value, the traffickers prefer to sell their internal body parts for hefty sums.

Describing the menace of child trafficking as an organized crime, Raj said the missing children could be subjected to any form of exploitation. He said the dimension of exploitation ranges from commercial sexual exploitation to using them as carriers of illegal arms.

Speaking about who should be referred to as missing children, Raj said any missing minor could be described as a missing child if his whereabouts is not known to his family, relatives, friends and acquaintances. He said anyone known to the missing child could lodge a complaint with either the local police or Childline. He said there is a provision for making online complaints in this regard and added that people could log on to www.trackthemissingchild.gov.in for the same.

Addressing a state level consultation on the system of tracking the missing children, organized by Equity Foundation, Raj said earlier entries regarding the missing children used to gather dust in police files as there was no system for sharing them with different agencies for quick breakthrough. He said a database has now been prepared that keeps vital information about the missing children that is shared by police control room, government railway police, railway protection force, state juvenile police unit, national crime records bureau, state crime records bureau and anti-human trafficking unit of the state police.

Holding that the approach of raising a hue and cry was the best way to draw the attention of higher authorities in case the local officials ignore the issue, he said thorough investigation of such cases was the only thing required.

Source- <http://timesofindia.indiatimes.com/city/patna/Children-below-six-years-vulnerable-to-organ-trade/articleshow/43450591.cms>

111 Roy, Saurav. “Trafficked Tribal Girls Forced to Conceive, Deliver Babies for Sale.” *The Hindustan Times*. HT Media Limited, 25 Feb. 2015. Web. 24 Sept. 2015.

112 Ronan, Alex. “Inside the Dark Realities of the International Surrogacy Industry.” *nymag.com*. New York Media LLC, 30 Mar. 2015. Web. Mar-Apr. 2016.

113 Masoodi, Ashwaq. “Why Organ Trafficking Thrives in India.” *Livemint.com*. HT Media Limited, 28 May 2015. Web. June-July 2016.

114 UNODC Human Trafficking and Migrant Smuggling Section. *Assessment Toolkit : Trafficking in Persons for the Purpose of Organ Removal*. Rep. United Nations, Vienna, 2015. Web. Mar-Apr. 2016.

case in 2014, the inclusion of this crime in itself is evidence that there is also kidnapping and trafficking of children for their organs. In absence of data we have only anecdotal evidence to rely on.

Trafficking for Labour

Child labour is both traditionally accepted and widely prevalent in India. However, accurate data on child labour has always remained a big challenge as there are varying estimates of the number of working children in the country due to differing concepts and methods of estimation. This is particularly true of children engaged in ‘culturally more acceptable’ sectors such as domestic work and *dhabas* and eateries, even though these are the sectors with significant concentration of child labour evident to the naked eye.

That children are trafficked for labour from one state to another within the country, and also across countries is now well known and well established. However, as with marriage, not all movement of child labour can be traced to trafficking. Also, Although trafficked for labour, many face sexual exploitation and abuse as well apart from physical abuse. This was highlighted in the 2000 report as well. What is however new is the attention that this has been receiving from NGOs, government and courts. In 2006, government of India passed a notification that now extended the prohibited occupations to domestic work, *dhaba* and hotels and circus. This meant that employing children upto the age of 14 years in these occupations was illegal

Mostly young girls from regions struck by poverty, natural disasters, lack of employment and education like Jharkhand, Chhattisgarh, Odisha, Assam, West Bengal, Madhya Pradesh and even Nepal are being lured to Delhi or Mumbai by placement agencies under the guise of being able to earn a decent wage to support their families’ back home. Upon arrival those girls suffer horrible working conditions, sexual and physical abuse and the absence of fair, even regular payment by their employers.



“He said he would change our lives,” says Elaina, now 20. “The tea garden was closed when he came and my parents were not working, so my father wanted to send me.” The trafficker had promised excitement and glamour: instead she started work every day at 4am and worked until midnight, and though he promised to give her 1,500 rupees a month, she was never paid. He kept her as a prisoner, unable to leave the house or contact her family.”¹¹⁵

The placement agencies themselves, after recruiting the children, trade them off to employers for a sum between 30000 INR to 45000 INR plus a placement agency charge of 10000 INR to 15000 INR. After the transaction the custody of the child goes to the employer but the money that has been paid never reaches the families of the children back home.¹¹⁶ For example, it is reported that, “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. The placement agencies operate without fear of law and have mushroomed across Jharkhand”.¹¹⁷

Bachpan Bachao Andolan v. Union of India (UOI) and Ors¹¹⁸ explicitly mentioned that some illegal recruitment practices amount to trafficking in persons. The case concerned a petition filed in public interest

115 Chamberlaib, Gethin. “How Poverty Wages for Tea Pickers Fuel India’s Trade in Child Slavery.” *The Guardian*. Guardian News and Media Limited, 20 July 2013. Web. 8 Sept. 2015.

116 Kant, Ravi. Kant, Nishi. Roy, Subir. Ramchandran, Vibhuti. Jain, Rajul. Kant, Rishi. Shetye, Saie and Laulendra Kaushik. *India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Human Trafficking*. Rep. European Union and UNDOC, 11 July 2013.10. Web. May-June 2016.

117 Saxena, Astha. “Placement Agencies Hub of Trafficking” *indiatoday.in*. Living Media India Limited, 10 May 2015. Web. Mar.-Apr. 2016.

118 Sikri, A.K. “Bachpan Bachao & Ors. vs Union Of India & Others on 24 December, 2010.” *Indiakanoon.org*. 24 Dec. 2010. Web. Feb.-Mar. 2016.

INTERNATIONAL CHILD TRAFFICKING RACKET BUSTED IN BENGALURU, 16 ARRESTED

Bengaluru | Written by NEHAL KIDWAI | Updated: February 09, 2016 03:47 IST

BENGALURU: A Special Investigation Team formulated to probe child trafficking in Bengaluru has busted an International racket arresting the group's kingpin and his 16 accomplices.

The Bengaluru Police had been probing the case for over a year based on credible intelligence about a possible child trafficking racket operating in the city, said Harishekharan, the Additional Commissioner of Police. A Special Investigation Team or SIT was then constituted to gather more intelligence.

According to the police, the agents of Udai Pratap Singh, the 44-year-old leader of the group, allegedly brought children - below the ages of 10 - from Bihar, Uttar Pradesh and Gujarat into Bengaluru, after which they were allotted to fraud couples and made to act like a family. Travel papers to the US were then arranged for

them through the US Consulate in Chennai by producing fake documents.

An audit into immigration of the two countries revealed that the couples would then travel to the US with the children and return later leaving them behind. According to the investigations, the syndicate has been successful in allegedly smuggling over 25 children into the United States for crores of rupees.

The accused in the initial interrogation have said that they handed over the kids to their biological parents in the US who have been living there illegally. However, an alternate theory of the police suggests that the children were kidnapped from India and then sold in the US, making it an International child trafficking racket.



13 cases of kidnaping, abduction, criminal conspiracy, violations of various passport and visa acts have been registered against the gang. Police say that it will need more time to conclusively ascertain the motive behind the alleged trafficking of the children.

under article 226 of the Constitution, following a series of incidents of recruitment agencies being involved in trafficking in persons.

To combat the exploitation of children from illegal placement agencies, the Department of Labour, Delhi Government, drafted a new legislation "The Delhi Private Placement Agencies (Regulation) Bill, 2012". It underlines that no agency shall employ, engage or deploy anyone under the age of 18. Furthermore it requires the agencies to only operate with an issued license which has to be renewed every five years. It also states that: "Every private placement agency shall maintain a register containing (a) the names and addresses of the persons managing the private placement agency, (b) the names and addresses of the persons to whom it had provided the domestic workers, the names and addresses of the domestic workers deployed by it and (d) such other particulars as may be prescribed"¹¹⁹

Concerns have been raised however that "The Delhi Private Placement Agencies (Regulation) Bill, 2012" is not sufficient enough to combat and improve the situation of trafficked domestic workers. One of the main concerns being that it only applies to the territory of Delhi whereas most girls are trafficked from other areas, so implementing a national plan of action for regulating agencies would be more beneficial to ensure coordination between states.¹²⁰Trafficking of children for labour however, follow no set pattern.

The latest United Nations Development Programme report has uncovered that 40 per cent of the domestic servants working in homes in Mumbai, India's richest city are under age 15. According to this enlightening report this number is increasing at an alarming rate, rather than decreasing. It further states that "Often these young domestic helpers are abused, verbally and physically and also sexually exploited."

PTI, 10th September, 2009

119 Pandit, Ambika. "Delhi NGOs Slam Placement Agency Bill." *The Times of India, Delhi Edition*. 23 Aug. 2012. Web. 18 Sept. 2015.

120 Ibid.

It was found that over 50,000 children from Madurai, Theni and Dindigul continue to be sent to the northern states to work in factories. C Visakan of Kottapatti in Theni district narrated how he was sold by his father for Rs 1,500 to a broker Solairaj from the same village in the year 2004, during his school holidays. He was taken to Chhattisgarh where he worked in a 'muruku' factory with other 13 year olds, for 20 hours a day in front of a fire. But he was returned to his parents when he couldn't work after his employer injured him by pouring hot oil on his body. Rajkumar of Usilampatti and S Prabu from Polipatti had similar stories.

According to the CACT, many of these children came from the three southern districts, predominantly the Usilampatti area, where studies had revealed that 60 to 70 per cent of the trafficked children were from dalit communities.¹²¹

Trafficking for Begging

Forced child begging involves forcing boys and girls to beg through violence, the threat of violence or other forms of physical or psychological coercion. In a study that HAQ participated in with Anti Slavery International, it was stated –“This extreme form of abuse and exploitation, and the lack of action by governments to tackle it sensitively and effectively, is particularly troubling because the children involved are clearly visible to everyone on the streets of cities around the world.”¹²²

Laws on begging in India are made at the state rather than national level. New Delhi's anti begging laws are based on the 1959 Bombay Prevention of Begging Act (the Begging Act) which defines begging as either soliciting alms or appearing to be in the process of soliciting alms. The Begging Act has been criticised for criminalising the poor, and for failing to address the roots of the problem.

As per the NCRB data, kidnapping for begging has seen a 20 per cent decrease in the last decade with only 16 cases reported in 2014. This data raises many questions as the National Crime Records Bureau in its various reports has admitted that there is a growing concern over missing children cases and also due to the fact that children begging on traffic signals is a usual sight in cities these days. This does indicate that begging mafias are alive and that law enforcement agencies have failed.

Many of these children who are found begging are also trafficked children. For example, as per a news report, children from Bihar, Andhra Pradesh, Chhattisgarh, Rajasthan and, recently, from Bangladesh are forced into begging in Bangalore. They said begging here is more lucrative than in Delhi and Mumbai.¹²³

8 WOMEN HELD ON CHARGE OF TRAFFICKING CHILDREN FOR BEGGING IN ODISHA

By PTI | Published: 14th June 2015 11:29 PM | Last Updated: 14th June 2015 11:29 PM

BHUBANESWAR: The Government Railway Police (GRP) today arrested eight women on charge of kidnapping children and forcing them into begging in the city.

The accused women hailing from Tamil Nadu and Karnataka were identified as K Basanta, R Manjula, Jai Amma, Uppama, Venkata Amma, Shyanta Amma, Munni Amma and Sushila, A GRP official said.

GRP personnel also rescued five

children who were allegedly engaged in begging during the operation, the official said.

Acting on a complaint of a city-based voluntary organization, the GRP conducted search operations at different railway stations in and around Bhubaneswar, he said.

The women were allegedly utilising some children for begging while projecting themselves as deaf, dumb and physically

challenged to gain sympathy of railway passengers.

The police raids followed rescue of a 10-year old boy, who was allegedly forced into begging by the gang earlier, the official said.

GRP have registered a case against the arrested under sections 363 (A), 468, 471, 472, 420, 120 (B) of IPC and 24 (1) (2) of Juvenile Justice (Care and Protection of Children) Act.

121 Sivarajaj, Padmini. "Over 50,000 Kids from South Tamil Nadu Deployed as Child Labour." *Times of India, Madurai*. N.p., 1 May 2012. Web. Mar-Apr. 2016.

122 Delap, Emily, and Catherine Turner. *Begging for Change: Research Findings and Recommendations on Forced Child Begging in Albania/ Greece, India and Senegal*. Rep. Comp. Terre Des Hommes-Albania (Tdh-Albania), Association for the Social Support of Youth (ARSIS), Children of the World and of Albania (FBSH), HAQ: Centre for Child Rights, Childhood Enhancement through Training and Action (CHETNA), and Tostan. Anti-Slavery International, 2009. 9. Web. Mar-Apr. 2016.

123 Kalkod, Rajiv. "Traffickers Set a Daily Target for Child Beggars." *Times of India, Bangalore*, 16 Dec. 2011. Web. Apr-May 2016.

As the Additional Commissioner of Police of Bangalore, says, “We have information that in a number of cases, children are kidnapped, physically assaulted and forced to beg. Some are taken on rent at the rate of about Rs. 200 to Rs. 300 per day and, in some cases, given sedatives so that they are unconscious”.¹²⁴

CITY POLICE RESCUE 190 CHILDREN FOUND BEGGING ON STREETS

The city police launched ‘Operation Smile’ to rescue children begging on the streets.
The Hindu, Bengaluru, August 7, 2015

The rescued children will be rehabilitated at the Bala Mandiras run by the State government and NGOs.

In a major operation against begging by minors, police conducted simultaneous raids across the city and rescued 190 children, including 25 infants.

The drive, ‘Operation Smile’, began at 10 a.m. across seven divisions of the commissionerate.

The rescued children will be rehabilitated at the Bala Mandiras run by the State government and NGOs, where they hope the smile returns to these under-privileged children.

The police arrested around 65 women and eight men who were forcing the children to beg, said P Harishekar, Additional Commissioner of Police (East) who led the operation.

Several teams had been formed to visit public places like malls, temples, railway

stations, bus stops, theatres and major junctions.

“We have information that in a number of cases, children are kidnapped, physically assaulted and forced to beg. Some are taken on rent at the rate of about Rs. 200 to Rs. 300 per day and, in some cases, given sedatives so that they are unconscious,” he said.

The operation took three months of preparation, including training of personnel, identification and survey of prime spots where beggars are found. Over 300 personnel drawn from the city police, officials of the Women and Child Welfare Department, Child Welfare Committee and representative of 10 non-governmental organisations were involved.

The police will now investigate whether these children were forced to beg. “During investigation, if we find that the children are not with their families, we will



immediately subject both child and adult to a DNA test. If we find that the children are being used by their parents, we will send them to the Child Welfare Committee. If they are not related to the adults, cases under human trafficking, beggary, and Juvenile Justice Acts would be registered,” said Mr. Harishekar.

Trafficking for Filling up Charity Homes and Education

The last decade has seen a completely bizarre phenomenon. These are reports of children being trafficked into child care and educational institutions. And this is a phenomenon that cuts across all religious institutions.

The first report of this kind of trafficking of children was in 2004 when there were reports of children being taken from Meghalaya to the ‘mutts’ of Karnataka for education.¹²⁵ HAQ was part of the fact finding team set up by the National Commission for Protection of Child Rights (NCPCR) that visited Jaintia Hills of Meghalaya. Following this the NCPCR undertook further investigation and has reported:

“Trafficking of Children from North-East States Pursuant to the Order of Hon’ble Supreme Court of India in the matter of Exploitation of Children in Orphanages in the State of Tamil Nadu, [WP (Crl.)No.102/2007 & Cr MP No. 4359/2010] the NCPCR followed up the case of children from Assam and Manipur who were rescued from Southern States for their rehabilitation and education back home.

A brief summary of the findings are as follows:

- The States of Manipur, Assam, Meghalaya and Nagaland and Arunachal Pradesh were the ‘source’ states in the North East from where children as young as five year olds were trafficked for education. The ‘destination’ states of these children were Tamil Nadu, Karnataka, Andhra Pradesh and Kerala.

124 Special Correspondent. “City Police Rescue 190 Children Found Begging on Streets.” *thehindu.com*. The Hindu, 7 Aug. 2015. Web. Feb.-Mar. 2016.

125 Sanjana. “A Strange And Bitter Crop.” *Tehelka*. Anant Media Pvt.Ltd., 4 July 2009. Web. Oct. 2015.

- Children were being sent by poor parents to far off places due to their high expectation of quality education. In addition lack of basic infrastructure such as road connectivity, power, hospitals, etc. and insurgency in their local areas led parents to send their children out.
- More important was the role of middlemen who found it a lucrative business scouting for children from North East to the orphanages in Southern States. Most such orphanages/homes raised donations against the photographs of children sent to donors. There is no regulation on the activities of the middle men who arrange and transport children from the North Eastern States on the pretext of education.
- There is also little or no check on the illegal/ unregistered Children's Homes being run in the southern States. A lack of regular inspection and surveillance by the Social Welfare/ Social Defence authorities, Anti-Human Trafficking Units and local police in the districts/States where these children end up also contribute to the flourishing of these illegal activities
- Most such children are placed in orphanages or Children's Homes that have no registration/recognition from the Government under the Orphanages and other Charitable Homes (Control and Supervision) Act, 1960, or the Juvenile Justice (Care and Protection of Children) Act, 2000. They are placed in crowded buildings, lacking in sanitation facilities, proper food, health care or education. Children are made to cook their food, clean the premises and even subject to abuse. They do not have any contact with their families for over two years or more and soon lose all connection and touch with their mother tongue, culture, community and belonging.¹²⁶

Involvement of the faith based organizations in trafficking from conflict prone areas:

While trafficking is usually viewed in the context of organized criminal gangs/groups, there is no doubt that a number of faith based organizations are involved in trafficking in conflict situations. This is underlined by the fact that *all* the cases referred by the NCPDR in its report relate to faith based organizations:

- 52 children belonging to Tousem Sub-division of Tamenglong District, Manipur and 24 children belonging to N.C. Hills of Assam, rescued from Kanyakumari District in January 2010;
- 22 Manipuri children including 11 girls rescued from Chennai on 21.01.2010;
- 27 Manipuri children rescued from Nagapattinam District in Tamil Nadu
- Children living in the Gilgal Children Home at Keela Pappakudi and in the Reach Hostel at Ambasamudram Taluka in Tirunelveli District, Tamil Nadu
- 18 girl children transported from Tousem sub-division of Manipur (10) and NC Hills (8) to Bangalore via Chennai by Mr. Nambuing Paul Newme
- 24 children from Manipur living at Oasis Home, Anna Nagar (West) Kumber Colony, Chennai

Source: Oral Statement by Suhas Chakma, Asian Centre for Human Rights

More recently reports of children being taken to institutions of **Kerala** have made news. Kerala police has informed the High Court that children from Bihar, West Bengal and other states were brought to orphanages in Kerala to **meet the dearth of local inmates** in those charity homes and prevent closure of educational institutions run by their trusts for want of children. The agents had forged documents, including fake IDs to ferry children from Bihar, West Bengal and Jharkhand, said the report. The crime branch found there were no evidence for the allegation that the children were sexually abused and deputed for child labour. These children were brought for a few orphanages run by Muslim managements in Kozhikode and Malappuram districts.¹²⁷ The state has 1,400-odd orphanages, many of them have grown into educational hubs over the years. Apart from the government's monthly grant for local inmates, all the institutes were collecting donations from within the state and abroad on behalf of destitute children.

126 Nayak, Ramnath, and Nina Nayak, comps. *Monitoring the Rights of Vulnerable Migrant Children with Trafficking Point of View*. Rep. National Commission for Protection of Child Rights, 30 Jan. 2012. Web. Mar.-Apr. 2016.

127 Philip, Shaju. "Children from Bengal, Bihar Being Trafficked to Keep Kerala Charity Homes Running: Police to HC." *The Indian Express*. The Express Group, 1 Aug. 2014. Web. Oct. 2015.

Sources within the orphanage admit to there being agents in the Gulf countries to collect donations for the charity homes in Kerala. The agents retain 40 per cent of the gross collection as their commission and the rest is delivered to the concerned institutes. Besides, the practice of philanthropists sponsoring food at orphanages also contribute to the coffers of the institutes. In the wake of lower birth rates and growing affluence in the state, the flow of children to orphanages has declined. Many parents in Kerala are reluctant to send their wards to orphanages fearing the stigma of 'alumnus of orphanage.' To overcome that, some orphanages have changed their names into charity homes. Even then, several institutes with huge infrastructure are struggling to fill the capacity.

The above situation has forced the orphanages to scout for potential candidates in poverty-stricken, strife-torn regions in North Indian states. The trend of bringing children from north Indian states began in the last decade. With every passing year, more institutions were looking forward to the option of ferrying children from other states to orphanages in Kerala.

This incidence was discussed in detail at the meeting of the Nodal Officers of AHTUs and the case was presented¹²⁸:

"Ms R. Sreelekha, ADGP gave a power-point presentation on rescue operations conducted on 24th and 25th May, 2014 and stated that total 589 children transported from other states like Jharkhand, Bihar, West Bengal, Odisha to Kerala were rescued. She informed that on 24.05.2014, on getting information regarding trafficking of children in large numbers into Kerala from other states in the Patna-Ernakulam train, Palakkad Railway Police intercepted and rescued 466 children which consisted of 229 girls, 226 boys all below the age of 12 and 12 infants. Thirty three men were accompanying these children and mothers of 10 infants were also there with them. All the children were from Jharkhand and Bihar and they were brought by the management of Mukkam Muslim Orphanage. The next day, on 25.05.14, 123 boys all under the age of 14 were rescued in a similar manner who were brought for an orphanage in Malappuram District named Anwar Ul Huda orphanage. Railway police arrested 4 men travelling with the boys suspected as agents. All the children rescued from the railway police were handed over to the Child Welfare Committee and housed in Government Children's Homes in Palakkad. The investigation is currently going on. Some of the children had some documents as such as birth certificates, destitution certificates and consent letters from their parents which were all suspected to be forged since the handwriting and signatures in almost all the certificates are the same. On enquiry, it was found that none of the 589 children were orphans and the real reason for canvassing and bringing children from other states was to fraudulently obtain Government grants of Rs.900 per child/month for the orphanage. On questioning some of the parents, they reported that they were paid an amount of Rs.1000/- to 1500/- for each child recruited by the agents. It was also revealed that the agents have offices in the states of Jharkhand, Bihar and West Bengal for recruiting children for the orphanages in Kerala.

Young girls from the remote Nepali district of Humla faced similar ordeals. Around 23 of them with Christian names have been living for the past nine years here as orphans despite having parents back home. They were rescued from the centre recently at the initiative of the Esther Benjamins Memorial Foundation (EBMF), Nepal, ChildLine India and the CWC in **Tamil Nadu**. EBMF got into action when the families of

Child trafficking: HC orders CBI probe

SHAJU PHILIP
THIRUVANANTHAPURAM,
JULY 6

ACTING ON a public interest litigation, a division bench of the Kerala High Court on Monday ordered a CBI probe into the trafficking of children from north and northeastern states to orphanages in Kerala. The division bench of Chief Justice Ashok Bhusan asked the CBI to step in despite the state government opposing probe by a central agency.

While saying that all orphanages in Kerala should be brought under the purview of the Juvenile Justice Act, the court added that district administration and child welfare committees at the district-level must ensure that proper legal procedure is followed while bringing children from other states.

Trafficking of children from other states to Kerala orphanages hit the headlines last year when 450 children from Bihar and Jharkhand were brought to a few Muslim-run orphanages in North Kerala. The railway police in Palakkad had then booked the 'agents' involved on charges of trafficking children without proper documents and even railway tickets.

Subsequently, police and several agencies began investigating the conduct of other orphanages in Kerala. Two months back, police detained several children in Kochi, who were brought to some orphanages in central Kerala.

Kerala has around 1800 orphanages, recognised by the

State Orphanage Control Board, and many of these institutions—especially in north Kerala—have several north Indian children as inmates.

According to sources, children from other states are in demand because of shrinking enrollment of local students, which threatens to lead to the closure of schools run by orphanage trusts. Some trusts that run schools have actually opened orphanages only to ensure steady flow of students to their schools and to stay in business. Agents, claim sources, find 'eligible' children in north Indian villages—in Uttar Pradesh, Bihar, West Bengal, Assam, Manipur, Jammu and Gujarat—and at the start of an academic year bring them in batches to Kerala.

In the past, the Indian Union Muslim League (IUM), an ally of the Congress-led Government, had alleged that the state government was trying to prevent the functioning of institutes meant for destitute Muslim children. The IUM had then stated that the orphanages were not involved in the sale of children for sexual exploitation or organ trade and the government should desist from oppressing them by pointing out procedural lapses.

Orphanages in Kerala, particularly those run by Muslim organisations, have been regularly bringing destitute Muslim boys and girls from other states.

Many of these orphanages, like JDP Islam Orphanage in Kozhikode, have over the years grown into hubs of professional and technical institutes, increasing the demand for more inmates.

four girls from Humla requested them to find their missing daughters. The parents of the girls had sent them along with their brothers in the care of Dal Bahadur Phadera, a local politician. Many families in Humla had paid Phadera between Rs 5,000 and Rs 20,000 to get their children out of war-ravaged villages at the time and educate them in boarding schools in Kathmandu. The boys are still in the institution run by Phadera, but the girls, between three and seven years old, were taken away nine years ago. Their families never heard from them. **When rescued, many girls didn't remember their parents' names or where they came from.**¹²⁹ 20 tribal children of Meghalaya, rescued from an unauthorised NGO in Tamil Nadu.¹³⁰

Police and NGO workers rescued 30 children in raids conducted at two children's homes in Greater Noida and Meerut. The NGO Childline and the police conducted the raids based on a complaint they received. Officials claim that they did not even have documents for the children staying with them. The officials are also investigating this as a case of 'trafficking' and 'religious conversion' by the NGO for the lack of documents. Authorities are investigating if the kids were forced into conversion as some children claimed to have two names - one which their parents gave and the other a Christian name the home's director gave them in Dehradun "after reading a Bible".¹³¹ Children have been rescued by the Rajasthan Commission for Protection of Child Rights (RCPCR) from a "child's home" called Grace Home in Mansarovar area of Jaipur. In Jaipur itself, another 20 boys were rescued from another child home. These children were from Manipur's Ukhrul district and the rest from Nagaland, Assam, Punjab, Jharkhand¹³².

