

Human Trafficking in Vulnerable Districts of India
National Report



A Study on Human Trafficking in Vulnerable Districts of India
Tata Institute of Social Sciences
Mumbai
2019

Contributors

Dr. P.M. Nair, Project Director
Prof. Vijay Raghavan, Principal Researcher
Dr. Ruchi Sinha, Co-Principal Researcher
Dr. Sharon Menezes, Co-Principal Researcher
Dr. Rimple Mehta, Lead Researcher
Dr. Priyanka Dixit, Quantitative Research Expert
Mr. Jaffer Latief Najar, Ex-Lead Research Associate

Report Writing Team

Qualitative

Ms. Sharli Mudaliyar
Dr. Tejeswar Karkora
Dr. Neha
Dr. Suchitra Wagle
Mr. Andrew deSouza
Ms. Usha Gopinath

Quantitative

Mr. Manish Kumar
Mr. Praful Kamble
Ms. Barshana Goswami
Mr. Mohammad Sajid
Mr. Manideep Govindu

Crime Data

Ms. Saie Shetye

Maps

Mr. Arif Sultan
Ms. Debasmita Majumder
Ms. Chanda Maurya
Ms. Pratishtha Chaudhary

Data Collection Team - Research Officers

Mr. Aditya Pandey
Dr. Aqsa Agha
Mr. Bhaskar Raj
Mr. Danish Ali
Ms. Garima Pundir
Dr. Jayarajan
Mr. Kulajit Maisnam
Ms. Mansi Dhingra
Mr. Nawazish Kazmi
Dr. Neha
Ms. Nileema Ambekar
Ms. Niyati Mishra
Ms. Padmini V.
Ms. Ronnie Nido
Ms. Sharli Mudaliyar
Ms. Sheetal Devasthali
Ms. Shriti Munshi
Mr. Suryakant Phadke
Mr. Syed Mazahir Husain
Mr. Tabish Jung
Dr. Tejeswar Karkora

Project Assistant

Ms. Pratiksha Singh

Senior Research Consultant

Dr. Mahima Nayar

Acknowledgements

We are grateful to National Human Rights Commission (NHRC) for accepting our request to Chair the Steering Committee of this project. We are thankful to Hon'ble Justice Cyriac Joseph, former Member, NHRC, for guiding us and motivating us to take this mission forward. We are also grateful to Shri J.S. Kochhar, Jt. Secretary, and Dr. Savita Bhakhry, former Jt. Director (Research), for their support and cooperation to this project.

The National Commission for Women (NCW) provided financial support for carrying out fieldwork and an in-depth study in the three states of Bihar, Jharkhand, and West Bengal. We are grateful to NCW for their support. We are especially thankful to the former Chairperson, Hon'ble Ms. Lalitha Kumaramangalam, and the current Chairperson, Hon'ble Ms. Rekha Sharma, for their support extended to this project. We are grateful to Dr. Satbir Kaur, former Member Secretary, Ms. Meenakshi Gupta, currently Member Secretary, Shri V.V.B. Raju, former Deputy Secretary, Ms. Richa Sharma, former Sr. Research Officer, and Ms. Loma Vasisht, currently Sr. Research Officer, for their support and cooperation.

We extend our special thanks to Ms. Smriti Irani, Hon'ble Minister, Ministry of Women and Child Development, GOI, and Ms. Maneka Gandhi, former Hon'ble Minister, Ministry of Women and Child Development, GOI, under whose overall direction and guidance, the Ministry took the decision to support such an important area of study. We are also grateful to Ms Supriya Saxena, Ms Santosh and Mr Sudesh Kumar from the MWCD for their support and cooperation in this project. The MWCD provided support for carrying out fieldwork in 6 states.

The study became possible due to the support from UNODC and UNWOMEN. Their support enabled us to draft a strong methodology for the study and prepare the tools to execute the same. We thank Dr. Anju Pandey and Mr Jeevan Kanakkaserry from UN

Women; and Dr. Suruchi Pant and Ms. Swasti Rana from UNODC, for their support to this project.

We are grateful to Tata Trusts for their financial support to carry out fieldwork and data analysis in the 20 states and 3 Union Territories. Ms Lovina Vaz, Ms Shivani Lal, Mr Abhijeet Nirmal, Ms Shireen Vakil have contributed tremendously to ensure the completion of this mammoth task we had undertaken.

The report is based on the household level survey conducted with families at the village level in the chosen districts in each of the states. We thank all the households involved for participating in the survey, interviews and focus group discussions. The research is also the outcome of in-depth interviews conducted by the TISS research team with several public, NGO, and government officials; and with grassroots organizations, activists, survivors, traffickers, advocates, and judges. A number of case studies were developed, through a meticulous process of in-depth interviews with the concerned stakeholders during the field work. We thank each and every individual and organisation for taking out their valuable time in patiently responding to the questions posed to them during our interviews and for providing useful insights for selecting blocks and villages for primary data collection. We thank Mr Arunendra Pandey from Anyay Rahit Zindagi (ARZ) and Mr Digambar Narzary of Nedan Foundation for reviewing some of the reports and providing their inputs for the same.

The idea of a national research on this topic of importance was conceived by Dr PM Nair, Chair Professor, TISS, and supported by Professor Parasuraman, former Director, TISS, as a sequel to the earlier national study on this issue done in 2002-2004, by the NHRC.

At TISS, the study was commissioned with Dr PM Nair as the National Project Director, Professor Vijay Raghavan (Principal Researcher), Dr. Ruchi Sinha (Co-Principal Researcher), Dr. Sharon Menezes (Co-Principal Researcher), Dr. Rimple Mehta (Lead Researcher), Dr. Priyanka Dixit (Quantitative Research Expert), and Mr. Jaffer Latief

Najar (Lead Research Associate till August 2017), who have made extraordinary efforts to make this research possible. I am grateful to Dr Roshni Nair-Sheikh for volunteering to review some of the reports. This research is the outcome of the hard work of the team. I am thankful to them for making this project possible.

The TISS team also included Research Officers, Mr. Danish Ali, Mr. Bhaskar Raj, Mr. Nawazish Kazmi, Dr. Aqsa Agha, Dr. Neha, Ms. Garima Pundir, Ms. Sheetal Devasthali, Ms. Nileema Ambekar, Mr. Aditya Pandey, Ms. Mansi Dhingra, Mr. Syed Mazahir Husain, Dr. Tejeswar Karkora, Ms. Sharli Mudaliyar, Ms. Ronnie Nido, Ms. Padmini V., Mr. Tabish Jung, Ms. Shriti Munshi, Dr. Jayarajan, Mr. Kulajit Maisnam, Mr. Suryakant Phadke, Ms. Niyati Mishra, Ankur Jaiswal, Ms Amrita Saikia and Mr Ashim Nicholas Kawah. They travelled extensively to the different states, and covered some of the most remote, sensitive, and conflict-affected areas to collect the data required for the project from various agencies, including government offices. I also thank the Research Investigators (RIs) who helped the Research Officers in each state to collect data at the village and district level. They were mobilized from the local Universities, NGOs and academics.

I would like to thank the report writing team, comprising of Research Officers Ms. Sharli Mudaliyar, Dr. Tejeswar Karkora, Dr. Neha, Dr. Suchitra Wagle, and Mr. Andrew deSouza, who contributed to the interpretation and analysis of the qualitative data and integrated it with the quantitative data. Ms. Usha Gopinath, Documentation Officer; Dr. Mahima Nayar, Sr. Research Consultant also contributed to the report writing and editing process. Ms. Saie Shetye, Ph.D. Scholar, TISS, has painstakingly gone through, analysed, and interpreted the crime data collected by the research team.

I would also like to extend my thanks to Mr. Manish Kumar, Mr. Praful Kamble, Ms. Barshana Goswami, Mr. Mohammad Sajid, and Mr. Manideep Govindu. They constituted the team of Data Analysts who organised and prepared codes for the household survey forms, and also worked closely with Sigma-India to carry out the

analysis of the available quantitative data. I am thankful to Mr. Arif Sultan, Ms Debasmitha Majumder, Ms. Chanda Maurya, and Ms. Pratishtha Chaudhary for preparing the maps for all the states. Ms. Sangeeta Basumatry, Ph.D. student, TISS and Ms Srija Brahmachary, Ph.D student, TISS, volunteered and helped with research at different stages. My thanks to them as well.

My sincere thanks to Ms. Pratiksha Singh, Project Assistant, TISS, and the Finance and Accounts Section, especially Ms. Indira Pasupathy, Dy. Registrar, Ms. Joycie Dias, Assistant Registrar, and Ms. Rajee Menon, formerly Officer on Special Duty, TISS, as well as Major General Anil Dere, Officer on Special Duty, TISS for their support in financial matters; Mr. Shahaji Chavan, Administrative Officer, and Mr. Balamurugan, Dy. Registrar (Personnel and Administration), TISS, for their support in all finance, personnel and administration related matters; and Dr. Mohan Kumar, Registrar, TISS, for his overall guidance and supervision in all financial and administrative matters related to this project. I extend my gratitude to Professor Surinder Jaswal, Deputy Director (Research), TISS for her advice and guidance during the research process.

Shalini Bharat
Director

Executive Summary

1. Introduction to the Study

A national research on human trafficking in the country was last conducted and commissioned by the National Human Rights Commission (NHRC) during 2002 – 2004 (with Dr. P.M. Nair as the Principal Researcher), which made a yeoman contribution to understand the various facets of human trafficking in India and highlight the issue before the concerned authorities, civil society and media. It also led to a concerted attempt by the government at both the central and state levels to develop a plan of action and put into place monitoring mechanisms to implement the plans. Over a period of time, while combating human trafficking, the greatest challenge confronting policy makers was that information about the magnitude of the problem was limited. With no official, evidence-based estimates of the scale, magnitude and dimensions of human trafficking, the process of an appropriate policy response was not only delayed but at many times incomplete. There was wide agreement among experts that there is a need for more data in order to fight trafficking and to estimate its scale in particular at the national level. To address this issue, in 2014, the Tata Institute of Social Sciences, under the guidance of NHRC began a research study at the national level to understand the dimensions of trafficking and the nature of the anti-trafficking initiatives. This research aimed to provide a clear understanding of the circumstances leading to human trafficking and ways of addressing the context to prevent trafficking, and developing policies, programmes and services to rescue and rehabilitate victims of trafficking and combat human trafficking. The goal was to develop a roadmap to reverse the processes of trafficking and to provide a comprehensive framework to provide adequate support to victims of trafficking to rebuild their lives outside the exploitative network.

2. Objectives

- To understand the existing and emerging forms of human trafficking in India and across its borders

- To understand the *modus operandi*, causes, and consequences of human trafficking in India
- To assess the economics/ finances of human trafficking in India
- To identify the social, economic, political and cultural causes of human trafficking at the household, community and regional level
- To understand the linkages between migration, missing persons and human trafficking
- To analyse the current response systems including the legal framework, policies, state and non-state interventions to combat human trafficking
- To suggest and recommend the way forward to address the gaps identified in the research
- To contribute to the theoretical understanding of human trafficking in India

3. Methodology

The methodology for this research was drafted meticulously in consultation with various stakeholders as well as relevant literature, which underline the challenges inherent in designing a methodology for a complex and sensitive issue like human trafficking. A mixed methods research design was adopted, implying that both quantitative and qualitative approaches were used concurrently to collect the data for a comprehension of the dynamic nature of trafficking in persons in India. While the quantitative research design focussed on carrying out household (HH) survey at the village level in the source areas, the qualitative research design involved conducting in-depth interviews, case studies, and focus group discussions (FGD) with key stakeholders as well as victims of trafficking and traffickers both at the source and destination areas.

The selection of vulnerable districts across the country was done through a ranking process based on secondary data sources such as the Census, the National Family Health Survey (NFHS), Human Development Indicators (HDI) and the National Crime Records Bureau (NCRB). A total of 32 such parameters and sub-parameters were used to rank the

districts in each state while inputs from key informants (KIs) and stakeholders from the field were also taken into consideration before finalising the districts.

4. Sample Size

Table I: Number of Districts, HHs, Interviews

District Count	N
Districts covered for HH survey (including Key Informant Interviews and/or Case Studies)	98
Districts covered only for Key Informant Interviews and/or Case Studies	36
Total Districts Covered	134
Quantitative Methods	N
Number of HHs	36,507
Number of Individuals	2,04,820
Qualitative Methods	N
Case Studies	331
Focus Group Discussions*	163
Key Informant Interviews	2,826

* This includes 46 Group Interviews done in Chandigarh

5. Highlights of Sample Characteristics and Vulnerabilities

Any discussion on human trafficking must be located within the vulnerability context of the survivors and possible victims. According to United Nations Office on Drugs and Crime (UNODC) (2008),¹ “human traffickers prey on people who are poor, isolated and weak. Issues such as disempowerment, social exclusion and economic vulnerability are the result of policies and practises that marginalise entire groups of people and make them particularly vulnerable to being trafficked.” Poverty, hunger, economic volatility, the lack of decent livelihoods, political conflict and social discrimination and violence are intertwined with vulnerability as human traffickers, to entrap victims, often exploit these facets. There is an inter-relationship among vulnerabilities present at individual, household, community and regional levels. Vulnerability factors at all tiers coalesce

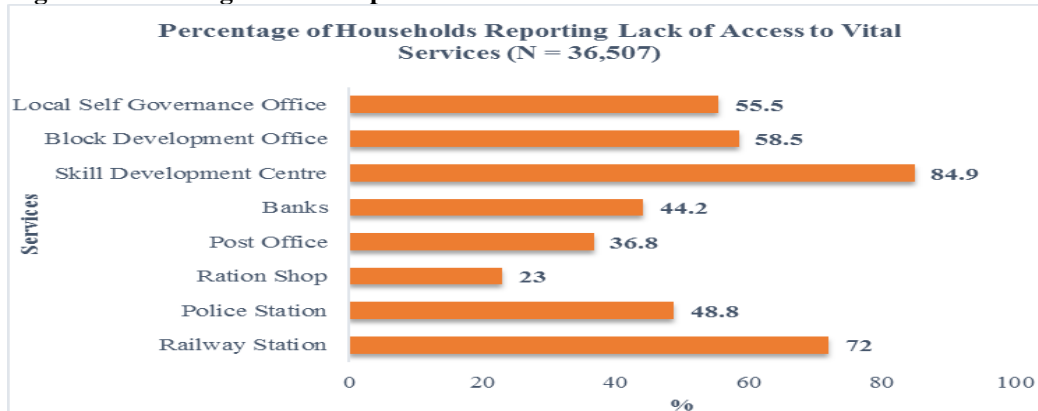
¹United Nations Office on Drugs and Crime (2008) Introduction to Human Trafficking: Vulnerability, Impact and Action. United Nations, New York Available at https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf [Accessed on 26 April 2019]

together to give rise to inequalities and impair the overall growth or welfare of an individual. The vulnerabilities are often reflected in an individual's participation within the community, access to livelihood options and utilisation of government schemes. Inequalities contribute as push factors compelling people to migrate to seemingly lucrative destinations in search of alternate livelihoods and later find themselves entangled in a cycle of human trafficking. Hence, the essence of this study is to closely observe and capture the vulnerability factors that lead to human trafficking from community, household and individual levels.

5.1 Community-Based Vulnerabilities

The accessibility to basic services such as lack of access to railway stations, police stations, post offices, ration shops, local self-governance offices, banks and other utilities is a representative measure of the vulnerabilities at the village level. A large section of the sample of the 36,507 HHs across the country appeared to have little or no access to these utilities, especially institutions related to skill development, police station, political and banking infrastructure.

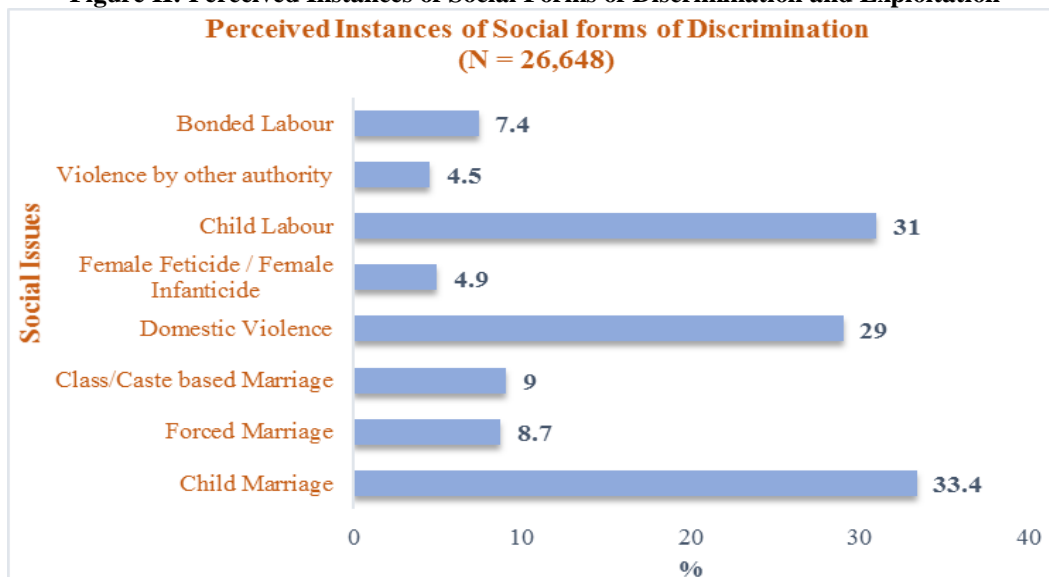
Figure I: Percentage of HHs Reported Lack of Access to Public Services and Infrastructure



In addition to the access to the services, schemes and infrastructure, the vulnerability at the village level was also assessed through the prevalence of social issues reported by

members of the households during the HH survey. Child labour, domestic violence and child marriage emerged as the major social issues at the national level.

Figure II: Perceived Instances of Social Forms of Discrimination and Exploitation



5.2 Household-Based Vulnerabilities

Household-based vulnerabilities were mapped by studying the poverty estimates, the awareness and access to useful government schemes, and the landholding status and income of households from cultivation.

Table II: Percentage of HHs by Economic Status, Awareness about Government Schemes, possessing a MGNREGS card and Land Holding

Household Vulnerabilities	%
Poverty Estimate (Rangarajan Committee Standards)	41.6
Possession of Below Poverty Level (BPL) Card for HH with Migrants	58.0
Lack of Awareness about Government Schemes	
Pradhan Mantri Jan Dhan Yojana	59.1
National Pension Scheme	70.6
National Health Insurance Scheme	65.2
Janani Suraksha Yojana	70.6
Pradhan Mantri Awas Yojana- Gramin/ Indira Awas Yojana	71.8

MGNREGS	
No Job Card	45.5
HHs Holding Job Cards where at least one member has migrated	59.4
HHs Possessing No Land where at least one member has migrated*	33.3
HHs Possessing Land where at least one member has migrated *	53.2
Female-Headed Households with Migration**	25.1

Note: Number of HHs Surveyed= 36,507 at the national level, Number of HHs where at least one member has migrated= 17,839

*N= 15,901(Jharkhand is excluded from tabulation of landholding status, due to missing data)

**N=956

5.3 Individual Characteristics and Vulnerabilities

The following figures depict the socio-demographic profiles and individual-based vulnerabilities of the surveyed individuals (N = 2,04,820).

Figure III: Gender of Individuals

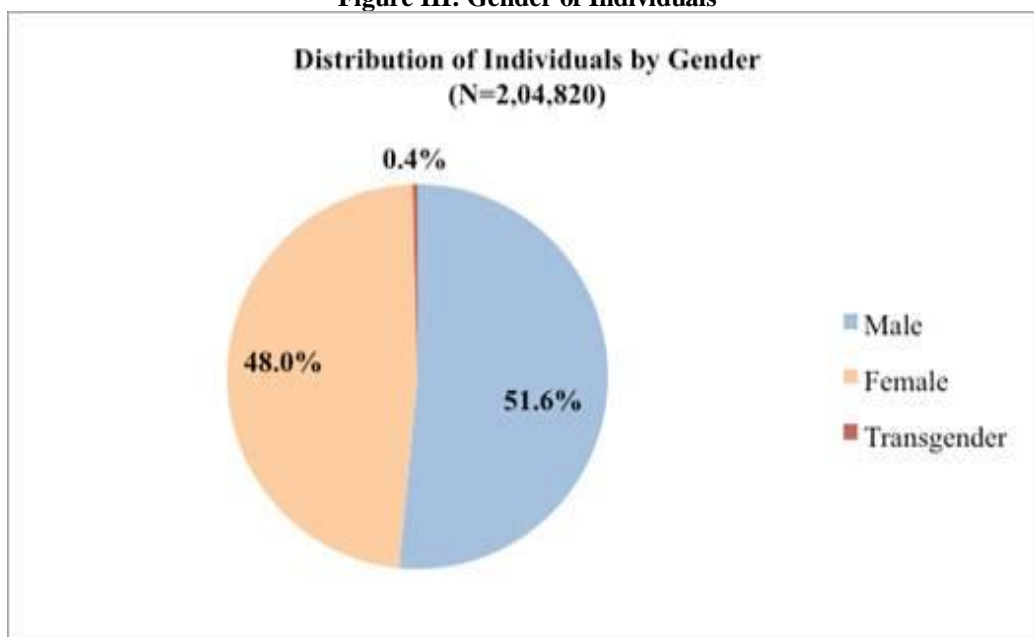


Figure IV: Social Categories of Individuals

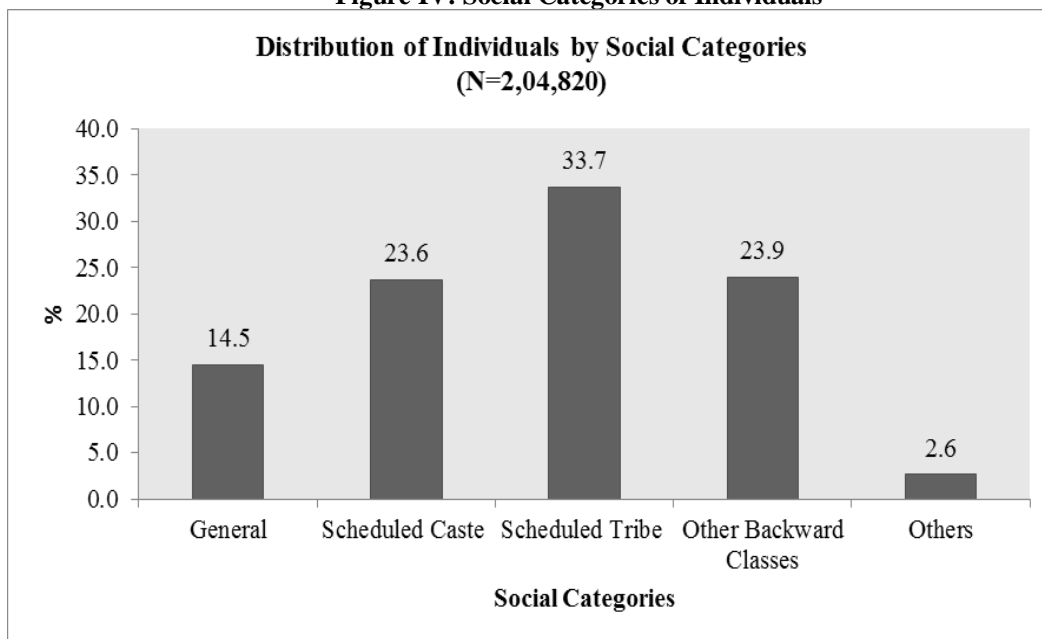


Figure V: Age at First Marriage

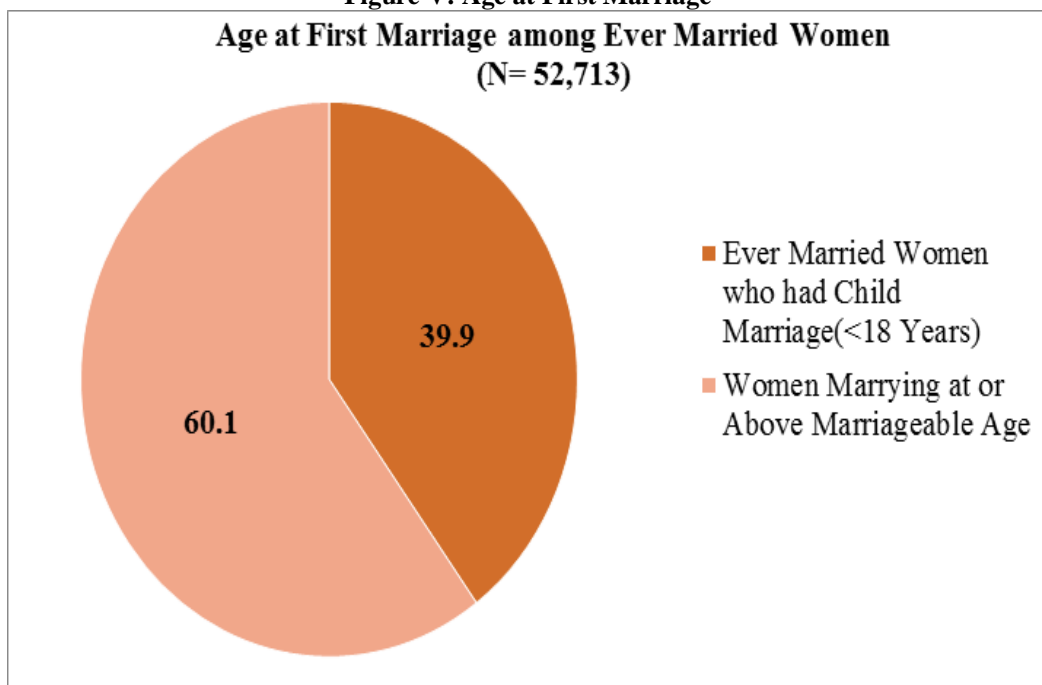


Figure VI: Age of the Individuals

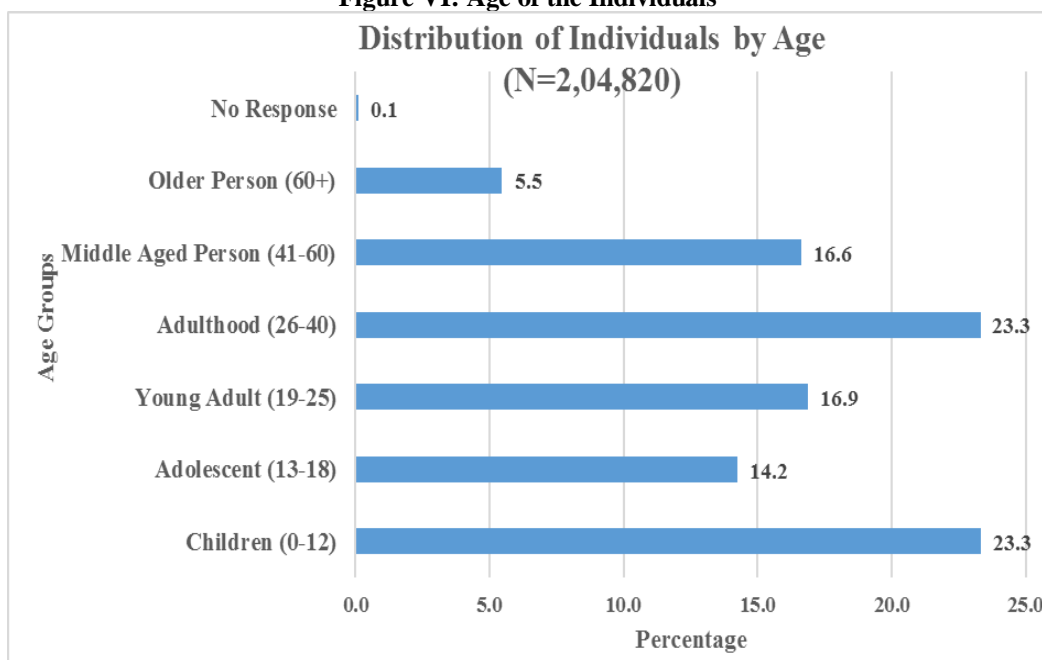
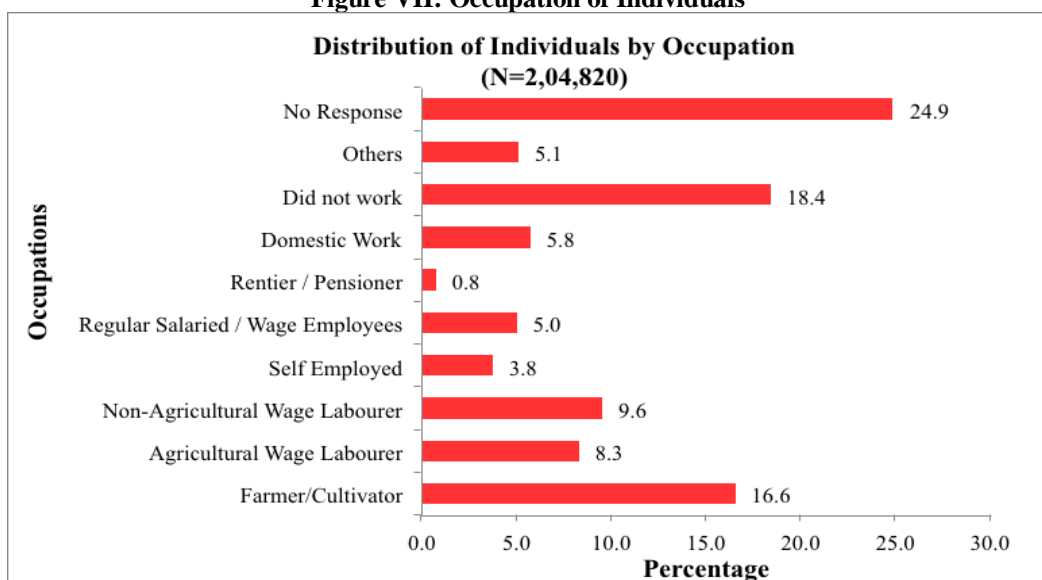
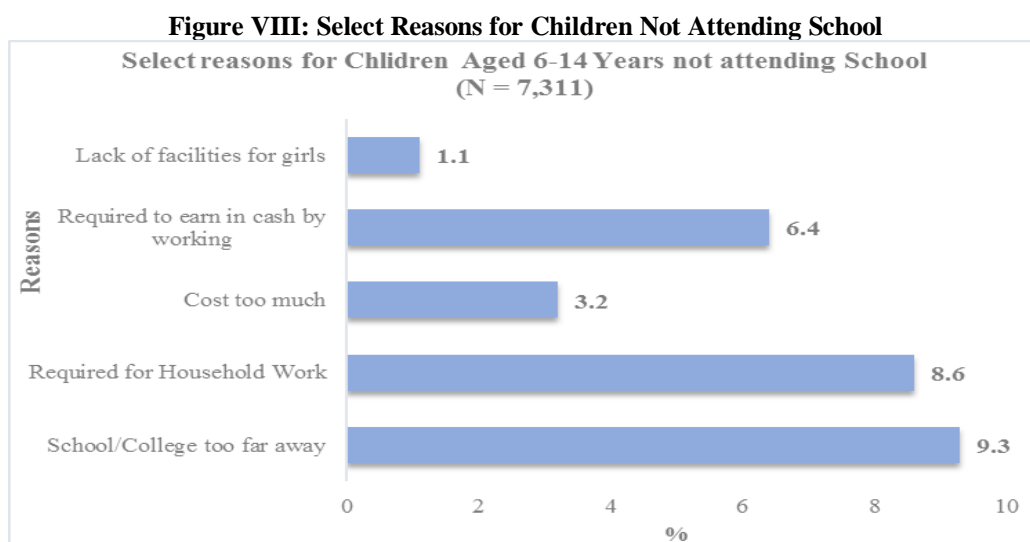


Figure VII: Occupation of Individuals



Of the 35,676 children aged between 6-14 years, 7,311 (21 per cent) had reportedly never attended school or were not studying at the time of the survey. The lack of accessibility or transport to the schools and the engagement of children in labour to

support their families emerged as two of the most reported reasons for not attending school. The ‘no response’ case may be high because both children and those above 60 years of age have been considered.



6. Migration Patterns

From a total of 36,507 HHs surveyed throughout India, 17,839 HHs mentioned that at least one member from their family had migrated during the period 2014-2016. **The number of migrants was found to be 26,648 from amongst the 2,04,820 individuals surveyed across the country (approximately 13 per cent).**

6.1 Profile of the Migrants

The figures below highlight the social and demographic details of the migrants in the HH survey.

Figure IX: Gender of Migrants

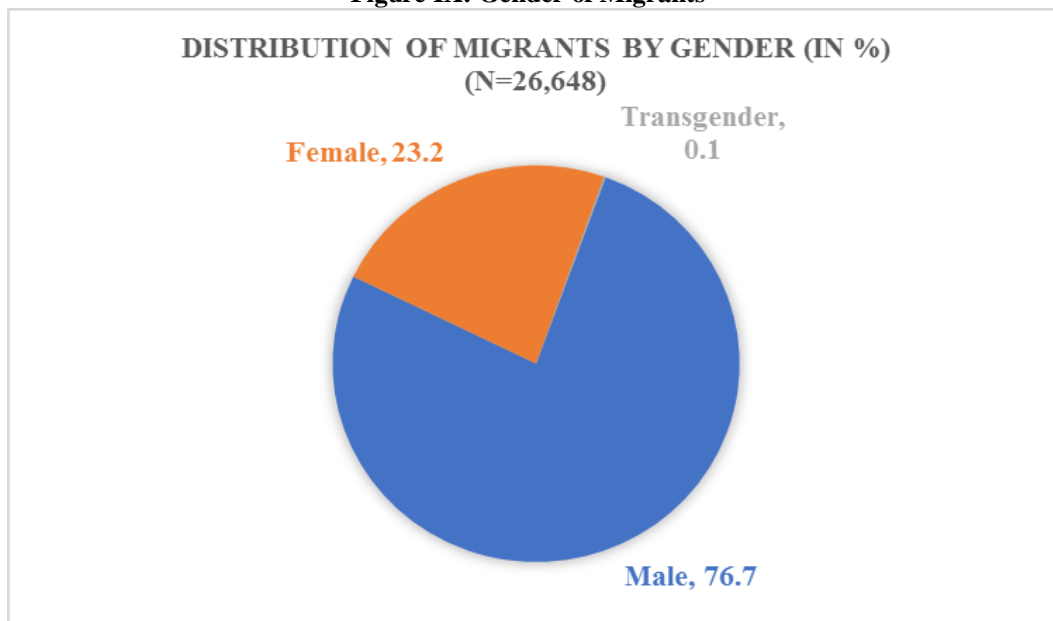


Figure X: Age of Migrants

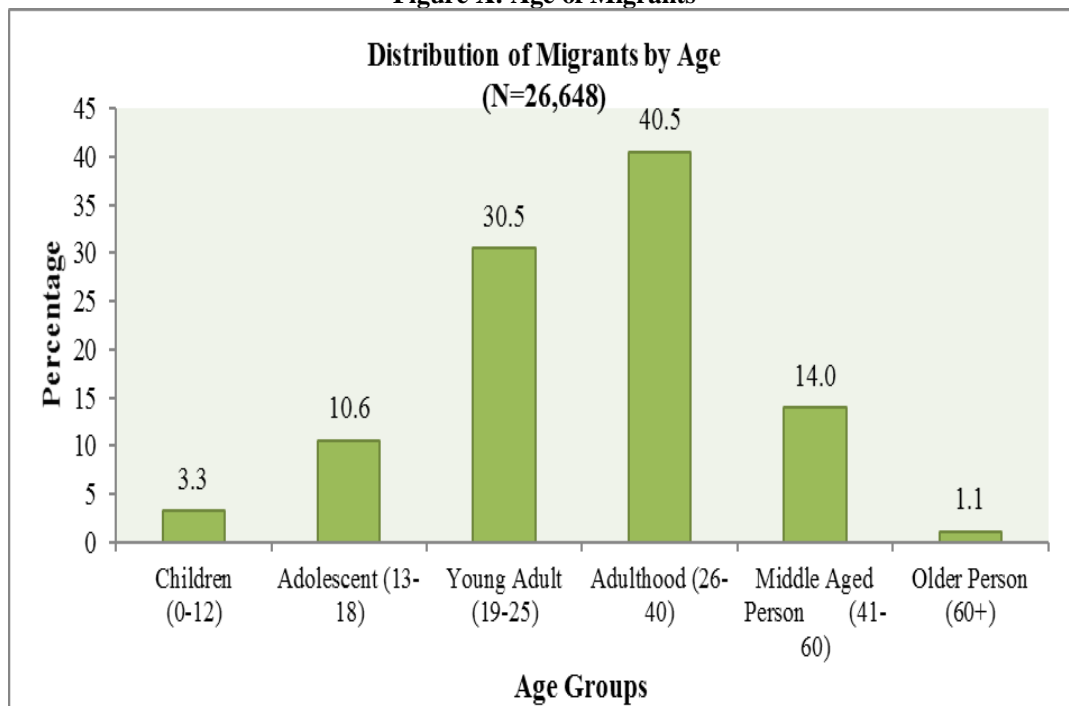
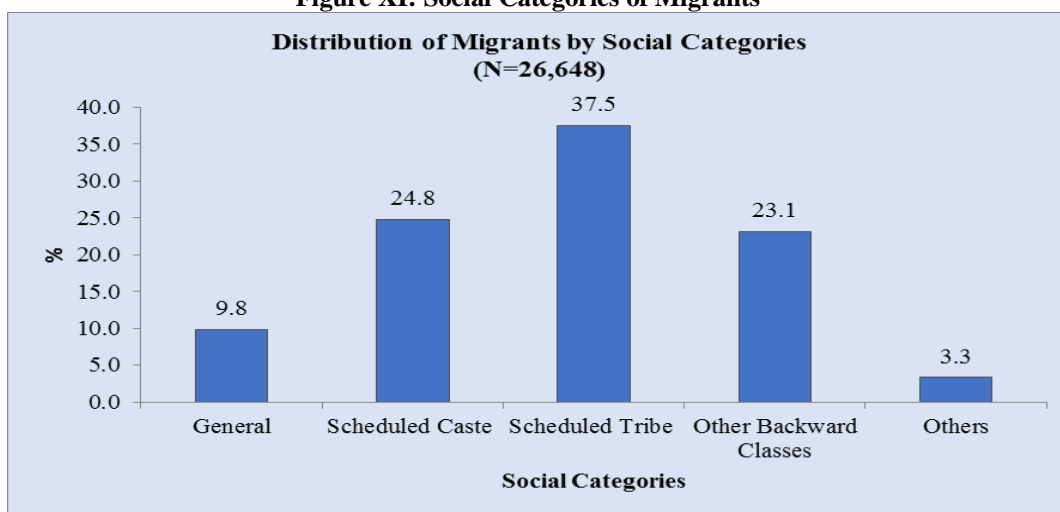
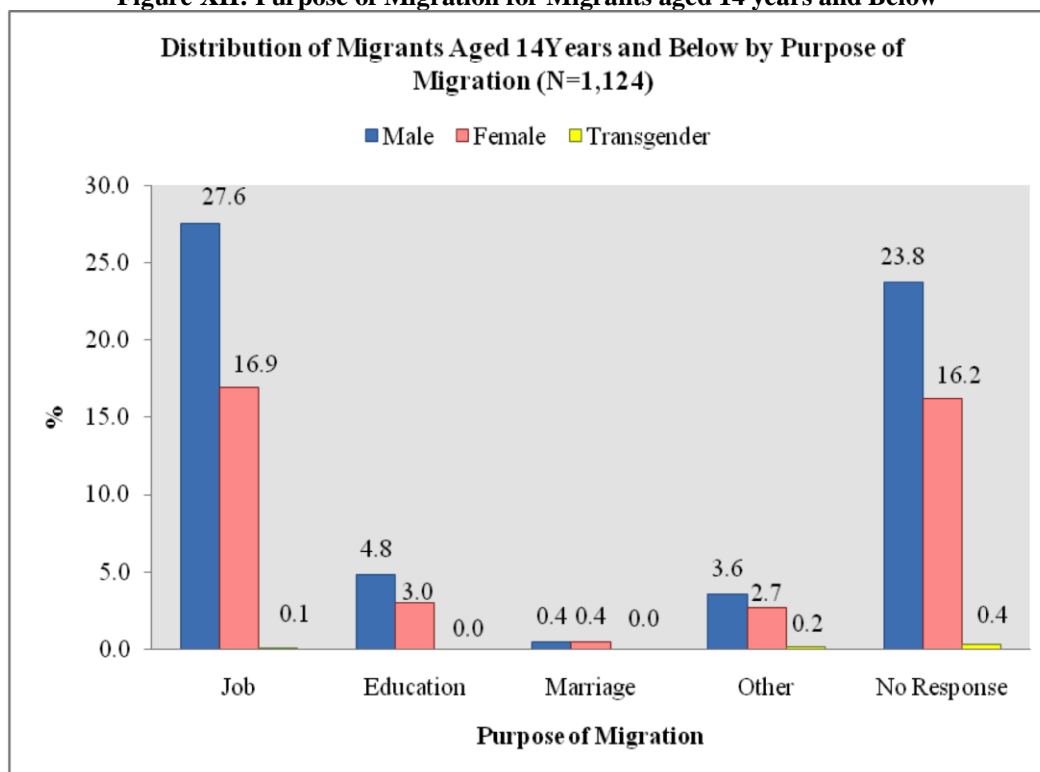


Figure XI: Social Categories of Migrants



The following figure demonstrates that almost 45 per cent of the migrants aged 14 years or below had migrated for the purpose of employment, therefore, indicating the possibility of trafficking for child labour.

Figure XII: Purpose of Migration for Migrants aged 14 years and Below



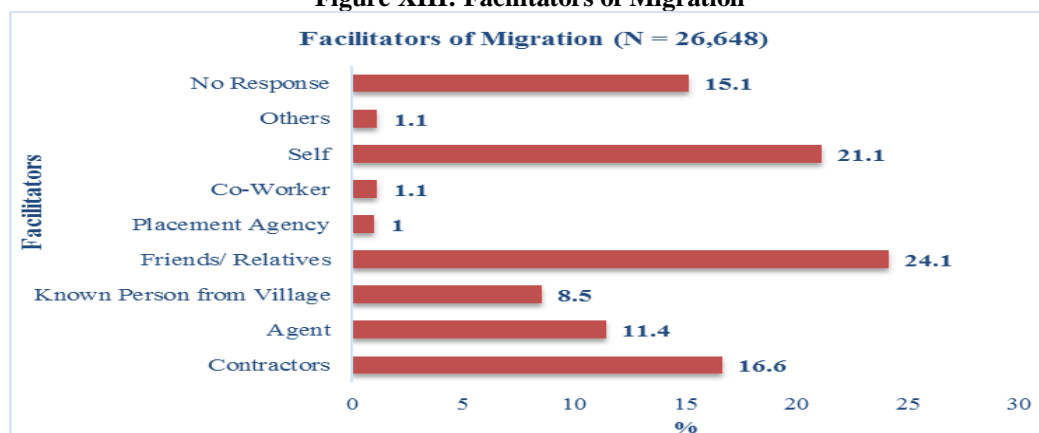
6.2 Modus Operandi

The national scenario, presented in the figure below, with regard to the facilitators involved in the process of migration clearly suggests that friends, relatives or acquaintances from the village and contractors are the main mediators. Due to the involvement of a monetary exchange, an inter-relationship between migration, unsafe migration and trafficking can be inferred. KIs shared in their interviews that the system of advance money is employed by agents or contractors to lure the parents and trick the children into labour exploitation. Agents or contractors often also charge a commission from those who need to or aspire to migrate for a variety of reasons, with a promise to facilitate their migration and procure jobs for them; a promise that sometimes ends up in these persons ending up in exploitative or vulnerable situations.

Table III: Percent Distribution of Individuals Aged Below 15 years Involved in Monetary Transaction

Monetary Transactions for Migrants Aged <=14 Years (N=1,124)	%
Money Given as Commission	6.1
Money Taken as Advance	10.0

Figure XIII: Facilitators of Migration



Around 24 per cent of facilitators were reported to be friends or relatives, and interviews with KIs and FGDs suggested that friends and relatives sometimes act as a link in the

trafficking process and are also engaged in monetary transactions with agents who use these persons to identify potential victims and facilitate the migration.

7. Migration, Unsafe Migration and Trafficking

Lack of adequate land holding and livelihood options in the rural areas compels people from disadvantaged and marginalised groups to migrate internally within the country and internationally. India's strategic geographical location, as it shares borders with seven countries, has resulted in it becoming a source, destination and transit area for international migration and trafficking. Environmental disasters pose a threat to the source of livelihoods of vulnerable populations. Development induced displacement of people leads to situations of forced and unsafe migration, especially for those coming from marginalised sections. In states that are affected by Left Wing Extremism (LWE) or insurgency, it was observed that the internal conflict situation adds to the vulnerabilities of individuals and presents a threat to their livelihoods. The complex matrix of insecurities created by the various forces further deepens gender, class, and caste-based hierarchies.

As individuals migrate in search for economic opportunities outside their homes, whether in India or outside, some end up in coerced work by the use of lure, threat or deception. Most of the people had migrated with the promise of a job, while some migrated for marriage or the promise of more money. Traffickers not only exploit the economic conditions of individuals but also their aspirations, dreams and desires. Luring young girls with the promise of marriage through feigning love is one such example. The girls' desire to be loved is not just rooted in their poverty but also because they are socialised to believe is that their future lies in finding a loving and caring husband.

The type of jobs and destinations were different depending on the state and has been discussed at length in the state reports. It has been revealed from the HH survey that though **average HH income is approximately INR 12,638 per month**, individuals pay almost twice that amount as a one-time commission to the facilitators for the migration of

one member of the HH, in the hope of a better future. The vulnerability of those who migrate alone or with friends has proved to be high. Such situations are common among male migrants. It has been observed that the traffickers often take young men in groups and once they leave the village, they lose contact with their families. In many instances, even though the migrant is in contact with their family or has returned to the village, they had either not received the payment for their work or had received partial payment. In cases where a partial payment was made, it was with the condition that the remaining payment would be made when the migrant came back to work in the next season or brought along another person to work with them, thus creating conditions of debt bondage.

The forms of trafficking are linked and often intertwined with unsafe migration, human smuggling and transnational mobility. It has been our effort to highlight the forms of trafficking in the context of various forms of mobility as well as to ensure that all forms of mobility are not categorised as or conflated with trafficking. In order to ensure this, the HH survey sought to estimate vulnerability of persons to trafficking by studying the *modus operandi* of out-migration of individuals from the interviewed HHs alongside the subsequent exploitation. Trafficking has been sub-categorized into three forms or types on the basis of the nature of exploitation faced by the migrants.

Table IV: Types of Trafficking

Trafficking	<i>Modus Operandi</i>		Forms of Exploitation
Type I	Someone Helped in Migration	Money Given/ Taken	Migrant not in Contact with Family
Type II	Someone Helped in Migration	Money Given/ Taken	No Freedom to quit the Job
Type III	Someone Helped in Migration	Money Given/ Taken	Migrant given Partial/No Payment

From a **total sample of 36,507 HHs**, it emerged that **26,648 individuals were reported to have migrated within or outside the state of their origin**. We can infer from a combination of the three levels of measuring vulnerability that amongst **migrants who**

had paid money to some mediator as commission it is estimated to that 6.1 per cent were vulnerable to trafficking while 4.4 per cent of the migrants who had taken advance money from the agents against their future employment were vulnerable to **trafficking**. Giving commission for employment may amount to monetary inducement to fall prey into exploitative work conditions or sexual exploitation at the destination area. Similarly, taking an advance against future employment may lead to bonded-ness at the destination place. The presence of these elements satisfies the conditions, which are constitutive of the definition of trafficking.

Table V: Tracking Vulnerability to Trafficking ver. 1

<i>Modus Operandi</i>	Low Vulnerability			Medium Vulnerability			High Vulnerability	Migrants Vulnerable to Trafficking (N=26,648)	
	Type I	Type II	Type III	Type I + Type II	Type II + Type III	Type I + Type III	Type I + Type II + Type III	N	%
Migrant took someone's help + Given money for migrating	53	1,041	164	45	283	17	35	1,638	6.1
Migrant took someone's help + Taken money for migrating	31	588	129	40	364	8	11	1,171	4.4

It must be reiterated that the findings suggest 10.5 per cent of migrants being vulnerable to trafficking found from matrix ver. 1 is more of a conjecture on migrant's vulnerability to trafficking. Therefore, caution must be exercised when considering these migrants as vulnerable to trafficking. The numbers represent the possibility of trafficking based on the observations that emerged from the qualitative data in the study. Trafficking cases may have a link with unsafe migration but all migration cannot be labelled as trafficking.

8. Economics of Trafficking

Approximately, **INR 4.6 crores is estimated to be in circulation in the trafficking market for the 1,638 (6.1 per cent) possibly trafficked migrants from the sample who had paid money as commission to some intermediary while INR 2.9 crores is estimated to be in circulation for the 1,171 (4.4 per cent) possibly trafficked migrants who had received advances.** The economics distinctly bring out the profits earned by the human trafficking industry at various tiers by luring and exploiting vulnerable populations who migrate in pursuit of better livelihoods or quality of life. These figures have been arrived at based on the 26,648 persons who had reportedly migrated between 2014-16 from the 2,04,820 individuals about whom information was collected (from the 36,507 HHs). Out of 26,648 migrants, about 10.5 per cent may have been trafficked or are vulnerable to trafficking (based on the above methodology) and the total amount of money in circulation could be in the range of INR 7.5 crores.

9. Forms of Trafficking

The major forms of trafficking that came to light from the study were:

- Labour Trafficking
- Trafficking for Child Labour
- Bride Trafficking or Trafficking for Forced Marriages
- Sex Trafficking
- Trafficking for Domestic Work
- Trafficking through Illegal Child Adoptions
- Organ Trafficking
- Missing Persons and Trafficking

9.1 Trafficking for Child Labour

Trafficking for child labour is perceived as the trafficking of persons under 18 years of age for forced labour and debt bondage. Children are recruited, harboured, transported, provided, or obtained for labour or services in various forms of work and subjected to slavery-like conditions at the workplace. The qualitative findings convey that children between the age group of 5-17 years were trafficked for the purpose of labour. Children from socio-economically marginalised groups or minority communities and conflict-ridden families were identified as easy targets. Runaway children and the wards of migrant labourers, victims of Commercial Sexual Exploitation (CSE) and Human Immunodeficiency Virus (HIV) infected mothers are also abducted or lured for labour. Parents are deceived by agents who carry away the children on the pretext or false promises of providing for their education. A major trend in *modus operandi*, which has emerged at the national level, is that the parents ‘lease out’ their children for a particular period of time in exchange of advance money paid by the trafficker, ranging from INR 10,000 to INR 50,000. Children engaged in different forms of labour sometimes receive only food and accommodation expenses or up to INR 120 per day, as was observed in the case of tea gardens in Assam. The children undergo oppression and exploitation in the forms of long working hours, little or no remuneration, confinement or isolation, and use of drugs and physical or sexual abuse to ensure their subservience.

9.2 Trafficking for Domestic Labour

Domestic workers perform work within the employer’s household, and provide services such as cooking, cleaning, childcare, elderly care and other household chores. Compelled by the socio-economic deprivations, several women and children are procured from economically backward areas to big cities for work. Out-migration of women and minor girls is on the rise from states with uneven development and substantial tribal population like Arunachal Pradesh, Jharkhand, Chhattisgarh, West Bengal, Assam and Odisha. Minors and women largely between the ages of 10-28 years were found to be easy targets for this form of trafficking. The research team also came across instances of women as aged as 65 years being trafficked for domestic work. School-dropouts, young women

lacking formal education, large or alcoholism-affected families and minority communities are potential victims. Parental consent was obtained for children from impoverished and destitute families by lure of better emoluments. A chain of agents existing from the village level to the destinations operates to sustain trafficking for domestic labour. It was also observed that tribal women and girls were recruited in groups by faith-based organisations on the pretext of providing them with education. In case of trafficking for domestic work within India, victims are initially promised INR 5,000 to 10,000 per month and INR 30,000 if they are being taken to another country. In most cases, the victims are not paid or are partially paid between INR 2,000 to 5,000 in India and up to INR 10,000 abroad. The agent takes an amount of INR 3,000 to 5,000 (up to INR 40,000 in some cases) from the victim and up to INR 5,000 from the employer as commission while they receive up to INR 1.5 lakhs for international trafficking for domestic work. Women recruited as domestic workers sometimes find themselves pushed into CSE. A multi-layered link between trafficking for domestic work and CSE has emerged from the study. The victims of trafficking for domestic work are often subjected to physical and psychological torture, sexual harassment and economic exploitation. Forced confinement and isolation are enforced on them to ensure their continued services.

9.3 Sex Trafficking

The qualitative data suggests that women and girls between the ages of 12-55 years, transgenders and Men who have Sex with Men (MSM) were identified as groups vulnerable to being trafficked. The traffickers often abused the vulnerabilities of abandoned and/or single women, those with premarital pregnancies and the ones engaged in caste-based prostitution or entertainment. Women and girls are promised jobs as domestic workers or in the entertainment industry with a lure of city life and a good salary or payment of advance money. A broad network of agents and facilitators operate to sustain the commercial sexual industry – potential victims are identified by sleeper agents or supply agents operating at the local level while the carrier agents take the girls to the destinations and a third level of intermediaries, thereafter, carry the girls to the

placement agencies in metropolitan cities like Kolkata, Delhi and Mumbai. One of the most common ways of abducting women and girls for CSE is the use of drugs for sedating them while in transit.

A newer form of *modus operandi* conveys that traffickers also use social networking applications such as WhatsApp, Instagram, Signal, Telegram, Hike, JustDial, Paytm and Facebook to deceive women and pose as lovers. Blackmailing and threats is also a method of trapping victims and preventing them from escaping the snares of the CSE industry. Often, minors are administered hormone tablets to increase their hormonal levels and ensure that they look matured and grown up. The camouflaging of identities by the traffickers makes it difficult to trace them. An emerging form of trafficking for CSE was identified as cyber-sex trafficking where the cyber space and social media are being accessed to treat female bodies as sources of voyeuristic and commercial gains. The transaction at any stage in the process of trafficking for CSE may range from INR 5,000 to INR 60,000. Pimps, agents or middlemen make money per customer per hour and the agents may siphon away up to 50 per cent of the victims' earnings as commission. Physical and sexual violence is normalised in instances of trafficking for CSE while emotional trauma is induced by confinement, isolation and intimidation or blackmail. Victims of sex trafficking have also manifested increased vulnerability to STDs, HIV-AIDS, tuberculosis, alcoholism, and drug addiction.

9.4 Bride Trafficking or Trafficking for Forced Marriage

The predilection for female feticide or infanticide in our social system and unchecked sex-selective abortions seems to have led to a skewed sex ratio. This has spurred the abduction of young and unmarried women and prompted the creation of a market for trafficked brides. Bride trafficking has emerged as a lucrative trade, especially in the north-western states of the country, where women or girls from underprivileged social strata or destitute families are inveigled by promises of employment or feigned matrimonial dreams, or abducted and coerced into marrying. The locals or villagers act as the agents and traffickers. It emerged from our household survey that almost 24 per cent

of the 4,463 households reporting a marriage in their family during 2014 to 2016 had received money from someone. The involvement of a monetary transaction, especially when the bride's family receives money for marrying off their daughters, points towards instances of 'purchasing' the bride. Purchased brides are then subjected to miserable living conditions and various forms of exploitation, deprived of basic human rights, substituted as domestic workers and/or objectified and abandoned after a passage of time.

In cases where the age difference between the bride and the groom was more than 10 years, West Bengal (96.5 per cent) had the highest count of marriages with monetary transactions. The qualitative data from the 29 states and 3 UTs conveys that girls and women aged 12-35 years and belonging from tribal areas or SC, ST and Other Backward Classes (OBC) families are most vulnerable to being trafficked as brides. The household survey also confirmed these findings because the tabulation of the social categories of the girls who were married off in exchange for money conveys that 21 per cent belonged to SCs while 39 per cent and 20 per cent were from ST and OBC families respectively. Women and girls from tea garden areas (which have closed down or have been declared sick), conflict or disaster-affected areas, female-headed households (FHH), differently-abled girls, widows, and victims of caste-based and gender-based violence are targeted. Agents entice families with attractive offers of marriage and assure them that the expenses of the wedding will be taken care of by the groom's family and no dowry is demanded. Traffickers, to obtain uninformed and ill-informed consent, exploit the extreme economic distress and penury of the victims' families. Migrant labourers and marriage bureaus also play a significant role in the mode of operation of bride trafficking. The agents are known to make a profit of INR 10,000 to INR 5,00,000 per bride. They make a lesser profit if the groom is differently-abled. The families of the brides may get anywhere between INR 5,000 and INR 1,00,000. Loss of social network, isolation and disconnection from their families, marks the lives of all the victims of bride trafficking. The vast difference in the socio-cultural practises further deepens their sense of alienation in the destination.

9.5 Trafficking through Illegal Adoptions

The research team observed instances of trafficking for illegal child adoption. Though this particular form of trafficking was difficult to establish, there were cases of illegal child adoption where the child was given for adoption in exchange for a monetary benefit. It emerged that the family paying the money for adoption had a low household income per month. This raises questions why families with children pay money to agents to adopt another child. Such cases have also pointed towards the vulnerability of the adopted child to trafficking.

9.6 Organ Trafficking

It was extremely difficult to establish cases of organ trafficking as more often than not, the individuals were duped about the purpose for the surgery they had undergone. To establish cases of organ trafficking, members of the households were asked if anyone in their household has been operated upon, who suggested the operation, where it took place, and if there was a cash benefit involved in the same. In some cases, it was observed that there were cash benefits for undergoing surgeries and often the person suggesting a surgery was not a doctor but a non-medical person like friends or acquaintances from the village. In some instances, the person operated upon realised that the stitches were in a different part of the body than the one that was meant to be operated.

9.7 Missing Persons and Trafficking

While analysing the quantitative data, people who had migrated and were not in contact with their family were categorised as ‘missing persons’. The information received about the missing persons was cross-tabulated to establish the vulnerabilities that may have led to them to lose touch with their families. It is acknowledged that in some of these cases, there might be young individuals who may have run away from home or eloped with a partner or may include persons who did not want to be in touch with their families. The analysis of the data reveals that most of them had migrated alone or with friends, had given or taken some amount of money for the facilitation of the migration, and had taken

the help of friends, known people from the village or contractors for facilitating their mobility. In 17.3 per cent of the cases, the promise of employment made to those who are now missing was not met. This shows that there is a link between missing persons and trafficking.

10. Understanding and Combating Trafficking

While the responses by State and the civil society agencies are committed in their ways to combat trafficking, there is much to be done to eradicate the crime. The multi-faceted and clandestine nature of human trafficking poses a challenge for effective prevention, victim protection and prosecution related measures and policies. Its links with illegal migration, labour issues and health problems underline the complexity of the problem and demand a multi-pronged approach from all actors. Therefore, there is an urgent need for local, national, regional and international cooperation to combat this organised crime.

While there are problems with ill planned ‘raid and rescue’ operations and institution-based rehabilitation programmes, there are questions about involving the community in the rehabilitation process. The complicity of the community and family was observed in several instances of human trafficking. There were instances when the gatekeepers did not allow the research team to speak on the subject to the villagers. Communities tried to project that there were no cases of trafficking from their villages. While a custodial approach towards rescued women and children in shelter homes may not be the best solution, our findings reveal that community-based rehabilitation may also prove to be exploitative and may contribute to re-trafficking. In such a scenario, we need to work out a way in which the rescued survivors are not further victimised through mere confinement or further exploitative situations.

Local governments, in particular, have a key role in preventing human trafficking, especially in reducing the vulnerability of potential victims and providing support and assistance to presumed and current survivors, and implementing development strategies that address the root causes of trafficking. At the macro level, it is crucial for actors at the

international, regional and local levels to cooperate, coordinate and share responsibility in the fight against human trafficking.

Set in this background, the data in this study provides an overview of the issue of human trafficking, the changing dimensions, response system with regard to human trafficking in the country, and factors that lead to vulnerability. The data offers scope for re-examining responses of state and civil society towards human trafficking.

At the time of the fieldwork, systems such as the police, Department of Women and Child Development (DWCD), Labour Department, Panchayat Raj Institutions, district administration, Non-Governmental Organisations (NGOs) and CBOs were found to be working in silos to combat trafficking. There is a need to build a coordinated approach with a systematic and real-time flow of information and resources across stakeholders.

Broad areas of work to combat trafficking:

- Increasing and strengthening the existing systems/organizations for combatting trafficking like Anti-Human Trafficking Units (AHTUs), Child Welfare Committees (CWC), District Child Protection Units (DCPU), and Childline Centres
- Trainings and workshops related to information about trafficking (definitions, laws, *modus operandi*, routes, working with survivors) for all stakeholders
- Allocation of adequate resources for schemes and programmes for combating trafficking
- Ensure utilization of schemes (such as victim compensation schemes) by increasing awareness about them and simplification of procedures
- Improve co-ordination between state and civil society organizations by holding joint meetings and workshops
- Strengthening programmes like the National Rural Livelihoods Mission (NRLM) and National Urban Livelihoods Mission (NULM) and strengthening livelihood opportunities in impoverished districts through local self-government institutions

- Effective implementation of schemes such as Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), skill development programmes, social protection schemes, etc. in source districts, with a focus on Female Headed Households (FHHs), or those from Scheduled Caste (SC)/ Scheduled Tribe (ST) backgrounds.
- Focus on inter-sectoral intervention to combat trafficking by ensuring co-ordination amongst various ministries
- Creating and compilation of Standard Operating Procedures (SOPs) regarding rescue, restoration, repatriation and rehabilitation and orienting the police and care giving institutions with regard to these SOPs
- Increasing the number and capacity of shelter homes for women, children, children of migrant labour, etc. and periodic social audit of these institutions to ensure quality care and transparency.
- Encouraging NGOs to work in the area of anti-human trafficking by providing financial support to such organisations through a national grant in aid scheme which is not limited to shelter-based organisations (as is currently implemented through the Ujjawala and Swadhar Greh schemes), but includes supporting organisations which have a community based approach towards rehabilitation.

Acronyms

ADDSSS	Anugyalaya Darjeeling Diocese Social Service Society
AHTU	Anti-Human Trafficking Unit
ANM	Auxiliary Nurse Midwife
APL	Above Poverty Line
AWC	Angan Wadi Centre
BBA	Bachpan Bachao Andolan
BDO	Block Development Office(r)
BIMSTEC	Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation
BOCWWB	Building and Other Construction Workers' Welfare Board
BPL	Below Poverty Line
BSF	Border Security Force
CAPT	Cathedral Academy for Police Training
CARA	Central Adoption Resource Authority
CBO	Community Based Organisation
CCI	Child Care Institution
CCL	Child in Conflict with Law
CCTNS	Crime and Criminal Tracking Network and Systems
CrPC	The Code of Criminal Procedure
CWC	Child Welfare Committees
CPO	Child Protection Officer

CSE	Commercial Sexual Exploitation
DCPU	District Child Protection Unit
DCRB	District Crime Records Bureau
DLSA	District Legal Service Authority
DRDA	District Rural Development Agency
DSWO	District Social Welfare Officer
DWCD	Department of Women and Child Development
DWCDO	District Women and Child Development Official
FGD	Focus Group Discussion
FHH	Female Headed Household
GOI	Government of India
GRPF	Government Railway Police Force
HDI	Human Development Indices
HH	Households
HIV	Human Immunodeficiency Virus
ICDS	Integrated Child Development Scheme
ILO	International Labour Organisation
IOM	International Organisation for Migration
IPC	Indian Penal Code
ISIS	Islamic State of Iraq and Syria
ISMWA	Inter State Migrant Workmen Act, 1979
ITPA	Immoral Traffic (Prevention) Act, 1956
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2015

KIs	Key Informants
LWE	Left Wing Extremism
MGNREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme
MHRD	Ministry of Human Resource Development
MWCD	Ministry of Women and Child Development
NCW	National Commission for Women
NCRB	National Crime Records Bureau
NCW	National Commission for Women
NFHS	National Family Health Survey
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission
NIA	National Investigation Agency
NRLM	National Rural Livelihoods Mission
NULM	National Urban Livelihoods Mission
OBC	Other Backward Classes
OSC	One Stop Centre
PDS	Public Distribution System
PLV	Para Legal Volunteers
POCSO	Protection of Children from Sexual Offences Act, 2012
RI	Research Investigator
RPF	Railway Protection Force
SAARC	South Asian Association for Regional Cooperation
SC	Scheduled Caste

SCPCR	State Commission on Protection of Child Rights
SCRB	State Crime Records Bureau
SHG	Self Help Group
SLL	Special and Local Laws
SOP	Standard Operating Procedure
SSB	Sashtra Seema Bal
ST	Scheduled Tribe
TISS	Tata Institute of Social Sciences
UNODC	United Nations Organisation on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organised Crime
UT	Union Territory

List of Tables

Table 1.1: Arrangement of Sections under ITPA	7
Table 1.2: Reported Cases of Human Trafficking in India, NCRB, 2014-16	11
Table 2.1: Number of HHs and Interviews	20
Table 2.2: Sample Size of Districts.....	21
Table 2.3: Demographic Profile of the Sample Population.....	21
Table 2.4: Demographic Profile of the HHs.....	22
Table 3.1: Percentage of HHs Reported Lack of Access to Public Services and Infrastructure	31
Table 3.2: Perceived Instances of Social Forms of Discrimination and Exploitation.....	32
Table 3.3: Poverty Estimates	33
Table 3.4: HHs with Migration holding BPL card.....	34
Table 3.5: Percentage of HHs Reported Lack of Awareness of Government Schemes	35
Table 3.6: Pension Scheme Awareness of Migrant Households (Age 60+).....	35
Table 3.7: Purpose of Migration and Awareness of Pension Scheme in Migrants' (60+ years) HHs.....	36
Table 3.8: Percent Distribution of HHs with Migration holding Job Card	36
Table 3.9: Landholding of HH with Migrants	38
Table 3.10: Female Headed Households and Migration	41
Table 3.11: Select Reasons for not Attending School.....	43
Table 4.1: Percent Distribution of Migrants according to Gender, Age and Social Category	49
Table 4.2: Purpose of Migration according to Gender and Age-Group (<=14 years)	50
Table 4.3: Facilitators of Migration	51
Table 4.4: Economics of Migration	53
Table 4.5: Percent Distribution of Individuals Aged Below 15 years Involved in Monetary Transaction	55
Table 4.6: Types of Trafficking.....	56
Table 4.7: Tracking Vulnerability to Trafficking ver. 1.....	60
Table 4.8: Number of Migrants who were Likely Trafficked according to Age Groups ..	62

Table 4.9: Percent Distribution of Male and Female Migrants who were Likely Trafficked	62
Table 4.10: Percent Distribution of Male and Female Migrants who Experienced Sexual Harassment at the Workplace	63
Table 4.11: Tracking Vulnerability to Trafficking ver. 2	64
Table 4.12: Economics of Trafficking when Migrants Pay Commission	65
Table 4.13: Economics of Trafficking when Migrants Take Advance Payments	66
Table 4.14: Trafficking Scenario in HHs	67
Table 4.15: Percent Distribution of HHs where Migrants were likely Trafficked according to Availability of MGNREGS Job Card and Work Status	68
Table 4.16: Percent Distribution of HHs where Migrants were Likely Trafficked according to Land Holding	69
Table 4.17: Percent Distribution of HHs where Migrants were Likely Trafficked according to the possession of Types of Ration Card	69
Table 4.18: Percentage of HHs where Migrants are Likely Trafficked according to Access to Government Schemes for HHs	70
Table 4.19: Top 10 Destinations for Migrants who were likely Trafficked	70
Table 4.20: Income from Different Sources	72
Table 5.1: Percent Distribution of Male and Female Migrants according to Freedom to Quit Job	83
Table 7.1: Occurrence of Marriage	96
Table 7.2: Percent Distribution of Girls/Women according to Age at Marriage	96
Table 7.3: Percent Distribution of Girl/Woman who was Married in return for Monetary Benefit according to Social Category	97
Table 7.4: Percent Distribution of Marriage Instances according to Age Difference between the Bride and the Groom	100
Table 7.5: Percent Distribution of Marriage Instances according to Place of Marriage	101
Table 10.1: Percent Distribution of Missing Migrants according to Gender	132
Table 10.2: Percent Distribution of Missing Migrants according to the Complaints Filed	133

Table 10.3: Percent Distribution of Missing Migrants according to Age	133
Table 10.4: Percent Distribution of Missing Migrants Age <=18 years according to Gender.....	133
Table 10.5: Percent Distribution of Missing Migrants by Social Category	133
Table 10.6: Percent Distribution of Missing Migrant according to Accompanying Persons	134
Table 10.7: Percent Distribution of Missing Migrants according to Nature of Promise..	135
Table 10.8: Percent Distribution of Missing Migrants according to Status of Promise..	135
Table 11.1: Number of Child Adoption	138
Table 11.2: Percent Distribution of HHs where at least one Member Underwent Surgery for Money according to the Type of Surgery	143

List of Boxes

Box 5.1: Illustration of Wage Payment to a Family Working in Brick Kilns in Gujarat ..	77
Box 5.2: Violation of E-Migrate Program.....	78
Box 5.3: Economics of Trafficking for Labour at Borewell Units	79
Box 5.4: Economic Exploitation of Labourers in Construction Sites Trafficked from Dahod, Gujarat.....	80
Box 5.5: Exploitation at a Borewell Unit	84
Box 5.6: Case Study of Bonded Labour from Odisha to Mumbai.....	85
Box 6.1: Trafficking for Child Labour.....	90
Box 6.2: Sumangali Scheme Victim	92
Box 6.3: Trafficking of Young Girls from Assam to Fish Packaging Company in Gujarat	93
Box 7.1: Bride Trafficking: Minor Rohingya Girl Sold in Anantnag, Jammu and Kashmir	98
Box 7.2: Bride Trafficking in Haryana	99
Box 7.3: Bride Trafficking from Odisha to Madhya Pradesh.....	102
Box 7.4: Bride Trafficking from West Bengal to Rajasthan	104
Box 7.5: Trafficking and Re-Trafficking for Multiple ‘Fake’ Marriages	105
Box 8.1: Changing Profile of <i>Devdasis</i> in Karnataka	109
Box 8.2: Recruitment through False Promises	110
Box 8.3: Trafficking by ‘Fake Lover’	113
Box 8.4: Luring for Jobs and Marriage	114
Box 8.5: Child Sex Trafficking in Khajuraho, Madhya Pradesh	115
Box 8.6: Case of a Missing Minor Girl who was Lured through Facebook.....	116
Box 9.1: Confinement and Mistreatment of Domestic Workers	124
Box 9.2: Minor Domestic Worker and CSE.....	127
Box 9.3: Seajuli Tea Garden: Death of a Trafficked Child	127
Box 9.4: Case of Trafficking of an Adivasi Girl for Domestic Work.....	128
Box 10.1: Case of a Missing Boy from a Borewell Unit.....	132
Box 10.2: Case Study of a Missing Labourer	134

Box 11.1: Case of Illegal Adoption in Kerala	139
Box 11.2: Children Begging Outside Monasteries	141
Box 11.3: Illegal Organ Transplant Racket	143
Box 11.4: Children Used for Arms Supply	147
Box 13.1: Coordination between AHTU and OSC.....	166
Box 13.2: Suggested Structure for AHTU	167
Box 13.3: Issues of Escorting Rescued Victims	168
Box 13.4: Repatriation of Foreign Nationals.....	172
Box 13.5: Coordinating Mechanisms.....	189
Box 13.6: Steps towards Combatting Human Trafficking with Special Reference to Women and Children	190
Box 13.7: Steps towards Preventing Human Trafficking.....	197

List of Maps

Map 1: Labour Trafficking.....	86
Map 2: Trafficking for Bonded Labour.....	87
Map 3: Trafficking for Child Labour	94
Map 4: Bride Trafficking	106
Map 5: Sex Trafficking	120
Map 6: Trafficking for Domestic Work	129
Map 7: Migrants Not in Contact with Family (Missing Persons).....	136
Map 8: Trafficking through Illegal Child Adoption	140
Map 9: Organ Trafficking	144

List of Figures

Figure 1: Instances of Human Trafficking in India, NCRB, 2014-16.....	11
Figure 2: Sampling Framework	16
Figure 3: FGD Respondents	19
Figure 4: State-Wise Distribution of HHs categorized as Poor	33
Figure 5: State-wise Percentage of Migrant HHs which held a BPL Card	34
Figure 6: State-wise Percentage of HHs holding a MNREGS Job Card.....	37
Figure 7: State-wise Land Holding status of HH with Migrants	39
Figure 8: State Wise break-up of Children who Never Attended School	42
Figure 9: Percentage Distribution of Migrants according to Social Category	50
Figure 10: State-wise Distribution of Facilitators of Migration	51
Figure 11: Central Tendency and Standard Deviation for Amount Paid by Migrants	54
Figure 12: Central Tendency and Standard Deviation for Amount Paid by Migrants for Domestic and International Migration	54
Figure 13: Venn Diagram for Types of Trafficking.....	60
Figure 14: Sites for Labour Trafficking	75
Figure 15: Sites for Child Trafficking for Labour	89
Figure 16: Sites for Sex Trafficking	108
Figure 17: Levels of Association and Roles in the Trafficking Syndicate	157

Contents

<i>Acknowledgements</i>	ii
<i>Executive Summary</i>	vi
<i>Acronyms</i>	xxx
<i>List of Tables</i>	xxxiv
<i>List of Boxes</i>	xxxvii
<i>List of Maps</i>	xxxviii
<i>List of Figures</i>	xxxix
Chapter 1 Introduction	1
1.1 Human Trafficking in India	2
1.2 Objectives	11
Chapter 2 Methodology	13
2.1 Research Design	13
2.2 Planning Phase	14
2.3 Methods Used and Data Collected	18
2.4 Sample Size	20
2.5 Characteristics of the Sample	21
2.6 Unit of Analysis	22
2.7 Tools of Data Collection	22
2.8 Training and Orientation of the Research Team	22
2.9 Ethical Considerations	22
2.10 Limitations and Challenges	24
Chapter 3 Mapping the Vulnerabilities: Socio-Economic and Political Context	29
3.1 Community-Based Vulnerabilities	30
3.2 Household-Based Vulnerabilities	32
3.3 Individual-Based Vulnerabilities	41
3.4 Other Vulnerability Indicators	44
Chapter 4 Migration, Unsafe Migration and Trafficking	48
4.1 Profile of Migrants	49
4.2 Facilitators of Migration	50
4.3 Monetary Transaction	51
4.4 Link between Migration, Unsafe Migration and Trafficking	55
4.5 Economics of Household, Unsafe Migration and Trafficking	64
4.6 Socio-Economic Condition of the HHs from Where Migrants were Likely Trafficked	67
4.7 Destinations	70
Chapter 5 Labour Trafficking	73
5.1 Profile of Victims	75
5.2 Trends in <i>Modus Operandi</i>	76
5.3 Economics	79
5.4 Forms of Exploitation	80
Chapter 6 Trafficking for Child Labour	88
6.1 Profile of Victims	88
6.2 Trends in <i>Modus Operandi</i>	90

6.3 Economics.....	92
6.4 Forms of Exploitation.....	93
Chapter 7 Bride Trafficking	95
7.1 Profile of Victims.....	96
7.2 Trends in <i>Modus Operandi</i>	97
7.3 Economics.....	103
7.4 Forms of Exploitation.....	104
Chapter 8 Sex Trafficking.....	107
8.1 Profile of Victims.....	108
8.2 Trends in <i>Modus Operandi</i>	110
8.3 Economics.....	117
8.4 Forms of Exploitation.....	117
Chapter 9 Trafficking for Domestic Work	121
9.1 Profile of Victims.....	122
9.2 Trends in <i>Modus Operandi</i>	122
9.3 Economics.....	126
9.4 Forms of Exploitation.....	126
Chapter 10 Missing Persons and Trafficking	131
Chapter 11 Emerging Forms of Trafficking.....	137
11.1 Trafficking through Illegal Child Adoptions	137
11.2 Trafficking of Children for Beggary	141
11.3 Organ Trafficking.....	142
11.4 Trafficking for Recruitment in Insurgent and Militant Groups.....	144
11.5 Trafficking for Terrorist Activities.....	147
11.6 Trafficking for Surrogacy	148
11.7 Trafficking for Entertainment Groups	148
Chapter 12 Discussion: An Emerging Theoretical Argument	150
12.1 Understanding Trafficking.....	150
12.2 Demystifying the Trafficker.....	155
12.3 Understanding Source, Transit and Destination Areas	157
12.4 Response to Trafficking: Need of the Hour	158
Chapter 13 Recommendations.....	160
Chapter 14 Best Practises	198
Importance and Relevance of the Study	205
References	208
Annexure 1	213
Table 1: Crime Incidence of Human Trafficking and Victims Rescued for 2016, NCRB	213
Table 2: Crime Incidence under IPC 370 and 370A and Victims Rescued (2014-16), NCRB.....	215
Table 3: Crime Incidence under IPC 372 and Victims Rescued (2014-16), NCRB...217	
Table 4: Crime Incidence under IPC 373 for 2012-2016 and Victims Rescued (2014-2016), NCRB	218
Table 5: Incidence of Crimes under ITPA (2012-2016), NCRB	219
Table 6: Crime Trend under ITPA (2012-2016), NCRB.....	220

Table 7: Crime Incidence of Bonded Labour and Percentage Variations (2014-15), NCRB.....	221
Table 8: Crime Incidence and Victims of Bonded Labour Rescued by Social Categories for 2014 and 2015, NCRB.....	223
Table 9: Crime Incidence and Victims Rescued of Child Labour (2014-16), NCRB.....	224
Table 10: Crime Incidence and Rescued Victims of Bonded Labour by Social Categories for 2014 & 2015, NCRB.....	225
Table 11: Missing and Traced Persons according to Gender and Age Group, 2016, NCRB.....	226
Annexure 2 List of Districts Covered	227
Annexure 3 List of Parameters and Sub Parameters	229
Annexure 4 Recommendations for Ujjawala Scheme and Swadhar Scheme: With Specific Focus on Women	231
Annexure 5 Important SOPs and Findings	243
Annexure 6 Scheme for Rehabilitation and Social Re-integration of Women Trafficked for Various Forms of Bondage and Exploitation (with specific reference to commercial sexual exploitation and domestic servitude).....	260
Annexure 7 Reflections on the “Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018”	276

Chapter 1

Introduction

Human trafficking is an organised crime that has been identified as the fastest growing organised criminal industry in the world and a crime against humanity. Trafficking involves trade and exploitation of children, women and men. From an economic lens, human trafficking as an economic activity is a consequence of a commoditisation process that profits from human mobility. It is a violation of human rights and legal provisions of the state.

