

TRAFFICKING OF WOMEN AND CHILDREN CHALLENGES AND REMEDIES

Sponsored By



NATIONAL HUMAN RIGHTS COMMISSION (NHRC) INDIA
New Delhi

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2023

TRAFFICKING OF WOMEN AND CHILDREN: CHALLENGES AND REMEDIES

REPORT

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PREFACE

Human trafficking has evolved into a major humanitarian concern of our time. Human trafficking is a heinous violation of human rights that takes place all over the world. Human trafficking necessitates a multidisciplinary, coordinated national and international response due to its complex cross-border character. After drugs and the arms trade, human trafficking is the world's second-largest organized crime. The literature on human trafficking asserts that it is a kind of slavery or indentured servitude that involves abuse and lack of liberty: "Human trafficking always results in the exploitation of a person by a third party who recruits, transports, receives, and houses the victim in his or her home country or a foreign nation with the intent of selling sexual services. Human trafficking can involve the sale of labourers, organs, and infants, as well as the compulsion of individuals to work as beggars or prostitutes. The majority of women who are victims of human trafficking are exploited in the context of organized prostitution.

Human trafficking is a multinational occurrence that transcends the North/South divide. In 1949, the United Nations enacted a convention prohibiting human trafficking and prostitution. The United Nations has also adopted a convention against transnational organized crime, the Palermo Protocol, which is an addendum to combat trafficking, particularly of women and children. Human trafficking is a phenomenon that occurs in the grey area. It can be difficult to distinguish between prostitution and trafficking, and not all foreign women who engage in prostitution have been trafficked. It might often be difficult to distinguish between prostitution and trafficking. In many instances, women are aware that they will be working as prostitutes, yet they feel powerless over their life. In other instances, they were deceived into believing they would be performing tasks such as industrial work, housekeeping, etc. A person is a victim of human trafficking if she/he is no longer in control of where and when she/he engages in prostitution, has no right to defend herself, or cannot quit whenever she/he desires.

Human trafficking is a covert activity, and the majority of incidents likely go unreported due to victims' reluctance or inability to contact authorities due to intimidation, fear of retaliation, and lack of freedom of movement. Due to the lack of appropriate legislation in many nations, such crimes are frequently reported under alternative headings. The cumulative effect of these worries causes the victim to remain silent, hence reducing the number of reported occurrences.

Government of India under the Ministry of Women and Child Development has implemented a comprehensive scheme for prevention, combating of trafficking, rescue and rehabilitation of trafficked victims and their reintegration in the family and society. However, effective implementation of the scheme could not be ensured due to various factors. The plan of action on the part of various state governments, non-government organizations and donor agencies also could not witness the desired results due to ineffective enforcement of legislation and governance of programmes and schemes. Against this view point, this study has been conducted to examine the issue of human trafficking and the efforts for protection of women and girl children against

trafficking for trade of human flash as well as to examine the implementation of various shelter and Rehabilitation Homes such as Ujjawala P & R Homes & Swadhar Greh, Children Homes etc. in selected states.

The study has been planned in ten chapters. Chapter 1st is introductory-95 percent of trafficked people in India are pushed into prostitution, according to statistics (Divya, 2020). According to the NCRB, there are a total of 6,616 human trafficking instances documented in India, with sex trafficking being the most common (Munshi, 2020). The Indian government does not yet fully meet the minimal standards for the elimination of human trafficking, although it is working hard to do so. As a result of the government's overall increased efforts compared to the previous reporting period, India remained on Tier 2. Chapter 2nd deals with policy and legal perspective of human trafficking- it examines the policy and legal aspects of human trafficking in India and around the world. Chapter 3rd is concerned with rationale, objectives and research methodology of the study. Chapter 4th examines the profile and problems of trafficked victims and their exploitation- The study simply shows that victims of human trafficking are frequently subjected to severe physical violence, weariness, and malnutrition. Broken bones, concussions, bruising, or burns are common injuries, as well as other assault-related injuries. Some of these major injuries can result in long-term health issues, necessitating long-term therapy. Chapter 5th deals with perception analysis of recruiters, perpetrators and exploiters of victims. Chapter 6th is concerned with status of law enforcement in combating human trafficking in India- The analysis merely indicates that India's present human trafficking laws contain numerous loopholes. There has been a lack of conceptual clarity among law enforcement officers on the topic of human trafficking. Chapter 7th is related with rehabilitation and re-integration of recued victims- Data analysis reveals that current reintegration techniques in India fail to provide the basic requirements and rights of trafficked children and their families, such as protection, decent living standards, health care, and education. Reintegration is viewed as a fixed, short-term procedure by Indian anti-trafficking experts. Chapter 8th is all about role and perception analysis of stakeholders- By incorporating all stakeholders and responders, it is possible to prevent and combat human trafficking in a comprehensive and holistic manner. Chapter 9th is about major research findings and conclusions- Insufficient and inadequate laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the relatively low risks involved, corruption and complacency, poor visibility and less debate on the issue, the lack of political will of the governments to implement policies and to provide adequate services for victims- all has played important role in perpetuating trafficking. Chapter 10th is one which highlights the recommendations and Suggestions- All stakeholders' capacity building and gender sensitization are vitally needed and should be done on a regular basis.

The present study would be of immense importance for policy implications and also for operational view point as it will provide academic inputs for better understanding of the socio-legal issue and a road map for protection of women and girls against trafficking and rehabilitation of trafficked victims.

12th April, 2023

Dr. A. K. Singh
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ACKNOWLEDGEMENTS

We are grateful to the National Human Rights Commission (NHRC), India, New Delhi, for entrusting the study to us and giving financial support. A Special Acknowledgement goes to Mr. Rajiv Jain, Hon'ble Member, NHRC, Ms. Anita Sinha, IRS, Joint Secretary (TR-II), Dr. M. D. S. Tyagi, Joint Director (Research), Shri Sudesh Kumar, Senior Research Officer, Ms. Shilpi Jain & Ms. Tejasvini Akhawat, Junior Research Consultant and Mr. Ajeet Singh, Special Monitor of the National Human Rights Commission for adding qualitative depth to the process of designing & development of research tools, data collection and analysis, facilitating contacts with different offices, commenting on the interview schedules & draft report, and granting our request for an extension of time.

We place on record our sincere appreciation to Govt. officials especially Shri Surender Kumar Gulia, IPS, ACP, Crime Branch, Delhi Police, AHTU, Ms. Kiran Sethi, Sub Inspector, also Known as Lady Singham of Delhi Police, Ms. Sharmista Sharma, Deputy Director ICDS-I, Ms. Lata Negi, Deputy Director, HOD Women Empowerment Cell, Litigation, Dept. of WCD, GNCT of Delhi, Mr. Nabin Kumar Naik, State and Regional Director, Nehru Yuva Kendra Sangathan, Ministry of Youth Affairs & Sports, Govt. of India, Kolkata, Mr. Surendra Kumar, IPS, IGP, CID Assam, Ms. Mandira Baruah, In-charge/ Assistant Research Officer, Swadhar Greh and Ujjawalla Scheme, Department of Social Welfare, Govt. of Assam, Smt. Halima, Deputy Director, Child Welfare, Directorate of WCD, Karnataka, Ms. H. Jayalakshmi, Deputy Commissioner of Police, Crime against Women and Children (CWC) Wing, Chennai, Ms. Debashmita Chattopadhyay Banerjee, Sr. Divisional Security Commissioner RPF, Bengaluru, Shri M. A. Sayeed, Member, MSHRC, Ms. Shruti Shukla & Mr. Sarvesh Kumar Pandey, Deputy Chief Probation Officer, Dept. of Women Welfare, Govt. of Uttar Pradesh, Shri Dhrijesh Kumar Tiwari, ISS, Statistical Adviser, Ministry of WCD, Govt. of India and Dr. R.V. P. Singh, Deputy Advisor, NITI Aayog, New Delhi, who played proactive role in smooth conduct of the study and support in Data Collection.

We are highly thankful to the representatives of civil society organizations especially Mr. Naveen Joshi, Project Coordinator, KIN Nepal, Mr. Amos Tshering, Project Coordinator, World Vision, Mr. Sanjay Mishra, Head, Jharkhand, ATSEC India /NACG-EVAC India, Ms. Prathima M., Associate Director & Ms. Dimple D. Government Relation Officer, International Justice Mission (IJM), Mr. Raju Nepali, Founder & Director, Duars Express Mail, Siliguri, Mr. Pinaki Ranjan Sinha, Director, SANLAP, Kolkata, Ms. Sita Swanshi, Chairperson, Diya Sewa Sansthan, Ranchi, Ms. Baitali Ganguly, Secretary Jabala Action Research Organization, Kolkata and Mr. A. J. Hariharan, Founder Secretary at Indian Community Welfare Organization (ICWO). Chennai,

Tamil Nadu, who provided their full support in data collection & FGDs.

We appreciate to officials from the concerned state governments for extending all kinds of assistance and support to the research team in conducting of survey of the selected Ujjawala Centers-Protective and Rehabilitative (P&R) Homes, Swadhar Greh, Short Stay Homes, Children Homes, One Stop Center, CCIs/ICPS/JJ Homes, and NGOs working for the cause and concerns of human trafficking in various districts. We would like to express our sincere gratitude to the officials and administrative staff of the organizations/institutions for enabling the victims for their interaction with research team. They also provided all kinds of assistance in getting the desired information.

Shri H. N. Pandey, CEO, BIRD deserves special credit for Coordination amongst all the team members and all the stakeholders, Field Survey, Tabulation & Data Analysis and assisting in drafting & finalization of the report. Ms. Gayatry Singh went to great lengths to enter and tabulate data in a short period of time. We express our heartfelt gratitude to our research team, who worked tirelessly to gather data, review of pertinent literature, conducting a field survey, processing of data, and analysis of research findings at a terrible time of global pandemic. Finally, Mr. Sunil Barar typed the manuscript.

12th April, 2023

Dr. A. K. Singh
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EXECUTIVE SUMMARY

A Research Study

On

“TRAFFICKING OF WOMEN AND CHILDREN- CHALLENGES AND REMEDIES”

Human trafficking is defined as the recruitment, transportation, transfer, harbouring, or reception of persons for the purpose of profit by force, fraud, or deception. This crime, which occurs in every corner of the world, can affect men, women, and children of all ages and backgrounds. To fool and coerce their victims, traffickers frequently use violence, phoney employment agencies, and false promises of education and work possibilities. Human trafficking has developed as a severe social concern, particularly among women and children, and is one of the most egregious affronts to their dignity and human rights. It is a heinous commercialization and commodification of the lives of innocent people. Despite the fact that trafficking is a transnational crime, India, like many other South Asian countries, is increasingly being used as a source, transit point, and destination for traffickers. It's not just about human rights violations; it's about human rights defeats. Human rights are not the only ones that are failing; society and institutions are also to fault. The duties of traffickers get easier in the face of rising violence and deep-seated patriarchal norms. As a result, human trafficking of women and children, the most vulnerable group, is a heinous crime that violates human rights and dignity. Human trafficking of women and children is one of the most heinous types of human rights abuse. Because it is such a complicated problem, it has received little attention from academia, the legal profession, and civil society. It is frequently associated with prostitution, although this is only half of the story.

For labour and sex trafficking, India is a source, destination, and transit country. 90% of trafficking in India takes place within the country (intra-state or inter-state), while 10% takes place across national borders. The country is a transit country for people being trafficked to the Middle East and other parts of the world, as well as a destination for those trafficked from neighbouring countries such as Nepal and Bangladesh. India is also a transit country for people seeking asylum in Europe, the Middle East, or North America. Women and children are trafficked for the goal of exploitation, which can be classified as either sexual or non-sexual in

nature. The first category includes prostitution trafficking, commercial sexual abuse, pedophilia, pornography, cyber-sex, and various forms of disguised sexual exploitation that occur in massage parlours, beauty parlours, bars, residential flats, and other manifestations such as call girl racket, friends clubs, and so on. Domestic labour, industrial labour, adoption, organ transplant, camel racing, marriage, and other sorts of servitude could all be included in non-sex-based trafficking. However, the increased trafficking of women and children is mostly for sexual exploitation. While common techniques of trafficking are identified, such as coercion, duping, luring, false marriage, abducting, kidnapping, and so on, the victims are especially vulnerable due to their social and economic circumstances.

