

Human Trafficking: dimensions, Trends, Challenges & Sensitive, Professional Response

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Glimpses of response from Sikkim: commendable initiatives

- **Missing Children: (Sikkim HC, 2018–2019):** Court-monitored missing-children cases; directed transfer to AHTU within 24 hours of FIR and ensured coordination.
- **Vulnerable Witness & child-friendly courts:** The High Court's Notification No. 08/Confdl/HCS (17.08.2022) on “vulnerable witnesses” and use of Vulnerable Witness Deposition Centres (VWDCs) is a landmark initiative.
- **Capacity-building:** Sikkim Judicial Academy regularly trains judges/prosecutors on trafficking, witness protection & compensation.
- **Sikkim Police AHTU, set up in CID on 18 May 2011:** coordination node with courts.

Some media coverages:

Let us appreciate good work

- NDTV (2021): Assam Police rescued 13 more trafficked women/children; follows a larger **rescue in Sikkim** two weeks earlier.
- New Indian Express (2021): 40 Assam children rescued **in Sikkim**; arrests busted an **inter-state network**.
- Sikkim Express (2025): 34 women rescued at Siliguri Junction; suspected **trafficking corridor** relevant to Sikkim–North Bengal.
- India Today NE (2025): Three Sikkim girls **rescued in Siliguri**; verified by AHTU & Soreng Police, returned safely to Gangtok.

Recent instances of HT: understanding the Trends and Dimensions

Jharkhand to Tamil Nadu to Kerala

- 14 year old girl from JH
- Trafficked to Tirupur, via Chennai
- Declared purpose: work in hosiery factory
- Promised all perks
- Promises were hollow
- Tortured: Physical, emotional, sexual....
- Pregnant, delivered baby girl
- Thrown out...
- Rescued by Childline in a Rly Stn in Kerala
- **And what happened/did not happen...**

Children with missing nails (corroded & destroyed)

- 9 boys from JH, 9-11 years of age
- Trafficked to Chennai/Salem
- Declared purpose: work in cleaning silver jewellery
- Promised all perks; Promises were hollow
- Display Board says: “CHILD LABOUR PROHIBITED”
- “NO WORK WITHOUT GLOVES”.
- And the reality on ground:
- Tortured: Physical, emotional, Financial....
- Nails worn out... Rescued by Childline
- CWC story...
- **Internet used by “LABOUR CONTRACTORS”.**



Jaipur Bangle Business:

the story vs truth

Advertisement says
“Handmade, exquisite:
Bangles for ever”.

Are all of them made by genuine labour?

How many of us ask that question? If it is made by child in forced labour, will you buy it?

What the rescued child has to say....

ABUSE OF INTERNET for “EMPLOYMENT RECRUITMENT”

Is our silence the reason for child trafficking ?

What do we see **when we see?**

What does others do **when they see?**

- **Adolescents struggling with pornography in the cell**
- **Children begging on the street... Are they beggars?**
- **Children working in Brick Kilns.. Are they workers?**
- **Children working in Floriculture.. Do they have freedom?**
- **Children in militancy.. Are they militants?**
- **Children in cracker/ explosive factory/ slaughterhouse/ tannery... Where is their childhood?**
- **Girls working in massage parlours; Are they happy?**
- **Question to ourselves: Are they not trafficking of persons...**

Case study of Uzbek woman
[see ppt](#)

Understanding Human Trafficking:

Conceptual clarity

370 IPC/ 143 BNS

370A IPC/ 144 BNS

- New dimensions in definition
- All comprehensive
- Clarity
- Need effective utilization by all of us
- Yet challenges are many before public

ACTION

Any of the following acts:

- RECRUITS
- TRANSPORTS
- HARBOURS
- TRANSFERS
- RECEIVES

Modus operandi

- Using **threats**
- Using **force** or any form of **coercion**
- By **abduction**
- By **deception** or practicing **fraud**
- By **abuse of power**
- By **inducement**

so as to achieve the consent of the person
trafficked

purpose/ mens rea

- **For the purpose of exploitation**
 - meaning **ANY TYPE** of **EXPLOITATION**, including:
 1. **Any act of physical exploitation**
 2. **Any act of sexual exploitation**
 3. **Slavery**
 4. **Practices similar to slavery, servitude**
 5. **For removal of organs**
- Only illustrative, not exhaustive (note the words “shall include”)
- **Consent of the trafficked victim is immaterial**

present scenario

- Offline trafficking
- Online trafficking

Types of HT

- Trafficking For Commercial Sexual Exploitation
- Trafficking for Exploitative Labour
- Trafficking for physical exploitation
- Trafficking for slavery/servitude
- Trafficking for organ trade/harvesting

However, on ground, all are mixed up



Source: fantasticfest.com



Source: dailytimes.ng



Source: Wikimedia Commons



Source: theday.co.uk

Trafficking for labour: known manifestations

❖ **Exploitative labor-**

➤ **Domestic, Industrial, Agricultural, etc**

(common: brick kiln, zari work, slaughter house, stone crushing etc)

➤ **Entertainment (circus) etc ...**

➤ **Camel racing**

➤ **Begging**

➤ **Militancy**

➤ **Terrorism**

➤ **Naxalism**

➤ **Child Soldier etc...**



Trafficking for labour: manifestations contd...

- ❖ Drug couriering
- ❖ Liquor carriers
- ❖ Arms/ Explosive carriers
- ❖ Child labour
- ❖ Bonded labour
- ❖ Forced labour
- ❖ Façade of orphanage
- ❖ Façade of illegal migration
- ❖ Façade of human smuggling

Forced labour means:

“Any work or service which is exacted from a person under the menace of penalty and for which the person has not offered himself/herself voluntarily.”

- ILO Convention 29

= Means slavery

Which crime do we see
in this picture?



Source:indiaeducationdiary



Source:kailashafoundation

Photo credits:UN photo

- Do we ensure actions under:
 - IPC
 - CLAA
 - BLAA
 - POCSO, if applicable
 - And others, as they apply?

Bonded Labour

under BLAA 1976 + SC rulings

- **Bonded labour means** any labour or service rendered under the **bonded labour system**.
- **Bonded labour system means** the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have entered, into an agreement with the creditor
- **Bonded labourer** means a labourer who incurs, or has, or is presumed to have, incurred, a bonded debt.
- **Bonded debt** means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system
= **SLAVERY**

Bonded = Trafficked

S.2(g) BLAA 1976: obligations stated esp in sub-clauses (ii), (iii), (iv), (v), which render a person or family member or dependent, provide labour or service for any period **with nominal wages** (less than min wages), or **forfeit freedom of employment** for any period, or **forfeit the right to move freely anywhere** in India = clearly **enslaved = trafficked**

Trafficking for commercial sexual exploitation

TRAFFICKING FOR CSE

- Brothel-based
- Non brothel based
- e-based

many-a-façade and camouflage

- Sex tourism
- Culturally sanctioned practices
- Religious tourism
- Façade of
 - Massage Parlour
 - beauty parlour
 - tourist circuit
 - bar tending
 - escort services etc...
- Pornography
- Internet invasion by traffickers...
- ...