Every year, thousands of men, women, and children fall into the hands of traffickers. Human trafficking includes several components such as sex trafficking, labour trafficking, trafficking for child labour, organ trafficking, trafficking for illegal adoptions, etc. Sex trafficking is human trafficking for the purpose of commercial sexual exploitation (CSE). Labour trafficking involves trafficking for the purpose of labour. Examples can include a man trafficked into farm work, or a woman trafficked as a domestic worker. Organ trafficking is when people are trafficked so that their organs can be sold to be used as transplants. Besides, many forms of trafficking have emerged in the recent years like bride trafficking, infant trafficking, trafficking for breast feeding, trafficking for sperm donation, trafficking for skin grafting, trafficking for pornography, etc. None of the forms of trafficking are mutually exclusive and one form may overlap with another form. People can be trafficked by many means such as physical force, or false promises made by traffickers, lure for better opportunities of life, etc. The extent of mediation, the *modus operandi* of the traffickers and forms of exploitation enable one to differentiate trafficking from “smuggling in persons” and “migration for work”.

The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, adopted in November 2000, has defined “trafficking in persons” in very clear terms. Article 3(a) of the protocol defines “trafficking in persons” as the “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of

deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.² This protocol has been adopted by the United Nations Convention against Transnational Organised Crime (UNTOC) which is committed to promote cooperation to prevent and combat transnational crime. This affirms the organised nature of human trafficking.

1.1 Human Trafficking in India

The Constitution of India prohibits trafficking under Article 23.

Laws

In the Indian context, there are several laws, which cover the activities, which constitute trafficking. They are as follows:

- *Sections 370-370A* of the Indian Penal Code, 1860 (IPC) defines and penalises trafficking in persons
- *Section 371, IPC* criminalises slavery
- *Section 372-373, IPC* criminalises buying and selling of underage girls for prostitution

²OHCHR.(2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. *Office of the United Nations High Commissioner for Human Rights*, [online]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx> [Accessed 3 April 2018]

- *Immoral Traffic (Prevention) Act, 1956 (ITPA)*, provides for punishment for keeping a brothel or premises for prostitution; living on the earnings of prostitution; procuring, including or taking person for the sake of prostitution; detaining a person in premises where prostitution is carried out. It also provides for rescue of persons and their intermediate custody.
- *Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act)* provides a framework for protection of children who are missing or at risk of being trafficked

Laws which deal with forced labour

- *Bonded Labour System (Abolition) Act, 1976*
- *Contract Labour (Regulation & Abolition) Act, 1970*
- *Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979*

Laws which deal with child labour and sexual offences against children

- *Children (Pledging of Labour) Act, 1933*
- *Child Labour (Prohibition and Regulation) Act, 1986*
- *Protection of Children from Sexual Offences (POCSO) Act, 2012*, specifically:
 - *Section 2 of the POCSO Act:* POCSO Act, 2012 under section-2 explicitly defines "Child Pornography" i.e. Child Pornography means any visual depiction of sexually explicit conduct involving a child which include photograph, video, digital or computer generated image indistinguishable from an actual child, and image created, adapted, or modified, but appear to depict a child.
 - *Section 14 of the POCSO Act:* Section-14 provides punishment for using child or children for pornographic purposes.
 - *Section 15 of POCSO Act:* Section-15 provides Punishment for storage or possession or transmission or propagation or displaying or distributing of pornographic material in any form involving a child in any manner at any time.

Under POCSO Rules, 2020, Rule 11 of the POCSO Rules, 2020: Rule-11 provides provisions regarding the Reporting of pornographic material involving a child. The Rule-11 provides that "Any person who has received any pornographic material involving a child or any information regarding such pornographic material being stored, possessed, distributed, circulated, transmitted, facilitated, propagated or displayed, or is likely to be distributed, facilitated or transmitted in any manner shall report the contents to the *SJPU* or *local police*, or as the case may be, *cyber-crime portal* (*cybercrime.gov.in*) and upon such receipt of the report, the *SJPU* or *local police* or the *cyber-crime portal* take necessary action as per the directions of the Government issued from time to time.

Law which deal with organ transplant

- *Transplantation of Human Organ Act, 1994*

Laws which deal with cybercrime

- *Information Technology Act, 2000*

Section 67 deals with punishment for publishing or transmitting obscene material in electronic form

Section 67 A deals with punishment for publishing or transmitting material containing sexually explicit acts etc. in electronic form

Section 67 B deals with punishment for publishing or transmitting material depicting children in sexually explicit acts etc. in electronic form

There are several state specific laws as well, such as Punjab Prevention of Human Smuggling Act 2012, Goa Children's Act 2003, Chhattisgarh Private Placement Agencies (Regulation) Act 2013, Karnataka Devdasi (Prohibition of Dedication) Act 1982, Delhi Private Placement Agency (Regulation) Order, 2014 and Andhra Pradesh Devdasi (Prohibiting Dedication) Act, 1989 which may be implemented to combat human trafficking.

For the purpose of this study, while we have considered all the above laws and regulations while collecting qualitative and quantitative data, IPC section 370 forms the basis of the tool used for Household (HH) survey.

Prevalence

This section discusses the prevalence of trafficking and trafficking related crimes under some of the sections of IPC and Special and Local Laws (SLL) discussed in the above section. This discussion is based on the crime data available in the National Crime Records Bureau (NCRB) reports from 2012 to 2016, depending on availability and changes in reporting formats.

The total number of cases reported under the various sections of human trafficking for the year 2016 is estimated to be 8,132 at the national level. During the same period, the number of 'trafficked victims' according to Crime in India, 2016 was 15,379. Upon disaggregating the number of trafficked victims by gender and age, it is found that out of a total of 9,034 individuals aged below 18 years who had been victims of human trafficking in 2016, 46 per cent were males while 54 per cent were females. Even among the ones aged above 18 years, (6,345 persons trafficked) females occupied the major share of 83 per cent. In conclusion, the prevalence of the crime can be estimated to be 59 per cent for the victims aged below 18 years and 66 per cent for the females, thus, underlining the heightened vulnerabilities of the adolescents, youth and women to fall prey to exploitation and trafficking. West Bengal, Rajasthan, Gujarat, Maharashtra and Tamil Nadu have recorded the highest number of cases registered under human trafficking for the year 2016 (Annexure 1 Table 1).

In 2016, NCRB started presenting data under 'victims trafficked' and 'victims rescued' as two different tables. In this year the total number of victims rescued were 23,117. Out of these 14,183 (61 per cent) were below 18 years and 8,934 (39 per cent) were above 18 years. Among the children rescued 8,651 were females and 5,532 were males. For people above 18 years rescued in 2016, the numbers are far more skewed towards females. 7,238 females were rescued and 1,696 males were rescued. While a note below the table for

'victims rescued' states that these may include people trafficked in previous years, and hence the figures are more, this was mainly seen in Madhya Pradesh and Rajasthan where the number of victims rescued was 4,817 and 5,767 respectively. These were also the states where most people were rescued. Under victims trafficked the figures for these two states were 120 and 2,854 respectively. West Bengal followed with 2,793 people rescued (victims trafficked- 4164).

IPC sections 370-370A

According to the data obtained from the NCRB for the three-year period across 2014 to 2016, the crime incidence under IPC 370 and 370A was the highest in 2015 with 1,021 cases registered. Thereafter, the crime trend can be observed to decrease by 10 per cent in 2016. While Jharkhand (N=150) and Maharashtra (N=108) were the highest contributors of crimes under IPC 370 and 370A in 2014, Assam (N=137) and Telangana (N=226) have displayed remarkable increases in the following year. For 2016, the highest crime incidences were recorded for Jharkhand (N=160) and West Bengal (N=133). The total number of victims of human trafficking rescued in 2014 was 2,605 while it dropped to 2,448 in 2015 and decreased further to 1,982 in the year after (see Annexure 1, Table 2).

IPC section 372

Crime incidence under IPC 372 was analysed for the years 2012 to 2016 and additionally provides the number of victims rescued for the years ranging from 2014 to 2016, disaggregated by the states and Union Territories. While the number of registered cases under IPC 372 decreased from 108 in 2012 to 100 in 2013 and 82 in the year after, we can observe a 35 per cent increase from 2014 to 2015 and a subsequent rise of 10 per cent from 2015 to 2016. A similar trend can be inferred for the number of victims under IPC 372 identified and rescued. A pattern common to the years under study is that West Bengal has significantly contributed to the national total for the number of cases registered under the prohibition of selling minors for prostitution (see Annexure 1 Table 3).

IPC section 373

The data for crime incidence under IPC 373 across 2012 to 2016 indicates that the total amounting to 15 cases in 2012 had dropped drastically by 60 per cent in 2013, but increased again by 133 per cent in the following year. After 2014, the crime incidence can again be seen to decrease in 2015 and 2016. The number of victims rescued can also be observed to reduce from 18 in 2014 to 11 in 2015 and 7 in 2016. Maharashtra, Jharkhand and West Bengal claim the highest shares for the years 2012 to 2014, while Uttar Pradesh and Telangana emerged as contributors in 2015, and Madhya Pradesh also recorded incidence under IPC 373 in 2016 (see Annexure 1 Table 4).

ITPA, 1956

The ITPA is focussed on CSE or prostitution and penalizes those who facilitate and abet CSE, including clients and those who live off the earnings of the victims. The act also has provisions for welfare measures towards rehabilitation of victims in the form of protective homes to be established and managed by state governments. The arrangement of sections under ITPA has been outlined in the Table 1.1.

Table 1.1: Arrangement of Sections under ITPA

Sections under the ITPA	Implications
Section 3	Punishment for keeping a brothel or allowing premises to be used as a brothel
Section 4	Punishment for living on the earnings of prostitution.
Section 5	Procuring, inducing or taking a person for the sake of prostitution.
Section 6	Detaining a person in premises where prostitution is carried on
Section 7	Prostitution in or in the vicinity of public places.
Section 8	Seducing or soliciting for purpose of prostitution.
Section 9	Seduction of a person in custody

Human trafficking cases registered under ITPA across a five-year period (2012-2016) were analysed and in addition, the details on the number of rescued victims available for the last three years were also assessed. At the national level, the total number of incidents registered under the Act can be seen to increase from 2,563 in 2012 to 2,617 in 2014 and 2,641 in 2015. However, the incidence appears to have decreased by 14 per cent between 2015 and 2016. Tamil Nadu, Karnataka and Maharashtra have been the highest contributors to the incidence of cases under ITPA in 2016, recording 434, 330 and 316 cases respectively. A total of 3,351 victims were rescued in 2014 while 3,405 and 3,258 victims were reported to be rescued in the following two years respectively (see Annexure 1 Table 5).

The crime trend analysis manifests a 0.6 per cent increase in the number of cases of human trafficking registered under ITPA between 2012 and 2013, a 1.5 per cent increase from 2013 to 2014 and a 0.9 per cent rise from 2014 to 2015 on a national level. States like Uttar Pradesh and Bihar have consistently shown increases in the percentage variations of crime incidence except for the period between 2014 and 2015 (see Annexure 1 Table 6).

Bonded Labour System (Abolition) Act, 1976

The Bonded Labour System Abolition Act, 1976, under Article 23 of the Constitution of India, imposes a prohibition on the practice of traffic in human beings and of forced labour and also provides that contravention of the aforementioned prohibition is an offense by the law. According to the data obtained from the NCRB for 2014-2016, the crime incidence under this Act has increased by 31.4 per cent from 70 in 2014 to 92 in 2015 while a further increase of 39.1 per cent can be observed in the trend from 2015 to 2016. States like Haryana and Uttar Pradesh have manifested a marked increase in the crime incidence across the years while Telangana has also shown a rising trend in the number of instances of bonded labour. The number of victims identified and rescued nationally has gone up from 279 in 2014 to 426 in 2015 and 633 in 2016 (see Annexure 1 Table 7).

The incidence of bonded labour in the country, when classified by the social categories of victims tells us that out of the total number of victims of child labour on a national level, 10 belonged to the Scheduled Caste (SC) in 2014 but the number rose to 15 in 2015. While there was only 1 victim from the Scheduled Tribe (ST) in the year 2014, the following year saw the figure rising to 5. This indicates the expanding vulnerabilities of the social classes deemed underprivileged and backward to fall prey to trafficking in the form of bonded labour (see Annexure 1 Table 8).

Child Labour (Prohibition and Regulation) Act, 1986

The Child Labour (Prohibition and Regulation) Act of 1986, amended in 2016, has been specified under the SLL and prohibits the employment of children, defined as persons who are under 14 years of age, and their engagement in specified economic activities or occupations. The Act also imposes regulations on the working hours and conditions of children in the processes or sectors permitted by the law. In India, the number of cases of child labour was 147 in 2014 and decreased to 92 in the following year but the country has experienced a 121.7 per cent increase in the incidence of child labour from 2015 to 2016. The number of victims rescued nationally has gone down from 485 in 2014 to 426 in 2015 and 384 in 2016. While most of the Indian states have shown decreasing trends in instances of child labour, Karnataka has shown a consistent rise in the incidence. Although Maharashtra had manifested an 88.9 per cent decrease from 2014 to 2015, the crime incidence rose remarkably by 1,760 per cent from 2015 to 2016. Conversely, Uttar Pradesh has experienced a decreasing trend after an initial increase of 675 per cent from 2014 to 2015 (see Annexure 1 Table 9).

The incidence of child labour in the country, when disaggregated by the social categories of victims indicates that out of the total number of victims of child labour on a national level, 8 belonged to SC in 2014 but the number rose to 15 in 2015. While there were no victims from the ST in 2014, the following year saw the figure rising to 5. On the other hand, the atrocities against children in the form of labour exploitation from other social categories excluding SCs and STs can be seen to fall by 48 per cent from 2014 to 2015,

therefore, underlining the increased vulnerabilities of the social classes deemed underprivileged and backward (see Annexure 1 Table 10).

Missing Persons

According to the NCRB data for the year 2016 for the number of missing and traced children, 63,407 individuals aged below 18 years were reported to be missing of whom almost 65 per cent were found to be females. About 55,944 missing children were also traced or recovered during the year. When tabulating the total number of missing persons, it emerged that almost 60 per cent of the 2,90,439 missing individuals were females. The information summarised above distinctly highlight the heightened risks of women and minor girls to fall prey to exploitation and trafficking-like circumstances. The share of missing can be estimated to be almost 22 per cent for the children aged below 18 years. Madhya Pradesh, West Bengal, Delhi UT, Bihar and Maharashtra have recorded the highest number of missing children across the country for the year 2016 (see Annexure 1 Table 11).

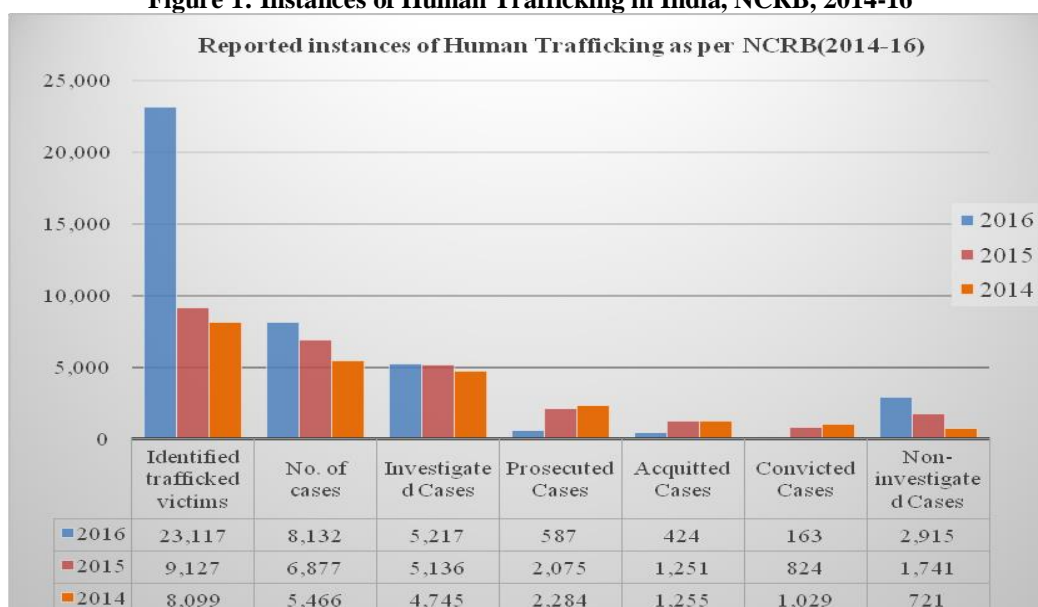
Cases of Human Trafficking as per NCRB

According to NCRB 'Crime in India' report, a total of 40,343 victims were rescued from trafficking during the period 2014-16. Over 57 per cent of these were rescued in 2016 alone. However, the sum of cases disposed by the police and courts in 2016 were lower than previous years. While the numbers of investigated cases by police were comparable throughout the period, close to 36 per cent cases remained non-investigated at the end of 2016. This figure stood at 13.2 per cent in 2014 and 25 per cent in 2015. For the cases disposed in courts, 2,284 trials were completed during 2014. This number decreased to 2,075 in 2015, but a significant drop was observed in 2016. Only in 587 cases, trials were completed by the court. It is a 400 per cent drop compared to 2014. If we take into account the number of investigated and non-investigated cases disposed by police and awaiting prosecution in the court, a grim picture of delayed justice to the victims comes to the fore. While already the conviction rate is low in the court, a delayed and prolonged trial further augments the pain of the trafficked victims.

Table 1.2: Reported Cases of Human Trafficking in India, NCRB, 2014-16

	2014	2015	2016
Identified Trafficked Victims	8,099	9,127	23,117
No. of Cases	5,466	6,877	8,132
Investigated Cases	4,745	5,136	5,217
Prosecuted Cases	2,284	2,075	587
Acquitted Cases	1,255	1,251	424
Convicted Cases	1,029	824	163
Non-Investigated Cases	721	1,741	2,915

Figure 1: Instances of Human Trafficking in India, NCRB, 2014-16



1.2 Objectives

Against this backdrop of the incidence and prevalence of trafficking and trafficking related crimes, the Tata Institute of Social Sciences (TISS), under the aegis of National Human Rights Commission (NHRC) initiated a research project on 'Human Trafficking in Vulnerable Districts of India' in 2014. The objectives of the research study are:

- To understand the existing and emerging forms of human trafficking in India and across its borders
- To understand the *modus operandi*, causes, and consequences of human trafficking in India
- To assess the economics/ finances of human trafficking in India
- To identify the social, economic, political and cultural causes of human trafficking at the household, community and regional level
- To understand the linkages between migration, missing persons and human trafficking
- To analyse the current response systems including the legal framework, policies, state and non-state interventions to combat human trafficking
- To suggest and recommend the way forward to address the gaps identified in the research
- To contribute to the theoretical understanding of human trafficking in India

Chapter 2

Methodology

The methodology for this research was carefully drawn out in consultation with various stakeholders as well as relevant literature that highlight the challenges implicit in designing a methodology for a complex and sensitive issue like human trafficking. Though there may be many people at the community level who may be aware of the trafficking networks and the *modus operandi* of the traffickers, its hidden nature and illegality makes it difficult for people to openly talk about it, due to threat of personal harm and social stigma involved. Given this scenario, it was a difficult task to think of ways in which the researchers' presence in the field would not threaten the everyday lives of those who agree to involve themselves in the research process. There was also an element of threat to the research team members as they were viewed as people who have come to investigate or 'find out' more about the crime. What would an investigation by team of research officers from TISS entail? How would it change the dynamics on the field? What kind of responses would it generate from the traffickers and their networks? These were some of the questions based on which the research team began to carve out a methodology for a hidden and organised phenomenon such as human trafficking.

2.1 Research Design

For an understanding of the complex and dynamic nature of 'Human Trafficking in India' a mixed methods research design was adopted; both quantitative and qualitative approaches were used concurrently to collect data. The qualitative methods were seen as more relevant to elicit insights about the phenomenon, given the complex and sensitive nature of the issue; and in order to understand the extent and prevalence of human trafficking in India, a HH survey was conceived as necessary. The quantitative research design entailed carrying out HH survey at the village level in the source areas. The qualitative research design involved conducting in-depth interviews and group discussions with key stakeholders as well as victims of trafficking and traffickers. A common strategy was adopted for selection of districts in each state where the study was

conducted. Both primary and secondary data were collected in five districts of each of the state. However, in smaller states of the country only two districts were selected.

2.2 Planning Phase

The planning process for the data collection in each state lasted for almost a month. During this phase, the process for data collection was meticulously planned by working out the time frame, sampling methods, size and the feasibility. Accordingly, literature review was undertaken to explore different dimensions of human trafficking and related contextual processes. In addition to the literature review, key informants (KIs) were identified through Non-Governmental Organisations (NGOs) working in the state to get a better understanding of human trafficking in the state. After obtaining their contact details, correspondence was established through phone calls and emails. The purpose of this correspondence was also to receive information and suggestions about the sample selection, the data collection process and an overview of the state with respect to human trafficking. Based on the literature review and the suggestions of the key stakeholders, vulnerable districts, blocks and villages were mapped through their support. Snowballing technique was used to get contact details of other stakeholders. Interview guides were prepared for the stakeholders and the KIs.

Selection of the Districts

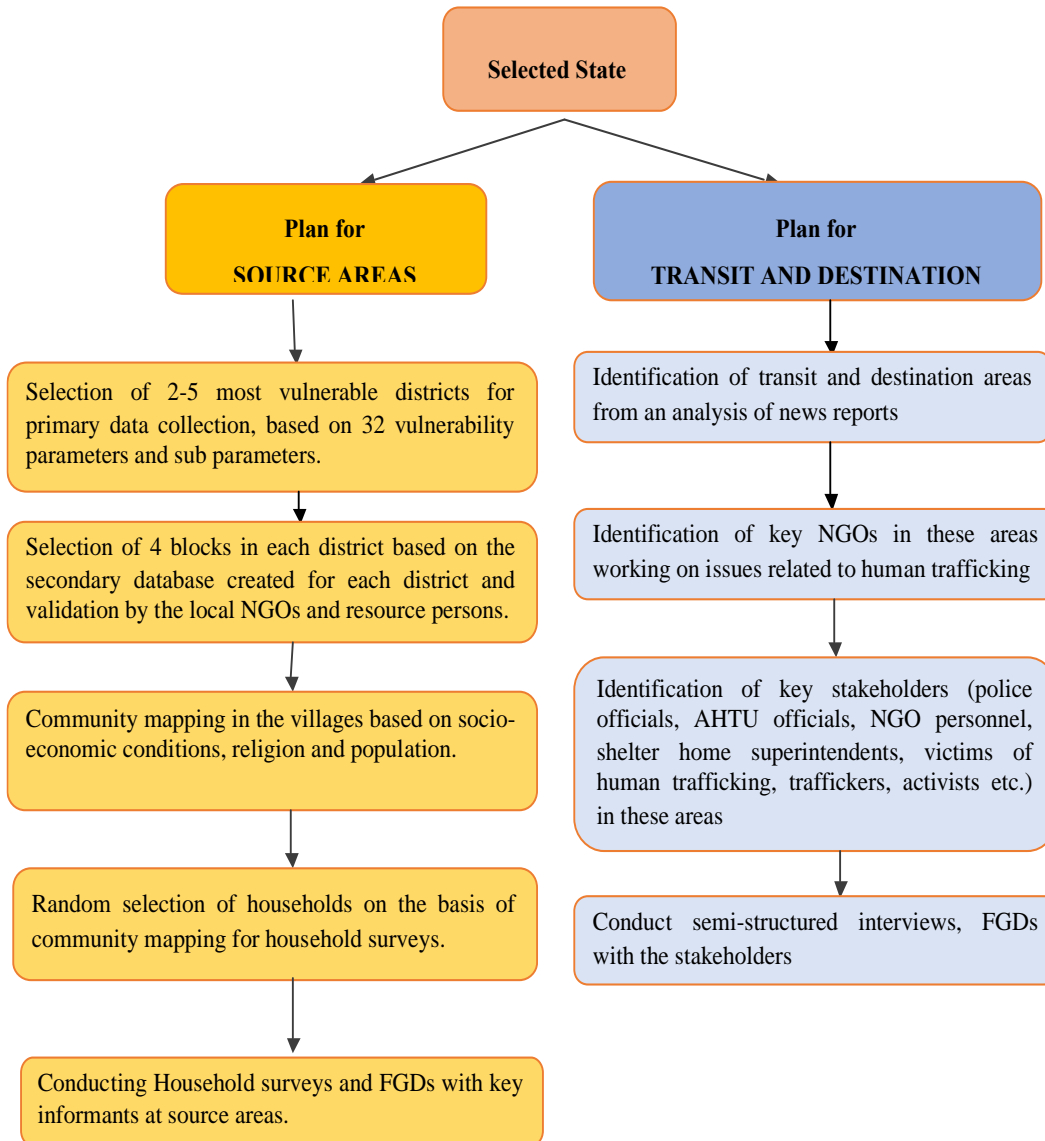
The selection of vulnerable districts was done through a ranking process based on secondary data sources such as the Census 2011, the National Family Health Survey (NFHS) 2005-06, Human Development Index (HDI) and the NCRB. A total of 32 such parameters and sub-parameters (see Annexure 3) were used to rank the districts in each state. Subsequently, five vulnerable districts from each state were identified based on 32 parameters, to serve as possible sites for data collection. This methodology was validated through a National Consultation on research methodology organised at TISS on June 2, 2015. Besides the 32 parameters, inputs from KIs and stakeholders from the field were taken into consideration before finalising the districts.

It may be pointed out that the Census 2011 has identified about 37 per cent of the population as migrant; whereas, this report has estimated it to be around 13 per cent (based on its sample survey of 36507 HHs). The difference between these two figures maybe explained as under:

The percentage of migration in Census data is calculated based on two questions, place of birth and place of last residence. However, in the present study, the family member present in the household provided details of those who had migrated between 2014-16. The methodology and the research questions used to carry out census and the present study are very different, therefore not comparable. The Census methodology covers persons born at a different place (other than the place where the Census is being carried out) as well as persons who had lived at some other place as last place of residence. The TISS study only records persons migrated in the last three years. So the Census data covers a much larger canvas in calculating the migration figures. Therefore, our study shows a much smaller number of migrants than the Census data.

Based on the analysis of news reports, journal articles, and NGO reports, mapping of districts was done, which helped the research team decide upon destination areas and source areas. Household survey was conducted in the source areas but not in the destination areas. A different methodology was followed for the destination and source areas, which has been shown in the sampling framework chart below.

Figure 2: Sampling Framework



Selection of Blocks and Villages

In each source district, four most vulnerable blocks were selected with the help of government officials and discussions with NGOs to conduct the HH survey. In each block, about 3 to 5 per cent of villages were selected for the survey with the help of the KIs. A community mapping of the village was done to understand the social groups in the village, and households were selected randomly from these communities. In each village, 5 to 10 per cent of households were selected. And it was decided that the research team would cover a minimum of 20 households and a maximum of 50 households in each village. However, in exceptional cases, the sample size could not be achieved due to non-availability of household members due to migration, festivals, political conflicts, daily work patterns etc. Purposive Sampling was used wherein the respondents were selected as per the requirements of the research questions. Snowball sampling was used to interview the victims, victims' families, government officials and NGOs.

It is important to mention here that due to the sensitive nature of the issue being surveyed, it was not possible to select households using probability sampling. Therefore, survey weights could not be calculated in absence of selection probability of household and non-response adjustment factor. **In the absence of survey weights, it was not possible to project or extrapolate the data presented in this report. Moreover, as discussed above, the selection of sample households was based on the criteria of vulnerability, which is not representative of the overall population. Given that the proportion of population is a conservative estimation, the percentage of person trafficked out of migrated population appears to be large.**

The study has attempted to adopt a holistic view while trying to understand the issue of human trafficking and taken several developmental as well as social indicators to estimate the vulnerability of a particular district. The individual is seen in the context of the household as well as the community. The idea was to establish the factors that facilitate the trafficking of human beings from a particular household in a particular village in a particular district and then project the scenario existing in the state. **It needs to be highlighted that the selected districts may not be the only source, transit or**

destination districts in the state prone to human trafficking. They are at best, indicative of the vulnerabilities to human trafficking based on our methodological framework. It is important to reiterate that the methodology of the research was based on the premise of accessing the most marginalised groups and individuals to capture their vulnerabilities. Our assumption was that these sections of society were likely to be trafficked or prone to being trafficked, in the absence of social supports and safe migration practices. In this respect, we would also like to emphasise that trafficking cases may have a link with unsafe migrations but all migration cannot be labelled as trafficking.

2.3 Methods Used and Data Collected

Primary data was collected through HH survey, semi-structured interviews, case studies, focus group discussions (FGD) and observations. In the source districts, a combination of different methods, along with HH survey was used to collect data. However, in the destination districts, all other methods, apart from household survey were used.

Household Survey: A household survey was conducted in the villages to estimate the various vulnerabilities at the community, HH and individual level along with patterns of migration and its *modus operandi* in order to ascertain different forms of trafficking.

Case Studies: Case studies were developed on the experiences of the trafficked victims and their families and explored areas such as exploitation and trafficking for child labour, commercial sex, domestic work, surrogacy, child trafficking and bride trafficking. They also uncovered themes such as missing migrant labourers, unsafe working conditions, trafficking of children, migration, and accident of a migrant labourer in power plants etc. The case studies, which were meticulously prepared, reflect the reality on ground and project unheard voices, well documented by the research team.

Focus Group Discussions: FGDs were carried out with government officials, anganwadi workers, villagers and different women's groups in the villages in order to capture the perceptions, opinions and ideas on different aspects of human trafficking. The groups

usually consisted of approximately 7-10 members. The discussions were held with a mixed group of persons including lower/oppressed castes, minority community members, tribals, gram pradhans and other villagers. The discussions lasted for about 1 to 2 hours. The group discussions proceeded slowly, giving enough time for the respondents to think and answer. Whenever it was felt that the information was being repeated, questions were presented to make sure that all the issues were addressed.

Figure 3: FGD Respondents



Semi-structured Interviews: Semi-structured interviews were held with KIs that included NGO representatives, academicians, advocates, social workers, activists, journalists, etc. They also included police officials, district administrators, Child Welfare Committee (CWC) members, District Child Protection Unit (DCPU) officials, Anti-Human Trafficking Unit (AHTU) staff, District Social Welfare Officers (DSWO), Integrated Child Development Scheme (ICDS) officials, District Women and Child Development

Officials (DWEDO), railway officials, anganwadi workers, panchayat members, Auxiliary Nurse Midwife (ANM), Block Development Officers (BDO), Childline, institutional care givers (shelter homes, protective homes, children's homes and observational homes), Labour Department officials, District Rural Development Agencies (DRDA), traffickers³ and victims of trafficking. Depending on the profile of the KIs, discussions mainly focussed around the patterns of demand and supply related to human trafficking, magnitude and forms of trafficking, *modus operandi* used by the traffickers, routes of trafficking, role of government agencies in rescue operations, role of NGOs in rehabilitation, migration prone areas.

Secondary Data: Secondary data about rescued victims of trafficking was collected from different NGOs, government documents, Labour Department, State Crime Records Bureau (SCRB) and District Crime Records Bureau (DCRB), Childline, CWC etc in order to understand the phenomena of human trafficking in these districts. In cases where the data could not be procured the statistics mentioned in response to Parliamentary questions were used for analysis. The state crime data was analysed to understand the different nature of crimes in the state under consideration.

2.4 Sample Size

Fieldwork was conducted in the 29 states in India as well as the Union Territories of Chandigarh, Delhi and Puducherry.⁴

Table 2.1: Number of HHs and Interviews

S No.	Qualitative Methods	Number
1	Case Studies	331
2	Focus Group Discussions*	163
3	Key Informant Interviews	2826
	Quantitative Methods	
1	Number of HHs	36,507
2	Number of Individuals	2,04,820

* This includes 46 Group Interviews conducted in Chandigarh

³Traffickers interviewed include village-level agents, placement agencies, those located at brothels, and traffickers who were interviewed in prisons.

⁴See Annexure 2 for list of districts covered.

Table 2.2: Sample Size of Districts

S No.	Districts	Number
1	Districts covered for HH survey**	98
2	Districts covered only for Key Informant and/or Case Study	36
	Total Districts Covered	134

**Case studies were conducted and Key informants were also interviewed in districts where HH surveys were conducted.

2.5 Characteristics of the Sample

Demographic details of the individuals in the HHs and the HHs surveyed have been provided in Table 2.3 and 2.4 respectively.

Table 2.3: Demographic Profile of the Sample Population

Gender	Response Received	
	N	%
Male	1,05,654	51.6
Female	98,281	48.0
Transgender	885	0.4
Total	2,04,820	100
Category	N	%
General	29,618	14.5
Scheduled Caste (SC)	48,396	23.6
Scheduled Tribe (ST)	69,060	33.7
Other Backward Classes(OBC)	49,052	23.9
Others	5,393	2.6
Do not Know	1,156	0.6
No Response	2,145	1.1
Total	204,820	100
Age Groups		
Children (0-12)	47,822	23.3
Adolescent (13-18)	29,145	14.2
Young Adult (19-25)	34,590	16.9
Adulthood (26-40)	47,749	23.3
Middle Aged Person (41-60)	34,094	16.6
Older Person (60+)	11,206	5.5
No Response	214	0.2
Total	204,820	100
Female Headed Households	956	2.6
Male Headed Households	35,551	97.4
Total Households	36,507	100

Ever Married Women who had Early or Child Marriage (<18 years)	21,052	39.9
Ever Married Women who Married at or Above Marriageable Age	31,710	60.1

Table 2.4: Demographic Profile of the HHs

Details	Value
Average HH size	6
Average HH monthly income	INR 12,638

2.6 Unit of Analysis

The HH and the migrants from these HHs was the unit of analysis in the study. The information gathered is based on responses from a member of the HH who was available at the time of the survey. The family member gave information about others in the family – including those who were present and absent in the HH during the survey, or had migrated for various reasons.

2.7 Tools of Data Collection

- In-depth interview guide
- FGD guide
- HH Survey schedule

The HH survey schedule was prepared in English and was translated into Hindi, Odia, Bengali, Assamese, Tamil, and Telugu to make it conducive for the locally hired Research Investigators (RIs) to conduct the survey with efficacy.

2.8 Training and Orientation of the Research Team

A training programme for the Research Officers was carried out in TISS. The ROs in turn trained the RI who were hired from the state or specific district where the fieldwork was being carried out.

2.9 Ethical Considerations

The issue of human trafficking is a sensitive one where there is a threat of physical, sexual and psychological harm as well as social stigma. In order to protect the interests of

the community and individuals the following ethical considerations were undertaken at the time of planning as well as implementing the research.

Confidentiality and Anonymity: The survivors of trafficking and their families were assured that their identity will be kept anonymous and no identifying characteristics will be divulged in the report. In order to ensure this, the report does not contain the names of the villages from where the respondent hails as this may easily identify the person or their family. All names have been changed to adhere to the principle of anonymity.

In the case of the KIs, we have not mentioned their names in the main text of the report where we are citing them. We have only mentioned their profession and in some cases the position they occupy in an organisation. Several KIs stated that they did not have an issue with their names being divulged but some expressed reservations for the same. Given, the importance of KIs in combating the issue of human trafficking, and the value of their responses, we have given a list with their names and affiliation in the annexure of each state report. We have represented their responses in the most ethical manner possible.

Positionality and Reflexivity: The research team was well aware of their social locations and the kind of impact their presence may have in the field. In several instances, they had to abort the research process due to non-cooperation of gatekeepers or the fear of retribution that the villagers harboured. Knowing that the community will have to deal with the repercussions of the research process, the researchers often tried to talk to the elders in the village and explain the importance of the research process to them. In cases where there was a hostile environment and they were unable to convince the villagers, they did what was possible and left without pressurising the villagers in any way. The dynamics of being an ‘outsider’ to the community were dealt with by the research team in a professional manner.

Informed Consent: The research team sought oral consent from those who were interviewed. The objectives and purpose of the study was explained to the research

participants in the language that was comprehensible for them. The consent note was stated at the beginning of each survey schedule.

Doing No Harm: As discussed above, the research team ensured that their presence in the field did not harm the research participants in any way. In addition, while writing the research report, caution was exercised so that an already marginalised community, caste, tribal or religious group is not further marginalised. In several states, it was observed that though a particular group may be socially backward, their access to resources and their class position made them amenable to being organisers of the trafficking network. In such cases we have not mentioned the name of the community or social group so that the larger population within the community is not marginalised further. The same caution has been exercised while referring to religious groups. Instead of referring to specific religious groups we have referred to them as ‘faith-based’ organisations or groups. In cases, where the vulnerability of a particular social group to being trafficked has clearly emerged from interviews and field observations, we have stated their religious, caste or tribal identity.

2.10 Limitations and Challenges

To study human trafficking, the team collected data from various sources in villages and districts spread across the country. While doing so, they faced a number of physical, cultural and political challenges, which affected the duration of fieldwork as well as the quality of its outcome. The most significant of these challenges are given below:

Lack of Recognition of the Problem: In certain districts, the complete denial of the existence of problem of human trafficking in the response system was the biggest challenge faced by the researchers. Getting on with interviews on a subject not considered an issue of significance to them was very difficult. The officials considered their city/ district as peaceful and found it difficult to accept that there might be a need for research on human trafficking there. The generic image of certain states and Union Territories (UTs) being developed and prosperous places posed challenge as the topic of research was found to be almost offensive by the stakeholders who thought how can one

associate human trafficking with their city/ district/ state. In an effort to project a certain image, the officials preferred to hide problems related to human trafficking in their area.

Lack of Awareness among Stakeholders: Lack of knowledge and awareness about what constitutes trafficking caused various difficulties in explaining the requirements of the study. Considering the time constraint, it was difficult to explain the concept of trafficking to each stakeholder before the actual interview could begin. In most cases, the stakeholders equated human trafficking with CSE and almost always denied labour trafficking as an issue of concern.

Challenges in Engaging Villagers in Survey: In many villages, the villagers refused to participate in the survey. They complained that various surveys have been done earlier in the village and none of their problems have been solved by any research. It was difficult for all RIs to convince them about the significance of the research and its policy implications in their lives.

Fear of Loss of Livelihood among Victims: Many victims feared that if they talked about the various forms of exploitation they face as labourers or victims of CSE/ sex workers, they might lose their work. They also feared contractors and agents who are usually around them and have strictly ordered them to not talk about their recruitment and conditions of work with outsiders. Fear of reprisal, and insecurity were indeed high concerns, which prevented them from speaking out. Victims of international trafficking pay a large amount to agents to send them to Gulf countries despite knowing stories of exploitation of other migrant labourers in the destination. However, due to lack of decent livelihood options locally and the charm of high wages in a foreign country, they want to take their chance and do not want any research to thwart their ‘migration’ process.

Tabooed Nature of the Problem and Affected Populations: Due to the taboo over the problem of human trafficking, people are reluctant to speak about it. The sample population is usually the hidden population in the community. Victims of sex trafficking or children forced into crimes do not come out easily and are difficult to identify and converse with, especially when the researchers are new to the village. This significantly

lowers the actual number of victims, possible victims and their families who participate in the research. Due to fear of stigma, people were reluctant to share their experiences and it was difficult to convince people for their consent for the interview.

Difficulties in Recruitment of Research Investigators: The fieldwork required RIs who could speak the local language and were somewhat familiar with local socio-cultural context. Thus, RIs were recruited through local organisation, universities etc. Recruiting a pool of 8-10 RIs in each district for one to two months was a challenge. Due to lack of trained staff in local organisations and lack of willingness among the local university students, only a few RIs could be identified for data collection in the limited time. Further, in some districts, it was difficult to hire female RIs as their parents were reluctant to send the girls to remote villages. Also, the nature of work required the team to stay together for the period of the fieldwork. In many instances, the RIs left the team in the middle of fieldwork, which hindered the data collection process.

Lack of Availability of Standardised Data Formats: Most NGOs and governmental organisations did not have standardised formats to compile data of cases they handled and thus the data they shared was not amenable to large scale analysis. Many times, government and non-government agencies had not maintained data on trafficking and had collated the data on request. For these reasons, the data was sometimes found to be unreliable.

Topographical Challenges: Topographical features of villages and districts posed many limitations during fieldwork. Data collection in villages located in interior forest or hilly regions was time consuming. In many districts, research team had to walk as much as three kilometres to reach the village. In many of the villages, houses were also located very far from each other. Thus, the team could interview fewer households than decided as sample size. Also, in hilly region, heavy rains and foggy weather caused disturbances during the survey. During rains, reaching villages was difficult as the roads were narrow and possibility of skidding was very high. All these factors limited the number of households and individuals that could be surveyed in certain districts. In some states, especially in the North East, due to their location and cold weather, fog and rains,

effective office hours were only from 10:30 AM to 3:30 PM. Thus, the number of hours available to interview stakeholders was less than what it was in the rest of the country.

Lack of NGOs: The lack of NGOs working on human trafficking and related issues and the lack of knowledge about such NGOs in certain districts was a great limitation for the research team as it led to limitations in availing comprehensive perspective from the NGOs.

Challenges in Reaching Vulnerable Populations in High Migration Areas: High migration villages were identified and selected as sample for the study. However, in some cases, the migration was so high that when the team reached the villages, majority of houses were locked as people had migrated. In some houses, only children and very old people, with limited knowledge about migration and labour conditions of family members, were found to be available for survey. Thus, the team had to leave such villages and move to another village.

Reluctance of Women to Speak to the Research Investigators: In some of the houses, where the male members had migrated, the female interviewees were shy to speak to the RIs, male or female. They expressed complete lack of interest in engaging with them for the survey.

Safety Concerns of Research Team: Human trafficking is a crime and the team faced threats from traffickers. In many cases, the team was asked to leave villages by local agents and the female team members even received rape threats. When researching a socially accepted phenomenon like bride trafficking, the team faced threats from local leaders who would consider such research as a threat to their personal lives and honour. When researching the exploitation of labour victims in industrial areas, the team faced threats from contractors etc. In some villages the female researchers experienced harassment. In other regions, the team faced the threat of theft and robbery and were asked to leave before sunset. All these safety concerns made the team move from a village to another without reaching the sample size and had to spend more resources per surveyed household.

Language Barrier: The research officers from TISS faced language barriers in different parts of the country and had to sometimes rely on the information and understanding of the locally recruited RIs. The quality of data may have been compromised due to this mediation.

Chapter 3

Mapping the Vulnerabilities: Socio-Economic and Political Context

Any discussion on human trafficking must be located within the vulnerability context of the survivors and possible victims. According to United Nations Office on Drugs and Crime (UNODC) (2008),⁵ “human traffickers prey on people who are poor, isolated and weak. Issues such as disempowerment, social exclusion and economic vulnerability are the result of policies and practises that marginalise entire groups of people and make them particularly vulnerable to being trafficked.” Various livelihood vulnerabilities operate at the community, HH and individual levels and often arise out of societal, spatial, political and economic processes and structures existing in the community. Vulnerability is dynamic, locally specific and manifested along social, gender and poverty lines. Vulnerability varies with individuals, HHs, communities and regions. This creates various kinds of inequalities.⁶ Vulnerability indicates a condition that limits the abilities of individuals, communities and regions to resist certain debilitating processes and improve their well-being.⁷ When we discuss human trafficking, the contextual factors like social, economic, cultural and political situation of the region have an influence on the vulnerability of individuals. Poor implementations of policies and programmes directly affect the livelihood of a community, HH and individual. This leads an individual to live in distress or migrate to other places to look for alternative options. While exploring alternative livelihoods and (often) trying to escape violence and distress within

⁵United Nations Office on Drugs and Crime (2008) Introduction to Human Trafficking: Vulnerability, Impact and Action. United Nations, New York Available at https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf [Accessed on 26 April 2019]

⁶Kakota T, Nyariki D, Mkwambisi D and Kogi-Makan W (2011) Gender vulnerability to climate variability and household food insecurity. *Climate and Development* 3(4): 298-309 [online] Available at <http://www.efdinitiative.org/sites/default/files/publications/efd-dp-15-20.pdf> [Accessed on 1 April 2019]

⁷Taro J A and Tidsskrift N G (2004) Theorizing food insecurity: building a livelihood vulnerability framework for researching food insecurity. *Norwegian Journal of Geography*: 23-37.[online]. Available at: <https://www.tandfonline.com/doi/abs/10.1080/00291950410004375> [Accessed on 28 March 2019]

families, there are chances of persons coming in contact with traffickers and subsequently getting trapped in the cycle of human trafficking and exploitation.

In this section, various vulnerabilities that push people into migration and often into the trap of human trafficking are listed and discussed at the community, HH and individual levels. Together, they build a context within which the push factors, *modus operandi* and exploitation involved in unsafe migration and trafficking may be located and understood. Further, it lists broader socio-cultural, natural, physical and economic factors that contribute to the building of such vulnerability context.

3.1 Community-Based Vulnerabilities

The vulnerability of the villages and its communities have been mapped in two ways, first, in terms of its access to basic public services and infrastructure, such as the education and health facilities, post office, railway station, police station, ration shop, local self-governance, institutions, banks, etc. and second in terms of the pervasiveness of different forms of discrimination and violence.⁸

Lack of Access to Public Services and Infrastructure

It was observed that at the national level (Table 3.1), about 72 per cent of the HHs stated that they did not have access to a railway station, 23 per cent did not have access to a ration shop and about 44 per cent did not have access to a bank. The qualitative data reveal that the availability of transport and the lack of it can be both beneficial and a hindrance to the community. The lack of accessibility to a railway station restricts the mobility of individuals while the availability of several long distance trains at smaller stations makes it amenable for traffickers to move people around swiftly. Moreover, in the absence of access to banks, HHs were seen to resort to local financiers, who in turn charge high rates of interest and pose exploitative demands for loaning an amount of money to individuals or HHs in a dire economic situation. The absence of skill development centres at the village level deprives individuals of opportunities to

⁸In this report we have only presented the major findings and patterns, which have emerged at the national level. For state specific detailed information please refer to the respective state reports.

alternative means of employment, pushing them towards unsafe migration processes. In this study, about 85 per cent of the HHs reported that they did not have access to a skill development centre.

Table 3.1: Percentage of HHs Reported Lack of Access to Public Services and Infrastructure

Variables (N = 36,507)	No Access	%
Railway Station	26,290	72.0
Police Station	17,798	48.8
Ration Shop	8,401	23.0
Post Office	13,431	36.8
Banks	16,154	44.2
Skill Development Center	30,977	84.9
Block Development Office	21,368	58.5
Local Self Governance Office	20,256	55.5

Overall, it can be observed that lack of skill development opportunities at the regional level, lack of access to institutionalised financial services and Public Distribution System (PDS) puts individuals at great risk of being lured and accept unsafe employment offers, the fallouts of which may only unfold over time.

In addition to these, 49 per cent of the HHs did not have access to a police station. The lack of access to police station can create a sense of insecurity amongst the members of a community. For the purpose of the study, we have understood access both in terms of proximity to these services as well as knowledge about the same. In either of the cases, the lack of it increases the vulnerability quotient of the HHs.

Social Discrimination and Violence

There are several cultural and normative social practises, which are often exploited by the network of traffickers for their benefit. For instance, in the case of Bihar, it was observed that traffickers exploited the practise of *pakadwa shaadi*⁹ for trafficking young boys for various purposes. The practise of dowry and the perception of the girl child as a ‘burden’ on the family is exploited further to perpetuate bride trafficking to low sex-ratio states. Likewise, preference or a demand for a girl child by those wanting to adopt leads to many

⁹*Pakadwa shaadi* is a traditional practice in parts of Bihar where the guardians of a girl/woman abduct a boy who they find suitable to be the bridegroom.

financially weak or large families putting up female infants for adoption, thus, linking illegal adoption cases with the trafficking racket. Domestic violence was reported by 29 per cent (n=10,580) of the HHs as a social issue prevalent in their village. Domestic violence has proved to be a reason for women to out-migrate both to escape violence as well as to look for a means of livelihood. At such moments, traffickers exploit their vulnerability. For instance, in Haryana, it was observed that women who were trafficked and brought there were found on railway stations in Delhi and were escaping domestic violence in their homes.

Some of the social issues, as reported by the HHs being prevalent in their village are presented in Table 3.2.

Table 3.2: Perceived Instances of Social Forms of Discrimination and Exploitation

Perceived Instances of Social Forms of Discrimination and Exploitation (N= 36,507)	N	%
Child Marriage	12,192	33.4
Forced Marriage	3,171	8.7
Class/Caste based Violence (Honour killing)	3,294	9.0
Domestic Violence	10,580	29.0
Female Foeticide/ Female Infanticide	1,777	4.9
Child Labour	11,326	31.0
Violence by other Authority	1,644	4.5
Bonded Labour	2,699	7.4

3.2 Household-Based Vulnerabilities

The vulnerabilities of HHs were mapped in three ways; first, poverty status of the surveyed HHs; second, awareness and access to various government schemes; and third, landholding and the income generated from cultivation. In addition, the vulnerabilities of Female Headed Households (FHH) have also been examined.

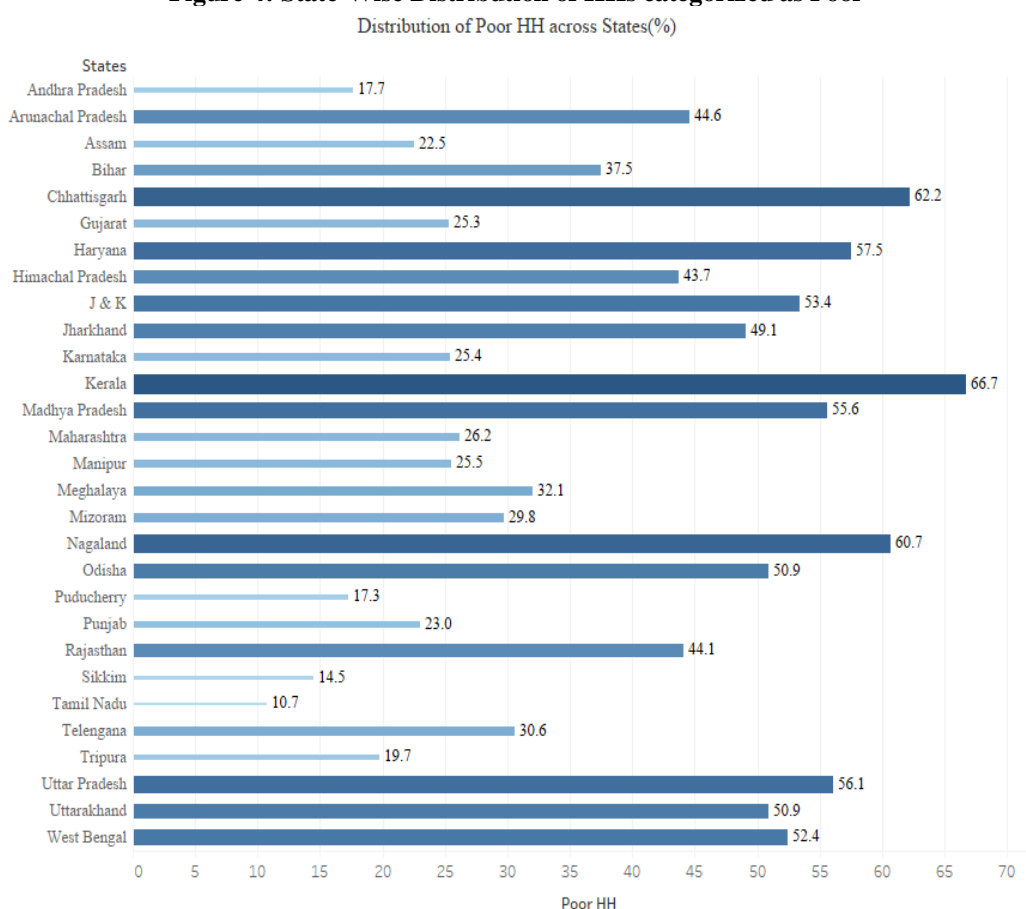
Status of Poverty

According to the data available from the 36,507 surveyed HHs, 41.6 per cent HHs were poor according to the Rangarajan Committee standards.¹⁰

Table 3.3: Poverty Estimates

N=36,507	Number of HHs	%
Poor	15,200	41.6
Not Poor	21,307	58.4

Figure 4: State-Wise Distribution of HHs categorized as Poor



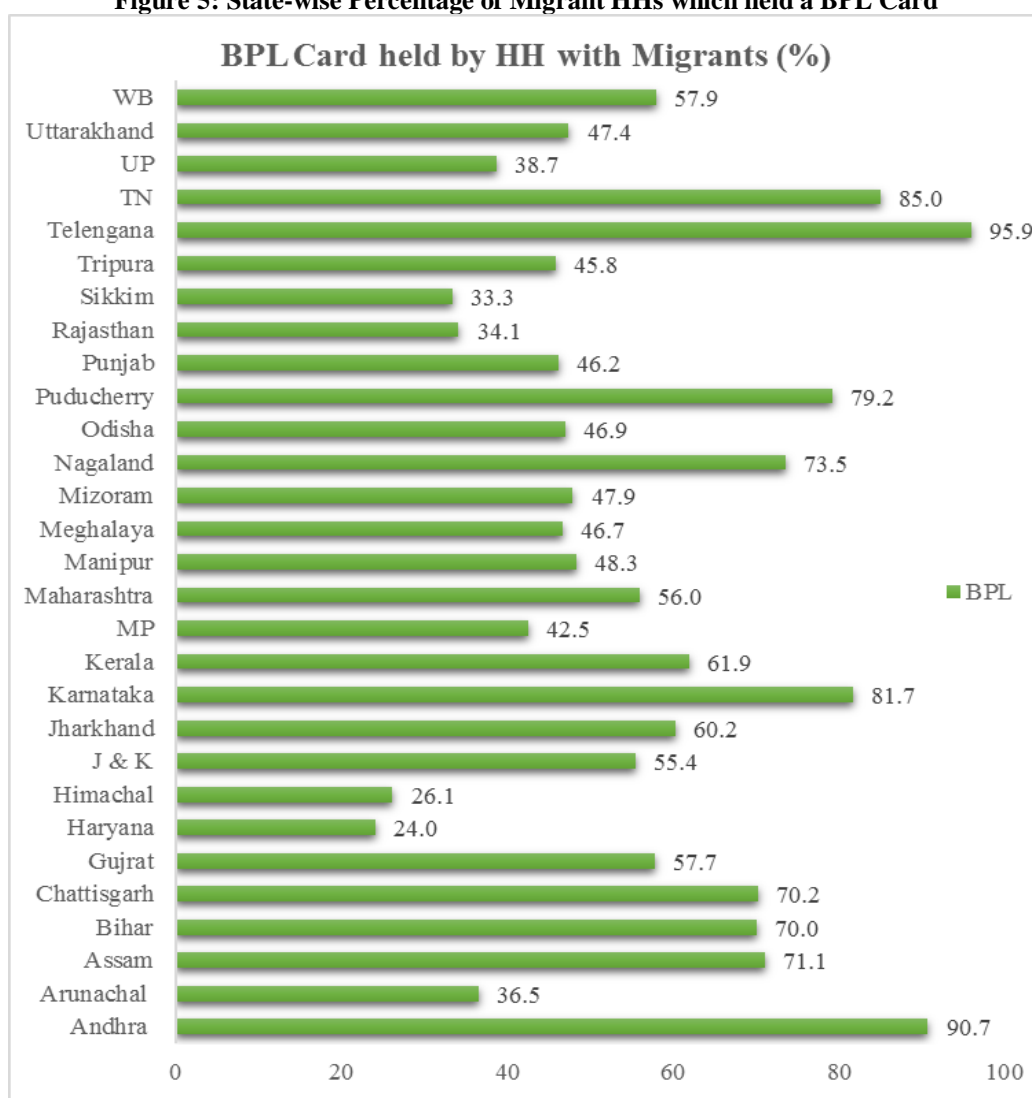
¹⁰The committee presents specific normative standards of food and non-food consumption, as well as behavioural aspects of classes concerned with the consumption of some other items. As per 2014, the new poverty line based on the monthly per capita consumption expenditure of INR 32 in a rural area and INR 47 in an urban area on a per capita daily basis. Poverty Line Estimation by C. Rangarajan Committee, 2014

The vulnerability of those HH which were poor was further established when it was revealed that 58 per cent of the HHs where at least one member had migrated possessed a BPL card (Table 3.4).

Table 3.4: HHs with Migration holding BPL card

N= 17,839	Migrant HHs	%
BPL Card	10,261	57.5

Figure 5: State-wise Percentage of Migrant HHs which held a BPL Card



Lack of Access to Government Schemes

The government has implemented multiple programs and schemes for the development of its people. Through the HH survey, it was observed that most HHs had little awareness of the poverty alleviation programmes and government schemes. For example, about 72 per cent of the HHs were not aware of the Pradhan Mantri Awas Yojana- Gramin and almost the same percentage reported being unaware of the National Pension Scheme and the Janani Suraksha Yojana. About 65 per cent of the HHs reported that they were not aware of the National Health Insurance Scheme. Lack of awareness of Janani Suraksha Yojana and the National Health Insurance Scheme indicate the vulnerability of individuals to unsafe surgeries and medical procedures offered by non-medical practitioners, which may lead to a vulnerability to organ trafficking.

Table 3.5: Percentage of HHs Reported Lack of Awareness of Government Schemes

Schemes (N =36,507)	No Awareness	%
Pradhan Mantri Jan Dhan Yojana	21,584	59.1
National Pension Scheme	25,767	70.6
National Health Insurance Scheme	23,812	65.2
Janani Suraksha Yojana	25,787	70.6
Pradhan Mantri Awas Yojana- Gramin/ Indira Awas Yojana	26,229	71.8
Others	29,033	79.5

The impact of the lack of awareness to Pradhan Mantri Awas Yojana- Gramin is visible because 48.1 per cent HHs stated that they lived in a *kutcha* house (N= 17,589).

Of the 301 HHs from where a family member aged 60 years or above had migrated, 61 per cent reported being unaware of the National Pension Scheme (Table 3.6), and about 70 per cent of the migrants had done so for the purpose of employment (Table 3.7).

Table 3.6: Pension Scheme Awareness of Migrant Households (Age 60+)

Pension Scheme Awareness	Migrant HHs	%
Yes	112	37.2
No	184	61.1
No Response	5	1.7
Total	301	100

Table 3.7: Purpose of Migration and Awareness of Pension Scheme in Migrants' (60+ years) HHs

Awareness	Job	%	Education	%	Other	%	No Response	%	Total	%
Yes	82	38.3	3	50	12	37.5	15	30.6	112	37.2
No	128	59.8	3	50	20	62.5	33	67.3	184	61.1
No Response	4	1.9	0	0	0	0	1	2.1	5	1.7
Total	214	100	6	100	32	100	49	100	301	100

Of the 214 migrants aged 60 years or above migrating for a job, about 60 per cent were not aware of the benefits of the pension scheme; a direct co-relation may be drawn here between the lack of awareness about the pension scheme and migration of older persons for employment.

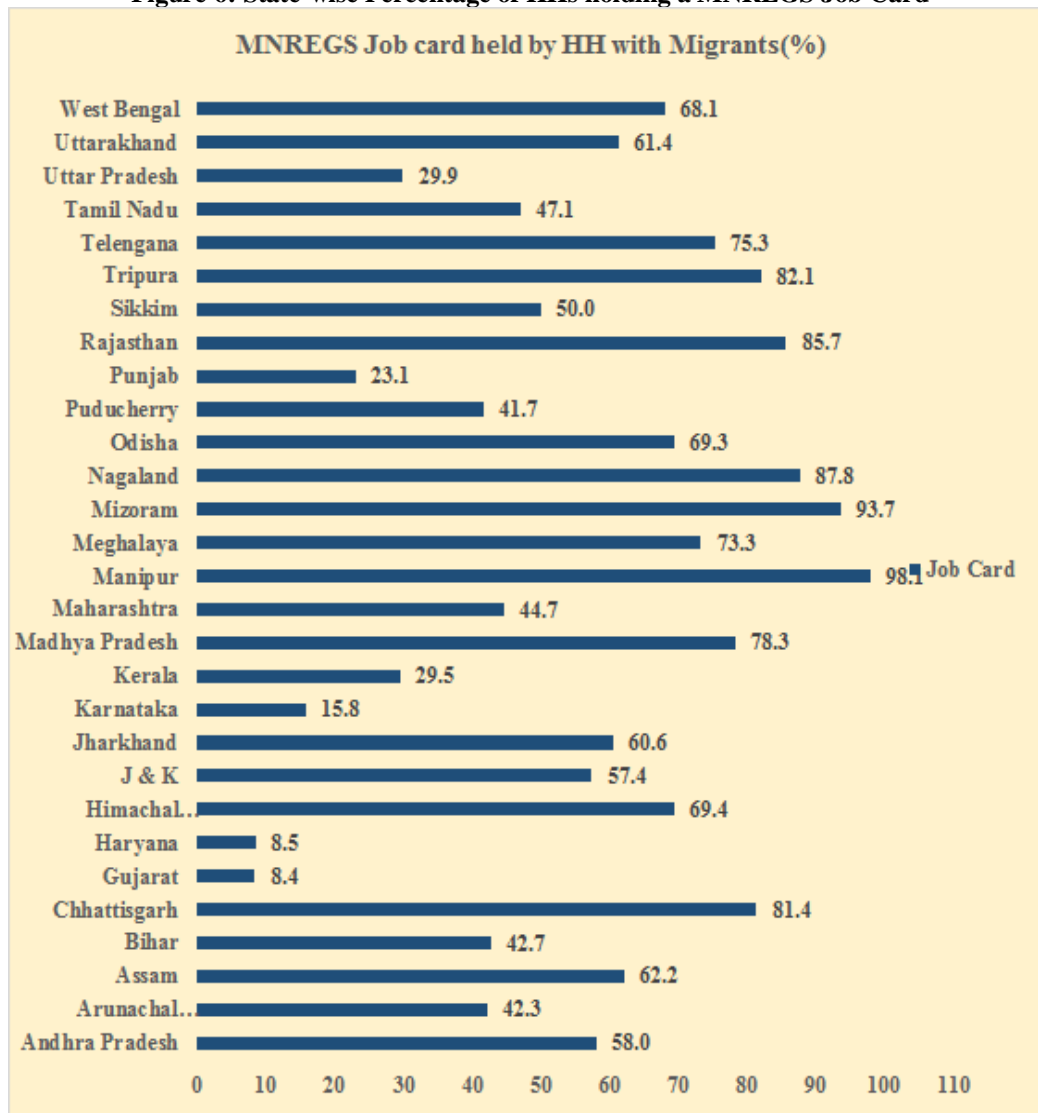
The lack of awareness of about 60 per cent of the HHs to the Pradhan Mantri Jan Dhan Yojana may be linked with the information provided in Table 3.1 where about 44.2 per cent of the HHs stated that they do not have access to a bank.