Human trafficking, like drug and arms trafficking, is a market-driven criminal enterprise based on supply and demand factors. Human trafficking is made possible by a variety of reasons that render children and people vulnerable. Human trafficking, on the other hand, does not occur only because numerous people are at risk of being exploited. Instead, the desire for cheap labour, services, and commercial sex fuels human trafficking. Human traffickers are people who use force, deception, or compulsion to exploit others in order to benefit from an existing need. It is critical to address these demand-driven variables, as well as to change the broader market incentives of high-profit and low-risk that traffickers now exploit, in order to solve the problem of human trafficking.

The study is divided into ten chapters. The first chapter is an introduction. 95 percent of trafficked people in India are pushed into prostitution, according to statistics (Divya, 2020). According to the NCRB, there are a total of 6,616 human trafficking instances documented in India, with sex trafficking being the most common (Munshi, 2020). India has been identified as a source, destination, and transit country for CSE and forced labour of women and minor girls (USDOS, 2012). It was ranked seventh out of 196 nations in the Trafficking Index in terms of danger of human trafficking in 2011, when it was grouped with countries recognized as being at high risk of human trafficking (Warhurst et al., 2011). The Indian government does not yet fully meet the minimal standards for the elimination of human trafficking, although it is working hard to do so. As a result of the government's overall increased efforts compared to the previous reporting period, India remained on Tier 2.

The second chapter examines the policy and legal aspects of human trafficking in India and around the world. Human trafficking has been a problem in our country since the dawn of time, particularly since India's globalization and industrialization. Our engagement with the worldwide community has grown, allowing us to become a member of the global economy, which has boosted our economic growth. On the other side, it has led to the victimization of our society's most vulnerable members, namely women and children. Human trafficking is not only a result of globalization, but it is also a part of it. Sexual trafficking or the immoral flesh trade is the most widespread kind of human trafficking that is ubiquitous and has been acknowledged by our legal organizations. Human trafficking is a type of modern-day slavery in which criminals' profit from exploiting trafficking victims. It is a crime against humanity since it violates the victims' dignity, rights, and liberty. It is a type of organized crime syndicate that works in a chain, making it difficult to eradicate from society. India's Constitution addresses human trafficking both directly and indirectly. Part III, Fundamental Rights, and Part IV, Directive Principles of State Policy, each contain three articles that address trafficking-related issues. The Constitution notably emphasizes human trafficking and forced labour, as well as the special protection that must be offered to society's most vulnerable populations.

The study's rationale, objectives, and methodology are discussed in Chapter 3. The assembled bibliography on human trafficking reveals that the prevailing anti-trafficking discourse is not evidence-based, but rather built on the creation of a particular trafficking mythology. Despite the rising interest in human trafficking, there has been relatively little systematic, empirically grounded, and theoretically sound research on the subject. Activists participating in anti-prostitution campaigns have performed much of the research on human trafficking for sexual exploitation. Human trafficking for labour exploitation research is also detached from theory. Within existing international migration theories, there have been limited attempts to evaluate concerns of cross-border trafficking for labour exploitation. There is also no attempt to build a new theoretical framework within which to evaluate the phenomenon completely. Poverty and the desire for a better life are by far the most prominent 'push factors' and primary explanations for why women and children, in particular, are vulnerable to human trafficking. It is necessary to emphasize the constraints of small samples for generalizations and extrapolations, while also emphasizing the importance of ethnographic investigations for creating hypotheses for future studies, including survey questionnaire development. In light of this, the National Human Rights Commission (NHRC) entrusted Bharatiya Institute of Research and Development (BIRD) with undertaking this study. This research study has focused on the status of victims and their exploitation, law enforcement, rehabilitation, reintegration, and repatriation schemes and programmes, and will provide a forum for in-depth discussions and deliberations on the pertinent issues, dimensions, and emerging perspectives on Human Trafficking in India, as well as the development of an action plan to combat it.

The main objectives of the present study are as follows:

- To review the legal and policy perspective of human trafficking and role of various stakeholders in prevention, combating, rescue and rehabilitation of trafficked victims and their reintegration in family and society;
- To study the magnitude, nature, dimensions, causes and modus operandi of trafficking of women and children in India;
- To assess the functioning and performance of Ujjawala Centres in terms of prevention and combating of trafficking, rescue and rehabilitation of trafficked victims and their reintegration in society and family;
- To examine the background of trafficked victims and their rehabilitation and reintegration in society and family;
- To appraise the government, private and civil society initiatives, interventions and efforts in prevention, combating, rescue and rehabilitation of trafficked victims and their reintegration in family and society;
- To suggest policy measures for prevention and combating of trafficking, rescue and rehabilitation of trafficked victims and their reintegration in society and family.

In order to fulfill the objectives, the study used a mixed methodological approach that included quantitative and qualitative methodologies. It's an exploratory research project that combines primary and secondary data. The current research is empirical in nature and relies heavily on original data gathered through a field survey. In addition to conducting a survey and analyzing primary data, secondary data and relevant material were gathered from published and documented sources to get insight into the research issue. The field survey was limited to Assam,

West Bengal, Jharkhand, and Uttar Pradesh as sources of trafficking and Delhi, Maharashtra, Tamil Nadu, and Karnataka as destinations of trafficking. Purposive and convenience sampling have been used due to the illicit nature of human trafficking. Purposive sampling was used to interview Law Enforcement Agencies/police personnel from the IGP/ACP to the Sub Inspector Level, Chairperson and Members of CWCs, DCPOs, Public Prosecuting Officers/APOs, Officials of NGOs/CBOs/Service Providers, Officials of the Department of Women and Child Development, Social Welfare and Labour Department, Officials of SCWs/SHRC/SCPCR, and Shelter Homes. Respondent-driven sampling (RDS), which combines “snowball sampling” and “respondent-driven sampling,” was used to identify the Sex Workers Victims (getting individuals to refer those they know, these individuals in turn refer those they know and so on). Randomness has been preserved to the greatest extent possible. As a result, a statistically representative sample of an unrepresentative portion of the target population has been drawn, allowing valid conclusions to be drawn about the full target population.

Sample size of the study is fairly large. Total 815 Rescued Victims, 340 Commercial sex Workers, 411 Parents of Rescued Victims, 93 Law enforcement officials, 255 Programs Administrators such as member of CWCs and DCPOs, 24 NGOs, 29 Prosecuting Officers, 49 Traffickers, 47 Brothel Keepers/operators, 63 Clients of CSWs, 123 Shelter Homes such as Ujjawala P& R Homes and Swadhar Grehs etc. 25 ICPS Officials were interviewed and 56 Focused Group Discussions (FGDs) with different stakeholders across the selected states were conducted. Primary data has been obtained through canvassing interview schedules, focus group discussions, case studies and non-participant observation. A total 8 different pre-structured format (Interview Schedules) was designed for different stakeholders in consultation with NHRC namely Interview Schedule for Victims, Service Providers, Law Enforcement Agencies, Prosecuting Agencies, Traffickers/Brothel Operators, Programs Administrators, Parents of Victims and one for Clients of CSWs. The filled in interview schedules was thoroughly checked, edited and processed in computer on SPSS 22.0 package for the analysis. Inferences, results and conclusions has been drawn out from the analysis of data. The data in tabular form has been analyzed, interpreted and discussed in the respective chapters.

The fourth chapter is about trafficked victims and their exploitation. The study simply shows that victims of human trafficking are frequently subjected to severe physical violence, weariness, and malnutrition. Broken bones, concussions, bruising, or burns are common injuries, as well as other assault-related injuries. Some of these major injuries can result in long-term health issues, necessitating long-term therapy. Because women who have been trafficked have been subjected to many abuses over a lengthy period of time, they may experience health problems similar to those experienced by torture victims.

Recruiters, Perpetrators, and Victims’ Exploiters are all discussed in Chapter 5. Human traffickers are criminals who gain money by exploiting others. The sole purpose of human trafficking is to make money. The various ‘links’ in the human trafficking network are human traffickers. They may engage in one or more of the following activities: recruitment, transportation, sheltering, and receiving trafficked individuals. Human traffickers entice their victims with promises of a better life and financial opportunities using charm, lies, and deception. These assurances are not genuine. Human trafficking victims quickly learn that the promises of a “better life” or “good wages” made by the traffickers were false. A victim’s “lover” or legal spouse can be a human trafficker. This is based on a fictitious reality as well. The goal is to make money, not to be romantic. The victim could be sold or used for sexual exploitation or labour.

The sixth chapter looks at the role of law enforcement in the fight against human trafficking. The analysis merely indicates that India's present human trafficking laws contain numerous loopholes. There has been a lack of conceptual clarity among law enforcement officers on the topic of human trafficking. The vulnerabilities of human trafficking are not given the attention they deserve, and they are not successfully addressed. Many officials in charge of enforcing anti-human-trafficking laws and regulations have not received training. Due to a lack of knowledge and information, even those officials who have undergone training are unable to effectively deal with the complex concerns of human trafficking. Between law enforcement authorities and service providers, there is a lack of collaboration.

Rehabilitation and Reintegration of Recued Victims is the subject of Chapter 7. Data analysis reveals that current reintegration techniques in India fail to provide the basic requirements and rights of trafficked children and their families, such as protection, decent living standards, health care, and education. Reintegration is viewed as a fixed, short-term procedure by Indian anti-trafficking experts. Individual children's cases are closed within four months of rescue, according to 96% of those polled, with no following follow-up or monitoring of the implications of return. Reintegration plans for rescued children and their families, both short- and long-term, are rarely established or implemented. Instead, current reintegration efforts consist of just identifying and returning rescued children to their families, leaving them vulnerable to the same structural vulnerabilities that led to their being trafficked in the first place.

Role and Perception Analysis of Stakeholders is the subject of Chapter 8. By incorporating all stakeholders and responders, it is possible to prevent and combat human trafficking in a comprehensive and holistic manner. The police should form strong alliances with non-governmental organizations (NGOs) that work in this field. The Police Nodal Officer (PNO) should take steps to ensure that government notifications are made for the purpose of forming the "advisory committee" described in Section 13 (3) (b) of the ITPA. In the meantime, the cops can partner with any NGO they like. Because this is such a complex and challenging subject, the involvement and active participation of other stakeholders in the prevention and battle of human trafficking, as well as the rehabilitation of trafficked victims, is crucial. Interventions against human trafficking come in a variety of forms.

The ninth chapter summarizes the research findings and conclusions. Insufficient and inadequate laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the relatively low risks involved, corruption and complacency, poor visibility and less debate on the issue, the lack of political will of the governments to implement policies and to provide adequate services for victims- all has played important role in perpetuating trafficking. It has been also expressed by all stakeholders that people who takes up the cudgels against trafficking are in miniscule. It becomes difficult to combat because everyone (trafficking camp) is unified. The profiting families are also reluctant to talk. There has been a complete failure in identifying and mapping human trafficking vulnerabilities. According to our research, the state, central, and local governments have not done any vulnerability surveys in the majority of India.

The tenth chapter is the final one, and it deals with the Recommendations and Suggestions. To combat human trafficking and so defend the human rights of vulnerable people, governments must have a strong political will to carry out their anti-trafficking responsibilities. Rehabilitation and Re-integration policies should be family centric rather than victim centric otherwise there are chances of re-trafficking. Safety and security of victims must be the center of multi-agency work. Appropriate safety of victims and a conducive environment is the prerequisite of a shelter home

and this should not be compromised in any way. Gender Sensitization, Training & Capacity Building for Police Officials, and Strict Action Against Police Officials Found Guilty of Corrupt Practices, Harassment of Victims, Especially Minor Girls, are all necessary.