The above are only examples. There are many more reported cases. Poverty of parents and conflict make children vulnerable to this kind of trafficking. Often the parents tricked into believing that they are sending their children for a better life and education.

In recognition of this growing problem the Supreme Court of India has been issuing directions to the states and seeking compliance.¹³³ The court has noted with concern on December 16, 2013:

"Given the lackadaisical manner in which the States and the Union Territories have responded to the concern shown by this Court in relation to the wholly unacceptable situation prevailing and to stamp out any further exploitation of children, it has become necessary to re-emphasize that it is the bounden duty of the States under Articles 21, 21A, 23, 24, 45 and 51A (k) to create and maintain a protective and healthy environment in which children who are the future of this country can bloom and subsequently become mature and responsible citizen of this country. We have been pained to notice the utterly callous attitude adopted by the States as well as the Union Territories. We, therefore, have no option at this stage but to issue some further mandatory directions to ensure that the exploitation of the children in all spheres of life is brought to an end with utmost expedition."

Trafficking for Drug Peddling and Smuggling

Children are mostly initiated into drug use and then forced to work for traffickers¹³⁴. They are usually not suspected and therefore become an easy target for traffickers. A report which appeared in the Deccan Herald pointed out how sympathy was a strong tool used by smugglers across the Indo-Bangladesh border and was the primary reason why children are used extensively for this purpose.

129 Mahato, Rubeena. "RESCUED:The Nepali Girls Trafficked to Christian Orphanage." www.asafeworldforwomen.org. The Safeworld International Foundation, Sept. 2011. Web. Feb.-Mar. 2016.

130 Press Trust of India. "Rescued from TN, Meghalaya Children Handed over to Parents." Businessstandard.com. Business Standard Private Ltd., 13 Mar. 2014. Web. Apr.-May 2016.

131 Shekar, Shashank. "30 Kids Rescued from Shelters from Noida and Meerut in Twin Raids." Indiatoday.in. Living Media India Limited, 3 Jan. 2016. Web. Mar.-Apr. 2016.

132 TNN. "Orphanages Using Trafficked Kids to Get Foreign Aid, SC Told." The Times of India. Timesofindia.indiatimes.com, 30 Oct. 2014. Web. Mar.-Apr. 2016.

133 In the Supreme Court of India civil original jurisdiction writ petition (CRL.) No.102 of 2007 Re. exploitation of children in orphanages in the state of Tamil Nadu ...petitioner(s) versus Union of India & Ors. ... respondent(s)

134 Munshi, Suhas. "Welcome to Delhi, the New Drug Trafficking Hub." Indiatoday.in. India Today, 3 May 2013. Web. Apr.-May 2016.

“We often catch children smuggling goods, especially Phensedyl. But after seizing the goods, we let them go,” said a BSF official on condition of anonymity. “If you put these children behind bars, their entire life will be spoilt. We can only hope that they are sent to school and get an opportunity to build their future,” he added. Phensedyl is also used as a narcotic drug.¹³⁵

The use of children as smugglers is pretty common on the Indian borders. The post 2015 Nepal earthquake saw children aged 10-15 years being used rampantly to smuggle essential goods and petroleum for money.¹³⁶ Reports also suggest, school going children residing in the bordering villages of Bangladesh are hired by cattle smugglers for as low as Taka 100.¹³⁷

It also appears that children, who are neglected, including children of slum dwellers, children of homeless persons as well as children who sell balloons at traffic signals¹³⁸, are at a risk of exploitation at the hands of drug traffickers. These traffickers subsequently make these vulnerable children a part of their network.¹³⁹

Trafficking for Entertainment

Trafficking of children, especially young girls for entertainment as part of dancing troupes –*Nautanki* in North India and *Jatra* in the East (Bengal and Orissa) is common and well known. These entertainment forms have acquired a modern guise in the cities as these young girls dance in clubs and hotels or are taken into the circus as acrobats.¹⁴⁰ Many children from Nepal¹⁴¹ and Bangladesh¹⁴² have been rescued from circus in India where they are not only made to work but are also sexually abused. The conditions in which these children are made to work is inhuman.

*“We were forced to train for long hours. It was difficult. Sometimes, we were beaten and abused. It was like a prison and I thought of running away from that circus on many occasions. Luckily, I was saved,” recalls Bijaya, who is now a star performer with Circus Kathmandu.*¹⁴³

Trafficking for Sports

In HAQ’s 2001 report on Child Trafficking in India - A Situational Analysis¹⁴⁴, cases of children being trafficked for the purpose of camel jockeying was highlighted. Interestingly, only young boys are trafficked to serve as camel jockeys. These boys are required to be young and slim in order to be light on the camel’s back. They are tied to the back of the camels during a race so that they do not jump off in fright. The camels are made to run down a track. The camels often go mad and berserk, killing the boys on their back. Children who fall risk being trampled to death by the other camels on the track, and if they refuse to ride the camels, they are beaten and forced to ride anyway.

135 Children Used for Smuggling across India-Bangladesh Border.” Deccan Herald. The Printers (Mysore) Private Ltd, 22 Apr. 2011. Web. May-June 2016.

136 Karna, Birendra. “Children Being Used in Smuggling of Goods from India.” Kathmandu Post. Kantipur Digital Corp, 27 Oct. 2015. Web. 30 Oct. 2015.

137 Roy, S Dilip. “Children Used in Smuggling.” *thedailystar.net*. The Daily Star, 18 Mar. 2014. Web. Apr.-May 2016.

138 India TV News Desk. “Man Arrested for Peddling Drugs through Children.” *indiatvnews.com*. India TV, 7 Jan. 2015. Web. Apr.-May 2016.

139 TNN. “Neglected Kids Turn to Drug Peddling.” *timesofindia.indiatimes.com*. Times of India, 29 Apr. 2002. Web. Mar.-Apr. 2016.

140 Child trafficking in India, HAQ: Centre for Child Rights

141 Ethirajan, Anbarasan. “Kathmandu Youth Circus Turns Tables on Human Trafficking.” *www.bbc.com*. BBC News, 24 June 2014. Web. Apr.-May 2016.

142 Special Correspondent. “Circus Owner Arrested on Rape, Child Trafficking Charges in Goa.” *www.thehindu.com*. The Hindu, 1 Mar. 2014. Web. Apr.-May 2016.

143 Ethirajan, Anbarasan. “Kathmandu Youth Circus Turns Tables on Human Trafficking.” *www.bbc.com*. BBC News, 24 June 2014. Web. Apr.-May 2016.

144 Child trafficking in India, HAQ: Centre for Child Rights, 2000. New Delhi.

However after increasing international pressure in 2005, the UAE Government issued a new federal law prohibiting children below the age of 18 years from participating in the races. They also signed an agreement with UNICEF to provide 2.7 million USD as aid in facilitating the rehabilitation, repatriation and reintegration of child jockeys to their home countries.¹⁴⁵

Despite it being known that children are trafficked for camel jockeying from Bangladesh and Sri Lanka via India, there is hardly any data available to prove the same. According to NCRB, **no cases** were registered under kidnapping for the purpose of camel racing under the Indian Penal Code in 2014.¹⁴⁶

Sasi Priya (published in News Laundry.com) had sought the data on children kidnapped for camel jockeying and they were given the following information.¹⁴⁷

Year	State	10yrs – 15yrs(A)		15yrs - 50yrs (B)		Total Cases (A+B)
		Female	Male	Female	Male	
1999	Andhra Pradesh	—	—	5	—	6
	Maharashtra	—	—	1	—	
2000	Andhra Pradesh	—	—	2	—	4
	Mizoram	1	—	1	—	
2007	Andhra Pradesh	—	—	3	—	3
2010	Karnataka	—	—	2	—	2
2011	Jharkhand	—	—	4	—	4
2012	Gujarat	—	—	70	—	70
2013	Andhra Pradesh	—	—	2	—	3
	Bihar	—	1	—	—	
2014	—	—	—	—	—	—
TOTAL	—	1	1	90	0	92

It is interesting and also a matter of serious concern that the maximum number of children recorded as having been kidnapped for camel racing was in 2012, and that too from the state of Gujarat.

But, as pointed out by the author, the authenticity of the data is up for question. It is the boy children who are aged 10 years or below who are used as camel riders due to the sole fact that the speed at which a camel can run is greatly determined by the weight it has to carry and to ensure that camels can run their best, the lightest or smallest riders are preferred. **But the data above shows that , 91 of the 92 who were kidnapped were women, that too in an age group of 18-50 years, which is definitely not the age group sought by the camel owners for camel jockeys.**¹⁴⁸

Reasons for Trafficking

There remain several *push* and *pull* factors for trafficking. And these are the same across the world, where we see that the flow of trafficking is from less developed countries to advanced countries. Similarly, as a trend we would see that the flow of trafficking inside of the country too was from less 'developed' areas to more developed ones – Assam and Bengal to Haryana for marriage; children from Bihar, Bengal, Orissa and

145 Priya, Sasi. "Kidnapped for Camel Racing – The Curious Case of Reporting (Part 1)." *Factly.in*. FACTLY, 31 Aug. 2015. Web. 9 Nov. 2015.

146 National Crime Records Bureau. "Table 23.3: Purpose-wise and Sex-wise Details of Kidnapping & Abduction (All India) During 2014." *Ncrb.gov.in*. Ministry of Home Affairs, 2015. Web. 5 Nov. 2015.

147 Factly. "Kidnapped for Camel Racing – Part 2: Indian Numbers." *NewsLaundry.com*. News Laundry, 1 Sept. 2015. Web. 12 Feb. 2016.

148 Factly. "Kidnapped for Camel Racing – Part 2: Indian Numbers." *NewsLaundry.com*. News Laundry, 1 Sept. 2015. Web. 12 Feb. 2016.

Jharkhand trafficked for labour to other states of the country; girls from Bengal are found in the brothels of Pune and Mumbai.

For example, Khunti is one of five districts that form the Jharkhand belt – the others are Gumla, Simdega, Lohardaga and Latehar. The Jharkhand belt supplies domestic help to thousands of homes in Delhi and satellite towns such as Noida, Gurgaon and Faridabad. Unlike the state’s industrially developed districts (think Ranchi, Dhanbad or Bokaro), endemic poverty marks these districts, with more than 35% of the tribal population living below the poverty line. These pockets are also the Maoist war zones of Jharkhand.



These factors make it prime hunting ground for traffickers such as 42-year-old Mahto, who had amassed assets worth over Rs 65 crore in Delhi and Jharkhand, having allegedly trafficked about 3,000 girls and women by the time of his arrest last October, the result of a joint operation by the Delhi police Crime Branch and the Jharkhand Anti-Human Trafficking Unit (AHTU).¹⁴⁹

The pull of the big city is a major attraction. As with most survivors, for Anjali too, the first point of contact in her ‘life-changing’ journey was an acquaintance based in the Capital – a friend’s cousin who worked in a jeans-manufacturing unit in Delhi. “He asked me if I wanted to see the city. One day I left with him without telling anyone. I think this is why my parents are angry with me and do not come to get me,” she says. Weekly markets and village fairs, local buses, and crossroads in Ranchi city where villagers gather in search of work are points of contact for traffickers and potential victims.¹⁵⁰

But we are now also seeing some aberrations in this. HAQ and Shakti Vahini rescued Reshmi (mentioned in the opening of the report) from Jalpaiguri in North Bengal, where she was sent to from Delhi. Girls from Kerala are being married off in Haryana.¹⁵¹

The Delhi Commission on the Protection of Child Rights in its analysis of why children go missing in Delhi have identified the following reasons:

1. The huge migrant population of Delhi, who belong to poor or lower middle class of society, constitutes a major segment of the population and children of the migrant poor families are soft target for traffickers. A majority of missing children (more than 90 per cent) belong to this population and are from the area in which they reside.
2. Male and female heads of the migrant families work to make both ends meet and children remain neglected. In many cases it has been found that children roam on the streets when the father and mother are away for work and in most of the cases houses remain locked. Such children fall an easy prey to the traffickers. The Commission, in this regard, would like to recommend opening of more ‘drop-in-centres’ in the locality for children to get shelter and care till their parents return from work .
3. Commission in most of the cases, found the attitude of police not very cooperative and hence is trying hard to provide an “interactive” platform to the parents with police. Many concerns and issues raised by the parents could be addressed by the police personnel present in the sessions.
4. Very Important and precious “first few hours” after a child goes missing are lost due to inaction by parents or by police. Delhi being a small territory children are smuggled to the neighbouring states within no time and therefore go out of the reach/jurisdiction of Delhi Police. This Commission has

149 Raza, Danish. “What Makes Jharkhand the Hunting Ground of Human Traffickers.” *Hindustan Times*. HT Media Limited, 15 Oct. 2015. Web. Mar-Apr. 2016.

150 Ibid.

151 Khatri, Rajendra. “Haryana’s Crisis: Bridegrooms All Decked Up, but No One to Marry.” *Firstpost.com*. First Post, 20 July 2014. Web. May-June 2016.

always been emphasizing the importance of “first few hours” but the police has yet to come up with a proper plan to deal with the steps to be taken in this period to appropriately tackle the issue of missing children.

5. During such sessions and from the replies given by police in the case of missing children, the Commission has found that Delhi Police is following the guidelines and does take the following
 - a) Filing of FIR u/s 363 IPC
 - b) Sending of WT message to control room
 - c) Issuing hue and cry notice and getting it pasted at Railway stations, Bus stations etc.
 - d) Announcement by loud speakers in local area. Sending of information to Doordarshan
 - e) Putting information on Zipnet
 - f) Examining family members, neighbours and friends
 - g) Search in the homes, mortuary, hospitals, etc. missing person squad, NCRB and SCRB ¹⁵²

Can a missing child be treated as a trafficked child?

Supreme Court of India in *Bachpan Bachao Andolan v. Union of India & Others* [Writ Petition Civil 75/ 2012]:

A missing child is –

A child whose whereabouts are unknown to the parents or legal guardians or any other person who may be legally entrusted with the custody or guardianship of the child and in normal circumstance would know about the whereabouts and would be concerned about the well-being of the child, whatever may be the circumstances/causes of the disappearance. The child will be considered missing and in need of care and protection within the meaning of the Juvenile Justice (Care and Protection of Children) Act, 2000, until located and his/her safety is established.

Further directions issued:

- All cases of missing children in India to be registered as a cognizable offence (as First Information Report) and investigated.
- In cases where First Information Reports (FIRs) have not been lodged at all and the child is still missing, an FIR should be lodged within a month.
- In all missing children cases, there will be a presumption of the crime of kidnapping or trafficking unless proven otherwise from investigation.
- All complaints regarding children (for non-cognisable offences), to be investigated after referring them to a magistrate.
- Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer to investigate crimes against children.
- National Legal Services Authority (NALSA) to appoint para-legal volunteers, so that there is, at least, one para-legal volunteer, in shifts, in the police station to keep a watch over the manner in which the complaints regarding missing children and other offences against children, are dealt with.
- A computerized programme (website), which would create a network between the Central Child Protection Unit as the Head of the Organization and all State Child Protection Units, District Child Protection Units, City Child Protection Units, Block Level Child Protection Units, all Special Juvenile Police Units, all Police stations, all Juvenile Justice Boards and all Child Welfare Committees, etc. to be created as a central data bank.
- Photographs of the recovered child to be put up on the website and through the newspapers and even on the TV. so that the parents of the missing child could locate their missing child and recover him or her from the custody of the police.
- A SOP must be developed to handle the cases of missing children and to invoke appropriate provisions of law where trafficking, child labour, abduction, exploitation and similar issues are disclosed during investigation or after the recovery of the child.
- Even after recovery of the missing child, the police shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing.
- The State authorities shall arrange for adequate Shelter Homes to be provided for missing children, who are recovered and do not have any place to go to within 3 months.

152 Delhi Commission for Protection of Child Rights. *Compendium on Missing Children*. Rep. Government of NCT of Delhi, 6 Aug. 2012.7-8. Web. May-June 2016.

A number of push and pull factors operate. Some key push factors are: inadequate employment opportunities, lack of social safety net, globalisation and feminisation of poverty. Other contributory factors include - poor status of women in many societies and son preference and the extremely organised nature of the operations, the large profit and low risk nature of operations, forced evictions and displacement in the wake of rapid urbanisation and “development”. As Shankar Sen points out – “Though push factors can be minimised by way of development and growth but this can happen only when if there is inclusive growth and development”.¹⁵³

At the same time there are situations of emergency and conflict that de-stabilise communities and make them vulnerable to trafficking. These include calamities and disasters like earthquakes, floods, famines or situations of armed conflicts or civil unrest. As has been pointed out by ACHR, “conflict and misery of the people also provide opportunities to the faith based organisations to be active, especially in areas of conflicts. This cuts across all regions. While many faith based organizations do excellent work to provide humanitarian assistance – there is also no doubt that a few resort to criminality”.¹⁵⁴

According to the Stanford Report on Human Trafficking¹⁵⁵ in India the following are the main features:

DYNAMICS OF TRAFFICKING IN INDIA

- The most prevalent sectors employing victims of TIP in India are commercial sex work, bonded labor (i.e. in both the industrial and agricultural sectors), domestic work, Entertainment (circuses, camel jockeying), and begging.⁷⁹ Commercial sex work and labor accounts for a large share of trafficking.
- The main cause of trafficking in India is poverty. Poor individuals that engage in migrant labor are particularly susceptible to the manipulation of traffickers when false jobs are promised, and women are easily allured by the attraction of fake marriage as a way of escaping poverty. Those states with the highest levels of poverty are where the largest numbers of victims of trafficking originate (e.g. Orissa, Bihar, Jharkhand, Chhattisgarh, and West Bengal). Poverty's impact on trafficking is amplified by the impact of globalization on both poor and wealthy areas of the country.
- Social practices and cultural factors. Such as patriarchal bias, low regard for women's rights, low levels of girls education, marginalization of women, and the dowry practice negatively influence trafficking almost as much as poverty.⁸⁰ Many families and communities perpetuate and institutionalize (e.g. through traditional practices) the act of trafficking. One study indicated that 62% of women in commercial sex work were from scheduled castes and 30% were from scheduled tribes. In addition to being historically disenfranchised, these groups are known for several cultural practices that are adverse to women.
- Lesser, but still important, root causes for trafficking in India are conflicts /natural disasters and governance. Orissa's cyclones and rebel groups in Jharkhand and Chhattisgarh have all contributed to an increase trafficking. Despite the existence of legislation, poor implementation and information asymmetries ensure that marginalized segments vulnerable to trafficking are not aware of, or able to access, protection through the law. Migration policies that are especially harsh on unskilled workers, forcing them to resort to alternative livelihood options through illegal means.
- On the demand side, globalization and economic booms have increased the demand for sex workers and cheap labor, leading to a resultant increase in the supply of trafficked victims, especially in Delhi and Goa. Both low levels and high levels of economic development can encourage trafficking, implying that states can transition from being sources to destinations as they develop economically. There are very few efforts to address the demand side of trafficking.
- Trafficking has social, economic and health impacts. Trafficking re-enforces discriminatory behavior and, in terms of the lost potential returns to human capital, economic losses from human trafficking to communities are enormous. Finally, victims, especially those engaged in sex work, are highly vulnerable to HIV/ AIDS, malaria, tuberculosis, and other diseases.

153 Kishore, Rajesh, ed. *Journal of the National Human Rights Commission : Volume 13*. Rep. National Human Rights Commission, 2014. 51-74. Web. 2 May 2016.

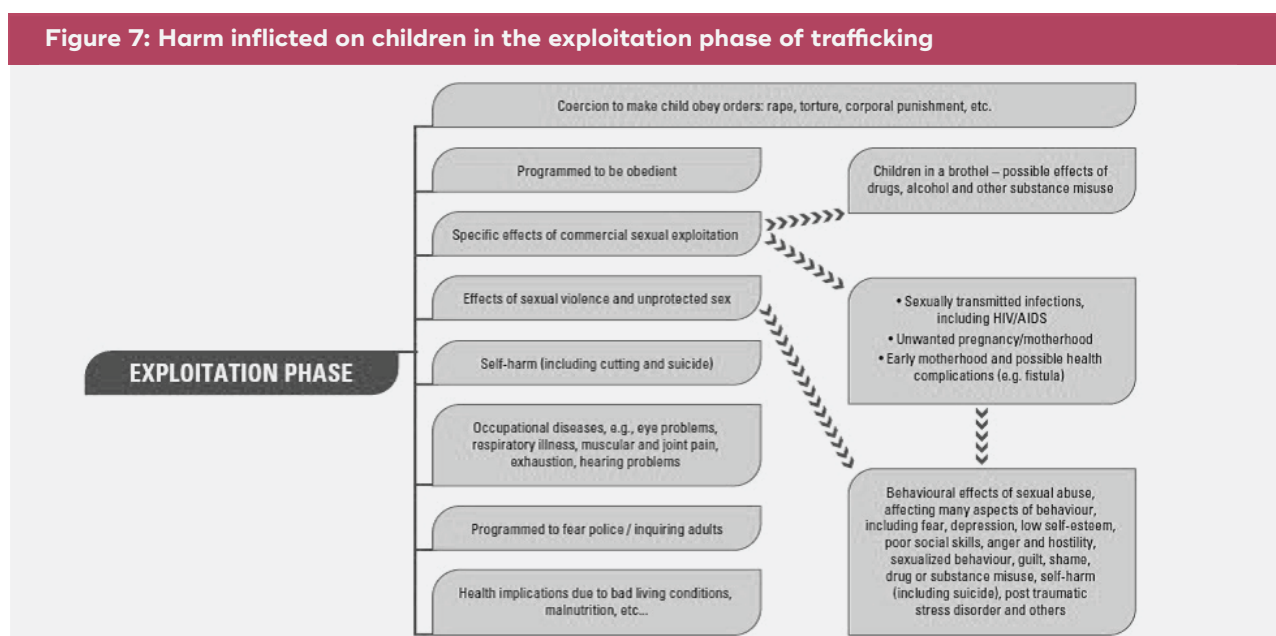
154 Chakma, Suhas. “Inter-State Trafficking of Children from North East on the Pretext of Education.” *www.archweb.org*. Asian Centre for Human Rights, 8 Nov. 2010. Web. Mar.-Apr. 2016.

155 Sadika Hameed, Sandile Hlatshwayo, Evan Tanner, Meltem Türker, and Jungwon Yang. *Dynamics, Current Efforts, and Intervention Opportunities for The Asia Foundation*. Rep. Stanford University's Ford Dorsey Program in International Policy Studies, 12 Mar. 2010. Table.5.1. Web. 6 May 2016.

The children who have been victims of child trafficking suffer long term consequences. According to UNICEF - *The harm inflicted on trafficked children while they are being exploited depends on the form or forms of exploitation to which they are subjected. The effects of leaving home prematurely and being put to work in an exploitative situation depend on the age of the child concerned. In the case of younger children, both their socialization and education are halted prematurely, leaving a permanent mark on the child concerned.*¹⁵⁶

Experience shows, the suffering begins at the hand of the trafficker, continues where the child is sold and often does not end even after rescue. Some trafficked children on their return home, experience abuse from members of their own family or home community, particularly if they are suspected of having been subjected to sexual exploitation. In fact this often makes them vulnerable to re-trafficking. The shelter homes that they are placed in suffer from poor living conditions and have very low standards of care and protection resulting in further abuse and exploitation of the children placed in them. Not surprising, there are reports of children running away from them.

Some of the many harmful consequences of trafficking are listed in Figure 6 by UNICEF.¹⁵⁷



ECPAT-International, that works against the commercial sexual exploitation of children has noted a long list of effects that sexual abuse can have on children’s behaviour:¹⁵⁸

- anxiety and fear;
- depression;
- poor social skills;
- anger and hostility;
- inability to trust and build meaningful relationships;
- blurred roles and boundaries;
- appearing ‘older’ (‘pseudo-maturity’);
- sexualized behaviour;
- guilt;

156 Mike Dottridge in Collaboration with the UNICEF Regional Office for CEE/CIS. Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe : Chapter 2 Essential Information about Child Trafficking. Rep. UNICEF, 7 July 2005. 18.Web. May-June 2016.

157 UNICEF, Reference guide on protecting the rights of child victims of trafficking in Europe. Essential Information about Child Trafficking. Web. June 2016. P13

158 Delaney, Stephanie, and Colin Cotterill. The Psychosocial Rehabilitation of Children Who Have Been Commercially Sexually Exploited : A Training Guide. Rep. ECPAT, 2003.12.Web. Apr.-May 2016.

- shame;
- feeling ‘different’ from others;
- isolation;
- substance use and misuse;
- self-harm (including suicide);
- post-traumatic stress disorder.

The NHRC report has dwelt in some detail on the impact of trafficking on the victim. A lot of what has been identified by ECPAT is resonated in the report. Describing the impact on adolescents it states:¹⁵⁹

A person is normally trafficked at this developmentally vulnerable age in her life. In contrast to the young people described above, young persons who have been trafficked are faced with fear and anger. They are faced with uncertainty. They feel helpless and the only future they see for themselves is in a fantasy of rescue, which soon dies out. The development of their identity is suddenly abbreviated by the negative experiences of abuse and trauma that go with the experience of trafficking. An adolescent is also exploring sexual needs and responses and making sense of who he/she is as a person. The process of trafficking and the commercial sexual exploitation have a severe impact on the sexuality and selfhood of the person. How does a person who has been brutally raped and traumatised make sense of his or her sexuality? She begins to question her normal sexual needs and her body’s physiological responses to sexual stimuli generate guilt. How the survivors manage their relationships, how they feel about their bodies and how they perceive themselves, are questions, which one cannot even begin to answer.

159 National Study Team (NST), and P.M. Nair. *A Report on Trafficking in Women and Children in India 2002-2003*. Rep. Institute of Social Sciences, New Delhi. National Human Rights Commission, New Delhi. UN Development Fund for Women, New Delhi., 18 July 2014.221. Web. Mar.-Apr. 2016.