As far as the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) was concerned, it was reported by 45.5 per cent HHs that they did not possess a job card and 59 per cent of the HHs where migration occurred possessed a job card. These observations indicate the gaps in the MGNREGS at two levels - first, it has not reached the targeted population adequately; second, the income generated through MGNREGS is not enough to sustain the HH, therefore individuals have to migrate despite possessing a job card.

Table 3.8: Percent Distribution of HHs with Migration holding Job Card

Job Card	HHs with Migrants	%
Yes	10,589	59.4
No	7,074	39.6
No Response	176	1.0
Total	17,839	100

Figure 6: State-wise Percentage of HHs holding a MNREGS Job Card



Though the Government of India and the respective state governments have instituted several programmes for the economic and social upliftment of people in the rural areas, it has been observed that in several states, there are major gaps in the implementation of welfare schemes, and the most vulnerable individuals tend to get left out of the benefits of these schemes. Many instances of corruption in the implementation of these schemes were reported, where people were asked to give money to gain access to schemes.

Landholding and Income Generated from Cultivation

According to Census 2011, 54.6 per cent of total workers in India are part of the agriculture sector. Therefore, landholding and the income generated from cultivation are important indicators to understand the socio-economic status of HHs and the associated distress migration.

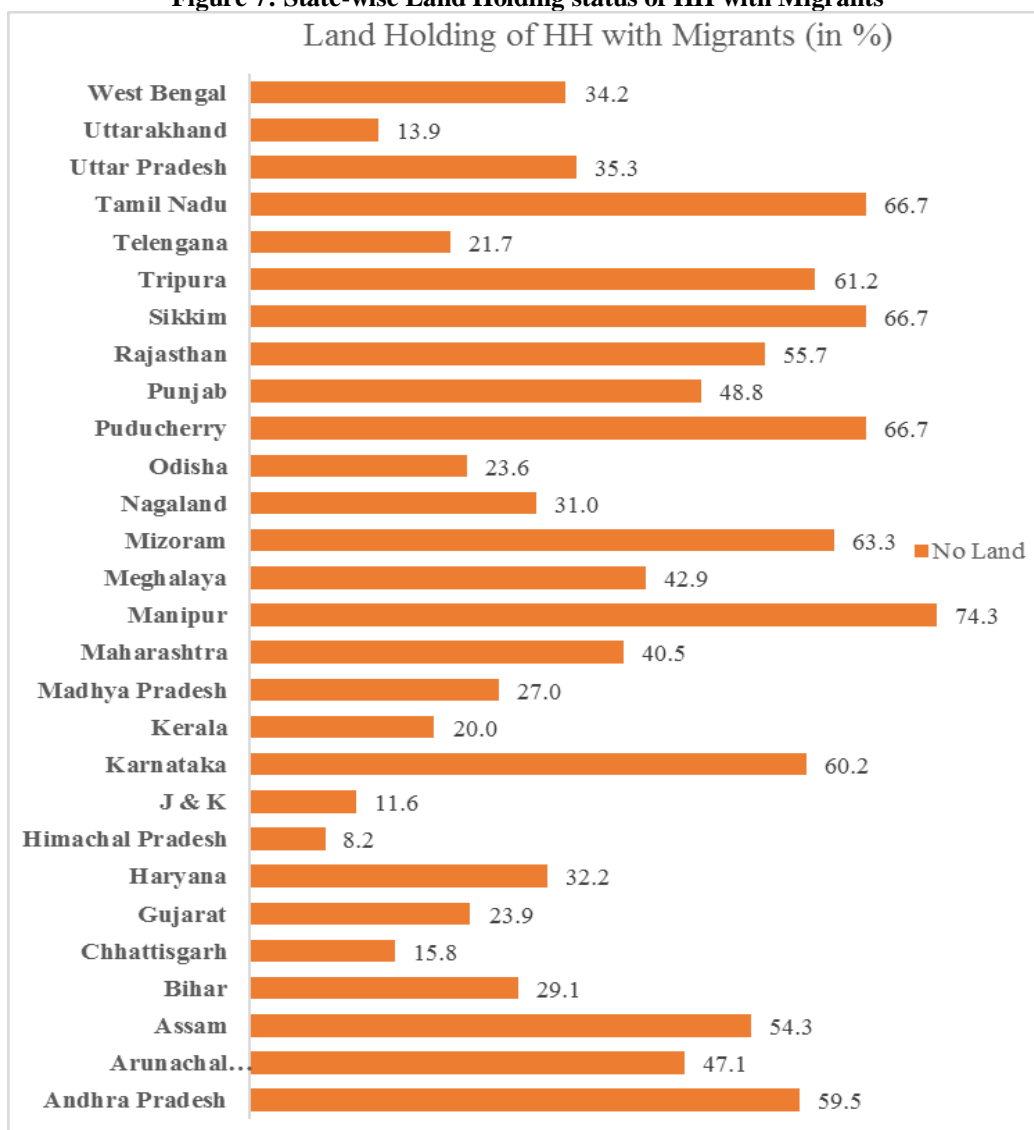
Amongst the surveyed HHs possessing land, about 7 per cent own less than 1 acre land and amongst **all those who reported their landholding the average annual income generated through cultivation was INR 34,668**. Given the fact that the average size of the surveyed HHs was 6, it is evident that the income generated from landholding is not enough to sustain all the members of the HH. This is further explained through the migration statistics from HHs, which own land. Table 3.9 presents that about 53 per cent of the migrants were from HHs where the family owns land. While migration from HHs which own land may also be an indication of aspirational migration, the data from this study suggests otherwise.

Table 3.9: Landholding of HH with Migrants

Landholding	N	%
No Land	5,300	33.3
Land	8,449	53.2
No Response/Don't Know	2,152	13.5
Total	15,901	100

Note: Does not include Jharkhand due to missing data

Figure 7: State-wise Land Holding status of HH with Migrants



Female Headed-Households

The household is regarded as the fundamental socio-economic unit of society and transformations at the household level impact at the aggregate level of a country. Gender is a vital dimension when studying the socio-economic inequalities, and the cultural or traditional environment of a region or area under study also determines the allocation of household assets between genders. In FHHs, the male adult member is either absent or

dysfunctional and the woman is the primary earner. While there are definitional constraints and ambiguities associated with household headship, some meaningful indicators may be demographic factors like the absence of an adult male in the family, economic factors like the financial contribution of each family member and self-reported perceptions of the respondents in a survey. For the purpose of our study, the percentage of FHHs has been calculated on the basis of demographic indicators – households where there were no adult males aged above 18 years were considered to be headed by females.

A few studies in India show that FHHs are poorer compared to male-headed households.¹¹ Three channels to comprehend relatively lower income among FHHs have been identified by Buvinic and Gupta (1997).¹² First, FHHs usually have more dependents, implying that the non-workers to workers ratio is higher in FHHs as compared to other households. Second, gender disparate accessibility to productive resources and assets has ensured that women work at lower wages than their male counterparts. Third, women have time and mobility constraints as compared to male-heads owing to the household chores they have to perform. The concept of feminization of poverty, the process where poverty becomes more concentrated among individuals living in FHHs, is closely related to the increasing economic distress and poverty of choices or opportunities in FHHs.

Of the total sample size of 36,507 HHs, 956 HHs (2.6 per cent) were FHH. In 25 per cent of the FHHs, there was at least one migrant from the HH. Moreover, the average monthly

¹¹Dreze, J., and P.V. Srinivasan (1997), “Widowhood and Poverty in Rural India: Some Inferences from Household Survey Data”, *Journal of Development Economics*, 217-234; Meenakshi, J.V. and R. Ray (2002). “Impact of Household Size and Family Composition on Poverty In Rural India”, *Journal of Policy Modeling*, Vol 24, Issue 6, pp. 539-559. Available at <https://www.sciencedirect.com/science/article/pii/S0161893802001291> [Accessed on 27 April 2019]; Gangopadhyay, S. and W. Wadhwa (2004), “Are Indian Female-headed Households more Vulnerable to Poverty”, *India Development Foundation*. Available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.541.1540&rep=rep1&type=pdf> [Accessed on 15 April, 2019]

¹²Buvinic, M., and Gupta, G.R. (1997), “Female-Headed Households and Female- Maintained Families: Are They Worth Targeting to Reduce Poverty in Developing Countries?”, *Economic Development and Cultural Change*, 45 (2), 259-80

income for FHHs was INR 7,150, which is 56.6 per cent less than the average HH income calculated at the national level; thereby indicating the heightened vulnerabilities of FHHs.

Table 3.10: Female Headed Households and Migration

	N	%
Female Headed Households (N = 36,507)	956	2.6*
FHH with Migrants	240	25.4**
Migrants from FHH	322	9.31^

*N=36,507 **N=956 ^N=3,457

To conclude, there is a strong relationship between BPL households, landholding and income from cultivation and awareness and access to schemes with migration. In addition, FHHs also displayed a propensity for members of the HH to migrate. This indicates that a large proportion of the migration that is taking place is distress migration. **The organised trafficking network appropriates distress migration to generate profit through exploitation of HHs and their vulnerabilities.**

3.3 Individual-Based Vulnerabilities

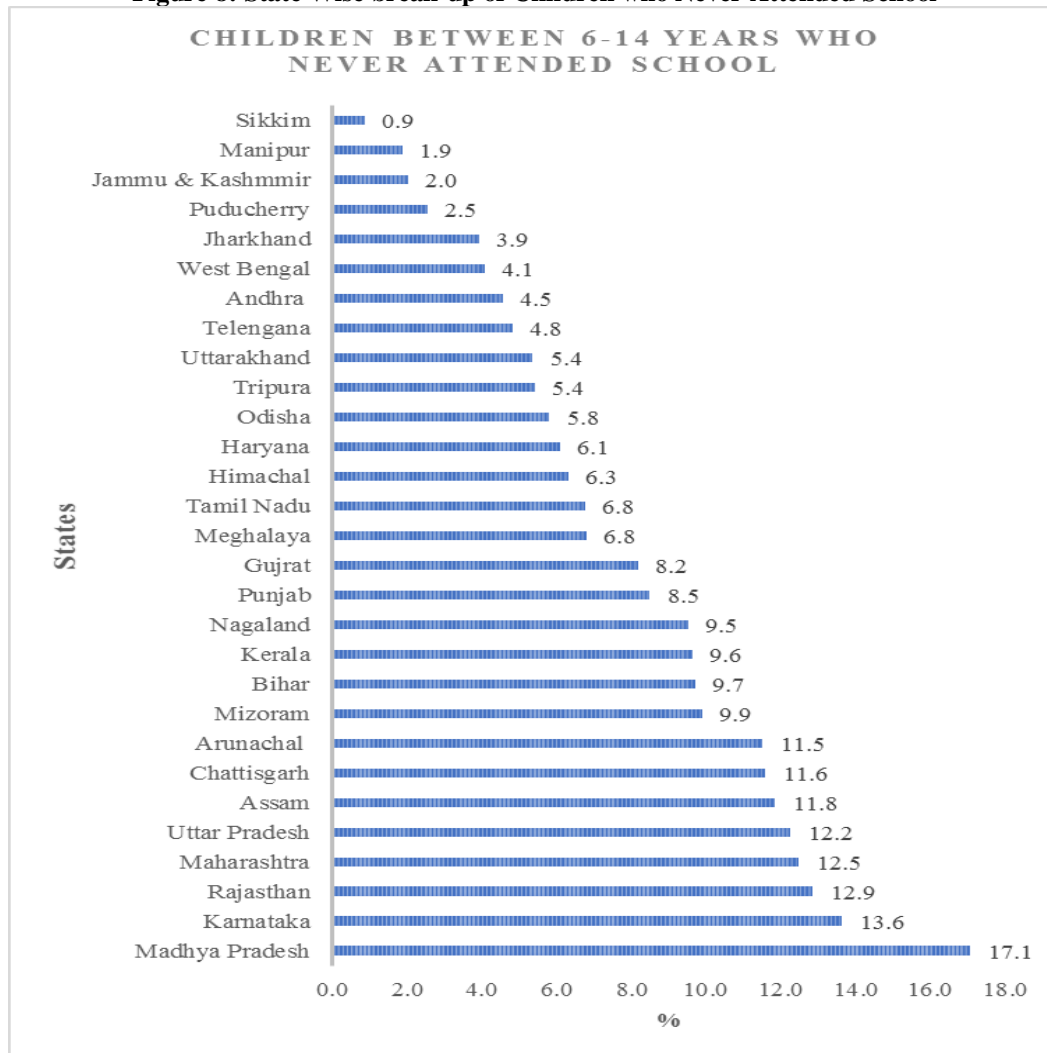
Socio-economic and environmental factors influence an individual's susceptibility or risk of being exploited. The aggregate effect of caste, class and gender intersections determine the position of an individual in the community and their risk of being susceptible to exploitation. Factors such as education, gender, caste, religion and marital status were mapped through the survey, the results of which are discussed below. These descriptions also throw light on the socio-economic context of the HHs surveyed.

Access to Education

Figure 8 gives a breakup of the number of children between 6-14 years who had never attended school in different states amongst the surveyed population in the country. At the time of the survey, about 8.6 per cent of the children between 6-14 years in our survey had never attended school. Madhya Pradesh, Karnataka, Rajasthan Maharashtra, and Uttar Pradesh had the highest percentage of children who had never attended school.

Those who have never attended school are high-risk individuals because they possess relatively low access to earning opportunities.

Figure 8: State Wise break-up of Children who Never Attended School



*Number of children between 6-14 years who never attended school: 3,062, Total number of children between 6-14 years: 35, 676

Some of the most reported reasons why the 21 per cent (N= 7,311) of the children between 6-14 years never attended school or were not attending school at the time of the survey have been stated in Table 3.11. A maximum number of HHs stated that the school was too far away or that the children were required for household work. A smaller

number of 79 HHs (1.1 per cent) indicated the lack of adequate facilities for girls at school for not attending school. Also, 465 (6.4 per cent) HHs reported that the children were required to earn money for supporting the HH and hence they could not be sent to school. All the variables with regard to not attending school indicate either a lack of access to schools or involvement of children in some form of labour.

Table 3.11: Select Reasons for not Attending School

Reasons	Not Attending School	%
School/ College too far away	679	9.3
Required for Household Work	632	8.6
Cost too much	235	3.2
Required to earn in cash by working	465	6.4
Lack of facilities for Girls	79	1.1

Note: Reasons are calculated for children who have never attended school and those who were not attending school at the time of the survey.

Child Marriage

Early and child marriages have been established as a form of gender-based violence and human rights violation that disproportionately affects women and girls.¹³ It limits the opportunities of the girl child to access her socio-economic as well as political rights to participate in democratic processes, and access to judicial processes and public life. It was observed that about 40 per cent (see Table 2.3) of the 52,713 married women in the sample population were first married below 18 years of age (N= 21,052). There is a strong link between child marriage and bride trafficking. Traffickers lure the girls' family with a marriage proposal from a well-to-do upper caste family and convince them that they will not have to give dowry or pay for the expenses of the wedding ceremony. Parents who worry for their daughter's marriage often accept such proposals and marry their daughters at an early age without understanding the consequences of the same. In states like

¹³Gangoli, G, McCarry, M, Razak, A (2009). Child marriage or forced marriage: South Asian communities in North East England, *Children and Society* 23, 6, 418–29; OHCHR (Office of the United Nations High Commissioner for Human Rights) (nd). Child, early and forced marriage, including in humanitarian settings, Available at: www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx [Accessed on 1 April 2019]; Gill, A, Anitha, S, (2011). *Forced marriage: Introducing a social justice and human rights perspective*, Chicago, IL: Zed Books

Maharashtra it was observed that girls are married off early as couples get more advance money for labour migration when compared to a single individual. This also indicates a link between child marriage and labour trafficking.

3.4 Other Vulnerability Indicators

Natural Disaster Related Vulnerabilities

Although natural disasters are a source of destruction in any part of the world, the low-income or developing nations are most vulnerable from its effects because these countries are still not adept at building their resilience before the disaster as well as handling the post-disaster corollaries, promptly and effectively. Population movement then becomes an adaptive mechanism, by those affected, to deal with the aftermath of natural disasters, especially when livelihoods and resources are harmed because it alleviates the adversities of such unforeseen events by providing people with occupational options. Studies have shown that there exists a relationship between climatic factors, natural calamities and migration, with liquidity constraint as a controlling factor.¹⁴

There is an increase in gender-based violence including rape, human trafficking, and domestic abuse during and after disasters.¹⁵ Further, floods are known to increase the vulnerability of young girls and women. Women have to not only take charge of the household but are compelled to work outside to earn an income. Young girls drop out of school to take of younger siblings. Shelters created for flood-affected victims are often unsafe as they do not provide sufficient security and women may fall prey to abuse.

Tea Garden Areas

The vulnerabilities in tea garden areas such as Assam and West Bengal are constituted by both structural as well as social problems. A large number of the tea gardens are closed

¹⁴Berlemann, M.F. (2017). Climate Change, Natural Disasters, and Migration—a Survey of the Empirical Evidence, *CESifo Economic Studies*, Volume 63, Issue 4, 1 December 2017, Pages 353–385, [online]. Available at: <https://doi.org/10.1093/cesifo/ix019> [Accessed 21 April 2017]

¹⁵United Nations Development Programme (2010) *Gender and Disasters* [online] Available at <https://www.undp.org/content/dam/undp/library/crisis%20prevention/disaster/7Disaster%20Risk%20Reduction%20-%20Gender.pdf> [Accessed 30 November 2018]

down and the workers live in abject poverty, with limited access to government schemes. Children are forced to drop out of schools due to financial constraints. Non-availability of schooling and higher education system within the close proximity of tea gardens add to the vulnerability of the children. Field-based evidence suggests that the economic deprivation prevalent in the tea gardens forces them to migrate within and outside the state in search of employment. It was found from our qualitative data that women and girls were trafficked for domestic work from tea garden areas like North Bengal in large numbers. The research team also came across a large number of missing cases from tea gardens. Girls from Assam were abducted, kidnapped and forcefully taken to work in states like Arunachal Pradesh.

Vulnerabilities Related to the Borderlands

During the survey, it was observed that the villages close to the international border with Bangladesh, Pakistan, and Myanmar were more vulnerable due to the absence of small-scale industries or livelihood options other than agriculture. Most of the villagers were engaged in farming. People did not have basic facilities like public transport. Evacuations were common during high alerts when the entire village was asked to live in camps. Such evacuations affect children's health and education. Many families lost their belongings during high alerts. There are others who did not receive the compensation they were promised when their lands were taken away while building the border fence. The lack of employment opportunities and medical facilities, and limited livelihood options force people to take great risks to migrate to other states or another country.

Vulnerabilities Associated with Tourism Industry

Although tourism industry alone cannot be blamed for the exploitation of women and children, facilities developed to promote tourism such as hotels, dance bars, casinos, nightclubs, etc. are taken advantage of by traffickers to push women and minors girls into CSE or child labour. This makes tourist places as hot spots for trafficking. With the increasing number of travellers each year, the new destinations (sites for exploitation) are expanding and many tourist destinations have become commercialised. A large number of women and children fall prey into the hands of the traffickers particularly during the

peak tourist season. While on one hand, the traffickers exploit the victims, they also take advantage of the tourists looking for sexual activities.¹⁶ According to a report published by Anyay Rahit Zindagi (ARZ) (2018), "a correlation is observed with the inflow of tourist and movements of traffickers, perpetrators and victims of CSE".¹⁷

Vulnerabilities Associated with Lack of After-Care and Orphanages

Children completing 18 years of age in child care homes in the absence of after-care programmes become vulnerable to negative influences after their release from the care homes. They are left to fend for themselves without any place to reside. This situation makes them vulnerable to trafficking. In conflict zones, it was observed that in cases of death of the parents, children were vulnerable to being trafficked due to lack of orphanages. This specific vulnerability was shared by the KIs in Goa and in conflict zones like Jammu and Kashmir.

Smuggling and Trafficking

Smuggling and trafficking are not interchangeable terms. Smuggling involves the consent of the smuggled person and necessarily involves crossing international borders. Trafficking involves force, fraud, deception, luring, cheating, false promises and leads to exploitation of the victim at the transit and/or destination place. International law defines smuggling of persons as procuring "the illegal entry of a person" into a country "in order to obtain, directly or indirectly, a financial or other material benefit." Trafficking is defined by the international law as "the recruitment, transportation, transfer, harbouring or receipt of persons," by means of the threat or use of force or other forms of coercion,

¹⁶Carolyn L, Lindsay A, Victor W. (2015). Sex Trafficking in the Tourism Industry. *J Tourism Hospit* 4:166. doi:10.4172/2167-0269.1000166. [online] Available at <https://www.omicsonline.org/open-access/sex-trafficking-in-the-tourism-industry-2167-0269-1000166.php?aid=58984> [Accessed 23 May 2018]

¹⁷Raghavan,V. and Kate, A. (2009). *Evaluation Report of ARZ Anyay Rahit Zindagi, Goa*. Goa: ARZ. [online] Available at :http://arzindia.org/docs/ARZ_Evaluation_Report.pdf [Accessed 23 May 2018]

abduction, fraud, deception, or abuse of power “for the purpose of exploitation”.¹⁸ The key distinction between smuggling and Human Trafficking is freedom of choice. Trafficking is involuntary. It involves forced exploitation of a person for labour or services. It does not require physical movement of person and may occur within the country itself.

Although all smuggling is not trafficking, there are instances (which were reported by KIs in Punjab) where a smuggled individual may become a trafficked victim. This occurs when the individual is smuggled and then held and forced into the labour or sex trade. The smuggler may hold the person in debt or require them to work off a debt. The smuggler might also refuse to give the person credentials or release them to anyone else.¹⁹ The trafficking process can involve smuggling (being taken across a border by a person or persons who profit). The facilitator who smuggles a person across a border could then force the person into an exploitative situation (trafficking). While sometimes the distinction is clear, the unclear or overlapping categories often seem unfair to migrants because rights to assistance and protection are commonly given to people labelled as trafficked but not to those labelled as smuggled, though migrants placed in both categories may have had same or similar experiences. Nonetheless, in both identification at borders and further into the migration process, it has been observed that handling trafficked persons is financially and administratively more burdensome for states than dealing with smuggled people. Therefore border authorities and immigration officials have a tendency to identify people as smuggled rather than trafficked.²⁰ Information about this was specifically received from states such as Punjab and West Bengal.

¹⁸Human Rights Watch 2015, ‘Smuggling and Trafficking Human Beings,’ Available at <https://www.hrw.org/news/2015/07/07/smuggling-and-trafficking-human-beings> [Accessed on 10 March, 2019].

¹⁹Human Rights Watch 2009, ‘Pushed Back, Pushed Around’, 21 September, New York: HRW. Available at: <http://www.hrw.org/en/node/85582/section/15>, accessed on 10 March, 2019.

²⁰GAATW Working Paper Series 2011, ‘Smuggling and Trafficking: Rights and Intersections,’ available at http://www.gaatw.org/publications/Working_Papers_Smuggling/WPonSmuggling_31Mar2012.pdf [Accessed on 10 March, 2019].

Chapter 4

Migration, Unsafe Migration and Trafficking

The International Organisation for Migration (IOM) asserts that ‘trafficking in persons needs to be approached within the overall context of managing migration’.²¹ Migration and trafficking needs to be seen on a continuum. The UN definition of trafficking includes ‘transportation’ and ‘transfer’ of persons. The trafficker for the purpose of exploitation induces transportation and transfer of trafficked persons. This may occur during the process of trafficking. Migration is *de facto* often a fundamental element of trafficking from the perspective of the trafficker, criminal gangs and others engaged in the trafficking business. In the context of CSE of women and girls, victims are cognisant of the fact that they have been trafficked into prostitution, but usually only *after* migration has been completed. Ultimately, when the chain of events in trafficking is *fait accompli*, it dawns on the victim that in the grand scheme of trafficking, migration is essentially a necessary step to eventual exploitation. In short, migration is but a fundamental part of trafficking.²² Keeping these points in mind it was considered important to study the migration patterns in each state and use them as variables to understand trafficking.

Number of HHs surveyed	Number of Individuals in the HHs	Number of Migrants
36,507	2,04,820	26,648

²¹Chibba, M. 2013. Human Trafficking and Migration: Concepts, Linkages and New Frontiers, Global Policy Essays, Available at <https://www.globalpolicyjournal.com/sites/default/files/pdf/Chibba%20-%20Human%20Trafficking%20and%20Migration,%20Concepts,%20Linkages%20and%20New%20Frontiers.pdf>, [Accessed on February 24, 2019].

²²Ibid.

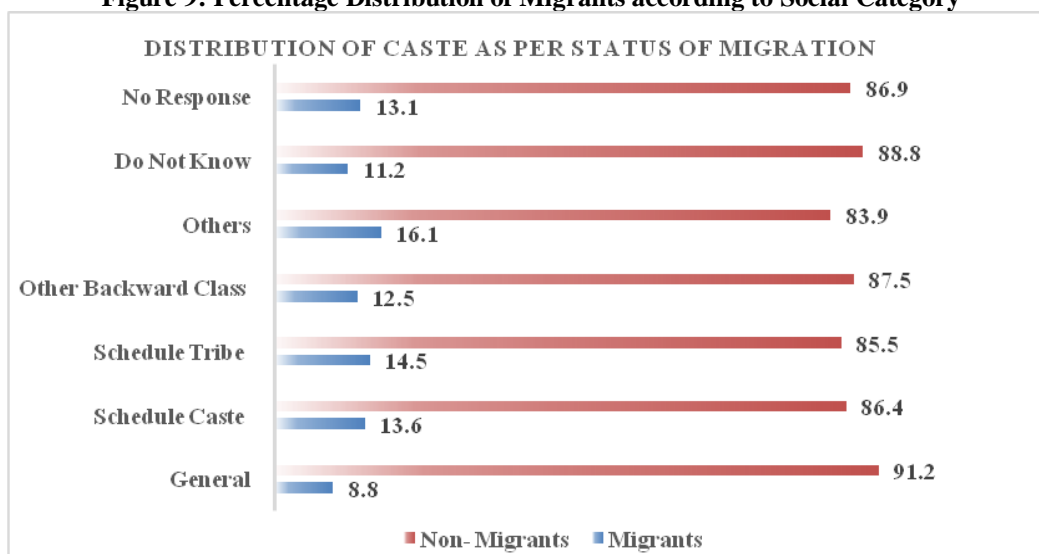
4.1 Profile of Migrants

Table 4.1 lists the demographic details of the migrants. It may be noted that men still constitute the larger number of migrants while women constitute a relatively smaller, yet significant percentage of migrants at 23 per cent. Adults between 26-40 years constitute the largest share of migrants but there are about 14 per cent migrants who are 18 years old or younger. While STs constitute a large proportion of the migrants, followed by SCs and Other Backward Classes (OBCs); proportion of migrants from different social categories does not vary significantly (Fig. 9).

Table 4.1: Percent Distribution of Migrants according to Gender, Age and Social Category

Gender	N	%
Male	20,434	76.7
Female	6,179	23.2
Transgender	35	0.1
Total	26,648	100
Age (in years)	N	%
Children (0-12)	871	3.3
Adolescent (13-18)	2,822	10.6
Young Adult (19-25)	8,121	30.5
Adulthood (26-40)	10,804	40.5
Middle Aged (41-60)	3,729	14.0
Senior Citizen (60+)	301	1.1
Total	26,648	100
Category	N	%
General	2,616	9.8
Scheduled Caste	6,604	24.8
Scheduled Tribe	10,002	37.5
Other Backward Classes	6,150	23.1
Others	867	3.3
Do Not Know	129	0.5
No Response	280	1.0
Total	26,648	100

Figure 9: Percentage Distribution of Migrants according to Social Category



It is important to note that among the migrants, 501 children (44.5 per cent) between the age group of 0-14 years migrated for the purpose of a job, indicating the possibility of trafficking for child labour.

Table 4.2: Purpose of Migration according to Gender and Age-Group (<=14 years)

Purpose of Migration	Male	Female	Transgender	Total
Job	310	190	1	501
Education	54	34	0	88
Marriage	5	5	0	10
Other	40	30	2	72
No Response	267	182	4	453
Total	676	441	7	1,124

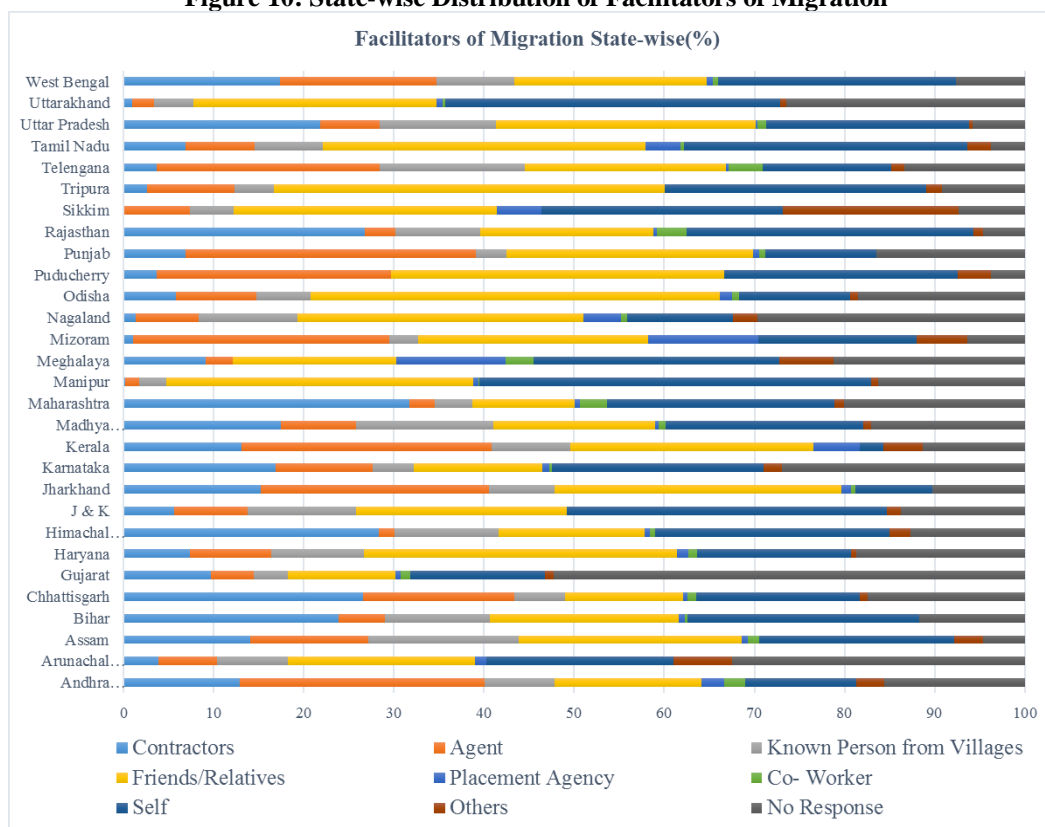
4.2 Facilitators of Migration

The national scenario presented in Table 4.3 with regard to the facilitators involved in the process of migration, clearly suggests that friends/relatives from the village and contractors are the main facilitators. They bring information about jobs in metropolitan cities to those family members or neighbours who do not have easy access to it. While there are different kinds of facilitators across the country, there are as many as 21 per cent migrants who did not take anyone's help in migrating.

Table 4.3: Facilitators of Migration

Facilitators of Migration	N	%
Contractors	4,425	16.6
Agent	3,041	11.4
Known Person from Villages	2,265	8.5
Friends/Relatives	6,432	24.1
Placement Agency	269	1.0
Co-Worker	292	1.1
Self	5,621	21.1
Others	296	1.1
No Response	4,007	15.1
Total	26,648	100

Figure 10: State-wise Distribution of Facilitators of Migration



4.3 Monetary Transaction

Migration involving inducement through monetary transaction comes under the purview of trafficking not only legally, but also indicates some form of vested interest of the

facilitator. Monetary transaction, either in the form of advance given to the migrant or the amount paid by the migrant as commission is crucial to understanding the *modus operandi* of migration. In either scenario, the migrant may be at a disadvantage and thereby vulnerable to being trafficked. If the migrant takes an advance, there is a high possibility of being partially paid or not paid after the completion of the work, on the pretext that a large sum of what was due to them was paid for their boarding and lodging. It has been found that such advance, if taken, has laid the foundation for debt bondage or lack of freedom to quit work, despite exploitative situations at the destination (see Table 4.7).

While it is true that migration journeys are multiple, complex and fragmented, several aspects of migration like the motivating or compelling factors, and spatial and temporal dimensions of migration can help us ascertain the distress associated with such movements. If the migrant pays money as commission to migrate, they may or may not get the promised job and the wages.

At the outset, it is important to note that the average amount paid by the migrant to an agent or contractor for facilitating their migration emerged to be INR 28,592 (on an average) which is more than twice the average monthly income of INR 12,638 reported by the total HHs surveyed. It is amply clear that a HH has to sacrifice more than two months of their income to facilitate the migration of one member of the family. The average number of migrants from each HH where migration occurred is 1.5. Therefore, the economic hardship and vulnerabilities are more enhanced for HHs with larger number of migrants. It is quite likely that these families may have taken loans from local moneylenders at high interest rates to arrange the money to be paid to agents who facilitate the migration process.

In addition to an array of gender and socio-cultural oppression or vulnerabilities, the payment of such hefty sums render the families economically enervated. This, in turn, stems a multifaceted response in the form of despair-driven migration where the family perceives migration as their only viable livelihood option to alleviate their poverty

circumstances. Distress migrants face sub-national socio-economic impoverishment and marginalisation owing to the involuntary nature of their migration. A majority of the distress migrants combat accumulative and expanding impoverishment and limited opportunities of relieving debts or building savings to ease the hardships associated with displacement.²³

Table 4.4: Economics of Migration

Average HH income	Average Amount of Money Paid for Migration	Average Number of Members in the HHs	Average Number of Migrants from each HH
12,638	28,592	6	1.5

We can observe from the summary statistics presented in Figure 11 that the standard deviation in the amount paid by migrants is INR 94,887. The standard deviation is quite high owing to a large variance in the commission amounts paid by migrants to agents and the statistical average of the commission paid. The high standard deviation is possibly due to the substantially high amounts paid by international migrants. In comparison to those migrating within India (domestic migrants), international migrants were reportedly paying up to 350 per cent higher amount on an average. **The difference is also highlighted by the fact that INR 2,000 is the most frequent amount paid in order to facilitate migration within India, whereas those migrating abroad have paid INR 50,000 frequently (Fig. 12).**

²³Haque, C. E (1997). Hazards in a Fickle Environment: Bangladesh. Springer. Netherlands.

Figure 11: Central Tendency and Standard Deviation for Amount Paid by Migrants

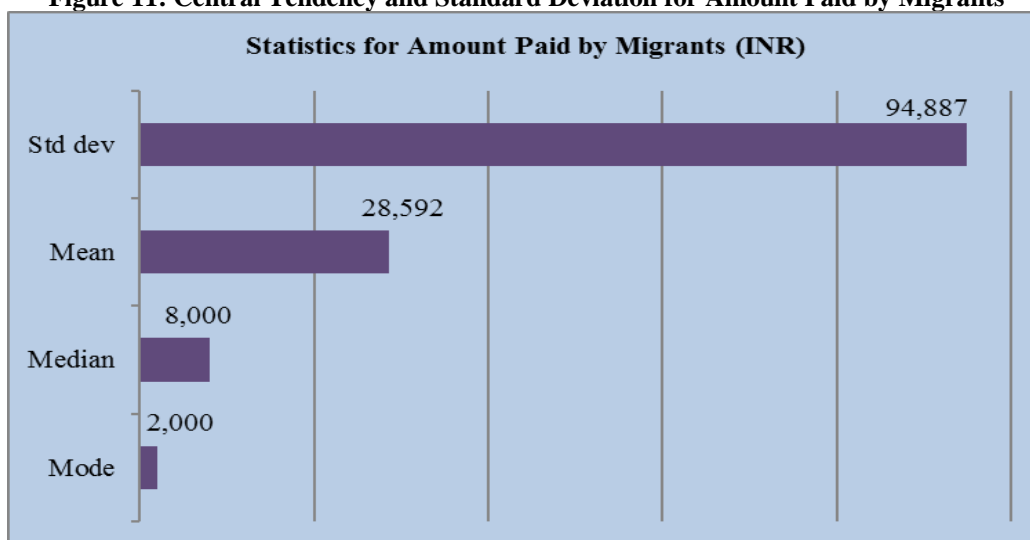
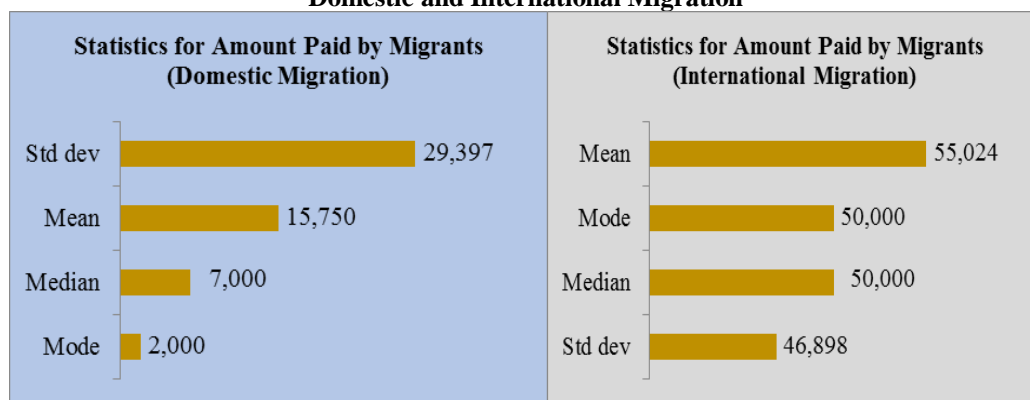


Figure 12: Central Tendency and Standard Deviation for Amount Paid by Migrants for Domestic and International Migration



A bi-variate analysis has been applied to understand the relationship between the monetary transaction and age group of the migrants, and results reveal that as many as 10 per cent children between 0-14 years of age had taken advance money before migrating (Table 4.5). It is known from the interviews with the KIs that this amount is often given to the parents sending their children with the contractor or agent who promises a better education or paid work opportunities. About 6 per cent of the children had given money for migrating. In both cases, whether the child has given or taken money for migrating, a strong relationship between migration and trafficking may be seen.

Table 4.5: Percent Distribution of Individuals Aged Below 15 years Involved in Monetary Transaction

Monetary Transaction	N	%
Given	69	6.1
Taken	112	10.0
Neither	380	33.8
No Response	563	50.1
Total	1,124	100

4.4 Link between Migration, Unsafe Migration and Trafficking

As discussed at the beginning of this Chapter, in order to understand trafficking, it is important to understand the *modus operandi* of migration. As migrants search for economic opportunities outside their homes, whether in India or outside, some end up in coerced work by the use of threat or deception, especially if the situation of the potential migrants is vulnerable from a socio-economic perspective, and therefore they are forced to engage in unsafe or risky migration process. In this pernicious system, individuals are trafficked and kept in conditions of involuntary servitude, characterised by withholding payment of wages, confiscation of important documents (like Aadhar card, contact diaries), non-adherence to decent work conditions, large profits to middlemen, etc. It is evident from the fieldwork observations and the data obtained from secondary sources that women, girls and men across states are lured/duped with promises of better jobs and better lives, forcing them to become victims of exploitative practices by the network of traffickers from source areas to destination areas. The network operates in systematic ways where agents are working in most of villages and the chain of traffickers is discreet and everywhere. Often, these traffickers do not meet each other. The network operates clandestinely where the identities of traffickers and those trafficked are in constant flux.

Migration induced through monetary transactions with contractors/ agents and others indicates presence of exploitation and trafficking. In the previous sections, various migration patterns have been outlined; they look at the reasons for migration, the manner in which it is carried out, whose help is taken to migrate and the consequences of

different kinds of migration in terms of payment and ability to leave work. Based on research findings, an attempt has been made to explain the linkages between trafficking and unsafe migration based on the level of exploitation faced and economics involved.

The HH survey sought to estimate persons vulnerable to trafficking by studying the *modus operandi* of out-migration of individuals from the interviewed HHs and the subsequent exploitation. The *modus operandi* considers all the migrants who mentioned that someone had helped them during the process of migration, suggesting the involvement of a mediator or facilitator, and those who disclosed that a monetary transaction had taken place with the middleman, or otherwise. Forms of exploitation include loss of contact with family, lack of freedom to quit the job, receipt of partial or no payment for work done. Trafficking has been sub-categorized into three forms or types on the basis of the nature of exploitation faced by the migrants.

Table 4.6: Types of Trafficking

Trafficking	<i>Modus Operandi</i>		Forms of Exploitation
Type I	Someone Helped in Migration	Money Given/ Taken	Migrant not in Contact with Family
Type II	Someone Helped in Migration	Money Given/ Taken	No Freedom to quit the Job
Type III	Someone Helped in Migration	Money Given/ Taken	Migrant given Partial/No Payment

- **Type I** trafficking pertains to the migrants classified as ‘missing’ because there has reportedly been no communication between these individuals and their respective families. The linkage between trafficking and missing persons is an established reality and the number of missing migrants from the source can help us form a meaningful estimator of the levels of trafficking from a state.²⁴
- **Type II** trafficking relates to the lack of freedom reported for migrants to terminate from their services at the destinations.

²⁴The link between missing persons and trafficking is discussed in Chapter 10

- **Type III** trafficking considers the migrants who have been partially paid or not paid any remuneration at all for their services. Untimely, irregular non-payment of wages qualifies for exploitation of labour.

It may be borne in mind that these classifications have been made based on the quantitative data available from our HH survey. Considering the limitations of quantitative data to adequately reflect the lived experiences of individuals, it is not possible to include the various nuances of exploitation in cases of trafficking in the three types listed above. For instance, a female migrant may have the freedom to contact family and may receive some payment but may be sexually exploited and may not have the freedom to quit. Also, migrant labourers may have the freedom to contact their family and to quit their job but may be required to work over time or may be physically exploited. Taking due cognisance of these limitations as well as the mixed methodology adopted for the study, the subsequent chapters detail the nuances of lived experience of individuals caught in the trap of human trafficking networks.

Vulnerability Continuum

The migrants have been classified on the basis of the levels or degrees of vulnerability to trafficking in the following manner:

Low Vulnerability: The migrants who have exclusively experienced any one of the three forms of trafficking described above have been segregated as individuals with low vulnerabilities. This indicates that the migrants who are either not in communication with their families, or do not have the freedom to quit their job, or have not received any emoluments /have been partially paid for their work will fall under the purview of migrants with relatively lower vulnerabilities of becoming victims of exploitation or trafficking. The conceptualization implies that a migrant who has been subjected to Type I trafficking has not faced Type II or Type III forms of trafficking and a similar idea applies for the other types as well.

Medium Vulnerability: The migrants who are expected to have experienced any of the three combinations obtained when choosing two out of the three types of trafficking defined above, $[3C2 = 3!/\{2! * (3-2)!\} = 3]$, may be demarcated as the ones with medium vulnerabilities of falling prey to exploitation or trafficking in persons. The migrants with medium levels of vulnerability can be conceptualized as being victims of either of the three following combinations of trafficking:

- **Type I + Type II:** This category constitutes migrants who are not only out of touch with their respective families, but they also reportedly do not have the liberty to quit their job.
- **Type II + Type III:** This segment comprises of migrants who not only reported lacking the freedom to terminate their services at the destinations, but they had also reportedly received only partial payment for their job or had not been paid at all.
- **Type I + Type III:** This type of trafficking captures all the migrants who were missing at the time the household survey was conducted and had also not received full or any remuneration for their work at the destinations.

High Vulnerability: The migrants who have been subjected to all the three types of trafficking defined above can be deemed to be individuals at a heightened risk of being victims of human trafficking because they satisfy all the three parameters of measuring vulnerability. The information on lack of freedom to quit the job when combined with partial or non-payment of remuneration as well as lack of contact with families directs us in understanding the extent of bonded labour or debt bondage, a modern form of slavery which binds a person to his services as security for the repayment of a financial debt or a debt of gratitude for some favour but the terms of the pay-off are not fairly stated. Victims of debt bondage are not only made to work against their will and without any emoluments, but they are also subjected to psycho-social stress stemming from physical or emotional abuse and isolation, thus, preventing them from connecting with their

families. A migrant who is suspected to have been victims of all the three forms, Type I, Type II and Type III trafficking, manifests much higher risk of being trafficked.

Vulnerability Tracking Matrix

Matrix ver. 1

On the basis of the definitional constructs above, we have tried to estimate the extent of probable or likely cases of trafficking in India disaggregated by the severity of vulnerability. From amongst the migrants who had reportedly taken someone's help for migration and had paid money to the facilitator, 1,258 can be estimated to be at relatively lower levels of vulnerability because they are exclusively victims of only any one of the three types of trafficking. As can be read from the vulnerability matrix below, 53 (4.2 per cent) migrants are not in touch with their families, 1,041 (82.8 per cent) reported that they did not have the freedom to quit their job and 164 (13.0 per cent) migrants have either been partially paid or not paid at all for their work.

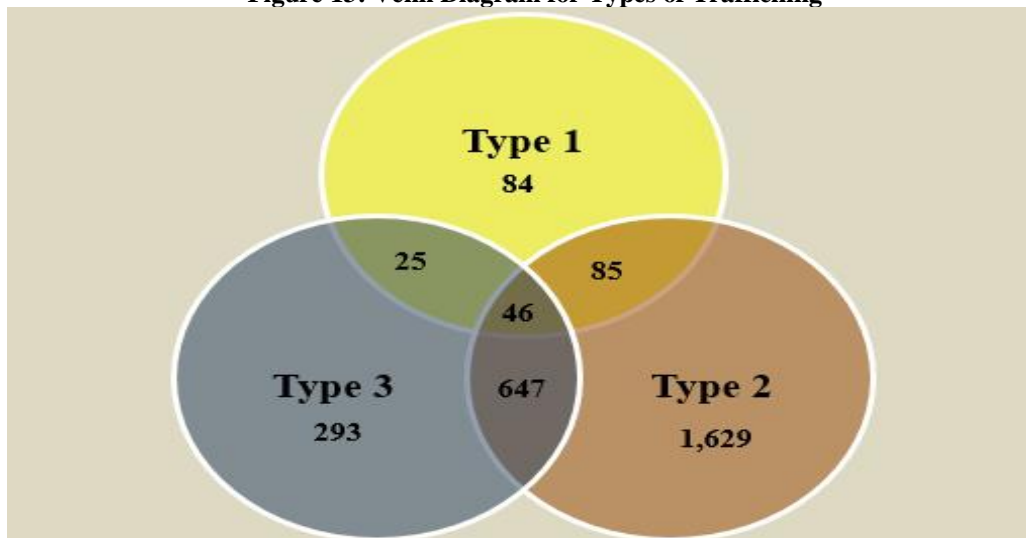
There are 345 migrants who can be estimated to be at a medium degree of vulnerability because they have been subjected to exploitation associated with any of the combinations formed when choosing two out of the three defined types of trafficking. On a national level, 45 (13 per cent) migrants from our sample are not only presumably missing, but they also reportedly lacked the freedom to quit their job while 283 (82.0 per cent) migrants neither had the liberty to terminate nor were they paid for their work or were only partially paid. There are 17 (5.0 per cent) individuals who were not in contact with their families at the time of conducting the survey and had also been only partially paid or were unpaid for their work at the destinations. There are 35 migrants who were not only disconnected from their families, but they also had no freedom to quit their job and did not receive full/any payment for their work.

From a total sample of 26,648 migrants in India, we can estimate from a combination of the three levels of measuring vulnerability to trafficking among the migrants who had paid money to some mediator to be 6.1 per cent at the national level.

Table 4.7: Tracking Vulnerability to Trafficking ver. 1

<i>Modus Operandi</i>	Low Vulnerability			Medium Vulnerability			High Vulnerability	Migrants Vulnerable to Trafficking (N=26,648)	
	Type I	Type II	Type III	Type I + Type II	Type II + Type III	Type I + Type III	Type I + Type II + Type III	N	%
Migrant took someone's help + Given money for migrating	53	1,041	164	45	283	17	35	1,638	6.1
Migrant took someone's help + Taken money for migrating	31	588	129	40	364	8	11	1,171	4.4

Figure 13: Venn Diagram for Types of Trafficking



Among the migrants who had received money from some facilitator for their own migration, 748 have been estimated to be at comparatively lower levels of vulnerability. The vulnerability matrix presented below conveys that reported 31 (2.3 per cent) migrants were disconnected from the families when the survey was conducted, 588 (78.6 per cent) expressed the lack of freedom to terminate from their services and 129 (17.1 per cent) individuals disclosed receiving partial or no payment for their job. It must be comprehended that these figures depict the number of migrants who were solely victims of any one of the three types of trafficking and there are no overlapping cases.

There are 412 migrants nationally who can be estimated to be at a medium degree of vulnerability. We can note that there are 40 (9.7 per cent) migrants who are at an intersection between Type I and Type II forms of trafficking whereas 364 (88.3 per cent) mentioned that they not only had no freedom to leave their job at the destination but they were also not paid any emoluments or paid in parts only. There are 8 (2.0 per cent) migrants on a national level who were missing at the time of the survey and had also received partial or no payment for their work. Also, there are 11 migrants who were not only disconnected from their families, but they also had no freedom to quit their job and did not receive full/any payment for their work. Therefore, we may conclude on the basis of our survey that **from amongst migrants who had received money for migration, 4.4 per cent are estimated to be vulnerable to trafficking.**

The estimates of likely trafficked migrants revealed that over 43 per cent were adults in the age group of 26-40 years while young adults in the age group of 19-25 years were the second largest group at 25.6 per cent. It is important to note that about 10 per cent of those likely trafficked constituted of migrants less than 18 years of age (Table 4.8). When we consider the levels of vulnerability and exploitation experienced by these children, the grave problem of child trafficking in India becomes apparent.

Table 4.8: Number of Migrants who were Likely Trafficked according to Age Groups

Age Group	Levels of Vulnerability			Total	%
	Low	Medium	High		
Children (<=12)	15	14	0	29	1.2
Adolescent (13-18)	145	61	4	210	8.6
Young Adult (19-25)	465	143	14	622	25.6
Adulthood (26-40)	752	287	19	1058	43.5
Middle aged Person (41-60)	357	120	5	482	19.8
Older Person (60+)	22	8	1	31	1.3
Total	1,756	633	43	2,432	100

*Does not include data for Chhattisgarh, Himachal Pradesh, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim and Tripura due to missing data.

From Table 4.9, it may be noted that 1,975 males (81.2 per cent) and 457 females (18.8 per cent) were likely trafficked. While around one-fourth of both men and women faced medium levels of vulnerability, more women experienced lower levels of vulnerability compared to men.

Table 4.9: Percent Distribution of Male and Female Migrants who were Likely Trafficked

Vulnerability	Male	%	Female	%	Total	%
Low	1,418	71.8	338	74.0	1,756	72.2
Medium	524	26.5	109	23.9	633	26.0
High	33	1.7	10	2.1	43	1.8
Total	1,975	100	457	100	2,432	100

*Does not include data for Chhattisgarh, Himachal Pradesh, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim and Tripura due to missing data.

It may be noted that through the HH survey only these broad forms of exploitation could be estimated. Both men and women also reported sexual harassment at the place of work as a form of exploitation experienced. However, through that data it is difficult to estimate trafficking for CSE as sexual harassment at the workplace has a specific connotation. Given the fact that sexual harassment at the workplace was reported by 9.9 per cent of the female migrants and 10.6 per cent of the male migrants, it is not difficult to extrapolate the sexual forms of exploitation that are experienced by both men and

women, irrespective of the type of trafficking. Therefore, a continuum of sexual abuse was identified as a form of exploitation intersecting with other forms of exploitation.

Table 4.10: Percent Distribution of Male and Female Migrants who Experienced Sexual Harassment at the Workplace

Sexual Harassment at the Workplace	Male	%	Female	%	Total	%
Yes	1,785	10.6	477	9.8	2,262	10.4
No	12,083	71.7	3,216	66.6	15,299	70.5
No Response	2,995	17.7	1,138	23.6	4,133	19.1
Total	16,863	100	4,831	100	21,694	100

Matrix ver. 2

The trafficking matrix ver. 1 was developed by combining different parameters of *modus operandi* with the exploitation experienced by the migrants. The migrants were either paid some money by the facilitator as advance or had to pay money to the facilitator as commission for migration. These migrants were later found to have faced different forms of exploitation. These forms of exploitation have been classified as ranging from high to low levels of vulnerability to trafficking. With some form of financial transaction involved in the migration and the migrant suffering from some type of exploitation at their place of destination, an explicit picture of these migrants being vulnerable to trafficking can be established.

However, human trafficking is a complex organised crime. While monetary transactions are an important part of *modus operandi* used by network of traffickers, deception, lure, and coercion are some other tactics used by them. These are difficult to quantify and identify unless a detailed investigation is carried out. Qualitative data from the study has revealed that these methods are used in the *modus operandi* of trafficking. The following chapters will list out these methods used for different forms of trafficking.

In order to reflect cases where methods other than monetary transaction may have been used as *modus operandi*, another matrix with no financial transaction between the migrant and facilitator has been presented.

Table 4.11: Tracking Vulnerability to Trafficking ver. 2

<i>Modus Operandi</i>	Low Vulnerability			Medium Vulnerability			High Vulnerability	Migrants Vulnerable to Trafficking (N=26,648)	
	Type I	Type II	Type III	Type I + Type II	Type II + Type III	Type I + Type III	Type I + Type II + Type III	N	%
Migrant took someone's help + No Financial transaction	169	2,836	376	162	553	33	58	4,187	15.7

Close to 16 per cent of the migrants were found to be vulnerable to trafficking from this form of estimation. However, it must be reiterated that the findings suggest 10.5 per cent of migrants being vulnerable to trafficking found from matrix ver. 1 and that ver. 2 is more of a conjecture on migrant's vulnerability to trafficking. Therefore, caution must be exercised when considering these migrants as vulnerable to trafficking. The numbers represent the possibility of trafficking based on the observations that emerged from the qualitative data in the study. All calculations in the following sections have been made based on matrix ver. 1.

4.5 Economics of Household, Unsafe Migration and Trafficking

Human trafficking is a product of a complex interplay of the market forces of demand and supply. While the supply, although non-consensual because the victims are coerced and duped, is one side of the coin, which helps in the subsistence of human trafficking, the demand for trafficked victims drives the industry. The foremost reason why human trafficking has not only survived the test of time but has in fact emerged as one of the most profitable businesses in today's era, is the high profit margin with minimal risks associated with the trade, because it is becoming increasingly easier and inexpensive to

procure, move and exploit vulnerable populations for commercial sexual abuse or labour.²⁵

Based on the survey, the economics of trafficking have been estimated separately for all the three levels of vulnerability, on the basis of whether money was paid by the migrants or taken as an advance, by multiplying the number of migrants falling under a particular tier by the average amount of money paid by these individuals.

For the **migrants who had paid money to some facilitator as commission, INR 4.68 crores (46.8 million) can be estimated to be in circulation in the trafficking market for the 1,638 possibly trafficked migrants** from our sample. The economics distinctly bring out the profits earned by the human trafficking industry at various tiers by luring and exploiting vulnerable populations who migrate in pursuit of better livelihoods or quality living.

Table 4.12: Economics of Trafficking when Migrants Pay Commission

Vulnerability	A: No. of Migrants	B: Average Amount Paid (in INR)	C: Economics of Trafficking (in INR): (Total Amount=A x B)
Low	1,258	28,592	35,968,736
Medium	345		98,64,240
High	35		1,000,720
Total Economics of Amount Paid by Migrant (in INR)			46,833,696

From amongst the **migrants who had taken an advance from the facilitator to migrate, INR 2.9 crores (29 million) can be estimated to be in circulation in the trafficking market for the 1,171 possibly trafficked migrants** from our sample.

²⁵Aronowitz, Alexis A., Koning, Anneke (2014). Understanding Human Trafficking as a Market System: Addressing the Demand Side of Trafficking for Sexual Exploitation. *International Review of Penal Law*. Vol 89 pp. 669-696.

Qualitative findings from various states have shown that traffickers make use of the advance system to entrap victims in a mesh of debts by creating a situation of indebtedness. This has been observed especially in the case of working in brick kilns, construction sites, and borewell digging in different states of the country. The migrants often have to forego their remuneration or receive very little money because there are unfair deductions from their pay on the pretext of the employer providing for their food or accommodation expenses. While it is true that the wage calculations for such workers are usually much below the prevailing market rates, the heavy deductions ensure that the underpaid/unpaid migrants can almost never repay the outstanding debt. Sometimes, the workers borrow additional money to meet family expenses, therefore, indicating that the outstanding loan only perpetuates. The victims end up pledging their services and the burden may even pass on to the following generation. One can only imagine the exorbitant profits or returns which can motivate the traffickers to make such large investments in the initial stages. Here, it is important for us to understand that the advance payment works as a lure for the migrant who is unaware that ultimately they will be partially paid or will not receive any payment or may not have the freedom to quit the job. The contractor makes a profit, on not only the amount that is due to the migrant worker but also receives a fixed amount from the owner of the factory or construction site.

Table 4.13: Economics of Trafficking when Migrants Take Advance Payments

Vulnerability	A: No. of Migrants	B: Average Amount Received (in INR)	C: Economics of Trafficking (in INR): (Total Amount=A x B)
Low	748	25,423	19,016,404
Medium	412		10,474,276
High	11		2,79,653
Total Economics of Amount Received by Migrant (in INR)			29,770,333

The tables distinctly bring out the profits earned by the human trafficking industry by luring and exploiting vulnerable populations who seek to migrate looking for better livelihood opportunities or aspirations for more liveable conditions for survival.

4.6 Socio-Economic Condition of the HHs from Where Migrants were Likely Trafficked

As discussed above, 2,432 migrants were likely to have been trafficked from different states in India. These 2,432 migrants were from 1,962 HHs. Therefore, from each HH, about 1.24 migrants were likely to have been trafficked (Table 4.14).

Table 4.14: Trafficking Scenario in HHs

Migrants vulnerable to trafficking	2,432
No. of HHs	1,962
Trafficked Migrants per HH	1.24

*Does not include data for Chhattisgarh, Mizoram, Punjab, Rajasthan, Sikkim and Tripura due to missing data.

Of the total of 36,507 HHs surveyed, 45.4 per cent did not have a MNREGS job card, but for the HHs with suspected trafficking victims, over 50 per cent did not have a job card (Table 4.15). While at least one member was employed under the scheme in 62 per cent of the HHs, the average income earned is much lower compared to the national level. The average income from MGNREGS in these HHs was INR 6,629 whereas the average national income from MGNREGS was INR 8,330. The deviation of payment received in the HHs with suspected trafficking victims from the national average was -20.4%.

Table 4.15: Percent Distribution of HHs where Migrants were likely Trafficked according to Availability of MGNREGS Job Card and Work Status

Availability of MGNREGS Job Card	HH	%
Yes	955	48.7
No	987	50.3
No Response	20	1.0
Total	1,962	100
Worked in MGNREGS	HH	%
Yes	593	62.1
No	353	37.0
No Response	9	0.9
Total	955	100

With regard to the landholding status of HHs from where there are suspected victims of trafficking, it was observed that about 54 per cent of these HHs held some form of agricultural or community land holding but the annual income earned from cultivation was seen to be lower than the earnings at the national level (Table 4.16). The average annual income earned in these HHs was INR 25,471 while the national average annual income was tabulated to be INR 35,222. The deviation of average annual income in the HHs with suspected trafficking victims from the national average was -27.7%. This analysis aptly brings out the economic vulnerabilities associated with households with likely cases of trafficking.

Table 4.16: Percent Distribution of HHs where Migrants were Likely Trafficked according to Land Holding

Land Holding	HH	%
No Land	632	35.7
Land	951	53.7
Don't Know	13	0.7
No Response	174	9.8
Total	1,770	100
Land Held (Acres)	HH	%
Less than 1	132	13.7
1-2	302	31.3
2-5	255	26.4
6 or More	126	13.1
No Response	150	15.5
Total	965	100

It was observed that a majority of these HHs held a BPL card (61.5 per cent) while 7 per cent of the HHs were also found to have Antyodaya cards (Table 4.17), thus highlighting the poverty and financial struggles of the HHs from where migrants were possibly trafficked.

Table 4.17: Percent Distribution of HHs where Migrants were Likely Trafficked according to the possession of Types of Ration Card

Type of Ration Card	HH	%
APL	363	18.5
BPL	1,207	61.5
Antyodaya	137	7.0
Other	165	8.4
No Response	90	4.6
Total	1,962	100

Coupled with the poor economic conditions, more than half of the HHs with suspected cases of victims of trafficking did not have access to basic government schemes and services, especially Janani Surksha Yojana and National Pension Scheme (Table 4.18).

Table 4.18: Percentage of HHs where Migrants are Likely Trafficked according to Access to Government Schemes for HHs

Government Schemes	Yes		No		No Response		Total	
	N	%	N	%	N	%	N	%
Pradhan Mantri Jan Dhan Yojana	817	41.6	1,141	58.2	4	0.2	1,962	100
National Pension Scheme	575	29.3	1,382	70.4	5	0.3	1,962	100
National Health Insurance	606	30.9	1,350	68.8	6	0.3	1,962	100
Janani Suraksha Yojana	529	27.0	1,427	72.7	6	0.3	1,962	100
Pradhan Mantri Awas Yojana- Gramin/ Indira Awas Yojana	674	34.4	1,283	65.3	5	0.3	1,962	100

The data in this section clearly highlights the poor socio-economic condition of the HHs from where individuals migrated and were, in all likelihood, trafficked.

4.7 Destinations

The quantitative data revealed that Maharashtra was the most popular destination for transporting trafficked victims. This was followed by Karnataka, Gujarat and Punjab (Table 4.19). It is important to note that a large number of destinations were within India and international destinations constituted a very small percentage of the same.

Table 4.19: Top 10 Destinations for Migrants who were likely Trafficked

States/International	Number
Maharashtra	412
Karnataka	166
Gujarat	159
Punjab	158
International	157
Delhi	149
Andhra Pradesh	128
Uttar Pradesh	116
Madhya Pradesh	111
Haryana	83

Domestic sources and destinations specific to each form of trafficking that emerged from the qualitative data have been presented in a map in subsequent chapters. For specific international source and destinations, state reports may be referred to.

Table 4.20: Income from Different Sources

	Monthly average income of HH			Income from MNREGS (≤100 Days of Work)			Annual income from Agricultural landholding			Average monthly income of Migrants from the State		
	Income	Deviation from National Average (INR 12,638)	% Deviation	Income	Deviation from National Average (INR 8,234)	% Deviation	Income	Deviation from National Average (INR 34,668)	% Deviation	Income	Deviation from National Average (INR 7,455)	% Deviation
Andhra Pradesh	12,418	-220	-1.7	9,209	+975	+11.8	41,261	+6,593	+19.0	7,972	+517	+6.9
Arunachal Pradesh	17,652	+5,014	+39.7	11,011	+2,777	+33.7	10,928	-23,740	-68.5	11,065	+3,610	+48.4
Assam	11,447	-1,191	-9.4	4,768	-3,466	-42	30,545	-4,123	-11.9	7,673	+218	+2.9
Bihar	9,887	-2,751	-21.8	4,402	-3,832	-47	28,830	-5,838	-16.8	5,715	-1,740	-23.3
Chhattisgarh	6,068	-6,570	-52.0	8,139	-95	-1	15,625	-19,043	-54.9	4,150	-3,305	-44.3
Gujarat	13,747	+1,109	+8.8	3,455	-4,779	-58	26,387	-8,281	-23.9	8,519	+1,064	+14.3
Haryana	7,570	-5,068	-40.1	5,587	-2,647	-32	93,120	+58,452	+168.6	7,511	+56	+0.8
Himachal Pradesh	10,898	-1,740	-13.8	7,044	-1,190	-14	49,088	+14,420	+41.6	5,770	-1,685	-22.6
Jammu & Kashmir	10,660	-1,978	-15.7	7,717	-517	-6	12,230	-22,438	-64.7	9,899	2,444	32.8
Jharkhand	7,865	-4,773	-37.8	-	-	-	-	-	-	4,012	-3,443	-46.2
Karnataka	14,545	+1,907	+15.1	15,426	+7,192	+87.3	13,586	-21,082	-60.8	7,073	-382	-5.1
Kerala	6,286	-6,352	-50.3	17,639	+9,405	+114.2	8,640	-26,028	-75.1	6,097	-1,358	-18.2
Madhya Pradesh	8,068	-4,570	-36.2	8,149	-85	-1	60,987	+26,319	+75.9	5,163	-2,292	-30.7
Maharashtra	15,838	+3,200	+25.3	5,042	-3,192	-39	24,627	-10,041	-29.0	6,445	-1,010	-13.5
Manipur	28,119	+15,481	+122.5	2,975	-5,259	-64	19,237	-15,431	-44.5	21,489	+14,034	+188.2
Meghalaya	14,337	+1,699	+13.4	24,242	+16,008	+194.4	27,970	-6,698	-19.3	12,731	+5,276	+70.8
Mizoram	23,021	+10,383	+82.2	5,871	-2,363	-29	14,552	-20,116	-58.0	17,256	+9,801	+131.5
Nagaland	9,813	-2,825	-22.4	9,156	+922	+11.2	29,285	-5,383	-15.5	12,193	+4,738	+63.6
Odisha	7,410	-5,228	-41.4	8,759	+525	+6.4	13,586	-21,082	-60.8	7,311	-144	-1.9
Puducherry	11,910	-728	-5.8	2,903	-5,331	-65	20,000	-14,668	-42.3	15,473	+8,018	+107.6
Punjab	21,950	+9,312	+73.7	7,485	-749	-9	39,418	+4,750	+13.7	16,162	+8,707	+116.8
Rajasthan	8,725	-3,913	-31.0	6,869	-1,365	-17	7,521	-27,147	-78.3	5,690	-1,765	-23.7
Sikkim	18,778	+6,140	+48.6	10,920	+2,686	+32.6	7,805	-26,863	-77.5	12,347	+4,892	+65.6
Tripura	14,010	+1,372	+10.9	12,344	+6,506	+79	14,875	-19,793	-57.1	9,849	+2,394	+32.1
Telangana	13,701	+1,063	+8.4	13,157	+4,110	+49.9	60,987	+26,319	+75.9	7,282	-173	-2.3
Tamil Nadu	15,673	+3,035	+24.0	14,740	+4,923	+59.8	14,580	-20,088	-57.9	10,666	+3,211	+43.1
Uttar Pradesh	8,500	-4,138	-32.7	8,305	+71	+0.9	14,552	-20,116	-58.0	6,197	-1,258	-16.9
Uttarakhand	12,872	+234	+1.9	2,562	-5,672	-69	13,021	-21,647	-62.4	14,042	+6,587	+88.4
West Bengal	5,640	-6,998	-55.4	7,720	-514	-6	17,852	-16,816	-48.5	3,578	-3,877	-52.0

Chapter 5

Labour Trafficking

According to the International Labour Organisation (ILO), “human trafficking is an issue of labour rights and labour protection, as well as of human rights and criminal justice”.²⁶ Further, it adds that trafficking is a process, which often ends in forced labour-work or service that any woman, man or child is coerced to do under the threat of a penalty, and for which they have not offered themselves voluntarily. It estimates that of the 12.3 million victims of forced labour worldwide, 2.4 million are as a result of human trafficking.²⁷

Labour trafficking, therefore, is a form of human trafficking in which an individual is made to perform labour through the use of deception, coercion or force. It includes recruitment, harbouring, transportation, provision, or obtaining of a person for labour or services. The victims may be subjected to situations of involuntary servitude, debt bondage, or forced labour. Victims are often recruited with false promises of high-paying jobs. Traffickers lure people already in extreme livelihood distress into inhumane working conditions with little to no pay and bondage-like situations. Once a person’s labour is obtained, the person’s prior consent to work for an employer is legally irrelevant. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labour in their own cities/districts/states/countries. The victims often work long hours and face safety and health hazards. Traffickers exert physical and psychological control (physical abuse, sexual abuse, confiscation of

²⁶ILO (2008): Fighting Human Trafficking: The Forced Labour Dimensions, ILO. Geneva. Available at http://www.ilo.org/global/topics/forced-labour/events/WCMS_090236/lang-en/index.htm [Accessed on 27 April 2019]

²⁷ibid

documents, debt bondage, confiscation of salaries, etc.) to keep them working against their will. Female victims of forced or bonded labour, especially women and girls in domestic servitude, are often sexually abused or exploited as well. Furthermore, it is quite clear that trafficking, forced labour and exploitation are all part of a continuum of coercion, with clear cases of labour malpractice at one end and various forms of exploitation and coercion at the other end.²⁸ Less serious forms of exploitation can be a breeding ground for more serious acts, leading up to trafficking for forced labour.²⁹

From the above-mentioned discussions, it is evident that trafficking for labour is often obscured by seeing it as mere exploitation of labour. This obfuscates the larger structural and contextual factors that facilitate exploitation and make workers vulnerable to labour trafficking.³⁰ Labour traffickers use various means to lure and entrap survivors, including persuasion, deception, threats and physical violence or coercion. Different individuals may be involved in the process, including recruiters, intermediaries, transporters, employers, and even families and friends. These methods of entrapment vary considerably from country to country, state to state and from situation to situation.³¹ They are influenced by cultural factors, local circumstances, and popular beliefs.