New forms:
human ingenuity at its worst

- **Trafficking for orphanages/missionary work**
- Trafficking for skin grafting
- Trafficking for surrogacy
- Trafficking for medical tests (as guinea pigs!)
- Trafficking for adoption
- Trafficking under the façade of medical tourism

**A GIRL CHILD TRAFFICKED
INTO
COMMERCIAL SEXUAL EXPTN**

Let her speak.....

The victim is subjected to multiple crimes:

1. **DISPLACED (ABDUCTED)**
2. **CRIMINALLY CONFINED**
3. **CRIMINALLY RESTRAINED FROM THOUGHT / ACTION**
4. **PHYSICALLY & MENTALLY TORTURED / INJURED**
5. **SOLD**
6. **PURCHASED**
7. **MODESTY OUTRAGED**
8. **RAPED REPEATEDLY**

9. **VICTIM OF SEXUAL PERVERSIONS**

10. **SERVITUDE & DEBT BONDAGE**

11. **PRIVACY DENIED**

12. **ACCESS TO JUSTICE DENIED - NO
REDRESSAL**

13. **CRIMINAL CONSPIRACY**

14. **MULTIPLE ABUSE & ABUSERS**

*** ORGANIZED CRIME* (BNS 111)**

*** BASKET OF CRIMES***



HUMAN TRAFFICKING



Dimensions, Challenges & Responses

P.M. NAIR

The Book, Human Trafficking: Dimensions, Challenges and Responses by PM Nair, 2010, published by Konark Publishers, Delhi. Contact publishers on email

Features of human trafficking: a recap

- Displaced From Community
- Transportation ?
- Coercion / Deception
- EXPLOITATION Of Vulnerability
- Commercialization
- Commoditization
- Servitude
- Violation Of Human Rights
- Extreme Form Of Violence
- Organised Crime
- Basket Of Crimes

human smuggling
vs
human trafficking

| Human smuggling | Human trafficking |
|---|--|
| <p>It is always trans-border. In smuggling, one or more persons are smuggled across borders of the nation</p> | <p>It can be within the nation or trans-border also. The trafficker can traffic a person anywhere</p> |
| <p>The smuggled person is part of the problem, as he/she agrees to be smuggled</p> | <p>The trafficked person is unaware of the fact that he/she is being trafficked.</p> |
| <p>The smuggled person also consents to be smuggled</p> | <p>The trafficked person does not consent. Even if the consent is taken, it is not informed consent, as it is taken by lure, deception or force.</p> |
| <p>Consent decides if it is smuggling</p> | <p>Consent is immaterial as it is not informed consent</p> |

HT data from Sikkim: CII 2023

2018- 1

2019-0

2020- 1

2021-0

2022-0

What does the data show?

esp after reading the media reports...

Some relevant media highlights

- NDTV (2021): Assam Police rescued 13 more trafficked women/children; **follows a larger rescue in Sikkim two weeks earlier.**
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National data on Human Trafficking^(fromCII)

| | 2022 | | 2021 | 2020 | | 2019 | 2018 | |
|---|-------|----------------|-------|-------|-------|-------|------|--|
| Trafficking cases reported | 2250 | % of total | 2189 | 1714 | 2260 | 2465 | | |
| Trafficking cases chargesheeted | 1830 | | 1645 | 1402 | 1606 | 1910 | | |
| Persons Arrested | 5864 | | 5755 | 4968 | 5128 | 5362 | | |
| Persons chargesheeted | 4639 | | 4120 | 3661 | 3638 | 3922 | | |
| Persons convicted | 204 | 204/4639=4.39% | 64 | 101 | 324 | 432 | | |
| Cases convicted | 131 | 131/1830= 7.1% | 32 | 49 | 172 | 202 | | |
| Cases acquitted | 545 | 545/1830= 29% | 169 | 414 | 538 | 485 | | |
| Persons acquitted by court | 1134 | 1134/4639=24% | 520 | 715 | 1329 | 1126 | | |
| Victims rescued – all ages | 6693 | | 6213 | 4680 | 6571 | 5264 | | |
| Victims trafficked for the purpose of sexual exploitation | 1983 | | 2049 | 1466 | 2080 | 1922 | | |
| Trafficked children | 2878 | 2878/6639=43% | 2877 | 2222 | 2914 | 2834 | | |
| Total Recovered / Traced in 2021 | 80561 | | 76827 | 64573 | 71253 | 71176 | | |

India's **stolen** children...

- NHRC Study 2002-2004 showed as below:
 - Yearly reported **missing: 44000** children
 - Remaining **untraced: 11000** per year
- BBA study 2010-11
 - Yearly reported **missing: 1,10,000** children
 - Remaining **untraced: 41000** per year
- Where are they? Most of them are under exploitation and slavery of different types.(example: Many such children are exploited by traffickers for 'begging' on the streets)
- **Situation has improved a lot...much more to be done**

Missing children

| | 2022 | | 2021 | 2020 | 2019 | 2018 |
|---------------------------|--------|-------------------------|---------|--------|--------|--------|
| Male | 33759 | | 31224 | 28976 | 36972 | 37543 |
| Female | 94079 | | 90113 | 79233 | 82619 | 77942 |
| Transgender | 36 | | 14 | 25 | 26 | 161 |
| Children (Total) | 127874 | | 1221351 | 108234 | 119617 | 115656 |
| Untraced Missing Children | 47313 | 47313/127874=37% | 44524 | 43661 | 48364 | 44480 |

Rly Childline rescues (an example)

Example: Telengana Railway CHILDLINE Interventions (1April 2020- 31 March 2021)