Combatting Trafficking Government Efforts, Gaps Challenges

by the
and

chapter 6

There are several initiatives since the last report launched by the government at the central and the state levels. In order to be able to base this chapter on primary data, as mentioned earlier, RTI applications were filed in 13 states by the CACT partners. Only five states provided the information - but not for all districts. Hence, since it was not possible to gather authentic primary data on government interventions, this section relies on secondary information collected.

The problem of human trafficking, including child trafficking, is multidimensional and requires coordination between several ministries

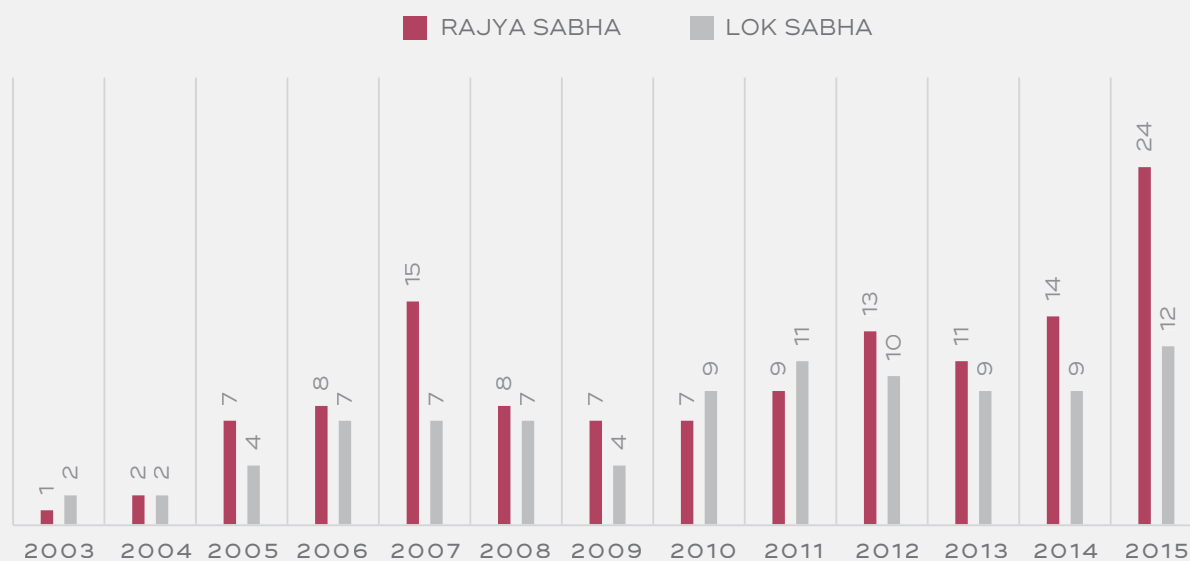
The problem of human trafficking, including child trafficking, is multidimensional and requires coordination between several ministries like the Ministry of Home Affairs (MHA), Ministry of Labour, Ministry of Overseas Indian Affairs (merged with MEA in 2016), and Ministry of External Affairs (MEA). The MHA is the nodal agency for the implementation of the ITPA 1956 and other human trafficking initiatives, through its Anti-Trafficking Cell. The Ministry of Women and Child Development (MWCD) continues to be the nodal ministry for tackling this crime with respect to children and is also responsible for inter-ministerial coordination. The United Nation Office of Drugs and Crime (UNODC) Regional Office for South Asia (ROSA) has been involved in initiatives to address human trafficking in collaboration with the Government of India, particularly the MWCD and the MHA.

Since the child victims of trafficking are children in need of care and protection under JJ Act, their responsibility vests with the Child Welfare Committee (CWC) set up under the juvenile justice system and also the mechanisms laid down in the Integrated Child Protection Scheme (ICPS). Both of these are the responsibility of the central MWCD and the departments in charge of women and children in the states. In addition the National Commission for Protection of Child Rights (NCPCR) has undertaken some initiatives to address child trafficking.

Each year questions are asked in Parliament on issues concerning trafficking. Most relate to numbers and interventions being made. Sometimes specific questions are asked on trafficking from specific areas, especially the North-East, West Bengal and Jharkhand. However, the answers are almost always the same - listing out the schemes for intervention and the number of AHTUs set up and the advisories and protocols drafted.

However, what is heartening is to see the growing concern that is being shown regarding this issue, especially since 2007 after the publication of the NHRC¹⁶⁰ report on Human Trafficking (see figure 8 and annexure 4).

Figure 8: Questions on Trafficking in Parliament



Source: Lok Sabha and Rajya Sabha Websites and HAQ's Parliament Watch Reports

The India Country Assessment Report by the UNODC has reviewed the initiatives taken by the Government of India for addressing human trafficking, including child trafficking, in some detail in 2013.¹⁶¹ The report also lists the efforts by the states.¹⁶² These are:

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.*
2. *The nodal officer's 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*

160 Nair, P.M., and National Study Team. *A Report on Trafficking in Women and Children in India : 2002-2003*. Rep. Institute of Social Sciences-New Delhi, National Human Rights Commission-New Delhi, UNIFEM-New Delhi, 18 July 2004. Web. May-June 2016.

161 Kant, Ravi, Kant Nishi, Roy Subir, Ramchandran Vibhuti, Jain Rajul, Kant Rishi, Shetye Saie, and Kaushik Laulendra. *India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Human Trafficking*. Rep. European Union and UNDOC, 11 July 2013. Web. May-June 2016.

162 *Ibid.*, 17-20.

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, ITPA¹⁶³.*

Ministry of Women and Child Development, 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 2015. 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 Units, Child Protection Homes and the creation of Child Welfare Committees. This scheme has led to the creation of 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.*

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

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-criminalisation of the child, respect for views of the child, right to confidentiality, and right to information (that 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 and will now engage with new JJ Act 2015.*
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.*

IGNOU Course on Human Trafficking

The MHA 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.*

Judicial Colloquiums

In order to train and sensitise the trial court judicial officers, the MHA has launched Judicial Colloquium on human trafficking at the High Court level. The aim is to sensitise 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 must ensure that the child is treated with care and sensitivity while taking evidence and during questioning.

The Judicial Colloquium also focussed 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 (ITPA), video conferencing, court examination, victim rehabilitation and the role of NGOs in victim protection.

According to the UNODC, the Judicial Colloquiums held in Chandigarh, Shimla and Delhi had evoked serious discussions on the human trafficking issues among the judges.

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 States 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. The 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.

Some of the initiatives of the government with respect to child trafficking have been reviewed in some detail in this report.

1. Nodal Cell for Prevention of Trafficking

A nodal cell for dealing with human trafficking was set in the MHA in 2009. 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 is responsible for AHTUs across the country as a law enforcement response mechanism to: combat trafficking, collect and analyse data related to trafficking from the State Governments/UT administrations, identify problem areas and causes for their being source/transit/destination areas, monitor action taken by the State Governments/UT administrations for combating the crime and organise co-ordination meetings with the nodal Police Officers of States/UTs. It is also responsible for documenting 'best practices' in preventing and combating trafficking in human beings, as well as share data inputs with other stakeholders. It has a website – www.stoptrafficking-mha.nic.in

The process of setting up the Cell was initiated in 2006 and called “Strengthening the law enforcement response in India against trafficking in persons through training and capacity building”.¹⁶⁴ It was a joint initiative by the MHA and UNODC. This project contributed towards developing of 12 very important resource books, Protocols and SOPs, and in the setting up of AHTUs under the police department of the project states. 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.).¹⁶⁵

The other measures that the MHA, Government of India, initiated was a response mechanism on missing persons, compilation of data on missing children and women through NCRB and also adding a chapter on Human Trafficking in the yearly Crime in India Report since 2006.

The MHA's Anti Trafficking Cell also undertook training of prosecutors, organised judicial colloquiums, and introduced a course on Human Trafficking in partnership with IGNOU (discussed before).

It has issued various advisories/SOPs/guidelines to ensure prioritisation of the issue of human trafficking across the country. These include:

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)

164 Stop Human Trafficking. *Comprehensive Scheme for Establishment of Integrated Anti Human Trafficking Units and Capacity Building of Responders, including Training of Trainers for Strengthening the Law Enforcement Response to Human Trafficking in India Plan*. Rep. Ministry of Home Affairs, 22 Oct. 2013. 1.Web. 10 June 2016.

165 Kant, Ravi, Kant Nishi, Roy Subir, Ramchandran Vibhuti, Jain Rajul, Kant Rishi, Shetye Saie, and Kaushik Laulendra. *India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Human Trafficking*. Rep. European Union and UNDOC, 11 July 2013. 29. Web. May-June 2016.

2. Initiatives to track missing Children

The MWCD in consultation with the MHA has developed a National Portal “Trackchild” for tracking of ‘Missing’ and ‘Found’ children. This is an exclusive website for tracking of Missing and Found children.

National Informatics Centre (NIC) at the behest of MWCD has developed a national portal - TrackChild which not only has data on ‘missing’ children but also live database to monitor the progress of the ‘found’ children who are availing various services in different Child Care Institutions (CCIs) under the ICPS and the JJ Act.

One example of progress by an individual state is exemplified by West Bengal. In August 2010, the Missing Children Tracking Portal was launched as a ‘facility of capturing as much information as possible about missing as well as recovered persons’. The process for this ‘portal’ can be read online as part of the West Bengal Police Order No. 9 of 2010 (23 August 2010)¹⁶⁶. The process appoints a Superintendent of Police in each district to act as a nodal officer in ensuring that all missing persons are recording missing in the relevant “Missing Person Form” that is subsequently transmitted to the DCRB. Upon a person’s recovery, the relevant “Recovered Person Form” must be filled out by way of completely documenting the investigation process to its conclusion.

Similarly, for the purposes of combatting trafficking, the MHA recognises the **importance of a single coordinated database** to share information about trafficked children. Their SOP on Handling Trafficking of Children for Labour (12th August 2013) stated that **information obtained from the victim ‘must be uploaded to the state and district database’ to assist with coordination of efforts between state based law enforcement agencies**. In the Advisory on Anti-Human Trafficking Web Portal (5th May 2014) the Ministry of Home Affairs suggested that Nodal Officers of AHTUs could ‘upload real time statistics and success stories’ of missing children in order to share information with other state AHTUs.

Although a link is established on paper between the two¹⁶⁷ websites established by the government, coordination between the two is yet to become a reality. It therefore becomes all the more necessary to ensure that all these efforts are well coordinated and monitoring does not get hampered.

The MHA launched a campaign titled “Operation Smile” on 01.01.2015 throughout the country to rescue the missing children. More than 9000 children were rescued during this campaign. After the remarkable achievement during Operation Smile by the field officers, a similar campaign titled “Operation Muskaan” was rolled out in July, 2015 and over 19000 children were rescued during this operation.¹⁶⁸

The Delhi Commission for Child Rights has put together a compendium on missing children. In the preface the chairperson has observed :¹⁶⁹

In spite of Standard Operating Procedures formulated by Delhi Police and a number of circulars issued on how to deal with the subject, there has been no substantial improvement in terms of success rate in locating missing children. The Delhi Commission for Protection of Child Rights has been reviewing the various guidelines and existing procedures in order to assess and evaluate the efficacy of the existing measures and mechanisms for dealing with this sensitive issue. Besides regularly holding coordination meetings with stakeholders, including Police Officers

166 Bhupinder Singh- Director General and Inspector General of Police of West Bengal. “West Bengal Police Directorate Writer’s Buildings : Kolkata.” *Trackthemissingchild.gov.in*. West Bengal Police, 10 Aug. 2010. Web. Apr.-May 2016.

167 Ministry of Women and Child Development. “National Tracking System for Women and Children.” *www.trackthemissingchild.gov.in*. Government of India, 2013. Web. May-June 2016. and Ministry of Home Affairs. *Anti Human Trafficking*. Government of India, 2012. Web. Apr.-May 2016.

168 Ministry of Home Affairs. *Ministry of Home Affairs : Annual Report 2015-2016*. Rep. Government of India, 12 Apr. 2016. 71.Web. Apr.-May 2016.

169 Delhi Commission for Protection of Child Rights. *Compendium on Missing Children*. Rep. Delhi Commission for Protection of Child Rights and Child Rights Focus, 6 Aug. 2012. Foreword. Web. May-June 2016.

and parents of missing children, the Delhi Commission for Protection of Child Rights had also taken some pro-active measures to facilitate the process of re-uniting children with their families. One such initiative of the Commission is "Operation Khoj" which essentially intends to send information regarding missing children received by the Commission, including photographs etc. to all child care institutions in Delhi to determine whether the missing child could be located there.

The table that follows shows the overlapping roles of different agencies involved in a case of a missing child or human trafficking and comments are made where necessary to highlight areas requiring clear procedures for coordinated action.

CONVERT ALL COMPLAINTS OF MISSING CHILDREN INTO FIR, CENTRE TELLS STATES

VISHWA MOHAN, TNN Jul 17, 2013, 10.44PM IST

NEW DELHI: Amid reports of thousands of children going missing in the country every year, the Centre has asked states to convert each and every complaint regarding a missing child into a first information report (FIR) and initiate immediate investigation.

In its recent advisory, issued by the home ministry, the government has also asked the police to presume the case of every missing child as either a case of abduction or trafficking unless the same is proved otherwise during the investigation.

Referring to a recent Supreme Court's direction in this regard, which took note of the fact that 75,808 out of 2,36,014 children went missing during 2009-11 still remained untraced, the ministry in its note sent to states on June 25 advised that each police station in the country should have, at least, one police officer, especially trained and

designated as a juvenile welfare officer to probe cases of crimes against children.

The apex court had on May 10 had come out with these suggestions while hearing a petition filed by an NGO, Bachpan Bachao Andolan, on the issue of missing children and trafficking. Highlighting that 10 children go missing every hour in the country, the petitioner had also pointed out how only 34,899 FIRs had been registered during 2009-11, leaving no hope for poor parents whose children go missing.

Taking note of these facts, the home ministry said, "In cases where FIRs have not been lodged at all and the child is still missing, an FIR should be lodged within a month from the date of communication of this order and further investigation may proceed on that basis".

It asked the states to forward the matter of a missing child to their respective anti-human trafficking unit if he or she is not recovered within four months from the date of filing of the FIR.

"It will enable the state to take up more intensive investigation regarding the missing child", said an official, referring to the advisory which is based on the apex court's May order.

The ministry further asked the state not to stop the investigation even if child is recovered. The idea of further probe is to see whether there was an involvement of any trafficker.

The advisory asked the states to adhere to it "in letter and spirit" and asked the concerned authorities to monitor its implementation at the ground level to "eradicate any loophole within the system".

WHERE HAVE ALL THE YOUNG GIRLS GONE?

What makes Jharkhand the hunting ground of India's human traffickers and why, despite key arrests, is it still business as usual for those who trade in humans?

OVER THE PAST 10 YEARS, 1,000 HAVE NOT BEEN TRACED

Child trafficking continues to be a lucrative trade in Capital

H.T. 26.01.2013

Faizan Haider
#faizanhaider@hindustantimes.com

NEW DELHI: Around this time in 2012, the issue of child trafficking was in limelight due to the case of the battered child and her 14-year-old 'guardian'. The teen was treated as a victim when it came to light that she was raped and her father used to beat her up.

A year on, various gangs continue to smuggle in young girls to the Capital and force them to work for various placement agencies. "The case was an eye-opener. The chain of

Following the incident, the Delhi Police launched a massive crackdown on placement agencies and trafficking gangs. Over 1,000 children were rescued in 2012 and action was taken against more than 150 placement agencies. The rescued children were usually employed as workers in factories or as domestic helps in homes.

"On an average, 14 children go missing in Delhi every day. Many of them end up in traffickers' hands. Children below eight years are forced into begging. The older ones are pushed into child labour. Organised gangs kidnap minors and transport them to other cities," said Rakesh Senger, national secretary of Bachpan Bachao Andolan, an NGO.

Sources in Delhi Police said special measures were being taken to curb the problem. "We have identified the areas from where children go missing. We will soon launch an awareness programme to educate parents about safeguarding their children. We take missing persons

AFTER THE INCIDENT, POLICE RESCUED 1,000

City port of call for trafficked women & children: UN report

Rackets Running Under Cover Of Parlours, Services, Agencies

CAPITAL CURSE

No. of women in sex trade: 4,000
No. of brothels: 92
Illegal placement agencies dealing with child labourers: 36

Rescues made by anti-human trafficking units in 2011-12: 1,532

Areas of concentration of child labour: | Mithapur, Jaitpur, Sangam Vihar, Khanpur, Tughlaqabad, Hamdard Nagar, Uttam Nagar, Kirti Mulraokpur, Jagatpuri, Jahangirpuri and Seelampur

FROM RAILWAY STATIONS

Category	2012	2011
Child labourers	148	675
Commercial sex workers	150	130
Hazardous work		
Forced labourers		
Others		

11 Anti-trafficking units
25 Child protection homes

9 District child protection units
6 Child welfare committees

	WOMEN	MISSING	CHILDREN
2011	1,440	4,214	1,359
2010	1,253	3,456	1,154
2009	1,092	3,073	581
			5,946

Source: Country Assessment Report on Human Trafficking, UNODC (2013)

Dhavalpayan Ghosh | THE

New Delhi: Delhi is a market and also a transit point for trafficked women and children brought from Nepal, Bangladesh, northeast India, West Bengal, Bihar, Madhya Pradesh and Rajasthan, claims a new study by a United Nations agency. In its countrywide assessment report published on Friday, the United Nations Office on Drugs and Crime (UNODC), which studies trafficking across 13 Indian states, claims: "The trafficking situation in Delhi is worrisome as the trafficked women go to work in bars and dance clubs. Many of these victims are even sent to Middle Eastern countries to be pushed into prostitution."

Trafficked people are exploited in various ways, the report states. Some are forced to work as domestic labour in homes, factories and brick kilns, and

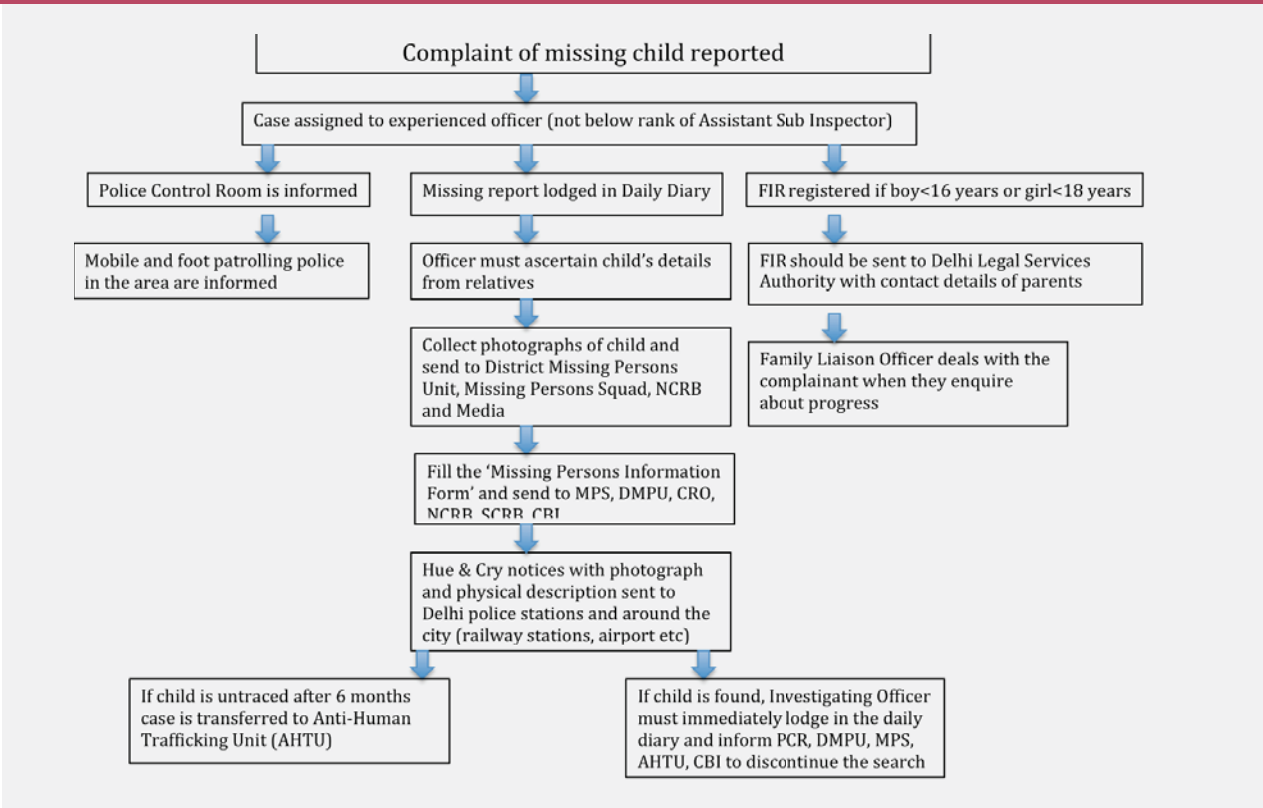
The report says a well organized system exists to shift girls kidnapped from Delhi to Mumbai and the

be exploited. There has also been an upsurge of cases of recruiting agencies luring migrant women workers to Gulf countries in the name of providing maids, and then exploiting them," it says.

The report notes that while 15 of the 90 brothels on GB Road (housing 4,000 women) have been shut down, the flow of migrants from certain areas has not stopped. Recently a joint probe by Delhi Police and Assam Police found 36 Delhi based placement agencies involved in trafficking girls to Haryana, Punjab, Mumbai and several other metropolitan cities.

Office of the Commissioner of Police for Delhi (19 May 2011) – Standard Operating Procedure for Dealing with cases of Missing Children – In Pursuance of Court Order on 16.03.2011 in the Matter of Court on its Own Motion Vs. State in Writ Petition (Criminal) No. 249/2009.

Figure 9: Standard Operating Procedure for Dealing with cases of Missing Children – WP(C) 249/2009



Ministry of Home Affairs (New Delhi, the 31st January 2012) - F.NO.15011/60/2011 Government Of India/ Bharat Sarkar Ministry Of Home Affairs/Grih Mantralaya North Block New Delhi/CS Division, Advisory on Missing Children - Measures Needed to Prevent trafficking and Trace the Children

Figure 10: MHA Advisory on Missing Children

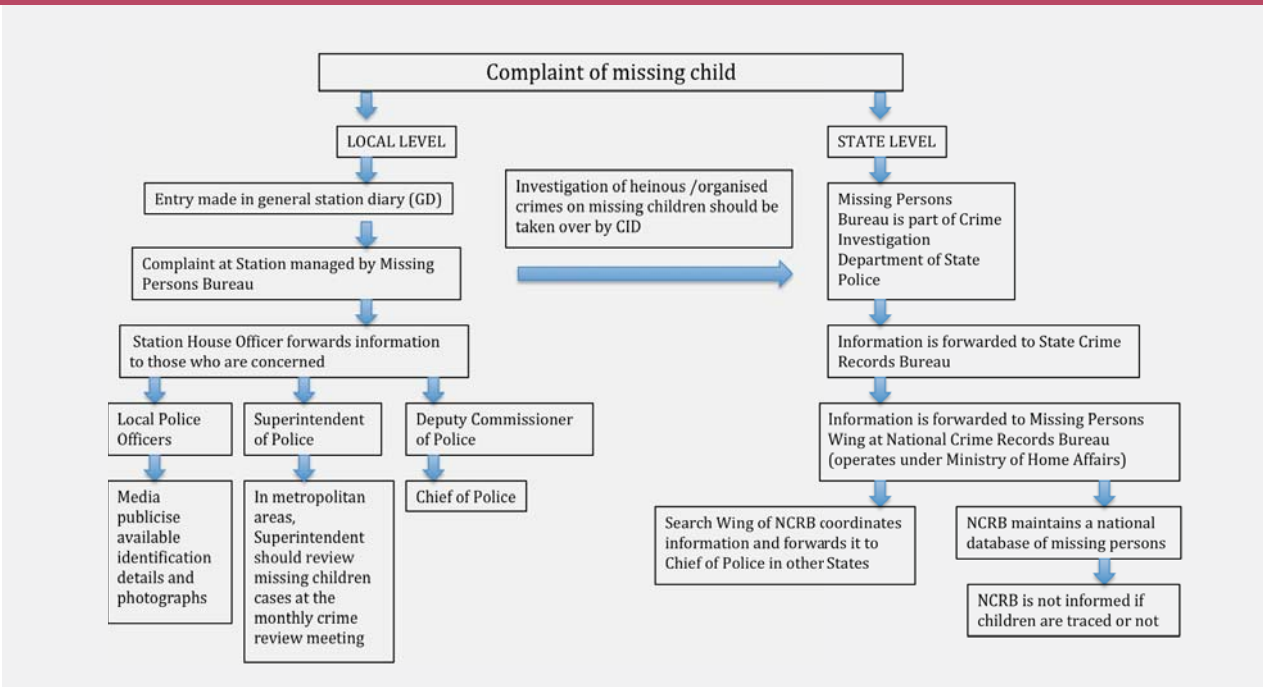


Table 28: The Overlapping Roles of Different Agencies Involved in a Case of a Missing Child/Human Trafficking

Law enforcement agency	Registration of FIR	Rescue	Investigation in all cases
Local Police Station	✓ FIRs will get registered in local police stations and then get transferred to specialised units for investigation. If more than one specialised unit or law enforcement agency is meant to be involved to whom should the local police send a copy of FIR to?	✓	✓ Different Officers recognised as investigating officers under different laws. For example, under ITPA, it is the designated Special Police Officer (SPO), while under JJ Act, it could be the Juvenile Welfare Officer (JWO)
AHTUs at district level SPO under Section 13 of ITPA to be the nodal officer for AHTU		✓	✓ Investigation role in case of missing children requires clear procedures because case is given AHTU only after 4-6 months of child being untraceable. Procedures relating to transfer of investigation carried out by local police to AHTU unclear
SJPUs (District level)		✓	✓ Not clear. In some states they are engaged in investigation, while in some others they are kept away from investigation as they are supposed to ensure that no child is treated cruelly during investigation
Central Bureau of Investigation (CBI) AHTU One unit in Special Crime Division of CBI has been designated as AHTU to provide specialised 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 IPCC Division of the CBI The IPCC Division of the CBI is to be contacted for transfer of evidence from another country through Letter of Request (LR) u/s 166A Cr.P.C. or by invoking Mutual Legal Assistance Treaty (MLAT) if any			✓ Can provide assistance to State/UT police agencies for investigation of cases having international ramifications. These may also be cases of organised crimes against missing children being investigated upon by the CID e.g. case of a missing girl, who is actually kidnapped and sent to another country for prostitution Where in the course of investigation, evidence is required to be transferred from other country, is the district level AHTU supposed to get in touch with the IPCC Division of CBI directly or take assistance from the CBI AHTU? These are practical issues that could delay completion of investigation if not clearly addressed in the SOPs
CID of the State/UTs			✓ They are supposed to investigate cases of any heinous crime or organised crime on missing children, AHTUs are also supposed to investigate cases of missing children which are to be treated as cases of trafficking. Hence there is no clarity as to when the CID comes into the picture for investigation purposes in cases of organised crimes against missing children when would it be the AHTU

Supervision and follow-up	Forwarding information to other Special Units of police/ law enforcement agencies entrusted with dealing different aspects of cases of missing children and/or human trafficking	Post rescue care, protection and assistance, including repatriation assistance in inter-state and cross-border cases
✓	✓	
✓	✓	✓ Since CID is also supposed to investigate cases or organised crimes, procedures need to be laid down to ensure coordination between CID's investigation and AHTU's task of post-rescue care, protection, rehabilitation and repatriation of the survivors
✓	✓ Not clear as the JJ Act only talks about their coordination role, but does not specifically require them to coordinate with AHTUs or other specialised law enforcement agencies mentioned in various MHA Advisories for dealing with cases of trafficking. Even in their trainings they are not informed about this	✓ Specific to children only
		<p>✓ The CBI has a special role as follows:</p> <p>National Nodal Authority to receive and respond to all requests for all inter-state and cross border assistance</p> <p>Liaison between the Ministry of External Affairs and other State parties</p> <p>But again the question is how do the AHTUs connect with the CBI in this regard. No Advisory of MHA says that AHTUs must take assistance of CBI in cases having international or inter-state ramifications</p>

3. Anti-Human Trafficking Units (AHTUs)

As per the NHRC's Action Research Study Report on 'Trafficking in Women and Children in India' published in 2004, it was found that there was a very low level of awareness about the crime of trafficking amongst police personnel and also a very low priority accorded to trafficking due to the preoccupation of police with crimes such as murder, rape, arson as well as general law and order matters.¹⁷⁰

A project on "Strengthening the law enforcement response in India against trafficking in persons through training and capacity building" was taken up in the MHA as a joint initiative of the Government of India and the UNODC. 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 training are Maharashtra, Goa, West Bengal, Andhra Pradesh and Bihar and represent 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.).¹⁷¹

The AHTUs are integrated task forces to prevent and combat trafficking in persons and is constituted of a group of trained sensitive officials of the Police and the Women and Child Welfare Department of the State, and also reputed local NGOs. They are meant to function as coherent units.