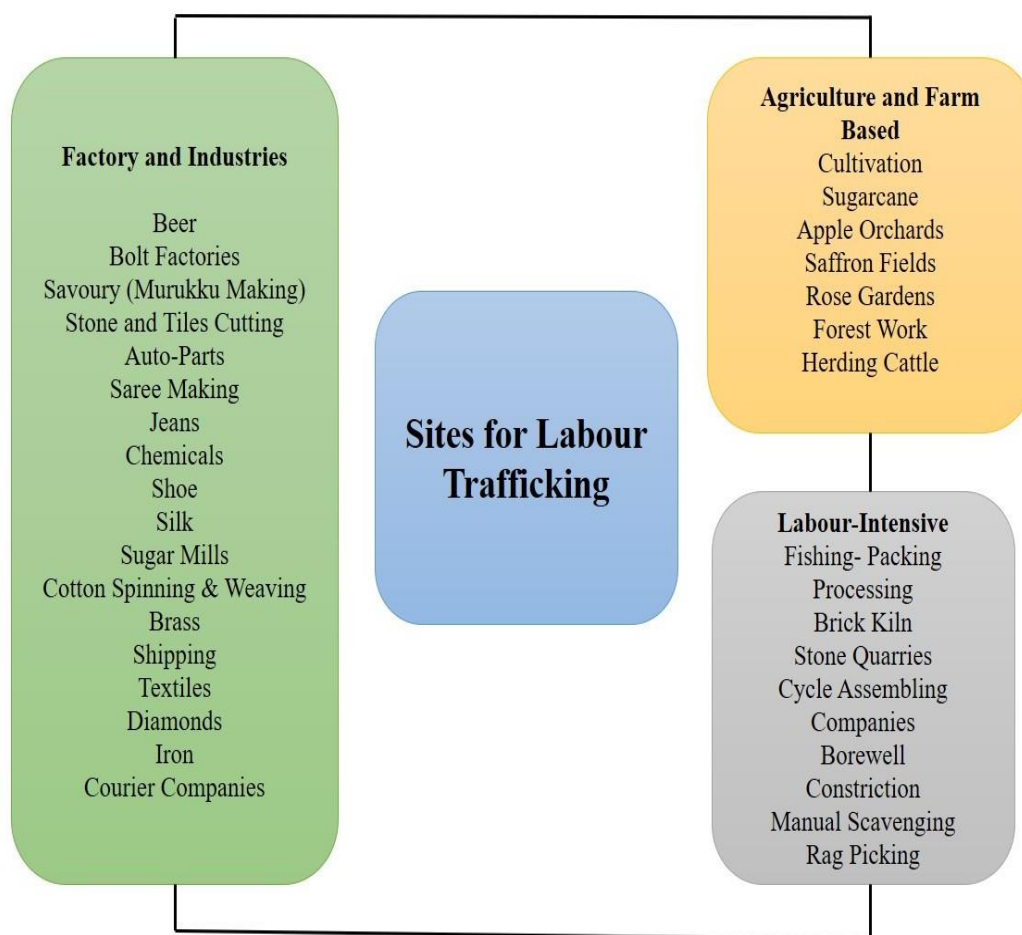
²⁸Ollus, N. and Jokinen, A. (2013). *We've Got People Lined up Behind the Door: Placing the Trafficking and Exploitation of Migrant Workers in Context in the Restaurant and Cleaning Sectors in Finland*. Publication Series 75. Finland: European Institute for Crime Prevention and Control. Available at: https://www.unodc.org/documents/congress/background-information/NGO/HEUNI/Extraction_Publication_Series_No.75.pdf [Accessed on 13 April 2019]

²⁹Dandurand, Y., Chin, V. and Wilson, L. (2017). *Improved Response to Labour Trafficking*. *International Centre for Criminal Law Reforms and Criminal Justice Policy*, [online]. Available at: https://icclr.law.ubc.ca/wp-content/uploads/2017/06/Dandurand_Chin_Wilson_2017_Improved-response-to-labour-trafficking-1.pdf [Accessed 16 February 2019]

³⁰Ollus, N. and Jokinen, A. (2013). *We've Got People Lined up Behind the Door: Placing the Trafficking and Exploitation of Migrant Workers in Context in the Restaurant and Cleaning Sectors in Finland*. Publication Series 75. Finland: European Institute for Crime Prevention and Control. Available at: https://www.unodc.org/documents/congress/background-information/NGO/HEUNI/Extraction_Publication_Series_No.75.pdf [Accessed on 13 April 2019]

³¹ILO. (2002). *Forced Labour, Child Labour and Human Trafficking in Europe: An ILO perspective*. [online], Available at: http://www.gaatw.org/working%20paper/usefulresources_labour/Trafficking%20for%20Exploitation

Figure 14: Sites for Labour Trafficking



5.1 Profile of Victims

Young men and women between 14-35 years of age, from flood affected, drought-affected, conflict-affected regions and tea gardens were vulnerable to being trafficked for labour. Individuals and families affected by development-induced displacement are prone to opting for unsafe migration processes, which may lead to trafficking or trafficking-like situations. Large families from extremely poor socio-economic backgrounds, belonging

[ion/ILO_2002_Forced%20Labour%20ChildL%20and%20HT%20in%20Europe.pdf](#) [Accessed 28 February 2019]

to STs, SCs, OBCs and minority communities were targeted. It was also observed that traffickers, with a promise of better and regular wages, often easily lured those receiving irregular or late payments for their work under MGNREGS. As discussed in Chapter 3, there is a strong relationship between landholding and migration. It was observed that HHs with both small and large landholdings migrated looking for work because the land did not yield enough to sustain their family. The HH survey data reveals that the **average annual amount earned through cultivation per HH was INR 34,638**.

5.2 Trends in *Modus Operandi*

As discussed in Chapter 4, there is a strong relationship between migration, unsafe migration and trafficking. It was observed that even cases of seasonal migration could be cases of debt bondage where the workers are partially paid with the condition that they would return the next season and often with an additional person who would work. While mobility, the most crucial element in migration, is common across all forms of trafficking; it is most prominent in cases of labour trafficking.

Payment of Advance Money: The agents or contractors pay an advance amount of money to the workers to lure them to work in a factory, construction site or as agricultural labour. The workers are told that the advance amount was given to them in lieu of the work they would do for 6-7 months, and the balance amount would be paid thereafter. In several cases it was seen that the workers did not receive any payment or partial payment at the end of 6-7 months, some were not allowed to leave the work premises.

Payment of Commission: It was observed that the people in the villages often paid money as commission to the agent or the contractor who promised them a lucrative job. As discussed in Chapter 4 (Table 4.4), a HH goes through extreme economic distress to pay commission for the migration of one person for work. The commission amount is settled on the basis of the value of the job that the agent would find the worker. However, in cases of trafficking, the worker does not receive the promised job and also loses the commission amount they paid.

Festivals and After Exam Results: Time plays a very crucial role in the *modus operandi* of trafficking. Trafficking networks use opportune moments such as festivals to recruit labourers to work in exploitative conditions. Labourers who return to their villages at the festival time are also used as recruiters by the trafficking networks. They help identify vulnerable families in the villages who are then approached by the contractors or agents. The time after the examination results are declared is also used as an opportunity to lure young girls and boys who may not have fared well. The inability of these young girls and boys to access skill development centres or adopt alternative means of livelihood, makes them amenable to being deceived and trafficked for exploitative labour practises.

Family as a Unit: In case of brick kiln factories or construction sites, it was observed that the family was taken to the site as a unit. Local leaders in the villages facilitate the families' movement. The children were also counted as workers. Differential wages were paid to different members of the family, on the basis of gender and age. The youngest child was paid the least or not paid at all.

Box 5.1: Illustration of Wage Payment to a Family Working in Brick Kilns in Gujarat

The promised amount by the contractor for 1000 pieces: INR 800 per person per day

Amount to be received by 2 members of the family: $\text{INR } 800 \times 2 = \text{INR } 1600$

The actual amount received by the family: INR 500 to 600

Profit earned by the contractor in the above example: INR 1000 to 1100. In addition to this, the contractor also makes a profit from the hidden costs, such as health care, education for children etc.

The loss to 2 members of the family: INR 200 to 300 per day

The box displays the profit earned by the contractor and the economic exploitation of the workers. The illustration is indicative of only one type of worker. The wage rate of the workers varies depending on their physical capabilities and task profiles. For example, a worker who works on Khadkan earns less than a paatlal worker.

Local Financiers: Local financiers play a major role in trapping victims in the cycle of trafficking. Working in cahoots with agents and contractors, they give easy loans to the victims who are forced into working in debt bondage labour situations on non-payment.

Recruitment at Railway Stations: Recruitment of labour by contractors also takes place at railway stations. Migrant labourers reach the city after learning about work opportunities from their neighbours or fellow villagers who already work in those cities. When they reach the city via train they are approached by contractors and their agents, at railways stations, who are looking for labourers in need of work.

International Labour Trafficking: In cases of international labour trafficking, the labourers were promised high paying jobs and a commission was taken from them to enable the agent to prepare their visa documents as well as arrange for their tickets. In some cases, fake identity documents were also created. Upon reaching the destination, three scenarios were observed - first, the workers were not given the promised job and coerced to work in a different place; second, the workers were not given any work for almost up to 6 months and were kept as reserve labour, they were expected to bear their own expenses during this time; third, they may have been given the promised work initially but were later blackmailed after their visa expired and coerced to work in exploitative conditions. In all the three scenarios, the precarity of the migrant workers increases due to their forged identities or visa status and lack of any support systems in an unfamiliar place. In several cases, the labourers are made to sign contracts before their travel. The contracts contain exploitative clauses for work and more often than not the labourers are unable to decipher the meaning of the clauses and the implications it may have on them.

Box 5.2: Violation of E-Migrate Program

According to a KI in Protector of Emigrants' office, Andhra Pradesh, recruitment of about 90 per cent of the workers who go to work in the Gulf is done in circumvention of official channels of recruitment. All these persons go through agents who operate in violation of the official e-migrate system of recruitment of blue collared workers in the Gulf. They go through illegal and unregistered agencies, which cannot be tracked later. The victims are taken with a tourist visa or transit visa rather than work visa, which leads to creation of illegal identity once the visas expire. In many cases, the victims are never directly taken to the country of destination but rather to Dubai or another transit country before they are smuggled and trafficked into the country of destination as illegal entrants. This illegal identity is produced to create complete dependency of workers on the only people who are known to them, despite them being the exploiters in the first place.

Kafala System: Countries in the Gulf region use *kafala* system to recruit, sponsor and manage immigrant labourers. A local company or resident must sponsor foreign labourers for their visas and residency to be legal in their country. Under such condition, the sponsor has absolute power over the conditions of stay and work of the labourer in their country rendering the workers vulnerable. Despite some countries having banned the *kafala* system, it continues to operate informally and illegally. Migrant labourers become victims of trafficking due to the absolute loss of freedom at the hands of their sponsor.

5.3 Economics

In the case of an advance system, advance may be given for cultivation or for occasions like marriage or festivals. This advance is considered as a debt and it is redeemed through the labour of the person or the family who borrowed it. Advance given for brick kiln workers ranges from INR 20,000 to INR 1,00,000 for periods up to 6-8 months. The labourers are expected to bear their living costs as well as medical expenses from this amount. This amount may also be for the family as a unit. As discussed above, the advance payment system creates a situation of bondage and dependency on the contractor and low wages and partial payment forces workers to return to the same contractor to collect their dues.

The daily wages received by workers in different factories and sites of work in different states vary greatly. However, it was observed that in brick kilns an amount of INR 550 was paid per person per 1000 bricks. In the case of borewell workers, they received an amount of INR 100-150 per week; and an additional amount INR 1000 in cases where water was found.

Box 5.3: Economics of Trafficking for Labour at Borewell Units

The total amount received per person: INR 5,000 x 6 months = INR30,000
Promised amount: INR 7,000 x 6 months = INR 42,000
The loss incurred by each victim: INR 12,000. This is also the profit gained from each person by the contractor.
Loss incurred for 3 victims: INR 12,000 x 3 = INR 36,000
Therefore, the net profit made by the contractor is INR 36,000

5.4 Forms of Exploitation

Wage Exploitation: Wage exploitation has been explained in the earlier sections. Here it may be mentioned that earnings of the labourers were found to be abysmally low, particularly for those workers at the lower end of the hierarchy, including women workers. In addition to low wages, the irregularity of wages is also a concern. Labourers get expenses for food and other necessities on a weekly or fortnightly basis. These expenses are deducted from the advance amount and the remaining amount is given to labourer at the end of the season. In the absence of any written work agreement, the labourer-contractor relationship determines the wages that they receive from their engagement at the work site. Another typical form of mistreatment or exploitation is the non-payment or underpayment of wages. Owners regularly make illegal and excessive deductions for accommodation and/or transportation. Workers continue to work in the hope of receiving the money owed to them or because they are told they must work until they have paid off their debts.

Box 5.4: Economic Exploitation of Labourers in Construction Sites Trafficked from Dahod, Gujarat

According to the Minimum Wages Act, the wages for the unskilled labourer is INR 296.80, for semi-skilled it is INR 304.80 and for skilled labourers, it is INR 313.80. Majority of the trafficked labourers from Dahod are unskilled. In Dahod, the migrant worker does not go to the destination alone, rather, they go as a unit i.e. as a family including children. If we consider an average size of the migrating family as 4 persons including two children (one below 15 years and one above 15 years); the adult man is promised INR 250 per day and the adult female is promised INR 200 per day. The child above 15 years is promised INR 150 per day and child below 15 years is not paid for the work done. The family works for an average period of six months at the construction site. The commission of the *mukaddam* is INR 20 per labourer per day.

Calculations per month (considering 30 days as a standard number of days for 6 months), keeping the minimum wages as a reference:

Each adult should be paid = INR 296.80 per day

2 adults should be paid= INR 296.80*2 *180 days= INR 1,06,848 for 6 months of work

But

Male adult is promised INR 250 per day, so if we calculate for 6 months, then he should be paid INR45,000

Female adult is promised INR 200 per day, so if we calculate for 6 months, then she should be paid i.e. $\text{INR } 200 \times 180 = \text{INR } 36,000$

Total: $\text{INR } 45,000 + \text{INR } 36,000 = \text{INR } 81,000$ for 2 adults

Loss to the adults: $\text{INR } 1,06,848 - \text{INR } 81,000 = \text{INR } 25,848$

A child above 15 years working as an adult is promised INR 150 per month, so if we calculate earnings for 6 months it will amount to $150 \times 180 = \text{INR } 27,000$

Profit to the contractor – INR 296.80 is the minimum wages, which the contractor could have paid to an adult. In this case, he is saving on wages and getting the same work done by a child instead of an adult $= \text{INR } 296.80 \times 180 = \text{INR } 53,424$

Loss to labourer: Loss is $\text{INR } 296.80 - 150 = \text{INR } 146.8$ per day $\times 180 = \text{INR } 26,424$

Loss: The child below 15 years is involved in work, but is not paid wages.

Mukaddam i.e. contractor takes a commission of INR 20 per labourer per day, he has given work to 3 members of the family, the commission of the *mukaddam* will be:

Profit to *mukaddam* - $20 \times 180 \text{ days} \times 3 = \text{INR } 10,800$

This commission will be deducted from total earnings: $\text{INR } 81,000 + \text{INR } 27,000 = \text{INR } 1,08,000$

Actual earnings of the family will be total earnings – commission to *mukaddam*

$= \text{INR } 1,08,000 - \text{INR } 10,800 = \text{INR } 97,200$

The labourers are not paid on time and only weekly expense of INR 500 is given per person for the expenses, which implies that each family will receive, $500 \times 2 \text{ (adults)} \times 24 \text{ weeks (6 months)} = \text{INR } 24,000$

The final amount will be deducted – Weekly expense + any cost borne by *mukaddam* i.e. medical or any other

$\text{INR } 97,200 - \text{INR } 24,000 = \text{INR } 73,200$ should be received by the labourers, but the family, on an average will be paid only up to INR 40 to 55 per cent of the final amount which is INR 4,3920. This amount will not be paid together; it will always be paid partially or in instalments. This is a strategy used by the *mukaddam* and contractor to keep labourers under bondage so that they work in the hope that the money will be paid later.

Poor Living Conditions: The workers and labourers in the different factories and sites were reportedly living in squalor. This varied across the different places of work. In the case of brick kilns, the families lived within the premises of the brick kilns and were often not allowed to go out. In case of some factories and construction sites, they lived in *jhuggis* (temporary shanty houses) and slums where most migrant workers lived. Those working in borewell units lived in the borewell *gaadi* (vehicle) itself. A group 6-7 of

young men usually cooked food and slept on the borewell *gaadi*. There was nothing to shelter them from the heat or the rain.

Long Working Hours: Labourers were known to work for up to 20 hours a day. Long working hours was normalised to such an extent that labourers did not even think this was an issue to protest about.

Sexual Exploitation: Both men and women reported instances of sexual harassment at their place of work. This includes minors as well. Single women, widows, separated or deserted women were singled out by contractors or factory owners and sexually exploited. Young boys were also targeted and sexually abused. Instances of sexual abuse were also coupled with threats of non-payment or retribution if the victim complained to anyone.

Duration of Employment and Wages: In cases of labour trafficking, there is a great deal of deception with regard to the duration of employment and the wages received in lieu of it. Either the labourers are not provided with the work they were promised or they receive partial or no payment. In cases where an advance payment is made to the labourer, the duration of work initially promised is not met.

Lack of Safety Gear: The labourers work in extremely hazardous conditions without access to safety gear or proper health care facilities. Employers do not pay attention to the occupational health hazards and the expenses are borne by the labourers themselves.

Children of Labourers: The children of families who migrate to work in a different district or state are either left behind with other members of the family or they also travel with their family members. In either case, the vulnerability of these children is very high. In the first scenario, if those who are taking care of the children are not mindful enough, the network of traffickers could target the children for various purposes. In the second scenario, the education of the child suffers and their propensity of joining the labour force increases as they might now be working with the family in the brick kiln or as agricultural labour. Children who are left behind while their parents go to work are also known to be vulnerable to sexual exploitation. In some instances it was observed that in

the absence of child care facilities, women often tied their children to trees before they set out to work for the day. Before recruitment they are promised that the employer will get their children admitted to English medium schools but such promises are not kept later.

Confinement and Lack of Freedom to Quit Job: In a number of instances, it was observed that the labourers were not allowed to leave the premises of work. They were not allowed to have contact with their family. Some of them could not return home even at the time of a festival or demise of a loved one. Table 5.1 suggests that about 50 per cent of the male and female migrants from our HH survey reportedly did not have the freedom to quit their job at the destination. This is indicative of high levels of exploitation in the form of bonded labour.

Table 5.1: Percent Distribution of Male and Female Migrants according to Freedom to Quit Job

Freedom to Quit Job	Male	%	Female	%	Total	%
Yes	5,274	31.5	1,196	26.0	6,470	30.3
No	8,369	50.1	2,235	48.6	10,604	49.8
No Response	3,074	18.4	1,171	25.4	4,245	19.9
Total	16,717	100	4,602	100	21,319	100

*Does not include Chhattisgarh, Himachal, Meghalaya, Punjab, Rajasthan, Sikkim, Tripura

In case of brick kilns workers, it was observed that their ‘masters’ could transfer them to another ‘master’ for the advance paid once, but the workers had no right to change their workplace. And the repayment of advance is inclusive of interest and other ‘living costs’. Therefore, every time the worker wants to leave their advance amount keeps expanding, thereby creating conditions for their bondage.

Box 5.5: Exploitation at a Borewell Unit

Three boys above 18 years of age went outside Jashpur, Chhattisgarh, in pursuit of work, without informing anyone, not even their families. A known person (agent 1) from a neighbouring village took them to Tamil Nadu. The agent had told them that they will be placed in Delhi for work, but instead, from Delhi, they were taken to Tamil Nadu. In Tamil Nadu, the boys were sold to another person (agent 2). Agent 1 told the boys that agent 2 at Tamil Nadu will help them to get a job. Finally, they were sent to Kerala and started working as bonded labourers. The victims said that initially, they were given sufficient food for 15-20 days, which made them relatively happier at the destination. but no work offered to them.

The victims soon started working in a borewell. This borewell digging unit consisted of a manual pulley machine. Gradually they were engaged in precarious, hazardous and intensive labour. They explained how they used to carry the equipment on their shoulders from one house to another. The usual distance between the houses was about 2 - 3 kms. The victims further revealed that they were made to work day and night (24 hours) with barely any sleep. The victims were not even given proper meals. In a day they were given a cup of tea and some cookies. The victims said that they lived in a deplorable condition in Kerala. When they came back, they were very weak.

They were promised an amount of INR 8,000 per month. When the boys enquired about the money that was to be paid to them the contractor told them he has already paid the money to the person who dropped them in Tamil Nadu. So apart from the commission that the agent 1 took from the boys, their salaries were also taken away by agent 2 who brought them from Tamil Nadu to Kerala. For three months the victims worked there and continued to starve. Soon after the victims planned to escape from Kerala as the work and overall environment was becoming problematic and nearly fatal for them.

They had no money to execute the plan of escaping so they sold the only property that they possessed- their mobile phone. They sold both their mobile phones for INR 3,000. As soon as they sold the mobile phones, they bought some food for themselves. Thereafter the victims escaped. The victims said that they feared travelling through a road as it could put their lives in danger. It was the most obvious route where the contractor would search for them and he would probably even kill them. They took the route through the forest- crossing river, bushes, trees and so on. They walked through the forests for 2 days and reached Tamil Nadu. Thereafter, they worked in Tamil Nadu as janitors in a restaurant for 3-4 days. After that, they came back to their village in Jashpur.

This case study indicates that it may be difficult to trace the victims if the destination keeps changing. Moreover, it is indicative of the extreme exploitative conditions faced by young boys working in borewell units. Being transferred from one agent to another, lack of payment, confinement, starvation, all indicate towards a case of trafficking.

Confiscation of Legal Documents: In cases of international labour trafficking, the documents of the labourers were confiscated, including the counterfeit documents.

Falsely Implicated in Criminal Cases: Labourers who protested about their exploitative conditions were falsely implicated in criminal cases of theft and assault. Such measures were taken to keep the other workers under control and prevent and exposure of exploitative practises to the police.

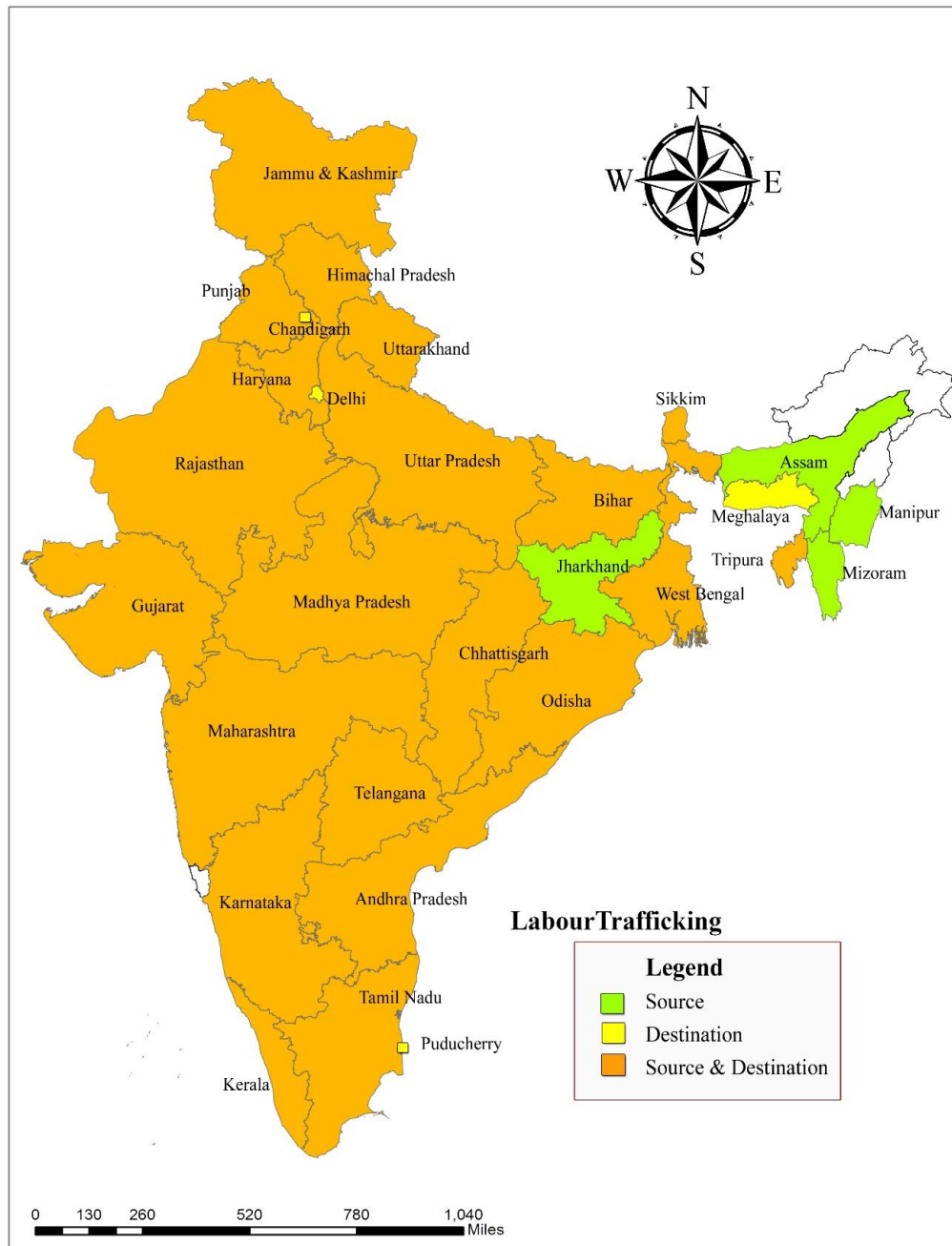
Box 5.6: Case Study of Bonded Labour from Odisha to Mumbai

In the year 2014 two different agents brought about 15 girls from Odisha to Mumbai. After working for two months in Mumbai, one of the girls contacted her family back in Kandhamal stating that they had not received any payments, were not allowed to leave their work premises, were made to work for 14 hours daily, and are not provided with medication if they are sick.

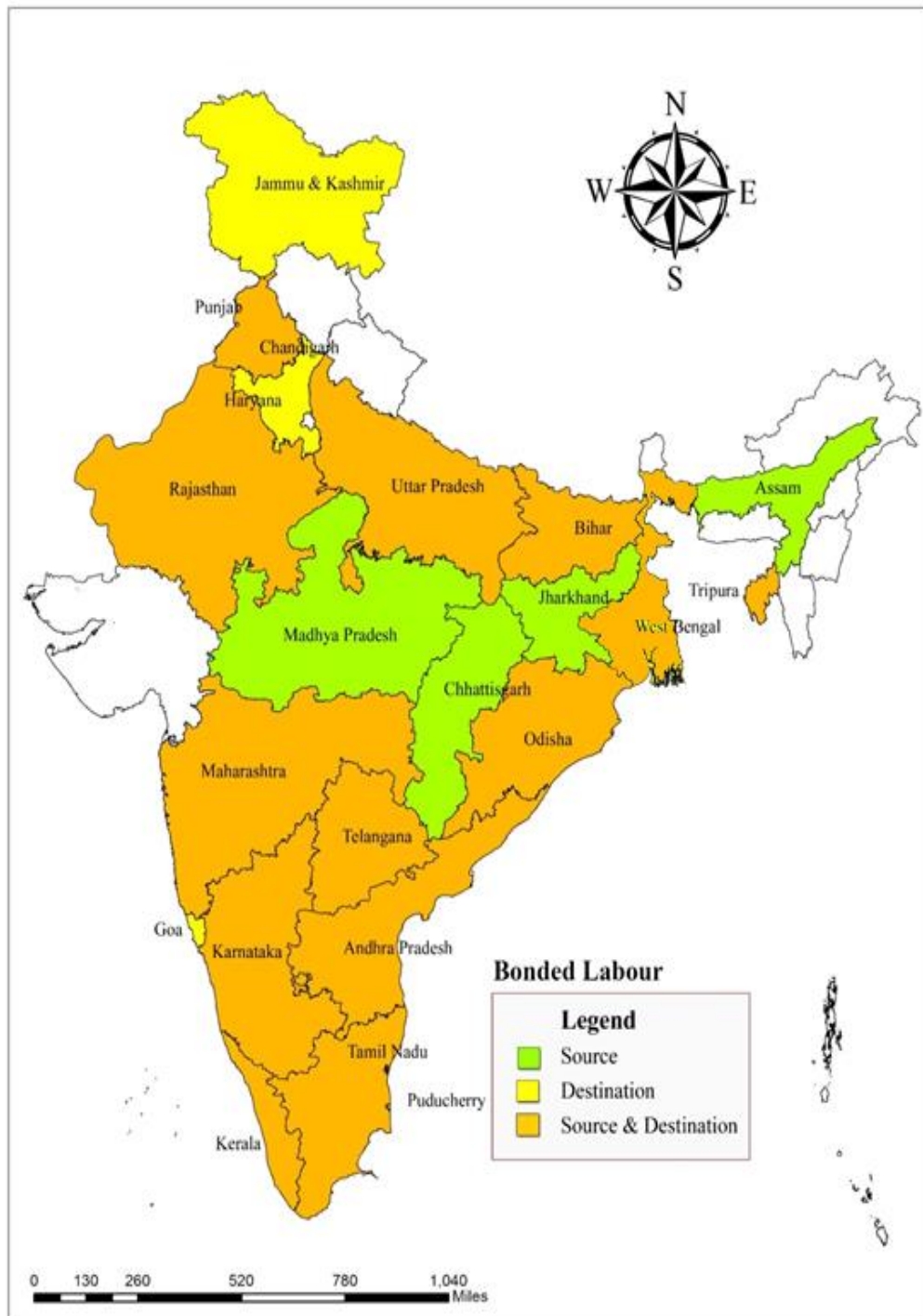
Through the involvement of Crime Branch, Mumbai, Labour Department (Maharashtra) and India Rescue Mission, the rescue process was planned. However, when the rescue team reached the area, there were more than 200 people in the age group of 12-35 waiting to be rescued. Out of the total, 97 were below the age of 18 years (of which only one was a boy and the rest were girls); 22 were from districts of Dhenkanal, Mayurbhanj, Gajapati, Jajpur, and Kandhamal. Six children were trafficked from Kandhamal, of which the boy was 13 years old and the girls were about 16 to 17 years old. After the rescue, they were accommodated in the Dongri Government Shelter Home. All the children were handed their due salaries from the company in August, 2014. The case has been registered under Child Labour Act, 1986 at Talaja Police Station.

The case deals with how the girls from Odisha were brought to Navi Mumbai and made bonded labourers. Non-payment of salary, long working hours and restrictions on their movements were the main forms of exploitation faced by the girls. After working for two months, the girls were rescued.

Map 1: Labour Trafficking



Map 2: Trafficking for Bonded Labour



Chapter 6

Trafficking for Child Labour

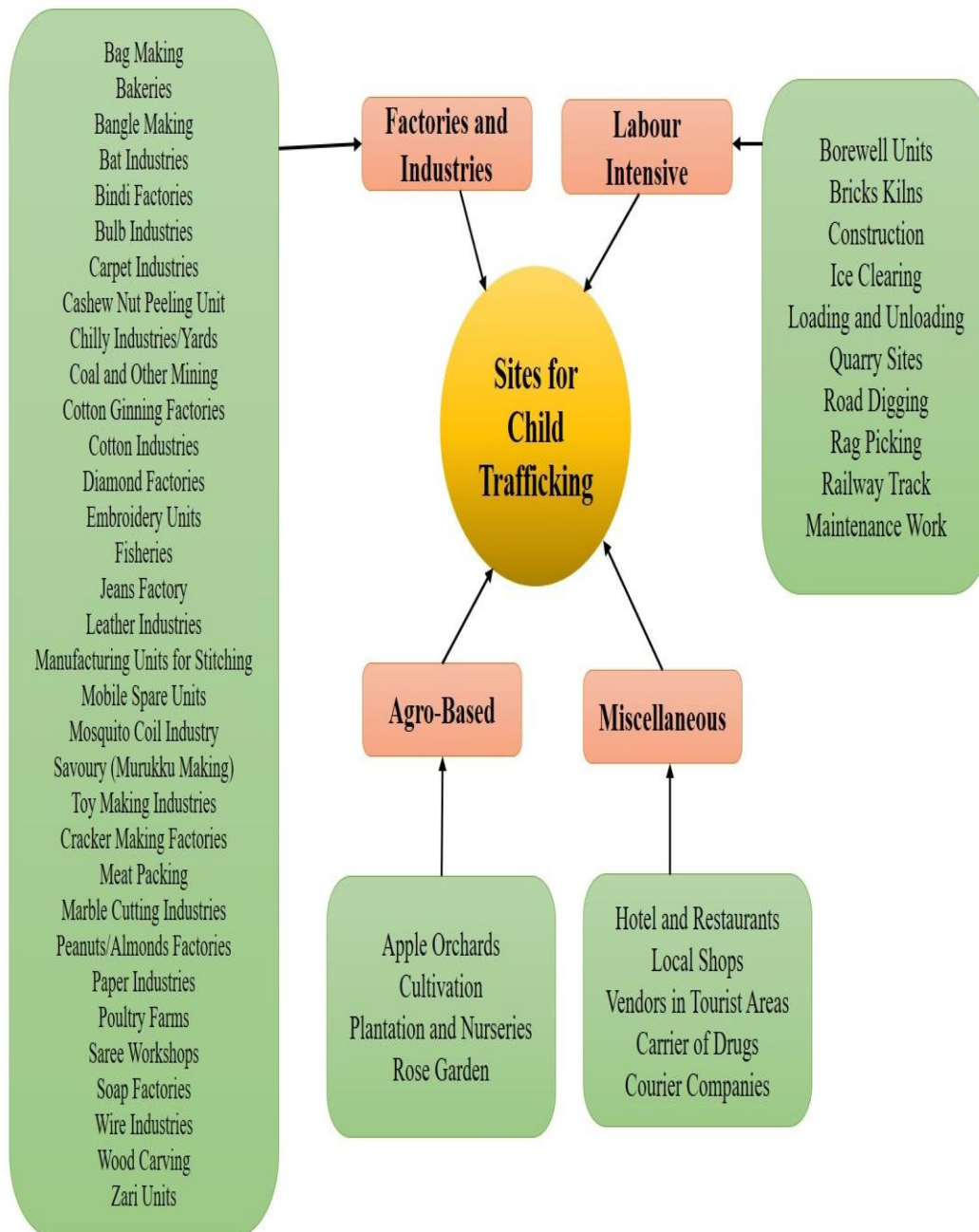
Child trafficking may be for the purpose of beggary, labour in factories, recruitment to join insurgent and militant groups, domestic work or CSE. In this Chapter, the focus is on child trafficking for labour. Trafficking for child labour is understood as the trafficking of persons under 18 years of age for forced and/or bonded labour. Such trafficking involves forcing a child to work by using physical and/or psychological control. Children are recruited, harboured, transported, provided, or obtained for labour or services in various forms of work, most commonly informal work, where they are subjected to slavery-like conditions. Victims are typically in custody of non-family members and are made to work for the profits of people other than their family, though their own families may push them into trafficking-like work conditions to provide economic support. Victims of such forms of trafficking do not have the option of leaving and are kept in work through coercion or threats.

6.1 Profile of Victims

It was observed from the qualitative findings that children between the age group of 5-17 years were trafficked for the purpose of labour. Children from socio-economically marginalised groups such as STs, SCs, OBCs and minority communities were identified as easy targets. Children from families with conflict and strife, runaway children were often targeted by the traffickers as it was considered easy to lure them because they were often found to be without support systems to guide them. Children of migrant labourers were often left behind without adult supervision through the day as the fathers had migrated to another state for work and mothers had gone for daily wage work. In such instances, the children may be abducted or lured into labour work. Further, the vulnerability of the situation in conflict zones, tea gardens, and areas affected by natural calamities, increases the vulnerability of children in these areas. Another vulnerable

category of children includes those whose mothers are HIV infected, victims of CSE or deceased.

Figure 15: Sites for Child Trafficking for Labour



Box 6.1: Trafficking for Child Labour

Case 1: Sravan is an eleven-year-old boy from Panki block, Jharkhand. His father had passed away and his mother was disabled. He was raised by his maternal uncle and aunt. Due to the poor socio-economic conditions at home he had to start earning. Sravan was taken to a *choodi* (bangles) factory in Jaipur, Rajasthan along with six other children (between eleven to thirteen years of age) from the same village in March 2015. There the boys earned INR 2000 per month for their work. The CWC, Palamu intervened and facilitated the children's return to their families and the children were restored to their families.

Case 2: Wasim, 15-years-old, studied class X in Jharkhand. He has 2 sisters. He is from a very poor family background. His father is very old and unable to work much. These circumstances forced him to start working. During the summer vacation Wasim went to Delhi with the help of a contractor. He used to make toys in a house and there were other children as well below 9 years of age who were working with him. He worked 24 hours for 6 days without any break. He used to work until 3 am. Only on Sunday, they got 4 hours to go out with other children to buy things. '*I was feeling as if I am in a cage*'. They were not given adequate food which led to health problems. Wasim worked there for one and half months. He got INR. 3000 for this work. As he was not feeling well at that work place he returned home and started attending school.

In both the cases family background of the children shows that they belonged to backward communities such as Bhuiya, Vishwakarma, Parhaiyaetc or were from poor socio-economic background, making it clear that mostly the children from poor and most marginalised communities are vulnerable to being trafficked.

6.2 Trends in *Modus Operandi*

There are three ways in which a trafficker may convince the parents to send their children with them. The most common lure used by traffickers for taking the children away from their parents is that of better education. The traffickers assure the parents that their child will be provided with education and their basic needs will be taken care of. Second, there are instances where the parents are aware that their children are being taken for labour and in addition will be provided with education. Third, the parents are aware that the child is being taken for labour and receive an advance amount from the trafficker. This is the major trend that has emerged at the national level. There are other ways in which the *modus operandi* of the traffickers operates.

Debt Incurred by Parents: It was observed that in cases where the parents were indebted to their employer or had taken an advance amount, which they were unable to repay or settle as wages for their labour, the employer recruited their children to extract labour

from them. The children continue to work with these employers, who may be factory owners or construction contractors, till their labour value is enough to repay their parents' debt or settle the advances taken.

Women as Recruiters: Placement agencies in destination areas work through local agents, known to the children and their families, to recruit children for various forms of labour. Women are often used as recruiters, as they are considered to be a lesser suspect.

Lure of a Good Lifestyle: Adolescent boys and girls are lured with the idea of a city life and the quality of life available there. These boys and girls are ill-informed or not informed about the kind of work they will be required to do at the destination.

Abduction and Kidnapping: This is used in instances where the consent of the parents cannot be sought for taking the children for the purpose of labour. In addition, runaway children, or those found unaccompanied at railway stations and bus stops, also get trafficked by luring them with food, shelter and showering affection on them.

Use of Government Schemes: There are instances, where the traffickers are known to use government schemes to deceive young girls and boys with lucrative opportunities. For instance, in Tamil Nadu, the KIs reported that the traffickers exploited the Sumangali scheme³² to lure young girls to work in the textile industry in exchange for a lump sum amount that they get from the government at the end of the contract period of work which often helps to pay the dowry for their marriage or to support their family economically. The girls often end up in extremely exploitative conditions of work where they are sexually abused and not permitted to leave or have any contact with their family. In some

³²Sumangali scheme was started in 1989 and was known as the 'marriage assistance scheme'. Under the Sumangali scheme, girls in the 16-18 age group can get into a contract to work in textile mills / factories and get a lump sum amount from the government at the end of the contract period. This is promoted as a scheme under which parents get financial assistance to get their daughters married. Parents, usually poor and from the lower castes, are persuaded by brokers to sign up their daughter(s) to work in textile mills and garment factories. The scheme promises a bulk of money after completion of a three-year contract working in the factory. There is also a provision for a one-year contract. It – ostensibly – meets the need of poor families and provides stable workforce to factories in Coimbatore. This scheme has been often critiqued and related to the practice of bonded labour as well as promoting the involvement of minor girls (16-18 years) in the workforce.

cases, the agents were known to take girls younger than 16 years to work in these factories.

Box 6.2: Sumangali Scheme Victim

The Victim (16 years old) was a young girl employed at Coimbatore textile mills who had been trafficked through the Sumangali scheme. She had been promised INR 35,000 as a lump sum amount and an additional monthly salary of INR 3,000 after deducting the food and other expenses. She worked with 60 other girls who had access to only five bathrooms and all the supervisors were male. No bedding was provided; they slept on floor mats and were not allowed to contact their parents even in the case of an emergency.

Safety mechanisms were not employed during their training period of one month where they were expected to observe other workers and learn the work from them. She described being stuffed into a room with the other girls during inspections. With respect to sexual harassment, she reported that although she had heard rumours of a girl being forced upon by a supervisor, she had personally witnessed no such incidents, owing primarily to a closed-circuit surveillance system on campus. The victim also recounted how she was permitted to take five days of leave after having worked for nine months at a stretch. Workers were either day scholars or residents, with the day scholars working only one shift a day and receiving holidays for Pongal and Diwali.

While working on a late shift from 4.00 pm in the evening to 10.00 am the next day, the victim accidentally fell asleep around 5:50 am due to over-exhaustion and accidentally let her hand slip into the machine losing three fingers. Being an unregistered employee of the mill, she was refused the prescription for her medical treatment and had to bribe the hospital chemist to acquire it. She was compensated for the mishap after three years of fighting beside an NGO and was given INR 63,000.

Promise of Weekly Wages to the Parents: The parents are promised a weekly wage in lieu of the work done by their child at the destination. The child is not paid any money directly and is provided with food and accommodation.

6.3 Economics

The payment received by children engaged in labour ranged from no payment, to food and lodging to wages of upto INR 120 per day. The wage of INR 120 was observed in the case of tea gardens in Assam. In most other cases, the wages were much lower.

Parents were known to 'lease out' their children for work in bangle, snack making, embroidery (*zari* work), cricket bat making and carpet factories for one year or more for amounts ranging from INR 10,000 to 50,000.

Agents who trafficked children across the border were known to make a profit of INR 30,000 to 50,000 per child.

6.4 Forms of Exploitation

Long Working Hours: Children are forced to work in factories for 12-18 hours. There were usually small breaks during the day but there were no holidays.

Confinement and Isolation: They are confined to their work premises and are not allowed to leave or meet anyone from outside. There is little or no contact with their family members while they are at the place of work.

Box 6.3: Trafficking of Young Girls from Assam to Fish Packaging Company in Gujarat

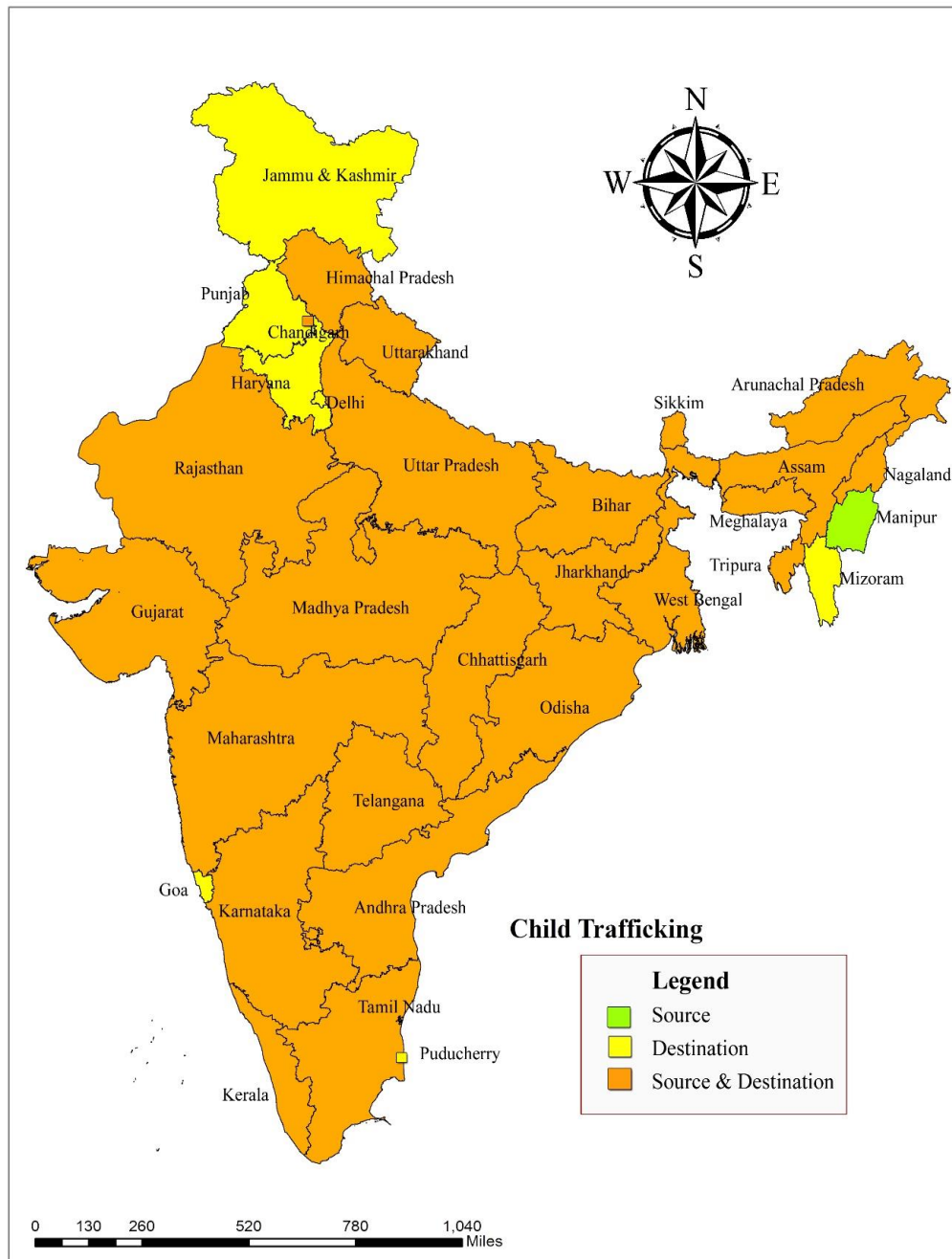
A case was identified from Borsola block, Sonitpur district where a group of girls were being lured on the pretext of better job and money to work in a fish packing company in Gujarat. Around 7 girls were trafficked by an agent from a nearby village. The girls were taken in the group; while at the destination in Gujarat they were separated and placed in different fish companies. Out of seven girls, six girls managed to escape from fish packing company and reached back home, whereas one girl is missing for the past two years. The missing girl had been in touch with her mother for the initial period of two months, even sent INR 500 through money order, but after that, there has been no communication. Even the other girls taken to Gujarat, do not know about her. The mother was afraid to approach the police station, as she felt the police could blame her for sending the daughter as well as a possibility could be that they ask for money and she does not have anything to give them. So in this fear, they have never thought of filing a missing complaint about their daughter.

Lack of Medical Treatment: Children spend long hours working in fish packaging, *beedi* rolling cotton factory or *zari* work. Some of these are extremely hazardous and cause a number of health issues for the children. However, there are no medical facilities and often children are affected by terminal illnesses.

Use of Drugs: Children often drugged and beaten to keep them under control and prevent them from escaping. Some of these children become addicted to certain kinds of drugs and are unable to give it up even after they grow up.

Physical and Sexual Abuse: Various forms of physical and sexual abuse are used to keep the children under control. Their meals are curtailed and extreme forms of violence may be used to force compliance.

Map 3: Trafficking for Child Labour



Chapter 7

Bride Trafficking

Bride trafficking is a form of trafficking of women and girls where the victim is bought and sold against their will or lured for the purpose of marriage. Such trafficking relies on the socially sanctioned institution of marriage. It involves women and girls being married to grooms, often from distant locations. Sometimes, the victims are also abducted and coerced into such forced marriages. With the falling sex ratio in states due to sex selective abortions, bride trafficking has emerged as a major form of human trafficking, whereby women and girls from marginalised communities and vulnerable families are sold for the purpose of marriage.

It is a flourishing business in the northwest part of India. Skewed sex ratio makes it difficult for people to find a suitable match in their locality and they are forced to look for other options outside the state.³³ For some families in the villages, bride trafficking is akin to marrying their daughter to a far-off place to some person from a better placed family. There are instances where the families do not have the means of giving dowry within their own caste, are not able to marry their daughters in nearby villages or in the same state. In such cases, if a relative or agent comes up with a suitable groom from districts like Meerut, Kanpur, Delhi or Haryana who would not take dowry, but is only interested in marrying their daughter, the offer comes as a relief for the family. Such girls are married off to these grooms who are supposedly from the “same caste” and not even asking for any money. In fact, the families of brides are given some money to solemnise the marriage.

³³Raza, D. (2014). The marriage bazaar: How female foeticide has made bride trade a roaring business. *Hindustan Times*, [online] Available at: <https://www.hindustantimes.com/india/the-marriage-bazaar-how-female-foeticide-has-made-bride-trade-a-roaring-business/story-U7egbgiWQnStSBjM4MZnmI.html> [Accessed 24 November 2018]

7.1 Profile of Victims

The HH survey revealed that between 2014-16, out of a total of 36,507 HHs, a girl was married in 4,463 HHs and 24 per cent (N= 1,070) of these HHs reported that someone had paid them to get their daughter married. The average monthly family income of such HHs was reportedly INR 15,755. In cases where the age difference between the bride and the groom was more than 10 years, West Bengal had the highest count of such marriages with monetary transaction.

Table 7.1: Occurrence of Marriage

HHs where Marriages Occurred	4,463
HHs where there was a Monetary Transaction for marriage	1,070

*Does not include Jharkhand

Data from this study suggests that 28 per cent of those girls who got married in the years 2014-16 were less than 18 years of age and their marriages involved someone paying the family for the marriage (Table 7.2). This indicates that there is a strong relationship between early and child marriage and bride trafficking.

Table 7.2: Percent Distribution of Girls/Women according to Age at Marriage

Age of the Girls (Years)	N	%
0-12	185	17.3
13-17	116	10.8
18-24	477	44.6
25-35	53	5.0
Above 35	123	11.5
No Response	116	10.8
Total	1,070	100

The qualitative data from the 29 states and 3 Union Territories (UTs) has also confirmed that girls and women aged 12-35 years are trafficked as brides. Further, the qualitative data also indicated that there is a high demand for girls from tribal areas as well as SCs and OBCs. This was further confirmed by the quantitative data. Table 7.3 presents the social category of the girl who was married in return for a monetary benefit.

Table 7.3: Percent Distribution of Girl/Woman who was Married in return for Monetary Benefit according to Social Category

Category	N	%
General	179	16.7
Scheduled Caste	226	21.1
Scheduled Tribe	418	39.1
Other Backward Classes	209	19.5
Other	31	2.9
No Response/Don't Know	7	0.7
Total	1,070	100

STs constitute the highest percentage at 39 per cent of those who were married for a monetary benefit, followed by SC women/girls at 21 per cent and OBC at 20 per cent.

This apart, the qualitative data revealed that women and girls from tea gardens areas (especially where the tea gardens had been closed down), conflict or disaster-affected areas, FHHs, differently-abled girls, widows, and victims of caste-based and gender-based violence are targeted.

7.2 Trends in *Modus Operandi*

In most cases, bride trafficking involves an act of marriage, which requires movement/migration from one state to another. The element of monetary transaction is crucial in understanding such marriages as human trafficking. An agent or the prospective groom's family pays the girl's family for the marriage to take place. The demand for brides is usually generated in low sex ratio states.

Attractive Incentives: Agents lure families with attractive offers of marriage and assure them that the expenses of the wedding will be taken care of by the groom's family. Moreover, the absence of any demand for dowry assures the family that their daughter is getting married in a 'good family'. The groom is presented as one belonging to an upper class and caste.

Uninformed or Ill-informed Consent: The use of means like deceit, lure, and force was common to make such marriages possible. Uninformed and ill-informed consent is obtained from the families of the victim who are also easy to lure, considering that in almost all cases, they are in extreme economic distress. The location of the groom's

family is often not revealed to the bride's family. This is done so that the socio-cultural disparity between the families does not deter the bride's parents.

Box 7.1: Bride Trafficking: Minor Rohingya Girl Sold in Anantnag, Jammu and Kashmir

A minor Rohingya girl from the Rakhine state of Myanmar was abandoned during a riot that took place in Myanmar in 2015. A local person from Myanmar lured her by telling her that her parents were alive and were staying in Bangladesh and he would help her trace them. She believed him and left Myanmar for Bangladesh with his assistance. She was sexually exploited in Bangladesh and then was brought to India by a network of people involved in trafficking for CSE. She was subsequently sold to a Kashmiri person from the Matan village in Anantnag district for marriage for an amount of INR 80,000.

Her relative, living in Delhi, got to know about her and approached an organization providing legal assistance to bring her back. The organization filed a complaint at the police station in Anantnag. The police official told the representative of the organization that the girl could be returned to her uncle by giving INR 80,000 to the person who bought the girl.

The organization further approached a higher authority and the case went to the High Court. Consequently, she was rescued and kept in a children's home in Srinagar. Due to the ongoing persecution of Rohingyas, she could not be sent back to Myanmar. With help from UNHCR, she was provided with a refugee card and her long-term visa was under process at the time of this interview (October 2017).

Exploiting Economic or Social Vulnerabilities: In almost all cases, it is the economic or social vulnerability of women and girls and their families are exploited. For instance, in the case of differently-abled women, the parents get lured at the opportunity of a marriage proposal because they fear that their daughter may never get married. In the case of FHHs, the fear of the female-head to be able to gather dowry for the marriage of her daughter or granddaughter, makes her susceptible to accepting a marriage proposal, which comes with the promise of a better lifestyle for her children. Survivors of sexual abuse and exploitation are often married in a hurry, lest their history of abuse interferes with a 'good' marriage proposal.

Box 7.2: Bride Trafficking in Haryana

Savita is a seventeen and a half unlettered girl from an SC family in Munger, Bihar who is presently staying in Nari Niketan, Karnal. She has parents, three brothers and two sisters back home. When in Munger she was staying at home and helping her mother in domestic chores. She did not have healthy relationship with her brother who used to often beat her up for small things, especially when she refused to do some chore at home. Her brother one day took her to her mother's sister's (*mausi*) home in Dasrathpur where she started living for few months. At her *mausi*'s house, she started going for labour work with her. One day, the girl refused to go for work with her *mausi*. After this, the *mausi* started looking for prospective grooms for her. Savita did not want to get married but nobody listened to her and an alliance was fixed for her. She, at this point, decided to run away and came to Dasrathpur station from where she came to Kiul railway junction. At Kiul, she boarded a train to New Delhi Railway station.

After reaching New Delhi, she somehow reached India Gate and was sitting there when a man of around 30 years old called Ravi approached her and asked why she was crying. The girl asked him to help her reach Sadar bazaar where her uncle and aunty lived. She had no money and also did not have the uncle's address in Sadar Bazaar. Ravi took her instead to his own home where his wife was sleeping as it was around mid night by the time they reached. Next morning, the wife woke her up and Savita told her that she wanted to go to her uncle's place. Ravi's wife then said "you cannot reach their home without address" and that she should now look for work somewhere, as she has no other option in Delhi. She told her about her brother's family in Ratia in Fatehabad, Haryana where she would find work as domestic help. Savita agreed, in absence of any other option. She clearly did not want to go back to her home, as she feared violence from her family. After staying at Ravi's place for one week, she was taken to Pradeep's family in Ratia by Ravi. Pradeep came to pick them in Ratia and Savita could tell that he spoke Bengali. He took them to his home in a car. Pradeep had a wife, one 11-year-old son and an 8-year-old daughter in his family. Ravi left her there and went back to Delhi. Savita did not have anywhere else to go so she decided to stay with Pradeep's family. After a week, she wanted to go back and that's when she started being physically abused. She was beaten every time she would say she wanted to go away. She was working as domestic slave in the house and was not paid for it. After almost 15 days, a 25-year-old man came to the house and Savita was told that she will be married to him. The man's family and Pradeep's family forced her to drink alcohol. However, the man did not agree to marry her as she was only 16 year old then.

The following Sunday, she was taken to another place (some hilly place, she does not remember the name of the place) where a prospective groom and his 7 friends had come to see her for marriage. To meet them, she was made to wear a one-piece dress and high heels. Savita knew she was being shown to a prospective groom. She was told by Pradeep to lie and say that he as her brother and that she was from Ratia and not mention anything about Bihar. In the house, where they all met, another girl Savita met Pooja who had also been brought in the similar manner for marriage. They became friends and Pooja also gave Savita her number. It was learnt that Pooja was also brought to Pradeep by Ravi from railway station.

Savita told the man who had come to see her that she did not want to marry and thus the man refused to marry her. She came back with Pradeep who beat her up a lot. One day she overheard Pradeep and his wife who were talking about selling Pooja and Savita in coming days. She called Pooja and told her the same. When Savita told Pradeep's wife that she and Pooja planned to runaway, she was told that they would be killed if they attempt to do that. Within a week, she

learnt that Pooja had been sold into marriage to one of the men who had come to see them.

One day, another man was called for marriage with Savita. The previous night, she was beaten and bled from her nose and thus she gave her consent for marriage. However, when the man came with his family to see her, she told the man's sister her whole situation. She pleaded with this family for help and they gave her INR 200 and suggested that she runs away. Next day, she ran away by jumping across the wall of the house. She ran to the nearest bus station and sat in the first bus she saw there. Pradeep's wife and their servant came following her and said, "come with us, we will send you home." Savita refused to go with them and the other passengers in bus started asking her if she was being forced. One of the passengers confronted Pradeep's wife. The woman got scared and left the scene. After this, the boy brought her to Fatehabad police station. She was then produced before the CWC on the same day and sent to NariNiketan. She has been in the home for the last one and a half years. The family was contacted but they refused to take her back. The girl shall stay here and the case is closed now. Pradeep and Ravi were booked and are now out on bail. She did not know anything more about the criminal case.

Increased Age Difference between Bride and Groom: The age difference between the bride and the groom is known to be large. Table 7.4 presents the age difference between the girl/woman and the man when they got married.

Table 7.4: Percent Distribution of Marriage Instances according to Age Difference between the Bride and the Groom

Age Difference (in years)	N	%
No Difference	62	5.8
1-3 years	465	43.5
4-6 years	169	15.8
7-10 years	68	6.4
More than 10	173	16.2
No Response	133	12.3
Total	1,070	100

In 16 per cent of the marriages where a monetary transaction took place, the age difference between the bride and the groom was more than 10 years, and the groom was older than the bride. Increased age difference was used as a way to keep the brides subservient.

Place of Marriage and Marriage Ceremonies: There were different ways in which the wedding rituals were organised. In some cases, the rituals take place outside the village so that the villagers are not witness to who the groom is and the agents do not face

trouble when the groom is changed later. Some of the marriages are solemnised by *chunni odhana*³⁴ ceremony or even without any ceremonies and the bride's family is convinced that the marriage rituals would take place in the groom's village according to their customs. However, in a recent trend in Madhya Pradesh, it has been observed that the marriages are taking place in full public view, with photographs being clicked. This proof of the wedding makes it easier for the traffickers to transport the women without being suspected. The HH survey revealed that in instances of marriage where there was a monetary transaction, about 19 per cent of the HHs stated that they did not know where the marriage took place and about 13 per cent of the marriages took place outside the district or the state (Table 7.5). Both these figures are indicative of deception that may have occurred in the process of organising the marriage.

Table 7.5: Percent Distribution of Marriage Instances according to Place of Marriage

Place of Marriage	N	%
Within Village	473	44.2
Within District	255	23.8
Outside District	115	10.8
Inter State	27	2.5
Don't know/No response	200	18.7
Total	1,070	100

Agents Posing as Lovers: Festivals or cultural programmes are used as occasions to spot the girls and women who may be easily lured. The agent initiates a conversation on these occasions and is later followed up with a family visit. In many cases, the girl may be lured to elope with the agent who later sells her as a bride to another person.

The Role Played by Marriage Bureaus: It was reported that families that are unable to find grooms for their daughters due to lack of money for dowry and wedding expenses, register with wedding bureaus that connect 'needy' grooms to poor girls who can be 'bought' for marriages. There are families, which cannot afford the wedding expenses due to which the girl crosses the 'marriageable' age and is unable to find a suitable groom for the wedding. These families register the girl with marriage bureaus and then an agent

³⁴A custom where marriage is solemnised by covering the head of the bride by a red scarf by the groom, symbolizing that the groom would henceforth be the protector of the bride.

from the bureau finds a groom in a very distant area. Parents agree to all the conditions and are happy that the person is not asking for dowry.

Use of Migrant Labourers and Other Agents: Migrant labourers who return home for festivals and other occasions often become associates in the trafficking network as the agents use them to identify vulnerable women and girls in their villages. When they return to the destination to work, they may take these girls with them as they believe the agent will provide them with grooms who may be able to provide them with a better lifestyle. Truck drivers are reported to marry brides from vulnerable HHs. They identify women and girls during their long travels and bring them back to their villages on their return trip. Truck drivers are also used as carriers and spotters of eligible brides. *Pheriwallahs* (hawkers) have been reported to associate with the trafficking network as they help the agents identify potential brides. KIs reported that there were instances of *pheriwallahs* from a northern state selling shawls offered to get potential brides married to families back home. Placement agencies are also used to identify girls who may be vulnerable and can be lured to migrate for a better work opportunity and later married against her wishes.

Box 7.3: Bride Trafficking from Odisha to Madhya Pradesh

During the fieldwork a case of bride trafficking emerged from Phiringia block of Kandhamal district, Odisha. Sometime around 2012, a girl was married in Panna district of Madhya Pradesh. The marriage took place through a female broker who belonged to a nearby district. According to the respondent (victim's father), the broker got money from the boy's family. The boy worked for an electrical company in Panna. The respondent, on the other hand, had a tyre repair shop in the village. The respondent said that his daughter had not returned ever since she left. She called but she never came back to the village and he was worried about his daughter's whereabouts. He mentioned that there was another girl from the village who had been married in Jhansi and it had been two years since she had left and there was no contact with the family.

In another case from the block, the respondent's daughter, aged 22 years, had been married off in Jhansi in 2013. The present location of the woman is unknown and the parents have not informed the police. There is no communication of the girl with her parents.

The research team came across similar cases in Daringbadi block, where two girls have been married in Madhya Pradesh. One of them was married at the age of 15 years in Chhatrapur district and she is living a nomadic life. The girl was married with the help of another girl who was also married off earlier in the same state.

Use of Victims: Women married into another state, for instance, Haryana, are sent back to their village to identify other women who could be married to men in their extended family or neighbourhood. These women are provided all necessary luxuries in the first few months of the marriage so as to keep her happy and motivate her to recruit other women for the marriage market. It was reported that once she returned with a new victim, her cycle of exploitation would begin. She realises only later that she was complicit in the victimisation of another girl/woman from her village.

Deceptive Information about the 'Groom': In cases where the families are suspicious of sending their daughters to far-off places, it has been found that the agent informs the bride's parents that the bridegroom is from a nearby village, but his ancestral home is in another state. The parents are deceived into believing that the groom is from a nearby village or block, and agree to tie the knot. However, after the marriage, the couples go to states like Uttar Pradesh or Haryana on the pretext of visiting the groom's ancestral home and then lose touch with the natal family. Many times, the agents/traffickers hide information about the bridegrooms. They state that the groom is unmarried, have a good job, earn well, have a house, etc. In reality, the situation of the bridegroom and his family is different. Often, the bridegrooms are reported to be:

- i) Much older than the girl. Most of the time, the girl is 16 to 18 years old and groom is around 40-45 years old.
- ii) A widower, a divorcee or already married even upto three times, and having children to look after.
- iii) Having a physical disability or living with mental illness or alcohol dependence.

7.3 Economics

The agents are known to make a profit of INR 10,000 to INR 5,00,000 per bride. They make a lesser profit if the groom is differently-abled. The families of the brides may get anywhere between INR 5,000 and INR 1,00,000. The wedding expenses are taken care of by the groom's family and the brides are not expected to give dowry.

7.4 Forms of Exploitation

Loss of social network, isolation and disconnection from their families, marks the lives of all the victims of bride trafficking. The vast difference in the socio-cultural practises further deepens their sense of alienation in the destination.

Forced Labour and Domestic Servitude: The victims often live in slave like conditions where they have to take care of overwhelming workload. As wives, they have to work as sex slaves for their husbands. They have to bear and take care of children all by themselves as in the local context they are married into men usually do not share any workload in the households. Also, these women take care of domestic chores, livestock care and elderly care. It is not only the domestic work that they are solely responsible for, they are also required to take care of back breaking work in the farms. Thus, these women live like slaves with little or no decision making power at their disposal. Physical violence is also not uncommon and in case of any dissent they are beaten badly. They feel no sense of ownership and control over their households and their own lives.

Physical and Sexual Abuse: The brides are forced to engage in fraternal polyandry. They are often kept as sex slaves and not allowed to leave the confines of the household. Physical abuse is used to bring her to compliance.

Box 7.4: Bride Trafficking from West Bengal to Rajasthan

Sameera from Kolkata was brought by her uncle to Jaipur, Rajasthan to work as a domestic worker. Later her uncle sold her off for INR. 20,000 for the purpose of marriage. He told Sameera's parents that she ran away with someone from Rajasthan. She was around 13–14 years old when her uncle sold her off. Her story came out when she took the help of an NGO after the extreme physical exploitation by her husband.

Re-selling of Brides: It was reported that brides, once taken out of their villages may be resold for the purpose of CSE or to another family for the purpose of marriage, once the men of the family have sexually exploited her.

Box 7.5: Trafficking and Re-Trafficking for Multiple ‘Fake’ Marriages

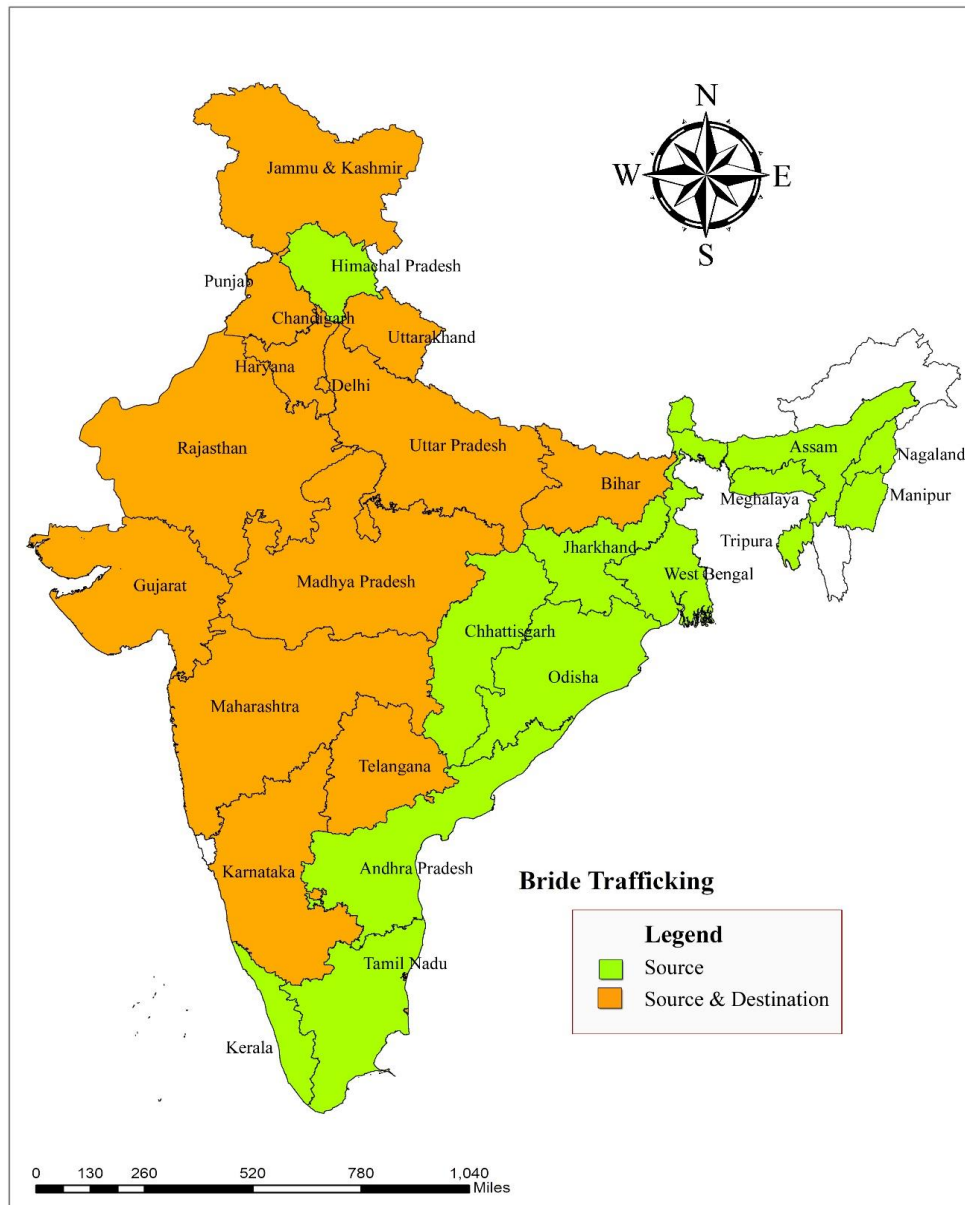
Kiran, a 23-year-old woman was first purchased from Varanasi when she was 13 years old, through a Delhi based agent. She now has two children, one 3 years and the second 10 months old. She shared that because she was not beautiful and was ‘bought’ from her father, she was beaten a lot by her husband and mother-in-law. She was not allowed to use water or any other household resource without permission. She ran away and was approached by an agent who displayed ‘fake’ love and she married him. That agent sold her to another man in Delhi and after that she was sold twice. She stated that she no longer remembered her ‘real’ name.

Shame and Stigma: In several destination states, words such as *paro* or *molki* are used to refer to the brides. These terms indicate that the woman/girl has been bought at a price from another state. Such words are used in a derogatory way to instil a sense of shame in the women who belong to a different socio-cultural context.

Loss of Documents and Identity Cards: In case of marriages where the bride is taken beyond the borders of the country, it was reported that the marital family confiscates her documents and identity cards on reaching the destination. In such cases, the women are at the mercy of those who bought her and are unable to reach out for help or return home.

Identity is Compromised: Another severe consequence of being a victim of bride trafficking is the identity conflict that these women experience. KIs said that at a young age, the brides are married into Haryana from diverse cultural context of, for example, West Bengal. Once here, they are forced to never acknowledge and reveal to anyone about their native state. They gradually learn to accept the socio-cultural norms and practices of the state they are married into. This may lead to conflict of identity and psychological trauma for the women who are forced to give up any links with their natal family and are unable to immerse themselves in the culture of the marital family.

Map 4: Bride Trafficking



Chapter 8

Sex Trafficking

Sex trafficking is a form of human trafficking in which a person is trafficked to be induced in commercial sexual activity, for example, prostitution/CSE or pornography, through the use of force, fraud, or coercion or any combination of these. It includes both sex trafficking of adults and the sex trafficking of children. Sex trafficking victims need not be physically transported from one location to another for the crime to fall within this definition.