MAJOR FINDINGS OF THE STUDY:

Preventive Measures, Profile of Victims & Their Exploitation

1. NCRB Data shows that during 2019, about 3.80 Lakh persons were traced missing and out of them, about 2/3rd were females. Out of total missing persons, a significant number of persons could not be traced out and remained missing. This shows that a large proportion of missing persons particularly women were forced into sexual exploitation trade. The Supreme Court while hearing a case in 2013 directed police that cases of missing children should be treated as abduction or trafficking until proven otherwise, it is yet to become a reality.
2. Most of the trafficked respondents (80.7%) were from economically weaker sections i.e., BPL families (50.3%), AAY-Antodaya Anna Yojana (30.4%) (Poorest of Poor) hailing from Rural & Semi-urban areas.
3. Friends/lovers/brokers/middlemen, strangers and migrant workers recruiters / placement agents were the main persons who initiated victims in trafficking; about 12% victims admitted that their family members are already trafficked.
4. About 11% victim respondents were found minor at the time of trafficking and thus, they were accompanied by family members during the course of trafficking. As per NCRB Data for 2019 this comes to 44.04% (2914 victims were minor out of total 6616 trafficked victims). Promise for paid work, to pay back or support parents were the main reasons for trafficking in case of minor at the time of trafficking.
5. Sexual exploitation, violence, beating, over work and deprivation of sleep and food were some of the types of physical and sexual abuse/violence experience by trafficking victims and sex workers. About 58% victims also experience injuries during their trafficking.
6. Victim re-trafficking is a common occurrence, especially in socially and economically disadvantaged areas. As per Report of International Organisation For Migration (IOM), one study found rates of re-trafficking in India to be 25.8 per cent among women trafficked for sexual exploitation; of this figure, 8.4 per cent had been trafficked on three or more occasions.
7. There is an increase in the recruitment of vulnerable people for online sexual exploitation by traffickers, as well as a growing market for child sexual abuse material and technology-facilitated child sex trafficking.
8. Many trafficked people (8%) are still unable to access governmental help due to administrative hurdles especially victims hailing from Bangladesh, Nepal & Myanmar. One of the most difficult parts is determining legal status/Identity. Trafficked people are frequently refused state services (e.g., medical, employment, social assistance, kindergarten, etc.) as well as other advantages to which they should be entitled and which are critical in the reintegration process.
9. A negligible proportion (10.8%) of Law Enforcement Agency respondents & 7.6%

Programme Administrators admitted that there has been some kind of vulnerabilities survey in their States, it was reported from Tamil Nadu followed by Assam and Karnataka.

10. It is reported that Domestic Work is offered to the majority of trafficked victims or migrant workers, particularly females, by traffickers/placement agencies/migrant worker recruiters, etc.
11. Domestic workers, caretakers, and those employed in the sex and entertainment industries are largely unprotected by labour laws. Female migrants may be coerced into prostitution or the sale of sexual favours in order to survive or provide for their family, especially if they are forced to migrate or are displaced. Sexual exploitation is a threat to migrant women.
12. The types of physical and psychological abuse human trafficking victims experience have led to serious mental or emotional health consequences, including feelings of severe guilt, posttraumatic stress disorder, depression, anxiety, substance abuse (alcohol or narcotics), and eating disorders. Victims of trafficking were in need of psychological care as part of comprehensive medical treatment. Stress, depression, sleeplessness, desperation, negative thinking, sort temper and violence and lack of obedience were some of the psychological impacts of human trafficking.
13. Violent exploitation has resulted in survivors developing a mistrust of care-giving individuals and systems, which has severely hindered the service delivery.
14. Prolonged physical and mental abuse has affected victim's behaviour in negative ways, having an impact on both physical and emotional responses. Because trafficked persons experienced extreme forms of trauma over long periods of time, their capacities both to understand what has happened to them and to describe their experiences are directly impaired as a result of such abuse. Victims found that it is difficult to make personal sense of the abuse they have experienced, much less tried to explain it to the authorities of shelter home or counsellors.
15. Social withdrawal, poor communication skills, inability to express feelings, difficulty with adjustment, lack of motivation and aggression, sexual activeness, nightmares, inability to make friendship and frightened of adults and strangers were some of the behavioural impacts reported by victims of human trafficking.
16. The level of awareness about schemes and programmes among the trafficked victim respondents was reported very low as negligible proportion of respondents were found aware about a few schemes such as Beti Bachao, Beti Pado, Swadhar Greh, Ujjawala, child line and children's homes. A negligible proportion of respondents further reported that they get benefits under Ujjawala, Swadhar, compensation for sexual exploitation and children homes scheme.
17. Only 3.6% victim respondents were aware about Compensation Scheme for Women Victims/Survivor of Sexual Assault/other crime-2018 and only 2.6% respondents got benefitted from the Scheme. The Victim Compensation Scheme established under 357-A Cr.Pc. by National Legal Services Authorities are not reaching the trafficked victims. In the last seven years, between 2012 and 2019, across India, not even 100 victims of human trafficking have been awarded compensation. Out of total 100 applications, only 30 survivors received compensation amount. In 19 States, out of the total fund allocation

of Rs 544.53 crore for victim compensation, only 128.27 crore has been utilized and 75 per cent of the funds remain unutilized.

18. About 1/3rd victim respondents reported that their family is unwilling to accept them back. However, about 2/3rd victims were willing to join mainstream after exit of the trafficking. Slightly less than 1/3rd victims further reported that they try to escape from destination of trafficking.
19. Less than 1/3rd sex workers reported that their families are willing to accept them back in their families. Similarly, majority of rescued victims were found willing to join mainstream as against 1/3rd of sex workers who were willing to join mainstream at the exit of trafficking. More than 2/5th rescued victims attempted to escape from destination of trafficking as against 6% of sex workers who try to escape from the trafficking.
20. There are still a lot of social customs/practices that inducts young girls into prostitution.
21. Majority of the sex workers were from the age group of 16 years and above at the time of entry in sex profession. However, more than 1/4th respondents were less than 16 years of age.
22. There is no sound programme and scheme to prevent second generation of prostitutions.
23. Psychological manipulation, threat of physical violence and pleasure are some of the main habituation factors in sex profession.
24. About 60% sex workers are willing to exit from the profession. Most of the respondents reported that they do not want that their children follow their mother's profession. However, majority of them require the support such as livelihood and accommodation, alternative livelihood and safe and secure place to live in order to exit from the current profession.
25. A new form of organized Prostitution has emerged in recent years. Gangs involved in organized prostitution are luring customers through internet, text messages and mobile-based applications, taking advantage of a loophole in the law which is silent on regulating the proliferation, promotion and advertisement of prostitution on digital platforms and even through leaflets /pamphlets. In the name of Cross Gender Massage Services, Organized Sexual Services are being provided at Night Clubs, Massage Parlours, Spas, Luxury Hotels & Resorts, Motels, Dance Bars, Private Residences, huts and even vehicles etc.
26. Poverty and illiteracy have been identified as two primary causes of trafficking and Primary data simply supports this theory as most of the parents of trafficked victims are illiterate and were living in object poverty.
27. About 60% parents of victim respondents said that family members are the facilitators followed by friends/relatives (11.8%), contractors/agents (5.9%) and placement agencies (2.9%). Surprisingly 23.5% respondents reported that their children run away from home.
28. Most of the (about 37%) parents reported that their children were working as forced labour-domestic works.
29. About 31% parents reported that their children were working in hazardous industries-metallurgical industries, coal, fertilizers, mining, chemical & petrochemicals, cement and

firecracker workshops. As per census of 2011, this figure is 20.7%.

30. There is a lack of National Level Campaign against Human Trafficking and Media is silent.
31. About 2/5th Law Enforcement Agency respondents reported that the problem of human trafficking is serious and this has been taken as priority in their agency. Even less than 1/3rd respondents viewed that human trafficking is very serious problem. It was found more pronouncing in Tamil Nadu followed by Karnataka and West Bengal.
32. A negligible proportion of Law Enforcement Agency respondents (7.5%) admitted that placement agencies that facilitate migration are registered with law enforcement agency. It was found more pronouncing in Tamil Nadu followed by Karnataka and Maharashtra. Thus, most of the respondents revealed that placement agencies are not registered with them. Thus, there is possibility of exploitation of girls during their migration.
33. The main reasons for non-stoppable trafficking as per law enforcement agencies were recorded mainly poor economic conditions, social customs, gender inequality, negligible penalties, domestic violence and poor law enforcement. However, prosecuting officers reported that poor economic conditions, poor law enforcement, negligible penalties, corruption, social customs, gender inequalities and inadequate laws are important reasons responsible for human trafficking.
34. Majority of stakeholders during FGDs informed that it is necessary to identify appropriate points of intervention so that migrants and future migrants are warned about the dangers and repercussions of human trafficking and get information that allows them to seek help if necessary.
35. Poverty, lack of means of livelihood, many girl children, lack of education, child marriages, and domestic violence are some of the major trafficking vulnerabilities. However, trafficking vulnerabilities vary across the stakeholders such as victims, law enforcement agencies and traffickers.
36. Poverty along with gender discrimination, domestic abuse/ violence, organized crime/ poor law enforcement, social inequities and cultural practices are some of the supply side factors of human trafficking and Cheap labour force, cheap domestic servants / maids, demand for women's sexual services and derived demand-profit and revenue generated by third parties including recruiters are some of the demand side factors responsible for human trafficking identified in this research.
37. Abuse of vulnerability/promise and offering money / jobs, allurements/ be funding / enticing with attractive offers, deception, fraud making, false promises of marriage, physical force / use of force and threats were some of the modus operandi of traffickers.
38. A negligible proportion of victims (5.3%), traffickers (0.0%), parents (0.7%) and client's (4.8%) respondent were found aware of National Human Rights Commission. The awareness level was found slightly significant among women and children victims followed by clients. The main sources of information about NHRC were reported to be NGOs followed by print media and electronic media
39. About 56% of respondents, who were aware about NHRC, were partially aware of role and functions of NHRC. It was found more pronouncing among the parents followed by

women and children victims, law enforcement agencies and clients. Slightly more than 1/3rd respondents were found fully aware of role and functions of NHRC. It was found more pronouncing among the public prosecutors followed by programme administrators. About 1/3rd clients and more than 1/4th service providers were not aware at all about the roles and functions of NHRC.

40. Insufficient and inadequate laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the relatively low risks involved, corruption and complacency, poor visibility and less debate on the issue, the lack of political will of the governments to implement policies and to provide adequate services for victims- all has played important role in perpetuating trafficking.
41. It has been also expressed by all stakeholders that people who takes up the cudgels against trafficking are in miniscule. It becomes difficult to combat because everyone (trafficking camp) is unified. The profiting families are also reluctant to talk.

Law Enforcement, Traffickers & Exploiters

1. AHTUs in India are special police units, devoted to tackle human trafficking. Following MHA advisory (July 2020), a recent report of 16 states and UTs suggest that 225 AHTUs existed only on paper, and only 27 percent of the AHTUs were operational. Most of the AHTUs are designated AHTUs burdened with a lot of other law enforcement activities. The Anti Human Trafficking Units (AHTUs) are not fully operative & Dedicated to Human Trafficking and in many districts of India, AHTUs have not been established so far.
2. Anti-Human Trafficking units (AHTUs) are currently under-resourced as well as undertrained. AHTUs are not fully aware about various legislations and sections dealing with human Trafficking.
3. According to the Protocol, rescue teams should include: an official from the Department of Labour, representatives of the CWCs, a local non-profit, a doctor, and a female police officer or volunteer. These individuals must receive training on relevant laws, their individual responsibilities, and trauma prevention strategies. However, research participants reported that, in reality, teams are often too small to cope with the numbers of children needing rescue. Police officers, doctors, and female witnesses only sporadically take part. Key informant data suggests this overreliance leads to ad hoc and under-resourced raids directed by inexperienced or poorly supported workers, a situation that can and does inflict additional trauma on vulnerable children.
4. The Rescue Protocol states that details of the rescue and the identities of rescued children must remain strictly confidential, and should not be disclosed to outside parties, including the media. Yet privacy breaches concerning occurrences and information leaks before, during and after raids are frequent.
5. Service Provider Respondents stated that employers are often alerted to impending raids, and that unsuccessful rescue operations can increase the risk of employers retaliating against children.
6. Most of the Government official stated that rescue team members directly solicit media involvement so 'the public could understand that this type of activity is a

crime and punishable offence'. Publicity generates risks of retaliation against rescued children, increased social stigma and difficulty in reintegration. Moreover, widespread sensationalized media coverage of raids plays an important role in simplifying the complex underlying social and economic problems that perpetuate this problem.