The MHA in its website says, "While carrying out anti-trafficking activities, several good initiatives undertaken by police officials came to light. However, except for a few instances, such initiatives often remained undocumented and largely unrecognised."¹⁷² Thus MHA in partnership with UNODC brought out a compendium of such positive actions by the state police officials in preventing and combating human trafficking.¹⁷³

The AHTUs are to be set up by the State Governments at the district headquarters level, with funds provided under the scheme for infrastructure and equipment. The State Governments would provide the police personnel and officials from other departments for managing the AHTUs. The police officials posted at the AHTUs will directly report to the Superintendent of Police of the district. The State Governments will also identify the personnel who will be associated with the AHTUs.

In response to a question in Rajya Sabha raised by Shri Mohammad Ali Khan on 23 December 2015,¹⁷⁴ the Minister of State for Home Affairs, Shri Haribhai Parathibhai Chaudhary said that his Ministry had released a sum of Rs 20.46 crore to the State Governments for establishment of 270 AHTUs during 2010-11 and 2011-12 and 2014-15. The concern is that different sources give us different numbers of AHTUs that have been set up.

How many AHTUs exist? Discrepancies in government data

In reply to the question raised by Shri. Mohammad Ali Khan, Member, Rajya Sabha in the Winter Session of 2015 (refer to above), the Minister of State, Ministry of Home Affairs, Shri. Haribhai Parathibhai Choudhary mentioned **225** AHTUs were set-up during 2010-11 and 2011-12. However as per the information available on the Anti-Human Trafficking website of the MHA- <http://stophumantrafficking-mha.nic.in/> - the total

170 Stop Human Trafficking. *Comprehensive Scheme for Establishment of Integrated Anti Human Trafficking Units and Capacity Building of Responders, including Training of Trainers for Strengthening the Law Enforcement Response to Human Trafficking in India Plan*. Rep. Ministry of Home Affairs, 22 Oct. 2013. 1.Web. 10 June 2016.

171 Ibid.,1.

172 <http://mha.nic.in/ATC>. 11.06.2016

173 UNODC and GOI. *Compendium on Best Practices on Anti-Trafficking by Law Enforcement Agencies*. 2007. Print. Web. 11.06.2016. http://mha.nic.in/sites/upload_files/mha/files/pdf/CBP-Trefficking.pdf

174 Ministry of Home Affairs. "RAJYA SABHA UNSTARRED QUESTION NO. 2798 TO BE ANSWERED ON THE 23RD DECEMBER, 2015/PAUSHA 2, 1937 (SAKA)." *Mha.1.nic.in*. Government of India, 23 Dec. 2015. Web. May-June 2016.

number of the AHTUs set-up in the country in the years 2010-11 and 2011-12 adds up to only **218** (Table 29).

Table 29: Discrepancy in the State-wise Details of Number of AHTUs			
State	Rajya Sabha RS 2798	MHA Webiste	
		No	Districts
Andhra Pradesh (including Telangana)	10	10	Eluru, Guntur, Anantapur, Karimnagar and Hyderabad, Warangal, Tirupathi, Nellore, Vijayawada and Vishakhapatnam
Arunachal Pradesh	6	6	Itanagar, Pasighat, Tezu, Daporijo, Changlang and Seppa
Assam	10	10	Kamrup (Metro), Dhubri, Sonitpur, GRP and Cachar, Kokrajhar, Dibrugarh, Dima Haso, Goalpara and North Lakhimpur
Bihar	14	14	Patna, Gaya, Muzzafarpur, Kishanganj, Aria, Madhubani, Katihar, Begusarai, Purnea, Saharsa, Sitamarhi, Munger, Bettiah and Motihari
Chhattisgarh	8	8	Raigarh, Korba, Jashpur, Sarguja, Bilaspur, Baloda Bazar, Janjgir-champa and Mahasamund
Goa	2	2	Margao and Panaji
Gujarat	10	10	Ahmedabad City, Baroda City, Rajkot, Surat City, Ahmedabad Rural, Mehsana, Bhavnagar, Baroda Rural, Anand and Kheda
Haryana	6	6	Rohtak, Hisar, Karnal, DLF- Gurgaon, Central Faridabad and Sector 5 Panchkula
Himachal Pradesh	4	4	Shimla, Kangra, Kullu and Sirmour
Jammu & Kashmir	7	7	Baramulla, Kathua, Doda, Anantnag, Srinagar, Udhampur and Jammu
Jharkhand	8	8	Ranchi, Chaibasa, Lohardaga, Jamshedpur, Gumla, Simdega, Khunti and Dumka
Karnataka	9	9	Gulbarga, Raichur, Davanagre, Bijapura, Bangalore City, Mysore, Hubli-Dharwad, Belgaum and Dakshina-Kannada
Kerala	6	6	Kollam, Thrissur, Kannur, Thiruvananthapuram, Kochi and Kozhikode
Madhya Pradesh	16	16	Bhopal, Hoshangabad, Jabalpur, Indore, Gwalior, Sagar, Rewa and Mandsaur
Maharashtra	12	12	Mumbai, Thane, Pune, Nagpur, Thane Rural, Sangli, Ahmednagar, Kolhapur, Yavatmal, Navi Mumbai, Beed and Solapur
Manipur	4	4	Bishnupur, Senapati, Imphal (W) and Churachandpur
Meghalaya	3	2	East Khasi Hill and West Garo Hills
Mizoram	3	3	Aizawal, Lunglie and Kolasib
Nagaland	4	2	Kohima, Dimapur
Odisha	12	12 ¹⁷⁵	Cuttack, Berhampur, Rourkela, Sambalpur, Balasore, Talcher, Koraput, Kandhamal, Sundergarh, Cuttack Central Range and Cuttack Railway ¹⁷⁵
Punjab	8	8	Jalandhar City, Moga, Bhatinda, SAS Nagar, Patiala, Amritsar, Ferozepur and Ludhiana
Rajasthan	12	12	Jodhpur West, Bundi, Shri Ganganagar, Jaipur (Rural), Savai Madhopur, Tonk, Jaipur North, Udaipur, Dhollpur, Bharatpur, Alwar, Jhunjunu
Sikkim	2	2	Gangtok and Jorethang
Tamil Nadu	12	12	CB, CID, Kancheepuram, Salem, Pudukottai, Tirunelveli, Kanyakumari, Chennai City, Coimbatore, Madurai, Trichy, Trippur and Dharmapuri
Tripura	2	1	Tripura
Uttar Pradesh	24	24	Mau, Kanpur Nagar, Gorakhpur, Bijnor, Jonpur, Azamgarh, Firozabad, Pilibhit, Sitapur, Ballia, Baghpat, Shahjanpur, Agra, Allahabad, Lucknow, Meerut, Bareilly, Basti, Ghaziabad, Gautam Budh Nagar, Moradabad, Varanasi, Maharajganj and Jhansi
Uttarakhand	4	4	Haldwani, Haridwar, Dehradun and Sharda Bairaj
West Bengal	7	4	South 24 Parganas, Murshidabad, Jalpaiguri and CID Hqrs.
Total	225	218	

175 Women and Child Department. Government of Orissa. <http://wcdodisha.gov.in/node/54> . Web. 11.06.2016

Some other contradictions

A document available on the Odisha Government's website titled 'Odisha State Initiatives on Anti Human Trafficking of Girls and Women' says there are 37 AHTUs in 30 districts (in the office of the district SP)¹⁷⁶ while the reply to the Parliament question and the document available on the Anti-Human trafficking portal of the Ministry mention 12 and 11 respectively.

The minutes of the 18th review meeting, held on 20.6.2014 with the State/UT nodal officers for human trafficking¹⁷⁷, available on the MHA portal mentions that 23 AHTUs have been set-up in West Bengal. But as per the reply to the Parliament question it was established that only seven AHTUs have been set up in West Bengal. The Anti- Human trafficking portal of the Ministry mentions only four.

AHTUs already set up don't find a mention

The following information, also taken from the minutes of the 18th review meeting held on 20.6.2014 with the State/UT Nodal Officers for Human Trafficking, doesn't find a mention in either the reply to the Parliament question or the AHTU document on the Anti-Trafficking website of the Ministry. It says:

1. One AHTU was set up in Chandigarh on 28.03.2011¹⁷⁸
2. One AHTU was set up in Daman and Diu in 2011 and one AHTU in Dadra and Nagar Haveli in 2015
3. Delhi has set-up 12 AHTUs, 11 in each district and one in the Crime Branch
4. Puducherry has established one AHTU

Additional AHTUs to be set up

The Minister also mentioned in his reply to the question raised by Rajya Sabha Member, Shri. Mohammad Ali Khan that during 2014-15, funds were released to set up 45 more AHTUs. But whether they were set up

or not was not mentioned in the reply. The following table (Table 30) mentions the states which were to set up additional AHTUs in 2014-15.

State	No. of Additional AHTUs
Arunachal Pradesh	2
Gujarat	5
Haryana	4
Kerala	3
Madhya Pradesh	8
Manipur	1
Mizoram	1
Nagaland	2
Odisha	5
Uttar Pradesh	11
Uttarakhand	3
Total	45

The AHTUs are integrated task forces to prevent and combat trafficking in persons and constitutes of a group of trained sensitive officials of the Police and the Women and Child welfare and department of the State, and also reputed local NGOs. They are meant to function as coherent units.

The MHA in its website says, "While carrying out anti-trafficking activities, several good initiatives undertaken by police officials came to light. However, except for a few instances, such initiatives often remained undocumented and largely unrecognised."¹⁷⁹ Thus MHA in partnership with UNODC brought out a compendium of such positive actions by the state police officials in preventing and combating human trafficking.¹⁸⁰

176 Patel, Amrita. Rev. of Odisha State Initiatives on Anti Human Trafficking of Girls and Women. Odisha Review Sept. 2015: 2-5. Print.

177 Stop Human Trafficking. "Minutes of 18th Review Meeting Held on 20.06.2014 with the State/UT Nodal Officers for Human Trafficking." Stophumantrafficking-mha.nic.in. Ministry of Home Affairs, 20 June 2014.2.Web. Apr-May 2016.

178 Minutes of 18th review meeting held on 20.6.2014 with the state/ut nodal officers for human trafficking. Web. 13.06.2016. <http://stophumantrafficking-mha.nic.in/writereaddata/MINUTES%20of%2018th%20Review%20meeting%20%202062014%20on%20HUMAN%20TRAFFICKING.pdf>

179 <http://mha.nic.in/ATC>. 11.06.2016

180 UNODC and GOI. Compendium on Best Practices on Anti-Trafficking by Law Enforcement Agencies. 2007. Print. Web. 11.06.2016. http://mha.nic.in/sites/upload_files/mha/files/pdf/CBP-Trefficking.pdf

The states have also taken certain initiatives such as that of the Government of West Bengal to constitute a board for prevention of trafficking. Jharkhand has decided to set up a Help Desk in Delhi for dealing with victims of trafficking.

BENGAL TO CONSTITUTE BOARD FOR PREVENTION OF TRAFFICKING

STAFF REPORTER

Separate directorates for ICDS, child trafficking

The West Bengal government will constitute a State-level advisory board for the prevention of women trafficking, State Minister for Women and Child Development and Social Welfare Shashi Panja said here at the State Assembly on Wednesday.

Separate directorates would be set up for individual departments such as the ICDS, child trafficking, etc, Ms. Panja said and added that a 'track child' scheme would be launched to track missing children from the State.

West Bengal is considered to be the transit point for trafficking of women from North-eastern States to other parts of India.

Asked about the rising cases of crimes against women, Ms. Panja said it was not her department and pointed out that law and order was the subject of the Home department.

Source: <http://www.thehindu.com/news/cities/Delhi/bengal-to-constitute-board-for-prevention-of-trafficking/article7303472.ece?ref=tpnews>

Rescue centres for trafficked girls in city

Faizan Haidar

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NEW DELHI: West Bengal will sign a memorandum of understanding with the Delhi government to set up a nodal centre to rescue and rehabilitate minors trafficked to the Capital, a hub for the activity.

Every year, 15,000 minors are trafficked to the national capital, also a transit point, from across the country. A database will help track the children, mostly from Jharkhand, West Bengal and Chhattisgarh.

"There is no doubt that girls from Jharkhand and West Bengal are in demand in Delhi. While girls from Jharkhand are pushed to work as domestic helps, young girls from West Bengal are forced into prostitution," said Rishi Kant of NGO Shakti Vahini.

He hailed the West Bengal government for taking custody of a victim from the state who was recuperating in a Delhi hospital. "It shows that the inter-state coordination is improving," he said.

HT reported in December that an 18-year-old girl, trafficked from West Bengal a year ago,

There is no doubt that girls from Jharkhand and West Bengal are in demand in Delhi. While girls from Jharkhand are pushed to work as domestic helps, young girls from West Bengal are forced into prostitution.

RISHI KANT, Shakti Vahini, an NGO

was sexually assaulted for six months in Delhi. She said men assaulted her over 10 times every day.

The West Bengal government shifted her to a hospital. She is now under the observation of the state's CID.

"The child and women welfare department decided to initiate dialogue with Delhi and other states. This will help in fast rehabilitation and the victim can be sent back to her hometown quickly," said a West Bengal government official.

Jharkhand and Chhattisgarh governments already set up nodal centres in Delhi.

STATE HELP DESK IN DELHI SOON FOR TRAFFICKING VICTIMS

Ranchi, Sun, 14 Jun 2015

RANCHI: The state will set up an integrated centre at Jharkhand Bhavan in Delhi for the first time that will function as a help desk for trafficked victims rescued in the Capital. Mridula Sinha, principal secretary in the social welfare woman and child development department, said, "We will form a team that will be sent to Jharkhand Bhavan. The plan is to make the office of the resident commissioner

at Jharkhand Bhavan the controlling authority when it comes to taking custody of rescued children.

"Sinha said once the centre becomes fully functional, rescued women and children would be kept in Jharkhand Bhavan till the team found their families. "The team will also coordinate with NGOs, the Delhi government, child welfare committees, police and all the stakeholders when it comes

to rescue and rehabilitation of victims from Jharkhand," she added. The centre will also maintain a data of all the girls of Jharkhand going to Delhi or being rescued.

The department has already sent child development project officer Kala Nath to Delhi as nodal officer earlier this week. "There is a plan to launch a helpline number as well so that people in need can contact us for immediate action."

This apart, the social welfare department is also planning a centre in Ranchi where rescued girls can be brought, counselled and given a place to stay till their families are located.

"Right now we do not have a strong sector for handling trafficking cases and things are done randomly but now we are proposing a strong and robust sector to deal specifically with such cases. Once a proper stable system is formed, we will hav...

Source: <http://timesofindia.indiatimes.com/city/ranchi/State-help-desk-in-Delhi-soon-for-trafficking-victims/articleshow/47662269.cms>

India TIP Reports on AHTUs

According to 2013 TIP Report the quality of AHTUs, including the training of AHTU police had declined. Further, the AHTUs did not function because they lacked a dedicated, trained staff and because their role was not clearly defined. The NGOs in Andhra Pradesh had noted that AHTUs in the state did not meet during the reporting period and were dysfunctional or not constituted at all, and NGOs in Assam had reported that while the state did establish AHTUs in each of its 27 districts, most of them existed only on paper. However, other regions' AHTUs, including some in Mumbai and West Bengal, were active and helpful in investigation and assistance.¹⁸¹

181 U.S. Department of State. "India-2013 Trafficking in Persons Report : Tier 2." www.state.gov. U.S. Department of State, 19 June 2013. Web. Apr.-May 2016.

Table 31: Critique of AHTUs in TIP Reports

Criticisms on AHTUs	Relevant TIP Report
There was little information about the progress made by the federal anti-trafficking unit under the Central Bureau of Investigation, which was established during 2012	2013
AHTUs are ineffective or only established on paper	2013
AHTUs did not function because they lacked a dedicated, trained staff and because their role was not clearly defined, especially vis-à-vis other district and state level police units	2013, 2015
The quality of AHTUs, including the training of AHTU police, declined over the past year	2013
AHTUs were more focused on sex trafficking and child labour rather than on other forms of trafficking, especially labour trafficking of children and adults, and some units dealt with other offenses such as kidnapping, sexual abuse, and forced marriage	2013

Table 32: Recommendations to AHTUs in TIP Reports

Recommendations on AHTUs	Relevant TIP Report
Fully capacitate AHTUs by providing dedicated, trained staff	2013, 2015
Clarify the role of AHTUs vis-a-vis other police units	2013
Encourage AHTUs to address all forms of trafficking, including forced labour of adults and children	2013, 2014, 2015
Establish additional Anti-Human Trafficking Units (AHTUs) in source areas	2014
Hire additional female police officers to work with trafficking victims	2014

4. Strengthening the Law Enforcement through “Training of Trainers”(TOT) programmes

The MHA has sanctioned a Comprehensive Scheme “Strengthening law enforcement response in India against Trafficking in Persons through training and capacity building” wherein it is proposed to establish 330 AHTUs throughout the country and impart training to 10,000 police officers through TOTs component.¹⁸²

5. Victim Compensation

The victim compensation offered by states is between Rs 10,000 and Rs 10,00,000. They also differ in terms of eligibility for compensation. States such as Assam and Chhattisgarh only offer Rs 10,000 and Rs 20,000 respectively despite the incidence of trafficking being very high. Himachal Pradesh provides compensation for unnatural offences, which allows boys to access the compensation scheme. Odisha is the only state that has amended its victim compensation scheme, aligning with the recent legislative amendments to the POCSO Act. In addition to compensation for human trafficking, they provide compensation for penetrative sexual assault, aggravated sexual assault, sexual harassment and pornography (see table 33 which shows what the states have to offer by way of victim compensation in case of sexual offences and human trafficking). Further it has been also observed “that victims have trouble accessing compensation and achieving a safe recovery due to fragmented policies and implementation failures”.¹⁸³ Victim compensation schemes in various states hence require a review to ensure some standardisation.

182 Ministry of Home Affairs. *Ministry of Home Affairs : Annual Report 2015-2016*. Rep. Government of India, 12 Apr. 2016. 71.Web. Apr-May 2016.

183 Avon Global Center for Women and Justice at Cornell Law School, Centre for Health Law, Ethics and Technology (CHLET) at Jindal Global Law School (JGLS), and Cornell Law School International Human Rights Clinic. *India’s Human Trafficking Laws and Policies and the UN Trafficking Protocol: Achieving Clarity*. Rep. Avon Foundation for Women, Feb. 2015. 16.Web. May-June 2016.

Table 33: Victim Compensation in Different States

S. No.	Year of the Scheme	State	Rape / severe mental agony caused due to rape	Penetrative/ aggravated penetrative sexual assault	Sexual/ aggravated sexual assault	Sexual harassment	Pornography	Unnatural Offence	Human trafficking/ severe mental agony caused due to human trafficking
1		Andhra Pradesh							
2	2012	Arunachal Pradesh	50,000						10,000
3	2012	Assam	1,00,000						15,000
4	2011	Bihar	50,000						25,000
5	2011	Chhattisgarh	50,000						20,000
6	2012	Goa	10,00,000						10,00,000
7	2013	Gujarat	1,00,000						25,000
8	2013 (amended 2014)	Haryana	3,00,000						
9	2012	Himachal Pradesh	50,000					50,000	24,000
10	2013	Jammu & Kashmir	3,00,000						1,00,000
11	2012	Jharkhand	50,000						10,000
12	2011 (amended 2012)	Karnataka	50,000						10,000
13	2014	Kerala	3,00,000		50,000				
14		Madhya Pradesh							
15	2014	Maharashtra							
16	2011	Manipur	30,000						10,000
17	2011	Meghalaya	50,000						25,000
18		Mizoram							
19	2012	Nagaland	1,00,000						1,00,000
20	2012 (amended 2013)	Odisha		1,50,000	50,000	20,000	20,000		10,000
21		Punjab							
22	2011	Rajasthan	3,00,000						25,000
23	2011	Sikkim					1,00,000		50,000
24	2013	Tamil Nadu	3,00,000						1,00,000
25	2012	Tripura	50,000						20,000
26	2014	Uttar Pradesh	2,00,000/ 1,00,000						2,00,000/ 1,00,000
27	2013	Uttarakhand	2,50,000						1,00,000
28	2012	West Bengal	30,000						10,000
29	2012 (amended 2013)	Chandigarh	3,00,000						50,000
30	2012	Dadra & Nagar Haveli	2-3,00,000						50,000
31	2012 (amended 2013)	Daman & Diu	2-3,00,000						50,000
32	2011	Delhi	2-3,00,000						50,000
33	2012	Lakshdweep							
34	2012	Puducherry	2-3,00,000						50,000

States with high rate of trafficking in women and children have very low amounts to offer by way of compensation to the victims of human trafficking. **There is no policy to guide victim compensation, particularly finalisation of the minimum and maximum amount of compensation and the procedures to be followed.** Also, victim compensation procedures need to be streamlined, simplified and demystified. For example, if courts are to decide on the interim compensation as in the case of POCSO cases, many victims will have to wait till the matter reaches the court, by which time the interim compensation will have no significance in her life. Also, in a case of trafficking for sexual exploitation, will the victim be entitled to compensation both as victim of trafficking and of sexual assault/rape? How will the amount be determined in such cases?

There seems to be an indifference on part of the law enforcing agencies. They view trafficking as a **social menace** rather than as **hard-core crime and law and order problem**. The priority that this work receives is in accordance with this perspective. Much confusion prevails when it comes to using relevant sections of the laws related to trafficking. **The work of anti-trafficking and rescue is marked by tokenism and adhocism**, often depending on media reports about sex-rackets, pressure from NGOs, judicial activism and the individual interest shown by some committed officers.

Excerpts from 2013 TIP Report

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Prosecutions of interstate trafficking offenses imposed financial and logistical burdens on repatriated victims who were required to return to the state in which they had been exploited to testify in trial. However, one NGO reported that victims who were exploited in New Delhi but resided elsewhere were able to use funds from victim compensation schemes to travel for testimony.

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NGOs provided the vast majority of rehabilitation services and legal aid for trafficking victims, and advocated for victims by pursuing government officials until victim compensation was disbursed.

6. Central Advisory Committee (CAC) for Preventing and Combating Trafficking of Women and Children¹⁸⁴ for Commercial Sexual Exploitation

The MWCD has constituted a Central Advisory Committee (CAC) which functions under the chairpersonship of Secretary, MWCD, Government of India. The members include representatives from central ministries such as Home Affairs, External Affairs, Tourism, Health and Family Welfare, Social Justice and Empowerment, Law and Justice, State Governments, autonomous bodies such as National Human Rights Commission, National Commission for Women, Central Social Welfare Board, National Institute for Public Cooperation and Child Development, Law Enforcement Agencies such as NCRB, Border Security Force, Intelligence Bureau and Central Bureau of Investigation, international agencies such as UNICEF, UNIFEM and UNODC and reputed NGOs and experts. The CAC meets every quarter to discuss major issues and strategies for preventing and combating trafficking of women and children.

The CAC members under MWCD developed a blue print of action in the following areas:

1. **Protocol on Inter-state Rescue and Post-rescue Activities Relating to Trafficked Persons** – It provides guidelines to the State Governments on the inter-state rescue operations, the modalities involved, precautions to be undertaken and responsibility of various stakeholders in providing services to the rescued victim.