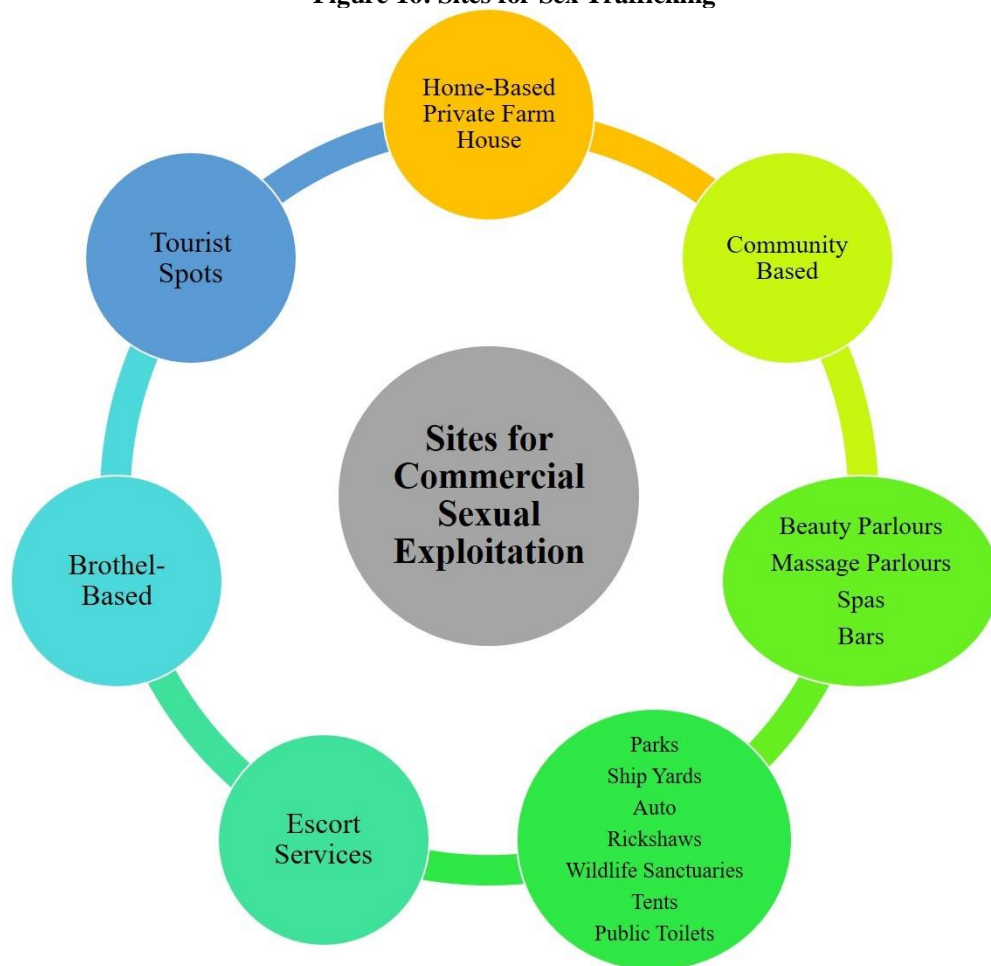
The ITPA, 1956, provides for punishment for running a brothel or premises for prostitution; living on the earnings of a woman in prostitution; procuring, including or taking person for the sake of prostitution; and detaining a person in premises where prostitution is carried out. It also provides for rescue of persons and their intermediate custody.

More often than not, discussions on trafficking remain limited to and focussed on women and commercial sex. It needs to be highlighted that human trafficking, sexual exploitation and commercial sex work should not be conflated. Studies representing voices of women show that not all women who are or have been in the sex trade call it slavery. There are women's organisations that claim that women engaged in commercial sex activity amounts to their exploitation or amounts to a form of modern slavery, while others claim that it is their right to work. There are debates around whether trafficking of persons forced or lured into sexual exploitation or any form of forced or coerced labour can be equated with women engaged in consensual commercial sexual activity. These debates and efforts around rescuing women from sex trafficking have cast a shadow on other forms of trafficking and the linkages between trafficking and poverty, domestic violence, caste/class/gender discrimination, political corruption, wars and conflict.³⁵ While these

³⁵Forbes, Geraldine (2016) 'Politics of Rescue, Voices of the Trafficked', *Economic and Political Weekly*, Vol 51, Issue 44-45.

debates continue, in the context of our study, we have focused on instances of women who were forced or lured into CSE. Such cases of trafficking have emerged from our qualitative data.

Figure 16: Sites for Sex Trafficking



8.1 Profile of Victims

The qualitative data suggests that women and girls between the ages of 12-55 years are vulnerable to being trafficked for CSE. Transgenders and Men who have Sex with Men (MSM) were also identified as groups vulnerable to being trafficked. Class and caste had an important role to play in heightening the vulnerabilities of these groups.

Women and girls from communities engaged in caste-based prostitution or entertainment were vulnerable to being trafficked for CSE. In such cases, it was often difficult to identify who was being victimised as they were often carried out in the garb of traditional or customary practices.

The traffickers abused the vulnerabilities of deserted women, single women, women who had premarital pregnancies. These women who were seen as ‘aberrant’ or ‘deviant’ by society found solace in the kind words and opportunities of the traffickers and agreed to follow them in pursuit of a ‘good’ life.

College going girls from middle class families in small towns as well as cities, especially those living in hostels, was observed to be a group vulnerable to being trafficked for CSE. They are lured on the pretext of a luxurious life and an extra ‘pocket money’ but are later blackmailed if they want to stop partaking in commercial sex.

Women and girls from North-Eastern States showed a particular vulnerability to being trafficked for CSE. The increasing number of spas and massage parlours across the country has increased the vulnerability of the girls from the North-Eastern states into the web of traffickers recruiting victims for establishments inside the state, country and even outside it. According to a KI in Sikkim, a new concept of ‘Friends Club’ - a form of escort service has caught up recently that look for clients through advertising. Many girls from the North Eastern states get caught in the nexus. The racist attitude towards ‘exotic looking’ women and girls from the NE leads to them being labelled as ‘loose’ or ‘pleasure seeking girls’, and furthers their chances of getting trafficked for CSE.

Box 8.1: Changing Profile of *Devdasis* in Karnataka

The research team found the existence of *devdasis* in the state of Karnataka, though there was little evidence to trace the *modus operandi* of trafficking. It is important to note that *devadasis* are mostly from SC communities. It is the young girls from SC castes who have been and continue to be (in significantly lower numbers now) forced to serve as *devadasi* in temples and also suffer related vulnerabilities to CSE. It has to be highlighted that due to the focus of state government of Karnataka on traditional *devadasi* communities, traffickers are now reaching out to ST communities and other marginalised caste groups and forcing them into becoming *devadasis*. This camouflages the existence of the *devadasi* system.

8.2 Trends in *Modus Operandi*

Recruitment through False Promises: Women and girls are promised jobs as domestic workers or in the entertainment industry with a lure of city life and a good salary. Payment of advance money was also known in some cases. Once the girls are taken to the destination, they realise that they have been deceived with false promises and are pushed into CSE.

Box 8.2: Recruitment through False Promises

Geeta Devi 48 years old lived in district of Supaul, Bihar, with her husband who had a mental illness. She had two daughters – Meena (18 years old) and Rama (16 years old). The family was poor and was barely surviving on INR 2000 to 5000 from agriculture. Her older daughter Meena was married early at the age of 10-12 years to a man from Nepal who was 10 years older than her. She was physically abused and abandoned by her husband. After this she came back to her parents.

Seeing this situation one of their neighbours Bahadur approached them and offered to find Meena a good position in Delhi. Meena went with him thinking she would be able to earn well and support her family. Knowing the vulnerable situation of her family, Bahadur sold her in a brothel wherein she faced a lot of mental, physical and sexual abuse. There she met Arun (who was also from Bihar) and was able to convince him to help her. He was able to help her to run away from the brothel and return to her village. She narrated everything to her parents who were supportive. But her trauma continued as two men came from Delhi and started beating her – they wanted to take her back to Delhi as they had paid for her. Meena and her family were able to drive them away after which they filed a police complaint against Bahadur. Since she belonged to the OBC community, which is in a minority, the villagers did not support her. No action was taken against Bahadur who was from a dominant caste in the village. Meena now lives with Arun in Delhi and works in a beauty parlour. She is in regular contact with her family and sends money once in a few months to her parents.

Meena's narrative shows agency in terms of running away from the brothel and starting a new life. However, it also shows how economic distress, early marriage, lack of social support, caste based discrimination makes people vulnerable to trafficking and also weakens their access to justice systems.

Deploying a Network of Agents: In case of CSE, there is a broad-based network of agents and facilitators. The first agent or the agent who initiates contact is known as supply agent or sleeper agent. They comprise of known and trusted persons from the area where the girls/women live and they initially identify the vulnerable women. Local financiers, grocery store owners, *paan* shop owners become associated with the network of trafficking and carry out the task of identifying possible victims. There are agents who

scan the area on motorcycles to 'spot' possible victims. More often than not, the sleeper agents are not aware of the fate of those they are identifying. For a paltry sum of money they carry out the task of identifying vulnerable women and girls in their area. The next level of agents is known as carrier agents who take the women/girls to the destination and another agent receives them at the station. The third level of agents takes them to the placement agencies located in the cities such as Kolkata, Delhi and Mumbai.

Women Recruiters: Women who were previously deceived and coerced into CSE are brought back to their villages to encourage girls to take up the opportunities provided by the agents.

Use of Drugs: One of the most common ways of kidnapping women/girls for CSE is the use of drugs for sedating them while in transit. The women do not realise that they are being taken to a destination different from the one that was promised to them. Once they gain consciousness it dawns on them that they have been deceived and their personal safety and security are at risk.

Use of Technology: Traffickers use networking applications such as WhatsApp, Instagram, Signal, Telegram, Hike, JustDial, PayTm and Facebook to deceive women/girls and pose as lovers. The use of 'missed calls' was also seen to be a common *modus operandi* to attract women. When a woman responds to a missed call, the traffickers initiate a conversation to build a relationship. Once a strong relationship is established they convince them to elope with them or marry them and later push them into CSE. These networking applications are also used to connect women to clients by circulating their pictures.

Change in Transit Routes: The network of traffickers change transit routes often to avoid being caught by the police. New train routes often work in their favour. Trucks and taxis are also used to transport the victims.

Change in Sites of Exploitation: The sites of CSE are no longer limited to brothels. There are several other dissipated sites of exploitation where it is difficult for social workers or the police to reach out to them. The increasing use of residential flats, beauty parlours

and spas as sites of CSE has 'privatised' the site of exploitation. In cities like Delhi, it was observed that on the pretext of training for various professions, the girls are kept as paying guests and then they go missing. It is no longer a brothel, which is in public view. This has aggravated the situation of the victims who are increasingly isolated and confined in these spaces without any support system.

Lure of Work in Film Industry: Offer of work in films is one of the methods used by traffickers and their agents. Young girls and women are deceived in the name of giving acting opportunities in films and are brought into Hyderabad or Mumbai. The girls are kept in rented accommodation without any work in movies and are exploited sexually saying that if complied, they will be given work in films. However, they never receive any work in films and are sexually exploited through threat. This particular group usually targets moderately educated girls.

Kidnapping: It has also been reported that due to an increasing awareness around trafficking for CSE, families are becoming more careful and are hesitant to send their daughters to bigger cities for work. This has also meant that the demand is partly met by abduction of girls from markets and or when they are on their way to school etc.

Complicity of Family Members: In cases of trafficking for CSE, it has been found that husbands and other family members sell the women for reasons such as inability of the woman to bear a male child. This is mostly seen in cases where the victim's natal family is not economically strong.

Posing as Lovers or Family Members: At the destination or transit place, agents pose as family members or lovers of potential victims. Fabrication of identity cards makes the task of identifying victims a difficult one. Often, an 'unhappy girl' (due to family conflict, lack of affection in the family, violence, abuse or aspirations for a better life) is preyed upon by a 'lover' who offers a better life and/or marriage in the city, and then traffics her as a commodity for a price.

Box 8.3: Trafficking by 'Fake Lover'

Aswini, an 18-year-old girl belonging to an SC family in a village in Guntur, Andhra Pradesh, eloped with her 'lover' about two years ago. Her father was a farmer and her only brother was a construction labourer. A 24-year-old man (auto driver) from a neighbouring village befriended her by speaking with her on the phone when she was 16 years old. The man had called her father for some work but when the girl picked up the phone, he expressed interest in her and soon the girl fell in love with him. Within a month, they eloped to Hyderabad. The girl was happy to be promised a life with a man she loved in a big city like Hyderabad. On elopement, her parents disowned her and did not try to trace her. Initially, both of them stayed at a village near Hyderabad city for a month after which her boyfriend sold her to a woman who ran a brothel in Hyderabad for INR 3,00,000. Initially the girl resisted the sexual exploitation but gave in because she used to be tied up in chains and was beaten. She began entertaining customers. From there, the brothel keeper transferred her to a home-based brothel in Vishakhapatnam. After a year in Vishakhapatnam, the girl found an opportunity to seek help through a customer. She was rescued by the police and was admitted in a rescue home. Her parents refused to take her back but her brother came to meet her sometimes.

The girl shared that she had to go with customers at the place of their choice. She did not know the money given to the brothel keeper by the customers. The brothel keeper did not give her any money but she would earn some money by the tip given by the customers (INR 100-INR 500). The customers were arranged on the phone.

The case shows how unsuspecting young girls looking for love and comfort are deceived and then sold from brothel to brothel by a chain of traffickers.

Use of Blackmail: In several instances, it was observed, especially with cases of college going girls, they initially consented to engaging in commercial sex work on a few instances to support themselves. However, later when they decided to disengage themselves, they were blackmailed with videos, which were shot without their knowledge. The fear of social stigma and shame associated with commercial sex work diminished their ability to disengage and make choice-based decisions.

Exploitation of Personal Aspirations: Traffickers exploit the personal aspirations of young girls. Young girls from rural areas who express a desire to wear branded clothes, to look like film actors and to have income to spend on fun activities are enticed by traffickers. The traffickers bring such minor girls to cities with offers of good money and are kept in rented accommodations with other girls. Initially, they are kept happy with good lifestyle, clothes, food, etc. The exploitation begins once the girls have been in the trade for a few months and then they are given little or no money and have to live in

confinement. When they refuse to continue and want to leave, they are blackmailed with videos of their sexual act with customers and cannot leave.

Box 8.4: Luring for Jobs and Marriage

In 2011, a Mizoram police team rescued four girls from the state who were forced into prostitution in Mumbai, and arrested two accused. The police said one girl hailed from Kolasib district, and the other three were from Lunglei district.

They were lured into going to Mumbai by a Mizo girl and her accomplice, both in their late 20s. The duo promised the girls jobs in massage and beauty parlours. The police said that once the girls had reached there, they realised that they had been duped. Instead of getting them jobs at parlours, they were sold for CSE.

In the same year, a teenager was rescued from Haryana by Mizoram police and their Haryana counterparts. She was initially lured into going to Haryana as a bride, but was later sold for CSE. Six people were arrested for their alleged involvement in the crime.

Trafficking through 'Illegal' Adoption: Trafficking of young girls through 'illegal' adoptions was reported by KIs across the country. This was true especially in case of tribal communities from whom traffickers 'buy' girls in the name of adoption. Circus owners also bring such girls through 'illegal' adoptions. Cases of infants being adopted illegally by people unknown to parents were reported in some villages of the districts surveyed. In the case of communities where there is a prevalence of caste-based prostitution, it was observed that girls from other communities, especially tribal communities, were being 'illegally' adopted into the community to increase the supply of girls and avoid being identified as cases of trafficking for CSE.

Fabrication of Documents: In cases of trafficking for CSE across the borders of India, false identity documents are prepared and the women are lured with a job of a domestic worker. The women are made to sign contracts, which they do not necessarily understand and which do not hold any legal value. Once the women reach the destination and realise that they have been deceived, they are blackmailed on the pretext of possessing fake identity documents and a visa, which would expire soon. In such cases, fear of being 'illegal' in a foreign country and lack of any social or legal support renders them extremely vulnerable to CSE.

Camouflaged Identity of Traffickers: Traffickers work with different identities and names at different places, which make it difficult to detect them.

Box 8.5: Child Sex Trafficking in Khajuraho, Madhya Pradesh

In 2016, an 8-year-old girl was trafficked from Haryana by a pimp based in Allahabad and brought to Khajuraho, Madhya Pradesh, to be sold. The agent was a woman who posed as her mother with an accomplice who was an auto-rickshaw driver. As she could not produce identity proof, the driver did so on her behalf at a hotel. The hotel manager was suspicious of the woman as he found the child crying and very tense. He informed the police who raided the hotel and arrested the traffickers. The charge sheet has been filed.

Use of Hormones: Minors as young as eleven are given hormone tablets to increase their hormonal level and to ensure that they look grown up. This is done for two reasons, first, customers want to have sex with grown up features (especially large breasts), and second, to avoid being prosecuted for purchase of minors.

Technology, Social Media and Advertisements: Online advertisements as well as advertisements through newspapers for jobs have made it easier for the traffickers to hunt the source areas, spot and target the vulnerable girls and women in the villages. This way, the networks of traffickers locate girls/women, conduct interviews and bring them to cities or major tourist sites and push them into CSE. The agents use WhatsApp application and social networking sites such as Facebook to advertise and get in touch with potential victims. Recruitment takes places through virtual mode; there is no physical presence of agents. The tickets for travel are also often sent through email and there is no face-to-face interaction between the agent and the woman/girl being lured.

Box 8.6: Case of a Missing Minor Girl who was Lured through Facebook

On 20th June a Child Protection Officer (CPO) of Anugyalaya Darjeeling Diocese social Service Society (ADDSSS), Darjeeling received information from Sikkim Police about a 15 year old girl who went missing from Sikkim. After registering the missing complaint, Sikkim Police and Anugyalaya Darjeeling swung into action and investigated the case. It was found that she was travelling in a train. CPO immediately checked the train route and shared information about the same with Indian Railways Helpline, Railway Protection Forces and Railway Childline at Patna and Mugal Sarai. They could not trace her.

It emerged during the investigation by the Sikkim police that she was lured by a virtual Facebook friend from Uttar Pradesh. He was constantly following her and engaged with her on Facebook. The boy's attention and care attracted her towards him and one day she left home on his directions and landed in a non-familiar destination. Sikkim Police comprehensively investigated the leads and acted promptly. They found valuable information about the Facebook friend, which was shared with the CPO.

On 23rd June 2019, CPO shared the information about the girl's location with the Superintendent of Police and Childline, Bilaspur (Himachal Pradesh). Childline Bilaspur and Kot police station conducted raid and rescue operation near Naina Devi area but unfortunately the traffickers managed to escape from there.

On 27th June, it emerged that the location of the girl was Lucknow (Uttar Pradesh). The CPO immediately wrote an email to Inspector General (IG), Director of Inspector General (DIG), SSP SCPCR and Director of PRATHAM Council for Vulnerable Children (PCVC), Lucknow, PRATHAM Council for Vulnerable Children (PCVC) and UNICEF Lucknow. Meanwhile, Uttar Pradesh Police was closely monitoring and tracking the mobile location of the traffickers.

On 29th June 2019, around 12:35AM a joint raid and rescue operation was conducted by UP Police and Team PRATHAM (NGO) at the traced location. This time the police succeeded in rescuing the girl and arrested the boy who lured her. After the completion of the legal proceedings at Ashiyana Police Station, Lucknow the rescued minor girl was sent to a children's home by the order of CWC, Lucknow. CPO shared the same with Sikkim Police and her parents. On 3rd July 2019, the rescued girl was handed over to Sikkim Police by CWC. Sikkim Police also took the custody of the accused person from the Sessions court, Lucknow.

Cyber Sex Trafficking: Respondents from police and NGOs expressed concern about an emerging form of sex trafficking. Cyber space and social media are being used through mobile phones to make use of female bodies for voyeuristic and commercial gains. This is the most recent trend in trafficking for CSE. The victims targeted by people posing as lovers on social media experience trauma, guilt and shame in the same way as those in the 'real' corporeal space. Such ways are leading to a change in profile of victims and 'middle' and 'upper middle' class girls and women are falling prey to traffickers online.

Box 8.7: Use of ‘Dark Web’ and Bitcoins

Amongst the new trends observed, traffickers and clients use the ‘dark web’ in order to communicate. This is done because internet activity that is conducted on these websites cannot be traced back to the parties involved. Special browsers are used to access ‘onion’ websites. These browsers act by obscuring the IP address of the users, showing up as activity conducted from countries as far away as the Netherlands or the U.S.A. when authorities attempt to trace them. Criminal activities conducted include the sale of children, women, organs, and child pornography. Some KIs indicated that the number of these websites have been increasing lately.

In addition to dark web websites, social media sites and applications are also commonly used. The term ‘teen’ is used to describe a minor girl less than 14 years of age. Social media like Facebook, entertainment and dating websites, and encrypted messaging applications like WhatsApp, Signal, and Telegram, are used to communicate. Either a supplementary website or a phone number will be displayed on these websites, which is where the communication will go forward.

Upon confirmation, the customer is required to send some kind of identification document to the trafficker to ascertain their authenticity, to prove that they are not entrapping them working along with the police. This may be done on WhatsApp, Telegram, etc. They are then given a digital location, which can be navigated to using Google Maps. The trafficker contacts the hotel that has been decided upon, and the hotel staffs are asked to check again whether the customer is authentic. Only after this is done, the girl meets the customer. The airfare and hotel accommodation of the girl is also arranged for.

The payment made to the trafficker is usually done using Bitcoins, a form of crypto currency using the block chain method. This is done because this payment is untraceable, whereas other forms of online payment are easier to track down. The girl is paid directly through her bank account or else either by the hotel staff or by a taxi driver who is in touch with the trafficker.

8.3 Economics

As discussed above, in cases of trafficking for CSE, there are networks of agents who facilitate the process of trafficking. The transaction at any stage may range from INR 5,000 to INR 60,000. In addition, pimps, agents or middlemen make money per customer per hour. Up to 50 per cent of the victims’ earning may be taken by the agent. The amount of money circulated in the trafficking network may be substantially higher when the victims are transported to foreign countries, it may run into lakhs for one person.

8.4 Forms of Exploitation

Economic Exploitation: Partial payment and non-payment of earnings was a common phenomenon for those trafficked for CSE. As discussed above, the various agents involved at different levels siphoned a large part of their earnings.

Use of Force and Violence: Physical and sexual violence are normalised in cases of trafficking for CSE. It is an essential component of the exploitation. Emotional violence is characterised by confinement, isolation, and blackmail. The fear of being socially stigmatised and ostracised often dissuades women from talking about their experiences.

It was reported that victims are physically abused if they refuse to serve the customers. Instances of throwing of acid on the thighs and deep cutting of nails were reported during the study. The traffickers cause injuries that are not readily visible and the ones that do not stop the girl from being sexually attractive to customers. When a raid takes place, the pimps also employ various inhuman techniques to hide the girls. Girls are cramped in spaces carved behind the tiles of walls in bathroom or beneath the tiles of the floor when a raid ensues.

Use of Drugs: The victims are initially drugged by the traffickers and later they become addicted to alcohol or different kinds of drugs to bear the pain and go through their everyday life.

Implications on Health: Victims of sex trafficking showed increased vulnerability to STDs, HIV-AIDS, tuberculosis, alcoholism, and drug addiction. Due to lack of medical attention these issues often escalate and prove to be life threatening.

Isolation and Lifelong Stigma and Rejection in Community: The survivors shared that the most serious implication of being forced into CSE is that even after being rescued, assimilation back into families and communities is very difficult. The stigma of being in the sex trade follows them for long and they often end up living life in isolation even if they are rescued and vocationally rehabilitated.

Exploitation by 'Protectors': The women and girls exposed to CSE not only face exploitation at the hands of traffickers and customers but also the police. Policemen are known to force them into sexual favours and paying bribes by exploiting their fear of being sent to prison. Government officials were also known to hire them or exploit their situation.

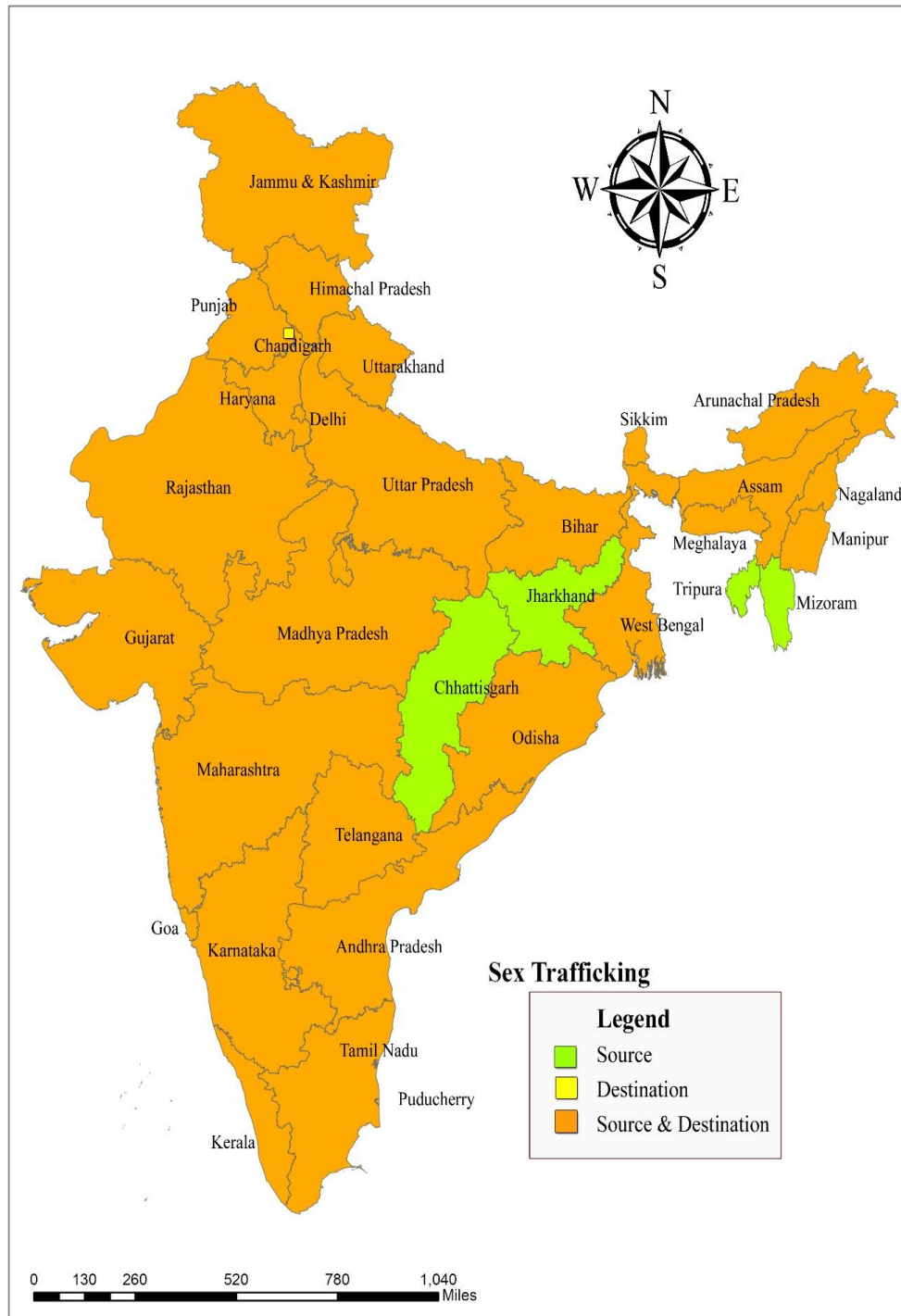
Box 8.8: Minor Girl Sold for CSE by Head of Gram Panchayat

A 16-year-old tribal girl (hereafter referred to as survivor) from Godhra district was sold into CSE by the ex-sarpanch and the husband of then sarpanch (hereafter referred to as accused). The survivor's family comprises of her widowed mother and two brothers. Both brothers perform manual labour, in Saurashtra and Rajkot respectively. The survivor has a physical deformity in her hand. She had been working in a rice field when the accused met her and told her that they were going to take her to meet her mother. They took her in a Bolero (vehicle) belonging to the accused and sold her at multiple places to multiple men. She was first sold in a village for INR5000 where she was made to entertain an old drunk man for 3 days; at the second place she was sold for INR10,000; she does not know the amount for which she was sold at the third and fourth villages. She was usually sold off in secluded places behind farms, and the customers were often alcoholic. She would be beaten if she did not accede to their demands. She used to be transported through the vehicle at all times. She did not attempt to escape, as the accused threatened her, saying they would spread information that she herself had eloped and consented to relations. She was made to entertain customers for a total of 15 days, and would be given food to eat while she was held captive. She finally mustered the courage to escape from the fourth location and escaped. After spending 2 days on the road, she finally reached a relative's house, who suggested that she approach the police. She was taken to Godhra taluka police station. Her mother had initially thought that she must have eloped with someone, yet she had approached the police and filed a missing complaint. When the survivor reached the police station, they already had details about her missing, and informed her family, while also contacting social workers from a known women's rights organisation. The social worker spoke to the survivor and assisted the police in filing FIR (IPC Section 363, 376, POCSO and SC/ST Atrocity sections) and recording a statement. Even before registering the FIR, the police were reluctant. They did not wish to record a statement and gave her the option to settle the matter. Post the FIR, a medical examination was done but instead of being produced before the CWC or sheltered in a shelter home, she was sent to her mother's house. As the FIR was lodged against the ex-Sarpanch and the then sarpanch's husband, the villagers were extremely angry and wanted to kill the survivor. Further, they ostracized the survivor, her mother, and her brother. This forced them to stay at her maternal uncle's house in Godhra district. The fact that the survivor herself has blamed and held responsible by the village points to the enduring aftermath for survivors of sexual abuse and trafficking. To add to her ordeal, her elder brother met with the accused and settled the matter without her consent. The survivor did not know that the matter was closed until much later. The accused paid a compromise amount of INR 25,000 each to the survivor and her mother through her elder brother, which he took and ran away. The survivor had also received interim compensation of INR 1,20,000 under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, as well as INR 20,000 under the Nirbhaya Fund. The amount had come to her bank account and the elder brother took it for himself.

She continues to farm, while her mother is seeking a groom for her. They have gone back to stay in their village, despite the fact that the accused lives there too. The treatment of the case shines an unflattering light on the justice system as well as the judiciary - as she was a minor, a POCSO case was filed, but the Judiciary closed the case.

In the FIR, the police have not included any section relating to ITPA, even though it is a clear case of trafficking. There is no provision for rehabilitation of the survivor for any kind of support system in terms of her safety from the accused, who lives in the same village. Even though she wishes to punish the perpetrators, her hands are tied and she has no freedom to make her decision.

Map 5: Sex Trafficking



Chapter 9

Trafficking for Domestic Work

Domestic workers perform work within the employer's household and provide services such as cooking, cleaning, washing, childcare, elderly care and other household chores. This becomes trafficking when there is presence of abuse, fraud and coercion. In the present study, trafficking for domestic work refers to conditions involving hiring minors, false promises related to better jobs, educational opportunities; restriction of movements of the workers, prevention of contact with family, constant surveillance, under or no payment, no entitlement to leave, physical or sexual abuse and little or no freedom to quit work. The private nature of the worksite increases the vulnerability of the victims, as it becomes difficult for response agencies to spot or investigate the crime.

Compelled by the socio-economic conditions, a larger number of women and children are procured from economically backward areas to big cities for work. In many cases, the women and children are trafficked by middlemen and agents who bring them to the employers in the city by extending meagre advances to the parents and giving false assurances of lucrative jobs.³⁶ Inter-state labour trafficking specifically for domestic work through placement agencies was noticed on a prominent scale at the national level. Many such placement agencies are located in Delhi and Kolkata. Trafficking for domestic work involved movement of people within and beyond the boundaries of India.

Migration of women and minor girls is on the rise in states with uneven development and substantial tribal population like Arunachal Pradesh, Jharkhand, Chhattisgarh, West Bengal, Assam and Odisha.

³⁶National Legal Research Desk. (2015). Trafficking of Tribal Girls: Placement Legislations. [online], Available at: <https://nlrd.org/trafficking-of-tribal-girls-placement-agency-legislations/> [Accessed 17 February 2019]

9.1 Profile of Victims

Minor boys and girls and women largely between the ages of 10-28 years were targeted for trafficking for domestic work. The research team found instances of women as old as 65 years being trafficked for domestic work. Girls and young women without any formal education, and school drop-outs were susceptible to being targeted. Like in other forms of trafficking, socio-economic vulnerabilities, such as large family size, alcoholism, and communities from minority, DNT, ST, and SC background were lured for migrating for domestic work. Tribal women, especially Santhali women, emerged as a major group for domestic work trafficking. Widowed, separated, and deserted women were more susceptible to being lured. Women from tea gardens and conflict-affected areas were also more likely to be trafficked as lack of education and employment opportunities in the backdrop of abject poverty created ideal conditions for such forced migration.

9.2 Trends in *Modus Operandi*

Parental Consent: The recruitment process for trafficking of minors for domestic work was carried out with or without parental consent. When parental consent was sought, children from the poorest families were targeted and taken away on the pretext of better wages. Parents usually sent their children with known persons. In cases where parental consent was not sought, adolescents were lured with prospects of living in a city with better income and higher standard of living. In such cases, it was difficult to trace the children as the parents had no knowledge about their whereabouts or who they went with.

Network of Agents: Similar to the network existing in sex trafficking, trafficking for domestic work involves a chain of agents. From the village level to the destination, these agents identify, transport and facilitate the movement of victims from one place to another. This chain is often linked to placement agencies in the destination city.

Grooming: Once the women and girls are lured to go to the city for work, the placement agency changes their names and employs various means to enable them to groom them for city life such as arranging sessions on English speaking housekeeping, and self-care. The change in name often makes it difficult to trace the woman if she is in a difficult

situation. A large number of such placement agencies were found in Delhi. Delhi emerged as the transit point where women were brought from source states and sent to destination states.

Creating a Rift between Parents and their Children: The agents often deceive the children and young adults once they reach the destination area that their families have sold them and do not want to be in touch with them. Simultaneously, the parents are misinformed that their child has escaped or cannot be found. This creates a distance between the parents and their children and any contact between them is severed.

Use of 'Role' Models: A common trend observed was the use of previously trafficked women to lure new recruits for the placement agency. In this carefully worked out *modus operandi*, the woman placed for domestic work is treated and paid well in the initial months or year. She is then sent back to her village with gifts and expensive clothes, and presented as a 'role' model for other women and girls in the village. Once the 'role' model has been successful in recruiting women and girls from her village, her exploitation begins along with those who she has helped in recruiting.

Promise of a Marriage: There are instances where an older man gets in contact with young girls and a love affair ensues. In several cases, the man could be married with a family and lives with the girl in the same house. Eventually the girl is taken to Delhi and sold to a placement agency.

Isolation and Confinement: Domestic workers experience a great deal of isolation given the nature and place of work. Private space of the home is difficult for the police to interrogate unless they have substantial proof, and investigation is difficult because the witnesses are far and few between. The domestic workers are not allowed to communicate with other domestic workers. Women and girls who are brought from the same village by the placement agencies are placed in households far apart from each other. No communication is allowed between them. These measures are taken to ensure that the women are unable to build a strong support system. It is well known that

domestic workers are often locked in the house for weeks while the employers might be on a holiday.

Box 9.1: Confinement and Mistreatment of Domestic Workers

A local school *karyakarta* (worker) informed the research team about the possibility of girls being taken to Delhi from Chainpur block. Though she could not give a clear picture of the cases, she helped the researchers to trace the houses of the girls. After interactions with the villagers, it was found that the agent Ravi Singh had lured seven girls from the same village to Punjab, Haryana and Delhi. The villagers know his identity and after the incident he is not allowed to conduct any such activities in the village.

Anita Devi is a 20 year-old-girl who lives in Chainpur block with her parents and three siblings. Her mother Gayathri Devi works mostly at home and sometimes engages in labour work in their own village or nearby villages. Her father Kamalesh works as a construction labourer in Chennai. Two of her younger siblings do not attend school. The youngest sibling is the only one attending a missionary-run school. Anita's sends INR 4000 – 5000 back home. Being the oldest child at home, Anita could not attend school after class V despite her interest in studying. She left home at an early age and started living in her aunt's home after dropping out from school. She helped her aunt in domestic work and took care of their little child. She received a job offer from a known person from the village who was an agent who lured the girls by offering good work opportunities as domestic workers in Delhi. After working in Delhi for four to five months, Anita returned home with five other girls from the same village. The family where she was working mistreated her and locked her for a few days while they had gone out. This shocked the families of other girls. Their parents decided that their daughters should be brought back home. The agent who had helped take the girls for work was threatened by the villagers to bring the girls back. After two months of negotiations between the agent, employer, placement agency and the girls' parents, the girls were bought back to the village just four months prior to data collection. At present, Anita works in a stone crusher to earn some money for the family.

Replacement of Domestic Workers: There were instances when the employers would not release the domestic worker unless the placement agency sends a replacement. This continued the trafficking cycle, as the worker who would be released would not necessarily be paid and the next person would also be confined to the household and not paid.

Role of Faith Based Organisations: It was observed that tribal women and girls were recruited in groups by faith-based organisations on the pretext of providing them education. Upon reaching the destination, they realised that they were brought for domestic work.

Preference for Bangladeshi Girls: Poor Bangladeshi girls are recruited as they appear as ‘Bengali’ women from India, and they readily engage in domestic work for survival. Also, being aware of their ‘illegal’ status, they can be made to work for lower wages as they have less bargaining power.

International Trafficking for Domestic Work: Similar to the *modus operandi* for labour trafficking, victims are promised jobs as domestic workers and provided with fake passports and contracts. The agent takes a commission to organise the travel documents and tickets. The agent orients the victims about the destination country and how they should conduct themselves. The victims are made to believe that ‘illegal’ migration is cheaper than legal migration. On reaching the destination country, the agents take away their documents and engage them in other jobs and not domestic work as promised. Those who manage to get jobs as domestic workers are often not allowed to leave their employers’ houses. Due to their ‘illegal’ status in a foreign country and lack of documents, the victims are unable to approach anyone for help, move out of public view and become invisible.

For example, the findings from Kerala reveal that at the destination country, the trafficked victims are harboured/assembled at the placement agency office and then dispersed to sponsors’ houses (employers). It emerged from the data that if the trafficked victim and employer have any altercation, then she could be passed on or re-sold or forced into commercial sex. It also emerged that the trafficked victims are vulnerable to sexual exploitation at the harbouring site.

Placement agencies for domestic work, operating in Delhi have emerged as a harbouring sites. The study found that in Delhi, women and girls trafficked for domestic work are harboured in the basement of offices of placement agencies in areas within and outer circles of Delhi before they are placed with employers.

Findings also reveal that for sex trafficking victims, the Tibetan refugee colony an area in North Delhi is considered to be the harbouring area for young girls and women from the North-East, Bhutan, and Nepal.

9.3 Economics

In case of trafficking for domestic work within India, victims are initially promised INR 5,000 to 10,000 per month and INR 30,000 if they are being taken to another country. In most cases the victims are not paid or are partially paid between INR 2,000 to 5,000 in India and up to INR 10,000 outside India.

The agent takes an amount of INR 3,000 to 5,000 (up to INR 40,000 in some cases) from the victim and up to INR 5,000 from the employer as commission.

In cases of international trafficking for domestic work, the agent receives up to INR 1,50,000 per person from the trafficked victim if they are being taken to the middle-eastern countries and INR 20,000 to 40,000 as women agents who take the victims to Singapore.

There were instances where the agent gave an advance amount of upto INR 1,25,000 to a victim who was taken to a middle-eastern country. In order to free her from the confines of her employer's home and take her back to India the agent demanded twice the amount of money that was given to her as an advance.

9.4 Forms of Exploitation

Link between Domestic Work and CSE: It was observed that in several cases, placement agencies took women and girls to Delhi from different source districts on the pretext of providing them with jobs as domestic workers. Based on their looks and physical strength, they were either sent for domestic work or were coerced into CSE.

Box 9.2: Minor Domestic Worker and CSE

On December 2016, a 14-year-old girl (victim of CSE) lodged a FIR in Madanriting Police Station, East Khasi Hills district, Meghalaya, stating that she had been sexually exploited by her employer at whose house she had been working as a domestic aid for the past one year. She had been brought from her village on the pretext of being provided employment but instead had been forced into prostitution. The day before she had lodged the FIR, she had been taken by her employer to a guest house at Laban where she was sexually exploited. After that, she was picked up by her employer from the same place. On returning, the owner asked the victim not to tell anyone about the incident. Meanwhile, the victim was asked to complete the household chores as usual. It was only when the owner left the house for a while that the victim could run away from there. She reached Police Bazar where she found two women crying and in pain due to the sexual assault. These women took her to Laban Police Station from there and thus a case was registered.

Physical and Emotional Abuse: Regular beatings and other forms of ‘punishments’ constituted the experience of domestic workers. Sexual abuse by male members of the family was also common. As a result of lack of proper nutrition, lack of medical assistance and long working hours they incurred a lot of bodily harm. Their contact with their family members and other support systems were severed and this caused them a great amount of psychological harm.

Box 9.3: Seajuli Tea Garden: Death of a Trafficked Child

A 7-year-old girl child from Seajuli Tea Garden in Assam was trafficked to Arunachal Pradesh on the pretext of education by an employer himself. The trafficked child was made to work for a period of 3 years. She was not allowed to meet the family and her phone conversations happened only thrice in the initial period. There was neither an advance payment nor any payment done later. After a period of 3 years, the driver of the employer came with the dead body of the child and stated that she was unwell. The community people collectively approached the police and demanded for immediate action. The post mortem was conducted and the child’s death was diagnosed with jaundice. The driver was not allowed to leave unless the employer personally visited the family. Due to pressure built up by the community, the employer visited the family.

A joint meeting was held between the parents, community, employer and the police. The employer produced the medical documents of the child’s sickness and the treatment conducted by him. Due to the dilemma of parents themselves sending the child for work and possibility of criminal investigation filed against them as well, it was jointly concluded by all, that, the owner should pay an amount of INR 35,000 to the family as compensation. The amount was converted into Life Insurance Corporation (LIC) in the name of the younger daughter. While the research team spoke to the family, the father was drunk and not in a position to speak to the research team. The mother of the late trafficked child appeared naïve and disoriented. She had even received notice from the tea garden for absenteeism. Due to husband’s alcoholism, she is forced to send two of her young daughter to her relative’s home, as she feared her husband would send them for work as well.



Economic Exploitation: As discussed above, the domestic workers were either not paid or partially paid. The payments, if made, were irregular. The agents often deducted a part of the salary on the pretext of the advance payment they had made to the victims. In some cases, the domestic worker is only provided with accommodation and food. They do not derive any monetary benefit out of their work. This is especially the case when the domestic worker is a minor.

Threats: As discussed above, in case of international trafficking for domestic work, the documents of the victims are confiscated. If they attempt to claim a payment or show signs of resistance, they are threatened of imprisonment based on their expired visa status or forged documents. In cases of trafficking for domestic work within the country, the victims are threatened with criminal charges of theft or assault if they try to go beyond what the agent or the employer demands of them.

Loss of Identity for Children: The children are often admitted in schools, but rarely ever attend classes, and those who do are sometimes made to leave if the employer wants them. They also suffer great emotional turmoil and identity crises: in some instances, the adopting family gave the child their surname, but by the time the child reached class VIII, they attempted to disassociate their name from the child. The children, who had by this time lost contact with their families and lost memories about their native place, are left with a confused identity. Many of these children were made to marry each other by their employers. In some cases, the employers themselves marry young girls so as to keep them as domestic workers for life.

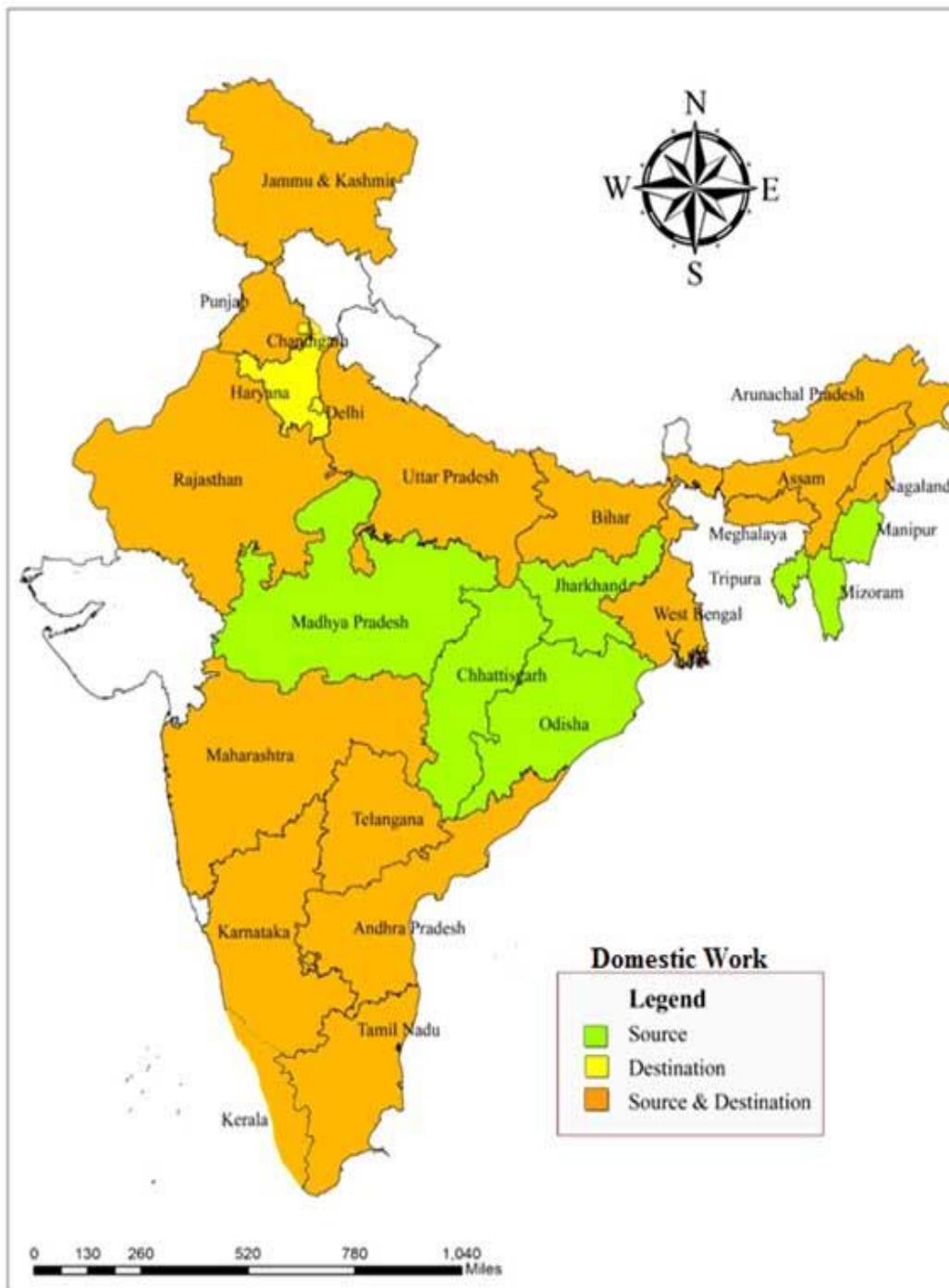
Box 9.4: Case of Trafficking of an Adivasi Girl for Domestic Work

A 10-year-old Adivasi girl from Assam was trafficked by her uncle to Aalom police colony, Arunachal Pradesh on the pretext of visiting an unwell relative. The trafficked child's family comprised of her mother and two brothers. The mother worked in a tea garden, elder brother worked in Arunachal Pradesh in a road construction company and younger brother was studying in school.

The uncle took the trafficked child along with him to visit an ailing relative. He travelled with her in the night; hence she did not know where she was being taken. Her uncle handed her over to a

family of 4 members in Aalom police colony in Arunachal Pradesh where she was engaged in household chores for 8 months. She requested her uncle to take her back home but he kept giving false assurances that he would send her back home soon. During the duration of 8 months, she had no communication with her family. She was not given any holiday or any payment for her labour. Her uncle would frequently visit her. The only outing for her was visiting the market and religious places. As she was a child sponsored by a local organisation, they initiated an investigation and helped the mother file a complaint. Through the intervention of Childline, the uncle was contacted and traced. The trafficked child was rescued and enrolled in a school.

Map 6: Trafficking for Domestic Work



Chapter 10

Missing Persons and Trafficking

The link between missing persons and human trafficking was first reported in the NHRC Action Research in 2004.³⁷ The number of untraced people is always worrisome as there is a possibility that they may have been trafficked. It is common for rescued women and children at destination to be reported missing at the source and it has also been found that the rescued trafficking victims have been earlier registered as missing. The Hon'ble Supreme Court of India, in a petition filed by Bachpan Bachao Andolan (BBA), also passed a landmark judgment in 2013 on the issue of missing children, which called for compulsory registration of cases by police of missing children with the assumption that they are victims of kidnapping and trafficking.

In this context, on the basis of the data from the HH survey, we have arrived at an estimate of the number of persons missing, and therefore at a risk of being trafficked, by obtaining detailed information about the migrants and their pattern of communication with their families. While analysing the quantitative data, we have taken into account people who have migrated and are not in contact with their family as 'missing persons'. It has been taken into consideration that in some of the cases, there may be individuals who have eloped with a partner or those who have left their families by choice. To address this limitation of quantitative data, which does not bring out the nuances of people's experiences, several cross-tabulations were done to ascertain the vulnerabilities of those who are not in contact with their family after migration. They have been presented in this chapter.

³⁷Nair, P.M. and Sen, S (2004). *A Report on Trafficking in Women and Children in India 2001-2003: Volume 1*. New Delhi: Institute of Social Sciences; National Human Rights Commission, & UNIFEM.

Box 10.1: Case of a Missing Boy from a Borewell Unit

A 20-year-old boy from a village wanted to open a shop in the village after the demise of his father. He had no money to do so. He used to work in the village as a farm labourer. One day in his neighbour's house some guests came from Lailuga (Raigarh) and offered him a job in a borewell unit. The guests who were visiting were already working as labourers in a borewell unit. They lured the boy by saying that working in the borewell will be more profitable in comparison to opening a shop in the village. The boy felt that this was a great opportunity for him. The next morning he informed his mother about his plan to work in a borewell unit. He did not know the place of work and told his mother that he will be accompanied by the relatives who came to their neighbour's house. Within a day he left for work.

As per the respondent (boy's mother), there has been no contact with the boy since he left. The respondent had no idea about his whereabouts. She tried to contact other people who he met before leaving. First time when she tried to contact him, she was told that he is out for work. The respondent again called the relative with whom the victim left for work, this time his wife answered the phone and the respondent told her that if they do not tell her about her son, she will go to the police and register a complaint against them. The wife of the agent told the respondent that her son will reach home in another month. When the research team met the respondent it had been one month since she had the conversation on the phone and her son had still not arrived. The respondent has so far not registered any complaint with the police.

It was observed that of the 26,648 migrants, about 6 per cent (N=1,560) were not in contact with their family at the time of the survey. Men constituted 74.2 per cent of the missing population (Table 10.1).

Table 10.1: Percent Distribution of Missing Migrants according to Gender

Gender	N	%
Male	1,158	74.2
Female	401	25.8
Total	1,560	100

Despite the 1560 missing persons from the sample population, it is important to note that only 88 HHs reported having filed a missing complaint for their family member (Table 10.2). This observation not only questions the complicity and involvement of the families in the disappearance of the migrant but the fact is also suggestive of the non-cooperation on the part of the police towards such cases, which deters the family from filing a missing persons complaint.

Table 10.2: Percent Distribution of Missing Migrants according to the Complaints Filed

Complaint Filed	N	%
Yes	88	6.6
No	843	63.1
No Response	405	30.3
Total	1336	100

*This total does not correspond to the total above because it excludes Bihar and Jharkhand

The lack of reporting becomes an issue of concern when taking into account the age group of the missing migrants. About 41 per cent of the missing persons were in the age group of 19-25 years (Table 10.3). It is striking to note that 16 per cent of those missing were 18 years or younger, indicating the vulnerability of minors to being trafficked.

Table 10.3: Percent Distribution of Missing Migrants according to Age

Age	N	%
Children (0-12)	55	3.5
Adolescent (13-18)	195	12.5
Young Adult (19-25)	416	26.7
Adulthood (26-40)	644	41.3
Middle aged person (41-60)	212	13.6
Older person (60+)	38	2.4
Total	1,560	100

Among the minors who were missing, 58 per cent boys and 42 per cent girls. Vulnerability can be equally associated with both girls and boys amongst minors.

Table 10.4: Percent Distribution of Missing Migrants Age <=18 years according to Gender

Gender	N	%
Male	145	58.2
Female	104	41.8
Total	249	100

Further, it may be noted that STs constituted the highest percentage of missing migrants (42 per cent) from the sample population, followed by OBC and SCs (Table 10.5)

Table 10.5: Percent Distribution of Missing Migrants by Social Category

Category	N	%
General	153	9.8
SC	313	20.1
ST	658	42.2
Other Backward Classes	347	22.3
Other	41	2.5
No Response/Do not Know	48	3.1
Total	1,560	100

Box 10.2: Case Study of a Missing Labourer

Mamta is a 30-year-old woman with two daughters (11 and 9 years old). Previously, she lost her four year old daughter due to poor access to medical facilities. Mamta works as a labourer and finds it difficult to make ends meet.

Mamta's husband migrated for work with the help of a man named Rohanlal. After this she lost all contact with him. Needing money she also migrated to West Bengal for work. After returning from there, she found that her house had been damaged in the heavy rains and her daughter was very ill. She asked the agent for money for her daughter's treatment but was not given any. Because of lack of treatment her daughter passed away.

When Mamta visited Rohanlal's house to find the whereabouts of her husband, she was verbally abused. With the help of an activist Mamta filed a complaint against him, a copy of which was also submitted to DIG, Dumka and Chief Secretary, Ranchi.

After filing a complaint, she and six other witnesses received threats from Rohanlal. They were beaten up and robbed. No action has been taken against Rohanlal as he is a powerful person. Mamta needs police protection and financial support to fight her case. Her daughters dropped out of school due to the disturbing situation at home and the need to earn for survival.

While the vulnerability parameters of age, gender and social category are indicative of the likelihood of the missing persons being trafficked. A cross tabulation between the migrant not in contact with family and who they migrated with reveals that 33.7 per cent migrated alone from the HH but with friends and 17.8 per cent migrated alone from the HH and with no friends (Table 10.6). This clearly indicates the vulnerability of those who are migrating alone from the HH with or without friends.

Table 10.6: Percent Distribution of Missing Migrant according to Accompanying Persons

Who the Migrant Migrated With	N	%
Alone from Home and with no Friends	249	17.8
Alone from Home but with Friends	472	33.7
With Family but no Friends	234	16.7
With Family and with Friends	134	9.6
No Response	313	22.2
Total	1,402	100

*Does not include Jharkhand

Table 10.7 indicates that 20.7 per cent of those who are missing were promised some sort of employment and 9.2 per cent were lured with money. This data suggests that almost 30 per cent of them went with the promise of a job or more money.

Table 10.7: Percent Distribution of Missing Migrants according to Nature of Promise

Nature of Promise	N	%
Employment	323	20.7
Money	144	9.2
Marriage	7	0.4
Any Other	54	3.5
No Response	1,032	66.2
Total	1,560	100

Corresponding to the migrants who were probably lured with a promise, almost 30 per cent stated that the promise made to them was not met (Table 10.8).

Table 10.8: Percent Distribution of Missing Migrants according to Status of Promise

Promise Met	N	%
Yes	338	64.1
No	156	29.5
No Response	34	6.4
Total	528	100

The information regarding the fulfilment of promises made by the intermediaries to the missing persons even though they had not been in touch with their families between 2014-16 has been listed taking into consideration the possibility that the person might have communicated with the family prior to the three years for which information about the migrants was collected. It is also plausible that some known persons or friends accompanying the missing migrant might have returned to the source or hometown and reported about the conditions surrounding the migrant.

The various cross tabulations and the profile of the migrants not in contact with their family clearly indicates their vulnerability to being trafficked.

Map 7: Migrants Not in Contact with Family (Missing Persons)



Chapter 11

Emerging Forms of Trafficking

11.1 Trafficking through Illegal Child Adoptions

In India, children can be adopted as per the Indian Adoption Act of 1956 and the JJ Act 2000. All cases of domestic and international adoption need to follow the guidelines of the Central Adoption Resource Authority (CARA). Adoption through channels other than those mentioned in CARA is considered to be illegal.³⁸ It was observed during the fieldwork that adoption has become a business opportunity, in the context of loosely implemented regulations and profit incentives for traffickers. Cases of child adoption which do not adhere to the 2017 Guidelines issued by the Ministry of Women and Child Development (MWCD) is considered a violation of the law. The new guidelines have a clear provision for adoption by relatives.³⁹

Further, illegal adoptions violate multiple child rights norms and principles, including the best interests of child. At the international level, adoption resulting from crimes such as addiction and sale of and trafficking of children, fraud in the declaration of adoptability, falsification of official documents, and any illicit activity or practice such as lack of proper consent by biological parents, improper financial gain by intermediaries, and related corruption, constitute illegal adoptions and must be prohibited, criminalised and sanctioned as such.⁴⁰

³⁸Illicit Sale of Children in India Act. (2017). *Adoptions and trafficking of children, a diffuse line*. [online] Available at: <http://www.againstchildtrafficking.org/2017/07/illicit-sale-of-children-in-india-adoptions-and-trafficking-of-children-a-diffuse-line/> [Accessed 19 November 2018]

³⁹Khan, A. (2017). All child adoptions violating 2017 regulation to be considered illegal, say new guideline. *India Today*, [online]. Available at: <https://www.indiatoday.in/india/story/child-adoption-laws-ministry-of-women-and-child-development-cara-prospective-adoptive-parents-955706-2017-01-18> [Accessed 6 February 2019]

⁴⁰United Nations Human Rights.(2017). *Tackling illegal adoption and addressing the rights of victims*. [online] Available at: <https://www.ohchr.org/EN/Issues/Children/Pages/Illegaladoptions.aspx> [Accessed 19 November 2018]

The research team observed instances of trafficking through child adoption. Though it was difficult to establish, there emerged cases where the child was given for adoption in exchange for a monetary benefit. The family paying the money for adoption usually had a low household income. This leads to questions about why families with children pay money to agents to adopt another child. In other scenarios, it was observed that childless couples from affluent families paid the agent or the family giving up the child for adoption. Such cases have also pointed towards the vulnerability of the adopted child to trafficking. In the first scenario, it is possible that the couple/family bought the child for additional income for the HH and in the second scenario, though the couples claimed that childlessness was the reason for adoption, the fate of the child remains unknown as the entire process is carried out clandestinely. Table 11.1 presents that 17 per cent of the HHs reported that there was monetary transaction involved in the process of giving up their child for adoption.

Table 11.1: Number of Child Adoption

Number of HHs where a Child was Given Up for Adoption	454
Number of HHs which reported Monetary Transaction	76

The qualitative data revealed a *modus operandi* followed by those involved in trafficking of children through illegal adoption. The traffickers were reported to have a nexus with hospitals and municipal bodies which issued birth certificates. The *modus operandi* involved identifying vulnerable women who were willing to give up their child for adoption, in exchange for money, due to her dire economic situation. Another *modus operandi* followed by agents was to lure vulnerable young girls and women and impregnate them either by posing as lovers or marrying them. The new born child was then given up for illegal adoption. Children were found to be given up for adoption beyond the borders of the country, such as, in one instance, in Dubai.

Box 11.1: Case of Illegal Adoption in Kerala

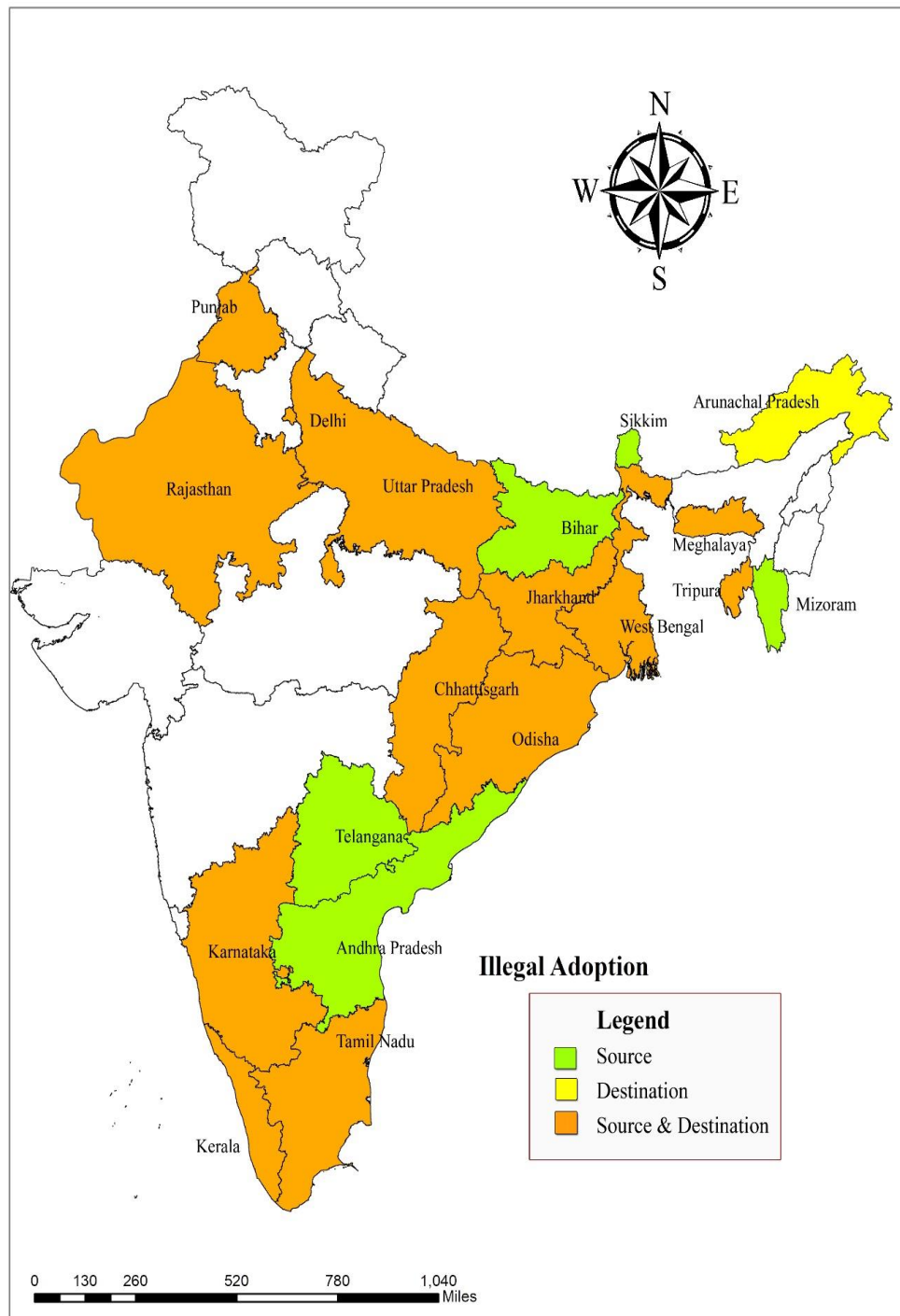
A lady aged 60 years (agent) from Tamil Nadu had been residing in an urban slum area of, Thiruvananthapuram district for a long time. She sold artificial jewellery for a living and residents suspected that she along with a man (agent) from Tamil Nadu was involved in selling children.

In 2012, the lady approached a vulnerable woman from the locality and lured her by offering money to sell her two children. The woman was 28 yearsold, deserted by her husband and did not have a proper house to live in. She was sick and was unable to take care of her two children. The girl who was 2-years-old was sold in Tamil Nadu for INR 5000 to a businessman. Plans to sell the five-year-old boy were also in place.

According to the KI from Childline, on being caught the lady revealed that a police officer was also a part of the nexus. The police officer paid the old lady in two instalments for selling the boy child. The first instalment of INR 25,000 and second instalment of INR 15,000 was paid to her. Out of the total money received, she paid INR 10,000 to the child's mother.

The handing over of the boy child and deal was supposed to be executed in the night. The police intervened and rescued the child; however, both the agents managed to escape. Hence, no FIR lodged was in the case. Through the intervention of Childline, shelter was arranged for mother and child. The child has been legally adopted now.

Map 8: Trafficking through Illegal Child Adoption



11.2 Trafficking of Children for Beggary

The profile of the children and the *modus operandi* followed by traffickers for trafficking children for the purposes of beggary are similar to those discussed in Chapter 6. The *modus operandi* of the network of traffickers involves dropping off the children at relevant sites for begging in the morning, keeping a close watch on them through the day, and collects the earnings from them in the evening. The children are provided with food and shelter in the night and sent out to beg the next day. The use of drugs to keep the children sedated and prevent them from escaping was found to be common. Some of these children continued to be addicted to drugs for long periods of time. Children were physically injured and some of their body parts disfigured to prevent them from escaping as well as for garnering sympathy of potential donors.

Sites of religious worship, bus stops, and traffic signals were observed to be the common sites where children were found to be begging. The case study discussed below is representative of the scale of trafficking children for beggary in the country and across its borders.

Box 11.2: Children Begging Outside Monasteries

Trafficking of children for begging was witnessed in Bodhgaya block, Bihar during winter season and festivals (Kaalchakra, Chhatt Puja), which is from November to February as tourist population increases during this season. It is said that people disguise themselves as lamas and traffic 10-15 children from Jehanabad district as well as neighbouring villages of Bodhgaya and force the children to beg as monks. Each child is able to earn INR 200 per day. Children are trafficked from Nepal and forced to beg dressed as lamas in different monasteries built in Bodhgaya by the countries of China, Bangladesh and Bhutan. According to the KIs, the entry to monasteries is restricted, and therefore, it is a challenge to gather more information on the economics and exploitation of these children. At the time of data collection, researchers learnt that the police had recently rescued 14 children along with their families from Gaya station. The children as young as 5 years old were trafficked from Nepal for the purpose of begging. According to a KI from an NGO, children are also trafficked to beg during Pind-daan (a ritual where ancestors are worshipped), which happens near the Falgu river in the month of November. The parents are often involved in this practice. An informant from the Child Protection Unit, Katihar mentioned that children are also kidnapped at young age. Traffickers often have fake documents of parenthood, making it difficult to identify them.

11.3 Organ Trafficking

Organ trafficking involves an illegal organ trade where individuals belonging to a position of vulnerability are deceived or forced into selling organs and other body parts which involves a commercial transaction. It is extremely difficult to establish cases of organ trafficking, as more often than not, the individuals are not aware that they have been operated upon for something different than what was promised to them.

Both qualitative and quantitative findings suggest the existence of organ trafficking rackets in the country. Hospitals, middlemen/agents along with doctors are known to be complicit in such cases of trafficking. However, in a number of cases, because of the illegal nature of the activity, such surgeries for removal of organs are carried out in private clinics or secluded spaces. There are two ways in which the agents operate- first, they lure people from poor socio-economic backgrounds to sell their organs for a monetary benefit and later do not pay them the promised amount; second, an individual is diagnosed with an ailment and convinced that he/she requires a surgery and is promised the surgery at reduced rates. It is possible that when the surgery takes place, another organ is removed without their knowledge. In some instances, the person operated upon realised that the stitches were in a different part of the body than the one that was meant to be operated. Individuals from tribal communities were found to be vulnerable to this form of trafficking.

Box 11.3: Illegal Organ Transplant Racket

Illegal kidney transplantation racket has been reported by KIs from Anand district, Gujarat. The research team collected information from the senior police officer who investigated the case of a kidney racket. He shared that the scam came to public knowledge because of media reports. A news reporter found that there were stitches on the left side of the stomach of many villagers of Pandoli village in the district. When he inquired, he came to know that the villagers from a cluster of villages had sold their '*saman*' (local term for kidney) in return of money. One of the kidney donors was involved in convincing other villagers to donate a kidney and make money. Those who were in dire need of money agreed to it. Some of the operations were found to have been done in Colombo, Sri Lanka. As per Sri Lankan law, their citizens cannot donate their kidney but can accept it from non-citizens. The reporter learnt about the problem when the complainant who did not receive the promised amount (he received only INR 50000) called him. That is how this racket became public knowledge.

Although most of the victims willingly donated their kidney, there were lured with a promise of good money. The case is pending before the court. It has been confirmed in media reports that the main accused was a doctor from Delhi. While travelling from Delhi to Anand, he fled from police custody early morning between 2 to 3 am near Ajmer station of Rajasthan. It has been suggested that the accused might have bribed the police to help him run away. He was earlier convicted for the same offence and was on the run after conviction.

To establish cases of organ trafficking, we asked members of the household if anyone in their household has been operated upon, by whom the operation was suggested, where it took place, and if there was a cash benefit involved in the same. In some cases, we observed that there were cash benefits for getting a surgery done and often the person suggesting a surgery was not a doctor but a known person from the village.