7. Key informant interviews held with police officers, Government Railway Police (GRP) and Railway Protection Force (RPF) and other stakeholders-Child Welfare Committee members, NGO representatives, and vendors in railway stations, reveals that most cases of trafficking are not registered or reported which is the major reason for the declining trend in reported cases of trafficking. It is reported that Memo/GD entry is made by GRB/RPF and children are handed over to Child Welfare Committee in most cases. Some of them are left without any enquiry/record.
8. The terms "human trafficking" and "migration" are being used interchangeably, resulting in the denial of labour rights. It's crucial to understand the difference between "trafficking," "sex work," and "migration."
9. Human Trafficking incidents are underreported as a result, the complainant is compelled to file a complaint through court order, while the offending police officers walk free. There are cases of refusal by police to file a complaint on the basis of jurisdiction/area, despite the fact that any police station can file a complaint and the investigation can be moved to the appropriate police station
10. There are several reasons for non-registration of cases. It varies from case to case. The police officials are not much aware of IPC section 370. It is clearly provided in explanation-2 of the Act that the consent of the victim is immaterial in determination of the offence of trafficking, most of the police officers don't accept it. In the case of Bhagubhai Patel v State of Gujarat, the High Court held that a customer at a brothel comes within the purview of sec 370 of the IPC because trafficking also includes prostitution, the reason being that it is one type of exploitation.
11. The police are burdened with so many responsibilities as there are vacancies in police stations. Hence, they are reluctant as they cannot investigate the entire chain which crosses over three to four states. No coordination mechanism is available between source and destination states. Even if victims are rescued and sent back to their home, there is no rehabilitation package under IPC which would result in leaving the victims unprotected. There will be also problem in filing charge sheet, trail and other proceedings for which the victims will not either coordinate or turn hostile. Corruption, pressure from superiors/politicians and lack of review mechanism force the officers in non-reporting of incidents. Moreover, the child protection mechanisms are very weak and they are not properly enquiring the victims and following the procedures. They don't have any power or authority to influence the police officers.
12. The major challenges being faced by agency in encountering with investigation of cases frequently reported of lack of victim cooperation/victim distressed, community ignorance and lack of identity as Victims do not identify themselves as a Victim. However, other important challenges were reported to be language /cultural barriers, lack of adequate resources, victims do not identify themselves as victims, lack of support with victim support providers, lack of adequate training and knowledge as well as lack of procedures and clear jurisdiction.

13. NGOs and Service Providers reported that most of the AHTU or police relied on NGOs to report victims to the police for action. In some cases, poor inter-state coordination impeded victims' ability to obtain services and participate in civil and criminal cases upon return to their home states. The Odisha Labour Department took steps to improve inter-state coordination on labour trafficking cases by establishing help desks, located in the capital cities of Telangana and Andhra Pradesh, as well as in Delhi, to identify trafficking victims from Odisha.
14. International Justice Mission (IJM) and other NGOs reported that some officials in Uttar Pradesh, Tamil Nadu, Telangana and Karnataka treated bonded labour cases as labour exploitation, which meant victims were not identified as bonded labour victims, did not receive "release certificates," and were not eligible for government compensation or services. In the Bonded Labour Abolition Act, the definition of accused restricted to the principal employer and leaves traffickers out of the ambit of prosecution.
15. Labour department officials do not register FIR in most of the cases as mandated under law as there is confusion & disagreement about who has this responsibility. The resulting consensus is that employers are 'rarely' or 'never' arrested & unlikely to be convicted. Official figures for 2015 show that nationwide only 55 cases of child trafficking for any purpose 1.09% resulted in convictions out of 5,026 under investigation.
16. Most of the traffickers during interaction told that they are also involved in drug peddling but they were always arrested on grounds of human trafficking rather than for drug peddling as they get bail easily in trafficking cases. Justice S K Panigrahi of Odisha High Court. Justice Panigrahi has heavily commented on this issue as reported in TOI: 02.07.2020. Drug trafficking is linked to many forms of trafficking including diverse forms of labour trafficking in agriculture, begging and diverse forms of hard physical labour.
17. Associations with traffickers with Pan India Network of Traffickers & smugglers is the basic reason for about half of the respondents for getting involved in flesh trade, whereas more than one third (37%) respondents have reported that earlier they were Sex Workers/Broker/Pimps, about 8% have reported that earlier they were brothel owners. 2% respondents were practicing their inherited business.
18. Most of the traffickers (79.6%) reported that they traffic the victims on promise of money/ jobs and they directly contact to the family/victims through their placement agencies. Placement agencies are playing a major role in trafficking minor girls as well as children for the purpose of labour, sex slavery and forced marriages.
19. The traffickers have changed their modus operandi with the changes in law and society. In most of the cases the trafficker is known to the victim who convinces the victim and her/his family and further sell them over to placement agent.
20. For objecting the work given by placement agencies, the victims are tortured, thrashed and beaten up badly, many times these victim girls report sexual violence and assault by the placement agents and even by their employers. The girls are kept confined in the placement agencies till the time they are sold further. These placement agencies keep on changing their addresses, name and contact details to escape from law.
21. Most of the Traffickers (98%) reported that Relatives /family members, neighbour / friends and other middle men are playing critical role in making women and children

more vulnerable to join trafficking.

22. Big profit and lack of alternative livelihood for trafficker are the main reasons for continuity act of human trafficking.
23. Witness turning hostile, protection of victims and witness, court adjournment and victims pleading guilty were some of the major difficulties being faced by Law Enforcement Agencies in working with cases of human trafficking.
24. The phenomenon of flying sex workers is increasing day by day and has been attributed the reason behind flourishing of brothels.
25. More than 2/5th brothel keepers reported that police raids thrice and above in a month in the brothels. The main reasons for police raids were reported to be checking of minor girls, law and order problems and for official figures. More than 1/4th brothel keepers reported that Police Raids the brothel when monthly quota is not given to them. About 1/4th respondents reported that they are often involved in contact with police. About 30% respondents reported that police are also involved in racket of trafficking.
26. Only 7.9% clients reported that they were ever harassed by Police and those who were harassed 4.8% clients reported that they were harassed occasionally where as 3.2% reported that were rarely harassed. Clients those who were harassed by Police were asked what was the action taken by Police when encountered. 6.3% Clients reported that Police extracted money from them and 1.6% reported that they were verbally abused.
27. Easy bail for traffickers, intimidation and humiliation of victims, and baseless segregation of survivors/accused following rescue operation from brothels during complaint filing are the major gaps in the enforcement mechanism to combat human trafficking.
28. Most of the Law Enforcement Agency respondents admitted that the officials of their units/department have received training on the issues of human trafficking. However, a large proportion of respondents in Karnataka, Uttar Pradesh and Tamil Nadu revealed that officers have not received such training.
29. Most (84.4%) of the Law Enforcement Agency respondents reported that less than half of the officers in their departments have received training on the issues of human trafficking. In-service, induction, orientation and refresher training were organized on the issues of human trafficking.
30. Most of the Law Enforcement Agency respondents (91.4%) revealed that they learn the subject of human trafficking as regular law enforcement activities while about half of the respondents admitted that they learn such knowledge from training, conference and workshops. Thus, about 2/3rd respondents revealed that their knowledge about legislations on human trafficking is at average level.
31. Majority of the Law Enforcement Agency respondents (64.5%) reported that section-7 and 8 are most commonly used sections of ITPA. However, about 58.1% respondents revealed that section-3 and 4 are most commonly used sections of ITPA.
32. There is a lack of integrated information system about the trafficked person and the traffickers/brothel owners/operators.
33. Police involvement in perpetuating the practice of trafficking is reported by traffickers,

NGOs as well as brothel keepers. Raid and rescue efforts have often resulted in police harassment, detention and abuse of women and minor girls as reported by victims rescued from the brothels of Pune and Mumbai. Although rescue efforts provide an important means of escape for women and minor girls in CS and a pathway to support services, when implemented poorly without sufficient police training and adequate insight about the commercial sex network, it has become traumatising for women and minor girls.

34. It is reported that Law enforcement authorities, for example, the police force themselves, have a limited understanding of the prevalence of trafficking of women and minor girls for CSE and tend to be uninformed about their responsibilities under the ITPA towards trafficking. This constitutes yet another challenge in the prevention of trafficking of women and minor girls.
35. The clause u/s 18 ITPA, which allows for the closure of brothels and the eviction of offenders, has been applied sparingly. We have discovered a slew of brothels operating beneath the radar of local cops in Delhi, Mumbai, Pune, Nasik, Kolkata, and others.

Prosecution of Offenders

1. Conviction rate in crimes against women and children for the past three years has been low. The conviction rate in cases of crimes like rape, cruelty by husband or his relatives, violation of Protection of Women from Domestic Violence Act, human trafficking, violation of Cyber Crimes/Information Technology Act and Protection of Children from Sexual offenses Act, have been amongst the lowest. It has been informed by the State Government of Uttar Pradesh that they are conducting prosecution drives to improve the conviction rate in crimes against women and children.
2. According to NCRB data, conviction rate under human trafficking was recorded 42.4 per cent in 2017 which declined to 31.9 per cent in 2018 and further reduced to 20 per cent in 2019. BIRD' Primary Data indicates that 20.8% prosecuted persons were convicted. The main reasons for low conviction rate as per public prosecutors were recorded witnessed turning hostile (44.8%), poor evidence (20.7%), lengthy court procedure (13.8%), inappropriate charge sheet (10.3%) and easy bail to traffickers (10.3%). However, reasons for low conviction rate vary across the selected states.
3. Material evidence, medical examination of victims, suspects and documents and witness evidence are some of the major techniques being used in investigation of crimes related to trafficking. However, techniques of investigation of crimes vary across the states. The State Law Enforcement Agencies Reported that forensics plays a critical role in the successful investigation, prosecution and conviction.
4. NGOs have reported that police rarely make the informant NGO witness of the recovery memo or charge sheet, therefore most traffickers and brothel owners are able to evade legal capture.
5. Most of the rescued victims (56%) have reported that the statement of the complainant/victims is changed or ignored during the investigation, and it is not video-graphed as required by law. Even it is videotaped, they are not sent to the court with the charge sheet.
6. Inappropriate charge sheet, witness turn hostile, poor evidences and lack of victim or witness protection are some of the loopholes in law enforcement mechanism for low-rate

of prosecution.

7. Service Providers, NGOs, Parents, Programme Administrators and Public Prosecutors have reported that at different levels of government, a lack of comprehensive responsibility for wrongdoing and corruption persisted, contributing to widespread impunity.
8. During FGDs with the Service Providers, NGOs, Parents, Programme Administrators and Public Prosecutors it was deliberated that the survivors/families are forced to become hostile and refuse to testify in the trial court due to social pressure, threats, intimidation, bribes, police collaboration, protracted trials, cross-cases, and a lack of faith in the criminal justice system, among other things.
9. About 1/4th Public Prosecuting Officers reported that present laws are able to address the issues of human trafficking adequately. It has been noted that law enforcement officials do not take any action against accused persons who provide falsified documents in order to obtain bail. Protection of victims and witness, adequate rehabilitation facilities for victim, victim's access to legal aid, long term crime control policy and victim's rights are some of the ignored areas in existing laws.
10. Most of the Public Prosecuting Officers (79.3%) admitted that existing laws permit them to use of specialized evidence-gathering techniques in course. It was found more pronouncing in Jharkhand, Karnataka, West Bengal, Maharashtra, Assam and Uttar Pradesh. Witness turning hostile, protection of victim and witness and victim pleading guilty are some of the major difficulties being faced in working with cases of human trafficking.
11. It has been noted that law enforcement officials do not take any action against accused persons who provide falsified documents in order to obtain bail.
12. Majority of the Public Prosecuting Officers (69.6%) reported that less than 25% officers have received training on the issues of human trafficking. Trainings were mainly organized by department of justice, service providers and independent trainers. About 79% respondents reported that officers have received training on the issues of human trafficking. It was found more pronouncing in Karnataka followed by West Bengal, Uttar Pradesh and Jharkhand. However, about half of the respondents in Tamil Nadu and 1/3rd respondents in Assam and Maharashtra revealed that officers have not received such training.
13. Approximate only half of the Prosecuting Officers has received Training on the Issues of Trafficking & prosecution of offenders and those who received the training majority of the respondents (82.6%) revealed that training on the issues of human trafficking has not been effective.
14. There are major coordination gaps/lacks among NGOs inside states, across states, and across borders, as well as other stakeholders.

Rehabilitation, Re-integration and Repatriation

1. It is reported that at every level, there is a resource shortage, particularly in terms of funds to combat human trafficking, such as underfunded shelter homes, which impedes the rehabilitation process.
2. It is reported that the CWC serves as 'guardian of the rescued child...empowered to

plan the rehabilitation plan'. Immediate care and support are also of critical importance as a prelude to more sustained rehabilitation and reintegration into a rights-respecting childhood. In practice, while basic food and shelter are generally provided immediately following rescue, care is found to be insufficient. Several NGO participants reported that rescued children are sometimes transferred to a police station, an inappropriate and potentially re-traumatising environment.