184 India Country Report: To Prevent and Combat Trafficking and Commercial Sexual Exploitation of Children and Women at World Congress III Against Sexual Exploitation of Children and Adults (Rio De Janeiro, Brazil, 2008). Publication. United Nations Office on Drugs and Crime & Ministry of Women and Child Development (Government of India), Nov. 2008. 10. Web. Jan.-Feb. 2016.

2. **Prevention of Trafficking of Women and Children** – It provides for various steps to be undertaken to prevent trafficking of women and children for commercial sexual exploitation and includes formation of adolescent groups and community vigilance groups, anti-trafficking regional networks, appropriate interventions that should be taken up in brothel areas to prevent second-generation prostitution, special measures targeting those communities traditionally involved in commercial sex work and rehabilitation of women who have become old to carry on the profession and are in need of care and protection.
3. **Rehabilitation of Victims of Trafficking** – It provides for action points related to areas of rehabilitation such as care and support programmes, community based rehabilitation, custody of victims, education and skill building of victims and their ultimate rehabilitation in the society.
4. **Health inputs** – It highlights the special medical care, both physical and psychological, that is required by the victims of trafficking, the long-term impacts and the steps to be undertaken to provide holistic health services to the victims of trafficking.
5. **Legal measures related to trafficking** – The blue print of action calls for a composite legislation addressing trafficking for all purposes such as begging, organ trade, labour, drug-peddling etc.
6. **Human Trafficking Management Information System (HTMIS)** – It provides a format for enforcement agencies to collect data on trafficked victims and traffickers.

7. Schemes and Programmes¹⁸⁵

Legislation pertaining to care and protection of trafficked children, like the Juvenile Justice Act 2000 (now JJ Act 2015) and ITPA, 1956, mandates the creation of institutional mechanisms and the formulation of programmes and schemes for the welfare of women and children who are in need of care and protection by the Department of Women and Child Development, Government of India.

Some of the initiatives of the Department of Women and Child Development which have a direct impact on the care and protection of victims of human trafficking are as follows:

- Ujjawala Scheme
- Swadhar Greh
- Integrated Child Protection Scheme (ICPS)
- Central Sector Sponsored Scheme for Rehabilitation of Bonded Labourer, 2016

While Ujjawala is specifically for trafficked victims, Swadhar Grehs are homes for all destitute and vulnerable women and girls in difficult circumstances including trafficked victims. It does not provide support to male and transgender child victims of trafficking.

The ICPS, on the other hand is a comprehensive scheme for child protection, both preventive as well as rehabilitative. It uses the infrastructures under the JJ system- particularly the Special Juvenile Police Units, the CWC and the Children's Homes to house, restore or rehabilitate children boys, girls or any other gender.

185 India Country Report: To Prevent and Combat Trafficking and Commercial Sexual Exploitation of Children and Women at World Congress III Against Sexual Exploitation of Children and Adults (Rio De Janeiro, Brazil, 2008). Publication. United Nations Office on Drugs and Crime & Ministry of Women and Child Development (Government of India), Nov. 2008. 8. Web. Jan.-Feb. 2016.

Swadhar¹⁸⁶ and Ujjwala – A Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation¹⁸⁷

The Government of India continued to fund the Swadhar programme which helps female victims of violence, including sex trafficking and the Ujjwala programme which seeks to protect and rehabilitate female sex trafficking victims- generally through shelter homes. Both the schemes are implemented generally through government and NGO run shelter homes. Funding for government programmes is jointly shared between the central and state governments.¹⁸⁸

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 who are in difficult circumstances and are rendered homeless. In 2007 these two schemes were merged for greater effectiveness. The scheme envisages the setting up of homes or Swadhar Greh’s in every district with a capacity of 30 women. But the capacity of Swadhar Greh could be expanded up to 50 or 100 on the basis of need assessment and other important parameters. The Swadhar Greh’s can be set up by NGOs and other independent agencies as per the guidelines laid down by the government.¹⁸⁹

Among the list of beneficiaries are trafficked women/girls rescued or runaway from brothels or other places where they face exploitation and women affected by HIV/AIDS who do not have any social or economic support.

The Ujjwala scheme has been conceived primarily for the purpose of preventing trafficking on the one hand and rescue and rehabilitation of victims on the other. The implementing agencies are the Social Welfare/ Women and Child Welfare Department of State Government, Women’s Development Corporations, Women’s Development Centers, Urban Local Bodies, reputed Public/Private Trusts and Voluntary Organisations.

Women/girls are expected to first seek assistance under Ujjwala scheme in areas where it is in operation. So for all practical purposes, in the context of trafficked girls, the two schemes are intertwined.

Integrated Child Protection Scheme (ICPS)

The ICPS¹⁹⁰ designed as part of the Eleventh Five Year Plan was introduced in 2009-10. It is a centrally sponsored scheme aimed at building a protective environment for children in difficult circumstances, as well as other vulnerable children, including victims of trafficking, through government-civil society partnership. ICPS brings together multiple existing child protection schemes of the Ministry under one comprehensive umbrella, and integrates additional interventions for protecting children and preventing harm. ICPS, therefore aims to institutionalise essential services and strengthen structures, enhance capacities at all levels, create database and knowledge base for child protection services, strengthen child protection at family and community level, and ensure appropriate inter-sectoral response at all levels.

186 Ministry of Women and Child Development. *SWADHAR GREH : A Scheme That Caters to Primary Needs of Women in Difficult Circumstances, 2015*. Rep. Government of India, 2015. 1.Web. Apr.-May 2016.

187 Ministry of Women and Child Development. *UJJAWALA : A Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Reintegration of Victims of Trafficking for Commercial Sexual Exploitation*. Rep. Government of India, 5 Apr. 2016.2. Web. Apr.-May 2016.

188 TIP reports of 2013, 2014 and 2015.

189 Ministry of Women and Child Development. *SWADHAR GREH : A Scheme That Caters to Primary Needs of Women in Difficult Circumstances, 2015*. Rep. Government of India, 2015. 3.Web. Apr.-May 2016.

190 “Creating A Safety Net for Children in India.” *Ministry of Women and Child Development*. Government of India.Web. Apr.-May 2016.

Central Sector Sponsored Scheme for Rehabilitation of Bonded Labourers, 2016

This new scheme came into force on the 17 May 2016 as a result of a revamp of the earlier scheme - Centrally Sponsored Scheme for Rehabilitation of Bonded Labourers, 1978 which was revised in the year 2000.

There was need felt to revamp the old scheme for the following reasons-

- (i) Lack of regular monitoring;
- (ii) No mechanism to monitor court cases and convictions;
- (iii) Inadequate and unattractive rehabilitation package;
- (iv) Lack of flexibility of the scheme to address the needs of special category beneficiaries such as children including orphans, differently abled, trans-genders, people rescued from organised and forced begging rings and women and children rescued from trafficking and sexual exploitation including prostitution;
- (v) Lack of institutionalised mechanism to keep an account of the other major benefits listed in the existing scheme such as agricultural land, dwelling unit, skill training, education etc.; and (vi) Ineffectiveness of awareness generation camps.

The Scheme also mentions that a survey would be carried out for the identification of bonded labourers for which an amount of Rs. 4.50 lakh per district is available.

Under the new scheme, a rehabilitation package is available for those falling in the special category of children including orphans or those rescued from organised and forced begging rings or other forms of forced child labour. The amount of rehabilitation assistance shall be Rs.2 lakhs out of which at least Rs.1,25,000 shall be deposited in an annuity scheme in the name of each beneficiary and the balance amount shall be transferred to the beneficiary account through ECS.

In cases of children rescued from bonded or forced labour involving extreme cases of deprivation or marginalisation such as transgenders, or women or children rescued from ostensible sexual exploitation such as brothels, massage parlours, placement agencies etc., or trafficking, or in cases of differently abled persons, or in situations where the District Magistrate deems fit, the rehabilitation assistance shall be Rs. 3 lakhs, out of which at least Rs. 2 lakhs shall be deposited in an annuity scheme in the name of each beneficiary and Rs. 1 lakh shall be transferred to the beneficiary account through ECS.

F. No.S-11012/01/2015-BL
Government of India
Ministry of Labour & Employment

Jaisalmer House,
26 Man Singh Road,
New Delhi-110011.

May 18, 2016

OFFICE MEMORANDUM

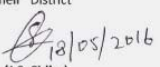
Sub: Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

The Centrally Sponsored Scheme for Rehabilitation of Bonded Labourers 1978 was last revised in May 2000. In an evaluation of the performance of the scheme and consultation with stakeholders, it was realised that the scheme was not effective in elimination of Bonded Labour System and a revamp was necessary in the larger public interest. A draft scheme was accordingly prepared by the Ministry and circulated to all State Governments, NHRC, various concerned Ministries of Government of India and the same was also published in the official website of the Ministry for eliciting comments and suggestions from the public and other concerned citizens. Based on the suggestions and inputs received from all quarters including the Social Partners, Central Government has approved the revamped Scheme w.e.f. 17.05.2016. Copy of the revamped Scheme is appended hereto.

2. The revamped scheme shall henceforth be known as a Central Sector Scheme which does not entail State share in the cash component of the rehabilitation package. The non-cash component of the erstwhile CSP scheme will continue as it is, with minor modifications to suit the changing needs of the time.

3. I am directed to convey the approval of Central Government of the said scheme for implementation by the State Governments/UT Administrations through their District Magistrates/Collectors/Sub-Divisional Magistrates.

Encl.: As above.


(J.S. Sidhu)
Deputy Secretary to the Government of India

Chief Secretary (all State Governments)
Administrator (all UT Administrations)
District Magistrate/Collector (All)

ने. एस्. सिधु J. S. SIDHU
उप सचिव/Deputy Secretary
श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
नयाँ दिल्ली/Govt. of India
नई दिल्ली/Now Delhi

Copy to:

Principal Secretary to the Prime Minister
Ministries of Home Affairs, Law & Justice, SJ&E, W&CD, Finance, External Affairs,
Comptroller & Auditor General of India
National Human Rights Commission

8. Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women

The MWCD had formulated a National Plan of Action (NPA) to combat trafficking and commercial sexual exploitation of women and children in 1998, with the objective of mainstreaming and re-integrating women and child victims of commercial sexual exploitation into the community. To formulate a more holistic policy and programme for trafficking in persons which will incorporate all forms of trafficking (such as sexual exploitation, child labour, bonded labour, organ trade etc.) and enable an integrated approach to tackle the problem, the MWCD, in collaboration with MHA, Ministry of Labour and Employment, NHRC and National Commission for Women, is developing an “Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women”. Three regional consultations were organised to solicit inputs and recommendations from various stakeholders. A national consultation was convened in August 2007 and a draft integrated plan of action had been formulated.

9. Protocols/Standard Operating Procedures (SOPs)/Advisories Related to Trafficking of Children

There are several Protocols, SOPs and Advisories announced by the government of India – MHA, MWCD and even Ministry of Labour and Employment (MoLE). Since none of these terms have been clearly defined by the government, it is not clear how they differ and what their legal status is. Hence they have been discussed together.

The following are the Advisories issued by the MHA:¹⁹¹

- i. Advisory for Preventing Crime of Human Trafficking. Dated 9.9.2009.
- ii. Advisory on Preventing and Combatting Human Trafficking during Commonwealth Games. Dated 10.09.2010.
- iii. Advisory on Measures to be taken by States/UTs for Combating Trafficking of Women and Children for Commercial Sexual Exploitation. Dated 12.10.2011.
- iv. Advisory on Missing Children – measures needed to prevent trafficking and trace the children. Dated 31st January, 2012.
- v. Advisory on Human Trafficking as Organised Crime. Dated 30.04.2012.
- vi. Advisory on Preventing and Combating Human Trafficking in India dealing with Foreign Nationals. Dated. 01.05.2012.
- vii. Advisory on Hon’ble Supreme Court’s direction to file FIR in case of Missing Children. Dated 25.6.2013.
- viii. SOP to Handle Trafficking of Children for Child Labour - measures to be taken for rescue of trafficked child labourers and action against traffickers/ employers. Dated 12.8.2013.
- ix. SOP to handle Trafficking of Children for Child Labour - measures to be taken for rescue of trafficked child labourers and action against traffickers/ employers Dated 11.9.2013
- x. Advisory regarding Ministry of Home Affairs’ Web Portal of Anti Human Trafficking titled www.stophumantrafficking-mha.nic.in launched on 20th February 2014. Dated 05.5.2014
- xi. Associating SSB and BSF in crime meetings. Dated 23.7.2015

Issues of trafficking converge with several other issues i.e. missing children, sexual abuse of minors, repatriation and restoration of child victims of trafficking through processes of Juvenile Justice Act.

191 Ministry of Home Affairs.-GOI.Compendium of Advisories on Human Trafficking. Print.

Some other protocols and SOPs include:

1. MWCD and UNICEF, 'Protocol for Pre-rescue, Rescue and Post-Rescue Operations of Child Victims of Trafficking for Commercial Sexual Exploitation' (2005): A special protocol developed by MWCD provides guidelines for enforcement agencies and NGOs involved in the rescue of victims from their place of exploitation, medical and legal procedures to be followed and rehabilitative measures to be provided to the victims.
2. Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour (2008)- To ensure smooth rescue, repatriation and rehabilitation of trafficked and migrant child labour the Ministry of Labour and Employment has developed a protocol on prevention, rescue, repatriation and rehabilitation of trafficked and migrant child labour, for all stakeholders.
3. UNODC and Government of India, Standard Operating Procedures: On Investigating Crimes of Trafficking for Commercial Sexual Exploitation (2007).

Similar protocols are also available from NHRC and other such institutions. Hence, separate SOPs/Advisories/Protocols were/are issued by central government's ministries and departments, concerned departments of state government and sometimes also by the State Police to address same or similar issues. For example, the Compendium on SOPs for missing children compiled by the Delhi Commission for Protection of Child Rights¹⁹² includes SOPs by the Police and the NHRC along with the advisories by the MHA.

So many similar SOPs/Advisories and Protocols by different agencies creates considerable confusion among those who have to carry out actual operations in a given case. Many a times these SOPs are revised and information about such revision does not reach to the Investigation Officer.

Many similar SOPs, Advisories and Protocols by different agencies creates considerable confusion among those who have to carry out actual operations in a given case. Many a times these SOPs are revised and information about such revision does not reach to the Investigation Officer.

What is completely unclear is the legal significance or validity of these documents. What is the difference between an Advisory an SOP and a Protocol? Are they legally binding? Are they justiciable in court? The experience of past few years shows that there is an outburst of so many different SOPs, converging with each other, choking the system and creating tremendous confusion.

It is not surprising that while the drive to create more such documents continues in an effort to show that the state and its agencies are being responsive, they have come under the scanner from national bodies such as the NALSA and also the TIP report.

Table 34: India TIP Report: On SOPs

Criticism on SOPs	Relevant TIP Report
A 2009 MHA non-binding directive advises state government officials to use SOPs to identify trafficking victims proactively and refer them to protection services; however, there is no information that these SOPs are in use, and the government did not provide comprehensive information on the number of trafficking victims it identified.	2013, 2014, 2015
Victim repatriation across state lines was sometimes more difficult than across international borders due to the lack of SOPs and chains of command on trafficking issues.	2013,
Officials from the NCPDR noted a lack of SOPs among police and child welfare departments in source states to coordinate the rescue, repatriation, and rehabilitation of trafficked children.	2014
The government encountered difficulties in conducting cooperative investigations with the Governments of Nepal and Bangladesh due to multiple layers of bureaucracy and lack of SOPs.	2014

¹⁹² Delhi Commission for Protection of Child Rights. *Compendium on Missing Children*. Rep. Delhi Commission for Protection of Child Rights and Child Rights Focus, 6 Aug. 2012.116.Web. May-June 2016.

Recommendations on SOPs	Relevant TIP Report
Coordinate SOPs among police and child welfare departments for the rescue, repatriation, and rehabilitation of trafficked children.	2014
Develop and implement SOPs to harmonise victim identification and repatriation, and prosecution of suspected trafficking offenders when trafficking crimes cross state lines	2014, 2015

This is what NALSA has to say about the SOPs developed by GOI to Address Trafficking

There have been several SOPs developed like a protocol for pre-rescue, rescue and post rescue operations of child trafficking victims for the purpose of sexual exploitation by the MWCD, Ministry of Railways and MHA.

These advisories and SOPs have not been very effective due to:

- lack of dedicated manpower
- absence of financial resources, defined roles, accountability and of coordination amongst different government departments
- working of various stakeholders in silos
- absence of knowledge about the SOPs, Advisories and latest laws and decisions of the High Courts and Supreme Court
- lack of sensitivity and having a callous and prejudice attitude
- lack of skill in understanding the magnitude of an event such as a missing child or elopement or movement of people from conditions of distress and want
- lack of legally binding nature of these SoPs and Advisories

Source: Report of the National Services Authority Submitted to the Hon'ble Supreme Court of India in Writ Petition (C) No. 56/2004 titled Prajwala v. Union of India and Others. 2015

Rescue, Rehabilitation and Reintegration

Rescue of trafficked children is undertaken by police or by NGOs with the support of the police. Often these rescue operations take on the form of “raids and rescue” wherein a rescue team swoops down into a location and rescues a large number of children. Many a times these unplanned raids/rescue operations result in logistical problems at the ground level with respect to accommodation, recovery of personal belongings or money, rescue of children, food, health problems, vocational training, repatriation, etc. whereby the whole objective of rehabilitation gets defeated. Baitali Ganguly, the Executive Director of Jabala Action Research Group, West Bengal, often describes this kind of rescue operation as “fishing in an aquarium”!

The NALSA report has noted:

It is submitted that even at present rescue operations are being conducted. However, often these raids and rescues lead to the penalising of the victims themselves. The rescue operations are conducted in an adhoc manner without effective planning and rescue strategies which are not victim friendly. There is no differentiation in rescue operations relating to trafficked victims in brothel-based and street-based prostitution and child victims of sexual exploitation. There is neither inter-State co-ordination, nor inter departmental collaboration.

This is a problem that was recognised by the NHRC in its annual report (2004-05) where it has quoted from the recommendations of a national workshop on rescue and rehabilitation saying:

“Unplanned raids/rescue operations often result in logistic problems at the ground level with regard to accommodation, recovery of personal belongings or money, rescue of children, food, health problems, vocational training, repatriation, etc. defeating the entire objective of rehabilitation.”¹⁹³

... “the focus of raids with the objective of rescuing girls and women from prostitution primarily happens in big cities and that too is limited to red-light areas. Rehabilitative and anti-trafficking sections of the law and acts thus do not get properly implemented... Also, when raids are conducted in lodges, massage parlours, etc., they are termed as ‘busting of rackets’ and the women found in these premises are arrested for soliciting or indecent exposure.”¹⁹⁴

The recommendations had suggested that specialised anti-trafficking structures within the police at the Central, State, district and *taluka* levels should be established in order to deal with the issue of trafficking (including cross-border and inter-state), rescue, recovery of personal belongings, repatriation, etc. They

193 National Human Rights Commission. *Annual Report: 2004-2005*. Rep. National Human Rights Commission, 17 July 2016. 262. Web. May-June 2016.

194 Ibid.,262.

should align with the structures set up within the police to deal with trafficking of drugs, smuggling of antiques, wild life poaching, etc.¹⁹⁵

Once rescued, the biggest challenge and indeed the biggest gap that remains is the reintegration and rehabilitation of the trafficked victim/survivor so that he or she is not re-trafficked. It would not be incorrect to say that there are no government schemes currently focussing on **preventing 're-trafficking'**.

Rehabilitation is not easy. Reshmi, whose story this report began with, is back home. When she was rescued, she needed a lot of medical treatment for various diseases and addictions that she had picked up in the course of the year that she was 'away'. She refused to be in a shelter home, where the CWC had placed her temporarily for her own safety. She protested and cried and convinced her mother to request the CWC to send her home. Once home, every effort to place her back into education has failed. Often she goes away from home without telling her family, throwing them into panic as the traffickers' families live in the neighbourhood.

When two girls who had been rescued from a beer bar in Mumbai were placed in an institution in Delhi, with the support of HAQ, the care takers complained that it was impossible to get them to participate in any activity or training during the day. The girls would sleep through the day, and come evening, wake up and want to dress up with make-up and gaudy clothes. They would get into a bitter fight when asked not to do so.

Repatriation does not imply rehabilitation and rehabilitation does not automatically lead to re-integration. The UNODC (United Nations Office on Drugs and Crime) and Government of India's Standard Operating Procedures on Investigating Crimes of Trafficking for Commercial Sexual Exploitation (2007) states that if the rescued person is a foreign national then the Police in that country should be informed and it is the responsibility of the NGOs to follow up (Ministry of Home Affairs Advisory on Missing Children: Measures needed to Prevent Trafficking and Trace Children, 31st January 2012).

This removes the burden from the state police officers and the social welfare or child protection system and relies on the under-funded NGOs to ensure the victim's recuperation. Also, due to bureaucratic processes requiring clearances to be sought, NGOs face difficulties when repatriating victims back to countries such as Nepal and Bangladesh. In addition, the NGOs struggle to obtain police cooperation during rescue operations and criminal investigations (Meeting of State Nodal Officers for Human Trafficking held by Joint Secretary, 3rd July 2013).

Lack of Follow-ups Leading to Re-trafficking

Sabita (name changed) belongs to a poor family of Aranghata village who was married off at the age of 15 in 2011. Her husband used to work in Mumbai for 6 months in a year. Sabita was a victim of domestic violence at her in-laws place so she returned to her parents house within a year.

In 2012 she came across a local youth who took her to Mumbai and sold her to a brothel. Sabita was rescued by the police after four months of stay at brothel and sent back to her family. After her return to the village she used to keep quiet and withdrawn, unwilling to talk much even to relatives or neighbours. Since she only knew tailoring, she tried to find some livelihood options locally but failed.

A year later, Sabita was again lured by yet another local youth in name of marriage. No missing diary was filed with the police. The *Panchayat* was not informed by Sabita's family. They claim that that they are unaware of her present whereabouts but say they receive around Rs.3000/- every month from Mumbai.

Source: Case study received from Jabala Action Research Group, West Bengal

¹⁹⁵ Ibid.,262.

HAQ's study on children rescued from labour in Delhi and sent back to their home state showed that in the absence of follow-up from the rescuing organisation and handholding their rehabilitation, many returned to work.

There is much greater coordination needed between the states to ensure that there is a common practice set up to deal with trafficked children (Ministry of Home Affairs, Advisory on Missing Children: Measures Needed to Prevent Trafficking and Trace Children, 31st January 2012).

That reintegration and rehabilitation is essential is indisputable. But, what is equally clear is that it is a challenging and often a long drawn process, requiring a multi-pronged approach. Besides, there may be child victims of trafficking who no longer wish to be "rescued". See below, the story of Marjina (name changed) from Jabala:

'It was 2014 when I was 14, years old. I had dropped out of school two years back as my father a daily labourer could not afford the expenses. I had dreams in my eyes for a good life which brought me closer to my distant cousin Rashid (26) who came from Mumbai on vacation where he said he was working in a factory.

He impressed me easily with his expensive clothes, watches and valuables. After few meetings, we visited a fair where he bought me gifts, and had lot of fun. Then after few days when he proposed me and asked me come with him to Mumbai, I was in heaven as I saw it an escape from drudgery at home and a route to fulfill my 'dreams'. I knew my family would not agree easily so we planned to flee one night. We reached Krishnanagar (Nadia) in a bus without hassle. I was elated at the same time apprehensive as I had never ventured so far out of my home till now. The faces of my mother and two sisters crossed my mind but attraction of a new life with the man I love overcame all fears and I clutched the Rashids arms strongly.

We stayed in a hotel at Krishnagar that night, the hotel owner is known to Rashid and even asked him, "is this your 'new wife'"? Although this question appeared strange to me but I did not pay much attention.

After spending the night at the hotel, next morning we reached Kolkata where we stayed for two days in another hotel near Sealdah station. Few friends of Rashid came to visit him at the hotel and they had drinks together and seeing me congratulated him on the 'new catch'. That night I asked Rashid about our Nikah, he said we are going to Mumbai where he works and all the rituals will be performed there only. As I was in awe, I believed him completely. I also knew there is now no way of going back.

Our next stop was Mumbai and this time we did not go to a hotel. Instead Rashid took me to a friend's place saying that since his house needed to be arranged, I will have to stay there with his friend and his wife. I objected but Rashid convinced me by saying it was only a matter of two days and we would be together again. That was the last time I saw Rashid.

The same night the "lady" in the house served me food and after having that I started feeling drowsy. When I regained my senses I found myself naked and my whole body was in pain and there were bruises all over. It took me some time to realise what happened. The lady came back and smiled at me and asked me get dressed. When I asked her about Rashid she said, "now you are our property. We paid INR 80000.00 (Rupees Eighty thousand) for you to entertain clients". My whole world shattered into pieces. I badly wanted to go back home to my mother. I have been abused, and have suffered cuts and injuries but the deception by Rashid still remains darkest spot in my heart. Initially I resisted but was beaten up severely and kept without food and water. I reached a point of no return and started my new life – this time with no dreams. After few months Rashid's friend sold me again to another brothel. After a year or so I met a man in the brothel who is also from my area and through him I established contact with my family. They accepted my new life as money started flowing back.

I have come to know now that this is an organised racket and there are many Rashids in it who supply girls. In the brothel I lived in, there are more than 100 girls from Murshidabad who like me left their homes in name of marriage or a good job and landed here. We share a common bond, go to movies together, and have fun. I have a Babu (permanent customer) who takes care of me, helps me financially also arranges to send funds to my family. I hope to marry him one day and start a family.....' (Marjina (name changed) Murshidabad, West Bengal).

Jabala Action Research Group, West Bengal

Government Efforts

There is dearth of shelters at *taluka* and district levels for women and girls in need-of assistance and/or vulnerable to being trafficked or re-trafficked. Also, the quality of care and protection offered by most existing shelters is poor and insensitive towards the needs of survivors.