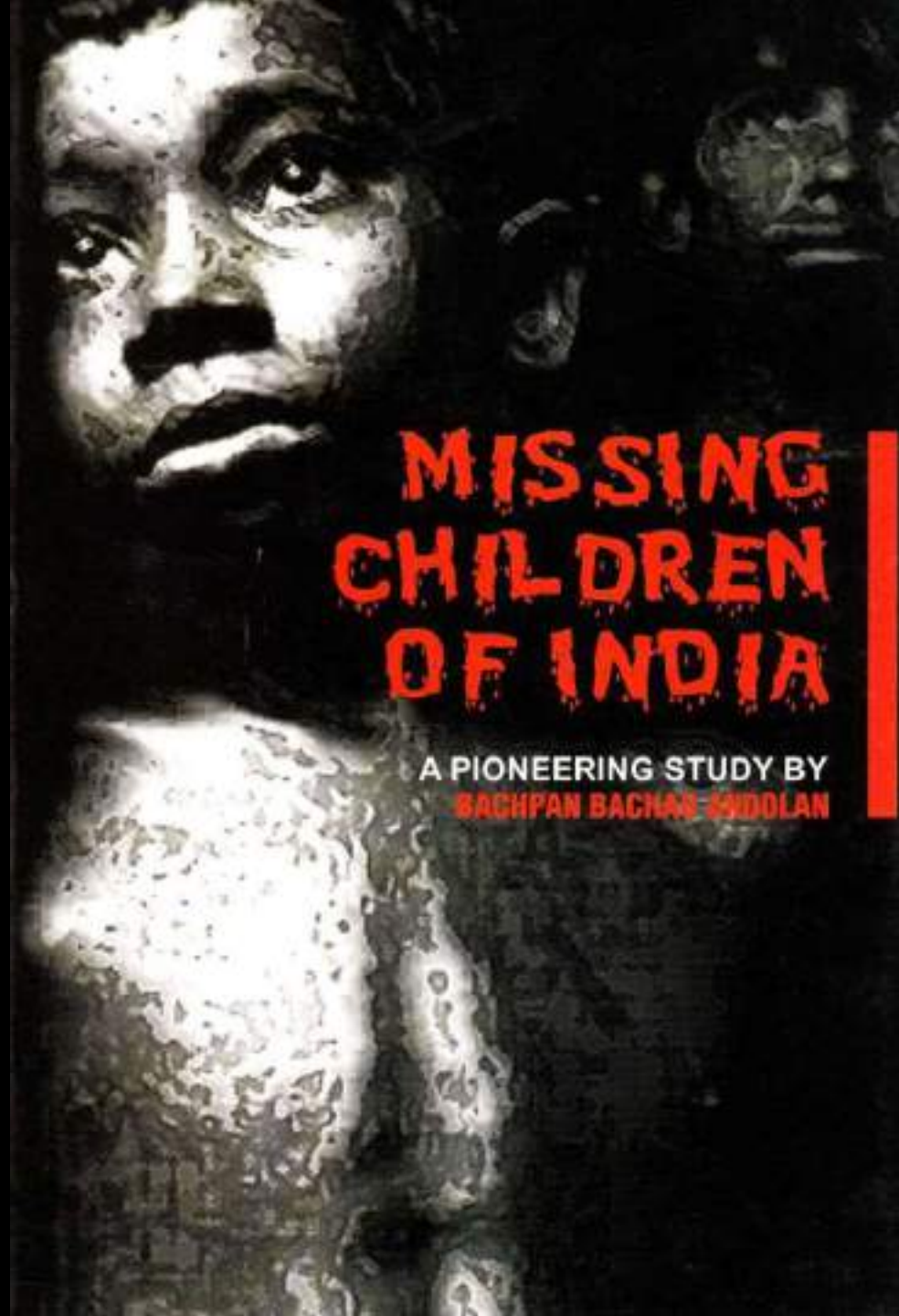
| Name of Districts | Child Labor | Missing (Lost & found) | Runaways?? | Trafficked | Total |
|-----------------------|-------------|------------------------|------------|------------|-------|
| Hyderabad - Nampally | 7 | 0 | 43 | 0 | 50 |
| Hyderabad - Kachiguda | 3 | 2 | 258 | 5 | 268 |
| Khammam | 17 | 1 | 21 | 0 | 39 |
| Nizamabad | 0 | 0 | 5 | 0 | 5 |
| Secunderabad | 1 | 3 | 49 | 0 | 53 |
| Warangal | 3 | 0 | 26 | 0 | 29 |
| Total | 31 | 6 | 402 | 5 | 444 |

MISSING PERSONS

VS.

TRAFFICKING

BBA Research 2011



BBA vs UOI
on
missing children

SC orders 17 Jan 2013

Ops smile

- Start
- Impact
- Replication
- Lessons learnt
- What is done and what is not

Film 1

see

<https://www.youtube.com/watch?v=v-hBfhwEH6Q>

and

<https://www.youtube.com/watch?v=ZVV02DaNG5c>

Interstate rescues

- Rescue of women and children from other States:
- Follow up action...
- Proactive AHTUs and Nodal Officers

Post covid 19 Scenario: Sex trafficking

- High level of increase. How and why...
 - Work at Home, All confined
 - Children and adolescents
 - Free time
 - Internet everywhere
 - Internet safety protocols: Not aware/Not available
 - Traffickers are also there
- ‘Elephant is in the room’

The
HINDU
dated
23.9.2024:
Child Sexual
Exploitative
& Abusive
Material
(CSEAM)

The Hindu 24.9.24

Watching 'child sex abuse' material is an offence: SC

Court advocates using the term 'Child Sexual Exploitative and Abuse Material' instead of 'child pornography' to avoid trivialisation of the crime, calls for suitable amendment to POCSO Act

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Monday held that viewing in private, downloading, storing, possessing, distributing or displaying pornographic acts involving children attract criminal liability under the Protection of Children from Sexual Offences (POCSO) Act and the Information Technology Act.

The verdict was based on an appeal filed by Just Right for Children Alliance, a non-governmental organisation, against a Madras High Court decision that mere possession or storage of any pornographic material was not an offence under the Act. The High Court had concluded that watching or down-

Any visual depiction of a sexually explicit act which any ordinary person of a prudent mind would reasonably believe to *prima facie* depict a child or appear to involve a child, would be deemed as 'child pornography' for the purposes of the POCSO

SUPREME COURT



loading pornographic acts involving children in private domains was not a crime.

A three-judge bench, headed by Chief Justice D.Y. Chandrachud, said the sexual act was only the beginning of a child's victimisation. "It continues through its recording, and perpetuates as photographs and videos that float through cyberspace, freely accessible to anyone

who has the ability to surf the Internet... The knowledge that their abuse is being watched by countless strangers, sometimes years after the actual event, exacerbates the psychological wounds on top of the trauma that was already induced by the act in the first place. This perpetuating violation deprives the victim of any remaining hope or chance to heal, recover from the abuse and find

closure," Justice J.B. Pardiwala, who authored the 200-page judgment termed as groundbreaking by the Chief Justice, observed.

The Supreme Court urged Parliament to "seriously consider" amending the POCSO Act to substitute the term "child pornography" with "Child Sexual Exploitative and Abuse Material" or CSEAM.

The court said the government must promulgate an ordinance in the meantime to bring about the suggested amendment. It directed courts across the country to replace 'child pornography' with CSEAM in their judgments and orders.