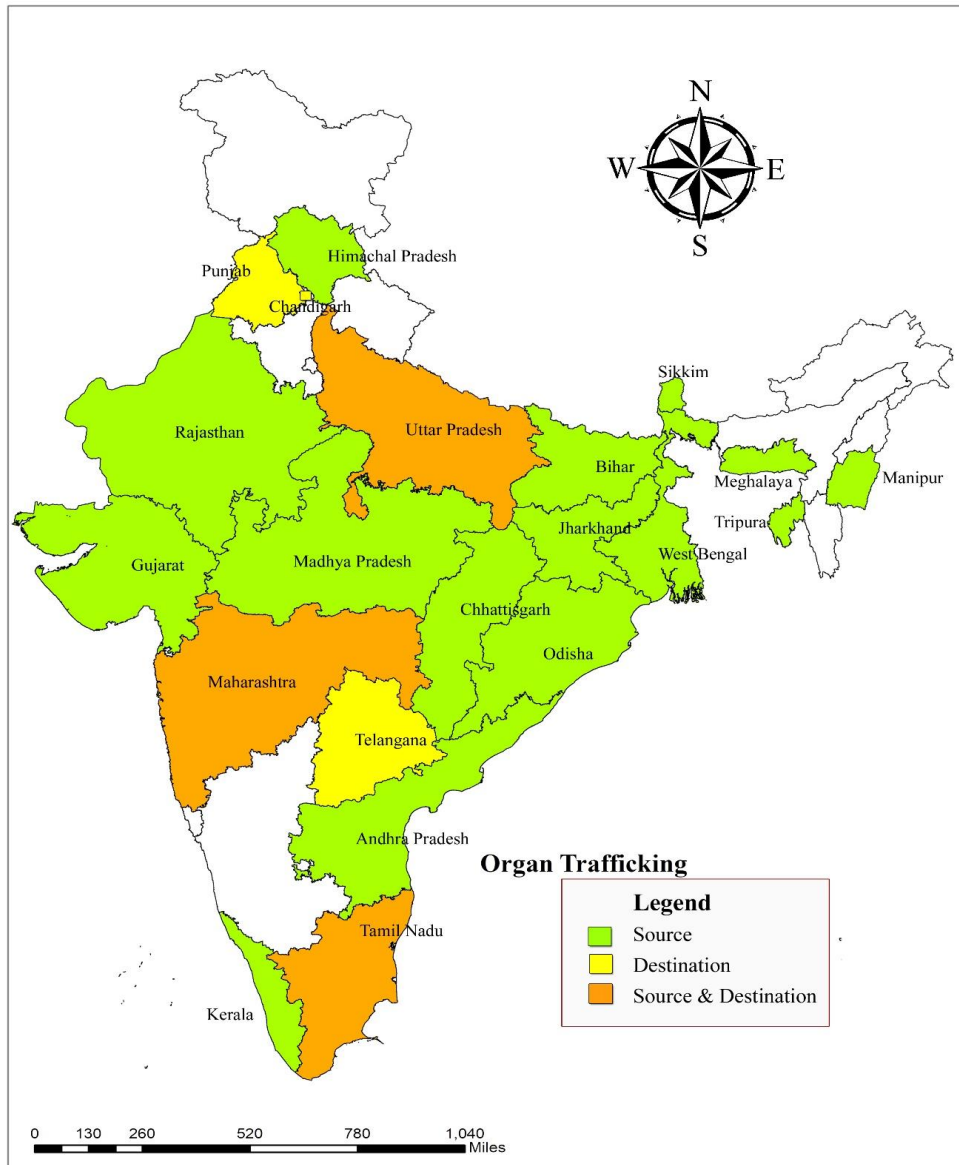
At the national level, 174 HHs indicated that someone in the HH underwent a surgery in exchange for money (Table 11.2). Uterus removal and C-section were most commonly stated surgeries. This indicates the high vulnerability of women to organ trafficking.

Table 11.2: Percent Distribution of HHs where at least one Member Underwent Surgery for Money according to the Type of Surgery

Type of Surgery	N	%
C-Section (Delivery)	49	28.2
Appendix	24	13.8
Stone	15	8.6
Kidney	12	6.9
Uterus Removal	40	23.0
Organ Donation Operation	1	0.6
Others	33	19.0
Total	174	100

*Does not include Jharkhand

Map 9: Organ Trafficking



11.4 Trafficking for Recruitment in Insurgent and Militant Groups

There are many districts in states like Jharkhand, Chhattisgarh, Telangana, Maharashtra, Odisha, Bihar, Madhya Pradesh, Andhra Pradesh, and West Bengal which are affected by conflict between Left Wing Extremist (LWE) groups and the State. In these districts, KIs

reported young boys and girls being recruited by LWE groups in their operations. In addition, insurgent groups in Meghalaya and Manipur reportedly recruited children and young adults for their operations. Children living in conflict areas were found to be vulnerable to being trafficked as child soldiers. Child soldiers are recruited through force as well as fraud and are exploited. They are recruited through false promises and eventually land in situations which are beyond their control. The children's units where they are trained as couriers and informants or to plant improvised explosive devices are known as *bal dastas*.

The researchers interviewed a few alleged Maoists, including a Central Committee member in the Central Jail, where he stated that, "children are not trafficked for the purpose of child soldiers; rather, children join the movement along with their families. Children are part of the *bal sangam* and as per the left wing extremism manual; the children are enrolled in the military once they attained age of 16 years". However, KIs reported that LWE groups used various tactics like indoctrination, luring and/or use of force to recruit children for joining the armed movement.

Some of the boys recruited in *bal dastas* or *bal sangams* reportedly become frontline soldiers in their adulthood. There is money involved as the boys who join with consent are given a regular salary though there have not been any reported instances where the payments have been given to recruits' families. Further, few KIs said that there were instances found where children were given weapons. A few respondents in the villages stated that the girls are sexually abused as they are taken by LWE groups for their 'entertainment'. The lack of richer data on this issue needs to be seen in the light of the fact that our research team was not allowed to access the LWE areas by the district administration in most states, and in places we did manage to reach, people were apprehensive to share due to fear reprisals. The research officers also had to stop data collection in some districts due to the prevailing environment.

The major patterns seen in recruiting young children were luring, and kidnapping and use of force. Adolescent boys above the age of fourteen years are lured into joining left

extremist groups by recruiters who keep spot children with smart and sociable personalities. Gatherings are held in villages where men from the extremist groups have food and drinks. These gatherings are used to recruit boys to work for them. The lure is usually in the form of money, good food and alcohol. There have been instances reported where boys have joined extremist groups to avenge or settle a family feud. According to a school principal in Jharkhand, boys experience power with the possession of weapons, and this motivates them to join such groups. Quoting an incident, he said the children in the village were handed weapons by a group recruiting to expand their force.

There were cases of kidnapping and use of force where groups come into villages and force the families to give away their children to them. This kind of force has been used to get boys and girls between eight and fourteen years of age to perform their daily chores like cooking. There have been reported cases of violence against families who have refused to give away their children. In such cases, the families are penalised and children are taken by force.

Women who join the militants are at particular risk of sexual exploitation. Especially in the case of women going missing, families do not file complaints as they assume that the women either joined or were kidnapped by militants and that raising their voice might lead to dire and violent consequences. These groups are reported to use women to carry food and supplies but cases of sexual exploitation were also reported by rescued or surrendered women. Returning to society after having been a part of a militant group is traumatising to women because they are shunned and ostracised. Hence, traffickers lure them to engage in CSE to earn a living.

Associated with the recruitment of children and young adults for militancy, is the use of children in arms making and transporting. For instance, one of the KIs in the police department in Manipur shared that the lack of proper fencing on the Indo-Myanmar border makes it possible to smuggle drugs and arms through the forested areas. This trade used to be carried out through Bangladesh, but has now shifted here. The couriers are paid, and there is a possibility that women and children are involved.

Box 11.4: Children Used for Arms Supply

Case 1: A 17-year-old Child in Conflict with Law (CCL) from Koderma district, Jharkhand, booked under Section 3 and 4 of Explosive Act, section 17 of CLA, IPC – 121, 122 and 34, was arrested from the National Highway 2 for carrying RDX explosives in the truck. His family includes his mother who works as a labourer, younger brothers and a sister studying in school. He studied up to class V and then dropped out and took up employment in a local motor garage. He worked in Odisha for 2 years as well. His co-accused (also a minor) met him 6 months back and developed a friendship with him. According to him, the co-accused was travelling in a truck from Giridih, and he joined him at Bari which is 25 kms away from Koderma district. He was not aware that the truck was carrying explosives. As the truck passed Chauparna, the police intervened and arrested them.

Case 2: In another case, a CCL (15 years old) from Immamganj block, Jharkhand is booked under Section 25 (1) (B) and 26 (2) of the Arms Act. The child's family includes his father (working as driver and earning Rs. 15,000 per month), his mother (a housewife), 4 brothers and 3 sisters studying between Class V to XII. He was arrested as the police found arms at his house. According to him, his house is within 100-200 metres of the jungle that surrounds it; the village is under-developed with no street lighting and no transportation, the MNREG scheme is ineffective and the school is 3 kms away from his house, which is the reason for him to drop out of school and have no work or earning. According to the CCL, the main accused came running from the jungle and he threw the arms into his house. The police stated the arms were found in the house and he was in touch with a Delhi based criminal who is absconding and the arms belonged to that criminal.

The two cases show the vulnerability of children to be trafficked for use and supply of arms.

11.5 Trafficking for Terrorist Activities

We came across KIs in some parts (for example in Kerala) who said that economically and emotionally vulnerable young adults and adolescents were being recruited and indoctrinated by religious fundamentalist organisations for engaging in terrorist activities. In almost all cases, locals are recruited by agents of fundamentalist groups and sent to Afghanistan, Yemen, Iran, Iraq, Syria and Gulf countries.

Agents from religious fundamentalist groups lure, indoctrinate and recruit individuals on the pretext of work or to be a part of a revolution. Boys and men between 15-25 years are usually targeted through WhatsApp, Facebook and different agencies. Islamic State of Iraq and Syria (ISIS) allegedly funds the agents. Children are trained and indoctrinated to read religious texts, they are not enrolled in regular schools, and not allowed to watch television or read the newspaper. They are not allowed to have any communication with the outside world. Often they are found to be killed or missing in countries like in

Afghanistan, Yemen, Iraq and Syria; a few of them have been traced alive in Afghanistan. A number of Indians are reportedly kept as captives of ISIS in its capital.

Members of religious fundamentalist groups lure girls from different faiths near schools and colleges (Class VIII to XII), and hostels by posing as lovers and promising to marry them. Once the girl trusts the male partner, the marriage is solemnized as per the faith of the girl and without the knowledge of her family. Girls usually inform their families about the marriage over the phone. Post marriage, they are taken to Afghanistan, Syria, Iran, Iraq, or Yemen on the pretext of work. Sometimes the transit happens via the Nepal border to avoid suspicion. The girls have reportedly gone missing from the destination countries.

11.6 Trafficking for Surrogacy

Cases of trafficking for surrogacy emerged in a few states, for example in Bihar and Tamil Nadu. The *modus operandi* could not be obtained in great details. For instance, in case of Tamil Nadu it was observed that junior artistes, and background dancers from the Tamil film industry, who are not in demand after crossing 30 years of age, are lured into surrogacy with offers of large amount of money. In other instances, KIs in Delhi highlighted the vulnerability of tribal girls being deceived for surrogacy emerged prominently. This form of trafficking needs further exploration. Fertility clinics, such as the ones in Chetpet and Shollinganallur areas in Tamil Nadu have been found to be buying sperm and ovum by luring young college going individuals with money and eventually using them as surrogates.

11.7 Trafficking for Entertainment Groups

The communities traditionally engaged in entertainment during social occasions, move from one place to another and travel in groups are usually called orchestra groups. Females perform as singers and dancers and male members work as drivers, musicians and support staff. They work seasonally and are most active during the wedding seasons. There were two ways in which trafficking for entertainment operates. First, girls from different communities were trafficked to be a part of these entertainment groups and second, women and girls were forced to engage in commercial sex apart from being part

of the entertainment groups or orchestras. It was found in states such as Andhra Pradesh, Bihar, Punjab and Uttar Pradesh that these dancers are forced to engage in commercial sex and the orchestra is a façade used to keep it clandestine. KIs said that the groups bring women from other states and has transgender and Hijra members as well who go along with them to perform at functions. A respondent (a transperson who goes to work as a dancer in Punjab) shared that girls are brought from Nepal, West Bengal and North Eastern states to work as dancers in destinations like Punjab. They are first brought to Gorakhpur from where they are moved to different destinations in North India. They shared that the girls are recruited for dancing but often end up being forced into commercial sex through use of physical abuse.

According to KIs, the risk factor is high among those who are part of *launda naach* troops in Bihar, a practise of young men and boys dancing at festivals and functions, because of sexual exploitation that is carried out under the garb of fun and entertainment. In these cases, those in positions of power within the community are the primary contact point between victims and the traffickers.

Communities like the *Bedias* and the *Nats* engaged in caste-based prostitution push their daughters into the sex trade with the brothers and fathers acting as pimps. These communities operate near the highways in UP, Rajasthan, Madhya Pradesh, Delhi, etc. and their clients comprise truck drivers and travellers along the highways. Similarly, communities like the *Devadasis*, *Jogtins*, and *Joginis* in states like Maharashtra, Karnataka, Andhra Pradesh and Telengana have the custom of dedicating their daughters to Goddess *Yellamma*, on attainment of their puberty. These girls later get pushed into prostitution and a source of livelihood to their families.

Chapter 12

Discussion: An Emerging Theoretical Argument

12.1 Understanding Trafficking

The IPC Section 370 reads as, “Buying or disposing of any person as a slave.—Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.” This research has classified different forms of trafficking in keeping with the definition of human trafficking as per Indian legal provisions as well as the UN Protocol.

The current definition of human trafficking in IPC Section 370, leads to identification of victims who have been subject to force, deceit and exploitation by an external agent. Involvement of external agents is a major criterion to define trafficking and the law does not take consent of the trafficked person into account for identifying victims. Based on the findings of the research study, the understanding of human trafficking has expanded beyond the legal definition. The research findings reveal that socio-economic vulnerabilities and cultural factors play a significant role in influencing people's propensity to being trafficked. It is therefore important to focus on individuals and communities at risk, and those those indirectly exploited by human trafficking networks.

Further, it is evident from the definition of trafficking in the IPC 370 that there is an element of mobility (transporting of victims) involved in cases of trafficking. Therefore, in order to understand trafficking, it is important to carefully tease out the *modus operandi* involved in processes of migration. One needs to understand that the trafficker's attempts in the migration process are to isolate the trafficked person from their familiar surroundings in order to prevent any attempt to access their support systems. One also needs to take into account factors that influence cross border and international trafficking which involves false promises, cheating and luring of persons desirous of living better

lives or engaging in better livelihoods. This is different from human smuggling where the agent is more like a facilitator who helps in the illegal immigration process and the person who immigrates is aware of the risks involved.

Following from this, what separates migration from trafficking is the element of confinement. In almost all cases of trafficking, there is a restriction on one or more basic rights of the trafficked person. Either their communication with the outside world is curtailed or they do not have the freedom of movement. This is in addition to the exploitative work conditions and non-fulfilment of promises made by the contractor or agent who lures them for a particular kind of lifestyle or work. Though we can trace a strong connection between migration and trafficking, it is important to emphasise that due to use of technology, trafficking has become a faceless and spaceless crime. Therefore, while restrictions on mobility and confinement are important components of trafficking as we have traditionally known it, our study highlights that there is an increasing trend to intertwine and enmesh trafficking with existing cultural practices through deception and marketisation processes. For example, bride trafficking involves turning around the practice of dowry and burden of wedding expenses on the bride's family. While there is very little data about what happens to the women after they are married off to a far off destination (with little or no social supports), these marriages are being performed with full social sanction. It poses little risk to traffickers and agents, as chances of police intervention are minimal. Similarly, trafficking for surrogacy has full social sanction as it is based on the premise of voluntary renting of wombs for a 'good cause'.

The vulnerability framework that we have used for understanding of trafficking suggests that trafficking is a complex crime and also a development issue; and requires a multi-disciplinary and multi-departmental response. It can be said that the existence of human trafficking and the vulnerabilities which lead to human trafficking can be seen as resulting from the inter-play of economics and social inequalities in the context of uneven development. It has been well proven that economic development while creating wealth and economic opportunities also creates poverty, social inequalities and lost opportunities

for those at the margins. Development followed by globalization has led to the rise of inequality as the rich become richer and the poor become poorer. Barner et al⁴¹ discuss human trafficking within the broader framework of socio-economic inequality. They argue that socio-economic inequality creates a system where the powerful dominate and exploit the ones lacking power. Human trafficking derives out of such unequal relationships developed due to unequal socio-economic situations in a society. They add that the consequences of socio-economic inequality can be seen as manifested in inadequate health care, indecent standards of living, poor housing and a continued creation and maintenance of a stratified class system. Such situations make it easy for people to fall prey to human trafficking. The inequality among people in terms of inequalities in incomes, political inequalities, unequal distribution of assets, lack of employment opportunities and access to knowledge, inequality in accessing medical services, and lack of safety and social security give rise to a system where people can be exploited. Makisaka⁴² in a note for World Bank on conflicts, crime and violence, remarked that the problem of human trafficking cuts across a number of development issues, including poverty, social inclusion, gender inequality, complacent rule of law and justice. All these accompanied by socio-economic factors are closely linked to vulnerability to trafficking or certain elements of it.

It is also important to note that socio-economic changes post liberalisation and globalization, India has witnessed ‘feminization of poverty’ and the new trends have pushed women into a variety of exploitative work situations. Women have had a disproportionately large share of the negative impacts of the economic change. Due to their unequal family and community social status and the discriminations they face, women are the most vulnerable. Women form the majority of the low-paying and

⁴¹Barner, J.R., Okech, D and Camp, M.A. (2014). Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade. *Societies*. (online). 4, 148–160. Available at: <https://doi.org/10.1093/cesifo/ix019> [Accessed 21 April 2017].

⁴²Makisaka, M. (2009). *Social Development Notes: Conflict, Crime and Violence*. No.122. (online). World Bank. Available at: <http://documents.worldbank.org/curated/en/166101468315536553/pdf/546830BRI0SDN01C10Human0Trafficking.pdf>. [Accessed 22 March. 2017].

informal jobs created by liberalisation, privatisation and globalisation. Together with this, the high turnover related to trafficking for CSE explains the increasing demand for women who can be prostituted.

The disparities within the cities, and between rural and urban areas in the country, show that economic infrastructure alone cannot empower citizens. The socio-economic problems faced by migrant populations forced to live at the margins in metropolitan cities point towards the vulnerability of individuals and networks, which perpetrate human trafficking. The population at the margins live under vulnerable conditions (poverty, gender and caste-based violence, lack of basic infrastructure, crime, gang wars, etc.) that engender human trafficking. Migrants, especially women and children, living in slums, rehabilitation colonies, and *jhuggis* are prone to negative influences and may end up being abducted, or lured into begging, stealing or selling drugs. Policy makers responsible for preventing human trafficking and related exploitation often overlook the intersections of developmental issues which create heightened vulnerability for mobile populations. Clert et al⁴³ assert that human trafficking requires redressal of spatial, economic and social exclusion processes that make certain groups more vulnerable to trafficking. The causes of trafficking are not only poverty but they are present in a society, which allows vulnerabilities to flourish to promote development of its privileged sections. There is a need to address the favouring of the urban over rural, the attention on the ‘developed’ over underdeveloped’ and the neglect of the providers of services to the ‘citizens’. Further, it is important to emphasise that human trafficking and its conditions do not directly arise out of poverty. People cannot simply escape trafficking if they rise in class status. There are wider issues that need to be addressed. Such a broad perspective is however lacking in the processes that are planned or developed to deal with human trafficking in all its forms. The simplistic understanding that human trafficking is a

⁴³Clert, C., Gomart, E., Aleksic, I. and Otel, N. (2005). Human Trafficking in South Eastern Europe: Beyond Crime Control, an Agenda for Social Inclusion and Development. *Social Development Papers – Conflict Prevention and Reconstruction Occasional Paper*. Washington, DC. The World Bank.

poverty issue makes it difficult to treat the issue in its entirety. It takes away the role of the State and non-State actors responsible for eradicating the factors causing trafficking and related exploitation. Thus, it can be said that the trafficking or the creation and sustenance of the factors that make people vulnerable to trafficking requires a concerted effort on the part of different stakeholders to acknowledge and eradicate sexual and labour exploitations.

Globally, researchers urge the attention to be diverted from a legal prosecution focus to issues that are the root causes of trafficking and to focus on prevention. According to Chuang⁴⁴ the anti-trafficking narrative is reductive. “It overlooks, if not discounts, the need for better migration and labour frameworks or socioeconomic policies to counter the negative effects of globalizing trends that drive people to undertake risky migration projects in the first instance.” In continuation with this argument on prevention, Todres⁴⁵ proposes to tackle human trafficking from a public health lens. He suggests a prevention programme looking into four levels- individual risk factors, relationships that might increase the risk of trafficking, including those with peers and partners, role of community settings, such as schools and neighbourhoods, and societal factors, including social and cultural norms.

Considering the development outcomes for trafficking, it becomes essential to integrate development sectors with anti-trafficking agencies. Sectors like education, livelihoods and women and child development, labour, disaster management, border security forces should be woven together to leverage the resources and to prevent trafficking of humans.

⁴⁴Chuang, Janie A. (2010) Rescuing Trafficking from Ideological Capture: Prostitution Reform and Anti-Trafficking Law and Policy. University of Pennsylvania Law Review, Vol 158, pp 1655-1728. Available at https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1161&context=penn_law_review [Accessed on 17 April 2019].

⁴⁵Todres, Jonathan (2011). Moving Upstream: The Merits of a Public Health Law Approach to Human Trafficking North Carolina Law Review, Vol. 89, No. 2, p. 447, 2011; Georgia State University College of Law, Legal Studies Research Paper No. 2011-02. Available at SSRN: <https://ssrn.com/abstract=1742953> [Accessed on 17 April 2019].

Delivery of basic services in areas with high vulnerability can go a long way in reducing the vulnerabilities of populations to being trafficked. In this aspect, programmes implemented by local panchayat and *taluka* level institutions must be involved in anti-trafficking efforts. Engaging local institutions close to the community may yield more effective results. There is a need to ensure that the agencies dealing with prevention, protection and prosecution work in a continuum. It is important to warrant that the individual objectives of various agencies do not contrast with the common objective of elimination of human trafficking in the state. Without a comprehensive response, it becomes easy for the victims to re-enter the loop of trafficking.

12.2 Demystifying the Trafficker

In the backdrop of the discussion in the previous section as well as observations in the field, it can be confirmed that in cases of trafficking both the victims and some perpetrators may be victims of lop-sided development process. However, this should not be misconstrued as a generic statement about traffickers as their network involves organised crime and presence of agents at various levels. Socially and economically vulnerable communities become indirectly and sometimes directly complicit in trafficking as families and relatives are found to push vulnerable individuals into exploitative situations. This is true of families who willingly send their children to work in cities for commercial gain, parents who send their daughters for domestic work, caste-based communities who dedicate their daughters to a Goddess on attaining puberty (and later into prostitution), etc. Based on our findings we propose to classify the category of traffickers in the following ways:

Leaders and Financers: This category comprises of those that make the maximum commercial profits from the business of trafficking persons and often orchestrate the way the network or processes of trafficking operates. They mostly remain invisible to most of the agents involved in the network.

Direct and Associated Agents: This category comprises of those who are actively involved in the trafficking network and are visible in the source area. They too derive monetary benefit from the trafficking of persons but are not always aware of the various coordinates of the network or the role played by them.

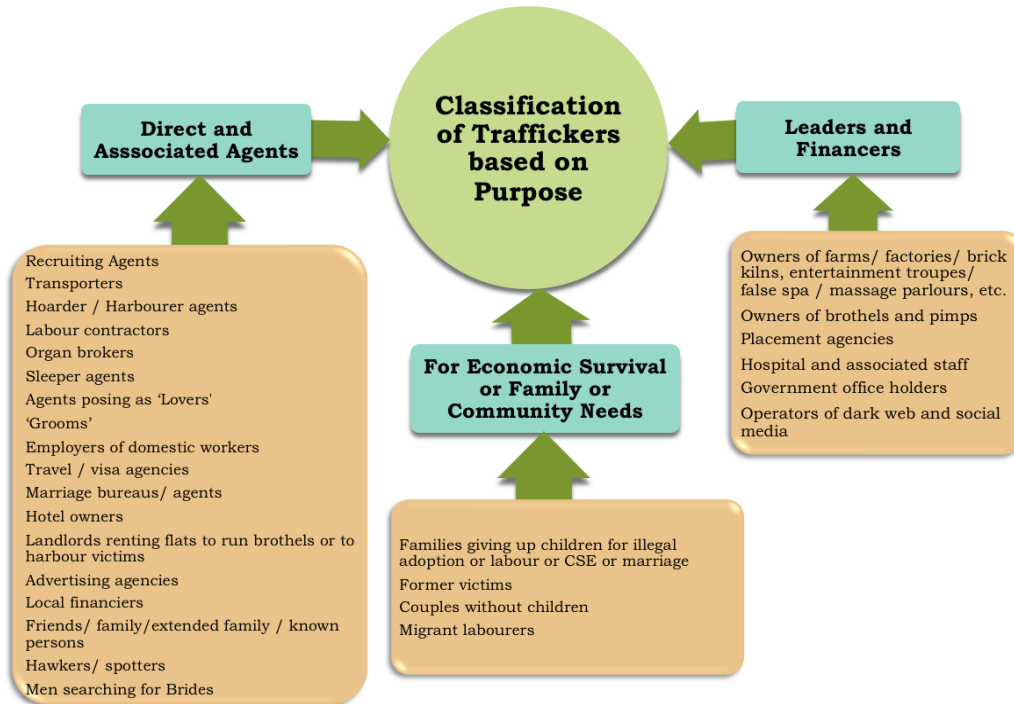
For Economic Survival or Family or Community Needs: This category comprises of those that get involved in the trafficking racket by virtue of their dire socio-economic situation. The exploitation of their vulnerabilities constitutes an important aspect of the *modus operandi* of those orchestrating the trafficking networks. A number of existing and former victims of trafficking are forced by traffickers to assist them in identifying, convincing and recruiting new victims of trafficking in their source areas. Traffickers use withholding of salaries/ threats/ blackmail to coerce victims to become part of the traffickers' network.

This category includes communities engaged in traditional practices such as the *Devadasi* or the *Jogini* system in states like Maharashtra, Karnataka, Andhra Pradesh and Telengana, or those engaged in traditional entertainment occupations like the *Bedias* and *Nats* in UP, Rajasthan, Delhi, etc. In the absence of education and access to decent livelihood opportunities, women and girls from these communities continue to be pushed into CSE, with social sanction of the community. A law and order approach criminalising such families and rescue of their women and children would not help eradicate such practices. This needs a long-term community based approach with a focus on education of children, women's empowerment, skills development and access to government schemes and programmes.

It is important to note that these categories are not strictly demarcated and are rather fluid and only indicative of the various roles and purposes for which individuals and organisations get involved in the organised crime of trafficking. Findings indicate that like in case of survivors or victims of trafficking, levels of agency differ among agents too. Agents and traffickers are generally viewed as homogenous populations and hence intervention is also limited to only prosecution. A nuanced understanding of the profile of

traffickers will enable a more socially just approach in dealing with the issue of trafficking.

Figure 17: Levels of Association and Roles in the Trafficking Syndicate



12.3 Understanding Source, Transit and Destination Areas

While it is easier to identify source areas, it is difficult to distinguish between a transit and destination area. It may happen that the person is known to have migrated to a particular place and then taken to another location thereafter. Given the organised nature of human trafficking, it is often difficult for even the intermediary agents or the sleeper agents to understand the routes. While it may be migration from one place to another, it may turn to trafficking in a third location. For instance, in the case of bride trafficking from Himachal Pradesh, we observed that Punjab emerged as a destination. Only after further analysis of the narratives, we were able to conclude that Punjab serves both as a

destination as well as transit for brides who are taken to Haryana. In identifying routes of trafficking, such an awareness and understanding is crucial.

12.4 Response to Trafficking: Need of the Hour

In the context of the findings and discussion, we propose a multi-pronged and multi-stakeholder approach to deal with the issue of trafficking. An organised crime like trafficking in persons needs a coordinated effort between different agencies. Though rehabilitation is an important component of addressing the issue, our study suggests that there is a need to emphasise on prevention and protection. Our approach of identifying vulnerabilities has led us to understand that lack of awareness about government schemes, inaccessibility of basic infrastructure and services, the need to strengthen MGNREGS, the prevalence of child marriage, and weak police response need immediate attention. This implies that different Ministries of the GOI and state government departments need to work out a comprehensive plan of action. For instance, a **Joint Task Force should be constituted comprising officials from Ministry of Home, Ministry of Railways, Ministry of Surface Transport, Ministry of Women and Child Development and Ministry of Labour and Employment** to understand the *modus operandi* and routes used to traffic women migrating for work and to develop a comprehensive strategy for action. The route maps for trafficking presented in our report may serve as useful data for the Joint Task Force.

One of the challenges of creating law and/or policy to protect individual and prevent trafficking stem from the current practice of dividing individual experiences to a particular type of trafficking e.g. sexual exploitation, labour, etc., instead of focusing on the elements of exploitation. It would be better to explore human trafficking within the continuum of exploitation, as there are linkages between labour trafficking and trafficking for CSE. Further, to deepen our understanding, it is important to adopt an intersectional approach in our understanding of exploitation as it impacts different gender, class and caste positions differently.

The issue of trafficking cannot be tackled by viewing perpetrators and victims as binaries or by defining strict boundaries between different forms of trafficking. The complexity of the issue demands that the criminal justice system as well as policy makers develop a more nuanced understanding of the issue. This understanding needs to percolate from the policy level to those responding to cases of trafficking at the ground level. If such a nuanced and sensitive approach is not adopted, it will only lead to our prisons getting populated with many who are already at the margins or are victims of socio-economic inequalities. For example, many victims end up becoming recruiters for trafficking women and minor girls into CSE, once they cross the age of 40 years (as cannot earn much through prostitution any more). If one criminalises such women, it will end up re-victimisation of victims. A rehabilitation approach with such women would be a more appropriate response.

Further, technology needs to be used effectively to identify those who are using such technologies at the lower rungs as agents and facilitators. Since trafficking is becoming a faceless and spaceless crime, the 'masterminds' of these networks often have no contact with the lower-rung agents in the network hierarchy. Instructions are communicated through phones or internet. Only the effective use of technology can combat trafficking, which is facilitated by technology.

Chapter 13

Recommendations

While the response by the State and the non-State actors are committed in their own ways to combat trafficking, the study has come up with recommendations based on the findings of the study. There is a need to intervene at the family and community level and also an active engagement with the State agencies to reduce trafficking. The multi-faceted and clandestine nature of human trafficking poses a challenge for effective prevention, victim protection, rehabilitation and prosecution related measures and policies. Its linkages with unsafe migration, labour exploitation and health problems underline the complexity of the problem and demand different approaches from all actors. Therefore, there is an urgent need for local, national, regional and international cooperation to combat human trafficking. The recommendations from this study are presented as under:

National Crime Records Bureau

Issues and Challenges

It was found that data relating to trafficking crimes were not maintained in uniform formats across states. Many states had their own formats for maintaining human trafficking data, thus making it difficult to compare data across states. The experience of the research team in collection of crime data across various states was found to be uneven. Some states, like Chhattisgarh, Maharashtra, Himachal Pradesh, and West Bengal had better systems of data collection compared to most states and some states did not share their data with the research team, despite repeated follow ups. There are multiple laws which need to be taken into consideration to account for human trafficking, which are outlined in our study, for example, ITPA, POCSO, JJ Act, Child Labour (Prohibition and Regulation) Act, Bonded Labour System (Prohibition) Act, Transplantation of Human Organs Act, IT Act, etc. The connection between these crimes and human trafficking need to be clearly worked out to ensure that the human trafficking aspect under these laws can be included when recording crime data pertaining to human trafficking.

Recommendations

- The NRCB needs to review the data points related to collation and compilation of data pertaining to HT across the country. A task group may be set up by NCRB to develop a robust data collation and compilation system, whereby crimes related to HT are covered in a comprehensive manner. Cases filed under Section 370 IPC, ITPA, JJ Act, missing children and women, laws relating to prevention of child labour, bonded labour, etc. should be identified and covered under this category. Care should be taken so that cases registered under laws like POCSO and JJ Act, where aspects of human trafficking are not present are not included under human trafficking data.
- Data pertaining to nationality of victims is being collected by NCRB since 2016. The same can be done for states of origin. This will help understand the intra-country routes of trafficking.
- The present format used by NCRB segregates victims by purpose of trafficking. The purposes published in Crime in India, 2016, includes forced labour, sexual exploitation for prostitution, other forms of sexual exploitation, domestic servitude, forced marriage, petty crimes, child pornography, begging, removal of organs and 'other reasons'. According to section 370 of IPC, Explanation 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. Consistency should be maintained in the two for better segregation and analysis of cases. At present, NCRB records cases under 370, 370A of IPC, as well as 363A, 366A, 366B, 367, 372 & 373 IPC (Crime in India, 2016, p. 512) under human trafficking. But as far as purpose is concerned, as many as 3824 victims were recorded under 'other reasons' and 2590 under 'other forms of sexual exploitation' in 2016. This means, in case of 27.74 per cent of the victims rescued in the year 2016, the purpose of trafficking is unclear.

- NCRB should have separate heads, which indicate the types of actions being taken under the various laws related to trafficking. The database should indicate the sections of ITPA, under which actions have been taken, so that it becomes clear whether the tilt of law is towards the victim or those involved in the running of the trade.

Anti-Human Trafficking Units

Issues and Challenges

In a number of states like Bihar, Odisha, Madhya Pradesh, Haryana, Maharashtra, Gujarat, Uttarakhand, Himachal Pradesh, Jammu and Kashmir, Andhra Pradesh, Telangana, Karnataka, Kerala, Assam, Arunachal Pradesh, Nagaland, Meghalaya, and Tripura, the AHTU personnel and KIs reported that they were either understaffed or not functional. The frequent change in postings of the officers and changes in their responsibilities prevented officers from making an intervention in a focused manner.

Our findings show that in most of the states:

- AHTUs were set up in a select few districts, instead of being based on an assessment of source and destination areas.
- The staff attached to the AHTUs did not have a comprehensive understanding of human trafficking and were not aware of the multiple laws under which victims could be rescued. For instance, trafficking for child labour was understood in terms of child labour and outside the purview of the work of AHTU. Similarly, the case of a young girl who is lured by a ‘fake’ lover may be misconstrued as a case of elopement.
- The limited number of female staff in AHTUs hindered the rescue operations.
- Some of the AHTUs reported not having vehicles and / or not having petty cash for travel expenses to travel to another state for carrying out a rescue.

- The reimbursement for the expenses often takes a long time and the officers felt demotivated to carry out rescue operations due to the scarcity of resources. In some instances, they asked the victim's family to arrange a ticket and accommodation for them so that they may travel to another state to rescue a victim.
- In addition, victims and respondents were not aware about the presence of AHTUs in their districts due to their obscure location.
- It was found that there was lack of coordination between AHTUs and different agencies involved in anti-trafficking work and rescue operations. For example, in border areas, there was lack of coordination between SSB or BSF with AHTUs and local police in carrying out anti-trafficking operations.
- At the district level, it was found in many states that there was hardly any coordination between the work of AHTUs, local police, GRP, RPF, Labour Department, DCPU, CWC, Childline and NGOs working on anti-trafficking issues.

Some good practices were found which could be replicated in other states, for instance, in Andhra Pradesh, Goa, Maharashtra, Delhi, Assam, Meghalaya, and Sikkim, rescue operations are conducted in assistance with NGOs working on anti-human trafficking. The presence of a social worker during rescue and post-rescue process is helpful while dealing with victims who may be traumatised.

Recommendations

- There should be at least one AHTU in every district, especially in source and destination areas. The location of AHTUs should be based on mapping of source and destination areas in the state. This study has come up with detailed State Human Trafficking Reports which highlight these districts in each state. There are reports by NGOs / academic institutions as well as government agencies

which can be collated by the state police, as well as their own intelligence sources to map out these districts.

- The AHTUs should be located at a prominent location in the district so that it is easily accessible to people. Information about the role of AHTU and its location in the district should be prominently displayed at major railway stations, bus depots and airports, in easy and local as well as English and Hindi languages.
- A minimum of two female police staff should be posted in each AHTU to assist in the rescue operations. This is important from the point of view of being able to strike a rapport with women and children being rescued so that victims feel safe and also are able to help in revealing information about agents and traffickers.
- Every AHTU should be adequately staffed with physical infrastructure like vehicle, communication equipment, internet facility, and funds to carry out rescue operations and awareness programmes.
- Police personnel attached to AHTUs should be oriented on issues of human trafficking and familiarised with Standard Operating Procedures (SOPs)⁴⁶ on prevention, rescue and investigation of cases of human trafficking. There are many such SOPs available in the public domain, for example, UNODC SOP on Investigating Crimes against Trafficking for CSE, 2007, NHRC SOP on Combating Human Trafficking in India (2017), Ministry of Home Affairs (MHA) SOP to Handle Trafficking of Children for Child Labour (2013), SOP on Trafficking of Persons in CSE by ARZ, Goa (2016), etc. These SOPs could be studied by a Task Group constituted by the NHRC and collated into a comprehensive SOP, which may be forwarded to MHA, GOI, for circulation to AHTUs across the country.

⁴⁶For detailed discussion on some important SOPs refer to Annexure 5: Important SOPs and Findings

- Two trained social workers (at least one of them being female) and one nodal NGO should be attached to every AHTU to support its work, especially related to counselling and guidance of victims. The funds for appointing social workers should be provided by the MHA. This is important from the point of view of providing post-rescue support and to facilitate the long-term rehabilitation of rescued victims.
- There is a need to create awareness about AHTUs among police personnel as it has been found that police personnel outside the AHTUs are often unaware about their existence. The AHTU should be asked to make a presentation about their work in the Crime Meeting held by the SP at the district level once in three months so that local police come to know about the importance of their work.
- Pictorial information about role of AHTUs (with address and phone numbers) should be displayed in prominent locations like bus stops, railway stations, and through stickers stuck on public transport vehicles, taxis and auto-rickshaws.
- AHTU should be notified by the state governments as a nodal agency for inter-departmental coordination at district level to coordinate between local police, RPF, GRP, DCPU, CWC, Childline, Labour Department, and NGOs working on anti-trafficking issues. The AHTU should organise quarterly meetings between these agencies to share experiences and review the situation and take effective action against HT. The MHA may issue an Advisory to state governments in this regard.
- The link between missing persons and human trafficking was first reported in the NHRC action research.⁴⁷ A high number of untraced persons may indicate the possibility of such persons having been trafficked. The Hon'ble Supreme Court, in a petition filed by Bachpan Bachao Andolan (BBA), has passed a landmark

⁴⁷Sen, S. and Nair, P.M. (2005). Trafficking in Women and Children in India. New Delhi, Orient Longman

judgment on the issue of missing children, which called for compulsory registration of cases by police of missing children with the assumption that they are victims of kidnapping and trafficking. The Missing Persons Bureau, the AHTU, and the CWC should coordinate on a monthly basis at the district level to monitor cases of missing persons.

- It was observed across states that response to trafficking of women was operating separately from response to violence against women. To bridge this gap in the understanding of trafficking and violence against women, it is suggested that all One Stop Centres (OSCs) started through funding by MWCD, GOI, should be linked with the local AHTU and should function in coordination with each other.

Box 13.1: Coordination between AHTU and OSC

One Stop Centres (OSC) were started under the 12th plan under the Nirbhaya Fund for providing shelter, police desk, legal, medical and counselling services, videoconferencing facilities to women affected by violence under one roof integrated with a 24-hour helpline. The centre administrator or caseworker is the first point of contact for a woman who approaches the OSC. They refer the woman to the facilities/services that she may need. The OSC Scheme (2017) clearly states: “Aggrieved women facing any kind of violence due to attempted sexual harassment, sexual assault, domestic violence, trafficking, honour-related crimes, acid attacks or witch-hunting who have reached out or have been referred to the OSC will be provided with specialized services.” Since the scheme includes trafficking in the list of violence against women, the AHTU should intimate an OSC as soon as a case of trafficking of a girl/woman is registered and the OSC may play the role of convergence between the various services/institutions whose support the rescued victims of trafficking need. This role of convergence and subsequent follow up may be facilitated better if a social worker is appointed to the position of a caseworker.

- AHTUs should maintain an online database so that information about cases of trafficking is available to all AHTUs in the district/s. This will help in tracking cases across districts of residence and trafficking.
- The Ministry of Home Affairs, GOI, came up with a ‘Comprehensive Scheme for Establishment of integrated AHTUs and ToT’⁴⁸ which had laid down detailed guidelines about setting up of Integrated Anti-Human Trafficking Units at the

⁴⁸<https://mha.gov.in/sites/default/files/Scheme-AHTU-SS-271011.pdf>

district level with financial allocation of 53.97 crores (including 4.16 crores for ToT to be implemented by the BPR&D, MHA), to cover 50 per cent of total police districts in the states. The MHA had suggested including this outlay in the Eleventh Five Year Plan for three year till 2012-13. This scheme should be reviewed in terms of whether it was implemented by the states and revived, if necessary, with sufficient financial allocation.

Box 13.2: Suggested Structure for AHTU

A senior police officer from the Uttar Pradesh cadre suggested the following human resource and other resources that must be present in an AHTU:
 AHTU to be headed by DySP in areas prone to trafficking and by an Inspector in other areas.
 Inspector: 1
 Sub-Inspector: 2
 HC: 2
 Male Constable: 2
 Female Constables: 4
 Computer Operator: 2
 ASI (Min): 1
 Four Wheeler: 1
 Computers, UPS and Internet

Police

Issues and Challenges

Police, being the first point of contact for victims and their families, have the responsibility of understanding specific cases of trafficking and incorporating relevant sections while filing the charge sheet. It was observed that the police often registered cases of trafficking under laws relating to domestic violence, marital conflict and child labour cases. It was also found that victims of CSE were processed for soliciting under Section 7 or 8 of ITPA or under local laws for indecent behaviour in public place (for example Section 110 of Bombay Police Act). This was done either to evade the cumbersome investigation process or due to a lack of understanding of the issue of trafficking. The inability to effectively investigate cases of trafficking often arises from scarcity of staff or resources. Further, a delay in the filing of FIRs increases the vulnerability of the victims.

Box 13.3: Issues of Escorting Rescued Victims

Women police constables have to face many difficulties while escorting rescued victims to their native places:

- Many problems are encountered at the time of handing over rescued children or women, at the destination point. Sometimes when the police reach the institution in the night, they refuse to accept the child.
- If the escort team reaches the destination town on public holidays or on Saturdays/Sundays, the children are refused admission into the institution. The police team has to make their own stay arrangements somewhere, along with the children. The children are accepted only when the Courts resume. For those two to three days, staying along with the children and bearing boarding and lodge expenses has to be done out of their own pocket, as there are no facilities available for their stay.
- While escorting the child, if the police are travelling by train, they are given only the train ticket. But, some children stay very far away from the railway station. The escort party has to take the child or woman to his village (as per Court or CWC orders) place. They do not get money for all these expenses. Even if the journey is for three days, the food expenses provided for the child is only INR 30, which is not sufficient. Therefore, the travelling expenses, police's out of pocket expenses, bus journey expenses as well as the child's expenses – all such expenses should be provided for.

The problems faced by police escorts should be taken up at higher levels of the administration, so that a tie up could be made with other States or districts from where the rescued girls and women are coming. Through effective networking, a working arrangement can be made to solve the problems faced by escorting teams.

Though the Court may have passed an order to escort the victim back to her native place within a specified time, the police are unable to escort the person to her village till they get advance from their department to do the job. In such circumstances, the police could write an application to the Court and get the date extended by one or two more months. In that case, the institutional authorities have to face the consequences of the delay in escorting. The Court should also inform the victims about the delay in providing the escort, in order to avoid problems in the Shelter Home.

Recommendations

- A compendium of laws relating to human trafficking and judgments relating to cases under various laws relating to human trafficking should be created by the National Police Academy and same may be updated every two years to be circulated to AHTUs, ADG Training of State Police, state police training academies, Central Academy for Police Training (CAPT), Bhopal, etc. The State Police may translate this document in the local language so that it may be easier

to communicate to the police at the ground level that interfaces with the community.

- The police, being the first point of contact, should take due cognizance of the cases by incorporating relevant sections in the cases brought before them to facilitate the process of justice for victims of human trafficking. For example, apart from ITPA or Section 370 IPC, other relevant sections may be added such as kidnapping, rape, wrongful confinement, POCSO, JJ Act, Child Labour (Prohibition and Regulation) Act, Bonded Labour System (Prohibition) Act, etc., as the case may be. An SOP of sections to be applied in different situations of trafficking may be developed by the State Police Training Academy by associating with HT experts and institutions.
- Police training academies should design and include in their syllabus special content on identification of victims of trafficking in community, public spaces, specialised structures (eg. hospitals, cinema halls) and on internet. Syllabus also needs to address police responses in extending outreach and support to victims of human trafficking during rescue, investigation, repatriation, etc.
- Community policing is the need of the hour not only to map vulnerable populations/places and the demand areas, but also to identify traffickers, ‘customers’, etc. and take prompt action with community support. The district police chiefs should encourage local police stations located in trafficking source and destination areas to design and implement such models. The police may involve women Self Help Groups (SHGs) in rural areas to assist the police in creating awareness against human trafficking and keeping vigil against potential traffickers. The *Swayangsiddha* Scheme being implemented in West Bengal entails the local police involving school and college youth, community groups and women SHGs to create awareness on trafficking of women and children and child marriage, and how to prevent trafficking.

- The Crime and Criminal Tracking Network and Systems (CCTNS) should include an application to generate reports on data related rescued women and children, missing persons, and arrested persons under anti-trafficking laws, so that there can be quick information sharing between districts and states to combat human trafficking.

Government Railway Police

Issues and Challenges

Railway stations and the railways have emerged to be important transit area for trafficking individuals. Women and children are often found seeking help at railway stations when the traffickers are changing hands or have abandoned the victims due to fear of a police surveillance. Railways also serve as an easy mode of transport across destinations in the country. This makes the role of GRP crucial in combating human trafficking. KIs reported that the GRP often misconstrued cases of child or women trafficking as those of runaway children or elopement cases.

Recommendations

- The GRP should work in close collaboration with AHTU and local police to prevent human trafficking and carry out timely and effective rescue of trafficked victims.
- The GRP should depute police personnel to patrol railway premises and scout for pimps and traffickers and take necessary and timely action.
- The GRP should set up help desks at major railway terminals or Tier I cities with two trained social workers (at least one of them being female) and two police constables (at least one of them being female) to provide guidance and help to potential victims and provide counselling and referral services to such persons, so that they do not fall into the trap of traffickers.

Sashtra Seema Bal and Border Security Forces

Issues and Challenges

States with an international border are highly susceptible to cross border trafficking and require the intervention of SSB or BSF as may be relevant. SSB or BSF are the first point of contact for those trying to cross the Indian borders. This puts them in a position to be able to intercept cases of trafficking alongside those of ‘illegal’ migration. It was found that while SSB personnel were alert to cases of human trafficking in many border districts, they were not empowered to register cases against traffickers and had to hand over the alleged culprits and rescued victims to the local police for further action. KIs reported that there was lack of effective communication between the local police and the SSB to ensure timely action and registration of cases of human trafficking. SSB personnel also indicated lack of sensitivity of the local police towards human trafficking cases in some districts and unwillingness to register cases against traffickers due to the procedures involved or the possibility of a nexus with traffickers. In cases of trafficking of women and children from Bangladesh, it was reported that some of the trafficked victims may be misconstrued as ‘illegal’ migrants and handed over by the BSF to the local police for further action.

Recommendations

- The SSB and the BSF should work in close collaboration with AHTU and local police to prevent cross border trafficking and rescue of trafficked victims. The MHA, GOI, may issue an Advisory to state police chiefs to set up a coordination mechanism between the local police, AHTU and BSF/SSB personnel in border areas.

Box 13.4: Repatriation of Foreign Nationals

Repatriation of foreign nationals is a complex issue, which calls for immediate attention. The women who are trafficked from Bangladesh and Nepal most often do not possess relevant legal documents and hence, their status is that of illegal immigrants. Therefore, in spite of the fact that they are victims, they are often processed as offenders, causing more distress to an already victimised person. Illegal immigrants from Bangladesh are often just pushed back at the borders. There is violation of human rights of these women.

This issue needs to be dealt at a diplomatic level by the Ministry of Foreign Affairs with the Governments concerned. There should be an attempt to view the problem of trafficking with a bilateral and multi-lateral approach. The nations concerned should devise an effective policy at the source areas and initiate preventive measures to stop trafficking from those areas.

In addition, based on the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, cooperation amongst member states should be sought so that they “they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination.”

Judiciary

Issues and Challenges

The ITPA, 1956, provides for special courts to hear cases registered under the Act. However, there is only one Special Court under ITPA, in India - in Mumbai. In other states, there is no special court dealing with ITPA cases. The ITPA related cases are therefore heard by magistrates who are not well versed trafficking issues. They are reported to sometimes not being well versed with provisions such as calling for a Social Enquiry Report by a Probation Officer once a rescued victim is produced before them (under Section 17 of the ITPA). It was reported by KIs that in many cases, traffickers forge documents and appear as parents/guardian of rescued victims and magistrates hand over victims to such persons without proper enquiry.

The delays in deciding ITPA cases was commonly shared by trafficked victims, shelter home staff, and CWC and law enforcement personnel across the country. The shelter home staff in Kerala, Delhi and Maharashtra shared that the court procedure goes on for years and the victims sometimes have to stay back in the shelter homes until they testify

in court. This leads to victim getting frustrated and treated like offenders, being forcefully kept in the shelter homes. It also leads sometimes to shelter homes being overcrowded. This is experienced more in cases of cross border trafficking, especially in the case of Bangladeshi victims. If the victims are repatriated before the trial starts, then their testimonies cannot be taken in court and the conviction of traffickers becomes difficult. Also, once the victim gets settled in their life, they do not wish to testify in court owing to reasons like being married, unwillingness to speak about the past, lack of logistical support and difficulty in identifying the victims' residential address.

Often traffickers and brothel keepers get acquitted despite evidence against them. They are arrested, produced before the court, charge-sheeted and the appropriate statements of the victims are submitted before the court, and yet it ends in acquittal. Hence, there is a need to sensitize judges, as they have become more disposal-oriented. There are certain limitations that judges also face. The courts decide the cases on the basis of the material produced before them; and sometimes, submission of improper material or insufficient material may lead to cases ending in acquittal. So, there is a need for special training for the investigating agency personnel with regard to the knowledge of each and every aspect of the laws concerned, the procedures, etc. which will help improve the quality of investigation.

Recommendations

- Testimonies of rescued victims should be conducted through video conferencing, especially in cases where the victims are repatriated or released from the protective home, to overcome the challenges in the production of victims. The TISS has developed an SOP for carrying out this process.⁴⁹ This SOP may be reviewed by the State Judicial Academies and circulated to the judiciary if found useful.

⁴⁹Standard Operating Procedures on Inter Jurisdictional Transfer of Evidence in Trafficking Crimes Through Video Conferencing (<https://www.tiss.edu/view/11/mumbai-campus/school-of-law-rights-and-constitutional-governance/standard-operating-procedures-on-inter-jurisdiction/>)

- Special Courts under ITPA, 1956, should be set up in major trafficking destination cities preferably presided by a lady magistrate. A panel of social workers should be attached to such courts to assist the court in rehabilitation of victims of CSE, as per the provisions of the ITPA.
- The testimonies of the survivors should be taken in advance by the ITPA courts if possible, or on a priority basis, so that survivors do not have to depose before the court when the trial process starts which usually takes 2-3 years to get completed. The video conferencing provisions may be utilised in such cases as well.
- Separate spaces should be allotted in court for the Public Prosecutor to brief the child and witnesses about court procedures. This will be a step ahead in ensuring that the courts are child friendly.
- Magistrates should ensure that the police file the charge sheet within the prescribed time limit. Delay in filing charge sheets leads to the accused becoming eligible for release on bail.
- Important judgments and SOPs on anti-human trafficking should be shared with the judiciary on a regular basis by the State Judicial Academies. The SJAs should organise consultations and workshops for the judiciary on human trafficking issues at least once a year, or include it as a module in their curriculum and calendar.

District Legal Service Authority (DLSA)

Issues and Challenges

DLSA can play an important role in providing legal guidance and aid to rescued victims and ensure their access to justice. An area of concern, across the country, with regard to access to justice has been the victims' lack of access to the NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015. It was observed that

hardly any victim of human trafficking is awarded compensation under this scheme or under section 357A of the Criminal Procedure Code.

Recommendations

- DLSAs should create legal awareness among the people about trafficking and unsafe labour and migration practices with the help of NGOs and their Para-Legal Volunteers (PLVs).
- Advocates from the DLSA panel should be appointed to provide legal guidance and aid to rescued victims by starting legal clinics in protective homes and they should be oriented to the laws related to human trafficking. One such Legal Aid Clinic for trafficked victims has been started by the Mumbai DLSA in the ITPA Special Court in Mumbai.
- DLSAs should provide compensation to rescued victims under the Victim Compensation Scheme under section 357A of the Criminal Procedure Code (CrPC).

National Legal Services Authority (NALSA)

- NALSA should devise a monetary compensation scheme for victims of human trafficking. This scheme may look at providing for financial support for housing or for setting up small enterprises for a sustainable livelihood.

Labour Department

Issues and Challenges

In different states across the country, the work of the Labour Department with regard to cases of child labour and bonded labour was found to vary. In some states like Tamil Nadu, Andhra Pradesh, Goa, Assam, Kerala, Telangana, Himachal Pradesh and Jharkhand and Delhi, the Labour Department focussed on child labour but did not consider bonded labour to be within in their purview of action. Overall, it was found that

there was lack of clarity about what constitutes labour trafficking among officials of the Labour Department. Elements of labour trafficking were often understood as inevitable forms of labour exploitation, for which the Labour Department officials reported neither having the staff nor the infrastructure to take action against.

It was found in some states such as Chhattisgarh that there is lack of clarity in the understanding the upper age limit for defining child labour. While the labour department officials in the districts regarded 18 years as the upper age to be considered as child labour, the CWC regarded 14 years as the upper age to be defined as child labour. This created a deadlock for reporting cases of child labour and hence the labour department was unable to provide data for the same.

Recommendations

- As per the Inter-State Migrant Workmen Act (ISMWA) 1979, the Labour Department are supposed to register establishments and labour contractors employing migrant labour who in turn are supposed to keep a register and record of migrant labour working under them. This provision should be implemented by the Labour Department and they should monitor if employers and contractors keep a record of migrant labour working under them.
- The Labour Department should maintain a record of migrants leaving their native place in source districts through gram panchayats and municipalities, by issuing migration cards specifying details about their name, ID proof, destination place, contact details of the placement agency (if any), name and contact details of persons with whom they are migrating, etc. Such a practice has been partially implemented in states like Jharkhand and Odisha.
- Placement agencies should be registered with the Labour Department and a law to regulate these agencies should be enacted, along the lines of the Chhattisgarh Private Placement Agencies (Regulation) Act – 2013 enacted in Chhattisgarh.

- Steps should be taken to ensure implementation of provisions made by the Ministry of Labour and Employment, GOI, in its scheme for rehabilitation of bonded labourers. This now includes female sex trafficking and child labour survivors as eligible to receive restitution and assistance.
- It is important to ensure that labourers get minimum wages as per the Minimum Wages Act, 1948. The ISMWA is supposed to ensure that migrant workers get minimum wages. The Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 (27 of 1996) provides for worker benefits. It was found that these laws are poorly implemented across states. The state Labour Departments should set up a monitoring cell with adequate human resources to ensure proper implementation of these laws. The provision of minimum wages will prevent exploitation of labour, which comes under the purview of trafficking under section 370 IPC. Also, it will prevent distress migration and thus prevent trafficking.
- Brick kiln workers may be brought under the purview of The Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996, by making suitable amendments in the law, so that they may get the same benefits as construction workers.
- The Labour Department should share information available with it on child labour in any establishment with police, AHTU or other rescuing agencies to help in rescue efforts. In fact, in several states it was observed that the Labour Departments carried out rescue operations of child and bonded labour with the help of local police, AHTU and local NGOs.
- The Labour Departments should maintain data on rescue and rehabilitation of child and bonded labour in uniform formats developed by the Ministry of Labour and Employment, GOI. Such data should be available online.

Child Welfare Committees

Issue and Challenges

The CWCs in Kerala, Maharashtra, Delhi, Assam, Bihar and Madhya Pradesh shared that the trafficked children undergo multiple levels of trauma and abuse, hence the rehabilitation process is very challenging. The prolonged sexual, mental, and emotional abuse causes psychological trauma to the victims. A KI in Kerala shared that many of the children brought under the pretext of educating them are suspected to be slow learners. It was reported by KIs that the rescued children were unable to testify effectively against their abusers as child abuse is often carried out under the garb of showering affection towards the victims. Due to their traumatic experiences, and breakdown of trust by known and unknown person at multiple levels, it becomes difficult for these children to trust new persons. The CWC has large number of cases to handle and sometimes is not be able to devote qualitative time to deal with individual cases. This also leads to delays in preparing individual care plan. The lack of professional social workers/counsellors hinders the process of enabling the victims to come out of trauma. Professional and trained social worker / counsellors can handle such cases with skills and expertise in understanding the body language of the children; and build trust and rapport with them.

The CWC, across states, reported difficulties in functioning due to poor infrastructure, vacant posts and contractual position of staff members, which makes it difficult to follow up on cases. The lack of coordination between CWC and DCPU and between CWCs in different states also proved to be a hurdle in the effective management of cases of child trafficking.

The condition of shelter homes was reported by KIs across states to be lacking in adequate and trained human resources, and physical infrastructure required to minimum standards for the care and treatment of children. Monitoring of Child Care Institutions (CCIs) is usually carried out by the DWCD, which runs shelter homes as well as provides financial assistance to homes run by NGOs. Despite the presence of such monitoring mechanisms, cases of neglect and abuse have been reported in CCIs across the country

from time to time, the most recent being the TISS (Koshish) report of the state of shelter homes in Bihar. Since the CWC is a judicial body, it could play an effective role in carrying out random and selective checks on shelter homes under their jurisdiction and add a layer of accountability to existing systems. This is also important from the point of view that the CWC sends children in need of care and protection to such institutions for their care and upkeep.

Recommendations

- CWC members' posts should be made full-time so that the members can focus on their role as CWC members and follow up on cases over a period of time.
- A trained professional social worker and counsellor should be appointed attached to CWC to provide psycho-social support and services to the children. The funding for this should be provided by the DWCD. Having a professional social worker and counsellor in the bench can bring individualised casework approach and long-term rehabilitation plan for the child. Hence, a full-fledged team at CWC bench with professional social worker and counsellor focusing only on casework can be vital for trafficked child's progress.
- A duty counsel from the District Legal Services should be especially attached to CWCs, after special training, in order to inform CWC members about possible legal action that needs to be initiated, and advise on matters like compensation and civil rights of victims of trafficking.
- CWC members should be given training on HT and they should be sensitised to situation of children who are vulnerable to being trafficked.
- DWCD should organise an annual state level workshop for CWCs and DCPUs to discuss the issue of HT and share best practices, challenges, and way forward.
- CWCs should carry out random and selective checks and inspections of CCIs in their jurisdiction from time to time. Random checks and inspections will help

prevent exploitation of children or malpractices that may be going on in CCIs which may lead to re-trafficking of children.

- In the states of Goa and Maharashtra, it was found that partnerships were put in place between the State and NGOs. The trained social workers and counsellors from NGOs were available to provide inputs in cases brought before the CWCs and to provide psychosocial care to victims. It is suggested that CWCs should associate with a nodal NGO in the district which works on HT issues to give advice on HT related matters.
- The Hon'ble Supreme Court, in a petition filed by Bachpan Bachao Andolan (BBA), in 2013 passed a landmark judgment on missing children, issuing directions for compulsory registration of cases by police in cases of missing children with the assumption that they are victims of kidnapping and trafficking. Therefore, in case of missing/ runaway children and child labour, investigation should be done to identify if the child is a victim of trafficking, before s/he is restored/ repatriated or institutionalised.
- There is a need to develop a mechanism for regular follow up of cases of children handed over to relatives. Para-social workers may be appointed for carrying out regular home visits and paid from funds allocated for this purpose by the MWCD and the state governments (DWCD) on cost sharing basis. Para-social workers can be created by training youth, who have qualified in the higher secondary examinations, in social work skills. This may be done with the help of social work colleges in various states, and they can be paid a monthly honorarium to support the work of CWCs, since there is a shortage of probation officers and child welfare officers.
- It was found in the NE states that tribal councils have a lot of influence over their communities in family and social affairs. This can be used in a positive manner by the CWCs by organizing workshops with members governing the customary

laws in tribal areas to make them aware of the issue of human trafficking, their role in combating the menace and the need to collaborate on the same.

- It has been reported by KIs across states that the traffickers produce false documents and pose as parents/guardians of rescued children before the CWCs. Child welfare officers and probation officers responsible for preparing the social enquiry reports should do a thorough check about the credentials of such parents/guardians and sensitise the CWC members to such dangers to ensure that the orders passed for rehabilitation do not result in re-trafficking of the child.

Childline

Issues and Challenges

It has been observed that the functioning of Childline with regard to prevention of trafficking of children and aiding the rescue of trafficked children is uneven across districts and states. In some states like Bihar, Manipur, Odisha, Rajasthan, Jharkhand, Tamil Nadu, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Nagaland, Telangana, Tripura, West Bengal, Uttar Pradesh and union territories such as Chandigarh and Delhi, Childline has been working in collaboration with local police and NGOs working on child rights in an effective manner. Coordination with stakeholders can be strengthened in most other states. KIs and officials from Childline reported that they faced funding crunch which impacted their ability to effectively intervene in cases of rescue of trafficked children and carrying out prevention activities. Often, the ability to intervene effectively depended on the resources available with the NGOs that anchored the Childline project in the district.

Recommendations

- Funding for Childline Units by the MWCD should be substantially increased, especially in terms of salaries, increased number of personnel, travel expenses for staff, ambulance and vehicle, office maintenance costs, and funds to organise meetings and workshops.

- Experts on human trafficking by State and non-State agencies should provide regular training (at least once in six months) to every zonal Childline Unit. The DWCD and SCPCR should identify such experts and associate NGOs and academics to organise these trainings.
- Childline staff dealing with 1098 telephone calls should be trained to provide immediate response when needed and pass the information related to child trafficking and photographs of missing children to AHTU, Missing Persons Bureau, local police, and trackthemissingchild.com (initiated by the MWCD) and other such online platforms working on missing children.
- The Child Help Desks set up at 33 major railway stations may be expanded to other major railway stations and bus terminals in major cities in a phased manner. The Child Help Desks may also be set up in smaller stations which are often used as transit points for trafficking children.
- Childline should work in collaboration with CWC, DCPU, GRP, RPF, AHTU, Labour Department, DCPU and NGOs to prevent HT and rescue child labour and children in CSE. Childline should depute one staff in the district to arrange quarterly meetings with these agencies in the district to ensure collaboration between them.
- Childline should engage with religious leaders and faith-based organisations to work towards prevention of children into begging near religious institutions and sites. Children in Uttarakhand, Punjab, Jammu and Kashmir, Himachal Pradesh, Andhra Pradesh, Bihar, Assam, Kerala, Maharashtra, Madhya Pradesh were found begging at such sites. Such children should be motivated to join schools or non-formal classes may be started for them at these sites.

District Child Protection Unit

Issues and Challenges

It was reported in some states that there was lack of effective coordination between the DWCD District Officials and DCPU staff. In addition, the contractual position of the DCPU staff and overburdening them with multiple responsibilities limits the ability of DCPU to function effectively. It was observed that DCPUs and AHTUs have weak or no linkages. This needs to be bridged.

Recommendations

- The AHTU should involve the DCPU in its work. DCPUs must strengthen redressal mechanisms for children living in institutions, by instituting a system of maintaining and opening of a grievance box once a month in the presence of an NGO working on child rights.
- Information about children dropping out of school and those having below minimum attendance needs to be taken cognizance of by the DCPU. Such information can be sourced from the District Education Officer. Investigation into the reasons for high level of drop outs can pay dividends in preventing child trafficking.
- Assistance from *anganwadi sevikas* may be explored for identifying children who are not attending school, and for making home visits to make enquiries about the reason for non-attendance. A joint consultation with DCPU, Education Department, and select NGOs should be convened by the District Officer, DWCD, to find effective ways to address the issue of children dropping out of schools, especially girl children. Children of female headed HHs / single parent families should be provided with monthly financial support to ensure that they do not drop out of education. Lack of access to education increases the vulnerability of children to trafficking.

- DCPU staff should be appointed for longer term contracts (three to five years) instead of current practice of one-year contracts, so that they are able to work with continuity. They should preferably hold a Masters degree in Social Work or have relevant experience of working with the children.
- The DCPU should strengthen their co-ordination with DWCD staff, CWC and Childline staff in the district.
- DCPU should organise *bal hakk melas* in collaboration with Childline, Labour Department, local police, AHTU and NGOs in source districts / sites known for HT to sensitise stakeholders about child trafficking issues. The events should include street plays, performances by cultural troupes / folk artistes, poster displays, and fun and fair events to enthuse children to come and participate in these events.

State Commissions for Women and State Commissions for Protection of Child Rights

Recommendations

- The State Commissions for Women and State Commissions for Protection of Child Rights should set up an Anti-Human Trafficking Research and Advocacy Cell with trained personnel for research, training and advocacy on human trafficking with State and non-State actors.
- The Commissions should jointly organise an annual workshop with key stakeholders to understand the dimensions, magnitude and scale of trafficking; strategies adopted by traffickers and emerging forms of trafficking; redressal mechanism and policies, and programmes to combat human trafficking, and need for networking between State and non-State actors.

National Commission for Women (NCW)

Recommendations

- It is recommended that a working group with representation from the MWCD, GOI, civil society, and academia be constituted under the auspices of NCW to arrive at a draft rehabilitation scheme for trafficked women. This scheme should take into account the rehabilitation needs of women not residing in shelter homes but may be living in the community and unable to move out of CSE due to lack of supports.
- The NCW should set up an Anti-Human Trafficking Research and Advocacy Cell with trained personnel for research, training and advocacy with State and non-State actors.
- The NCW should organise an annual workshop with key stakeholders to understand the dimensions, magnitude and scale of trafficking; strategies adopted by traffickers and emerging forms of trafficking; redressal mechanism and policies, and programmes to combat human trafficking, and need for networking between State and non-State actors.

National Commission for Protection of Child Rights

- ❖ NCPCR may set up mechanisms for close coordination with local officials, for example, with Panchayat officials, *anganwadi sevikas*, Asha workers, etc. at village level, and block, district and state level officials from the Department of Women Child Development and the police to seek and track information about any child at risk/ missing child/ vulnerable child /trafficked child /any child deprived of any entitlements.
- ❖ NCPCR should act upon any information / complaint received from any person / civil society organization about violation of the rights of the child. This is important as different forms of child abuse and neglect have important connections with the child ultimately getting trafficked.

- ❖ NCPCR should monitor and ensure the trafficked children receive benefits / compensation as prescribed by law/ policy / scheme
- ❖ The NCPCR should carry out social audits of children's institutions to ensure that victims of trafficking are not exploited, abused or re-trafficked due to lack of minimum standards as far as care, treatment and rehabilitation of children are concerned, or to prevent their abuse or exploitation
- ❖ The NCPCR may set up a special task force for prevention, of trafficking, identification of victims and their rehabilitation, in conjunction with State Commissions for Protection of Child Rights. The role of this task force would be to act as a nodal agency specially dedicated for the purpose of combatting child trafficking.

State Tourism Departments

Issues and Challenges

Tourist destinations are important sites for trafficking of women and children for CSE, begging and labour. This has been particularly observed in states such as Goa, Kerala, Himachal Pradesh, Jammu and Kashmir, Uttarakhand, Sikkim, Tamil Nadu, Uttar Pradesh, Rajasthan, Punjab, Maharashtra, Madhya Pradesh, Bihar, Meghalaya and Chandigarh.

Recommendations

- The Tourism Departments should co-fund setting up of tourism police in areas of tourist interest, as has been set up in Goa, to patrol and prevent trafficking of human trafficking victims and help in effective and time rescue of victims, in collaboration with AHTU and local police. The Ministry of Tourism and the MHA, GOI, may partially fund this scheme.
- The Tourism Departments should develop and provide IEC material to hotels, restaurants, spas, beauty parlours, etc. in tourist destinations to be put up in their premises. The IEC material should contain information about what constitutes human trafficking, precautions to be taken by people to ensure that they do not

promote human trafficking, and names and contact details about AHTUs, Childline, and NGOs working on anti-human trafficking issues, in case citizens or potential victims need guidance and/or help.

Disaster Management Departments

Issues and Challenges

In states such as Uttarakhand, West Bengal, Uttar Pradesh, Tamil Nadu, Maharashtra, Sikkim, Rajasthan, Odisha, Madhya Pradesh, Jharkhand, Chhattisgarh, and Assam, disaster induced migration was observed. Disaster induced displacement and economic deprivation make individuals and communities vulnerable to trafficking.

Recommendations

- Sensitisation workshops should be conducted for the State Disaster Management officials on the lines of training given to NDRF personnel. This would ensure quicker response during times of natural disasters to prevent trafficking.
- Disaster management needs to extend outreach beyond immediate rescue and crises support, towards rehabilitation and restoration of affected persons, by addressing concerns about livelihood, physical and mental health, children's education and care, and shelter.

Department of Women and Child Development (State Governments)

Issues and Challenges

It was observed across states in country that number of shelter homes and protective homes for trafficked women and children were highly inadequate. As result of this, trafficked victims are either taken to shelter homes located in far off places or kept in short-stay homes where their requirements for a long term rehabilitation plan are not fulfilled. The officials face difficulties while transferring victims from the district to the state capital or other districts of the state. Often, children are also restored to their

families due to the scarcity of CCIs. Across the country, it was observed that there were insufficient numbers of *Swadhar Grehs* and *Ujjawala* homes,⁵⁰ despite the schemes being available under the MWCD, GOI.

Recommendations

- The *Ujjawala* Scheme was initiated with the objective of prevention of trafficking, rescue, rehabilitation, and reintegration of the victims of CSE. It was observed that in some states, there was lack of awareness about the *Ujjawala* Scheme, and this was indicated by the lack of admission in Homes. The DWCD should organize awareness programmes in the community and with NGOs working with women and children about the *Ujjawala* Scheme.
- The DWCD should assess the number of Children's Homes available in each district and make provisions for setting up homes specifically for survivors of trafficking, wherever necessary.
- Schemes like *Ujjawala* and *Swadhar Greh* needs to be better funded and made more functional through periodic social audits.
- State run protective homes should be established in all destination districts of CSE, for adult victims of human trafficking.
- The DWCD should focus its programmes and schemes on the economic empowerment of women. This will be an important step in facilitating the prevention of trafficking of women.

⁵⁰For a detailed discussion on the *Ujjawala* Scheme and the proposed revisions refer to Annexure 4: Recommendations for *Ujjawala* Scheme and *Swadhar* Scheme: With Specific Focus on Women.

Ministry of Home Affairs

- For speedy repatriation of cross border victims, it is important to develop partnerships and MoUs between Ministry of Home Affairs, Ministry of External Affairs and nodal NGOs from the countries where the victims are to be repatriated.