What is more, there is a shortage of trained personnel to attend to psycho-social and rehabilitative needs of women and girls rescued from prostitution. Currently, there is dependence on ad-hoc and non-standardised measures such as *Mahila Thanas*, counselling by police, volunteers and NGOs with no legal mandate. There is no continuity in this approach and such half-hearted attempts have led to half-hearted results.

There continues to be a lack of protection for the victim from the harassment of traffickers and brothel keepers even while she is in the institution and/or in the process of being re-integrated in the community especially, when she appears as a witness. This affects the survivor's rehabilitation process adversely.

Lack of co-ordination between the police, judiciary and government institutions with regard to rescue and rehabilitation process at the district level and absence of monitoring system at the state and central levels hampers effective rehabilitation and reintegration of survivors and opens doors to re-trafficking.

As was described before, Swadhar Greh and Ujjwala are government of India's flagship initiatives to address the needs of survivors of trafficking. These two schemes have come under scrutiny in various TIP reports. TIP Report 2013¹⁹⁶ says:

Long delays in financing these two programmes, as well as corruption in securing licenses and funds, led to the closure of many of these homes and also prevented NGOs from opening new homes. Further, the lack of government oversight and monitoring of these care facilities led to much criticism of the Swadhar and UJJAWALA programmes, particularly as several cases of abuse were discovered in these and other private trafficking victim care homes in the reporting period.

Both NGO and government shelters faced financial shortages and an insufficient number of trained personnel, particularly medical and psychological counsellors. A number of government shelters under these programmes were overcrowded and unhygienic, offered poor food, and provided limited services. The lack of adequate security in a government-funded Ujjwala home in Hyderabad made it possible for a nine-member gang to break in and kidnap four trafficking victims; two previous kidnap attempts took place in the preceding months

TIP Report 2014 says:

An NGO reported very poor conditions at one government-run shelter, with no running water and only one meal provided per day; desperate victims ran off or returned to prostitution rather than accept such conditions.

TIP Report 2015 says:

NGOs noted the government has gradually reduced funding to the Ujjwala programme and is considering future programme reforms. Victim care services were inconsistent and the number of government shelters was too few.

The TIP reports for the years 2013, 2014 and 2015 highlighted the following problems in the implementation of these schemes/programmes:

196 U.S. Department of State. "India : Tier 2-2013 Trafficking in Persons Report." www.state.gov. U.S. Department of State, 2 June 2013. Web. May-June 2016.

Table 35: Problems with Swadhar and Ujjwala

	Relevant TIP Report
Financial shortages and an insufficient number of trained personnel, particularly medical and psychological counsellors	2013, 2014, 2015
Corruption in securing licences and funds or long delays in financing or reports of abuse	2013, 2014, 2015
Closure of shelters due to financial difficulties as well as reports of cases of abuse	2013
Overcrowding and unhygienic conditions, poor food and limited services are provided by government run shelters	2013, 2014
Lack of government oversight and monitoring of shelter homes	2013
Government processes to refer identified victims to care facilities are not followed	2013
Child victims were placed in private shelters or in government aftercare shelters known as juvenile justice homes and largely received the same government services as adults	2014

Efforts by NGOS

There are a number of organisations across the country engaged in working on prevention of trafficking, rescue of trafficked survivors, repatriation to homes (both within the country and across countries) and providing shelter – short term and long term and rehabilitation and re-integration. Several of the CACT partners are engaged in one or more of the above activities.

Recognising the need for partnership and action at various levels, many sectors and actors are joining hands for positive action and change. NGOs have combined forces with the police, lawyers, the judiciary, media and the corporate sector and involved them in strategies and processes for prevention, protection, rehabilitation, prosecution and advocacy.

In 2008, HAQ partnered with UNODC to publish a compendium on ‘Best Practices against Human Trafficking’.¹⁹⁷ This documented the efforts of 21 organisations from across the country. Needless to say, they are not the only ones.

However, what is clear is that although these initiatives are significant, they are not enough to address the gamut of the problem that child trafficking represents.

Table 36: Specialised services for child victims of trafficking

State-established Helpline	State established Shelters	Medical Services offered to child victims of trafficking	Psychological Counselling Services
A childline 1098 is operated nationwide and 24h to provide assistance to children in need of help but it is not specialized to offer appropriate support for child victims of trafficking.	Even though Government shelters for sex trafficking victims are found in all major cities in India, these shelters are not always specialized for child victims of trafficking and the quality of care varies widely and needs to be standardized. These Deviometer shelters are working closely with NGOs and the Child Welfare Committees to improve the care standards in these institutions, but significant efforts are still necessary.	In general medical services are available for all children who require special care and attention, including child victims of trafficking although they are not seen or recognized as a different category of children in need.	Although States have made some improvements to their shelter care, victims in these facilities do not receive comprehensive protection services, such as psychological assistance from trained counsellors. These services are hardly available and totally inadequate in light of the needs. What services exist are mostly provided by NGOs.

Source: S.K.Roy, *Child Trafficking in India: Realities and Realisation*

197 UNODC, GOI and HAQ: Centre for Child Rights, Compendium of best practices on anti-human trafficking by non-governmental organizations, 2008

While institutionalisation must be the last resort and integration into the family and the community the ideal approach, there may be need to provide shelters or institutional care for some. The Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Juan Miguel Petit said in his report in 2008:

“If States should opt for the shelter model as part of their assistance and rehabilitation facilities, the Special Rapporteur recommends that such shelters should, at a minimum, provide the following services and facilities:¹⁹⁸

- (a) A place of residence with decent living conditions and of small dimensions;*
- (b) Appropriate food and clothes;*
- (c) Full medical aid, including hospital treatments and surgeries, if needed;*
- (d) Competent and specialized staff;*
- (e) Psychological counselling;*
- (f) Education facilities, to allow children to follow the appropriate school curriculum;*
- (g) Legal aid and court representation, if the victim so requires;*
- (h) Translation and interpretation services in a language the victim understands, if needed;*
- (i) Personalized care for the best interests of each child;*
- (j) Participation in appropriate recreational activities and diverse programmes of rehabilitation and reintegration. These could include other education programmes, professional skills-gaining and support in finding employment, when relevant;*
- (k) Security needs to be ensured for the participants inside but also outside of the shelter, as the minor victims are still vulnerable to their exploiters and traffickers who often belong to criminalized groups;*
- (l) Participation of civil society should also be encouraged and facilitated.*

76. Regarding the issue of funding these assistance and rehabilitation programmes, the Special Rapporteur believes that, although the magnitude of the problem may not appear to be huge in most countries, this phenomenon requires constant monitoring with assistance readily available to the victims, therefore he recommends all States:

- (a) To incorporate in their national legislation and budget provisions for funding of State and NGO programmes and activities aimed at the assistance and rehabilitation of children who are victims of sexual commercial exploitation and/or trafficking;*
- (b) To establish specific protocols and work plans which set up standards of the programmes and activities for the assistance and rehabilitation of children victims of sexual commercial exploitation and/or trafficking;*
- (c) To set up funds for recognized and established NGOs and other civil society actors as implementing agencies and partners to implement their activities, programmes and facilities for children who are victims of sexual commercial exploitation and trafficking;*
- (d) To include in the rehabilitation programmes a minimum of three years of follow-up and monitoring of the assistance and treatment provided to the minors who are victims for a full recovery, as experience shows these victims have suffered considerably and need long-term therapies.*

As has been mentioned early in this report, migration and trafficking are distinct but interconnected and intertwined. Often trafficking is passed off as a case of legitimate migration and again, cases of trafficking are hidden within migratory trends, e.g, when girls are trafficked on the pretext of domestic work from areas where migration for domestic work is common. They are actually trafficked for domestic work and sexual exploitation.

¹⁹⁸ Juan Miguel Petit, Promotion and protection of all human rights, civil, political, economic, social and cultural, including the right to development report submitted by the special rapporteur on the sale of children, child prostitution and child pornography, A/HRC/7/8, 9 January, 2008

One of the important strategies for prevention of trafficking was the “Safe Migration” card that Jabala had introduced as part of their initiative and which subsequently got adopted by the government of West Bengal. This can be considered as a strategy by other states as well. The following is the chronology of change that took place:

Year	Events
2004	Starting of Safe Migration Programme in two <i>Panchayats</i> each at Swarupnagar in 24Parganas-North and Beldanga-I in Murshidabad
2005	Five more <i>Panchayats</i> were added and Tracking Centres were set up at Delhi (to track the girls who are going to Delhi for domestic help from rural Bengal). A Safe Migration booth was also set up at Ghojadanga, District 24Parganas-North at Indo Bangladesh Border
2006	Continued the programme in 24Parganas-North & Murshidabad. Tracked two West Bengal girls in Delhi who worked as domestic help and committed suicide after torture by the employer in Delhi, tracked and rescued five more girls
2007	Advocacy with NCW (National Commission for Women) for some guidelines (rules and regulations) for placement agencies in Delhi
2008	Safe Migration Model of Jabala recognised as best practice to prevent Human Trafficking by UNODC & Govt. of India – Compendium of Best Practices (Page 99-102)
2008	Recommendations from NCW to State Women’s Commission to implement the Jabala’s process in West Bengal. Enquiry done by State Women’s Commission. Meeting by State Women’s Commission to present the result Jabala’s initiative as pilot and model in presence of all Government departmental line heads viz Labour, Education, Police (CID department), Social Welfare & P&RD and National Commission for Women
2008	Piloting of Safe Migration Programme in two <i>Panchayats</i> each at Dakshin Dinajpur and Murshidabad (where Jabala never carried out the programme) awarded by Panchayat & Rural Development Department, Govt. of West Bengal
2009-2012	Programme on Safe Migration in 280 <i>Panchayats</i> of seven districts awarded by Panchayat & RD Deptt. Govt. of West Bengal with active support of UNICEF
Till date	Continuing in Panchayats

Recommendations

1. Investing in the establishment of well-coordinated and systematic database for prevention, protection and rehabilitation is key

- a. **Vulnerability mapping** - trafficking prone areas and districts should be identified in the States with the objective of prevention, awareness generation, provision of viable livelihood options to vulnerable families, extending various welfare and anti-poverty schemes of the Government to remotest areas, increase vigilance and plan well-coordinated rescue operations, identify risks involved for the victim/survivor in repatriation and restoration, and assess and create possibilities of community based rehabilitation programmes.
- b. **One central body should be responsible for receiving and maintaining figures on missing and found children from all states and UTs.**
- c. **Coordination between national database on missing and found children and women and database on trafficked persons** - a quick-response based intra and inter-state tracking mechanism and coordination between existing databases is necessary.
 - **Ensuring birth registration and proof of residence:** Lack of birth registration and a proof of residence is a serious bottleneck in ensuring people's access to basic services and schemes meant to benefit them. This is because one or both of these is a pre-condition for eligibility under the existing schemes.
 - **Increased awareness:** Amongst other things, awareness programmes must focus on making the *gram sabhas* aware of various state and central government schemes for the poor, whom to approach and how. Simple flow charts explaining the structure and the benefits under the schemes are needed even for NGOs who work with the poor and the marginalised communities. Awareness regarding measures available to ensure safety and security of women and children – about rights and protections available for women and children under various laws – and sensitisation on reporting violence, abuse and exploitation must also be carried out in vulnerable areas in a mission mode. Concerned departments/ministries must be required to earmark specific budgets for time-bound and focussed awareness drives.
 - **Single window for helpline access:** People are not aware about the innumerable helplines created by different departments and agencies. A person is expected to remember child helpline number, women helpline numbers, legal aid helpline numbers, crisis intervention centre helplines, mental health and disability helplines, and helplines created for disaster management, etc. There is no single window system that can refer people to appropriate agencies when in a situation of distress or if they apprehend a situation of violence and abuse.

- **Formation of village-level watch-dog bodies:** such as the village level child protection committees or village level committees mandated under the National Plan of Action to Combat Trafficking in Women and Commercial Sexual Exploitation should be expedited.
- **Follow up mechanism:** Proper follow up mechanisms should be established through the proposed district level coordinating structures for women and children after they have been rehabilitated and repatriated to prevent re-trafficking.
- **Inter-departmental coordination:** There is need to develop necessary structures for inter-departmental coordination to ensure convergence of services and improved outreach of existing programmes and schemes to vulnerable families identified through an integrated tracking system. Inter-departmental coordination also needs to be strengthened between the police, judiciary and government institutions responsible for rescue, rehabilitation and restoration of trafficked victims at all levels of administration, particularly the district level. In addition, need to evolve a coordinated mechanism for monitoring inter-state and cross-border trafficking.
- **An integrated institutionalised response mechanism.** Unfortunately sometimes, procedures established by the police and the home ministry end up allowing trafficking instead of preventing it. For example, while advisories issued by the Home Ministry on missing children require the police to treat a case of a missing child as a case of trafficking and give it utmost attention and specify that it is to be dealt by the Anti Human Trafficking Units (Advisories dated 31 January 2012 and 25 June 2013), it spells urgency. Yet these advisories also say that a case of a missing child is to be passed on to the AHTU if a child is not recovered after four months (Advisory dated 25 June 2013). Such time lapses make it too late to prevent trafficking/sexual exploitation. Similarly, the separate operating procedure of Delhi Police with respect to Missing and Found Children (dated 19/5/2011) talk about transferring a case of a missing child to the AHTU only if a missing child is not traceable for past six months. **Therefore, even when a case of child trafficking can be prevented, the established procedures fail.** Experience of many NGOs (involved in rescue and rehabilitation of trafficked victims) shows that girls who go missing are rescued from brothels after many months. Their cases then get transferred to the AHTUs only a lot of pressure is exerted. Responses need to be institutionalised.

2. Rescue

- A humanistic and rehabilitation-oriented approach:** It is suggested that the police plan rescue operations in co-ordination with the institutional authorities adopting a humanistic and rehabilitation-oriented approach with the rescued women and children. The proposed inter-departmental coordination structure suggested in Point No.3 under the head 'Prevention' should be used for this purpose.
- The objective of raids should be rescue of girls/women:** In small towns and semi-urban areas, the focus of raids continues to be on penalising the women under sections such as 110 of BP Act and hardly anyone is seen as in need of rescue and rehabilitation. Also, when raids are conducted in lodges and massage parlours they are termed as 'busting of rackets' and the women found in these premises are arrested for soliciting or indecent exposure. It is suggested that specialised anti-trafficking structures within the police be established at the Central, State, district and *taluka* levels to deal with the issue of trafficking (including cross-border and inter-state), rescue, recovery of personal belongings and repatriation. This should be along the lines of structures set up within the police to deal with trafficking of drugs, smuggling of antiques, wild life poaching. **This recommendation is supported by Sec 13 of ITPA, which lays down proviso whereby the central government may appoint Central Trafficking Officers in various states to prevent inter-state trafficking.**

3. Strengthening Law Enforcement and Prosecution of Offenders

The poor rate of prosecution and conviction has remained a cause for worry. Some of the observations made in the Justice Verma Committee Report post the Nirbhaya case provide useful insights on law enforcement in a case of trafficking for prostitution or in a case of prostitution. Despite several efforts, investigation remains poor and trials are delayed. This calls for:

- filling the human resource gaps where required,
 - dedicated police investigation units for crimes against women and children,
 - investing in training of investigation officers, especially women police investigating officers, and
 - establishment of separate children's courts with Special Judges and Special Public Prosecutors who do not have additional responsibilities.
- a. **Training organisations at the Central and State level should focus on sensitisation, dissemination of knowledge and training of ground level staff from the police, judiciary and women and child welfare departments.** The objective behind this should be to develop personnel who know the correct legal framework and are aware of issues related to rescue, rehabilitation and reintegration. The training institutions could take the help of field-based organisations to achieve this purpose.
- b. **Procedural bottlenecks need to be removed on an urgent basis:**
- **There is need for a single comprehensive SOP covering issues concerning missing children and trafficking together.** India has several Protocols, SOPs and Advisories. They cover different aspects: human trafficking, missing children, crimes against children, trafficking of foreign nationals, compulsory registration of FIR in cases of trafficking/missing children, registration of FIR outside the territorial jurisdiction and arrests outside the territorial jurisdiction to name a few. Since a case of trafficking in women and children would involve implementation of each of these, it is important to have one comprehensive document which will ensure that there is no contradiction in the procedures prescribed and there is clarity of roles of different authorities
 - **Different laws are implemented through different authorities. Role of each and every actor must be clearly specified.** Within law enforcement, some responsibilities lie with the local police, some with specialised police such as Anti Human Trafficking Unitss, Special Juvenile Police Units, Special Police Officers (SPOs), Missing Persons Bureau (MPB), District Missing Persons Unit (DMPU) and others with the Missing Persons Squad (MPS). This causes confusion about who is to be held responsible if any procedure laid down in the SOP/Advisory is not followed. Where does the onus lie, to whom does an aggrieved person make a complaint if an SOP/Advisory is not followed.

A flow chart clearly reflecting the process to be followed and the officer/authority responsible for it (in a case of a missing child as well as trafficking) must be prepared to remove all confusion and provide role clarity. If a case of a missing child is to be treated as a case of trafficking as laid down by the Supreme Court as well as the MHA Advisory on missing children, there should be one flow chart accommodating the cases of missing children as well as cases of trafficking in women and girls for prostitution or labour.

- **MHA advisory on registration of FIR irrespective of territorial jurisdiction and zero FIR [dated 10 May 2013] must get implemented without delay.** In a case of trafficking, jurisdiction issues befuddle matters. The victim is made to run from one police station to another. In fact in one the cases we dealt with, the West Bengal police came to Delhi to nab the traffickers. HAQ helped them approach the police station nearest to the location of the trafficker and a plan was developed and executed to trap the trafficker. However, the location

fixed for the purpose fell outside the jurisdiction of the police station that helped develop the plan. At the last minute, the SHO refused to cooperate and directed the West Bengal police team and HAQ to approach another police station citing jurisdiction issues. The opportunity to nab the trafficker was hence lost.

- **There is a need to expedite setting up of AHTUs in every district.** The Anti-Human Trafficking Units (AHTUs) have been a success in some areas, whereas in others have not been set up at all. There is need to remedy this.
- **In the era of specialisation, different units of police have come into existence to deal with issues concerning women and children as a statutory requirement or by executive orders.** For example, there are AHTUs for human trafficking, Special Juvenile Police Units for children, Crimes against Women's Cells (CAWCs) for issues concerning women. **Yet lack of coordination between these units often affects law enforcement.** Moreover, **the human resource crunch, especially lack of adequate number of women police officers in all these units worsens the situation.** It may be necessary to **revisit the decision to have three different but specialised units** dealing with different crimes against women and children. They perhaps can be **merged as one comprehensive unit** that addresses all crimes against women and children.
- **The need for coordinated effort in dealing with a case of trafficking is very clear, especially for purposes of investigation, information sharing and data management and monitoring.** If more than one agency is meant to be investigating such cases, coordination becomes even more necessary. However nothing has been spelt out so far by way of procedures to be followed at different stages to ensure such coordination. This matter needs urgent attention.

4. Investigation

While investigating the crime of human trafficking, the following needs to be considered at all stages of human trafficking:

- Sharing criminal intelligence with other police agencies (different police stations, districts, states, CBI etc.) on traffickers and all other accomplices.
- Sharing crime data with other police agencies and CBI regarding vulnerable places and vulnerable people.

But how this sharing is to take place is not addressed anywhere, which leaves scope for application of discretion by an agency/officer. Hence:

- a. Standard Operating Protocols must lay down elaborate procedures for inter-state police investigations.
 - b. Details of traffickers arrested/prosecuted in one state must be shared with the native state and other source and destination areas.
 - c. **When a mobile number is available to track the girl or the trafficker there should be no delay in tracing the location.** There is often inordinate delay in this regard. One of the explanations given is overload of cases with the investigating officers. However, in this day and age of technological boom, any delay in tracing the location of a mobile number needs to be looked into.
 - d. Since victims now have a right to legal representation, ensuring coordination between the victim's lawyer and the public prosecutor becomes important.
- b. Who should make arrests and how is the arrest to be coordinated? This is another area on which the existing advisories are silent.

- Special Courts are established both under ITPA and the POCSO Act. In the absence of any clarity in law, it is important to receive a clear direction as to which of the two courts mentioned above is supposed to try a case of trafficking of a minor for prostitution, since it also involves rape.
- **How should different actors interview children who are victims of trafficking is an area that requires clear guidelines as well as capacity building.** Although a recent judgement by the Delhi High Court (State vs. Sujeet Kumar (CRL.A. 1190/2014) dated 13 October 2014) lays down some such guidelines for judges to follow, these can be adapted and adopted for all actors dealing with a case of child trafficking also and should find a mention in the SOPs.
- **Since victims now have a right to legal representation, ensuring coordination between the victim's lawyer and the public prosecutor becomes important.**

5. Law and policy reform

a. ITPA should be repealed and replaced by a new law.

- ITPA does not define trafficking as per Section 370 and 370 A of IPC inserted vide Criminal Law Amendment Act, 2013. The new law must take this into account.
- The Sixty-Fourth Law Commission of India Report (para 3.3) states that *the Act is concerned not with prostitution itself, but the manner in which activities of prostitutes and of those associated with them which offend against public order and decency, expose the ordinary citizen to what is offensive or injurious, or involves exploitation of other.* The new law must therefore address prostitution and trafficking for the issue of prostitution categorically and distinctly.
- **ITPA defines 'child' as a person below the age of 16 years.** This is not in consonance with the National Policy for Children, 2013 and the JJ Act, which define a child as a person below the age of 18 years. Therefore the law must be amended to incorporate
- **Decriminalise prostitution.** The ITPA requires amendment in as much as it allows criminalisation of women for something which is seen as 'immoral'. Many girls who solicit do not do it willingly. It is perhaps part of the trade/profession that they may have been coerced into. Even if women are in commercial sex industry/sex trade willingly, it is necessary to ensure that they do not get treated as criminals. At the same time, all adult women in prostitution should be presumed to be victims in need of assistance (to get out of prostitution), as is the case with minors.
- There are concerted attempts being made to bring in legislation or amend existing laws to legalise prostitution by certain sections and lobbies in society. Legalisation of prostitution would be an anti-women and anti-rehabilitation measure, leading to violation of human rights of the trafficked persons. What is needed is decriminalisation of prostitution. Therefore, **Section 8 of ITPA must be removed at the earliest.**
- The new law must provide for a Trafficking Protection Officer (who is not a police Officer) and contain a separate chapter on POWERS & DUTIES (along the lines of the duties enlisted for the Protection Officer under Chapter 3 of PWDVA or under PCMA, laying down procedure for obtaining orders for relief including Protection Order).
- It should also have a section on the following:
 - ◆ Power of court to issue an injunction on receipt of information/complaint
 - ◆ Orders that may not be passed against trafficked victim/girl
 - ◆ Provision for service provider, their duties and functions
 - ◆ Provision for Shelter Home and duties of Shelter Home
 - ◆ Separate chapter on Prevention (including a section on duties of government, so that it is mandatory to give wide publicity and create awareness and conduct sensitisation for police/

judiciary among others; on lines of PWDVA (S.11)) Sexual Harassment of Women at Workplace ((PPR) Act (S.24)).

- ◆ Tasks of various Ministries/Departments after the new Act is enacted should include the following specific measures for prevention of trafficking at source and transit

Ministry	Major Tasks
Nodal Ministry - Ministry of Panchayati Raj	<ul style="list-style-type: none"> • Registration of out migration at village level • Awareness generation on trafficking in vulnerable areas • Community vigilance to prevent trafficking
Support Ministry - Ministry of Labour and Employment (for in-country trafficking)	<ul style="list-style-type: none"> • Regulation of recruitment agencies • Regulation of informal sector labour market • Vocational training and skill building
Support Ministry - Ministry of Overseas Indian Affairs (for international trafficking)	<ul style="list-style-type: none"> • Implementing emigration law • Bilateral agreements with receiving countries • Training, orientation and counseling for emigrants

- ◆ Sections on rehabilitation, transfer of victims, restoration and repatriation and the process and procedures to be followed
- ◆ Enhanced punishment for repeated offences and graded punishment for different methods of trafficking

- b. It is suggested that the policy of penalising women and children who are foreign nationals for breaking immigration laws or travelling without ticket in India be stopped.** A procedure should be set up whereby victims of cross-border and transnational trafficking are given assistance (with the help of the Ministry of External Affairs and the Embassy concerned) to repatriate them in a humane and prompt manner.
- c.** There should a unified central law for licensing/registration/certification/recognition of protective homes for women, with states having the power to frame their own rules.
- d.** In case of shelter homes or protective homes housing children or child care institutions, mandatory registration under the JJ Act 2015 must be ensured and non-registration must be treated as a violation amounting to penalty and such other necessary action as may be prescribed in the rules framed under the JJ Act 2015 by the Centre/State governments as the case may be.

It must publicly be announced that provisions of the Orphanages and Other Charitable Homes (Supervision And Control) Act, 1960 and the Women's and Children's Institutions (Licensing) Act, 1956 stand repealed in case of shelter homes or protective homes housing children or child care institutions by virtue of enactment of the Children's Act, 1960 followed by the JJ Act of 1986 and the JJ (Care and Protection of Children) Act 2000 as amended in 2006 and now the JJ Act 2015.

- e. Age verification of victims appearing to be below the age of 21 years:** Age verification must be mandatory in case of every victim appearing to be below the age of 21 years. The process to be followed by courts and other competent authorities for age verification in such cases should be as laid down under Rule 12 of the Central Government's Juvenile Justice (Care and Protection of Children) Model Rules, 2007 (see judgement of the Supreme Court of India in *Jarnail Singh vs. State of Haryana (Criminal Appeal No. 1209 of 2010)*). Even though the JJ Act of 2000 stands replaced with the new JJ Act 2015, going by the above judgement, the procedure for age verification of both victims and accused will be goverend by the Juvenile Justice Law, whatever that may be at the given point of time.