CONTINUED ON
» PAGE 10

Post covid 19: new dimensions in sex trafficking

- ICPF study few months back: 5 Million Indians from 100 cities in India searched internet for child pornography
- What does it mean
 1. High demand =
 2. High production =
 3. Producers making huge profits.
 4. Producers are exploiting children for making porn =
 5. Several children, at home, are being exploited
 6. Who are these persons? They are amidst us
 7. What will they do after this? They are the ones who “demand” child sex. They are the real culprits; Demand perpetuates exploitation and crime
 8. Beware...
 9. What we need to do? Educate the adolescents and children

Online abuse of children and response

- Commendable initiatives
- Working out the linkages and bringing all offenders to book...

Trends in human trafficking

- Increase...
- Demand going up...
- More children in labour...
- More women in sex and labour exploitation
- More demand for girls in sexual exploitation
- Increase in Illicit assets
- Unlimited and free space in the net
- Cyber trafficking on the increase
- Increase in interstate and transborder crimes
- Covid 19 has exacerbated the exploitation.

Legal Regime

Anti-Human Trafficking: A constitutional obligation...

Preventing and combating all
forms of human trafficking:

A constitutional mandate

Article 23 of our Constitution prohibits trafficking for any exploitation...

Constitutional mandate

Constitutional right against HT

Violation is deprivation of FR

Prevention is FD

Accountability of all of us...

Constitutional offence.. Legislature was only to prescribe punishment

Impressive Legal Regime

- Constitution of India
- Substantive laws :IPC, CrPC, EV Act
- **BNS, BNSS, BSA of 2023/2024**
- Special legislations: POCSO Act, ITPA, JJAct, IT Act, PMLA, BLAA, CLAA etc
- State legislation
- State Plan of Action
- MHA Advisories
- SC rulings
- HC rulings
- NHRC guidelines

Legislations to Combat Trafficking

- **Indian Penal Code 1860**
- **Special Attention S.370 And 370A /143 and 144 BNS**
- **Amendments in Ev Act**
- **Procedural Laws, amendments in CrPC**
- **Sc And HC Rulings**
- **Child Rights Convention (CRC)**
- **Conv Of Elimination Of Discrimn Against Women. (Cedaw)**
- **TNOC and Protocols**

Spl laws

- **IMMORAL TRAFFIC PREVENTION ACT, 1956**
- **POCSO**
- **JUVENILE JUSTICE CARE & PROTECTION OF CHILDREN ACT 2015.**
- **Bonded Labour Abolition Act/ Child Labour related Acts**
- **Goa Children's Act 2003.**

The ITPA- strengths
(new trafficking law is in the anvil)

Authorities under PITA

- Special Courts By State or GOI (S.22)
- Special Police Officers in States (S.13.1)
- Trafficking Police Officers with all-India jurisdiction (S.13.4): CBI notified
- Non-official Advisory Body to associate with Special Police Officers (13. 3.b)
- Panel of NGOs to assist Court (17.5)
- Correctional Service Officers(S.21)

Highlights of ITPA

- The purpose is to address “**Trafficking**” & not Prostitution.
- Sections 3-9 are substantive, the rest cover procedural aspects.
- Applies to males and females
- Recognizes the Role of NGOs
- Attention to women’s rights
- Special attention to child rights
- Innovative Presumption Clauses

Unique spl prov under ITPA

- **Protection** against civil and criminal action on SPO and NGO/PW attending searches and rescue: S.15.6 ITPA
- SPO can arrest w/o warrant, authorise any subordinate in writing, S.14
- Search **without** warrant, S.15
- **Med exam** of rescued person is **mandatory**, S.15.5A
- Rescued woman to be interviewed by **female police** only; or else female NGO with male police, 15.6A
- **Home Verification mandatory** before release (S.15)
- Any person in CSE can seek rehab as a right, S.19

Spl. provs against CHILD trafficking

- Trafficking a child - procuring, inducing, taking or attempting to prostitute- minimum RI for 7 years. S.5(d)(i)
- Child found in a brothel- detention presumed. S.6(2)
- Medical exam of child found in brothel shows sexual assault- presumed that she has been subjected to CSE. S.6(2A)
- Any person who carries on prostitution with a child is liable for minimum 7 years punishment AND fine. S.7(1A)
- Prostituting a child in a Hotel- Hotel license liable to be cancelled. S.7(2).

the law of presumption

moving to investigation 106

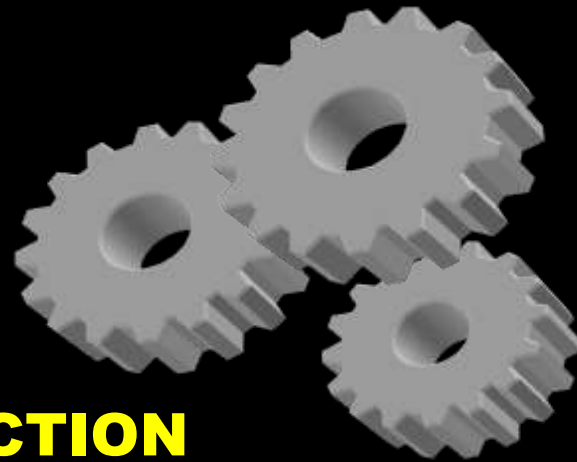
Moving Ahead

NHRC study:

Holistic and Integrated Response

P-P-P MODEL

PREVENTION



PROTECTION

PROSECUTION

PRS

Professional+ Sensitive Response

Good practices in plenty

Challenges in response

- Priority
- Uneven levels of **KSAR**
 - Understanding (**K**nowledge)
 - Methods (**S**kills)
 - Sensitivity (**A**ttitude)
 - Lack of **R**esources
- Need **ASK Model**
- Lack of convergence of Stakeholders
- Silence of the masses (media included)
- and...

Downslide:

- **Poor reporting; registration; law enforcement**
- **Uneven levels of Professionalism**
- **Nil/ low priority issue**
- **Lack of convergence of stakeholders**
- **Rehabilitation: stereotyped**
- **Investigation: perfunctory**
- **Poor conviction rates**
- **Victimization of victims**
- **Lack of attention on demand**
- **Rehabilitation: a major handicap**
- **.....**

Victimization of victims, unending ?