Ministry of Human Resource Development (MHRD)

- MHRD should provide grants to state governments to establish and monitor residential schools for migrant labourers' children in the most vulnerable districts, as has been done in some districts of Telangana.

Ministry of Women and Child Development

- The anganwadi workers can play an active role in remaining watchful towards children in the villages whose parents have migrated. Such children, especially young girls could be vulnerable to being trafficked by local persons under the lure of employment or marriage.
- The Ministry should provide funds to NGOs to organise awareness generation programmes on the issue of human trafficking.

Box 13.5: Coordinating Mechanisms

No state, except Maharashtra⁵¹ has reviewed the rules of the ITPA after it was amended in 1986. The Ministry of Women and Child Development, Govt of India, in consultation with the state governments, could frame Model Rules, along with the lines of Model Juvenile Justice Rules. The issue of coordination – how, what structure should be, mechanisms between police, judiciary and the institutions should be built into the Act itself or at least in the rules. Hence, coordinating mechanisms need to be constituted within the States and they can provide their inputs that are monitored and sufficiently highlighted in the State government.

⁵¹ Maharashtra revised its State ITPA Rules in 2010, based on draft rules prepared by Prayas (TISS) and wide ranging consultations with civil society organisations.

- The Ministry should issue guidelines to state governments to ensure regular social audit and monitor the facilities at the existing homes under the *Ujjwala* and *Swadhar* schemes.

Box 13.6: Steps towards Combatting Human Trafficking with Special Reference to Women and Children⁵²

A plan of action for implementation may aligned under three focus areas: Prevention and Protection (area development and access to schemes), Rescue and Investigation (crime prevention and identification/rescue of victims, interrogation of offenders), Rehabilitation and Social Re-integration.

The Ministry for Women and Child Development may constitute Nodal/Interdepartmental committee(s) to explore implementation of recommendations of this study. Recommendations could also be invited from public and state agencies. Recommendations could be classified under the three areas listed above. Committee(s) may comprise of representatives of Ministries and Departments of Labour, Police, Judiciary, Colleges of Social Work, Law, Police and Judicial Academies, Social Justice and Empowerment, Electronics and IT, Tourism, External Affairs. A scheduled time bound plan with priority areas could then be identified and structures explored for implementation in individual states. NGOs and Academies/colleges of social work, law, police and judiciary could act as resource persons for committee(s).

Steps to Combat International Trafficking

NORKA and the Protector of Emigrants: The Ministry of External Affairs has started a grievance portal “Madad” with the aim to locate and repatriate missing Indian nationals in other countries. The duties of the Department of Non Resident Keralite Affairs (NORKA) office include tracing missing personnel abroad, assisting persons trapped in foreign countries facilitating their evacuation from abroad, assisting repatriation in case of difficulties with sponsors (employers), and facilitating release of trafficked prisoners abroad. The lack of awareness about the existing official channels such as e-portals for international travels leads to victims falling into the hands of agents who exploit them under the pretext of employment. In cases of workers who have not studied above the

⁵²Refer to Annexure 6: Scheme for Rehabilitation and Social Re-integration of Women Trafficked for Various Forms of Bondage and Exploitation (with specific reference to commercial sexual exploitation and domestic servitude)

matriculation level or have not submitted their 10th pass certificate, unskilled or female workers above the age of 30 years going abroad for employment, an Emigration Check Required (ECR) stamp is to be obtained before leaving India. However, legal channels like ECNR (Emigration Check Not Required) are used by the unauthorised agents to traffic women above the age of 30 on the pretext of the tourist visa. The passport holders from India who have the stamp of ECNR do not require emigration clearance from Protector of Emigrants (POE) for going to any country.

Recommendations

- ❖ Mechanisms and protocols for collaboration between Indian and foreign governments should be worked out to record and track data on persons going abroad for domestic work or unskilled labour jobs. The data should include their travel itinerary, employment details and arrest record if any.
- ❖ People migrating to gulf countries should be oriented about the channels of recruitment and informed of contact helplines in their regional language.
- ❖ Help desks should be set up in the Indian embassies in destination areas with counselors who can provide psycho-social support to rescued women.

Social Media Platforms

Issues and Challenges

This study has revealed that the social media platforms like WhatsApp, Instagram, Signal, Telegram, Hike, JustDial, PayTm and Facebook, Happen, Tinder, Badoo, Aisle, ChatMe, Veego, CamTalk, Woo, Globor Life, Kik, Tagged, Snapchat, and Twitter are being abused to traffic women/girls by way of deceiving and luring them. Some websites such as locando, X vedio2 are also used for the purpose of cyber-sex trafficking. While the use of social media platforms has facilitated different forms of trafficking, the qualitative data from the study suggests that this is most prominent in cases of trafficking for commercial sexual exploitation and cyber-sex trafficking.

There are multiple ways in which women are lured or deceived by the network of traffickers. First, they may pose as lovers by way of making 'friendship' and later proposing marriage; second, pictures of girls may be solicited on social media platforms; third, jobs at spas or beauty parlours may be advertised but the motive is to recruit women and girls for CSE, fourth, suggestive pictures of minors are uploaded which advertise the 'benefits of engaging sexually with minors'. Traffickers often make false accounts on social media platforms and in addition, the use of the 'dark web', 'onion websites', bit-coins and crypto-currency has added to the conspicuous nature of trafficking syndicates. Social media platforms, therefore, are used as a means to: communicate, network, recruit, deceive, lure and carry out monetary transactions for the purpose of both cyber-sex trafficking as well as for mobilising women and girls from one part of the country to another for sexual exploitation.

The job of luring or deceiving that was once performed by an individual no longer requires anyone's physical presence. The girl/woman herself strategises how to leave her home in the lure of a better life. Once the girl/woman has been isolated from her support systems, the trafficker reveals their motives through exploitative practises and only then does the reality of her situation dawn upon her. The increased use of technology by syndicates of trafficking has posed new challenges for the criminal justice system to combat human trafficking. The possibility of being invisible and faking identities on the internet has not only made the traffickers more elusive but has also increased the vulnerability of the victims. The use of technology has made trafficking a faceless and spaceless crime.

Recommendations

- Social media platforms must check for advertisements which seek to lure young girls and boys on pretext of false promises of jobs and report them.
- Any sort of child pornography or pictures of children being solicited should be pulled down immediately and police should be informed of the same.

- Pages/groups on social media platforms which promote sale of humans in any way should be pulled down and the IP address of those hosting these websites should be traced and reported.
- Payments made through bitcoins need to be tracked to ensure it is not done for the sale of humans.
- Social media platforms must put up advertisements on its website (where commercial ads are displayed) to raise awareness about human trafficking and the *modus operandi* of trafficking used on social media platforms. This could help prevent recruitment, networking, luring, and deceiving through social media platforms.

Broad Recommendations

Role of BIMSTEC and NIA

- Initiatives such as the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) agreement and the recent National Investigation Agency (NIA) amendment 2019 will help in collecting and sharing intelligence relating to trafficking for the purpose of terrorism and in combating misuse of social media and cyber space. The BIMSTEC agreement should be used effectively to tackle cross border trafficking. However, the efforts of these should be targeted at the lynchpins, funders and syndicates of trafficking to ensure that those at the margins of social hierarchies are not marginalised further.

Role of Education System

- The school syllabus must include issues like gender equality, female foeticide, child labour, especially for classes until secondary level.
- The state Education Departments must reach out to the children of migrant workers and enrol them in formal or informal education and prevent them from joining workforce.

Self Help Groups

- NGOs and Gram Panchayats must organise women through formation of SHGs in the villages. These SHGs can be the platform to sensitize women about their rights, apart from economic empowerment. SHGs can provide a space to focus on women's issues such as domestic violence, bride trafficking, sexual harassment, and child marriage.

Health Department

Issues and Challenges

Female foeticide, child marriage and socio-cultural practises of marginalisation of the girl child in states like Rajasthan, Haryana, Uttar Pradesh, Madhya Pradesh, Gujarat, Punjab results in skewed sex ratio due to which the number of girls which reach a legal marriageable age is less in number in comparison to men. As a result, females from other parts of the country are trafficked as brides to these states. Thus, there is a strong connection between female foeticide, child marriage and bride trafficking.

Recommendations

- Health Department must tighten its systems to take action against health professionals facilitating female foeticides. Hospitals, clinics and nursing homes should be checked regularly. All complaints of such practice must be taken seriously and properly investigated.
- Staff of hospitals and primary health centers must be given special training on identification of victims of trafficking, and necessary steps to be taken to ensure protection and rescue.

MGNREGS

Issues and Challenges

From the HH survey, it was found that only about 53 per cent of the households held a MGNREGS card. Gujarat (9.5 per cent), Karnataka (10.1 per cent), Haryana (12.8 per cent), Uttar Pradesh (23.8 per cent), Punjab (29.1 per cent) were the five states with the lowest number of HHs with a job card. However, it was also observed that holding a job card was not sufficient to receive work under the scheme as more than one-third of the HHs did not work in the scheme over the past 365 days.

Table 13.1: Percent Distribution of HHs according to the Availability and Utilisation of MGNREGS Card

Job Card held by HH	N	%
Yes	19,433	53.2
No	16,558	45.4
No Response	516	1.4
Total	36,507	100
Worked under MGNREGA in the last 365 days	N	%
Yes	12,977	66.8
No	6,456	33.2
Total	19,433	100

MGNREGA aims to provide at least 100 days of wage employment to the participating household. However it was observed that of the 12,977 HHs from which members worked under the scheme over the last year close to 40 per cent worked for less than 30 days. Chhattisgarh (61.7 per cent), Maharashtra (60.2 per cent), Gujarat (59.3 per cent), Puducherry (58.7 per cent) and Jharkhand (55.3 per cent) recorded the highest number of HHs with less than 30 days of employment under MGNREGS. Telangana (65.8 per cent), Bihar (57.5 per cent), Gujarat (47.3 per cent), Karnataka (46.4 per cent) and Jammu and Kashmir (46 per cent) recorded the least employment under MGNREGS.

One-fourth of the HHs earned less than INR 2,500 from the scheme. Close to 18 per cent earned more than INR 10,000 and 26 per cent did not wish to respond about the income received from the scheme. Although the numbers are not significant, it must also be noted that 142 HHs did not receive any remuneration even after working in the scheme.

Table 13.2: Percent Distribution of HHs where at least one Member Worked under MGNREGS according to Number of Days Worked and Remuneration Received

Number of Days worked under MGNREGS	N	%
Less than 15 Days	2,727	21.0
15-29 Days	2,355	18.1
30-99 Days	4,435	34.2
100 Days and Above	1,741	13.4
No Response	1,719	13.2
Total	12,977	100
Remuneration received for work under MGNREGS	N	%
No Earnings	142	1.2
Less than 2,500	2,908	24.9
2,500- 4,999	1,715	14.7
5,000- 9,999	1,805	15.4
10,000 & Above	2,076	17.8
No Response	3,047	26.1
Total	11,693*	100

** Does not include figures for Jharkhand due to missing data*

It should also be noted that of the 17,839 HHs from where at least one household member migrated, 10,589 (59.4 per cent) of the HHs held a MGNREGA Job Card. One of the reason for migration could be attributed to not receiving work and/or the poor wages paid under the scheme (see Table 3.8).

Recommendations

- MGNREGS needs to be strengthened by ensuring payment of wages within a week to ten days to those working under the scheme.
- Provisions of MGNREGA related to women ensuring that one-third of the workers are women and provision of crèche facility should be implemented at every work site, as far as possible.
- Steps should be taken to ensure MGNREGS works are initiated in source districts across the country. The Ministry of Rural Development should issue an advisory

to state governments to this effect. A list of these districts may be collated from this study as well as information from NGOs and AHTUs.

Box 13.7: Steps towards Preventing Human Trafficking

Areas should be identified in the states with the twin objectives of awareness generation and generation of viable economic options, extending the various government welfare services and anti poverty schemes to even remotest areas, including efforts to access citizenship rights e.g. voting rights, application of schemes for welfare of women and children, SC/ST/OBC, opening of bank account, etc.

Chapter 14

Best Practises

Andhra Pradesh

State Plan of Action: Andhra Pradesh is one of the states to have created a State Plan of Action to combat human trafficking. It has initiated the Victim Compensation Scheme. The state also has a proactive State Advisory Committee to coordinate convergence among various stakeholders. Government of Andhra Pradesh issued G.O.Ms. No.16 that may be adopted and followed by the Centre and all state governments in addition to the necessary provisions laid down in the JJAct and rules to protect minors. One of the biggest contributions from the state has been the Minimum Standards of care that must be followed by institutions and service providers providing protective and rehabilitative facilities to victims of CSE.

Arunachal Pradesh

Puroik Welfare: The state government has taken some measures to curb the practice of slavery among the Puroik tribe. A residential school has been started in East Kameng district, and 80 children are currently enrolled. However, parents are unwilling to send their children to school and some have become antagonistic to the Puroik Welfare Association. Some KIs suggested that the exploitative relations have been internalised, and change is difficult to be accepted. There is also a lack of alternative employment. There are demands for an Autonomous Puroik Welfare Board, after other measures that attempted to secure representation have tapered away.

Assam

District Child Protection Unit: DCPU in Lakhimpur is actively working on the issue of human trafficking. They create awareness in the villages on child protection and trafficking. They intervene in the trafficking cases that they come across during the awareness sessions. The Protection Officer (Institutional care), DCPU stated that they face a number of challenges in cases where the parents are found to be responsible for the

trafficking of the child. In such cases, even after rescue, they have no other option but to hand over the child to the parents.

Bihar

During 2001, the CID Bihar had issued advisory and police orders on addressing trafficking crimes. The Department of Social Welfare, in 2008, formulated the State Plan of Action for the prevention and combating trafficking of human beings (known as ASTITVA). Standard Operating Procedures (SOP) were also set up to redefine roles and responsibilities of all involved in the implementation of Astitva.

Chhattisgarh

The Chhattisgarh Private Placement Agencies (Regulation) ACT, 2013: As per a KI, Chhattisgarh has a unique regulatory system of placement agencies in the state under the Private Placement Agencies (Regulation) Act 2013 which makes it mandatory for all placement agencies to procure a license for functioning legally. This regulation was brought into force to deal with unsafe migration from the state. And further, at the village level, each person going out of a village has to get registered with the Sarpanch of the village. This registration for the out-migration hardly happens at the village level. Many Sarpanch also complained of migrants not informing them before leaving.

Delhi

Delhi police have launched an initiative called Operation Nirbheek to prevent sexual harassment of school and college going girls. The dialogue with women police officer and girls is an attempt to create awareness on crimes. The young children are educated on 'good touch' and 'bad touch'. The girls can share their ordeal either verbally or through written complaints. Letterbox is installed outside the school premises for the girls to write their complaint, which could involve any person behaving inappropriately with her. These boxes are examined on a weekly basis and accordingly investigation and cases are registered.

Goa

Prabhat Scheme: The government of Goa has a unique scheme called Prabhat, which was formulated following the directions of the Supreme Court in the case of Budhadev Karmaskar v. State of West Bengal. This involved a case of the murder of a prostitute, which was later converted to a *suo moto* Public Interest Litigation (PIL) by the Supreme Court so as to look into the rehabilitation of women willing to leave CSE. The scheme Prabhat was the brainchild of NGO ARZ and the submission of the government of Goa following the orders in this PIL. A monitoring committee formed under the scheme includes social workers, police, doctors, a member of the local chamber of commerce and industry, and most importantly victims.

Gujarat

Building and Other Construction Worker's Welfare Board (BOCWBB): In Gujarat, BOCWBB was formed under Rule 36-2004 of the State Building and other Construction Workers (Regulation of Employment and Conditions of work). In Ahmedabad, the Ajeevika Bureau is assisting construction workers to register under the scheme. The scheme provides INR 1 Lakh health insurance and INR 2 Lakh as compensation towards accidental death. Recently the government has started packed food for *naka* workers and construction workers at INR 10. In the case of childbirth, there is a provision of INR 7000 for female construction workers. This is applicable for up to two deliveries. The Board also provides for a scholarship for children and for housing. The government has also provided tents to construction workers for their stay.

Himachal Pradesh

Samarth Scheme: The state government has tried to take some measures to empower girls and protect them from crime, under the 'Samarth Scheme'. To instil confidence in girl

students of schools and colleges in the state, the scheme has been started under which the state police personnel are giving them unarmed combat (UAC) training.⁵³

Jammu and Kashmir

The police, to curb the rise of drugs among the youths and eradicate the menace of narcotics drugs, launched operation Sanjeevani. The senior police official of Udhampur has taken the initiative to create awareness and provide counselling to the youth.

Jharkhand

Jharkhand State Action Plan to End Child Marriage: Child or Early Marriages have been linked to vulnerability to trafficking as well. The State government has been making efforts to reduce the incidences of child marriages. The DWCD and Social Security, Government of Jharkhand has formulated the Action Plan to end Child Marriage. It is aimed at empowering adolescent girls and boys and includes interventions such as actions for extensive capacity building of public functionaries, evidence-driven awareness campaigns based on the social behaviour change communication strategy, mechanisms for effective delivery of programme relevant for empowerment of adolescents and system strengthening among others.

Karnataka

Kishori Shakti Yojana: Kishori Shakti Yojana is a scheme under which adolescent girls are being provided various kinds of trainings in health, nutrition, skill development, etc. Under the program curriculum in various parts of the state, the girls are also being trained about the trafficking issues.

⁵³Information and Public Relations, Government of Himachal Pradesh.(2016) '*Samarth*' empowering women for self defence.[online]Available at:<http://himachalpr.gov.in/PressReleaseByYear.aspx?Language=1&ID=2982&Type=2&Date=14/02/2016> [Accessed 15 November 2018]

Madhya Pradesh

Samarth Sangani Yojana: The state government has initiated a prevention programme – called *Samarth Sangani Project*’, which is a convergence of Anganwadi workers, Asha workers, Usha workers and NGO members. The role of workers is to remain vigilant about any suspicious activity in the village i.e. identifying and reporting new persons visiting the village and trying to befriend girls, follow up of cases of missing women and/or children and keeping an eye on cases of suspicious marriages between men from outside the state and village girls/women or women being taken away by agents on the pretext of giving employment. As per the project SOP, such cases need to be immediately reported to the police and the officials from the Women and Child Development Department. This scheme will help prevent trafficking of women for CSE, domestic work or forced marriages.

Maharashtra

Pilot Project of Maharashtra State Rural Livelihoods Mission (MSRLM) on Anti-Human Trafficking: The focus of MSRLM is on rescue, prevention, and rehabilitation in traditional communities including social inclusion of the trafficked women and their families. The aim of MSRLM is to empower poor women to make them capable of accessing financial resources so that they are able to come out of their cycle of poverty. Its focus is on engaging the community in order to create a safe network so that vulnerability and thus the risks of trafficking are reduced. MSRLM’s strategy is to create self-help groups (SHGs) and community-based organisations (CBOs) and by linking them with banks, safety nets etc. Linking them to the government schemes such as MNREGA to the pilot project so that the beneficiaries could find employment under such schemes.

Manipur

Manipur State Policy for Children, 2017: The Manipur government has developed a comprehensive policy for children to ensure their overall growth and development. It has proposed a three-tiered protective framework for children. The first level includes

ameliorative and restorative measures which includes removing children from exploitative situations such as use of children in armed groups for all purposes. The second level consists of activation and appropriate provision of all support services so that children can function well in their natural societal ecosystems. This includes taking steps to strengthen the families and communities as well. The third level involves promotion of a resilient spirit by empowering children through capacity building and life skills education.

Odisha

Kishori Shakti Yojana in Kandhamal: The state has implemented a Central Government Scheme - Kishori Shakti Yojana for adolescent girls aged between 11-18 years (both school going and also dropouts). This programme has been introduced under the ICDS, and addresses nutrition, health status, literacy and numerical skills. The basic aim of the scheme is the empowerment and overall development of the adolescent girls. Girls from the poor families are eligible to receive assistance under this scheme, and 20 girls are identified by the AWCs. They are enrolled in *Balika Mandals* for a period of six months. Two girls from each AWC are then sent by the District Programme Officer to participate in courses on life education, health, and nutrition organised by the DCPO and other NGOs. They are provided training for a period of 60 days for which they receive certificates. Following the completion of the training, two girls from each AWC operate as group leaders and provide training to the remaining girls at the AWC. In each block, ten per cent of the AWCs are eligible to serve as the *Balika Mandals*. This is an important initiative as adolescent girls are a particularly vulnerable population for trafficking.

Telangana

Jogini Nirmoolan Committee: In Utkoormandal, Jogini Nirmulan Committee is a community-based organization (CBO) started by a survivor of *Jogini* system who turned a social worker, Hajamma. The CBO has been successful in preventing the offering of new generation girls into the *Jogini* system in Utkoor and Narayanpet mandal. They are fighting for the rights of *Joginis*. They are also providing alternative livelihood options.

Due to the efforts of *jogini* survivors, a rule was passed in 2011 which allowed having only the name of the mother in registration forms for schools. This did not only overthrow the rule which required the name of the father but also reduced the stigma and embarrassment among children who could not join school due to this.

Uttar Pradesh

Repatriation: Repatriation of survivors to Nepal requires plenty of paperwork and the time taken for the process is much longer. According to DEHAT, to tackle this situation they have joined hands with some NGOs and the CWC of Nepalganj, which is the nearest from Indian check-post. This process takes a week where a delegation committee is formed comprising a CWC member from the two sides, media representative, an organization from both sides, Nepal police and a lawyer. The letter is brought to Childline Bahraich and after a seal of approval from CWC Bahraich and copying both CWC Nepalganj and NGOs the child is handed over to CWC Nepalganj.

West Bengal

Swayangsiddha: S24P police started a campaign called *Swayangsiddha* in 2016 to create awareness among the young school-going children, both boys and girls, along with their parents on two issues namely, child marriage and human trafficking. Under this programme, various state and non-state actors including *panchayat* members, politicians, NGOs, local newspaper reporters and local police stations come on a common platform. The aim of the *Swayangsiddha* program is to provide a safe environment for the girls in their immediate environment and society at large. The programme further aims to create anti-human trafficking and anti-child marriage groups in each school within the district. The group will directly liaison with the police department and share information related to any kind of violence against girls/women and suspected traffickers with the police. *Swayangsiddha* is further expanding its reach with the help of UNICEF and planning to create awareness through theatre in collaboration with Bangla natak organization, which works on growth and protection of rights of women, children and indigenous communities.

Importance and Relevance of the Study

None of the studies on human trafficking in India have covered 29 states so far. Nair and Sen's⁵⁴ study covered 13 states, Ravi Kant et. al.⁵⁵ covered 21 states and Hameed et. al.⁵⁶ covered 9 states. The latter two have depended mainly on secondary data to draw their conclusions. The TISS study has covered the length and breadth of India to study trafficking. This study has conducted household surveys in every state in chosen 134 districts to understand source areas and the vulnerabilities therein. No other study has been able to cover such a vast geographical area. As pointed out at the outset, the findings in this report are based on vulnerability criteria and are not representative of the overall population of India. Therefore, we have not made any attempt to extrapolate these findings in terms of national figures or numbers. But the patterns and modus operandi of trafficking presented in this report will be useful for tackling the issue of human trafficking in different states in India.

Studies such as those of Nair and Sen⁵⁷ have depended on secondary data for mapping vulnerabilities. The present study has collected primary data to trace vulnerabilities at the community, HH and individual level. The modus operandi for different forms of trafficking has also been deduced through primary data. An important contribution of the

⁵⁴Nair, P.M. and Sen, S (2004). *A Report on Trafficking in Women and Children in India 2001-2003: Volume 1*. New Delhi: Institute of Social Sciences; National Human Rights Commission, & UNIFEM.

⁵⁵Kant Ravi, Kant Nishi, Roy Subir, Ramachandran Vibhuti, Jain Rajul, Kant Rishi, Shetye Saie and Kaushik Laukendra (2013) India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Anti Human Trafficking, UNODC. Available at https://www.unodc.org/documents/southasia/reports/Human_Trafficking-10-05-13.pdf [Accessed on 21 September 2019]

⁵⁶Hameed Sadika, Hlatshwayo Sandile, Tanner Evan, Turker Meltem and Yang Jungwon (2010) Human Trafficking in India: Dynamics, Current Efforts, and Intervntion Opportunities for the Asia Foundation.

⁵⁷Nair, P.M. and Sen, S (2004). *A Report on Trafficking in Women and Children in India 2001-2003: Volume 1*. New Delhi: Institute of Social Sciences; National Human Rights Commission, & UNIFEM.

present study is to understand the forced and unsafe migration practices coupled with the aforementioned vulnerabilities that make an individual vulnerable to being trafficked.

Previous studies have been restricted in the forms that have been studied. Nair and Sen's⁵⁸ study focused a lot more on sex trafficking with chapters dedicated to people rescued and trafficked for commercial sexual exploitation, the clients, and traffickers. Labour trafficking was briefly touched upon, which also focussed on children. The study by Ravi Kant et. al.⁵⁹ focussed only on service providers and initiatives by the government and NGOs across 21 states and was dependent on secondary data, mainly media reports for presenting different forms of trafficking. The different forms of trafficking covered in this study have not been previously covered. This study presents modus operandi, vulnerabilities, economics of major forms of trafficking like labour trafficking, bride trafficking, child trafficking, sex trafficking, and trafficking for domestic work. In addition, the study has highlighted the emerging forms of trafficking such as trafficking for illegal adoptions, beggary, organ trafficking, recruitment in insurgent and militant groups, terrorist activities, surrogacy, entertainment groups, etc. An understanding of these emerging forms will facilitate the process of policy making.

Most studies have been limited in their focus on a particular form of trafficking⁶⁰ such as trafficking for CSE or on particular group of victims⁶¹ focussing only on child trafficking. HAQ's study was also based on secondary data, presented crime statistics, anecdotal

⁵⁸Ibid

⁵⁹Kant Ravi, Kant Nishi, Roy Subir, Ramachandran Vibhuti, Jain Rajul, Kant Rishi, Shetye Saie and Kaushik Laukendra (2013) India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Anti Human Trafficking, UNODC. Available at https://www.unodc.org/documents/southasia/reports/Human_Trafficking-10-05-13.pdf [Accessed on 21 September 2019]

⁶⁰Mukherjee K. K. and Sutapa Mukherjee (2004) Girls/ Women in Prostitution in India: A National Study, Gram Niyojan Kendra and Department of Women and Child Development, New Delhi.

⁶¹Ganguly Thukral Enakshi and Bharti Ali (2016) Child Trafficking in India, HAQ: Centre for Child Rights, New Delhi

evidence of different forms of trafficking for children. It gives a good review of present government machinery to deal with trafficking while being limited to trafficking of children.

This study has a separate chapter on best practices in addressing human trafficking, which is based on interviews with government officials and NGOs on measures being taken in various states to combat or prevent human trafficking.

Another important contribution of this present research is the section on demystifying the trafficker. The study has categorised traffickers as leaders and financiers, direct and associated agents, and those involved for economic survival.

Therefore, this study is unique in terms of its vastness and depth. It covers the scope, magnitude, geographical coverage, major forms of trafficking, emerging forms, profile of victims and offenders, types of exploitation and vulnerabilities, economics, source, transit and destinations districts, best practices, and recommendations.

References

- Aronowitz, Alexis A., Koning, Anneke (2014). Understanding Human Trafficking as a Market System: Addressing the Demand Side of Trafficking for Sexual Exploitation. *International Review of Penal Law*. Vol 89 pp. 669-696.
- Barner, J.R., Okech, D and Camp, M.A. (2014). Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade. *Societies*. (online). 4, pp. 148–160. Available at: <https://www.mdpi.com/2075-4698/4/2/148> [Accessed 21 April 2017].
- Berleemann, M.F. (2017). Climate Change, Natural Disasters, and Migration—a Survey of the Empirical Evidence, *CESifo Economic Studies*, Volume 63, Issue 4, 1 December 2017, pp. 353–385, [online]. Available at: <https://doi.org/10.1093/cesifo/ix019> [Accessed 21 April 2017]
- Buvinic, M., and Gupta, G.R. (1997), “Female-Headed Households and Female-Maintained Families: Are They Worth Targeting to Reduce Poverty in Developing Countries?”, *Economic Development and Cultural Change*, 45 (2), 259-80.
- Carolyn L, Lindsay A, Victor W. (2015). Sex Trafficking in the Tourism Industry. *J Tourism Hospit* 4:166. doi:10.4172/2167-0269.1000166. [online] Available at <https://www.omicsonline.org/open-access/sex-trafficking-in-the-tourism-industry-2167-0269-1000166.php?aid=58984> [Accessed 23 May 2018]
- Chibba, M (2013). Human Trafficking and Migration: Concepts, Linkages and New Frontiers, *Global Policy Essays*, available at <https://www.globalpolicyjournal.com/sites/default/files/pdf/Chibba%20-%20Human%20Trafficking%20and%20Migration,%20Concepts,%20Linkages%20and%20New%20Frontiers.pdf> [Accessed on February 24, 2019].
- Chuang, Janie A. (2010) Rescuing Trafficking from Ideological Capture: Prostitution Reform and Anti-Trafficking Law and Policy. *University of Pennsylvania Law Review*, Vol 158, pp 1655-1728. Available at https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1161&context=penn_law_review [Accessed on 17 April 2019].
- Clert, C., Gomart, E., Aleksic, I. and Otel, N. (2005). Human Trafficking in South Eastern Europe: Beyond Crime Control, an Agenda for Social Inclusion and Development. *Social Development Papers – Conflict Prevention and Reconstruction Occasional Paper*. Washington, DC. The World Bank.
- Dandurand, Y., Chin, V. and Wilson, L. (2017). Improved Response to Labour Trafficking. *International Centre for Criminal Law Reforms and Criminal Justice Policy*, [online]. Available at: <https://icclr.law.ubc.ca/wp->

[content/uploads/2017/06/Dandurand_Chin_Wilson_2017_Improved-response-to-labour-trafficking-1.pdf](#) [Accessed 16 February 2019]

Dreze, J., and P.V. Srinivasan (1997), “Widowhood and Poverty in Rural India: Some Inferences from Household Survey Data”, *Journal of Development Economics*, 217-234.

Forbes, Geraldine (2016) ‘Politics of Rescue, Voices of the Trafficked’, *Economic and Political Weekly*, Vol 51, Issue 44-45.

GAATW Working Paper Series 2011, ‘Smuggling and Trafficking: Rights and Intersections,’ available at http://www.gaatw.org/publications/Working_Papers_Smuggling/WPonSmuggling_31Mar2012.pdf [Accessed on 10 March, 2019].

Gangopadhyay, S. and W. Wadhwa (2004), “Are Indian Female-headed Households more Vulnerable to Poverty”, *India Development Foundation*. Available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.541.1540&rep=rep1&type=pdf> [Accessed on 15 April, 2019]

Gangoli, G, McCarry, M, Razak, A (2009). Child marriage or forced marriage: South Asian communities in North East England, *Children and Society* 23, 6, 418–29

GangulyThukral Enakshi and Bharti Ali (2016) *Child Trafficking in India*, HAQ: Centre for Child Rights, New Delhi

Gill, A, Anitha, S, (2011). *Forced marriage: Introducing a Social Justice and Human Rights Perspective*, Chicago, IL. Zed Books

Hameed Sadika, Hlatshwayo Sandile, Tanner Evan, Turker Meltem and Yang Jungwon (2010). *Human Trafficking in India: Dynamics, Current Efforts, and Intervention Opportunities for the Asia Foundation*

Haque, C. E (1997). *Hazards in a Fickle Environment: Bangladesh*. Springer. Netherlands.

Human Rights Watch 2015, ‘Smuggling and Trafficking Human Beings,’ Available at <https://www.hrw.org/news/2015/07/07/smuggling-and-trafficking-human-beings> [Accessed on 10 March, 2019].

Human Rights Watch 2009, ‘Pushed Back, Pushed Around’, 21 September, New York: HRW. Available at: <http://www.hrw.org/en/node/85582/section/15> [Accessed on 10 March, 2019].

Illicit Sale of Children in India Act. (2017). *Adoptions and Trafficking of Children, a Diffuse Line*. [online] Available at: <http://www.againstchildtrafficking.org/2017/07/illicit-sale-of-children-in-india-adoptions-and-trafficking-of-children-a-diffuse-line/> [Accessed 19 November 2018]

ILO. (2002). Forced Labour, Child Labour and Human Trafficking in Europe: An ILO perspective. [online], Available at: http://www.gaatw.org/working%20paper/usefulresources_labour/Trafficking%20for%20Exploitation/ILO_2002_Forced%20Labour%20ChildL%20and%20HT%20in%20Europe.pdf [Accessed 28 February 2019]

ILO (2008): Fighting Human Trafficking: The Forced Labour Dimensions, ILO. Geneva. Available at http://www.ilo.org/global/topics/forced-labour/events/WCMS_090236/lang-en/index.htm [Accessed on 27 April 2019]

Kakota T, Nyariki D, Mkwambisi D and Kogi-Makan W (2011) Gender Vulnerability to Climate Variability and Household Food Insecurity. *Climate and Development* 3(4): 298-309 [online] Available at <http://www.efdnitiative.org/sites/default/files/publications/efdn-dp-15-20.pdf> [Accessed on 1 April 2019]

Kant Ravi, Kant Nishi, Roy Subir, Ramachandran Vibhuti, Jain Rajul, Kant Rishi, Shetye Saie and Kaushik Laukendra (2013) India Country Assessment Report: Current Status of Victim Service Providers and Criminal Justice Actors on Anti Human Trafficking, UNODC. Available at https://www.unodc.org/documents/southasia/reports/Human_Trafficking-10-05-13.pdf [Accessed on 21 September 2019]

Khan, A. (2017). All Child Adoptions Violating 2017 Regulation to be Considered Illegal, say New Guideline. *India Today*, [online]. Available at: <https://www.indiatoday.in/india/story/child-adoption-laws-ministry-of-women-and-child-development-cara-prospective-adoptive-parents-955706-2017-01-18> [Accessed 6 February 2019]

Makisaka, M. (2009). *Social Development Notes: Conflict, Crime and Violence*. No.122. (online).World Bank. Available at: <http://documents.worldbank.org/curated/en/166101468315536553/pdf/546830BRI0SDN01C10Human0Trafficking.pdf>. [Accessed 22 March. 2017].

Meenakshi, J.V. and R. Ray (2002). "Impact of Household Size and Family Composition on Poverty In Rural India", *Journal of Policy Modeling*, Vol 24, Issue 6, pp. 539-559. Available at <https://www.sciencedirect.com/science/article/pii/S0161893802001291> [Accessed on 27 April 2019]

Mukherjee K. K. and Sutapa Mukherjee (2004) *Girls/ Women in Prostitution in India: A National Study*, Gram Niyojan Kendra and Department of Women and Child Development, New Delhi.

Nair, P.M. and Sen, S (2004). *A Report on Trafficking in Women and Children in India 2001-2003: Volume 1*. New Delhi: Institute of Social Sciences; National Human Rights Commission, & UNIFEM.

National Legal Research Desk. (2015). *Trafficking of Tribal Girls: Placement Legislations*. [online], Available at: <https://nlrd.org/trafficking-of-tribal-girls-placement-agency-legislations/> [Accessed 17 February 2019]

OHCHR. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*. *Office of the United Nations High Commissioner for Human Rights*, [online]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx> [Accessed 3 April 2018]

OHCHR (Office of the United Nations High Commissioner for Human Rights) (nd). *Child, early and forced marriage, including in humanitarian settings*, Available at: www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx [Accessed on 1 April 2019]

Ollus, N. and Jokinen, A. (2013). *We've Got People Lined up Behind the Door: Placing the Trafficking and Exploitation of Migrant Workers in Context in the Restaurant and Cleaning Sectors in Finland*. Publication Series 75. Finland: European Institute for Crime Prevention and Control. Available at: https://www.unodc.org/documents/congress/background-information/NGO/HEUNI/Extraction_Publication_Series_No.75.pdf [Accessed on 13 April 2019]

Raghavan, V. and Kate, A. (2009). *Evaluation Report of ARZ Anyay Rahit Zindagi, Goa*. Goa: ARZ. [online] Available at: http://arzindia.org/docs/ARZ_Evaluation_Report.pdf [Accessed 23 May 2018]

Raza, D. (2014). *The marriage bazaar: How Female Foeticide has made bride trade a roaring business*. *Hindustan Times*, [online] Available at: <https://www.hindustantimes.com/india/the-marriage-bazaar-how-female-foeticide-has-made-bride-trade-a-roaring-business/story-U7egbgWQnStSBjM4MZnmI.html> [Accessed 24 November 2018]

Taro J A and Tidsskrift N G (2004) *Theorizing Food Insecurity: Building a Livelihood Vulnerability Framework for Researching Food Insecurity*. *Norwegian Journal of*

Geography: 23-37. [online]. Available at: <https://www.tandfonline.com/doi/abs/10.1080/00291950410004375> [Accessed on 28 March 2019]

Todres, Jonathan (2011). Moving Upstream: The Merits of a Public Health Law Approach to Human Trafficking *North Carolina Law Review*, Vol. 89, No. 2, p. 447, 2011; Georgia State University College of Law, Legal Studies Research Paper No. 2011-02. Available at SSRN: <https://ssrn.com/abstract=1742953> [Accessed on 17 April 2019].

United Nations Human Rights.(2017). *Tackling illegal adoption and addressing the rights of victims*. [online] Available at: <https://www.ohchr.org/EN/Issues/Children/Pages/Illegaladoptions.aspx> [Accessed 19 November 2018]

United Nations Office on Drugs and Crime. (2008). Introduction to Human Trafficking: Vulnerability, Impact and Action. United Nations, New York Available at https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf [Accessed on 26 April 2019]

United Nations Development Programme (2010) *Gender and Disasters* [online] Available at <https://www.undp.org/content/dam/undp/library/crisis%20prevention/disaster/7Disaster%20Risk%20Reduction%20-%20Gender.pdf> [Accessed 30 November 2018]

Annexure 1

Table 1: Crime Incidence of Human Trafficking and Victims Rescued for 2016, NCRB

State/U/T	Cases Reported	Victims Trafficked									Victims Rescued								
		Below 18 Years			Above 18 Years			Total			Below 18 Years			Above 18 Years			Total		
		M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
Andhra Pradesh	239	0	44	44	0	311	311	0	355	355	0	44	44	0	839	839	0	883	883
Arunachal Pradesh	2	0	2	2	0	1	1	0	3	3	0	0	0	0	1	1	0	1	1
Assam	91	34	96	130	52	67	119	86	163	249	9	28	37	20	35	55	29	63	92
Bihar	43	183	13	196	8	32	40	191	45	236	183	13	196	8	32	40	191	45	236
Chhattisgarh	68	60	78	138	77	54	131	137	132	269	60	76	136	75	54	129	135	130	265
Goa	40	0	2	2	0	84	84	0	86	86	0	2	2	0	84	84	0	86	86
Gujarat	548	137	348	485	31	112	143	168	460	628	132	303	435	31	111	142	163	414	577
Haryana	51	5	8	13	47	89	136	52	97	149	5	8	13	23	72	95	28	80	108
Himachal Pradesh	8	2	2	4	0	113	113	2	115	117	2	2	4	0	152	152	2	154	156
Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jharkhand	109	18	72	90	7	58	65	25	130	155	4	27	31	5	9	14	9	36	45
Karnataka	404	113	219	332	113	567	680	226	786	1,012	113	219	332	113	567	680	226	786	1,012
Kerala	21	18	65	83	39	111	150	57	176	233	147	192	339	96	179	275	243	371	614
Madhya Pradesh	51	62	35	97	4	19	23	66	54	120	975	1,678	2,653	620	1,544	2,164	1,595	3,222	4,817
Maharashtra	517	78	94	172	1	972	973	79	1,066	1,145	78	94	172	0	969	969	78	1,063	1,141
Manipur	3	2	7	9	3	9	12	5	16	21	2	7	9	3	9	12	5	16	21
Meghalaya	7	0	1	1	0	7	7	0	8	8	0	1	1	0	7	7	0	8	8
Mizoram	2	0	2	2	0	0	0	0	2	2	0	2	2	0	0	0	0	2	2
Nagaland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Odisha	84	98	108*	206	173	133	306	271	241	512	96	96	192	169	135	304	265	231	496
Punjab	13	47	1	48	1	1	2	48	2	50	33	1	34	0	0	0	33	1	34
Rajasthan	1,422	1,823	696	2,519	56	279	335	1,879	975	2,854	5,281	345	5,626	8	133	141	5,289	478	5,767
Sikkim	1	0	1	1	0	0	0	0	1	1	0	1	1	0	0	0	0	1	1
Tamil Nadu	434	122	195	317	263	869	1,132	385	1,064	1,449	215	433	648	375	1,348	1,723	590	1,781	2,371
Telangana	229	0	7	7	22	361	383	22	368	390	0	7	7	0	348	348	0	355	355
Tripura	0	2	4	6	3	1	4	5	5	10	2	4	6	3	1	4	5	5	10
Uttar Pradesh	79	748	74	822	8	28	36	756	102	858	772	80	852	46	26	72	818	106	924

	Cases Reported	Victims Trafficked									Victims Rescued								
		Below 18 Years			Above 18 Years			Total			Below 18 Years			Above 18 Years			Total		
		M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
Pradesh																			
Uttarakhand	12	1	2	3	2	18	20	3	20	23	1	2	3	1	18	19	2	20	22
West Bengal	3,579	426	2,687	3,113	169	882#	1,051	595	3,569	4,164	397	1,819	2,216	73	504#	577	470	2,323	2,793
TOTAL STATE(S)	8,057	3,979	4,863	8,842	1,079	5,178	6,257	5,058	10,041	15,099	8,507	5,484	13,991	1,669	7,177	8,846	10,176	12,661	22,837
Union Territories																			
A & N Islands	1	0	0	0	0	5	5	0	5	5	0	0	0	0	5	5	0	5	5
Chandigarh	1	0	1	1	0	0	0	0	1	1	0	1	1	0	0	0	0	1	1
D&N Haveli	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Daman & Diu	7	0	1	1	0	9	9	0	10	10	0	1	1	0	9	9	0	10	10
Delhi UT	66	144	46	190	27	47	74	171	93	264	144	46	190	27	47	74	171	93	264
Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total UT(S)	75	144	48	192	27	61	88	171	109	280	144	48	192	27	61	88	171	109	280
INDIA	8,132	4,123	4,911	9,034	1,106	5,239	6,345	5,229	10,150	15,379	8,651	5,532	14,183	1,696	7,238	8,934	10,347	12,770	23,117

*M= Male, F= Female

Table 2: Crime Incidence under IPC 370 and 370A and Victims Rescued (2014-16), NCRB

States	2014		2015		2016	
	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued
Andhra Pradesh	2	2	19	34	32	39
Arunachal Pradesh	0	0	1	2	1	1
Assam	68	68	137	145	90	111
Bihar	44	49	38	177	25	76
Chhattisgarh	43	110	61	192	46	177
Goa	14	52	26	76	35	75
Gujarat	3	9	2	2	0	0
Haryana	9	11	21	22	12	12
Himachal Pradesh	1	1	0	0	0	0
Jammu & Kashmir	0	0	0	0	0	0
Jharkhand	150	185	126	159	160	203
Karnataka	18	181	19	90	20	45
Kerala	11	1166	10	620	24	257
Madhya Pradesh	50	55	55	70	54	59
Maharashtra	108	347	7	13	18	61
Manipur	3	3	0	0	2	2
Meghalaya	0	0	0	0	1	1
Mizoram	0	0	0	0	0	0
Nagaland	3	3	1	1	0	0
Odisha	42	158	60	119	110	183
Punjab	1	1	3	3	14	28
Rajasthan	14	17	7	26	4	4
Sikkim	0	0	0	0	0	0
Tamil Nadu	0	0	57	110	12	13
Telangana	60	60	226	325	41	139
Tripura	0	0	0	0	1	8
Uttar Pradesh	4	4	10	10	43	48
Uttarakhand	4	4	4	4	6	6
West Bengal	55	106	50	50	133	263

States	2014		2015		2016	
	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued
TOTAL STATE(S)	707	2,592	940	2,250	884	1,811
Union Territories:						
A & N Islands	0	0	0	0	0	0
Chandigarh	0	0	2	2	1	1
D&N Haveli	0	0	0	0	0	0
Daman & Diu	0	0	1	2	2	4
Delhi UT	13	13	78	194	31	166
Lakshadweep	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0
TOTAL UT(S)	13	13	81	198	34	171
TOTAL (ALL INDIA)	720	2,605	1,021	2,448	918	1,982

Table 3: Crime Incidence under IPC 372 and Victims Rescued (2014-16), NCRB

States	2012	2013	2014		2015		2016	
	Crime Incidence	Crime Incidence	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued
Andhra Pradesh	4	2	0	0	0	0	0	0
Arunachal Pradesh	0	0	0	0	0	0	0	0
Assam	0	0	0	0	0	0	31	31
Bihar	10	3	2	2	0	0	0	0
Chhattisgarh	0	0	2	3	2	2	0	0
Goa	0	0	0	0	0	0	0	0
Gujarat	0	2	0	0	0	0	0	0
Haryana	0	2	0	0	2	2	0	0
Himachal Pradesh	0	0	0	0	0	0	0	0
Jammu & Kashmir	0	0	0	0	0	0	0	0
Jharkhand	7	5	0	0	0	0	0	0
Karnataka	0	1	1	1	0	0	0	0
Kerala	0	0	0	0	0	0	0	0
Madhya Pradesh	5	3	1	1	5	5	8	10
Maharashtra	2	13	4	6	1	1	3	3
Manipur	0	0	0	0	0	0	0	0
Meghalaya	0	0	0	0	0	0	0	0
Mizoram	1	0	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0	0	0
Odisha	0	0	0	0	0	0	0	0
Punjab	0	0	0	0	0	0	1	2
Rajasthan	1	0	0	0	0	0	0	0
Sikkim	0	0	0	0	0	0	0	0
Tamil Nadu	0	0	0	0	0	0	0	0
Telangana	NA	NA	1	1	0	0	1	1
Tripura	0	0	0	0	0	0	0	0
Uttar Pradesh	18	0	0	0	4	4	9	9
Uttarakhand	0	0	0	0	0	0	0	0
West Bengal	56	69	67	69	91	97	67	77
TOTAL STATES	104	100	78	83	105	111	120	133
Union Territories:								
A & N Islands	0	0	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0
D&N Haveli	0	0	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0	0	0
Delhi UT	4	0	4	4	6	7	2	2
Lakshadweep	0	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	0	0
TOTAL UTS	4	0	4	4	6	7	2	2
TOTAL (INDIA)	108	100	82	87	111	118	122	135

Table 4: Crime Incidence under IPC 373 for 2012-2016 and Victims Rescued (2014-2016), NCRB

	2012	2013	2014		2015		2016	
States	Crime Incidence	Crime Incidence	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued
Andhra Pradesh	0	0	0	0	0	0	0	0
Arunachal Pradesh	0	0	0	0	0	0	0	0
Assam	0	0	0	0	0	0	0	0
Bihar	2	0	0	0	0	0	0	0
Chhattisgarh	0	0	0	0	0	0	0	0
Goa	0	0	0	0	0	0	0	0
Gujarat	0	0	0	0	0	0	0	0
Haryana	0	0	1	1	1	1	0	0
Himachal Pradesh	0	0	0	0	0	0	0	0
Jammu & Kashmir	0	0	0	0	0	0	0	0
Jharkhand	5	2	4	4	0	0	0	0
Karnataka	0	0	0	0	0	0	0	0
Kerala	0	0	0	0	0	0	0	0
Madhya Pradesh	0	0	1	1	0	0	2	2
Maharashtra	4	2	7	11	7	7	0	0
Manipur	0	0	0	0	0	0	0	0
Meghalaya	0	0	0	0	0	0	0	0
Mizoram	0	0	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0	0	0
Odisha	0	0	0	0	0	0	0	0
Punjab	0	0	0	0	0	0	0	0
Rajasthan	0	1	0	0	0	0	0	0
Sikkim	0	0	0	0	0	0	0	0
Tamil Nadu	0	0	0	0	0	0	0	0
Telangana	NA	NA	0	0	1	1	0	0
Tripura	0	0	0	0	0	0	0	0
Uttar Pradesh	0	0	0	0	2	2	2	2
Uttarakhand	0	0	0	0	0	0	0	0
West Bengal	3	1	1	1	0	0	2	2
TOTAL STATE(S)	14	6	14	18	11	11	6	6
Union Territories:								
A & N Islands	0	0	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0
D&N Haveli	0	0	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0	0	0
Delhi UT	1	0	0	0	0	0	1	1
Lakshadweep	0	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	0	0
TOTAL UT(S)	1	0	0	0	0	0	1	1
TOTAL (ALL INDIA)	15	6	14	18	11	11	7	7

Table 5: Incidence of Crimes under ITPA (2012-2016), NCRB

States	2012	2013	2014		2015		2016	
	Crime Incidence	Crime Incidence	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued
Andhra Pradesh	472	489	326	410	222	295	189	218
Arunachal Pradesh	1	2	1	1	2	2	0	0
Assam	30	18	35	35	54	68	67	68
Bihar	35	64	64	70	38	50	52	62
Chhattisgarh	5	8	5	5	4	4	17	18
Goa	40	28	9	22	3	4	3	4
Gujarat	44	76	53	79	44	54	83	97
Haryana	69	63	69	96	61	86	59	103
Himachal Pradesh	6	4	5	5	9	19	7	8
Jammu & Kashmir	3	1	1	3	1	1	1	1
Jharkhand	12	11	16	16	19	17	0	0
Karnataka	335	340	392	591	423	592	330	473
Kerala	210	180	140	155	138	92	113	125
Madhya Pradesh	13	22	17	19	30	42	21	39
Maharashtra	366	289	233	360	400	384	316	573
Manipur	15	0	0	0	0	0	0	0
Meghalaya	7	4	6	6	2	2	2	2
Mizoram	0	0	0	0	0	0	6	8
Nagaland	4	1	1	1	5	5	0	0
Odisha	24	27	36	41	47	47	38	38
Punjab	86	137	71	103	77	128	65	91
Rajasthan	99	74	105	140	86	124	56	64
Sikkim	0	0	2	2	0	0	0	0
Tamil Nadu	500	549	509	590	511	684	434	610
Telangana			311	328	292	341	241	307
Tripura	0	0	0	0	2	3	0	0
Uttar Pradesh	31	37	39	51	33	53	58	122
Uttarakhand	12	13	20	25	20	31	11	11
West Bengal	109	104	117	168	107	268	92	205
TOTAL STATE(S)	2,528	2,541	2,583	3,322	2,630	3,396	2,261	3,247
Union Territories								
A & N Islands	2	4	12	2	1	0	0	0
Chandigarh	0	6	1	1	4	0	0	0
D&N Haveli	2	2	1	1	2	2	0	0
Daman & Diu	3	6	8	8	0	0	4	6
Delhi UT	24	20	10	15	3	6	5	5
Lakshadweep	0	0	0	0	0	0	0	0
Puducherry	4	0	2	2	1	1	0	0
TOTAL UT(S)	35	38	34	29	11	9	9	11
TOTAL (ALL INDIA)	2,563	2,579	2,617	3,351	2,641	3,405	2,270	3,258

Table 6: Crime Trend under ITPA (2012-2016), NCRB

States	Percentage Variation in Crime Incidence under ITPA			
	2012-2013	2013-2014	2014-2015	2015-2016
Andhra Pradesh	3.6	-33.3	-31.9	-14.9
Arunachal Pradesh	100.0	-50.0	100.0	-100.0
Assam	-40.0	94.4	54.3	24.1
Bihar	82.9	0.0	-40.6	36.8
Chhattisgarh	60.0	-37.5	-20.0	325.0
Goa	-30.0	-67.9	-66.7	0.0
Gujarat	72.7	-30.3	-17.0	88.6
Haryana	-8.7	9.5	-11.6	-3.3
Himachal Pradesh	-33.3	25.0	80.0	-22.2
Jammu & Kashmir	-66.7	0.0	0.0	0.0
Jharkhand	-8.3	45.5	18.8	-100.0
Karnataka	1.5	15.3	7.9	-22.0
Kerala	-14.3	-22.2	-1.4	-18.1
Madhya Pradesh	69.2	-22.7	76.5	-30.0
Maharashtra	-21.0	-19.4	71.7	-21.0
Manipur	-100.0			
Meghalaya	-42.9	50.0	-66.7	0.0
Mizoram				
Nagaland	-75.0	0.0	400.0	-100.0
Odisha	12.5	33.3	30.6	-19.1
Punjab	59.3	-48.2	8.5	-15.6
Rajasthan	-25.3	41.9	-18.1	-34.9
Sikkim			-100.0	
Tamil Nadu	9.8	-7.3	0.4	-15.1
Telangana			-6.1	-17.5
Tripura				-100.0
Uttar Pradesh	19.4	5.4	-15.4	75.8
Uttarakhand	8.3	53.8	0.0	-45.0
West Bengal	-4.6	12.5	-8.5	-14.0
TOTAL STATE(S)	0.5	1.7	1.8	-14.0
Union Territories				
A & N Islands	100.0	200.0	-91.7	-100.0
Chandigarh		-83.3	300.0	-100.0
D&N Haveli	0.0	-50.0	100.0	-100.0
Daman & Diu	100.0	33.3	-100.0	
Delhi UT	-16.7	-50.0	-70.0	66.7
Lakshadweep				
Puducherry	-100.0		-50.0	-100.0
TOTAL UT(S)	8.6	-10.5	-67.6	-18.2
TOTAL (ALL INDIA)	0.6	1.5	0.9	-14.0

Table 7: Crime Incidence of Bonded Labour and Percentage Variations (2014-15), NCRB

States	2014		2015		2016		Percentage Variation in Crime Incidence	
	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	2014-2015	2015-2016
Andhra Pradesh	1	1	0	0	0	0	-100	
Arunachal Pradesh	0	0	0	0	0	0		
Assam	0	0	0	0	0	0		
Bihar	2	2	0	0	11	11	-100	
Chhattisgarh	0	0	1	1	1	1		0
Goa	0	0	0	0	0	0		
Gujarat	0	0	0	0	0	0		
Haryana	2	13	10	10	12	12	400	20
Himachal Pradesh	2	21	1	1	3	6	-50	200
Jammu & Kashmir	0	0	0	0	0	0		
Jharkhand	0	0	0	0	0	0		
Karnataka	15	24	8	77	18	181	-46.7	125
Kerala	0	0	1	1	0	0		-100
Madhya Pradesh	0	0	2	2	0	0		-100
Maharashtra	4	34	5	5	5	5	25	0
Manipur	0	0	0	0	0	0		
Meghalaya	0	0	0	0	0	0		
Mizoram	0	0	0	0	0	0		
Nagaland	0	0	0	0	0	0		
Odisha	0	0	0	0	0	0		
Punjab	8	46	6	9	3	5	-25	-50
Rajasthan	5	5	0	0	8	10	-100	
Sikkim	0	0	0	0	0	0		
Tamil Nadu	15	87	15	254	14	327	0	-6.7
Telangana	7	7	8	9	11	11	14.3	37.5
Tripura	0	0	0	0	0	0		
Uttar Pradesh	6	35	31	49	39	61	416.7	25.8

States	2014		2015		2016		Percentage Variation in Crime Incidence	
	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	2014-2015	2015-2016
Uttarakhand	2	2	0	0	0	0	-100	
West Bengal	0	0	0	0	0	0		
TOTAL STATE(S)	69	277	88	418	125	630	27.5	42.0
Union Territories								
A & N Islands	0	0	0	0	0	0		
Chandigarh	0	0	0	0	0	0		
D&N Haveli	0	0	0	0	0	0		
Daman & Diu	0	0	0	0	0	0		
Delhi UT	1	2	4	8	3	3	300	-25
Lakshadweep	0	0	0	0	0	0		
Puducherry	0	0	0	0	0	0		
TOTAL UT(S)	1	2	4	8	3	3	300	-25
TOTAL (ALL INDIA)	70	279	92	426	128	633	31.4	39.1

Table 8: Crime Incidence and Victims of Bonded Labour Rescued by Social Categories for 2014 and 2015, NCRB

States	2014						2015					
	Against SC		Against ST		Against Others		Against SC		Against ST		Against Others	
	Cases	Victims	Cases	Victims	Cases	Victims	Cases	Victims	Cases	Victims	Cases	Victims
Andhra Pradesh	1	1	0	0	0	0	0	0	0	0	0	0
Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0
Assam	0	0	0	0	0	0	0	0	0	0	0	0
Bihar	2	2	0	0	0	0	0	0	0	0	0	0
Chhattisgarh	0	0	0	0	0	0	0	0	0	0	1	1
Goa	0	0	0	0	0	0	0	0	0	0	0	0
Gujarat	0	0	0	0	0	0	0	0	0	0	0	0
Haryana	1	2	0	0	1	11	1	1	0	0	9	9
Himachal Pradesh	0	0	0	0	2	21	0	0	0	0	1	1
Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0	0
Jharkhand	0	0	0	0	0	0	0	0	0	0	0	0
Karnataka	1	1	0	0	14	23	1	1	0	0	7	76
Kerala	0	0	0	0	0	0	1	1	0	0	0	0
Madhya Pradesh	0	0	0	0	0	0	0	0	1	1	1	1
Maharashtra	0	0	0	0	4	34	0	0	0	0	5	5
Manipur	0	0	0	0	0	0	0	0	0	0	0	0
Meghalaya	0	0	0	0	0	0	0	0	0	0	0	0
Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0	0	0	0	0	0	0
Odisha	0	0	0	0	0	0	0	0	0	0	0	0
Punjab	0	0	0	0	8	46	0	0	0	0	6	9
Rajasthan	0	0	0	0	5	5	0	0	0	0	0	0
Sikkim	0	0	0	0	0	0	0	0	0	0	0	0
Tamil Nadu	4	33	1	1	10	53	0	0	3	12	12	242
Telangana	0	0	0	0	7	7	4	4	0	0	4	5
Tripura	0	0	0	0	0	0	0	0	0	0	0	0
Uttar Pradesh	1	1	0	0	5	34	8	8	1	5	22	36
Uttarakhand	0	0	0	0	2	2	0	0	0	0	0	0
West Bengal	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL STATE(S)	10	40	1	1	58	236	15	15	5	18	68	385
Union Territories:												
A & N Islands	0	0	0	0	0	0	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0
D&N Haveli	0	0	0	0	0	0	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0	0	0	0	0	0	0
Delhi UT	0	0	0	0	1	2	0	0	0	0	4	8
Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)	0	0	0	0	1	2	0	0	0	0	4	8
TOTAL (ALL INDIA)	10	40	1	1	59	238	15	15	5	18	72	393

Note: There was no data available for the category-wise incidence of bonded labour for 2016

Table 9: Crime Incidence and Victims Rescued of Child Labour (2014-16), NCRB

States	2014		2015		2016		% Variation in Crime Incidence	
	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	Crime Incidence	Victims Rescued	2014-2015	2015-2016
Andhra Pradesh	0	0	0	0	2	2		
Arunachal Pradesh	0	0	0	0	0	0		
Assam	0	0	0	0	2	2		
Bihar	4	4	0	0	0	0	-100	
Chhattisgarh	0	0	1	1	1	1		0
Goa	1	1	0	0	3	4	-100	
Gujarat	2	2	0	0	7	25	-100	
Haryana	0	0	10	10	0	0		-100
Himachal Pradesh	0	0	1	1	0	0		-100
Jammu & Kashmir	0	0	0	0	0	0		
Jharkhand	0	0	0	0	0	0		
Karnataka	6	10	8	77	23	46	33.3	187.5
Kerala	0	0	1	1	5	6		400
Madhya Pradesh	4	4	2	2	0	0	-50	-100
Maharashtra	45	108	5	5	93	114	-88.9	1760
Manipur	0	0	0	0	0	0		
Meghalaya	0	0	0	0	0	0		
Mizoram	0	0	0	0	0	0		
Nagaland	0	0	0	0	0	0		
Odisha	5	51	0	0	0	0	-100	
Punjab	1	1	6	9	0	0	500	-100
Rajasthan	4	18	0	0	21	24	-100	
Sikkim	0	0	0	0	0	0		
Tamil Nadu	0	0	15	254	0	0		-100
Telangana	4	4	8	9	6	9	100	-25
Tripura	0	0	0	0	0	0		
Uttar Pradesh	4	12	31	49	6	11	675	-80.6
Uttarakhand	2	2	0	0	0	0	-100	
West Bengal	8	14	0	0	4	4	-100	
TOTAL STATE(S)	90	231	88	418	173	248	-2.2	96.6
Union Territories:								
A & N Islands	0	0	0	0	0	0		
Chandigarh	0	0	0	0	0	0		
D&N Haveli	0	0	0	0	0	0		
Daman & Diu	0	0	0	0	0	0		
Delhi UT	57	254	4	8	31	136	-93.0	675
Lakshadweep	0	0	0	0	0	0		
Puducherry	0	0	0	0	0	0		
TOTAL UT(S)	57	254	4	8	31	136	-93.0	675
TOTAL (ALL INDIA)	147	485	92	426	204	384	-37.4	121.7

Table 10: Crime Incidence and Rescued Victims of Bonded Labour by Social Categories for 2014 & 2015, NCRB

States	2014						2015					
	Against SC		Against ST		Against Others		Against SC		Against ST		Against Others	
	Cases	Victims	Cases	Victims	Cases	Victims	Cases	Victims	Cases	Victims	Cases	Victims
Andhra Pradesh	0	0	0	0	0	0	0	0	0	0	0	0
Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0
Assam	0	0	0	0	0	0	0	0	0	0	0	0
Bihar	0	0	0	0	4	4	0	0	0	0	0	0
Chhattisgarh	0	0	0	0	0	0	0	0	0	0	1	1
Goa	0	0	0	0	1	1	0	0	0	0	0	0
Gujarat	0	0	0	0	2	2	0	0	0	0	0	0
Haryana	0	0	0	0	0	0	1	1	0	0	9	9
Himachal Pradesh	0	0	0	0	0	0	0	0	0	0	1	1
Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0	0
Jharkhand	0	0	0	0	0	0	0	0	0	0	0	0
Karnataka	0	0	0	0	6	10	1	1	0	0	7	76
Kerala	0	0	0	0	0	0	1	1	0	0	0	0
Madhya Pradesh	2	2	0	0	2	2	0	0	1	1	1	1
Maharashtra	2	4	0	0	43	104	0	0	0	0	5	5
Manipur	0	0	0	0	0	0	0	0	0	0	0	0
Meghalaya	0	0	0	0	0	0	0	0	0	0	0	0
Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0	0	0	0	0	0	0
Odisha	0	0	0	0	5	51	0	0	0	0	0	0
Punjab	0	0	0	0	1	1	0	0	0	0	6	9
Rajasthan	0	0	0	0	4	18	0	0	0	0	0	0
Sikkim	0	0	0	0	0	0	0	0	0	0	0	0
Tamil Nadu	0	0	0	0	0	0	0	0	3	12	12	242
Telangana	4	4	0	0	0	0	4	4	0	0	4	5
Tripura	0	0	0	0	0	0	0	0	0	0	0	0
Uttar Pradesh	0	0	0	0	4	12	8	8	1	5	22	36
Uttarakhand	0	0	0	0	2	2	0	0	0	0	0	0
West Bengal	0	0	0	0	8	14	0	0	0	0	0	0
TOTAL STATE(S)	8	10	0	0	82	221	15	15	5	18	68	385
Union Territories:												
A & N Islands	0	0	0	0	0	0	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0
D&N Haveli	0	0	0	0	0	0	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0	0	0	0	0	0	0
Delhi UT	0	0	0	0	57	254	0	0	0	0	4	8
Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)	0	0	0	0	57	254	0	0	0	0	4	8
TOTAL (ALL INDIA)	8	10	0	0	139	475	15	15	5	18	72	393

Table 11: Missing and Traced Persons according to Gender and Age Group, 2016, NCRB

State/UT	Missing and Traced Children (Below 18 Years)						Total Missing and Traced Persons					
	Children Missing in 2016			Total Recovered/Traced (2016)			Total Persons Missing in 2016			Total Recovered/Traced (2016)		
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total
Andhra Pradesh	1,365	790	2,155	1,214	698	1,912	4,454	2,905	7,359	3,970	2,178	6,148
Arunachal Pradesh	29	9	38	24	9	33	50	19	69	41	19	60
Assam	857	524	1,381	708	361	1,069	2,850	1,750	4,600	2,108	1,126	3,234
Bihar	3,730	1,087	4,817	2,324	702	3,026	5,218	1,788	7,006	3,170	1,057	4,227
Chhattisgarh	1,643	619	2,262	1,483	568	2,051	6,649	3,251	9,900	5,416	2,603	8,019
Goa	17	9	26	15	10	25	235	339	574	225	275	500
Gujarat	944	371	1,315	839	408	1,247	7,105	4,427	11,532	6,150	3,546	9,696
Haryana	973	795	1,768	877	818	1,695	3,554	2,876	6,430	2,918	2,761	5,679
Himachal Pradesh	93	77	170	104	70	174	568	452	1,020	492	318	810
Jammu & Kashmir	138	166	304	190	164	354	943	802	1,745	984	602	1,586
Jharkhand	260	219	479	189	140	329	501	568	1,069	317	310	627
Karnataka	889	1,054	1,943	1,328	1,405	2,733	8,092	6,160	14,252	7,548	5,940	13,488
Kerala	768	756	1,524	773	747	1,520	4,926	2,631	7,557	4,944	2,482	7,426
Madhya Pradesh	6,037	2,466	8,503	5,692	2,505	8,197	21,435	10,781	32,216	19,884	10,227	30,111
Maharashtra	2,532	1,856	4,388	2,658	1,699	4,357	28,316	23,893	52,209	22,702	17,949	40,651
Manipur	49	97	146	69	103	172	178	211	389	200	246	446
Meghalaya	68	56	124	86	69	155	155	142	297	201	167	368
Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
Nagaland	47	24	71	39	24	63	61	40	101	52	37	89
Odisha	1,363	538	1,901	379	210	589	6,378	2,329	8,707	1,232	600	1,832
Punjab	414	183	597	346	164	510	1,460	1,495	2,955	956	1,015	1,971
Rajasthan	1,338	642	1,980	2,093	1,123	3,216	8,414	4,026	12,440	11,206	5,165	16,371
Sikkim	77	32	109	76	34	110	143	69	212	126	60	186
Tamil Nadu	3,162	1,470	4,632	3,202	1,458	4,660	9,596	4,692	14,288	9,225	4,143	13,368
Telangana	2,277	1,402	3,679	2,340	1,257	3,597	9,238	6,896	16,134	8,463	5,508	13,971
Tripura	132	37	169	125	46	171	834	434	1,268	761	375	1,136
Uttar Pradesh	1,465	1,438	2,903	846	1,015	1,861	4,399	5,480	9,879	2,123	2,295	4,418
Uttarakhand	224	211	435	312	277	589	622	742	1,364	618	423	1,041
West Bengal	5,986	2,349	8,335	3,848	1,540	5,388	24,937	15,389	40,326	14,530	9,094	23,624
TOTAL STATE(S)	36,877	19,277	56,154	32,179	17,624	49,803	1,61,311	1,04,587	2,65,898	1,30,562	80,521	2,11,083
UNION TERRITORIES												
A & N Islands	36	11	47	37	11	48	99	83	182	99	75	174
Chandigarh	127	74	201	91	61	152	348	256	604	208	145	353
D&N Haveli	0	2	2	0	2	2	22	11	33	14	6	20
Daman & Diu	10	19	29	8	19	27	52	58	110	40	50	90
Delhi UT	3,982	2,939	6,921	3,235	2,628	5,863	12,067	11,342	23,409	8,825	8,662	17,487
Lakshadweep	0	0	0	0	0	0	0	1	1	0	0	0
Puducherry	35	18	53	30	19	49	122	80	202	110	64	174
TOTAL UT(S)	4,190	3,063	7,253	3,401	2,740	6,141	12,710	11,831	24,541	9,296	9,002	18,298
INDIA	41,067	22,340	63,407	35,580	20,364	55,944	1,74,021	1,16,418	2,90,439	1,39,858	89,523	2,29,381

Annexure 2
List of Districts Covered

	Districts Covered			Districts Covered		
State	House Hold Survey	Case Study and / or Key Informant	State	House Hold Survey	Case Study and / or Key Informant	
Andhra Pradesh	West Godavari	Anantapur	Jammu & Kashmir	Udhampur	Srinagar	
	Guntur	Vijaywada		Jammu		
	East Godavari	Kadapa		Rajouri		
Arunachal Pradesh	East Siang		Jharkhand	Dumka		
	Papumpare			Palamu		
				Gumla		
Assam	Rural Kamrup	Silchar		East Singhbhum		
	Kokrajhar	Guwahati	Ranchi			
	Dhubri					
	Sonitpur					
	Lakhimpur		Karnataka	Dakshina Kannada	Bellary	
				Gulbarga		
Bihar	Kishanganj	Munger		Bengaluru		
	Patna			Belgaum		
	Supaul					
	West Champaran		Kerala	Trivandrum	Ernakulum	
Gaya	Wayanad					
			Kannur			
Chhattisgarh	Bastar		Madhya Pradesh	Mandla	Bhopal	
	Kanker			Chhatarpur	Mandsaur	
	JanjgirChampa			Betul	Indore	
	Jashpur					
	Surguja					
			Maharashtra	Nandurbar	Mumbai	
Gujarat	Surat	Ahmedabad		Chandrapur	Thane	
	Dahod	Anand		Beed		
	Jamnagar					
	Valsad		Manipur	Ukhrul	Imphal	
				Churachandpur		
Haryana	Sonepat	Karnal	Meghalaya	East Khasi Hills		
	Nuh	Panchkula		West Garo Hills		
	Hissar					
	Jhajjar		Mizoram	Aizawl		
Himachal Pradesh	Solan			Champai		
	Sirmaur					
	Kullu		Nagaland	Peren	Kiphire	
	Chamba			Mon		
	Shimla					
Odisha	Ganjam		Telangana	Adilabad	Hyderabad	
	Balangir			Mahabubnagar		
	Rayagada					
	Kandhamal		Uttar Pradesh	Agra	Gonda Gorakhpur	
Sundargarh	Varanasi					
			Lucknow			
Punjab	Amritsar	Ludhiana		Lalitpur		

	Districts Covered			Districts Covered	
State	House Hold Survey	Case Study and / or Key Informant	State	House Hold Survey	Case Study and / or Key Informant
	Faridkot			Bahraich	
	Mansa			Ghaziabad	
	Pathankot				
Rajasthan	Barmer	Jaipur	Uttarakhand	Pithoragarh	Dehradun
	Alwar			Almora	
	Banswada	Udaipur		Uttarkashi	
	Dholpur				
			West Bengal	Jalpaiguri	Darjeeling
				Murshidabad	
Tamil Nadu	Tirunelveli	Chennai		South 24 Parganas	
	Madurai	Dindigul		North 24 Parganas	
	Coimbatore	Kanchipuram			
	Thiruvallar	Villupuram	Sikkim	East Sikkim	
		Kanyakumari			
			Tripura	North Tripura	
				South Tripura	
Puducherry	Karaikal		Delhi		Delhi*
			Goa		Goa*
			Chandigarh		Chandigarh*

*These were covered as Destination areas where only key informant interviews and / or case studies were conducted.