3. When the victim speaks a different language, investigators and trial courts are handicapped in trans-border and inter-state trafficking cases. The lack of an interpreter who is fluent in the relevant local languages makes it difficult to care for women & children who have been trafficked from different states. This egregious failure has far-reaching repercussions for service delivery performance and the risk of criminal prosecution.
4. It is reported that both government and NGO run shelters faced serious shortages of financial resources and trained personnel, particularly counsellors and medical staff as funds are not released on time. The disbursal of government funding to NGOs was most of the time delayed for multiple years.
5. About 60% Service Providers reported that service providers received training on subject matter of human trafficking. It was found more pronouncing in Maharashtra followed by Karnataka and Tamil Nadu.
6. Only 38.1% Service Providers reported that there is reporting mechanism within their agencies to track trafficking cases. It was found more pronouncing in Jharkhand followed by Uttar Pradesh, Karnataka and Assam.
7. Most of the Service Providers (98.4%) reported that there is specific menu of food for beneficiaries. About 3/4th respondents further reported that they follow such menu, but Research Team did not find a single cook in most of the shelter homes run by NGOs and victims reported that they them self-cook the food and perform other activities.
8. Most of the Service Providers reported that they have admission register (87.8%), attendance register (83.7%), separate case file (82.1%) and detailed case histories of beneficiaries (74%). However, less than 1/4th respondents (23.6%) reported that files are being given specific codes for maintaining confidentiality. The files are being updated mainly weekly and quarterly.
9. It is reported that only 16 out of 123 (13%) service providers are maintaining the Rehabilitation Plan, Psychological Counselling Reports, Home Verification Reports and follow up Reports. Research Team did not find a single Psychological Counsellor in most of the NGOs run shelter homes. It is a serious lacuna and the main reason behind failure of rehabilitation of victims, when there is no proper rehabilitation plan and no proper Psychological Counselling of victims then how can they be treated or rehabilitated. Follow up report after reunion in the family is also missing on part of service providers, so it cannot be ascertained as what happened to the victims after their reunion in the families. Home Verification Report is also missing from the files, it raises a serious question that when home of victims is not verified, how they are reintegrated to families. This is a fundamental flaw in the rehabilitation and reintegration process that must be addressed.
10. In most of the cases and in most of the shelter homes psychological counselling is done only on paper, we have not found a single psychological counselor in any of the visited

shelter homes during the interaction with service providers.

11. The mode of follow up of victims restored to their families or reintegrated is being ensured through telephone, other organizations and direct visit to the place where beneficiaries are resided but was limited to a handful of victims (26.83%).
12. Funding, social stigma, service coordination, long term commitments and lack of sensitivity and understanding on sex trade were some of the obstacles in rehabilitation and reintegration programmes as reported by Victims.
13. It is reported that in most of the shelter homes (82.1%) run by NGOs there is a lot of deficiency on part of the services provided by them. Most of the shelter homes run by NGOs do not have the proper infrastructure as well as qualified and skilled manpower as envisaged in the guideline of Ujjawala, Swadhar Greh or other children's homes. The care system is completely missing in these homes. Almost every stakeholder argues that most of these shelters are run on poor budgets. The reasons for not investing in a care system that does not become custodial is a neglect and blindness to the oppression being inflicted upon the ones that one claims to protect and empower.
14. Ujjawala and Swadhar are schemes devised by the MOWCD to reach out to women and minor girls in CS and women in difficult circumstances, respectively. Their implementation, however, has been far from satisfactory. Rehabilitation centers and shelter homes under these schemes are not universally available across states. This creates barriers to rescue operations by the police, because of the lack of designated places to which the police can send the rescued women and minor girls. Moreover, the quality of services provided to victims in shelter homes was found to be poor.
15. Many shelter homes were also found to be unsafe for victims, and the environment in these homes was such that rescued women and minor girls were at risk of being criminalized and re-victimized. 78% girls/women residing in shelter facilities reported that they were subjected to invasive medical examinations and had to face traumatizing queries from investigators checking details of their backgrounds. Finally, the *Ujjawala* scheme has not been successful in reintegrating survivors with their families and communities and in coordinating interstate activities between government and NGOs for rescue and rehabilitation of victims.
16. In several cases, government-funded shelter homes continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. Due to unsafe conditions and forcible detention in government run and funded shelters, some sex trafficking victims including children ran away, and at least one attempted suicide in the shelter during the reporting period especially in Delhi, Maharashtra and Assam.
17. It is reported that the staffs hired in shelter homes are poorly paid and it is a challenge to find, recruit and retain good therapists, educators or trainers in shelters. Therefore, the survivors must rely on mainstream service providers, in hospitals and chambers. The chances of getting employment based on the vocational trainings taught to survivors in shelter homes are near zero.
18. Rehabilitating sex workers is a serious issue. The Indian Supreme Court has declared that sex workers' rehabilitation program should not be contingent on their being forced to

stay in corrective homes, and that sex workers cannot be imprisoned in corrective homes “which they see as a virtual prison.” Regardless of these facts, forced rehabilitation is still the norm in India.

19. The Protocol requires a home verification report to determine whether it is safe for the child to be sent back home to his or her family. If not, the CWC can recommend family-based alternative care, or residential hostels provided by the government or non-profits. In practice, children are always returned to their families except in cases where the family cannot be located. Respondents agreed that thorough family assessments, exploring the original drivers of the child’s trafficking and measures that could alleviate risks of re-trafficking, never happen.
20. This serious protection failure is due in part to the logistical difficulties of home assessment. Approximately, four-fifths of child workers in India are from low-caste families in remote and hard-to-reach rural areas, and trafficked children sometimes come from families that are themselves migratory, struggling to survive. In most of the cases once home is traced, the family is told to come and collect the child from the regional hub.
21. Resources to strengthen a child’s integration back into the family, to support parents’ mentorship and acceptance of returned children are also lacking. As a result, reintegration is generally reduced to simple return to the status quo preceding the child’s trafficking. It is not surprising, given this reality, that reports of assault, neglect and re-trafficking in these environments are not uncommon.
22. Rescued children are not consistently enrolled in bridge school programmes (NCLP School) after their return home.
23. The Rescued Children who are successfully enrolled in bridge schools, returned children face difficulties integrating into formal schools because the coordination between the two systems is extremely poor. This serious problem is partly exacerbated by the fact that bridge school programmes are run by the Ministry of Labour and Employment, while the Ministry of Education organises formal schooling. The failure to invest in robust teaching facilities in bridge schools and to ensure smooth transition opportunities into mainstream formal education is a critical issue in the reintegration context.
24. NGOs representatives during FGDs reported that ‘There is no chance of financial help or compensation to victims.
25. Responses of Programs Administrators (76%) clearly show that most of them are not aware about various components of National Plan of Action (NPA) to combat Human Trafficking. If the Programs Administrators are not fully aware about various components of NPA, we were not able to understand how they are administering the various schemes and programme to combat human trafficking in their respective areas.
26. About one third Programs Administrators are not aware about the main/nodal Agency/ Ministry/ Actor for implementation of specific activities under NPA.
27. As per NPA, Central Advisory Committee is responsible for Monitoring and Evaluating the Strategy and Activities under NPA. But only 9% Programs Administrators are aware about this fact.
28. As per Direction of MHA & MoWCD State Nodal officers (Police) are responsible for

Coordination and holding periodical meetings to review and monitor the efforts taken to prevent and combat the crime of trafficking at State Level. Only about 1/5th (19.6%) Programs Administrators are aware about this fact.

29. Most of the Programs Administrators reported that they perceive menace of sex trafficking for CSE as mild (48.2%) and moderate (41.4%). However, a significant proportion of respondents (10.4%) in Jharkhand and Maharashtra reported it as severe.
30. The main reasons for people in the district being trafficked out according to Programs Administrators include poverty, poor schooling, poor law enforcement, family conflicts, lack of awareness, poor social support, lack of severe punishment to perpetrators and search for better quality of life.
31. According to Programs Administrators Community awareness; prosecution and conviction of offenders; rehabilitation of victims; establishment of helpline; and prevention against vulnerabilities of trafficking are some of the existing measures that address the issues of prevention of trafficking of women and children.
32. Most of Programs Administrators admitted that state initiatives to counter human trafficking are moderate (53.9%) and significant (37.9%). The flaws in the existing laws include mainly lack of severe penalty for repeat offenders; lack of continuous training of investigators, judicial officers and public prosecutors; lack of provision for special court; lack of protection for victims and witnesses; and non-existence of special investigating agency.
33. Majority of the Programs Administrators (67.5%) reported that there is lack of capacity building for care givers, law enforcement and judiciary while more than half of the respondents (51.07%) revealed that there is lack of specialized investigative agencies. Other lacunas included poor police infrastructure (38.21%), inadequate funds (38.21%), adequate police officials (36.42%) and lack of political will (33.21%).
34. Community awareness, empowerment of women and girls, prone to trafficking, proactive community policing, help line for women and children, penalties to perpetrators and clients of victims and sensitization programme for SSHs were some of the most effective programmes in combating human trafficking according to Programs Administrators.
35. CWCs have not been constituted in a number of districts (20) and jurisdictional aberrations create confusion resulting in a large number of vulnerable children not being able to access their right to protection.
36. Majority of CWCs reviewed have a complete five-member composition in terms of official appointment by Selection Committees. Poor attendance is however a concern. Overall, more men than women are appointed into CWCs. A majority of CWC members and Chairpersons across the different States largely meet the minimum eligibility criteria. However, an ideal CWC composition in terms of a diverse and multidisciplinary profile is missing.
37. CWCs appear to be dominated by those from the social work and education sector, while people from law, medicine and psychology sectors are relatively under-represented. CWC recruitments that could lead to potential conflict of interest such as those who are associated with a residential child care facility being appointed as CWC members within the same district have also been noted.

38. Nearly all the CWCs are found to be functioning in incomplete settings and some in severely insufficient settings. The concept of child-friendliness has not yet been defined within the JJ System. Its implementation has been largely ignored in both the CWC set-up as well as during CWC proceedings. A single fixed CWC sitting venue has been insufficient to reach out to all children in need of care and protection within the district.
39. Currently, there are no prescribed procedures in the Act or the Rules for management of cases during proceedings. While a few CWCs effectively manage proceedings and case flow, others are seen to flounder and use inefficient/ inappropriate practices.

POLICY RECOMMENDATIONS:

In light of the critical examination of the existing legislation and its gaps to tackle different forms of human trafficking and punish the perpetrators, Prevention, Protection and Rehabilitations measures taken by Government of India and the State Governments and the Challenges being faced by various stakeholders in combating Trafficking of Women and Children in India, we recommend following Remedies:

Prevention:

1. To combat economic distress, states should map all vulnerable families, particularly migrants and children at risk, and link them to 37 government schemes, including those for skill development, income generation, housing, right to education, and livelihood schemes, such as those under the Atmanirbhar Yojana. The government's many policies, programmes, and initiatives involve different departments must be intertwined in such a way that they must include an anti-trafficking component that is integrated into the larger plan of action by the concerned government department. Self-Help Groups (SHGs) and PRIs can be useful in this regard.
2. It is necessary to identify appropriate points of intervention so that migrants and future migrants are warned about the dangers and repercussions of human trafficking and get information that allows them to seek help if necessary. Effective patrolling and vigilance at trafficking hotspots such as highways, dhabas, railway stations, and bus stations for suspicious movement of traffickers and victims, as well as monitoring suspicious/ unnecessary movements of strangers in villages with the help of the village community. Truckers Against Trafficking (TAT) and Bus Operators Against Trafficking (BOAT) initiative could play a major role.
3. To guarantee domestic workers' rights to compensation, reasonable working hours, good health, and other benefits, it is important to regulate domestic employment and create a legislative organisation to do so. Residents Welfare Associations (RWAs) should be given the responsibility of keeping a database of domestic workers, servants, and maids in their colonies and societies, as well as making sure that there is no child labour there.
4. The second prerequisite is for a regulatory body to oversee migrations, like the Migrant Worker's Commission, to guarantee safety and security of movement. Third, there has to be a dedicated web portal for keeping a database of every single migrant worker so that their present status can be evaluated or tracked and they can benefit from various social security programmes. Finally, we think that governments should accredit recruitment agencies and actively monitor, control, and oversee them.