6. Rehabilitation, repatriation and reintegration

- a. State governments should adopt the Protocol established by the Ministry of Women and Child Development for pre-rescue, rescue and post-rescue operations of child victims of trafficking for commercial sexual exploitation dated 2005.
- b. Provisions of the JJ Act 2015 and rules made there under must be followed in the case of trafficked minors.
- c. **Immediate shelter for the victims:** Medical examination of a victim should not be a pre-requisite for victim intake/admission into a shelter. No victim should be denied immediate shelter on such grounds. In fact, if a victim seeking shelter has not undergone a medical examination, the same shall be arranged by the institution approached by the victim or the institution where the victim is brought by a public spirited citizen or on orders of a competent authority.
- d. **Registration of Shelter Homes for children under JJ Act:** All shelter homes for children must get registered under the JJ (Care and Protection of Children) Act 2015 mandatorily. State governments should develop clear obligations for child care institutions and procedures to be followed in this regard along with penalties and actions that may be taken in case of violation of such legal obligations by an institution/home for children.
- e. **Legal assistance:** Every victim should be able to access legal assistance from the time of filing an FIR as far as possible and throughout the criminal proceedings to ensure that her statement under Section 161 CrPC, Section 164 CrPC are recorded properly as narrated by the victim. This will help to prepare the victim for the criminal proceedings, especially her examination-in-chief and cross examination. It will also ensure that her examination-in-chief and cross examination are conducted at the earliest so that she can be sent back to her home town. It is also important to ensure the use of video-conferencing and such other facilities so that the criminal proceedings against the accused do not get affected merely because the victim is repatriated or restored to her home town. Such assistance may be availed through the state/district legal services authorities. In addition, the concerned state department should empanel lawyers through NGOs providing free legal services or law firms willing to provide pro bono legal services.
- f. **Creation of panel of experts for victim assistance and support:** Every state government should create a panel of support persons/counsellors, translators and interpreters, whose services can be made available to institutions housing trafficked survivors, police, competent authorities such as the CWCs, DCPUs, hospitals and courts.
- g. **On-going support post-rescue and return to the home:** A victim who is sent back home may continue to require rehabilitation support in the form of medical care and treatment for the various kinds of diseases and illnesses they suffer and addiction, counselling and psychological care, education and skill development to say the least. Those unable to go back home must receive such support in institutions where they live. Unfortunately, very little is being done in this respect. To share a small example of how the survivors get rehabilitated, we have found many of the girls rescued from prostitution addicted to drugs, alcohol, cigarette smoking, consumption of tobacco/gutka/paan and such other substances. But these issues are seldom addressed as part of the rehabilitation process. Even if addressed, small things like dental care will get missed out perhaps because it does not form part of the forms to be filled by case workers/social workers/welfare officers.
- h. **Need for institutionalisation of skills development initiative:** At present, there are no linkages with the skills development initiatives of the government. Very few NGOs are able to provide skills that interest the survivors, enhance their employability in the market, or boost their self-confidence and self-esteem. Good practices that have been established by organisations like Prajwala, ARZ-Goa and such other NGOs need to be institutionalised and replicated.

- i. **Skills development must be more than on an elementary level:** In order to be successfully reintegrated, every woman rescued from prostitution requires an alternative source of income, which again is dependent on effective skills and training. Hence, the effectiveness of traditional skills that is being taught to the women in the government or NGO run institutions needs to be re-examined, keeping in mind the changing economic scenario. The shelter homes should also be open to facilitate the mobility of the women and girls in order to obtain vocational training outside.
- j. **Marriage is not necessarily a rehabilitative measure:** Often marriage is seen as a rehabilitative measure. It is undertaken without preparing the survivor mentally and emotionally to deal with the challenges of marriage as an institution. Clear protocols need to be laid down in this regard to ensure girls are not forced into marriage in the name of rehabilitation and they receive proper counselling and support to be able to take a decision in this regard.
- k. **Where possible rehabilitation measures should engage the survivor's families in the process:** Families need to be counselled and sensitised on certain do's and don'ts that must be followed once the survivor goes back into the family. This is essential to ensure a sensitive and enabling environment, one that helps the survivor regain her self-confidence. It must be ensured that it does not lead to further stigmatisation or add to her trauma or affect her healing process in any way. At the same time, families may not have the means to support education or vocational training, or they may not approve of sending their daughters out for that purpose (given the impact of the incident, the continued feeling of insecurity and unprotected-ness and the fear of losing the girl again). Counselling of families and economic support therefore must become an important part of a victim's rehabilitation process and plan.
- l. **Mechanisms in place for self-sustainability:** It may not always be possible for a survivor to go back to her family and community. This may call for shifting of residence, find suitable employment to sustain one's self and family (in some cases). Self-sustainability must be ensured.
- m. **Every state government must have a sponsorship programme to provide for education and vocational training, health care, and such other support to the survivors:** Many child survivors can be linked to the sponsorship component of the ICPS. This requires ensuring that every state government has a sponsorship programme reaching out to the survivors without compromising on their privacy and confidentiality. These children must not be identified as a trafficking or rape survivor or fall prey to stigmatisation and labelling. Similar initiatives can also be initiated for vulnerable adult women, including adult survivors of rape and trafficking.
- n. **Sufficient number of Short-Stay Homes/Protective Homes or Shelter Homes should be started at the talukas and districts** so that any woman who is in danger of being trafficked or re-trafficked can approach these homes for a safe and secure shelter. The shelter homes should also facilitate the mobility of these women and girls to allow for vocational training.
- o. **After-care programmes for those aged 18 and above:** For rescued children who end up in long-term institutional care or those who enter child care institutions/shelter homes at the age of 16 or 17 years for instance, there should be well conceived after care programmes so that the girls are not suddenly left on their own to fend for themselves after they complete the age of 18 years. Such after care programmes should not be like institutional care. Group homes could be a possibility, where the state governments could provide support to a group of girls for renting a suitable accommodation, pursuing vocational training, undergoing regular counselling if needed and finding suitable employment. An after-care programme should be for minimum three years and maximum five years.
- p. **NGOs assisting with rescue, care, protection, rehabilitation, repatriation and follow-up responsibilities must be adequately funded for the carrying out such responsibilities.** Grants given to NGOs should not compromise on the financial standards set out for government run facilities and services.

- q. Dealing with cases of children trafficked for commercial sex requires convergence between ITPA and JJ Act for rehabilitation and restoration of minors, especially on issues of rehabilitation and restoration of minor victims/survivors.** Under Section 17 A of ITPA, magistrates are required to get a social investigation conducted through a social welfare agency before handing over the victim to her parents/guardians to ensure that she will not be re-trafficked or put in any danger. However, this seldom happens and most victims are minors. The JJ Act makes CWC the final authority to deal with care, protection and rehabilitation and restoration of minors produced before them after due social inquiry/home inquiry. Several judgements have in the past established this role of CWCs and therefore magistrates must be required to forward cases of minors to CWCs for proper restoration (See Prerna vs. State of Maharashtra - 2003 (2) Mah.L. J. 105; Munni Vs. State of Maharashtra - Criminal Writ Petition No. 227/2011(Bombay High Court-Nagpur Bench); Delhi High Court Legal Services Committee vs. UOI & - Crl. Rev. No. 443/2009 & Crl.M.A.No.3071/2010).
- r.** The government must appoint trained social workers at police stations, courts and rehabilitation homes for counselling, information and guidance.
- s.** An inter-departmental coordination mechanism at all levels – village, district, state, national, regional and international – can help facilitate and monitor the process of rescue and rehabilitation. As an immediate measure Oversight cum Advisory Bodies at Central and State levels must be set up to monitor trafficking, rescue, rehabilitation and reintegration of victims.
- t. It is important to reverse the invisibility of the survivors and vulnerable populations – especially in the case of poverty-stricken or lower socio-economic communities.** Government socio-economic-educational and welfare schemes meant for the mainstream population should be made available to the rescued persons both in the institutional and reintegration phase, including efforts to access citizenship rights (e.g. voting rights, application of schemes for welfare of women and children, SC/ST/OBC, and opening of bank account, etc).
- u. Adequate protection should be ensured for the victim (while she is in the institution and/or in the process of being re-integrated in the community, and/or when she appears as a witness) in order to avoid harassment from traffickers and brothel keepers.** Also, there is over dependence on the statement of the victim to secure conviction of the offender in court, leading to increased vulnerability of an already vulnerable person. Suitable legislation for victim protection and support should be introduced in the law. Efforts should be made by the police to obtain evidence other than rely completely on the victim’s statement.
- v. Minimum standards of care must be followed by institutions and service providers providing protective and rehabilitative facilities to victims of commercial sexual exploitation/sex trafficking.** In this regard, orders issued by the Government of Andhra Pradesh through its G.O.Ms. No.16 dated 24th April 2010 may be adopted and followed by the Centre and all state governments in addition to the necessary provisions laid down in the JJ Act and rules to protect minors.

7. Standards of Care

There have to be certain accepted Standards of Care that have to be in place to ensure that the victims of child trafficking are suitably protected and rehabilitated.¹⁹⁹

Standard I: Location

1. All institutions meant for children in need of care protection, including child victims of trafficking should be mandatorily registered under the Juvenile Justice (Care and Protection of Children) Act and rules made there under.

¹⁹⁹ This section draws upon the recommendations made by Prajwala to the Justice Sikri Committee of the National Legal Services Authority many of which became part of the final report

2. Any home/shelter meant for victims of commercial sexual exploitation should be located in a residential area and maintained and integrated into 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.
3. The location of the home should minimise risk to the residents and should have a favourable ambience (not close to a red light area, wine shop, slums or shandies and the homes should be far away from auto stands, bus stations, railway stations, road side stalls) with adequate privacy for the residents.
4. The home/shelter should be well connected with other amenities such as water, electricity, sanitation, and approach road.
5. Care should be taken to ensure that the physical infrastructure allows no undesirable outside contact. Yet it must be ensured that a panel of visitors are allowed to visit (after due screening as service providers). They should include doctors, psychologists, teachers, vocational training instructors, art/theatre/sports instructors, translators and interpreters.

Standard II: Security

1. The home should have 24 hour 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 and sedatives should be kept securely and out-of-reach of residents. 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 the extent possible and if unavoidable to be done under proper supervision.
4. 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.
5. All doors (bathroom, toilets, kitchen, storage, bedrooms) should have provisions for opening from outside in cases of emergency.
6. 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 as name, designation, organisation/institution, address etc. Proper check of staff at entry and exit should be done and CCTV cameras may be installed at all entry and exit points as well as the visitor's room.
7. No resident should have access to mobile phones and any phone call made should be under supervision. A call register must be maintained that monitors all incoming and outgoing calls (details of person making or attending the call, time of call must be maintained and signed by the staff on duty).

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 person in-charge of the service providing organisation or any other competent authority dealing with the issues of women and/or children of the area as the case may be.
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 especially when the resident may leave the home unaccompanied by staff. Such protocol should be evolved by a risk

assessment and risk-reduction 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 Child Welfare Committee (in case of minors)/in-charge of the institution/service providing agency in case of adults, and without the informed consent of the resident.

Standard V: Basic Infrastructure Facilities

1. The home should be well ventilated, with adequate space (approximately @50-60 sq. ft. per resident, toilets and bathrooms at a proportion of 1:5.)
2. The home should have well ventilated kitchen, a common hall, counselling room, medical room, dining hall, bedrooms, quarantine room, data entry and record room, storage facility and staff quarters and no basements should be used for residential purposes.
3. The home should have open spaces for recreation, washing/drying arrangements which ensures privacy.
4. The residents of the home should have access to public facilities such as gardens, playgrounds and recreational facilities.
5. Each resident should be provided with individual cot, adequate bedding for summer and winter season (including among others at least two bed sheets, one blanket and pillow, and mosquito nets per year).
6. Universal care processes should be established which enables the home to provide for the special care needs of HIV positive inmates, disabled, pregnant and lactating mothers and severely sick residents without any stigmatisation 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 (use of alcohol, tobacco, gutkha, drugs etc).
2. All staff irrespective of the post should be given induction training and adequately sensitised on aspects of trafficking, needs of trafficked residents, trauma care, first aid and counselling, and should be made individually and jointly accountable for the well- being and security of the residents.
3. Standardised training module should be developed with regular updates.
4. One head of the home with a postgraduate degree, two trained counsellors, preferably one with MSW and other with MA Psychology with special training on trauma care, should be recruited on a fulltime basis. One counsel should be a resident and the other may be a non-resident for better functioning. The home may also choose to use primary level peer counsellors (who are present in the home all the time) and supported by secondary level professional counsellors (as mentioned above).
5. Ideally the home should have the following human resources for better operations for an average of 50 residents -
 - ◆ One fulltime resident Warden/Superintendent who should be at least a graduate
 - ◆ Two cooks
 - ◆ Four caretakers with a minimum SSC education

- ◆ One accountant cum documentation personnel
- ◆ Two security personnel with reading and writing skills
- ◆ Part time life skill trainer
- ◆ A panel of medical practitioners (both government and private) should be identified to attend to the needs of the residents and appropriate budgets should be extended for medical kits, transport and honorariums
- ◆ For legal assistance the existing free legal aid services should be made use of. If such services are not easily available a budget may be provided for legal support and assistance so that mainstream services can be accessed or legal services of lawyers empanelled by the concerned state government department may be used.

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. It should be elected democratically and the members must support the management of the home.
2. In homes for children, the in-charge of the institution should facilitate the setting up of children's committees and child representatives from such committees should be involved in home management.
3. Both home management and children's committees should be reconstituted every three months and every resident in the home should be given a chance to be an active committee member.
4. All process of the various committee meetings, staff meetings, general body should be well documented.

Standard VIII: Induction of Residents

1. As soon as a resident enters a home, she should be received with a welcome kit (consisting of two pairs of clothes, towel and toiletry (tooth brush, tooth paste, soap, sanitary napkins, powder, shampoo, hair oil and comb)).
2. In the first hour, the new resident should be allowed to take bath and freshen up. A light snack with water should be provided as the initial formalities are completed.
3. Older residents trained as barefoot counsellors 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 provided.
4. If the resident is brought during the night she should be allowed to rest. The personal profile and other documentation formalities should be followed up only the next day after the resident is rested.
5. It is important to 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 should 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 computerised.
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 to from the government such

as immediate relief and all other rehabilitation package (such as livelihood skill, livelihood options, education for her children and victim compensation as per the **Nirbhaya** policy/Section 357 A of CrPC and victim compensation scheme of the state government).

5. The resident should also be informed and counselled 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 (this 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. The said profile should be updated regularly. The profile is 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 is 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 an individualised 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 is to be imparted taking into consideration the emerging areas of human resource requirements. This care plan should be followed up, updated from time to time and should be done for each resident (even after repatriation for at least up to three years).
5. In case of minors placed in long-term care, every home is required to develop individual care plans as per the requirements of Central Government's Model Juvenile Justice (Care and Protection of Children) Rules, 2007.

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.
2. A recent/latest passport size photo of the resident should also be kept in the confidential folder.
3. Profiles of the close associates to be secured and 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). Paediatric support should be given for children accompanied and a check up by a gynaecologist 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, gynaecologist, paediatrician, referral to external medical experts, hospitals, and facilities for hospitalisation on an as-needed basis.
Homes should have trained caretakers to provide appropriate care and support for HIV positive residents (especially for early management of opportunistic symptoms). All staff in the home must be trained in HIV care and support.
4. Homes should have referral networks with mental health professionals (psychologists, psychiatrists and psycho-therapists) and mental health institutions for immediate and timely support for psychologically disturbed residents.
5. Home should have referral network with de-addiction centres for those residents who have a problem of substance abuse/alcohol addiction.
6. Each home should have a first aid box with basic medicines and equipment 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.
7. Homes should have arrangement for caretakers who will escort residents during hospitalisation and also facilities for transportation of a sick resident.
8. Homes should maintain proper registration of births and deaths.
9. Homes should have a corpus fund for health related emergencies such as special health conditions, funeral rites etc.
10. 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 health and well-being of all residents.
11. Residents should be provided a nutritious diet. Care should be taken to cater to the special needs of residents (for example, those who are HIV positive and lactating mothers as per the diet chart). The menu for the week should be a part of the home committee decisions and should be on display in the reception area, kitchen and medical room every day.

Standard XIII: Counselling and Therapeutic Support

1. There should be both professional and peer counsellors – preferably female – in the Homes. They should be able to provide immediate trauma care and long term counselling for the residents.
2. The ambience of the home should be therapeutic in terms of non-judgmental attitudes 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 should include indoor and outdoor sports, physical exercise, cultural activities, workshops, study material, magazines, music, meditation, yoga, and gardening among others.
3. There should be both individual and group counselling for the residents. Peer counselling 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, socialisation, communication, conflict management, stress and anger management (through yoga, meditation) and leadership. Both formal and informal processes, including mentoring and exposure visits should be used.

2. Innovative and creative tools for teaching life skills should be used such as art/craft/theatre 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 non-formal means or any adult education programme.
2. Residents who have basic literacy and an aptitude for further education should be helped to enrol in NFE programmes including open school/university for continuation of their education process.
3. It is necessary to take all measures 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, sponsorship support should be provided by the government under the ICPS. 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 and Nutrition

1. The Home Committee should prepare weekly diet chart in consultation with the Superintendent/Warden. Care should be taken to incorporate the needs of the residents.
2. Special diet charts should be prepared for pregnant and lactating mothers, infants, and residents with special conditions such as HIV/AIDS, diabetes and for those who are sick/bedridden.

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 viable, sustainable and age appropriate 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 as Intermediate Board, State Board for Technical Education for better employability.
3. It should be ensured that all livelihood training leads to job placement after the stay in the home.
4. Corporate tie ups should be explored for developing livelihood training which increases the employability of the resident.

Standard XVIII: Livelihood Options/Economic Empowerment

1. An economic rehabilitation plan for each resident should be developed as part of individual care plan. Formation of self-help groups 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 ups 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 must be extended. 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 trials or any other role play/discussion methods).
5. Legal assistance shall be provided unconditionally, that is it shall not be conditional upon the victim/survivor's willingness to serve as a witness. Existing legal aid/assistance structures should be used fully, and in case of non-availability of government legal aid, services of private advocates may be used on a pro bono or paid basis as the case may be.

Standard XX: Civic Benefits

1. A requisition on behalf of the resident in the prescribed format should be submitted to the District Collector, directly or through the District Committee, Nirbhaya, wherever they exist, 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 six months after being rescued. It should be further ensured that these benefits do not stigmatise 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.
2. On receiving information from the in-charge of the institution or any other competent authority about a resident being transferred to another institution or restored to her home town in another district/state, the District Collector receiving a requisition for rehabilitation on behalf of the resident shall transfer such requisition to the concerned district collector for appropriate action.

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 organisations 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 counselled and be 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 mainstream life.

10. Adequate financial assistance should be provided for meeting the needs of rescued victims during travel while restoring/repatriating them to their families or institutions in source areas.
11. Adequate provision for dearness allowance for police escort or any other authorised 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. 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 recognised organisations should be mandatory for a period of three years after the victim has been repatriated.
2. For the first six months after the restoration is done, monthly follow-up should be undertaken by the institution/Child Welfare Committee/concerned authority/concerned state government department as the case may be. Thereafter the follow-up could be undertaken once a quarter for the next one year.
3. Follow-up programme 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 citizenship rights
 - Livelihood option
 - Mental health
 - Restoration/ensuring/exercising of rights over parental, ancestral and community property and entitlements
 - Survivor friendly atmosphere

Standard 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 and phased efforts should be made to support the resident to stand on their feet.
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 organisations 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 organisations or individuals in accordance with the individual care plan/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/shelter home is very late (e.g. the home is meant for residents/victims up to the age of 18 years and the victim enters at the age of 17 years) 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 centres, 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 Nirbhaya District Committee or any other inspection committee constituted under laws governing the functioning of the institution/home should monitor the homes every two months. The monitoring and review report should be submitted to the State Convener, Nirbhaya or such other concerned authority as the case may be.
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 should be convened to review the improvement of the standards.
4. Monitoring should be participatory (survivors, NGOs and government officials) with the aim to strengthen the standards.
5. Half yearly self-audits and annual external social audits should be undertaken apart from ensuring total transparency in matters relating to receipt of funds, expenditure and compliance with minimum standards of care and protection

8. Victim Compensation

Victim compensation in a case of trafficking has received very little attention and some states who do provide for such compensation have failed to follow any clear principles and guidelines to determine the amount of compensation.

We find that victim compensation schemes in most states except Odisha, have not been updated to provide for new offences recognised by the Criminal Law Amendment Act, 2013 and the POCSO Act. There are no universal guidelines and minimum standards set out for determining victim compensation. Hence the amount of compensation varies from one state to another.

The same can be seen in the case of trafficking where some of the source states with high rates of trafficking

such as Jharkhand, Odisha, West Bengal and Manipur have stipulated only Rs. 10,000 as compensation for human trafficking:

Victim Compensation schemes in various states too require a review to ensure some standardisation.

9. Moving Beyond Prevention of Re-trafficking to Preventing Trafficking for Commercial Sexual Exploitation

- a. **Ensuring birth registration and proof of residence.** Lack of birth registration and a proof of residence is a serious bottleneck in ensuring people access to basic services and schemes meant to benefit them since either or both of these is a pre-condition for eligibility under the existing schemes.
- b. **Increased awareness.** Amongst other things, awareness programmes must focus on making the *gram sabhas* aware of various state and central government schemes for the poor, and on details on whom to approach and how. Simple flow charts explaining the structure and the benefits under the schemes are needed even for NGOs who work with the poor and the marginalised communities.
- c. Awareness raising initiatives on exploitation, measures available to ensure safety and security of women and children, rights and protections available for women and children under various laws and sensitisation on reporting violence, abuse and exploitation must be ensured. Concerned departments/ ministries must be required to earmark specific budgets for time-bound and focussed awareness drives.
- d. **Single window for helpline access.** People get confused by the innumerable helplines of different departments and agencies. A person is expected to remember child helpline numbers, women helpline numbers, legal aid helpline numbers, crisis intervention centre helplines, mental health and disability helplines and helplines created for disaster management. There is no single window system that can refer people to appropriate agencies when in a situation of distress or if they apprehend a situation of violence and abuse.
- e. **Formation of village-level watch-dog bodies** such as the village level child protection committees or village level committees mandated under the National Plan of Action to Combat Trafficking in Women and Commercial Sexual Exploitation should be expedited.
- f. **Follow up mechanisms** should be established through the proposed district level coordinating structures for women and children after they have been rehabilitated and repatriated to prevent re-trafficking.
- g. **Inter-departmental coordination is key** to ensure convergence of services and improved outreach of existing programmes and schemes to vulnerable families (identified through an integrated tracking system). Inter-departmental coordination also needs to be strengthened between the police, judiciary and government institutions responsible for rescue, rehabilitation and restoration of trafficked victims at all levels of administration, particularly the district level. In addition, there is need to evolve a coordinated mechanism for monitoring inter-state and cross-border trafficking.
- h. **An integrated institutionalised response mechanism is needed to halt re-trafficking.** Unfortunately sometimes, procedures established by the police and the home ministry end up allowing trafficking instead of preventing it. For example, while the advisories issued by the Home Ministry on missing children require the police to treat a case of a missing child as a case of trafficking, give it utmost attention and pass it on to AHTUs (Advisories dated 31 January 2012 and 25 June 2013), other advisories say that a case of a missing child is to be passed on to the AHTU if a child is not recovered after four months (Advisory dated 25 June 2013). Such a time lapse means that it is too late to prevent trafficking/sexual exploitation. Similarly, the Standard Operating Procedures of Delhi Police with respect to Missing and Found Children (dated 19/5/2011) talks about transferring a case of a missing child to the AHTU only if a missing child is not traceable for past six months. **Therefore, even when a case of child trafficking can be prevented, the established procedures fail to do the needful.**

Experiences of many NGOs involved in rescue and rehabilitation of trafficked victims show that girls who go missing are rescued from brothels after many months and their cases get transferred to the AHTUs only exerting a lot of pressure. There has to be institutionalised response rather than an individualised response.

10. Other Anti-Trafficking Measures

- a. Trafficking should be considered as **an organised crime** and tackled through an equally organised and systematic approach.
- b. There should be a nation-wide database on traffickers (containing their profile, fingerprints, photographs and previous conviction record) by central agencies like the NCRB and the CBI.
- c. Appropriate legal measures should be introduced in order to take **action against customers**.

11. Allocation of Resources

Allocation of adequate resources and its optimum utilisation has always remained a challenge. Child protection budgets are abysmal. The table below is a snapshot analysis of the allocations on child protection schemes. Even though they may not directly deal with trafficking, they can either substantively prevent trafficking or deal with children once they have fallen out of the protective net.

Programmes & Schemes	2014-15	2014-15	2015-16	Increase /decrease in allocation (in per cent)
	BE	RE	BE	
Improvement in working conditions of child/women labour	175	110.87	250	42.86
Scheme for prevention of alcoholism and substance (drug) abuse	6.84	4.74	2.27	-66.81
Welfare of juveniles (A&N Islands)	0.79	0.71	0.88	11.39
Children in need of care and protection (Chandigarh)	2.22	2.22	2.49	12.16
Home for delinquent and neglected children (Chandigarh)	0	0	0	0
Institute for mentally retarded children (Chandigarh)	6.02	5.77	6.29	4.49
Scheme for welfare of working children in need of care and protection	10	5	10	0.00
National Commission for Protection of Child Rights (NCPCR)	15	13.5	15	0.00
Central Adoption Resource Agency	11.97	6.42	11.85	-1.00
Integrated Child Protection Scheme	400	450	402.23	0.56
Beti Bacho Beti Padhao	0	50	100	0
Conditional cash transfer scheme for the girl child with insurance cover (Dhanlakshmi)	5	0	0	-100.00
TOTAL	632.84	649.23	801.01	26.57

Recognition of the need to invest in child protection

The Government of India's recognition of the need for investing in child protection was first articulated in the document *India - Building a Protective Environment for Children* published by the Ministry of the Women and Child Development (22 July 2006). It categorically said, "With more and more children falling out of the protective net, the financial investment on child protection will have to be increased" (page 12). This demand was also made to the Planning Commission by the Ministry in the run up to the Eleventh Plan and it suggested a separate scheme for child protection.

The protection of children and the need for investing in it was recognised specifically in the Eleventh Plan for the first time. It categorically stated that *Provision of Child Protection would be the key intervention in the Eleventh Plan*. Recognising that all the existing child protection measures were ameliorative and palliative rather than also preventive, the Plan categorically stated that and that the *intervention for Child Protection was designed to take both a preventive and a protective approach. In doing so it designed and launched the Integrated Child Protection Scheme*.