Annexure 3
List of Parameters and Sub Parameters

Child Labour:

Age Group: 5- 9 Years Old

1. Work Participation Rate- Main Workers
2. Work Participation Rate- Marginal Workers (Seeking/ available for work)
3. Work Participation Rate- Non-Workers (Seeking/ available for work)

Age Group: 10- 14 Years Old

4. Work Participation Rate- Main Workers
5. Work Participation Rate- Marginal Workers (Seeking/ available for work)
6. Work Participation Rate- Non-Workers (Seeking/ available for work)
7. Communal Riots (Affected Districts)
8. Infant Mortality Rate:
9. BPL Populated Districts
10. Less Electricity Facility Districts
11. Living in Pukka Houses: (Vulnerable Districts)
12. Toilet Facility: (Vulnerable Districts)
13. Using LPG: (Vulnerable Districts)
14. Kidnapping and Abduction of children
15. Kidnapping and Abduction of women

16. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA): good districts
17. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA): Bad Districts
18. Literacy Rate (age 7+) of Total Population at district level
19. Literacy Rate (age 7+) of Female Population at district level
20. Literacy Rate (age 7+) of Male Population at district level
21. Literacy Rate (age 7+) of SC Population at district level
22. Literacy Rate (age 7+) of ST Population at district level
23. Good Performance: Work Completion Rate; Average days per Household
24. Bad Performance: Work Completion Rate; Average days per Household
25. National Highways: Districts
26. Cruelty by Husband/ Relatives: Cases Registered (Vulnerable Districts)
27. Female Headed Households
28. Sex Ratio: Vulnerable Districts
29. Major Tourist Districts
30. Left Wing Extremism: Vulnerable Districts
31. Proportion of ST population
32. Proportion of SC population

Annexure 4

Recommendations for Ujjawala Scheme and Swadhar Scheme: With Specific Focus on Women

*Prayas, a field action project of the Centre for Criminology and Justice, School of
Social Work, Tata Institute of Social Sciences*

and

*A Study on Human Trafficking in Vulnerable Districts of India, Tata Institute of
Social Sciences*

- **Grounds for Revisions**

Prayas' experience over the last 28 years has indicated that women and girls who are separated from family and community, and who face additional handicaps on account of poor/no education and training, physical and mental illness, social and economic marginalisation, and violence; are at risk of getting into vulnerable circumstances. Their positions in family and community are weak and disturbed. These women continue to be marginalised and socially excluded. They may reach states of destitution, get trafficked for commercial sexual exploitation (CSE) and other forms of exploitation, face further physical and sexual violence, get involved in crime-related engagements, reach states of homelessness, etc.

Where women are accepted in families, the process of reintegration into family and community is relatively smoother. However, a significant number of women in government homes across the county do not find such acceptance. And if they do, the acceptance is conditional. Women are subjected to similar circumstances they encountered before left home/were separated from home; or they face outright rejection from families and communities. Their claim over family property and other entitlements

(where applicable) is often lost in the process of their absence from families, and the subsequent rejection they may experience.

Thus, reintegration is not a natural process for a large number of women who are in distress situations and living in destitute states. Prayas (2011, unpublished) has found that reintegration involves the following:

- a) Reinstating the victim/woman to an enhanced level of functioning as prior to the occurrence of the problem situation.
- b) Stable shelter with family. Or, where this option is not available, shelter in community-based shelters.
- c) Income from the legal sector/outside CSE.
- d) Relationships within the socially acceptable and legal sectors that could counter negative/exploitive ones.

It must be noted that while the current schemes place shelter for women at the centre; shelter services often takes the form of custody/constraint on women's movement outside the shelter. A study (Menezes 2019a) in the Indian context showed that while the State and NGO-run protective homes were termed as 'hostels', places of 'care', or 'homes'; the physical layout, infrastructure, and rules indicated an environment of control, surveillance and limited privacy for women. This is not only in India, but world over. Gallagher and Person (2011) noted that in several nation states, service providers suggest that victims are required for criminal prosecution of traffickers and must be prevented from running away. Prayas' observations indicate that constraint on women's movement and freedom hinder capacity building – a much needed process for women's economic independence. Staff of these homes, while working in very difficult circumstances, are also burdened with the worry of ensuring that women do not run away. Thereby, they have limited time and resources for creating opportunities for capacity-building.

The study has also revealed that political influence and counter pressures proved to be difficult for the NGOs to continue with their work of rehabilitating and providing shelter to the women. Further, the study also brought forth several malpractices were carried out

with the funds that were allocated for the Swadhar and Ujjawala Homes. In one state, it was found that the numbers of women, on paper, were shown to be more than the actual numbers residing in a home. In one instance, the data base of students was allegedly used to show the number of women in the shelter home. Key informants reported that officials were known to take a commission from the amount that was allotted for the residents of the shelter homes. This resulted in a diminished supply of resources for the residents. Further, in some instances the women were shunted from one district to another because of the lack of shelter homes in the district where she was rescued. Moreover, there appeared to be a lack of coordination for the transference of victims from one state to another.

In the process, women/victims are detained in shelters and reintegration needs take a back seat. Thus, a scheme that intends to empower women must keep reintegration needs at the forefront. In the absence of this, women would use shelters for basic needs and continue to be in disadvantaged positions as they have not developed capacities for economic independence and self-protection.

The process of reintegration requires creative and diverse methodologies, and for a scheme to be effective, it must allow these methodologies within the framework of social reintegration. Such a scheme would offer Indian women who are victims of trafficking and other distress situations with progressive alternatives for reintegration. (Figure 1 in the annexure presents the key areas that facilitate reintegration of victims of trafficking; although these areas also apply to women in other forms of distress who have separated from families.)

- **Recommended revisions**

The recommendations are centered around four themes:

- i) Women have to return to families and community as assets, and not liabilities.
- ii) For this, women need concerted and sustained inputs for training and developing employable skills.

iii) Institutional shelters are relevant. However, its effectiveness dims or is compromised if it is not followed with substantive community-based shelter opportunities. Hence, varying models for shelters must be considered. Shelter services could be organised in accordance to specific needs of women over time. For instance, institutional shelters for initial stay, or during illness and crisis; followed with residence in working women's hostels and later rental accommodation.

iv) Women can participate in training towards economic independence; if they receive services including crèche facilities for children, emergency support (medical assistance, emergency ration, etc.), child sponsorship, and connections with government welfare schemes.

1. Prevention of exploitation of women

- a) **Toll-free helplines for women in distress:** The current toll-free helplines offer emergency support for rescue. However, toll-free helplines must also respond with adequate counselling to address distress situations at home. Such support would contribute to women and girls making more informed choices about their lives, rendering them less vulnerable to trusting traffickers. The toll-free number counsellor should provide information of government schemes for women and children and the procedure to avail such schemes, the eligibility documents, etc. They can also give contact details of NGOs working for women in the district or the number of a nodal official in the District Women and Child Development Office.

Toll-free numbers must be manned by a trained social worker. NGOs/nodal officers in the department may be given the responsibility of running these helplines. Specialised training needs to be provided to those running the helplines. The curriculum for such training may be designed by the DWCD in consultation with colleges of social work and psychology, law, women's studies, NGOs and the police.

- b) **Awareness and sensitisation programmes:** There is need to develop awareness and sensitisation programmes in schools and colleges; and in high-risk areas like communities where women are known to be trafficked. Such programmes should offer information about how to seek help when in distress. Similar programmes need to be carried out with members of women's SHGs in rural areas and elected representatives of Panchayats from time to time. A mobile training unit may be constituted at the block level comprising trained staff from the DWCD and NGOs who can reach these constituencies to run such awareness sessions. NIPPCID may be asked to develop training modules for this purpose.

2. Rescue of victims of CSE

The rescue process must be one that provides pro-social support to women, and does not elicit anxiety and fear in women. *The rescue and subsequent processes must seem comforting to women, rather than distressful.*

- a) **Crisis support and counselling:** Victims must be provided with counselling from a trained social worker or counsellor. A cadre of social workers (especially linked with reintegration programmes for women in distress, women accused of crime, and victims of CSE) must be constituted at police stations/jurisdictions having increased rescue operations. Alternatively, social workers can be informed prior to the rescue, so that they make themselves available in police stations at the time of rescue. The social worker can be the first point of contact at the police station, following which the victims can interact with the police for procedural matters.
- b) There needs to be a better inter-state coordination for the transference of rescued victims. There is a need for *Ujjawala* homes in each district so that after rescue, the victim may be transferred to the *Ujjawala* home which is closest to the family residence of the victim and they are not shunted around from one district to another.

3. Rehabilitation and Reintegration (under *Ujjawala* scheme and *Swadhar Greh* scheme)

- a) **Shelter:** Shelter must include institutional as well as *community-based shelters* (living on rent, paying guest accommodation, working women's hostels, group homes, shelter in workplaces, region specific alternatives) that allow women's freedom of movement to pursue training, employment and education. There could be a transition from institutional shelters to community-based centres. There could be three to four models of shelters.

Model 1: Institutional shelters like Swadhar Grehs and Protective Homes for women and children rescued from CSE. The architecture of these institutions must be such as to *promote an environment of development and care and not custody* and curtailment. Active efforts must be made to invite resource persons and NGOs to regularly conduct activities, film shows, recreation / hobby classes, and personality development sessions. Institutional shelters must have arrangements for in-house training and education through Skill Development Centres, ITI centres and NIOS. Alternatively, arrangements with nearby Skill Development Centres/NIOS Centres should be made so that women can go out for training/education.

Model 2: The scheme must support fees for women to reside in working women's hostels licensed by government or run by registered NGOs and educational institutions, for a period extending upto 2 years. There could be a reservation in working women's hostels, for women who are rescued, as well as women in distress; and referred through implementing agencies of schemes of the DWCD.

Model 3: Women need to be supported with rent in order to live in group homes and/or separately with their families and children. Currently, women with older children and not having shelter have no option but to live

separately in shelters, while their children live in institutions. Thus, the mother-child bond is weakened while women and children have to deal with the separation that comes with living in different institutions. Shelter for women and children as a family unit would act as a motivating factor for women attempting alternative lives, besides protecting the mother-child bond. Facilitating women to live in rental accommodation in communities would also be a viable option for women who have luggage (utensils, furniture, etc.). This can be done by payment of rent subject to a maximum limit on production of a lease and license agreement by the women concerned before the District DWCD Officer. A one-time amount may have to be paid as a refundable deposit by the DWCD, apart from payment of rent for a period up to one year. Currently, when women leave exploitative/distress circumstances, they lose all belongings as they are dependent on institutional shelters that cannot accommodate belongings and older children.

Model 4: Other innovative alternatives like paying guest accommodation, and community-based alternatives worked out by registered agencies must be given due consideration. The DWCD may give grants to NGOs who come up with such innovative practices, for example running group homes for women. The DWCD may have a component in Ujjawala scheme whereby pilot projects / innovative projects may be supported subject to a maximum amount per year.

Note: It is suggested that rehabilitation and re-integration be clubbed, to offer a variety of options for women. Limiting rehabilitation to institutional set-ups limits the exposure that women have; thereby limiting their capacities for independent living. Mostly, it discourages them from pursuing rehabilitation options. Hence, grant-in-aid must be considered to agencies that arrange non-institutional and community-based shelter facilities.

- b) **Vocational training and education:** Vocational training encompasses formal and informal training and education. *Financial support towards fees and material/equipment for vocational training* and education must be provided. Women pursuing training and education must be given a *monthly stipend of Rs. 5000/-* so that it covers basic needs of women and children. Such support must be provided to women till they complete training, or till a period of two years.

It is not feasible for women to pursue training without a stipend to look after their own needs and those of their families. Provisions also need to be made for *travel costs* incurred while pursuing training. Given that most women are from disadvantaged families, and that their level of education and vocational training is weak; training and education for developing alternative earning capacities generally stretch across months or years. The scheme needs to support victims over this extended period, if alternative livelihood options are to be considered.

- c) **Child support:** Children's future is often the reason for women continuing to live in exploitation, and also exiting from it. *Sponsorship for education of children* of women, would go a long way in facilitating women to participate and complete training for alternative livelihood options. Women must also be supported to admit their children in *crèche facilities* while they pursue training and employment.
- d) **Victim compensation:** Women and children who have been trafficked, should be entitled to *victim compensation* under the existing victim compensation schemes for women. This needs to be provided following their rescue, and during their rehabilitation; in phases.
- e) **Access to documents and schemes:** The criteria for accessing government schemes needs to be relaxed for women reaching shelters and those rescued from CSE. Special intervention must be focussed on connecting women and

their families with government schemes for training, medical aid, housing, child support, family support, pensions, etc. The shelter homes should issue a letter addressed to the Collector / District DWCD Officer recommending the women leaving the shelter homes to be connected with schemes for women and children.

- f) **Emergency assistance:** Women have been known to take high-risk decisions about themselves and their families during emergency and crises situations. Support to women during these situations would significantly contribute to them sustaining themselves in rehabilitation and reintegration programmes, as well as help them meet difficulties with support from the State. Emergency financial assistance can take the form of an emergency fund, and medical aid and insurance for themselves and their families. This can be treated as a one-time grant upto Rs. 10000/- to take care of immediate / unforeseen needs of these women.
- g) **Other services:** Other services like counselling and legal assistance need to be provided. Counselling support over the period of rehabilitation is necessary to help women tide over trauma, deal with new relationships, and meet new challenges during the rehabilitation period. Legal aid to women and children is required for protecting civil and property rights and supporting prosecution of cases. The DLSA should start Legal Service Clinic in all shelter homes for women including Swadhar Greh and Ujjawala Homes.

4. Training for Implementing Agencies

Staff of implementing agencies must undergo specialised training and refresher courses at periodic intervals. The syllabus may be designed by the Department for Women and Child Development, with assistance from colleges/departments of social work, and NGOs with experience of work with women in distress

situations. The training can then be imparted by the department, with assistance from these colleges/departments/NGOs. The MWCD may provide grants to social work colleges, NGOs and academic institutions to design and implement such trainings.

5. Management of the *Ujjawala* Homes

Social audit for the functioning of the *Ujjawala* Homes is deemed necessary along with a financial audit. This is to ensure that the funds allocated for the victims are used efficiently. In addition, NGOs working on anti-trafficking issues should be provided protection from political influences and pressures of the trafficking networks.

Annexure: Figure 1- Potential Intervention Points for Facilitating Exiting from CSE



Note: Work is central to women's empowerment, safety, quality of life, and economic independence. Women required substantive support to develop their employability skills, and such support needs to extend over a prolonged period of time. Inadequate attention to supporting women's education and training, will render them continuously dependent, vulnerable to exploitation, destitution and other vulnerabilities.

References

Prayas, 2011. *Concept Note on Rehabilitation of Women in Penal and Protective Institutions*.

Gallagher, A.T. and Pearson, E., 2010. The High Cost of Freedom: A Legal and Policy Analysis of Shelter Detention for Victims of Trafficking, *Human Rights Quarterly*, 32 (1), 73–114.

Menezes, S., 2019a. 'Someone Listen to Me': Exiting Prostitution, *Indian Journal of Social Work*, 80 (1), 47-66.

Menezes, S., 2019b. A Thesis on Exiting Prostitution: Implications for Criminal Justice Social Work, *International Journal of Criminal Justice Studies* (Special Issue on Criminal Justice Social Work in India), in press.

Annexure 5

Important SOPs and Findings

Advisory F.NO.15011/6/2009-ATC

Advisory F.NO.15011/6/2009-ATC to all state governments against the use of the section 8 of ITPA in 2009.

One of the suggestions made in the Advisory states that, “it is generally noticed that sections 8 and 20 of ITPA, which focuses on the victims, are more often invoked as a result of which the victim is re-victimized and the exploiters are not punished. It is, therefore, advised that sections 3, 6 and 7 which pertains to pimps, brothel owners, clients who are actual perpetrators of the crimes need to be invoked rather than sections 8 and 20. Law enforcement agencies need to adopt a victim-centric approach in the investigations”.

The Advisory also states that every state government should set up an Advisory Committee for Preventing and Combating Trafficking of Women and Children for Commercial Sexual Exploitation.

Findings: The research study found that except Delhi, Maharashtra, West Bengal, Goa, other state governments are yet to set up such committees. Also, those places where the committees are formed it has been found that the committees are not holding their meeting regularly.

Generally, across India, it has been found that there has been an increase in rescue under sec 15 of ITPA. But across India it has been found that the girls and women continue to get arrested under sec 8 of ITPA for soliciting in public place.

The Advisory states that for implementing Section 13 of the Immoral Traffic (Prevention) Act (ITPA), 1956, state governments need to appoint Special Police Officers (SPOs) and

Non- Official Advisory Bodies to advise SPOs, set up Protective Homes under Section 21 of ITPA and establish one or more courts for providing speedy trial of offences under Section 22-A of the Act.

Findings: The research study came across non-functional and under-staffed AHTUs in many of the states in the country. SPOs have been notified in many states, but Non-Official Advisory Bodies (panel of 5 social workers to advise the police) were not formed in most states. Protective Homes are yet to be established in all states and except for Maharashtra, Special ITPA Court was not found anywhere else in the country.

According to the Advisory, child protection units must be constituted by the state governments. Each police station should have designated juvenile / child welfare officer under the JJ Act, 2015, and appointment of child marriage prohibition officers under Child Marriage Prevention Act (PCMA), 2006, to address trafficking of girls in pursuit of marriage. The Advisory states that the resource materials (Training and Investigation on Anti-Human Trafficking) have been circulated in police training institutes and uploaded on Bureau of Police Research and Development (BPR&D) website. Manuals for training of stakeholders have been prepared in collaboration with Ministry of Women and Child Development. The state governments must use the resource materials for capacity building of agencies involved in prevention of human trafficking. Training sessions / awareness campaigns / workshops must be organised by the state governments to sensitize the SHOs/ Dy. SPs / ACPs and other law enforcement agencies.

Findings: The research study found that there was lack of awareness about the different forms and modus operandi of human trafficking amongst the stakeholders and officers lacked clarity of their role in combating trafficking.

According to the Advisory, state governments must implement the Protocol for Prevention, Rescue, Rehabilitation and Reintegration of Migrant and Trafficked Child Labour prepared by the Ministry of Labour & Employment. At the prevention level, the

Advisory has suggested sensitization programmes / workshops, vigilance around transit points and at borders – inter-district / inter-state and international - effective patrolling at public places and watch over movement of strangers in the villages, coordination between police and stakeholders from transport authorities, local government, community and NGOs, periodical check on physical transportation, facilitating inter-state collaboration by sharing data on missing children / kidnappings and suspected offenders. It also mentions that state nodal officers may hold periodical meetings to review and monitor the efforts taken prevent and combat trafficking.

Findings: During the research study, it was found that such meetings do not take place regularly, there are long gaps between meetings.

The Advisory has clearly stated provisions regarding child trafficking to identify children at risk, developing victim profiling with other agencies, interviewing children in the presence of social workers and develop protection plans, carry out checks on sponsors and people claiming to be relatives and initiating missing person's procedures and undertake investigations in disappearing cases.

In terms of investigations, the Advisory mentions use of SOP for Investigation developed between MHA and UNODC. Secondly, the Advisory on increasing convictions has suggested to look into documentary, forensic, material evidence and not to rely only on victims, as they are easily intimidated. The state governments have to encourage law enforcement agencies to build full force investigation against the trafficker.

Findings: The study found that the police still rely mostly on victims as witnesses. They institutionalise the victims till they depose in the court room, which affects their repatriation as well rehabilitation process. Even though the Advisory suggests the use of fast track courts and video conferencing, these innovations remain underutilized. Key informants reported that in a large number of cases, victims were intimidated by traffickers to compromise and close the case resulting in acquittal or closure of cases.

Many of the states do not have forensics unit for analysis of evidence, which causes delay in the trial of the case. In the cases especially where the victim does not reside at the place of trial, arrangements are not made for video conferencing, resulting in victims not being available for deposition. No arrangement for travel and accommodation for outstation witnesses is made.

The Advisory states that risk assessment of re-trafficking of the victim (of rescued victims and those who chose to return) must be done by police in collaboration with other agencies and stakeholders.

Findings: During the study, it was found that the police lacked information about the procedures involved in the post-rescue process. There is no risk assessment carried out except when an NGO is associated with the case. There is lack of coordination between the police, CWC, Labour Department, DWCD and the courts and hence there is lack information about the presence of Swadhar shelter homes or the Ujjwala scheme.

Interstate and intrastate coordination between the different agencies working on human trafficking is lacking, thus affecting rehabilitation of the victim and action against the traffickers. There is no nodal agency at the national level to coordinate action against the traffickers, rehabilitation and repatriation of victims, etc.

Advisory F.No. 15011/20/2012 – ATC(CF-145675) - Supplementary issued to Advisory F.No.15011/6/2009-ATC

In the Supplementary Advisory, F.No. 15011/20/2012 – ATC (CF-145675) issued to Advisory 2009 (F.No.15011/6/2009-ATC), it is clearly stated that “service without wages or with paltry wages; denial of choice of alternative avocations, denial of right of movement are all to be considered as forced labour”. In forced labour cases, the

trafficked children from the any one of these conditions are not only to be retrieved but the offender has to be charged as having committed a cognizable offence.

Findings: It was found during the study that despite the presence of such conditions, cases are not registered and the offenders are not charged for these offences.

The Supplementary Advisory states that according to “Supreme Court in the case of Bachpan Bachao Andolan vs. Union of India and Others dated 10.05.2013, all cases of missing children will be prima facie treated as cognizable act (until proved otherwise) and FIR filed accordingly. The registration of FIR should be stressed not only with reference to JJ Act but all Acts wherever children are the victims. Trafficked child upon recovery should be counseled by a social worker and proper investigation launched against the offenders/traffickers”.

Findings: During the research study, it was found that in many cases, the counselling posts were under staffed or vacant.

The Supplementary Advisory mentions that AHTUs while investigating cases of trafficking should treat such cases as organised crime and target the economics of crime syndicates by cancelling the licences of establishments/factories, sealing, attachment and confiscation of property etc.

Findings: According to some key informants interviewed during the study, even though brothels are sealed, business of CSE is closed for a temporary period, as there is no watch kept over the sealed establishments and traffickers restart the business after some period of time has elapsed.

It was reported by a stakeholder that in very few cases action was initiated against the place used for commercial sexual activities under sec 18 of ITPA.

According to the Supplementary Advisory, the Labour Department should be held responsible for filing of FIRs, to initiate other necessary proceedings against the offenders, recovery of fine of Rs. 20,000 from the employers under the Supreme Court guidelines of M.C. Mehta Vs. State of Tamil Nadu 1996 (6 SCC 756) and the recovery of the back wages of the children as per the Minimum Wage Act, 1948. The Supplementary also suggests that after recovery, the said amount shall go to the Rehabilitation Cum Welfare Society of Child Labour in the native district of the child for his/her socio-economic and educational rehabilitation.

Findings: The research study barely came across cases of children where proceedings have been initiated for back wages and fine. In most states, it was observed that the Labour Department did not acknowledge the prevalence of child trafficking for labour.

Advisory F.No. 15011/27/2011-ATC

State and police agencies can take help of AHTUs and CBI (National Nodal Authority) to ensure all links of the human trafficking chain are identified and prosecuted by law, for capacity building as well as for investigation of cases having international ramifications. A helpline number (011-24368638) is activated for providing any information about gangs or syndicates involved in human trafficking.

States should utilize AHTUs as the key machinery to deal with human trafficking. The police officials in the AHTUs should collect information about offenders, maintain their database, hierarchical structure, place of operation, segments of supply chain, and should partner with the NGOs and local communities to find details about human trafficking and carry out investigation. State governments may consider setting up Local Intelligence Units (LIUs) in all districts to gather intelligence on database and network of traffickers (profiling and surveillance). Helplines and special desks in police stations and control rooms may be set up by state agencies. The available SOPs (Protocol on Inter-State

Rescue and Post Rescue Activities and SOP on Procedures for Investigation) should be translated and re-printed into local language of the states.

Investigation and evidence collection must be done at source, transit and destination to ascertain true identity of victims, local gangs, modus operandi used for recruitment, mode of transport use for transit, exploitation meted to victims, complicity of families (if any), etc. Joint pro-active operations / serious investigations can help with stronger evidence. Crime proceeds should be confiscated. Crime intelligence and crime data must be shared with other police agencies and CBI. Corroborative evidence can be collected like medical reports, age estimation of child victim, call record analysis of gang members, travel documents / tickets etc. Independent reports can be called for from agencies under ITPA for female adult victims, JJ act for child victims, counsellor reports about condition of victims and Income Tax department assessment in relation to activities / assets of gangs. In trafficking cases, the events must be sequenced from source to destination and reconstructed to identify missing links of information.

The use of Mutual Legal Agreement Treaty (MLAT) for assistance in investigation (transfer of evidence) from other countries.

Cases of trafficking should be investigated parallel to see aspects of money laundering. Aspects like “conversion or transfer of crime proceeds for the purpose of concealing their illicit origin, concealment or disguise of crime proceeds, transfer of crime proceeds to another jurisdiction through hawala etc, participation of others in conspiring to commit or attempting to commit the offence. Efforts should be made to identify each and every moveable and immovable asset of a gang each of its members including *benami* properties by verifying documents and analysing the source of funds”.

Findings: It was found throughout the study that the police expressed their difficulties in investigating the above listed aspects of cases, due to lack of dedicated and trained staff, physical infrastructure like vehicles, and access to technology. Hence, they are not able to

bring conviction due to inability to present sufficient evidence. With regard to AHTU, across India it has been found that local police stations were notified as AHTUs, in very few cases it was found that there were dedicated AHTUs. This resulted in diminished capacity of the units to act against the organized network of human trafficking in their jurisdiction.

Advisory F.No. 15011/60/2011

The Advisory on Missing Children - Measures Needed to Prevent Trafficking and Trace the Children.

The Advisory states that law enforcement agencies have to take prompt action following disappearance of children, especially minor girls, to maximize chances of tracing / recovery. The CID of states and UTs must investigate the case, if a heinous crime or organised crime is reported on missing children (victims of rape, sexual abuse, child pornography, organ trade). “The State CID should use data mining to analyse patterns, gather intelligence and to build profiles which have interstate ramifications, ascertain angles of trafficking, organized crime, number age/sex profile and maintain liaison with other central agencies dealing with the matter. All police officers and men, especially the team of officers handling investigation into these cases need to be trained and sensitized on an ongoing basis to the issues concerned. The issues of missing children, human trafficking along with JJ Act may be made part of syllabus in the state police training colleges to sensitize the police force. The training should focus on imparting knowledge of the substantial and procedural laws, court rulings, administrative procedures, skills in child-friendly investigations, including interviewing, interrogation, scientific data collection, presentation in the court of law, networking with the prosecutors, facilitating victims/witness protection programmes etc.”

The Advisory states that states / UTs must follow the guidelines provided by NHRC (refer website [www.nhrc.nic.in/ Reports/misc/MCR Report.doc](http://www.nhrc.nic.in/Reports/misc/MCR%20Report.doc)) and Supreme Court in

respect of missing children. There should be close link between district missing children unit (DMCU) and state crime branch. A centralised database must be maintained by Missing Persons Bureau on the children lodged in shelter homes run by governmental and non-governmental agencies. The details of the children must be matched with the missing children. One dedicated police officer must be stationed at 1098 helpline (reporting cases of missing children) 24/7.

The Advisory further states that in the monthly crime review meetings conducted by Superintendent of Police in districts / Commissioner of police in metropolitan cities, the review of missing children / person should be done to find out reasons of child disappearance / missing and links to human trafficking and to take stringent action against the perpetrators. Interpol channels should be utilised when women / children are smuggled illegally to international countries. The district administration must conduct community awareness program on issue of missing children and its link with human trafficking and public safety awareness campaign in schools and vulnerable areas.

Findings: It was reported by a stakeholder that in a majority of the cases there was delay in registering missing cases. Most of the states have not been updating their data base of children in institutions, etc.

Standard Operating Procedure for cases of Missing Children, 2016 (Ministry of Women and Child Development)

The immigration authorities, Border Security Force (BSF), Railways and other transport authorities, provincial/ territorial and municipal agencies, and any NGOs involved in service delivery must be informed for spotting and recovering/rescuing the missing children.

If the child is not traced within four months, then case should be transferred to AHTU in the district and quarterly reports should be sent to DLSA regarding the progress of investigation.

Findings: There continues to be delay in registering cases of missing children and if not found within 4 months the cases are not transferred to AHTU and regular reports are not submitted to DLSA. In fact, in many cases the police officers are not aware that they have to mandatorily transfer the cases to AHTU if the child is not traced in 4 months.

Advisory F.No. 15011/41/2010-ATC

The Advisory (F.No. 15011/41/2010-ATC) was issued to state governments for enrolment of police officials in web-based certificate course on anti-human trafficking. The state governments have to disseminate information to all government officials and the NGOs to enroll in the course.

Findings: During the study it was found that in Goa, the police officials had enrolled in the course.

Advisory No. 15011/41/2016-ATC

The Advisory (No. 15011/41/2016-ATC) directs a close vigil and watch on the activities of placement agencies by the Labour Department and assist the law enforcement agencies to check the crime.

Findings: In almost all states, we found that the Labour Department did not consider labour trafficking as an issue which fell under their purview of work.

Advisory No. 15011/141/2016- ATC

The Advisory states that states and UT have to establish mechanisms for effective inter-state coordination between law enforcement officers and to use the technology to share information about victims and traffickers / offenders.

Findings: Inter-state coordination is lacking between the law enforcement agencies and service providers from the destination, transit and source, thus failing to act against the traffickers, organized network and provide rehabilitation and compensation to the victims.

Advisory No. 15011/35/2016-ATC

The Advisory states that Border security force (BSF) is deployed to guard Indo-Bangladesh and Indo-Pakistan border, Sashastra Seema Bal (SSB) has been deployed to guard Indo-Nepal and Indo-Bhutan borders. Advisory (No. 15011/35/2016-ATC) is issued to West Bengal, Uttar Pradesh, Bihar, Arunachal Pradesh, Assam, Mizoram, Tripura, Sikkim and Meghalaya for associating SSB and BSF in crime meetings for closer interaction and coordinated action between AHTU and Border guarding forces to tackle human trafficking.

Findings: In most of the bordering states, it was observed that there is a lack of coordination between the border guarding forces and the AHTUs. Key informants revealed that BSF and SSB officials can only apprehend / prevent trafficking but cases need to be registered by local police which means that there should be better coordination between the two. However, lack of clarity about what constitutes trafficking and vested interests come in the way of filing charges against such persons after they are handed over to the local police by the border police.

Advisory No. 15011/141/2016-ATC

Advisory (No. 15011/141/2016-ATC) was issued to the Railways to sensitize the Railway Protection Force (RPF) and Government Railway Police (GRP) personnel about apprehending and detecting the incidents of human trafficking ie victims who could be in the process of being trafficked through Railways. Both RPF and GRP should work in close coordination with local agencies to help victims of trafficking.

Findings: During the study, it was found that in Delhi and Bihar, the NGOs were actively working on the stations along with RPF and GRP.

Standard Operating Procedure for Railways to ensure Care and Protection of Children in Contact with Railways (2015) - Ministry of Women and Child Development and Railways

Child Help Desks at railway stations for rescue and rehabilitation of runaway, abandoned, kidnapped and trafficked children via Railways ((<https://pib.gov.in/newsite/PrintRelease.aspx?relid=187560> / [http://www.nipccd-earchive.wcd.nic.in/sites/default/files/PDF/Standard%20Operating%20Procedures%20\(SOP\)%20for%20Railways%20to%20ensure%20Care%20and%20Protection%20of%20Children%20in%20Contact%20with%20Railways.pdf](http://www.nipccd-earchive.wcd.nic.in/sites/default/files/PDF/Standard%20Operating%20Procedures%20(SOP)%20for%20Railways%20to%20ensure%20Care%20and%20Protection%20of%20Children%20in%20Contact%20with%20Railways.pdf))

Advisory No 15011/35/2017-ATC

An Advisory (No 15011/35/2017-ATC) was issued to the Directors General of state governments and Inspectors General / Commissioners of Police of UTs to sensitize police officers posted on bus depots/ bus terminals to apprehend any incident of trafficking. Also, the police personnel should be deployed at various check posts in the state and border of the states to keep a watch on victims being trafficked through commercial vehicles from one state to other state.

Findings: Data from the study revealed, for instance, that there is trafficking of young girls from Assam to Arunachal Pradesh for domestic work by road. Such incidents can be curbed if the Advisory is implemented effectively.

Advisory No. 14051/14/2011-F.VI

Advisory on Preventing and Combating Human Trafficking in India – Dealing with Foreign Nationals (No. 14051/14/2011-F.VI).

A detailed investigation should be carried out to ascertain if the foreigner is a victim or trafficker. A trafficked victim must not be charged under Foreigners Act, 1946. Charge sheet has to be withdrawn in those cases wherein during investigation it is found that the foreign national is a victim and not indulged in crime out of her free will. The details of the victim have to be sent to Ministry of External Affairs, New Delhi so that they may be repatriated.

Findings: This Advisory was issued based on a PIL filed in the Bombay High Court in regard to women victims of trafficking from Nepal arrested under the Passports Act. These women were being trafficked by agents to gulf countries via Mumbai, with forged passports and the Bombay High Court recognized that these women should not be treated as offenders but as victims who were not aware about the fact that they were being taken to other countries through illegal means. As per this Advisory, women apprehended by the police at airports with false passports / forged documents should be first kept in a protective home and investigated if they were aware accomplices to the crime of illegal emigration or they were simply duped by agents into believing that they were being taken through legal channels. Key informants revealed during the study that women continue to be routinely arrested in such cases and precautions mentioned in the Advisory are not taken into consideration.

The victims of CSE who are foreign nationals continue to be arrested under ITPA for prostitution and under The Foreigners Act for not having documents or proper documents.

NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

The objective of the scheme is to provide legal services to trafficked victims. The services of the scheme extend at prevention, rescue and rehabilitation. It also encompasses documenting cases and follow up of trafficked victims for at least three years for smooth reintegration into the society and preventing re-trafficking. The District Legal Services authority (DLSA) with help of AHTU and NGOs / CBOs should map out the vulnerable areas and populations within its jurisdiction and spread legal awareness. The SLSAs / DLSAs should also give special training on trafficking to the para-legal volunteers (PLVs) attached to or assigned to a police station in compliance of the orders of Supreme Court to handle cases of missing children. Even though the scheme mentions that the DLSA should ensure that the panel lawyers and PLVs help the victims to register FIR, be present at court hearing, obtain court order for protection of witnesses and help the victim apply to DLSA for release of compensation under the Victims Compensation Scheme and other welfare schemes.

Findings: During the research study, it was found that there is a lack of awareness among the stakeholders involved, including the DLSA. The traffickers are known to take money from victims on the pretext of legal representation. Mumbai DLSA has started a legal aid clinic in the Special ITPA Court in Mumbai in 2019, to provide legal guidance to victims of trafficking.

Standard Operating Procedure (SOP) for Combating Trafficking of Persons in India, National Human Rights Commission, India

This SOP states that ZERO FIR may be filed at any location. FIR needs not be lodged only at the place where the offence relating to trafficking or related offence has taken place. In cases of child marriage and cases of missing children who are rescued or destitute women the police should probe the angle of trafficking. Adequate number of vehicles must be available to transport victims and traffickers separately; support of local NGO, police, ICPS, State Resource Center (NCLP scheme) must be taken.

Findings: The study revealed that the police do not entertain such cases and do not register the complaint. The angle of trafficking is not investigated in cases of child marriages, missing children who are rescued or destitute women. Translators are not part of a multi-disciplinary rescue team. It was also found that the AHTU lack adequate number of vehicles to transport victims and traffickers separately.

The SOP also highlights that in the best interest of the victims, care must be taken to ensure that the stakeholders of relevant departments are present at the same time so as to ensure that victim does not have to repeat her statement multiple times. In order to ensure legal aid, the DLSA/ SLSA must assign a lawyer / paralegal during rescue process, give appropriate legal advice and legal aid to victim and her / his family.

Findings: The study found a lack of coordination and convergence between the departments. Legal aid at the time of rescue is not available to victims, except when the rescue has been carried out in coordination with NGOs.

Child and Adolescent Labour Fund is to be formed in every district for victims of child labour (CLPRA, 2016). INR 15,000 (additional amount) has to be credited by the government for each child. The deposited amount and interest accrued must be given to the child.

Findings: The study did not come across such provisions for victims of child labour.

Any child / adult rescued from hazardous employment must be linked to suitable education facilities or local skill development program.

Findings: It was found that the children are not linked to any such programme and are highly vulnerable to re-trafficking.

Local Panchayats do not register the details of agents who facilitate migration, migration of children without families and in those cases where the family believe that their family member is trafficked. A quarterly report has to be prepared by the Sarpanch with assistance of Panchayat Secretary of the migrants gone for employment within and outside the state.

Findings: It was found that Panchayats are not actively keeping a record of the movement of the villagers within the state or outside it.

Victims' aadhar card, BPL card, any other identity card / address proof and bank account required for availing the benefit should be made available.

Findings: It was found that the victims are unable to avail the benefits of the scheme due to lack of identity documents. The SOP should state who will be responsible for facilitating the procurement of documents for marginalised populations.

MoU between India and Bangladesh

According to the MoU between India and Bangladesh, the repatriation of cases trafficked victim pending beyond six months should be escalated to higher authority.

Findings: It is found that the administrative process for repatriation is lengthy and trafficked victims from Bangladesh languish in the protective homes / shelter homes for a minimum of 1–3 years.

(<http://www.mea.gov.in/Portal/LegalTreatiesDoc/BG15B2411.pdf>)

MoU between India and Myanmar

Myanmar and India signed a MoU on Border Cooperation to Curb Human Trafficking through Border Areas by coordinated patrolling on both sides of international border and maritime boundary by Armed forces.

(<https://www.mea.gov.in/press-releases.htm?dtl/23315/India+and+Myanmar+sign+Memorandum+of+Understanding+on+Border+Cooperation>)

There were no specific findings that emerged from this study for this MoU. However, it is an important MoU and should be used for curbing cross border trafficking across the Indo-Myanmar border.

Standard Operating Procedures to Counter Cross Border Trafficking in Persons: India and Bangladesh – UNODC (2017)

The information received from presumed victims should be cross verified by checking the details of the missing complaint as well as verifying with the family. The initial interception by Border Guards [Border Security Force (BSF)] must be documented. The assistance of Childline /NGOs must be taken in preparing the case details of presumed victims of human trafficking that have been intercepted. The interception with suspected trafficker should also be documented and the details should be handed over to the police along with documentation.

Findings: There is no system and arrangements that the police follow to collect information from the victims about the cross border trafficking and to share with the relevant agencies and authorities.

Annexure 6

Scheme for Rehabilitation and Social Re-integration of Women Trafficked for Various Forms of Bondage and Exploitation (with specific reference to commercial sexual exploitation and domestic servitude)

A. Premise of the Proposed Scheme

Trafficking is an organised illegal activity that is facilitated in contexts of feminisation of poverty, discrimination based on caste and gender, lack of access to education, healthcare and public welfare, absence of social supports, and inadequate opportunities for alternative livelihoods. Persons and families (henceforth called victims) are often those who make compromised choices that risk their safety, thereby making them vulnerable to exploitation and crime. They have often been unable to make use of, or have been deprived of educational, emotional, economical and social opportunities that citizens would ordinarily have access to. They may be physically forced and/or deceived into reaching trafficking destinations, or consent/accept it due to lack of other alternatives. A few trafficked victims may even drift into situations where they encourage exploitation of others. Further, in certain contexts, re-trafficking and trafficking of second generation have been reported.

The proposed scheme reinforces two processes. Firstly, community-based rehabilitation and social re-integration is essential to prevent trafficking and re-trafficking of victims and their second generation. Secondly, rehabilitation and social re-integration must be a planned process, with onus of responsibility on external agencies that support victims and their families.

Experience from Prayas' intervention over the last 25 years and the TISS research study on human trafficking (2019) show that victims of trafficking do not form a homogenous group, but share some commonly identified vulnerabilities before getting trafficked and later, when they have to re-enter society and construct their lives. For instance, while

some may wish to return home to their families, others may be unable to return home due to several reasons (e.g. family and community not accepting them, family contributing to trafficking, family earning from the income generated from trafficking, family economically unable to care for the victims, etc.). A scheme needs to therefore be inclusive of different categories of victims, while addressing key common areas that benefit all.

In the move to combat trafficking of women and children, the Ministry of Women and Child Development, Government of India, has introduced the Ujjawalla Scheme (a Comprehensive Scheme for Prevention, Rescue, Rehabilitation, Re-Integration and Repatriation of Victims Trafficked for Commercial Sexual Exploitation) that is an institutional-based scheme. This proposed scheme, in addition to the existing Ujjawalla scheme, is a *non-institutional scheme*, that addresses the specific rehabilitation and social reintegration needs of victims, through community-based measures. It is to be offered to those who have been discharged from institutions and those who do not wish to be part of institutionalised programmes. It is intended to help victims to journey from exploitation and victimhood, to citizens having rights to welfare, livelihood, safety and public support. ‘Rehabilitation’ and ‘social reintegration’, in this case, would imply a process of bringing a person to a stable situation – besides an improved one – where she is in a position to live with dignity and safety within communities.

For rehabilitation and social re-integration, the following should be addressed:

- i Rescue should be accompanied with a community-based rehabilitation plan. Physical removal from trafficking destinations and intermediate institutional shelter alone are inadequate in rehabilitation, social reintegration and prevention of re-trafficking.
- ii Persons released from bondage value freedom. Intervention programmes require to protect the physical and psychological freedom of victims.
- iii Sufficient time should be given to the victim to decide her future course of action.

- iv Intervention should have a two-pronged approach of firstly, providing her a protective/supportive environment; and secondly, initiating the process of social re-integration.

In conclusion, the proposed scheme is based on the following premises:

- i A significant number of trafficked victims have faced chronic social, economic and cultural disadvantage.
- ii They encounter varying levels of stigma, trauma, social exclusion, and physical and psychological disturbances – leading to their further social exclusion from family, community, and public support systems.
Their re-entry into society is not a natural process, and would require the State to facilitate the same.
- iii Physical removal and institutionalisation alone are not sufficient.
- iv A scheme that addresses specific rehabilitation and social re-integration would indicate a progressive step by the Government of India, contributing to the dialogue and demonstration of community-based rehabilitation and social re-integration programmes in attempting to address human trafficking.

B. Objectives of the Scheme

The scheme is intended to facilitate community-based rehabilitation and social reintegration of victims of human trafficking (with special reference to those trafficked for commercial sexual exploitation and domestic servitude).

C. Operational structure

Terms of operation: It is proposed that the components of the scheme are operated along three lines:

- Direct beneficiary assistance (for connecting victims with existing government schemes)

- Grant-in-aid to NGOs implementing the scheme
- Creation of structures extending support to persons eligible under this scheme.

Mentors: It is proposed that Mentors are identified for operationalising the scheme (drawing from Prabhat Scheme of Government of Goa that appoints Mentors). Mentors are non-government organisations, field projects of academic institutions and other registered social work agencies that would be responsible for operating the scheme, in co-ordination with State agencies.

Eligibility: This scheme applies to persons who have been exploited through human trafficking specifically:

- i. Victims who are in trafficking destinations, those (identified by Mentors as) vulnerable to getting trafficked, and those rescued from trafficking
- ii. Children and families of trafficked victims
- iii. Middle-aged victims who are being now pushed out of trafficking destinations due to their inability to earn
- iv. Victims who are in prison (eg. for section 7 or 8 of ITPA, section 294 of IPC, 110 of Bombay Police Act or 145 of Indian Railway Act, and sections abetting trafficking), who are inclined to exit trafficking contexts.

Certification of eligibility: Since victims are often transported to districts/ states outside their native residence, they may require support from different district/state jurisdictions, and over extended periods of time. In order to facilitate their access to other schemes of state and central governments, it is proposed that the victim receives Certification of Eligibility. This certification must not state the background of the person (as victim of trafficking), in order to prevent further stigma.

It is proposed that certification titled ‘Special Assistance to Persons from Socially, Economically and Culturally Disadvantaged Communities’, be created. This certification must be provided to the victim within a month of rescue/initiation into the scheme. It may

be issued by the District Collector of the recommending Mentor. This certification could be provided to not only victims of trafficking but women discharged from shelter homes, girls discharged from children's institutions after they complete 18 years of age and other victims of crime. A category that includes a range of vulnerabilities would prevent stigma attached to certification exclusively for victims of trafficking. This certification must be considered in lieu of other documentation (e.g. proof of residence, income certificate, caste certificate, domicile, etc.) required for opening bank accounts, accessing existing and forthcoming schemes, reservation for education and training. Special reservation for employment and housing for this category may be considered.

D. Provisions under the Scheme

Provisions under the scheme will facilitate:

- i Crises and trauma support
- ii Developmental programmes for victims of trafficking and persons/families at risk of getting trafficked
- iii Victims' and their families' access to existing government schemes, legal aid and representation
- iv Finding of protective and pro-social avenues for shelter, employment and relationships
- v Creation of platforms for victims to discuss their problems
- vi A rights-based approach with emphasis on humane treatment, right to live with dignity and find safe, adequate, and positive options for work
- vii Documentation of knowledge created about community-based rehabilitation and social re-integration, for analysis and replication across states addressing human trafficking through not only the law-and-order approach but also a developmental-and-welfare approach.

The scheme will have two (non-exclusive) components:

I. Prevention

II. Rehabilitation and Social Reintegration

All victims may not require support from all provisions under this scheme. Mentors may assess requirements and operationalise provisions required on a case-to-case approach.

I. Prevention of Trafficking and Re-trafficking

Prevention of trafficking and re-trafficking involve awareness programmes about human trafficking, connecting vulnerable persons with existing government schemes, counselling and crises support, and locality and community development programmes.

- a) Awareness programmes: Awareness programmes could be in the form of locally popular media, street plays, as well as structured programmes in schools, community centres, zilla parishads, panchayats, primary health centres, etc.
- b) Facilitating community participation: Members of formal and informal community structures (e.g. Panchayats, women's groups, Asha workers, *anganwadi sevikas*) should be trained and supported to identify and report cases of missing persons and suspected traffickers. These members could be facilitated to work with families and communities to sensitise them towards accepting and supporting victims of trafficking.
- c) Toll-free support helplines: These helplines should be manned by trained social workers, to offer counselling, information and help vulnerable persons to connect with support agencies. They must also be connected with police, to report cases of possible human trafficking.
- d) Co-ordination between government agencies and departments, and civil society agencies: Structures for co-ordination between NGOs, district and state officials of the department of women and child development, police, border security force, judiciary, labour departments, and other agencies connected with prevention and detection of human trafficking must be facilitated.

II. Rehabilitation and Social Reintegration

Immediately after rescue, the police may refer the case to the nearest One Stop Centre for counselling and support. Victims could then be referred to Mentors. Although, regardless of the source of referral (self, Mentors, One Stop Centre, etc.), assistance for basic requirements like medical assistance, trauma counselling, rations including special diet, conveyance, house repair, child and family support, etc. should be covered under this scheme. As most victims are from socially and economically weak families, savings are almost non-existent; and hence it is extremely important to pay attention to the above-mentioned needs, which constantly gnaw their minds and make it difficult for them to think beyond these immediate problems and anxieties. Once these emergencies/basic requirements are dealt with, persons can then be facilitated to think through their futures.

- a. Victim compensation: Victim compensation must be provided to all victims rescued by the police, under various legislations. Compensation amount is to be directly transferred to a bank account of the victim, within a period of 1 month from the date of rescue. The District Legal Service Authorities may be notified as the body to receive applications and disburse compensation to trafficked victims, as they are already assigned to carry out this task for other categories of victims of violent crimes, for example, victims of sexual assault, acid attack victims, etc. The existing scheme developed by NALSA for women victims may be extended to trafficked victims.
- b. Medical insurance: Victims must be provided with medical insurance under Aayushman Bharat scheme for themselves and their families. The certification for 'Special Assistance to Persons from Socially, Economically and Culturally Disadvantaged Communities' must be considered as documentation required for accessing medical insurance.

- c. Trauma-care and counselling: Special care and counselling must be provided to victims over the period required for social-reintegration. Mentor agencies must have necessary expertise. Further, country-wide toll-free helplines for counselling and guidance must be made available, and manned by trained social workers and counsellors.
- d. Bank accounts for victims/persons⁶²: Nationalised banks must be notified to open zero balance bank accounts for persons eligible under this scheme. Mentors and state agencies housing victims must open bank accounts within 1 month of the rescue/initiation into the scheme.

Further, banks must be notified to waive documentation criteria for opening bank accounts of persons carrying Certification under ‘Special Assistance to Persons from Socially, Economically and Culturally Disadvantaged Communities’, under the Jan Dhan Yojana. This would facilitate victims’ access to this and other schemes during/after rehabilitation and social reintegration.
- e. Emergency family support: Families of victims must be supported for medical expenses, rent, rations, etc. Support must be disbursed by Mentor agencies receiving grants under this scheme.
- f. Child support for education⁶³: Children of victims must be supported for education for a period extending up to 3 years.

⁶²This clause is in keeping with the fact that a significant number of victims are rejected by families and hence have no access to documentation for opening bank accounts.

⁶³Often, persons continue in CSE so as to protect the interests of their children. If children’s education is supported, victims would be encouraged to pursue rehabilitation and re-integration programmes.

Meanwhile, Mentors must also attempt to connect victims and their children with existing government schemes for child sponsorship.

- g. Shelter⁶⁴: Mentors must arrange for short-term and long-term shelter throughout the rehabilitation and social re-integration process. Shelter must go beyond state and NGO-run shelter homes, and extend to working women's hostels, group homes, rental accommodation in communities, emergency hotel accommodation, etc. Basic support for utensils, bedding, fuel/LPG, electricity, water, maintenance, rations, etc. must be provided for a period extending upto 3 years.

The scheme acknowledges that victims do not wish to live in institutionalised shelters for prolonged periods, as it negatively influences their rehabilitation and social reintegration.

- h. Education and awareness: Literacy and information base are two important components of a rehabilitation programme. Basic literacy is of utmost importance as it plays an important role when a victim tries to get employment or start a small business by herself or get enrolled in any training programme for income generation. Efforts should also be made to encourage and support the victim to opt for further education, through the non-formal and open school process, if possible. This will increase their chances for employability in the job market, in the long run.

Information and awareness would cover areas such as dealing with addictions of self and family/significant others, savings, establishing and

⁶⁴Community-based shelters must be promoted as it helps women to visualise freedom and explore options for training, education and employment. Further, women living with children would benefit from providing a home-like environment for the children, besides continuing to live with them without separation that institutionalised shelters are likely to entail.

sustaining healthy friendships and intimate relationships, family relationships, child care and support, government schemes, family laws, housing rights, voter identity cards, etc.

- i. Activities and Training Centres (community-based): Vocational training could be carried out in the centers run by NGOs. Talent and vocational skill development may take place in two phases. During the first phase, the woman may be given exposure and training in the Centre itself. These can be short-term courses and may include the basic/regular activities e.g. flower-making, jewellery making, and tailoring, etc. Activities must also include hobbies, exposure to art, culture, music, etc. The effort should be to get the person into a 'learning mode' from an earlier 'earning mode'. However, given that victims may be dealing with trauma and physical and psychological distress, they need time and space to re-think about their futures and heal from past trauma. Initial focus on activities helps to provide women with space and time to do this. Further, such activities also offer women with less pressuring tasks, till they are ready to take on the responsibility of constructing their future careers. During this process, the talents and skills of the trainees may be observed followed by discussions and planning for future training. These Centres generally act as an entry point into rehabilitation programmes, helping mentors and victims to explore rehabilitation programmes. Activities could be in the form of basic vocational training, hobbies, cultural programmes, art, music, informative, exposure visits, etc. Attending centre activities that are not pressurising, also provide victims with time and space to re-organise their lives following their exit from trafficking destinations.

In the next phase, long-term training programmes may be planned e.g. balwadi teacher's training course, beauty care course, advanced tailoring

course, para-professional social work course, home-based care course, computer course, etc. The goal should be to equip the victims with skills that can lead to increased self-confidence in them to look for options, and also result in job-openings for them. The type of courses that are taught or arranged should be relevant as per the area where she is residing or where she is likely to settle down in future, so that it is helpful in gaining employment.

In case where the women are undergoing training in various courses with a focus on specific jobs, apart from facilitating the training programmes, the mentors rehabilitation need to explore those sectors in the mainstream where jobs are accessible (considering their educational weaknesses and social handicaps) and there is acceptance/absorption of this group - as a starting point.

The Centres must be manned by vocational training instructors, trained social workers and/or psychologists, trained art and cultural instructors. A stipend (in line with the minimum wages prescribed in state jurisdictions), along with travel expenses, and expenses for meals, must be provided.

In addition to in-house skills development and training programmes, existing programmes under state's skills development programmes must also be mobilised.

- j. Connecting with existing schemes and programmes: Victims and their families must be connected with welfare and income generation schemes of zilla parishad/ municipal corporation/district welfare departments for specific help. They must also be connected with local balwadis and anganwadis for child support.

- k. Self-employment: The two major goals of any effective rehabilitation programme should be to provide a person necessary social support and make her employable. Hence the rehabilitation agency, along with providing the victim with social support, should also focus on the “end product”, i.e. helping her to get suitable employment or set up her own small business (taking into consideration her skills, choice, level of interest, her past experience, the area/district where she is residing in). For this, different options of income generation, and courses providing training on entrepreneurship have to be explored. The planning for this should be done keeping in mind the linkages with schemes available, which differ in rural and urban areas. In case of entrepreneurship, the women should be provided with the necessary skills required in setting up small business, starting from purchase of raw materials, manufacture, marketing her products, ways and means to access micro credits/various schemes of the government etc.
- l. Self-help: Victims must be facilitated in facilitating self-help initiatives. Mentor agencies could link victims with women’s SHGs and savings groups operating in rural or urban areas.
- m. Repatriation: Victims should be supported for upcountry travel to their native district, or to explore shelter and employment in other districts. Support must include expenses towards travel, food and stay. Repatriation should be preceded by a home enquiry carried out by Mentor agency or a probation officer or an NGO accredited by the DWCD of the state government.

It is important to explore the option of renewing ties with the family including in the native state, as majority of the affected women have

migrated or have been trafficked from remote districts/areas. Repatriation and follow up thereof includes:

- i Discussing with the victims the kind of support systems in their native towns, their relationships there, who would be of assistance, problems that are anticipated and how to approach these problems.
- ii Identifying support systems (e.g. govt. officials, agencies and NGOs) who could locate the family if required, and help the victim if a problem arises.
- iii Escorting the victim to her home town (with or without police help), if required.
- iv Maintaining contact with contact agency/family for the purpose of follow-up.

In case of foreign nationals, even if they have an ‘illegal’ status in India and do not have relevant identity documents, all efforts must be made to repatriate them to their country. For this, it is important that the details of the foreign nationals are sought from them soon after their rescue and the Ministry of Foreign Affairs intimated of the same. Subsequently, consular access should be provided to the rescued victim. The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, may be used for repatriation of foreign nationals. It states that cooperation amongst member states should be sought so that they “they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination.” It is important to ensure a formal, safe and secure process of repatriation of foreign nationals.

Further, in accordance with the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (in its Article IX-2), pending repatriation of victims of cross-border trafficking, state parties shall make suitable arrangements for their care and maintenance. This provision must also be extended to children of victims, whose developmental needs for recreation and education should be catered to.

- n. Networking with law enforcing /implementing agencies: Rescue and rehabilitation necessitates appropriate co-ordination between authorities involved, namely, the police, judiciary and women and child development department. It also becomes important to create awareness amongst enforcing/implementing agencies, about special provisions in the law, and appropriate use of law. Networking would involve organising workshops, discussions and other programmes so as to sensitize the authorities towards the rehabilitation needs of victims, and liaising between implementing agencies to ensure proper enforcement of procedures relating to institutionalisation, repatriation and rehabilitation.
- o. Legal aid: Legal assistance is required in (for example) cases where section 7 or 8 of ITPA have been applied against the woman, where the victims express desire to appear as a witness against the traffickers/pimps, to claim rights to ancestral/ marital property, marital rights, divorce, maintenance, custody of children, etc. Providing legal aid has to be preceded by adequate legal protection, legal literacy and counseling in. Victims need to be connected with the district legal services authority (DLSA). A special panel of lawyers must be created to address legal rights of victims in the absence of the DLSA.

E. Staff

NGOs/projects/registered social work agencies provided with grants to operate this scheme must have the following staff to cover 30 victims:

- 2 full-time trained social workers (with Bachelors/Masters in Social Work, M. A. in Counselling)
- 1 full-time Activities Instructor
- 2 part-time education and arts/crafts/cultural instructors.
- 1 Administration-cum-Accounts Assistant
- 1 housekeeping staff.

Proposed Budgetary Allocation

Duration of Project: Three Years

Annual Budget (for 30 persons)

<i>Provisions</i>	<i>Break up (Rs.)</i>	<i>Amount* (in Rs.)</i>
A. Programme Expenses		
<i>Prevention</i>		
Organising programmes, preparing audio-visual aids, etc.	50000	50000
<i>Emergency and Basic Sustenance</i>		
Medical assistance, travel, rations, house repair, electricity bills, child care, family support, etc.	5000 x 30 persons x 6 months	900000
Community-based shelter (working women's hostel fees, rent, basic amenities in shelter)	2500 x 30 persons x 12 months	900000
Education, Activities and Training		
Education and training fees	10000 X 30 persons	30000
Stipends (at the rate of minimum wages of state)	7500 x 12 months x 30 persons	2700000
Income generation/business		
Assistance for starting business	10000 X 5 persons	50000
Repatriation		
Travel and accommodation	15000 x 10 persons	150000

<i>Provisions</i>	<i>Break up (Rs.)</i>	<i>Amount* (in Rs.)</i>
Recreation and Stress Management		
Sessions/Exposure trips	1000 x 30 persons	30000
B. Administration		
Rent for office space and drop in centre (as per location), electricity, etc.	30000 x 12 months	360000
Phone, stationary, communication charges	3000 x 12 months	36000
Housekeeping	6000 x 12 months	72000
Salary for 2 trained social workers	25000 x 12 months x 2 staff	600000
Salary for Activities Instructor	20000 x 12 months	240000
Honorarium for visiting teachers and arts/crafts/training instructors	20000 x 12 months	240000
Salary for Administration Assistant	20000 x 12 months	240000
Salary for housekeeping staff	3000 x 12 months	36000

* It is suggested that the programme expenses be kept flexible, although within the total budget, to account for varying needs of victims at a given point in time. For instance, it is possible that fewer victims may require emergency support, but the amount required per head may be more.

(This scheme is based on a draft written by Prayas, a field action project of the Centre for Criminology and Justice, School of Social Work, TISS; and adapted by the National Research on Human Trafficking in India, TISS, after incorporating the recommendations of the study therein.)

Annexure 7
Reflections on the “Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018”

Broad Suggestions and Comments:

- 1. Need for a Comprehensive Law:** The Bill is an addition to the already existing vast range of legal provisions to combat the issue of human trafficking. There is a need for a comprehensive practical law that will necessitate cooperation and coordination between different agencies involved in investigating of HT cases. For instance, to facilitate cooperation and coordination between the Department of Labour, AHTUs, CWC etc. to address the issue of HT, we need to have a holistic approach.
- 2. Need for Procedural Changes:** There is need to make procedural changes in the existing provisions and strengthen some of the provisions which are victim friendly. Some of the ways in which this can be done is through revisiting the screening methods and instituting Standard Operating Procedures for the identification of victims or potential victims. Providing socio-legal counselling and legal aid to victims of trafficking must be specifically laid down in the Bill. Mechanisms to ensure accountability at each level of the investigating process also need to be ensured, so that agencies do not abuse the powers given to them under the guise of investigation. It must be ensured that all persons accused of trafficking are given the same rights that accused persons are entitled to under CrPC.
- 3. Carceral and prosecution-driven approach ignores the multi-dimensionality of HT:** As discussed above, human trafficking is a dynamic issue which cuts across the vulnerabilities at the village, household and individual level. At each level, there are various socio-economic, political, cultural and environmental

factors that need to be taken into consideration while attending to cases of HT. Several parts of the country are characterised by agrarian crisis, long-ranging conflicts and environmental disasters. All of these create conditions for trafficking. A carceral approach will limit the understanding to an individual or a group of individuals and not necessarily look at it as a multi-dimensional and dynamic issue, with its roots in structural inequalities. There is need to develop mechanisms whereby vulnerable populations such as female headed households, DNT communities, SC/ST families, etc. are identified in source areas and anti-poverty and social protection schemes are applied to them, through dovetailing of existing schemes, by the district nodal officer. The Bill should have a section on prevention of HT and measures that need to be taken by the State in this regard.

The role of civil society organisations is hardly visible in the Bill, except where they are included as one or two members in various committees. It is a known fact that NGOs and CSOs have played a stellar role in visibilising HT issues and in the rescue and rehabilitation of trafficked victims. The law does not specify how their role can be strengthened by involving them at each stage of the anti-trafficking processes – prevention, rescue and rehabilitation. Financial support to such organisations should be included in the provisions where the use of the National and State Fund is laid down.

4. **HT is an organized crime:** The Bill eludes the organized nature of the crime. The focus from the perpetrator as an individual needs to shift. It is well-established that HT involves a network and is rarely operated by a single individual. It is also common knowledge that the weakest persons/s in this chain of traffickers get/s arrested and prosecuted. In cases of sex trafficking, it has been observed that the *gharwali* is arrested at the time of a raid, while the others who are involved in the business escape or are not present at the site because they get informed about the possibility of a raid. This further populates the prisons with

marginalized women who are part of larger HT networks, but derive minimum benefits out of it and more often than not has not even met the others in the network.

- 5. Preponderance of women and children:** The recent trends indicate that the trafficking story may become only about women, where a majority of the identified perpetrators are women and the victims who are rescued and put into protective homes are also women. Similarly, there is likelihood that children in begging or child labour may be ‘rescued’ and put through the institutional processes, separated from their families and communities in the process. Unless we take a holistic approach whereby families and communities are taken a unit of intervention and developmental measures are not put in place with regard to them, we would only end up paying lip service to the issue. An intersectional approach to the conceptualization of trafficking is imperative. The Bill should a section in the aims and object / a provision that rescued women and children should be viewed in the context of vulnerability of families and communities to which they belong and rehabilitation should include family as a unit rather than the individual.
- 6. Use of Technology in the Modus Operandi:** The Bill overlooks the use of technology in the operation of HT networks. HT has evolved as a “faceless” and “spaceless” crime. Not only does the organized nature of the crime elude us from the perpetrator, the use of technology and applications such as Paytm, Whatsapp has enabled them to share information and money very easily without being identified. Provisions in the IT Act need to be linked with this Bill so that the cyber crime aspects of HT can be investigated and tackled.
- 7. Strategic and Practical Needs of the Society:** The Bill needs to move away from the issue of morality, especially with regard to commercial sex, and seek to address both strategic as well as practical needs. In spirit, it needs to aspire and

envisage a society where ‘choice’ is not made in the context of socio-economic and political vulnerabilities. In the present context, where violence against women and exploitation of labour are realities as much as the need for facilitators for migration, we need to tread on a path which will not violate human rights of the socio-economically deprived and marginalized in the country. At present, the Bill overlooks the precarious living and working conditions of millions of people who move from remote villages to cities and small towns to look for a means of livelihood. Their facilitators/agents/brokers become the only source of information about the available jobs. It has been observed that often, family members and villagers do not report cases of trafficking for fear of a crackdown on labour migration as well. Provisions such as release on probation of first time offenders and especially the lowest rung of the trafficking chain should be incorporated. Such provisions are included in the NDPS Act as well for first time consumers of substances (caught carrying up to a certain amount of drugs).

Specific Suggestions and Comments:

- 1. National Anti-Trafficking Relief and Rehabilitation Committee (NATRRC):** There should be representation of NCW, NCPCR, NCSC, NCST, and NALSA in NATRRC.
- 2. State Anti-Trafficking Committee (SATC):** There should be a representation of SCW and SCPCR, SLISA in the SATC.
- 3. District Anti-Trafficking Committee (DATC):** There should be a representation of DLSA in the DATC.
- 4. Section 15-17:** A trained social worker should be involved at the time of the rescue. Also, there should be a panel of social workers to advise the court and the police.

5. Section 17: This section should include:

- a. Every rescued person shall be provided with legal aid by the DLSA to inform the person of their rights and represent them in court if required.
- b. A list of NGOs should be prepared by the district anti-trafficking committee in each district to provide rehabilitation services to victims.
- c. Access to rehabilitation homes (including community-based shelters) must be available to all victims, for a cumulative period that extends upto three years. Following this, if the victim requests shelter at a later stage, owing to crisis and distress; the request must be considered by a nodal officer appointed for this purpose. Sec 17 (4) does not mention the maximum period for which an adult victim may be kept in a rehabilitation home. The maximum period should be specified.
- d. Child victims and children of victims of human trafficking must be made eligible for access to welfare schemes that support their care, education and other developmental needs – without other documentation being held a criterion for sanction of the scheme.
- e. A cadre of trained social workers must be appointed at AHTUs/other regional police stations, to counsel and support the rehabilitation of victims at the time of rescue and in the post rescue stage.

6. Section 21 – 25: There is no provision for community-based rehabilitation of victims of trafficking, especially in case of adults. It is essential to create vocational training facilities and livelihood schemes for persons who are rescued from bondage, CSE, etc. in the community so that they can easily access them. For this, shelter needs to be community-based, and financial support for victims residing in rental accommodation, group homes and hostels for employed adults must be considered.

Further, state governments must be directed to create a special rehabilitation scheme for victims of human trafficking.

Services to prevent second generation trafficking such as child-care support including creche, and educational sponsorship of children of women in CSE should be provided - NGOs offering such support should be financially supported through the National and State Rehabilitation Fund.

All rescued persons who may have lost their identity proof (such as ration card, caste certificate, Aadhar card) or it was confiscated by the traffickers, must be enabled to acquire them again through the District Nodal Officer.

7. **Section 26 (4):** Observations from the field suggest that the repatriation of victims of cross-border trafficking takes several months and sometimes years due to the delay in paperwork. This section needs to ensure procedural changes that will hasten the process of repatriation. The Bill may specify signing of MoUs between India and neighbouring countries which will facilitate repatriation in a faster and safer manner. An Office of Inter-State and Inter-Country Repatriation may be provided for at the state level to facilitate such processes.
8. **Section 27:** Every rescued victim should be entitled to fair and just compensation after being rescued. The victim or their family member or an NGO on behalf of the victim can apply for compensation to the DLSA and the committee appointed by the DLSA to award victim compensation under section 357A shall decide these cases.
9. **Section 28:** Relief should not be contingent on the filing of the chargesheet. It should be made available to any person rescued from human trafficking. Further, the profile of relief needs to be specified so as to maintain parity amongst different state governments.

10. Section 31: This section does not define trafficking for CSE and child labour (often in the form of child adoption).

“Aggravated form of trafficking of the person” offers deeply problematic situations for a wide range of individuals from migrant workers to adult consenting sex workers.

Section 31 (xi) states: "by encouraging or abetting any person to migrate illegally into India or Indians in to some other country". "Encouraging" is a vague term and may be misused easily with regard to migration and irregular migration. Likewise, terms like "promoting or facilitating trafficking of persons", "presumption of guilt" can be misused for the same reasons.

Section 31 (vii) and (viii) could lead to the criminalization of adult consenting sex workers.

11. Sec 32: increases punishment in comparison to IPC 370/370A and makes the punishment for aggravated forms of trafficking “not less than ten years but which may extend to imprisonment for life”. Increased punishment may not serve the purpose apart from populating the prisons. Moreover, the fine amount of 2 lakhs is unreasonable, because as pointed out earlier, those prosecuted in trafficking cases are the weakest in the network of traffickers.

12. Special penal measures: While the Bill stipulates the extent of penal measures to be set, it does not take into consideration the fact that often victims of trafficking are engaged in abetting the crime, under physical threat or for their own survival. Where it is established that the offender was/is a victim of human trafficking, special penal measures in the form of release on probation under supervision and community-corrections must be provided for.

13. Chapter VI: Preventive Measures: The Bill falls short of providing comprehensive measures for the prevention of HT. We suggest the following:

- a. Female headed households should be identified in the district and existing welfare schemes should be made available to them through the district nodal officer.
- b. Shelters homes and night shelters should be created at *taluka*, especially at places near main bus stands, railway terminus, towns and cities to offer a safe shelter with guidance and information about government schemes, legal rights. Trained social workers should be placed at these shelter homes. These should not be closed institutions.
- c. Information about helplines and shelter homes should be publicized widely through help desks at railway terminus and bus depots.
- d. Migration registers can be maintained at the Panchayat level under which the Gram Panchayat shall maintain a record of persons migrating from the village specifying the destination, ID proof copy, purpose of migration, names/contact details of person/agent/facilitators of migration, etc..
- e. MGNREGS needs to be strengthened, especially in terms of creating sufficient rural works opportunities and timely payment of wages, so that people are not compelled to leave their family and home in order to look for means of livelihood elsewhere.

14. Chapter X: refers to “forfeiture and attachment of property”. In case of community/family based prostitution, this provision may not be applied based on a SIR filed by an NGO or PO.

15. It is suggested that the Bill makes a progressive shift from the rescue-and-custody approach for adults, to a rescue-and-support approach. ‘Protective

homes' and 'rehabilitation centres' must be in the form of open hostels and rent-free apartments where victims can live with families (if desired) for a specified period or till they are adequately ready to lead independent lives.

- 16.** Post rescue, a stipend that is equal to a minimum monthly wage must be provided (Arz and TISS, 2018, unpublished) to adult victims of human trafficking for a specified period, along with emergency assistance to families.