5. Recruitment agencies should be required to require contracts for migrant workers, and each state should have a law to regulate them, like the Chhattisgarh Private Placement Agencies (Regulation) Act, 2013, or the Jharkhand Private Employment Agency and Domestic Employee Bill, 2016. It is proposed that there be a web-based single point registration system (SPRS) for recording all placement agencies' addresses and locations, with the requirement that no placement agency may function without being registered on SPRS. A Department of Labour & Employment inspector level officer may be assigned to regularly audit the placement agencies' field operations and data accuracy.
6. The government should make sure that all migratory workers in the informal sector, including prostitutes, are covered by social security programmes and that their children have access to education in all states.
7. Between NGOs within states, between states, across borders, and other stakeholders, there exist large coordination gaps or failures. A National Integrated Grid of Anti-Trafficking NGOs that is connected to NGO groups outside of Bangladesh and Nepal's borders is appropriate and essential. Partnership between NGOs and government organisations is essential in anti-trafficking programmes and actions. The National System of Anti-Trafficking Nodal Officers at the national level may be connected to the NGO grid. Ministry of MHA and I&B can play a vital role in this regard.
8. There is a lack of resources at every level, especially in terms of funding to combat human trafficking, as seen by the underfunding of shelter homes, which impedes the process of rehabilitation. Collaboration between businesses and non-profits can be started by either party or encouraged by the proper government agencies. The enormous sums that corporations set aside to fulfil their social obligations (CSR) could be efficiently directed into the fight against trafficking.
9. A comprehensive information system about both the trafficked individual and the traffickers/brothel owners/operators is lacking. We support the establishment of a national website on human trafficking where members of the public, law enforcement, and non-governmental groups may exchange images and details on trafficked individuals and traffickers. A National Database connected to a National, State, and District Dashboard is required to continuously monitor cases and oversee rescue and rehabilitation efforts. This will make it possible for the police, judges, concerned government officials, and non-profit organisations to stay informed and act quickly. To facilitate effective communication, it is important to promote regional information exchange on trafficking. To provide data bases, situational analyses, information system management, training modules, and documentation of best practises, a national media resource centre should be established. Ministry of MHA can play a vital role in this regard.
10. Human trafficking is so deeply ingrained in society's social ethos that it cannot be addressed just through legal measures, government programmes, or initiatives. Lack of livelihood possibilities, gender discrimination, and opportunity deprivation are the most serious challenges. The community should guarantee human rights. Other stakeholders, such as schools, panchayats, other democratic institutions, NGOs, CBOs, religious teachers, media persons, and all members of the community, must play an important part in transforming the neighborhood's existing "culture of quiet" into "community involvement."

11. The initiative of Dr. PM Nair IPS (Retd.) to Panchayat Against Human Trafficking (PAHT) could be replicated in every Gram Panchayat in India. This will involve a public awareness campaign and the development of an all-inclusive system to fight human trafficking at the grass-roots level that will involve all officials at that level. Women and children must be made aware of the tactics used by traffickers to entice them with enticing employment, lucrative incomes, and unions that result in commercial sexual exploitation. In addition to their proactive involvement, all stakeholders must be empowered by the community, have their capacities increased, and get support. It is recommended that Anti Human Trafficking Clubs (AHTCs) be established in every Indian school, college, and university for efficient awareness building and prevention of human trafficking because students are change agents in any society.
12. Anti-trafficking movement should begin in order to keep the subject of human trafficking at the forefront of national debate. The media should play a beneficial role in promoting a good outlook. Ministry of I&B can play a vital role in this regard.
13. Stringent laws should be enacted to prevent immoral social conventions that, in the name of folk culture, traditions, and rituals, induct minor girls and children into the flesh trade. Social initiatives for the rehabilitation of prostitutes should be carried out in partnership with non-governmental organisations (NGOs), particularly among specific castes and communities such as the Kolta, Nat, Bedia, Mahar, and others.
14. To prevent the threat of sex tourism, the government must act quickly. It is necessary to institutionalize coordination between state police agencies and central law enforcement agencies, including immigration officers, as well as other related departments such as tourism and urban development.
15. The problem of second-generation prostitution can be reduced if the children of prostitutes are given a fair future. Prajwala, an Andhra Pradesh-based anti-trafficking organization, has made a start.
16. There is an increased need to raise awareness among the trafficking vulnerable population in general, and among trafficking victims in particular, about various development schemes and programmes being implemented by State Governments, which are either sponsored by the Central Government or by the State Government. Ministry of I&B can play a vital role in this regard.
17. Because the law is silent on controlling the proliferation, promotion, and advertisement of prostitution on digital platforms and even through leaflets/pamphlets, gangs engaged in organised prostitution are enticing clients using the internet, text messaging, and mobile-based applications. Organized sexual services are offered in nightclubs, massage parlours, spas, luxury hotels & resorts, motels, dance bars, private residences, huts, and even cars, among other places, under the guise of cross-gender massage services. On the internet and on mobile devices, these kinds of messages ought to be outlawed, and an effective monitoring system ought to be developed to find such material there and on other social media platforms. To counteract organised prostitution, which may be a form of human trafficking and is illegal under the law, local police should be especially vigilant and frequent checks and raids should be conducted at these sites.
18. The same recruiter can repeatedly traffic many vulnerable children from a village because

arrests are typically focused on the place of exploitation rather than on perpetrators complicit in other stages of trafficking. As a result, it is suggested that widespread knowledge of human traffickers be raised at both the source and transit points.

19. Along with a growing market for child sexual abuse materials and technology-facilitated child sex trafficking, there is an increase in the recruitment of vulnerable individuals for online sexual exploitation by traffickers. Social media and messaging businesses have been urged by CEDAW to implement sufficient security measures to lower the danger of human trafficking and sexual exploitation of women and girls. Digital platforms should use “big data, artificial intelligence, and analytics to identify any pattern that could lead to trafficking and identification of the relevant parties” engaging in criminal activities, according to the request. In this regards MHA may create a cell & a dashboard under Indian Cybercrime Coordination Centre (I4C) Scheme for combating Online Human Trafficking with a alert system for local police. The cell may be entrusted with the responsibility to verify that social media and messaging providers are adhering to CEDAW regulations. It is also essential to start a significant public education effort regarding the nation’s cyber laws.

Effective Rescue, Rehabilitation, Repatriation & Re-Integration

1. Sex workers have expressed a desire to be included in social security programmes as well as take part in larger campaigns and forums advocating for the rights of the unorganised sector. Customized rehabilitation programmes have been found to be more successful than shelter-based programmes, such as the Community Based Rehabilitation Package and identity-based self-help groups. It might be possible to reproduce the Gujrat Amul Model for Sex Workers Rehabilitation in other regions of India. We recommend that initiatives impacting sex workers be carried out with the input, participation, and leadership of sex workers. We urge the Indian government to adopt a comprehensive strategy to uphold sex workers’ human rights.
2. The Bonded Labor Abolition Act limits the definition of an accused to the primary employer and excludes traffickers from prosecution. The fact that victims were not recognised as such, did not receive “release certificates,” and were not qualified for government assistance was considered labour exploitation by some. It is essential that the statute be amended so that traffickers are subject to prosecution under the Bonded Labor Laws. We demand that those responsible for such abuses be held accountable to the fullest extent of the law and that programme managers, including SDMs, receive training on how to do away with the bonded labour system.
3. There is a serious lack of services provided in the majority of shelter homes managed by NGOs. Budgetary resources must be increased to support the programme. Anti-trafficking initiatives that are creative, multifaceted, and cross-sectoral should be given top priority. The Indian government should push for the use of CSR cash for community-based rehabilitation programmes and closely supervised shelter facilities in the anti-trafficking sector.
4. Strong oversight and administration of Shelter homes’ operations, as well as the provision of Social Audit, are also crucial. It is imperative to have an unbiased social audit authority. These shelters should be connected to various government programmes like ICDS, NRHM, NSDM/NSDC, and others in order to establish convergence and connect rescued victims to the mainstream.

5. The Ministry of Women and Child Development, in collaboration with the Ministries of Education and Skill Development, should implement skill development initiatives and vocational training programmes for children rescued from begging, drug abuse, child labour, bonded labour, and adolescent dropout girls.
6. Rehabilitation and Re-integration policies should be family centric rather than victim centric otherwise there are chances of re-trafficking. Safety and security of victims must be the center of multi-agency work. Appropriate safety of victims and a conducive environment is the prerequisite of a shelter home and this should not be compromised in any way.
7. Depending on the objective of the shelter and the anticipated requirements of the women it will serve, particular positions and qualifications should be given preference. To optimise the breadth of services that can be provided with limited resources, personnel from Shelter Home may be hired on a case-by-case basis or staff with diverse/multiple abilities may be recruited.
8. We suggest requiring PTSD testing of human trafficking survivors before they may be rehabilitated and assisting NGOs in offering assistance for rights-based case management.
9. Rehabilitation frequently entails returning the child/victim to the same parents who exploited them in the first place. "We must abandon the notion that the natal family is a safe sanctuary for young children and develop novel rehabilitation solutions." Stopping child trafficking in the country should be the responsibility of the government. *It should be made mandatory and compulsory that no victim is re-integrated and repatriation until and unless complete home verification is done.*
10. In circumstances where the victim's or child's safe return to his or her family is either impractical or not in the victim's best interests, sufficient care arrangements that preserve the victim's rights and dignity must be created. A child who is mature enough to form their own ideas should be given the freedom to express them in every choice that affects them, especially those involving the possibility of returning to their family, and their opinions should be given the weight that is appropriate given their maturity and age.
11. Mandatory repatriation of rescued survivors is not desired, as many of the girls were averse to the prospect of reuniting with their families. Participants who were duped into trafficking by deception were eager to return to their families, whereas those who had fled their homes due to domestic violence and eventually ended up in a trafficking position were hesitant to return.
12. To arrest re-trafficking and facilitate the return and reintegration tailor-made strategies are required, which can address the factors which lead to the victimization in the first instance. All interventions during the rehabilitation phase must address the potentially vulnerable elements causing trafficking in the first place on the case-by-case basis.
13. Service Providers (Shelter homes) have no mechanism for follow up or monitoring of victims after reintegration. It is recommended that periodic monitoring of the victim's well-being after reintegration be done through service providers on the ground before closing the case.
14. The Ministry of Labour & Employment, Ministry of Education, and State Governments

should collaborate to ensure that there are enough NCLP Schools in each district and develop a monitoring mechanism to ensure that NCLP schools are providing the services for which they were created. The rescued children and their families require ongoing counselling and persuasion to enrol in NCLP Schools.

15. There is an urgent need for strengthening the systems of victim compensation for increasing access to survivors of all forms of trafficking. An essential factor that enables survivors to work in congruence with the justice system involves harm reparation and compensation that is provided to the survivors in question.
16. The National Human Rights Commission (NHRC) is largely unknown to victims, traffickers, parents, and clients. We strongly suggest educating the general public, as well as law enforcement personnel, service providers, prosecutors, and programme administrators, about the NHRC's duties and functions, as well as its grievance redressal procedure.

Effective Law Enforcement & Prosecution:

1. Law enforcement officials should treat cases of missing children as abduction or trafficking until proven otherwise as per Direction of The Supreme Court in 2013 and search for these people in every possible location. When children disappear, Law EAs should start the missing person's process, look into what happened, disseminate information, and conduct investigations, collaborating with other agencies as needed.
2. About 31 percent Parent respondents reported that their children were working in hazardous industries- metallurgical industries, coal, fertilizers, mining, chemical & petrochemicals, cement and firecracker workshops. We recommend that provisions of The Juvenile Justice (Care and Protection) of Children Act, 2000: and The Child Labour (Prohibition and Regulation) Act, 1986: should be implemented in letter and sprits. Violators should be punished. Regular check of hazardous industries/units must be carried out by the Labour Inspectors.
3. The idea of community policing needs to be made more widely known in order for people and non-governmental organisations to get involved in policing to stop and combat the trafficking of women and children.
4. Anti-Human Trafficking units (AHTUs) are currently under-resourced as well as undertrained. There is an urgent need for additional Capacity Building of AHTUs and Providing them adequate funds and infrastructure because "the police lack the means to undertake a thorough investigation if the person is trafficked from another state."
5. To address the issue and protect the rights of victims and survivors, comprehensive legislation is required due to the underreporting of human trafficking instances and gaps in other laws. For law enforcement organisations, there is a need for an extensive training and capacity-building programme on the topic of human trafficking. It should be made mandatory for AHTU or the Police to report every case of human trafficking.
6. We advise the police to use the following strategies to win the trust of victims: Assuring victims that they are not the subject of an inquiry Victims deserve to be treated with respect and decency. Employ a translator if the victims speak different languages, ensuring that the victim's identity and privacy are protected by taking all necessary precautions; Keep

the accused far enough away from the victims to be safe. Check to see if Section 228 A of the IPC and Section 21 of the JJ Act are being followed; Inform the victims of the investigation's development; Keep in mind that the victim takes all of their belongings with them. Do not take offence if traumatised victims behave inappropriately or refuse to interact. Avoid, among other things, using derogatory language or making humiliating gestures or body language. Police officers may be able to overcome these challenges using their knowledge, skilful communication abilities, and information because it is also a question of counselling and persuasion.