UN Committee on the Rights of the Child (CRC Committee) reviewing India's report observed:

"The budgetary allocations do not adequately take into consideration child protection needs. There is also mis-management of allocated resources, a problem which is exacerbated by high level of corruption and the lack of effective monitoring and evaluation systems."

19. While noting the information provided by the State on the overall budget foreseen for child-specific schemes, the Committee is concerned about the very low budgetary allocations to child protection, and the negative impact of mismanagement of funds and corruption on the implementation of the Optional Protocol. The Committee also regrets the lack of identifiable budget allocations assigned to activities designed to implement the Optional Protocol

20. The Committee recommends that the State party ensure that sufficient and targeted resources are allocated for the effective implementation of all areas of the Optional Protocol at national, regional and district levels, by providing, in particular, the necessary human, technical and financial resources for the development and implementation of programmes aimed at the prevention, protection, physical and psychological recovery and social integration of victims, as well as the investigation and prosecution of the offences covered by the Optional Protocol. The Committee also recommends that the State party take all necessary measures to prevent and combat corruption.

Conclusion

There is little reason to dispute the fact that there has been a lot of progress in the understanding of the concept of trafficking as well in the interventions made to address the issue in the last decade.

But as consumerism (the result of globalisation and markets opening up) gains momentum, the nature and purposes of trafficking are mounting as are the number of children being trafficked.

While the campaign (till 2012) was to build a more holistic understanding of the problem of trafficking, the next few years need to be spent in monitoring the implementation of the law as well in providing support to the infrastructures and institutions created to address trafficking.

Gathering and managing data has been an intractable problem, and continues to remain so. As migration patterns increase and get closely intertwined with issues of trafficking, it is important that the challenge of estimating numbers of children and women trafficked be handled. There is need to estimate the numbers of children and women trafficked with a fair degree of accuracy for interventions to be effective.

Patriarchy (and the trend of son preference) is a persistent problem and has become endemic. The falling sex ratios is evidence of it. This is particularly true in the northern states where the problems of trafficking of girls has increased. Attitudinal change and the involvement of a whole range of actors in societies are needed to tackle these challenges.

Laws, policies, protocols, SOPs will remain inadequate in addressing the problem unless backed by adequate financial resources.

Annexures

Annexure 1

International Legal Instruments	Status of Ratification/Signature/Adoption
CPR and ESCR	
International Covenant on Civil and Political Rights, 1966	ACCEDED on 10 April 1979
Optional Protocol to the International Covenant on Civil and Political Rights, 1966 on setting up of individual complaint mechanism	NOT SIGNED
Second Optional Protocol to the International Covenant on Civil and Political Rights, 1989, aiming at the abolition of death penalty	NOT SIGNED
International Covenant on Economic, Social and Cultural Rights, 1966	ACCEDED on 10 April 1979
Women	
Convention on the Elimination of All Forms of Discriminations Against Women (CEDAW), 1979	SIGNED on 30 July 1980 and RATIFIED on 9 July 1993 with a declaration/reservation
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999	NOT SIGNED
Amendment to Article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women, 1995	NOT SIGNED
Children	
Convention on the Rights of the Child, 1989	RATIFIED on 11 December 1992 with a declaration on Article 32
Optional Protocol to CRC on Sale of Children, Child Prostitution and Child Pornography	SIGNED on 15 November 2004 and RATIFIED on 16 August 2005
Corruption	
United Nations Convention against Corruption, 2003	SIGNED on 9 Dec 2005 RATIFIED on 1 May 2011
Drugs and Substance Abuse	
Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961	SIGNED on 14 Dec 1978 ACCEDED on 23 Apr 1975
Convention on Psychotropic Substances, 1971	ACCEDED on 27 Mar 1990
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	
Child Marriage	
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962	NOT SIGNED
Enforced Disappearance	
International Convention for the Protection of All Persons from Enforced Disappearance, 2006	SIGNED ON 6 Feb 2007

International Legal Instruments	Status of Ratification/Signature/Adoption
Slavery and Trafficking	
International Agreement for Suppression of White Slave Traffic, 1904	Declared Applicable to India at the time of transfer to the Secretary-General
International Convention for Suppression of White Slave Traffic, 1910	Declared Applicable to India at the time of transfer to the Secretary-General
International Convention for the Suppression of the Traffic of the Women and Children, 1921	RATIFIED on 28 June 1922 with reservations on age on Article 5
Slavery Convention, 1926	RATIFIED in 1954
Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices of Slavery, 1956	SIGNED on 7 September 1956 RATIFIED on 23 June 1960
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1951	SIGNED on 9 May 1950 and RATIFIED on 9 January 1953
Convention against Transnational Organised Crime, 2000	SIGNED on 12 December 2002 RATIFIED on 5 May 2011
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organised Crime	SIGNED on 12 December 2002 RATIFIED on 5 May 2011
Labour	
Eight Core ILO Conventions	
ILO Convention No. 29 (Forced Labour, 1930)	RATIFIED on 30 November 1954
ILO Convention No. 87 (Freedom of Association and Protection of Rights, 1948)	NOT RATIFIED
ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention, 1949)	NOT RATIFIED
ILO Convention No. 100 (Equal Remuneration Convention, 1951)	RATIFIED on 25 September 1958
ILO Convention No. 105 (Abolition of Forced Labour, 1957)	RATIFIED on 18 May 2000
ILO Convention No. 111 (Discrimination (Employment and Occupation Convention, 1958)	RATIFIED on 3 June 1960
ILO Convention No. 138 (Minimum Age Convention, 1973)	NOT RATIFIED
ILO Convention No. 182 (Worst Forms of Child Labour, 1999)	NOT RATIFIED
International Convention on Protection of Rights of All Migrant Workers and Members of their Families, 1990	NOT SIGNED
Some Relevant Hague Conventions	
Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993	SIGNED on 9 January, 2003 and RATIFIED on 6 June 2003
Convention on the Civil Aspects of International Abduction, 1980	NOT SIGNED
Regional Conventions	
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002	SIGNED on 5 January 2002 at the Eleventh SAARC Summit in Kathmandu on 4-6 January 2002
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
Proclamation on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region, 1992	Adopted on 5 December, 1992

Annexure 2

Minimum Legal Age Defined Under National Laws	Boys	Girls
Capacity to enter into a legal contract	18 (According to the Indian Contract Act, 1872, a person below the age of 18 years has no capacity to enter into a legal contract)	18 (According to the Indian Contract Act, 1872, a person below the age of 18 years has no capacity to enter into a legal contract)
Age of majority	18 (The Indian Majority Act, 1875 lays down 18 years as the age of majority for all, unless the personal laws follow a different age)	18 (The Indian Majority Act, 1875 lays down 18 years as the age of majority for all, unless the personal laws follow a different age)
End of right to free and compulsory education	14	14
Marriage	21	18
Sexual consent	18 (No specific reference exists in any law now on the age of consent. The Protection of Children from Sexual Offences Act, 2012 treats sexual activity with persons below the of 18 years as an offence irrespective of consent)	18 (No specific reference exists in any law now on the age of consent. The Protection of Children from Sexual Offences Act, 2012 treats sexual activity with persons below the of 18 years as an offence irrespective of consent)
Voluntary enlistment in the armed forces	16 (A person is allowed to take part in active combat only at the age of 18 as per the Army Headquarters Regulations)	16 (A person is allowed to take part in active combat only at the age of 18 as per the Army Headquarters Regulations)
Age for driving a vehicle	18 (The Motor Vehicles Act, 1988 does not allow a person under the age of eighteen years to drive a motor vehicle in any public place)	18 (The Motor Vehicles Act, 1988 does not allow a person under the age of eighteen years to drive a motor vehicle in any public place)
Child Labour (Prohibition and Regulation) Act, 1986	14	14
The Apprentices Act, 1961	14	14
The Mines Act, 1952	18	18
Merchant Shipping Act, 1958	14	14
Motor Transport Workers Act, 1961	14	14
The Apprentices Act, 1961	14	14
Bidi and Cigar Workers Act, 1966	14	14
The Plantation Labour Act, 1951	14	14
The Factories Act, 1948	14 (A child below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed only if he obtains a certificate of fitness from an authorised medical doctor. A child between 14 to 18 years cannot be employed for more than 4 ½ hours).	14 (A child below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed only if he obtains a certificate of fitness from an authorised medical doctor. A child between 14 to 18 years cannot be employed for more than 4 ½ hours).

Minimum Legal Age Defined Under National Laws	Boys	Girls
Minimum age of criminal responsibility	7 (Nothing is an offence committed by children below 7 years of age as per Section 82 of IPC. Section 83 of IPC contains <i>doli incapax</i> provisions for children between 7 and 12 years of age, based upon a child's attainment of sufficient maturity of understanding to judge of the nature and consequences of his conduct).	7 (Nothing is an offence committed by children below 7 years of age as per Section 82 of IPC. Section 83 of IPC contains <i>doli incapax</i> provisions for children between 7 and 12 years of age, based upon a child's attainment of sufficient maturity of understanding to judge of the nature and consequences of his conduct).
Juvenile justice	18 For both children in conflict with the law and children in need of care and protection	18 For both children in conflict with the law and children in need of care and protection

Annexure 3

The information sought is as below-

1. The number of cases of kidnapping and abduction of persons below the age of 18 years
2. The number of children/child victims below the age of 18 years who were kidnapped and abducted
3. The number of cases of children below the age of 18 years who were booked for trafficking under the IPC and SLL crimes
4. The number of cases of children, below the age of 18 years who are victims of crimes as under IPC and SLL crimes
5. The number of cases of children, below the age of 18 years who have been reported as “missing” from 2012 to 2014
6. The number of cases of children, below the age of 18 years who have been found trafficked from 2012 to 2014
7. The number of cases of trafficking or persons reported to AHTUs from 2012 to 2014 (for specific age categories - upto 10 years, 10-15 years and 16-18 years)
8. The number of cases of trafficking or persons investigated by AHTUs from 2012 to 2014 (for specific age categories - upto 10 years, 10-15 years and 16-18 years)
9. The number of cases of children rescued from labour from 2012 to 2014 in the age group upto 14 years and 14-18 years
10. The number of children rescued from labour from 2012 to 2014 belonging to other states in the age group upto 14 years and 14-18 years
11. The number of children rescued from labour from 2012 to 2014 restored to their native state/district
12. The number of girls under 18 years of age rescued under the Immoral Traffic Prevention Act (ITPA) from 2012 to 2014
13. The number of girls under the age of 18 years booked under Section 8 of the ITPA from 2012 to 2014 and sent to an observation home set up under the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006.

Information Sought under RTI Pertaining to State Government Departments are as below-

1. Whether the state issued any guidelines/SOPs/Advisories/Protocols regarding trafficking of children and women, including on rescue and rehabilitation of victims of trafficking.
2. Details of the AHTUs set up in the State
3. Details of funds sanctioned and utilised by all the AHTUs from 2012 to 2014
4. Details of trainings or sensitisation programmes on trafficking organised by the Crime Branch/Police/DWCD/DSW (as the case maybe)) for the AHTUs, Juvenile Welfare Officers and Special Juvenile Police Unit staff from 2012 to 2014
5. Whether any mechanism to track the cases of child trafficking for commercial sexual exploitation, child labour and child marriage has been developed by the state
6. Whether any link has been established to match “missing” children reported to the police with “found” children or children produced before the Child Welfare Committees (CWCs) and child care institutions
7. How is the state government using the Stophuman trafficking web portal of the Ministry of Home Affairs (www.stophumantrafficking-mha.nic.in)? Details of challenges faced in using web portal.

8. How is the state government using track the child web portal of the Ministry of Women and Child Development (www.trackthemissingchild.gov.in)? Details of challenges faced in using web portal.
9. What steps have been taken by the state government to promote awareness about these web-portals www.stophumantrafficking-mha.nic.in and www.trackthemissingchild.gov.in.
10. Whether people can access these web portals in the language of the state? Give details of steps taken or are being taken to make the portals reader friendly
11. Whether any micro or macro research/studies carried out by the state government on human trafficking and/or child trafficking in the last three years (2012-2014)
12. Whether state government has developed any schemes/programme for prevention of human trafficking and rehabilitation of the survivors of child trafficking or human trafficking

Annexure 4

Questions Raised in Parliament on Trafficking					
HOUSE	RS		LS		TOTAL
	No.	Issues	No.	Issues Covered	
2003	1	Immoral Trafficking	2	Trafficking in Women Women and Children Women and Children in SAARC Countries	3
2004	2	Women Trafficking	2	Trafficking of Women in Delhi Trafficking of Women Trafficking of Children	4
2005	7	Child Trafficking Child Trafficking After Tsunami Women Trafficking from Nepal and Bangladesh Report On Child Trafficking Child and Women Trafficking Human Trafficking by Recruiting Agencies Law To Check Human Trafficking	4	Trafficking of Tsunami Affected Children and Women Trafficking Trafficking of Women Trafficking Of Women And Children	11
2006	8	Research Regarding Trafficking of Women and Children Trafficking of Girls in Haryana Trafficking of Minor Girls Human Trafficking Cell in The MHA Setting Up of Human Trafficking Control Boards in States Trafficking of Girls of N E and West Bengal Trafficking of Women from Assam Trafficking Of Women And Children	7	Report of NHRC Regarding Trafficking of Children Trafficking of Women and Children Trafficking of Women and Girls U.N. Anti- Human Trafficking Units Victim of Trafficking	15
2007	15	Linkage of Child Trafficking to Pornography and Organ Trade Child Trafficking Trafficking of Boys and Girls Trafficking of Girls to Gulf Countries Un Report On Trafficking of Girls Human Trafficking Women Trafficking Across Nepal and Bangladesh Adverse Impact of Measures Against Trafficking Prevention of Human Trafficking New Human Trafficking Law Human Trafficking Women Trafficking from Assam	7	Anti-Human Trafficking Unit Immoral Trafficking Rehabilitation of Trafficking Victims Trafficking Of Women And Children	22
2008	8	Women Trafficking from Assam Scheme for Prevention of Trafficking Amendments to CRPC and IPC to Curb Organ Trafficking Victims of Human Trafficking Involvement of Airlines In Women Trafficking from NER Child Trafficking Gangs Preventing Trafficking Of Indian Women And Children	7	Human Trafficking Illegal Trafficking of Children Child Trafficking Trafficking in Women and Children Trafficking of Children for Child Labour Trafficking In Women	15

Questions Raised in Parliament on Trafficking

HOUSE	RS		LS		TOTAL
	No.	Issues	No.	Issues Covered	
2009	7	Human Trafficking in India Trafficking of Women and Children Human Trafficking Via Delhi Women Trafficking Checking of Trafficking of Children	4	Human Trafficking Trafficking of Girls Trafficking of Women And Children Courts For Human Trafficking Cases	11
2010	7	Role of Panchayats in Curbing Child Trafficking Women Trafficking Child and Women Trafficking Human Trafficking in The Country Proposal to Open Human Trafficking Prohibition Cells Trafficking of Children and Minor Girls	9	Plan to Tackle Human Trafficking Trafficking of Minors and School Dropouts Anti-Human Trafficking Cell Trafficking of Children Trafficking of Minors and School Dropouts Child Trafficking In North Eastern States	
2011	9	Trafficking of Women and Children Female Foeticide and Human Trafficking Rise in Cases of Human Trafficking Decline in Human Trafficking Child Trafficking of Tribal Children Children Rescued from Trafficking Trafficking In Haryana For Forced Marriages	11	Human Trafficking Trafficking of Minors Legislation to Curb Child Trafficking Placement Agencies in Human Trafficking Certificate Course in Anti-Human Trafficking Human Trafficking Rackets Report On Human Trafficking Trafficking in Children Trafficking on Forged Visa Trafficking in Tribal Women Prevention of Trafficking	21
2012	13	Human Trafficking Increasing Cases of Child Trafficking Performance of Anti Human Trafficking Units NE States Becoming Hub of Human Trafficking Inducting More Women in Police Organisation to Deal with Human Trafficking Failure of Delhi Police in Arresting Human Trafficking Agents Declaring Human Trafficking a Heinous Crime No Strong Provision in Criminal Code Against Child Trafficking Placement Agencies Trafficking Young Girls Trafficking in The Country Cases of Human Trafficking Trafficking Of Women And Children	10	Anti-Human Trafficking Units Rehabilitation of Victims of Trafficking Anti-Human Trafficking Measures Trafficking of Minors and School Dropouts Human Trafficking Child Trafficking Trafficking of Tribal Children Trafficking In Girls	

Questions Raised in Parliament on Trafficking

HOUSE	RS		LS		TOTAL
	No.	Issues	No.	Issues Covered	
2013	11	<p>Bengali Speaking Rescued</p> <p>Victims of Trafficking Sent to West Bengal</p> <p>Increase in Women Trafficking Trafficking of Girls</p> <p>Child Labour and Trafficking</p> <p>Capital Punishment for Kidnapping of Children and Human Trafficking</p> <p>Rising Cases of Trafficking of Women and Children</p> <p>Trafficking of Women and Children</p> <p>Gangs Active in Trafficking of Innocent Children</p>	9	<p>Trafficking of Women and Children</p> <p>Human Trafficking</p> <p>Human Trafficking</p> <p>Anti-Human Trafficking Units</p> <p>Rehabilitation Centres for Victims of Trafficking</p> <p>Human Trafficking</p> <p>Trafficking in Women and Children</p> <p>Trafficking in Women and Children</p> <p>Human Trafficking</p>	20
2014	14	<p>Trafficking of Young Girls in Delhi and NCR</p> <p>Child and Women Trafficking From Hindi Heartland States</p> <p>Trafficking from Under Developed States</p> <p>Trafficking Of Girls</p> <p>Human Trafficking Cases</p> <p>Law Against Women Trafficking</p> <p>Trafficking of New-born Infants in Delhi</p> <p>Human Trafficking in India</p> <p>Cases of Duping Cheating and Trafficking of Girls Against Placement Agencies</p> <p>Rise in Human Trafficking</p> <p>Trafficking Of Children From North Eastern States</p>	9	<p>Child Trafficking</p> <p>Human Trafficking</p> <p>Trafficking of Labourers</p> <p>Recommendations of Law Commission On Human Trafficking</p> <p>Human Trafficking Network</p> <p>Anti-Trafficking Measures</p> <p>SAARC Convention On Trafficking</p>	23

Questions Raised in Parliament on Trafficking

HOUSE	RS		LS		TOTAL
	No.	Issues	No.	Issues Covered	
2015	24	Forced Labour and Trafficking in The Country Human Trafficking Through Airways Trafficking of Children from West Bengal and Jharkhand Child Trafficking Rehabilitation of Trafficking Women Victims Human Trafficking in Jharkhand Trafficking of Cocaine and Other Drugs Cases of Human Trafficking Trafficking of Child Labour Rescue of Children from Trafficking Human Trafficking in Assam Corridors of Human Trafficking In India Dedicated Agency To Tackle Trafficking Of Women And Girls National Authority to Combat Trafficking Human Trafficking in South Asia Special Fund to Help Victims of Rape, Acid Attack and Human Trafficking Constitution of National Anti-Human Trafficking Board Omnibus Legislation to Tackle Trafficking Performance of Anti Human Trafficking Units Unified Agency to Check Human Trafficking Anti-Human Trafficking Units Placement Agencies In Jharkhand Involved In Trafficking Of Minor Girls	12	Human Trafficking Trafficking of Human Organs Trafficking in Women and Children Trafficking of Children for Labour Trafficking in Tribal Women Trafficking of Minor Girls and Children Child Trafficking by Juvenile Homes Legislation On Trafficking	36

List of Abbreviations

ACHR	Asian Centre for Child Rights
ACT	Against Child Trafficking
ADGP	Additional Director General of Police
AHTUs	Anti Human Trafficking Units
AIDS	Acquired Immune Deficiency Syndrome
BLSA	Bonded Labour System Abolition Act
BP Act	Bombay Police Act
BSF	Border Security Force
CAC	Central Advisory Committee
CACT	Campaign Against Child Trafficking
CARA	Central Adoption Resource Authority
CAWCs	Crimes against Women's Cells
CBI	Central Bureau of Investigation
CHI	Child Helpline International
CID	Criminal Investigation Department
CRLA.	Criminal Appeal
CRO	Crime Records Office
CrPC	Code of Criminal Procedure
CWCs	Child Welfare Committees
DCPU	District Child Protection Unit
DIG	Deputy Inspector General of Police
District SP	District Superintendent of Police
DMPU	District Missing Persons Units
DSW	Department of Social Welfare
DWCD	Department of Women and Child
EBMF	The Esther Benjamin Memorial Foundation
ECPAT International	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ECS	Electronic Clearing System

FIR	First Information Report
GD	General Station Diary
GRP	Government Railway Police
HIV	Human Immunodeficiency Virus
HTMIS	Human Trafficking Management Information System
ICaCT	International Campaign Against Child Trafficking
ICDS	Integrated Child Development Scheme
ICPS	Integrated Child Protection Scheme
IG	Inspector General of Police
IGNOU	Indira Gandhi National Open University
ILO	International Labor Organization
IOM	International Organization of Migration
IPC	Indian Penal Code
IPCC	International Police Cooperation Cell
ISS	Institute of Social Sciences
ITPA	The Immoral Traffic (Prevention) Act
JJ Act	The Juvenile Justice (Care and Protection of Children) Act
JWO	Juvenile Welfare Officer
MARG	Mankind in Action for Rural Growth
MEA	Ministry of External Affairs
MHA	Ministry of Home Affairs
DMPU	Missing Persons Unit
MLAT	Mutual Legal Assistance Treaty
MoLE	Ministry of Labour and Employment
MPB	Missing Persons Bureau
MPS	Missing Persons Squad
MSCPCR	Maharashtra State Commission for Protection of Child Rights
MSS	Malaysian Social Services
MWCD	Ministry of Women & Child Development
NALSA	National Legal Services Authority
NCPRCR	National Commission for Protection of Child Rights
NCRB	National Crime Records Bureau
NGO	Non-governmental organization
NHRC	National Human Rights Commission

NIC	National Informatics Centre
NPA	National Plan of Action
PCMA	Prohibition of Child Marriage Act
PCR	Police Control Room
PIO	Public Information Officer
POCSO Act	Protection of Children from Sexual Offences Act
PWDVA	Protection of Women from Domestic Violence Act
RCPCR	Rajasthan Commission for Protection of Child Rights
RPF	Railway Protection Force
RTIs	Right to Information
SARI	South Asia Regional Initiative
SC/ST/OBC	Scheduled Caste, Schedule Tribe, Other Backward Caste
SCRB	State Crime Records Bureau
Sexual Harassment of Women at Workplace (PPR) Act	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act
SJPU	Special Juvenile Police Unit
SOP	Standard Operating Procedure
SPO	Special Police Officer
SSB	Sashastra Seema Bal
TIP Report	Trafficking in Persons Report
TOT Programs	Training of Trainers
UN	United Nations
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Emergency Fund
UNIFEM	United Nations Development Fund for Women
UNODC ROSA	United Nations Office on Drugs and Crime, Regional Office for South Asia
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention Against Transnational Organized Crime
UoI	Union of India
USAID	U.S. Agency for International Development
UT	Union Territory
WHO	World Health Organization
WT	Wireless Transmission

HAQ: Centre for Child Rights

HAQ: Centre for Child Rights, formed in 1998, works towards the recognition, promotion and protection of rights of all children. It aims at contributing to the building of an environment where every child's rights are recognised and promoted without discrimination and in an integrated manner. HAQ believes that child rights and children's concerns have to be mainstreamed into all developmental planning and action and must also become a core development indicator.

To carry forward this mandate, HAQ undertakes research and documentation and is actively engaged in public education and advocacy. In India, HAQ pioneered the Budget for Children analysis in 2001. Over the years, it has developed skills for quick and incisive scanning of law and policy documents and commenting on them. It works with existing networks, builds alliances and partnerships with other actors/ stakeholders such as the bureaucrats, parliamentarians, judges and lawyers, police and media.

HAQ seeks to serve as a resource and support base for individuals and groups dealing with children at every level. It not only provides information and referral services but also undertakes training and capacity building for all those working with children or on issues concerning them, and for the children themselves.

HAQ works on children and governance, violence and abuse of children, child trafficking and juvenile justice. It provides legal support to children in need, particularly those who are victims of abuse and exploitation or are in conflict with the law. HAQ is the National Coordination Office of Campaign Against Child Trafficking (CACT).

The Krishna Rao Foundation

Our pledge to end modern day child slavery "When our daughter was born in Japan, they handed us a blue book, in which the vital statistics of the baby are recorded and as the child grows, the parent fills out the book with the child's progress. The most interesting part of the book was on the last page. It listed out the fundamental rights of the child, her place in society and the responsibility of society to ensure the child has a full and safe life. As a society, we owe it to the children who suffer unimaginable abuse to do what is in our power to eradicate the problem." Extracted from a speech Krishna Rao made at an Anti-child trafficking event in London

Over the past 9 years, The Krishna Rao Foundation has invested \$ 2.5 million in combating child trafficking in India. With their support 9,962 child victims of trafficking were rescued and saved from a life worse than death. To date, The Foundation has funded 17 organisations across India. The Foundation also encourages and inspires individuals, companies as well as trusts and foundations to leverage the power of philanthropy by hosting awareness events in London and India.

iPartner India

iPartner India seeks to leverage the power of giving towards creating a more just and equitable society. The organization focusses on helping major donors and businesses discover, engage with and support inspiring projects in India to help bring about change. iPartner manages philanthropic investments and helps direct these investments towards its key themes of vulnerable children, education, women & livelihoods, environment, health and child trafficking. iPartner encourages grassroots organisations to scale up to the next level and offers mentoring programmes that enable them to run innovative, efficient and impactful programmes.

iPartner India believes that the fight against child trafficking needs bold initiatives, participation of local communities, and tangible solutions. To achieve this, the organisation supports programme partners who work tirelessly on the ground to limit and break human trafficking chains.

In less than ten years, iPartner India has invested over \$11 million in more than 75 programmes across 20 states in India.

**The Krishna Rao
Foundation**