- Primary victimization in the process of trafficking
- Secondary victimization at the hands of the responders
 - Rescue stage, Investigation stage, prosecution stage, long, arduous, unpredictable stay at Homes, trial stage, rehabilitation stage, repatriation stage ...
- Tertiary victimization on rehabilitation at the community

Protection

Rescue and Care in Rescue Process

- ITPA S.15
- ITPA S.16
- Preparation & Planning
- Protocols, SOPs, Guidelines
- Associating NGOs
- Care of victims
- **Steps to ensure Rights and Dignity of victims**
- Law provides estoppel against legal action for conducting rescue

Post Rescue Care

counseling

- Immediate care
- Subsequent stages
 - During Home stay
 - During investigation
 - During prosecution
 - During court trial
- After court verdict
 - Offender in jail
 - Offender at large

Lesson learnt

- Understand the victim
- Listen to the victim
- The untold story
- Document the harm
- Associate psycho social counsellors/NGOs
- **Advantage to the Victims are in plenty**

Post rescue care

- Counseling & Empowerment
- Preventing further traumatization
- Preventing further victimization
- Relief, compensation and other Aid
- Legal aid/representation
- Restoration
- Repatriation
- Reintegration
- rehabilitation

Rehabilitation:

All of us can be Catalysts in Rehab

- **Rehab essential to Prevent Re-trafficking = Duty of us.**
- Why rehab has to be effective, & from victim perspective
- **Being catalyst in rehab**
- **Many Out-of-the-box initiatives by Police, Judiciary, NGOs, etc**
- **Sterling Model in Mr Mahesh Bhagvat IPS**
- **Do your bit too: It makes a great impact.**
- **Plenty of Govt schemes/programmes available:**
 - **Know them, Connect with them**
- **Develop convergence and coordination with all related Govt agencies and NGOs**









Crime Registration Investigation prosecution and further

Intelligence & Indicators

- Int from
 - Sources
 - NGOs
 - Crime investigation (esp from s.o.c.)
 - Interview of Victims (AP Case study)
 - Interrogation of suspects/traffickers
 - Electronic trail (Kerala Case study)
 - Social media watch (Mizoram case study)
- Common Indicators: Observation skills reqd.

- **Where should the FIR be?**
- Issues of jurisdiction?
- Rescue on Railway Platform by RPF, then?
- **Who will be the complainant?**
- Can rescue be held before registration of FIR?
- Women police officials reqd?
- Associating **good NGOs** well in advance
- Age matters: CWC Vs Magistrate
- Gender matters: Women police for interview?

Lesson learnt

**Police and AHTU to
reach out to the victim & crime**

**know the victim
from the victim's perspective**

1. Displaced (abducted?)
2. Criminally confined
3. Criminally restrained from thought / action
4. Physically & mentally tortured / injured
5. Sold
6. Deprived of Liberty
7. Purchased
8. Modesty outraged, raped repeatedly
9. S-T-D Linked
10. Huge revenue generated from exploitation...
11. Victim of several crimes, multiple harms:
12. Access to justice denied
13. Victim of Organized crime, Deprived of HR and Dignity
14. Subjected to a 'Basket of Crimes'...

Why trafficking?

- Is it lack of education?
- Is it lack of awareness?
- Is it due to lack of livelihood?
- Is it due to child abuse and exploitation at home?
- Is it poverty?
- Is it due to poor law enforcement?
- Is it demand?

**Vulnerability factors and
Demand factors**

VULNERABILITY FACTORS

- Socio cultural factors on top
- Ignorance of rights
- Lack of access to rights
- Illiteracy
- Gender discrimination
- Neglect/ lack of community/family care
- Abuse of children: different violations
- Economic deprivations
- Unemployment
- Disasters and resultant distress (Covid Scenario)

DEMAND FACTORS

- **The very demand**
 - **Crass commercialization of human beings**
 - **Violence unleashed**
- **Power / authority**
- **Profit**
- **Anonymity**
- **Nexus**
- **Impunity**
- **Poor/distorted law enft/justice delivery.**

Lesson learnt

- Address the vulnerability working along with other stakeholders
- Address demand by:
 - Aggressive Law Enforcement
 - Working along with the stakeholders for demand reduction/control

Moving on
to
Investigation
and further...

Know the Offenders

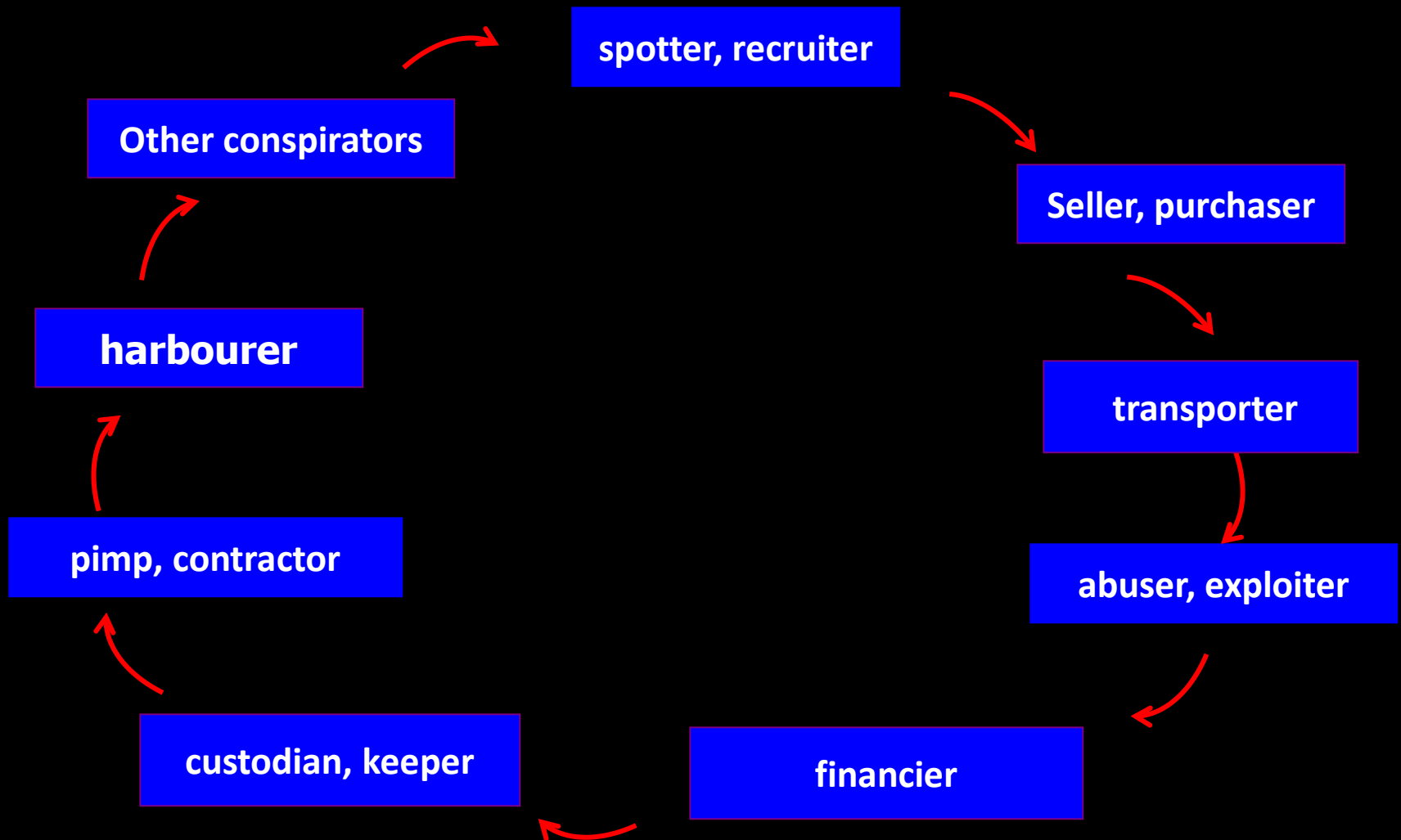
Do we investigate & Prosecute all of them?