7. According to public prosecutors, the primary causes for the low conviction rate include witnesses becoming hostile, inadequate evidence, a long court process, an improper charge sheet, and easy bail for traffickers. The problem of insufficient evidence and improper charge sheet could be addressed by conducting thorough investigations into human trafficking instances. Because most witnesses and victims become hostile during prosecution, more emphasis should be placed on gathering Material Evidence, Medical Examination of Victims, Suspects, Digital Videography of Investigations & Statements of Victims and Documents Supplemented by Forensic Evidences for filling a charge sheet instead of a statement under section 161 of the Cr..Pc., as this will almost certainly increase the chances of offenders being convicted.
8. A qualified and experienced investigative agency, such as the National Investigation Agency (NIA), which has been mandated to look into interstate and international trafficking crimes, is urgently required for the proper investigation of human trafficking cases. We support the full capacity building of law enforcement and prosecuting organisations, including providing them with state-of-the-art methods and tools for obtaining information and forensic evidence, as well as witness and victim protection, which may lead to a more severe conviction.
9. Recruitment agencies, document forgers, brokers, brothel owners, debt collectors, managers and owners of employment agencies, corrupt immigration officials, consular staff, embassy staff, law enforcement officers, border guards who accept bribes in exchange for passports, visas, and safe transit, and all others who are involved by their acts of omission and commission that result in exploitation should be dealt harshly under law.
10. In order to safeguard some victims of human trafficking, prosecutors should set up child-friendly courts, as is done in Telangana and West Bengal. Most of the time, courts should employ video conferencing to hear testimony from victims who have been reintegrated or repatriated. Since it is essential for convicting traffickers and criminals, victim and witness protection should be carefully considered. Because of poor witness protection and the drawn-out legal process, many victims were reluctant to take part in trials against their traffickers. As a result, it should be ensured that cases are routinely reviewed by superior authorities.
11. To combat human trafficking, all states and territories should establish an Anti-Human Trafficking Bureau at the state capital level, as well as independent, non-designated Anti-Human Trafficking Units (AHTUs) at every district level, and use of Women Help Desks to monitor investigations at every police station by a Senior Officer at State Level. Dedicated AHTUs are urgently needed because some AHTUs lacked defined mandates, were not

completely focused on human trafficking, and often received requests for assistance months later, limiting the effectiveness of investigations. In a few cases, police allegedly freed alleged sex traffickers on bond right away, allowing them to focus on other crimes. Trafficking investigations are lengthy and complex, and we believe that having full-time resources devoted to these investigations are essential for success. These officials also underscore the need to provide and use undercover assets and to establish and nurture informants and witnesses.

12. Ministry of Home Affairs should collaborate with the Ministry of Railways. The Railway Board should be asked to enlist the help of the Railway Protection Force (RPF) and the Government Railway Police (GRP) to combat human trafficking at railway stations. They should instruct GRP and RPF officials to remain watchful and alert when dealing with such instances and mandatorily report each and every case of Human trafficking.
13. Brothels ought to be shut down right away. A thorough action plan needs to be created for this project. Prostitutes and commercial sex workers need to be rehabilitated into other fields in order to improve their livelihoods. The relationship between police and owners of brothels makes things worse. This nexus has to be broken up as soon as feasible.
14. It is advised that rescue teams strictly follow rescue protocols and include a representative from the Department of Labor, representatives from the CWCs, a local non-profit, a doctor, and a female police officer or volunteer. Almost every stakeholder reported that police do not follow standard rescue protocol.
15. Enforcing the law in relation to applicable Acts like CLPRA, BLSA, IPTA, JJA, and IPC involves not only police but also many other authorities involved in the Criminal Justice System, such as executive magistrates, labour officials, CWC members, and in-charges of Homes. In order to strengthen the state's investigation and prosecution apparatus in this area, the State government should create a time-bound action plan.
16. The development of all stakeholders' capacities and a regular programme of gender sensitization are absolutely necessary.
17. A First Information Report should be filed in every instance of child labour, the case should be thoroughly investigated, and the offenders should be punished. As a result, there is an urgent need to train and sensitise labour department workers on the aforementioned issue.
18. The lack of an interpreter who is fluent in the relevant local languages makes it difficult to care for children who have been trafficked from different states. As a result, professional interpreters are required in such situations. At the district level, a database of competent language interpreters should be kept and shared with law enforcement agencies, service providers, and the courts.
19. CWCs must be established in each district as soon as possible, according to available guidelines, and multiple appointment practices should be strictly prohibited to eliminate potential conflicts of interest. CWCs should include those who work in the fields of law, medicine, and psychology.
20. It is found that almost all CWCs are working in inadequate sittings, some of which are seriously inadequate. To deal with this, three different sorts of sitting venue styles are utilised by several CWCs across the nation. There are further unique sittings available,

including rotating and parallel sittings. Each, however, offers a unique set of benefits and drawbacks. A mixed sitting configuration of CWC is advised as needed.

21. The Act and the Rules do not currently provide any procedures for case management during hearings. While some CWCs successfully handle proceedings and financial flow, others seem to be struggling and using ineffective/inappropriate approaches. The necessary authorities must create a flawless attendance system, such as Aadhar Enabled Biometric Attendance, to prevent prolonged absenteeism from CWC meetings because it interferes with the evaluation of children's rights.
22. Strong action against human traffickers should be taken, including criminal penalties and the freezing of their bank accounts. The unlawful assets amassed by traffickers and other parties as a result of exploiting trafficked victims should be seized and forfeited.

Human trafficking, particularly of minors, is a kind of modern-day slavery that necessitates a holistic, multi-sectoral strategy to address the problem's complicated dimensions. Law cannot be the exclusive device for dealing with challenging social and economic issues. Given the infancy of services to trafficked people, monitoring and evaluation studies should be a part of any assistance programme, both governmental and private. Anti-trafficking legislation must be enforced properly, which necessitates educating individuals about the laws in place so that these rights are respected and upheld in practice. There are provisions for victim confidentiality, in-camera trial (Section 327 CrPC), and compensation (Section 357 CrPC) in the existing laws. These provisions should be applied in relevant circumstances to protect victims' rights. In dealing with instances, the National Human Rights Commission has a larger role to play, and it must make recommendations and adopt remedial actions.

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The Survey & Data collection of Research Study On **“Trafficking of Women and Children- Challenges and Remedies”** has been conducted between 26.11.2019 to 24.07.2021 and data scrutiny, data Processing, Tabulation and Data Analysis has been carried out between 01.06.2020 to 31.07.2021. The Draft Report has been prepared in the month of August 2021.

Chapter 1

INTRODUCTION

INTRODUCTION

Human trafficking is a serious human rights violation that takes place all over the world. Due to its complicated cross-border nature, human trafficking demands a coordinated, multi-disciplinary national and international response. Human trafficking is the world's second-largest organized crime, after drugs and the arms trade. The causes of this global phenomenon's rise are various and varied, affecting both developed and developing countries. In India, this is also true. The source areas or points of origin are typically the poorest cities, regions, or countries, whereas the points of destination are often-but not always-urban conglomerates within or beyond borders. The real or perceived economic disparity between the source and destination areas is crucial for those who view human trafficking in economic terms. It would be inaccurate to assume that human beings are constantly trafficked from undeveloped to developed areas, as this is not always the case, because human trafficking is designed and controlled by traffickers for their own interests, which they achieve through a number of strategies. To a large part, this indicates that human trafficking is primarily a human rights issue, as it violates all of the victims' fundamental human rights. Furthermore, while economic analysis approaches are designed to explain and evaluate issues in terms of their overall efficacy, they are not well suited for safeguarding and promoting human rights goals.

According to the definition of the United Nations- *"trafficking is any activity leading to recruitment, transportation, harbouring or receipt of persons, by means of threat or use of force or a position of vulnerability"*. Globally, 1.2 million children are trafficked every year. It is a form of modern slavery which generates US\$ 150 billion for traffickers every year. It is shocking to note that the slaves today are cheaper than ever. In 1850, the average cost of a slave is US\$ 40,000 in today's money, but now it is only US\$ 90. This indicates the vulnerability of trafficked person.

India is a source, destination, and transit country for labour and sex trafficking. In India, 90% of trafficking takes place within the country (intra-state or inter-state), whereas 10% takes place across national borders. The country serves as a transit point for persons being trafficked to the Middle East and other parts of the world, as well as a destination for those being trafficked from neighbouring Nepal and Bangladesh. India is also a transit country for persons seeking asylum in Europe, the Middle East, or North America. According to a three-year average data of NCRB, Majority of them (63 per cent) are trafficked for Forced labour (31 per cent) and sexual

exploitation related offences (32 per cent). Trafficking for domestic servitude, forced marriage, petty crimes/begging and removal of organ constitute 8 per cent.

Although it is continuously striving to do so, the Indian government does not yet fully achieve the minimum standards for the elimination of human trafficking. India stayed on Tier 2 as a consequence of the government's overall increased efforts compared to the previous reporting period. These actions included convicting traffickers, starting a high-profile investigation into one case involving authorities allegedly involved in sex trafficking at a government-funded shelter, and continuing to raise awareness about trafficking. The Supreme Court examined an important shelter abuse case and requested all states to investigate their shelter homes, citing concerns about the overall level of control. The Trafficking in Persons (Prevention, Protection, and Rehabilitation) Bill 2018 was passed by the lower house of Parliament, but the upper chamber did not take it up during the reporting period. In numerous key sectors, the government, on the other hand, failed to achieve the minimum standards. The government took some actions in response to allegations of official involvement in forced labour and sex trafficking, but the systematic failure to handle forced labour and sex trafficking in government-run and government-funded shelter homes remained a serious problem. The government withholds information about human trafficking investigations, charges and convictions, as well as trafficking victims who have been identified and referred for rehabilitation. According to NGOs, government law enforcement and victim identification efforts were inadequate in contrast to the extent of the problem. Victims have been penalized by authorities in the past for the illegal actions that their traffickers coerced them to do. The government's efforts to address bonded labour remained inadequate in comparison to the scope of the problem, and officials failed to comply with the law requiring the provision of release certificates and compensation to bonded labourers removed from exploitation in the vast majority of reported cases, preventing victims from accessing government services and, in some cases, leading to their re-victimization.

CONCEPT OF HUMAN TRAFFICKING

Trafficking is defined in Article 3 of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention against Transnational Organized Crime.

Article 3

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in sub paragraph (a) of this article shall be irrelevant where any of the means set forth in sub paragraph (a) have been used.

On the basis of the definition given in the Trafficking in Persons Protocol, it is evident that trafficking in persons has three constituent elements;

The Act (What is done)

Recruitment, transportation, transfer, harbouring or receipt of persons

The Means (How it is done)

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim

The Purpose (Why it is done)

For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

We should consider the definition of trafficking in persons in the Trafficking in Persons Protocol, as well as the constituent parts of the offence as established by relevant legal provisions, when determining whether a situation constitutes trafficking in persons.

The UNODC (2004:42-43) describes “Trafficking in Persons” as defined in terms of the UNTOC and the Protocols thereto as (Table: 1.1).

- a. The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of Article 3(a) of the Trafficking in Persons Protocol shall be irrelevant where any of the means set forth in subparagraph (a) above have been used;
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of Article 3(a) of the Trafficking in Persons Protocol;
- d. “Child” shall mean any person under eighteen years of age.