- ⌋ spotter, recruiter,
- ⌋ Seller, purchaser,
- ⌋ transporter,
- ⌋ abuser, exploiter,
- ⌋ financier,
- ⌋ custodian, keeper,
- ⌋ pimp, contractor,
- ⌋ nexus???
- ⌋ Other conspirators...

the Organized Crime with no boundaries

- source – transit- destination linkages
- push and pull factors linked
- electronic space gives further scope
- well networked
- nexus...

Trafficking Network



Economics behind forced labour trafficking

- 360 billion USD = 21 Lakh Crores INR are generated by enslaving children in exploitation in India
- Equivalent to one fifth of India's GDP
- This black money propels capital corruption and sustained exploitation of children in India
 - Kailash satyarthi, "Economic Behind Forced Labour Trafficking", Global March Against Child labour, 2014

Story of traffickers illicit assets

- BRP at Delhi
- Panna Lal Mahto of RNC

PMLA Case of ED

Lesson learnt

- Investigate from the organized crime perspective
- Investigate S to T to D
- Investigate into all stakeholders in the crime
- Intercept communications
- Utilize forensics as in any crime of rape/CSA
- Confiscate illicit

Effective response

- Prompt
- Professional Investigation
- Int sharing by all AHTU/CWC/DCPU
- Evidence sharing by all AHTUs
- Team investigation
- **Need for senior officials to be part of the Team**

Customer in sex trafficking

- Customer is Offender, criminal
- He is the one who causes and perpetuates demand
- If there is no demand, there is no trafficking
- Examples:
 - If **men stop 'demand'**, there will be no trafficking for sexual exploitation
 - If all of us **stop watching 'child pornography'**, the child pornographers will have to close their “business”. It is the demand by us that makes them produce child porno by exploiting children.

Kerala High Court Judgment 7Dec 2022

- Customer in a brothel is liable and be booked under Immoral Traffic Prevention Act:
- Justice Bechu Kurian Thomas held that a 'customer' would come under the purview of a 'person with whom the prostitution is carried on' under Section 7(1) of the Act as sexual exploitation cannot be done singularly. "The meaning to be ascribed to the words the "person with whom such prostitution is carried on" is significant for this case.
- <https://www.barandbench.com/news/customer-brothel-can-be-booked-immoral-traffic-prevention-act-kerala-high-court>

Scientific Investigation

Professional Investigation

- SOC: Link source to transit to destination
- POA to include all places and all offenders
- Team investigation? Expert assistance?
- Registering crime Vs Rescue: after or before?
- 161 CrPC/ 180 BNSS
- 164 CrPC/ 183 BNSS
- 172 CrPC/ 192 BNSS
- Physical Evidence: SOC, Search of suspected place/persons
- Electronic Evidence
- Financial Evidence
- Documentation/ Presentation

Professional investigation & Prosecution contd...

- Statement analysis, document/materials/evidence analysis
- Tracing illicit assets: confiscation
- Concluding: Cross checking on gaps, further investigation if reqd
- Presentation to the Court of Law: utilizing all legal prov of all laws; technology in trial
- Court monitoring, follow up action
- Magisterial actions to evict, surveillance etc of concerned
- Relief, compensation to victims

Skills required: Essential skills

- **Communication skills**
- **Interviewing skills**
- **Interrogation skills**
- **Observation skills**
- **Listening skills**
- **Technology/Forensics integration skills**
- **Documentation skills**
- **Presentation skills**
- And.....

Interviewing skills

- Ice breaking
- Facilitating
- Observing...
- Cognitive interviewing
- Helping retrieve memory
- Giving time
- Listening to the unspoken...

Active Listening

- **Listen to the unspoken**
- 65-35 % principle
- Even 35 becomes zero for a demolished victim
- Hence we need to listen
- How to record
- Case study of “Chocolate uncle”

Do we really listen?
(exercise)

Interrogation skills

- Scientific methods in interrogation
- Example: RPMA technique
 - Rationalization
 - Projection
 - Minimization
 - Assurance

Follow up on Interrogation

- Document analysis
- Material evidence analysis
- Electronic evidence analysis
- Utilizing leads/evidence in interrogation
- Statement documentation and analysis
- Recovery & Discovery from interrogation
- All are applicable to HT crimes too...

Degrees in Interrogation

- 1st Degree
- **2nd Degree**
- **3rd Degree**

Filing Charge sheet : Utilizing all relevant laws

- Sex trafficking (trafficked when adult):
 - 370 IPC/143 BNS + ITPA
- Sex trafficking (trafficked when under 18):
 - 370 IPC / 143 BNS+ ITPA + POCSO
- Add-ons:
 - IT Act: Use of internet or electronic media;
 - Prev of atrocities on SC ST Act
 - 366A IPC/ 96 BNS: Procuration of **child**
 - 366B IPC/141 BNS: Importation of girls **or Boy**
 - 371 IPC/145 BNS: habitually dealing in slaves
 - 372 IPC/ 98 BNS: selling **child** for prostitution
 - 373 IPC/ 99 BNS: Buying **child** for prostitution

Charge sheet in Labour trafficking

- Utilizing all relevant laws
- IPC
- BLAA
- CLPA
- IT Act
- Etc...

Trans-border investigation

- Border Guarding Forces AHTU
- Linkages of LEA across borders
- Network of NGOs across borders
- Task Force under GOI+ Bangladesh Agreement
- Task Force under Maha + WB agreement
- **CBI notified u/s 13(4) in 2002**
- **NIA notified u/s 13(4) in 2019**
- Linkages with Consulate/Embassy

**Prosecution
&
follow up till logical conclusion**

Case management

- **Physical methods**
- **Electronic methods**
- **Hybrid model**

taking an extra step forward in ensuring child/women rights:

**Video Conferencing in
Transborder Trafficking
started by
Mumbai Trial Court**

laws, rulings, administrative orders in support

Commendable work by
victim
Judiciary
Prosecutor
Police official
NGO

Can we not follow this model in the case of all foreign victims?



The SOP on VC in respect of trans border crimes was drawn up and printed in 2017. Foreword by the Honble Chief Justice Maharashtra Support by MJA, TISS, IJM and J&C.

Common mistakes which need attention...

- Recording of 161 and 164 statements be not delayed
- Women witness as demanded under law be associated
- SPO should file CS, even if non-SPO starts the action
- If investigation is perfunctory, Court can call for further investigation u/s 173(8)
- Ensure simultaneous action by SDM
- Move Legal Services Authority for relief/compensation
- Connecting with appropriate NGO for counselling
- Connecting with DCPU for rehab (for children)

EVICTIION

of places of exploitation:

an effective tool in cutting out the
source of earnings of exploiters

EVICTON after conviction

- Can trial Court order eviction?
- No notice required to be given.
- Which court?
- The trial court. s.18(2)
- Where does the appeal lie? ...

Is eviction possible before conviction?

- It is possible before conviction ?
- Which court?
- DM or SDM- notice to be given + hearing the party.
Due process to be followed.
- Where does the appeal lie?
- NO APPEAL NOR STAY AGAINST ORDER OF EVICTION BY THE COURT or the MAGISTRATE. S.18(3)

Supreme Court rulings

- **AN Roy, COP Vs Suresh Sham Singh, AIR 2006 SC 2677**
- **AC Aggarwal, SDM Delhi Vs Mst Ram Kali, AIR 1968 SC 1:**
- **Chitan Vaswani Vs West Bengal, AIR 1975 SC 2473:**
- **Sunny Kamalsingh Mathur Vs COP Greater Mumbai; AIR 1968 SC1, CrLJ 2009, 1465 (Bom)**



**ROLE OF DISTRICT ADMINISTRATION IN
PREVENTING AND COMBATING HUMAN TRAFFICKING**

By

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November 2017

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Published by
Centre for Child Rights
National Law University Odisha
Kathajodi Campus, CDA,
Sector-13, Cuttack
www.nluo.ac.in

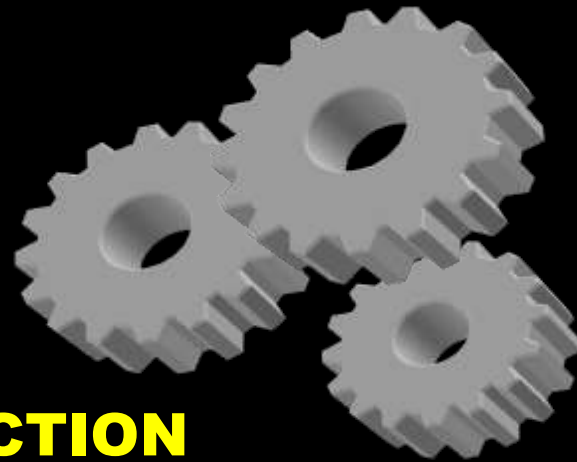
**The Handbook for
DM/SDM** on AHT,
authored by PM Nair and
published by TISS along
with NLUO and
supported by UNICEF,
2017. Copies available
with Mr Kannayiram,
NLUO, Cuttack

Coordination matters

NHRC study= Response has to be HOLLISTIC and INTEGRATED

P-P-P MODEL

PREVENTION



PROTECTION

PROSECUTION

Convergence of Govt and other agencies

- Essential for AHT mission
- Police + Women & Child + Labour + IT + ...
- Health and Forensics
- Tourism
- CWC
- SDM
- Childline
- Academics
- NGOs
-

NGOs IN LAW ENFORCEMENT

- IN THE **ADVISORY** BODY U/S 13(3B)
- SEARCH AND **INTERVIEW** OF WOMEN RESCUEE – WOMEN NGO TO BE ASSOCIATED IF WOMAN POLICE OFFICIAL NOT AVAILABLE [15(6A)]
- DECISION ON **REHABILITATION** TO BE TAKEN BY MAGISTRATE IN CONSULTATION WITH A PANEL OF 5, INCLUDING AT LEAST 3 WOMEN SOCIAL WELFARE WORKERS [17(5)]
- **HOME VERIFICATION** (CAPABILITY OF GUARDIAN ETC.), BEFORE REHABILITATION, IS TO BE DONE BY THE NGO [17A]

NGO support in Investigation and prosecution

- Under the laws
- Operational requirement
- Witnesses
- Counselling victim/witnesses
- Home verification
- Rehab work
- Mock trial
- VC
- Prevention at S-T-D

Rights of NGOs and all those working against human trafficking

- **Sex Trafficking: ITPA s/15(6) ITPA:**
 - The SPO and any other person taking part in, or attending, and witnessing a search, shall not be liable to any civil or criminal proceedings
- **Labour Trafficking: s/24, BLAA, 1976:**
 - **Protection of action taken in good faith.** —No suit, prosecution or other legal proceeding shall lie against any State Government or any officer of the State Government or any member of the Vigilance Committee for anything which is in good faith done or intended to be done under this Act.

Role of AHTU

AHTU

Anti- Human Trafficking Units

the launch in Goa in 2007...

AHTU:

- Comprehensive n integrated mechanism for holistic action
- First AHTU in India set up in AP July 2007
 - by PM Nair, as Project Coordinator, UNODC
- Total 9 AHTUs during 2007-8
- Synergy of stake holders: LE agencies + NGOs +....
- K+S+R provided
- sustained thru mentoring..

How to get the best from AHTUs

- Tasks of Supervisory officers

- Mentoring
- Facilitating
- Guiding
- Orienting
- Promoting
- Coordination with other stakeholders
- Course correction
- The AHTU mantra: “synergy in action”
 - work together, perform/deliver together...

Delivery and output

- Large scale rescue of trafficked persons from CSE and Forced labour
- Large scale arrest and prosecution of traffickers and all who constitute demand
- Conviction of traffickers and accomplices
- Eviction of places of exploitation
- After care of rescued persons, including rehab
- Tracing of illegal assets
- Prevention of trafficking

Post UNODC AHTUs

- Evaluation by external evaluators, 2008
- Replication by MHA, 2010, 2013 and 2020
- 729 AHTUs now in all Districts in India
- MHA advisories and guidelines 2010 onwards
- Addition of manpower to AHTUs in 2015
- IGNOU Certificate Course, 2010
- Advisory by MHA making it mandatory for AHTU officers

AHTU going international

- Nepal
- Bangladesh
- Teams visit
- Study on the spot
- Going global...

Hon'ble Supreme Court of India

Bachpan Bachao Andolan Vs UOI

WRIT PETITION (C) NO.75 OF 2012, Order dated 10 May 2013

In case a missing child is not recovered within four months from the date of filing of the First Information Report, the matter may be forwarded to the **Anti-Human Trafficking Unit** in each State in order to enable the said Unit to take up **more intensive investigation** regarding the missing child.

The AHTU shall file periodical status reports every three months to keep the Legal Services Authorities updated.

Part II

PREVENTION of human trafficking

1. **Offline HT**
2. **Online HT**

Off line Prevention at:

Source

Transit

Destination

How to go about...

Core strategies in prevention

- Addressing DEMAND
- Addressing VULNERABILITY

Stringent Prosecution as a deterrent for Prevention

case studies prove...

Preventing/ addressin on-line exploitation/HT: States/others

- State Govt sites and helplines
- Handbooks on cybersecurity for students/adolescents
 - Internet safety protocols by Corporates, Agencies working in the field; NGOs etc...
- Tracking and action (Maha model)
- Awareness generation among all
- Prime Target: Most vulnerable: Adolescents
- Empower College students to take up this mission...

Anti-Human Trafficking Clubs

AHT Clubs

in

Colleges

Making
anti human trafficking
a mass movement:
involving all stakeholders
including the youth

The vision and mission of AHT Clubs

See the document enclosed

Mission:

1. Prevention
2. Addressing Demand

AHTC to start with small initiatives

1. **Awareness Generation** among all students
 - Awareness among parents
 - Helping them to prevent, report and act against
2. **Visit** to Labour Camps and help ensure rights
 - Helping Migrant Labour families
 - Reach out to vulnerable areas and population
3. **Networking** with all the right agencies:
 - Working with **Childline** and help trace missing children and women
4. **Document** good practices and report
5. Good model of **community policing**
 - Can help police in preventing human trafficking.
6. Micro researches and **studies**.

Setting up the AHT Club in a College

- **Students**
- **They are the coordinators too**
- **Teacher or professor as Mentor**
- **NGO (local) as Mentor cum partner**
- **Local Police as partner, when required**
- **And anybody willing is welcome too**

Youth can do a lot to prevent trafficking of children: commendable examples...

Worked with:

- Childline & helped in translation & helped victim reach home safe;
 - AHTU in identifying hotspots, notified police,
 - Police and busted the trafficking ring under the façade of escort services,
 - PAHT and addressed sexual exploitation of children at home!
 - NGOs to rescue street children and abandoned children
 - Helped police locate missing children
-
- Awareness campaign: Addressed adolescent school children and made them aware of cyber trafficking and methods to address it: Examples:

Removing Unconsensual Images from Internet

- Freedom from Fear
- How to remove an image from Facebook
- Open FB profile and go to Help & Support
- Select Help Centre
- Click on policies and Reporting
- Select Reporting a Privacy Violation
- Three options:
- Asked to fill up a privacy violation-photo removal request:
Follow the procedures
- Alternatively: go to the photo/video you wish to delete-
click on the three dots “...” on the right side; click on
REPORT, and select one of the reasons

Addressing on-line exploitation: many initiatives of GOI/States

- **Cybercrime Helpline 1930** (earlier 155260)
- **MHA: support to States:18 Cyber Forensic Labs**
under the Cyber Crime Prevention Against
Women and Children (CCPWC) scheme
- **MHA : Cyber Crime Coordination Centre**
- **MHA Twitter handle: @cyberdost**
- **National Cyber Crime Reporting Portal:**
 - **open to public to report any cyber crime**
 - **www.cybercrime.gov.in of MHA**
 - **Email to cyberdost@mha.gov.in**

Removing unwanted pic from other sites

- Instagram
- WhatsApp
- and so on...

Who can help

- <https://cybervolunteer.mha.gov.in>
- Many other agencies too: example
 - Tulir Hyd
 - Cyberpeace Foundation:

| Website / Portal | Purpose |
|--|---|
| Toll free number 1930 | <u>National cybercrime helpline number</u> |
| <u>www.cybercrime.gov.in</u> | The reporting portal by anybody in any type of cybercrimes. |
| <u>www.sancharsaathi.gov.in</u> | Citizen centric initiative of the Dept of Telecommunications to empower mobile subscribers. |
| Khoya-paya portal | For missing and traced persons. |
| <u>https://smsheader.trai.gov.in/query_header</u> | Checking veracity of the SMS received as advertisement / offers: you need to provide the header of the SMS to know the details of the agency. |
| <u>https://www.passwordmonster.com</u> | To know the strength of the password. |
| <u>www.whois.com/whois</u> | To know the details of the website concerned. |
| | |

| Website / Portal | Purpose |
|---|---|
| | |
| https://mobsf.live/tasks | To know the genuineness of an application file sent to your phone by an unknown source, asking you to install the same. |
| https://ceir.gov.in | If the phone is lost, you can block your phone on this site. |
| https://cybervolunteer.mha.gov.in/webform/Volunteer_AuthoLogin.aspx | <u>The National Cybercrime Reporting Portal and for becoming volunteers.</u> |
| https://cybercrime.gov.in/webform/cybervolunteerinstruction.aspx | Login page to register as cyber volunteer. |
| www.virustotal.com | To check virus |
| www.haveibeenpwned.com | <u>To check data breach</u> |
| www.takeitdown.ncmec.org | <u>To block intimate images of children.</u> |
| www.stopncii.org | <u>To block intimate images of adults.</u> |
| Virus Total | <u>To know how secure the website is, including where and when the site was registered.</u> |

Need

- **Convergence** of Govt, Technical experts, legal Hackers, Corporates, Professional academies
- Traffickers have no boundaries, let us **break our barriers.**
- **Do we need SOP on the response system?**
- **Hackers** to
 - focus on interpersonal violence, esp human trafficking
 - Bring up leads and int for Police to act
 - Help with evidence to start with and move on
- This will be a **great step in Prevention**

Role of PAHT

Panchayat Against Human Trafficking

PAHT

Panchayats Against Human Trafficking (PAHT)

- **Constitutional role**
- **Duties case by legal regime**
- **Administrative mandates**
- **Post covid scenario**
- **Stakeholder to Duty holder**
- **Empowered Panchayat can/will prevent HT**
- **Hence PAHT**
- **SOP available.**
- **Each one of you start with one Panchayat and make the difference**

PAHT

- Panchayat Against Human Trafficking
- Vithura Panchayat
- Puthuppariyaram Panchayat
- Meenangadi Panchayat
- Other States...
- Impact is amazing

SOPs

- Standard Operating Protocols
- Guidelines
- **Available for AHTC and PAHT**

**AHTU + AHTC + PAHT + NGO =
STRONG Force
Against Organized Traffickers**

Judiciary
supported by
AHTU + Prosecutor + Magistrate + Care
givers

=

Justice with **compassion + celerity +
certainty + severity.**

Taking one step forward makes all the difference

If time permits, watch Podcasts

Beer Biceps (Ranveer Show) TRS:

<https://www.youtube.com/watch?v=VG-M2bWO31Y>

Raj Shamani show:

https://www.youtube.com/watch?v=TYqyvHds_58

Rahul Sharma Podcast

<https://www.youtube.com/watch?v=gwfzHawFV1I>

**Spot it,
Speak it,
Act it,
Stop it.**

Namaste.
thanks
for your kind attention

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