Table: 1.1

ACTIVITIES (Any of these)	MEANS/METHODS (Any of these)	PURPOSE/INTENTION (Any of these)
<ul style="list-style-type: none"> • Recruitment • Transportation • Transfer • Harbouring • Receipt of persons 	<ul style="list-style-type: none"> • Threat • Force • Other forms of coercion • Abduction • Fraud • Deception • Abuse of Power & Position for vulnerability • Giving or receiving of payments or benefits 	<p>For the purpose of exploitation:</p> <ul style="list-style-type: none"> • Prostitution of others • Other forms of sexual exploitation • Forced labour or services • Slavery or practices similar to slavery • Servitude • Removal of organs

Source: UNODC

When any of the methods listed above are used, a victim’s ‘consent’ is immaterial. Even if

none of the above methods are used, 'consent' is immaterial in the case of minors.

This definition should be equated to another Protocol, the UN Smuggling of Migrants Protocol 3 (a), which defines smuggling as "the procurement of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident in order to obtain, directly or indirectly, a financial or other material benefit." As a result, the following elements are included in this definition:

- Obtaining unauthorised admission into a country where the person is not a citizen or a permanent resident
- To obtain a monetary or other tangible reward

The Indian Constitution outlaws human trafficking and declares it a fundamental right of all citizens. Furthermore, the Directive Principles of State Policy include a subject of freedom from exploitation.

Section 370 of the Indian Penal Code 1860 defines trafficking as:

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

First. - using threats, or

Secondly. - using force, or any other form of coercion, or

Thirdly. - by abduction, or

Fourthly. - by practicing fraud, or deception, or

Fifthly. - by abuse of power, or

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

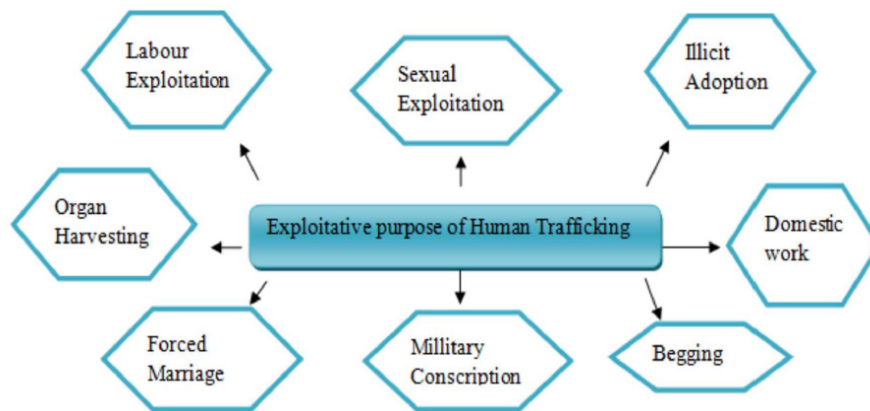
- The expression "exploitation" shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.
- The consent of the victim is immaterial in determination of the offence of trafficking.

PURPOSE OF TRAFFICKING

Women and children are trafficked for the purpose of sexual and non-sexual exploitation. Prostitution trafficking, commercial sexual abuse, paedophilia, pornography, cybersex, and other forms of disguised sexual exploitation occur in massage parlours, beauty parlours, bars, residential flats, and other manifestations such as call girl racket, friends clubs, and other forms of disguised sexual exploitation are all included in the first category. Non-sex related trafficking includes domestic labour, industrial labour, adoption, organ donation, camel racing, marriage, and other forms of servitude. The rising trafficking of women and children, on the other hand, is primarily for sexual exploitation. While common trafficking strategies such as coercion, duping, seducing, fraudulent marriage, abducting, kidnapping, and so on have been recognized, it is the victims' social and economic constraints that place them at the greatest risk. The majority of

trafficked people in India are trafficked for sexual exploitation, including women, boys and girls. By deception, compulsion, or force, a person is illegally trafficked for the intention of utilizing him or her for involuntary commercial sex acts, prostitution, or other forms of sexual exploitation. Men, women, boys and girls are the second most trafficked people in India, with men, women, boys, and girls being trafficked for the purpose of forced labour. Labor trafficking is defined as the trafficking of a person for the purpose of exploiting him or her for forced labour or services, slavery, or practices similar to slavery, such as involuntary servitude, peonage, or debt bondage (Figure:1.1).

Figure: 1.1



Nearly 80% of global human trafficking is for sexual exploitation, with the rest being for bonded labour, with India being the epicenter of the crime in Asia. According to government statistics, a child goes missing every eight minutes in our country. Furthermore, it is estimated that just 30% of all incidents are reported, meaning that the true figure is far higher. Estimating the number of people trafficked for labour or sex is impossible due to the unlawful operation's inherent secrecy. The number of people trafficked for forced labour in India is estimated to be between 20 and 65 million, according to the US Department of State's 2013 Trafficking in Persons Report. Calculating the true number of victims of labour trafficking, on the other hand, is frequently difficult, if not impossible. The key problem is distinguishing between migrant workers who go to or around India voluntarily in pursuit of work and those who are trafficked into exploitative labour utilizing the UN Trafficking Protocol's methodology. Moreover, many migrant workers begin their journey voluntarily, but become vulnerable to human trafficking if they are unable to locate acceptable employment or if the job for which they originally migrated ends.

It is extremely difficult to detect the prevalence and breadth of sex trafficking. According to a study done by India's Ministry of Women and Child Development in 2008, the country has over three million sex workers. Many of these sex workers could have been sex trafficking victims. Estimating the number of people trafficked for the purpose of sexual exploitation is particularly difficult, according to government authorities questioned, because victims may return to sex work after escaping their traffickers owing to a lack of alternative options. Due to a lack of education or occupational training, many recovered trafficking victims are unable to find long-term employment in other sectors, and even work that is available in sectors such as domestic labour may pay significantly less. Victims of sex trafficking typically have limited job options outside of sex work due to the cultural stigma associated with having engaged in commercial sex acts. As a result, determining whether a sex worker is currently a victim of human trafficking,

was a victim of human trafficking who chose to continue working in the sex industry, or has always worked in this business voluntarily may be difficult.

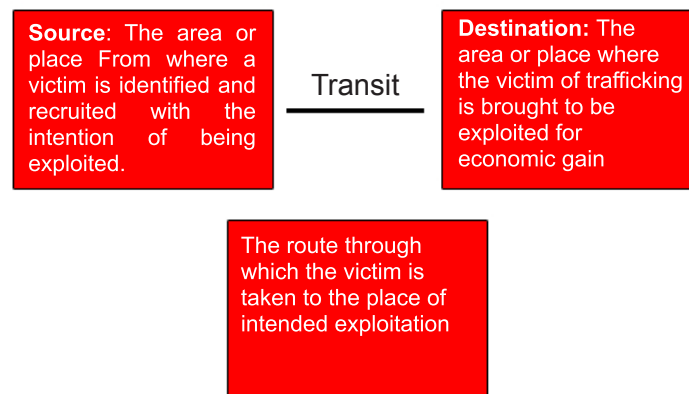
Human trafficking, especially of women and children, is a well-organized crime that breaches the victims' fundamental human rights. The right to life, dignity, security, privacy, health, education, and redress of grievances are among the rights and dignity of individuals that are violated in a number of ways. They are subjected to physical and sexual abuse, and they are compelled to work for minimal or no pay against their will. This, combined with their obligation to the trafficker, maintains them in a state of debt slavery and debt bondage. They are forced to work terrible working conditions for long periods of time with no chance of rest. In terms of physical confinement, they are imprisoned-like and have little or no control over their own movements. They live in horrible circumstances, with poor hygiene and sanitation and limited access to health and medical services. On a daily basis, they face social stigma and ostracism, and as a result, they are continually humiliated. They are addicted to opiates, alcohol, and other substances, and they are frequently forced to become addicts in order to keep their reliance on the trafficker. In addition to the relentless assault on their physical, psychological, and emotional health, they face health risks such as physical damage, STD, HIV/ AIDS, unwanted pregnancies, numerous abortions, gynecological disorders, TB, and other diseases. They are also harassed and humiliated by the police and the prosecution. When they are no longer able to work, they are abandoned, and even the families that rely on their income do not support them.

Accordingly, one or more of the following issues can also be construed as means and/or ends to human trafficking, or human trafficking itself, for the purpose of the above definition:

1. Bonded Labour;
2. Forced Labour;
3. Child Labour;
4. Sexual Exploitation in massage parlours, etc.;
5. Prostitution;
6. Sexual Exploitation for pornography or similar purposes;
7. Trafficking for child marriage;
8. Child Soldiers.
9. Forced Removal of Organs/Organ Trafficking.

Trafficking is a continuing offence that continues from source to transit and to destination (Figure: 1.2).

Figure: 1.2



Trafficking is a basket of crimes; hence, while the victim maybe being trafficked for the end exploitation, he / she maybe the victim of many crimes even before reaching the destination.

TRAFFICKING AND PROSTITUTION ARE NOT THE SAME

The Immoral Traffic (Prevention) Act is India's major sex trafficking legislation. It does not prohibit prostitution or prostitutes per se, but rather conduct by third parties that facilitate prostitution, such as brothel maintaining, living off revenues, and soliciting women and girls. The ITPA punishes acts such as brothel holding (Section 3), living off sex work revenues (Section 4), and procuring, inciting, or detaining for prostitution (Section 5 & 6). Penalties are harsher when children (under the age of 16) and minors (under the age of 18) are involved, as well as prostitution in areas where the police have been notified and near public places (Section 7) and soliciting (Section 8). Section 8 penalizes a sex worker who attracts potential customers from a prominent, conspicuous location, such as a street or a private residence. All offences are cognizable, which means that officers do not need a warrant to arrest or search someone. Although the exchange of money for sex is permissible, organized prostitution, which includes pimping, brothel-keeping, and soliciting sex in public is prohibited. The Immoral Trafficking Act makes it permissible for a woman to voluntarily use her body to earn money. She is allowed to work secretly at her home, but she is not allowed to publicize or promote her profession or conduct business in public. Even while it is lawful to trade sex for money on an individual basis, it is illegal for a woman to do so within 200 yards of a public space. Houses of worship, hostels, educational institutions, and hospitals are examples of public venues. Call girls, on the other hand, are not allowed to reveal their phone numbers to the general public. They might face a maximum of 6 months in prison as well as financial penalties if caught. Clients who socialize with prostitutes or indulge in similar activities within 200 yards of a designated area face a maximum prison sentence and penalties of three months. A person who engages in such behaviour with a minor under the age of 18 could receive a prison sentence of 7 to 10 years. Pimps and others who live off a prostitute's earnings are also responsible. Sex workers are not within the ambit of normal labour laws. They do, however, enjoy all of the same rights as citizens, including the right to be rescued and rehabilitated if they so wish.

The ITPA does not make prostitution illegal, but it does make all behaviours linked with it illegal. Indian law prohibits the operation of a brothel. As a result, anyone who operates a brothel or permits one to function on his or her premises will almost probably face legal ramifications.

Pimping is also prohibited under the law. As a result, anyone who solicits customers for a prostitute as a pimp will be prosecuted. Human trafficking business owners, such as brothel owners and landlords, may face criminal prosecution. If this is their first offence, they will be sentenced to a maximum of three years in jail. If they detain someone in their brothel forcibly to be used as a prostitute or exploited for sexual purposes, they face a minimum sentence of seven years in prison. Under this legislation, prostitution is also illegal in hotels. Human traffickers and those who attempt to recruit someone, whether forcibly or voluntarily, face a prison sentence of three to seven years.

Decriminalizing sex work in India is thought to boost women's status. In 2009, the Supreme Court proposed legalizing prostitution. Prostitution regulation was promoted by the National Commission for Women in order to prevent human trafficking, particularly of children, and to help ameliorate the deplorable working conditions of clients and workers, as well as to reduce the spread of HIV-AIDS. The sex workers aspired to be recognized by the law. Stopping sex trafficking and regulating the sex business will reduce clandestine, covert, illegal, and street prostitution, safeguard prostitution women, enhance women's health, and recognize prostitution as an economic activity, allowing women to receive sex worker permits. Some people were against legalizing prostitution, believing that as the demand for sex grows, so will the amount of trafficking.

Human trafficking is a global phenomenon that is considered a challenging issue in any community. States employ legal and administrative processes to deal with problems, regardless of how powerful or weak they are. Despite the fact that India has been recognized as a source, transit, and destination countries for the trafficking of underage girls for Commercial sex Exploitation, it is widely acknowledged that India is the source of the bulk of trafficked girls for Commercial sex Exploitation. Only about 10% of all trafficked people of any age, trafficked for any cause, including adolescent girls trafficked for Commercial sex Exploitation enter India through international borders, while interstate trafficking accounts for 89 percent of those trafficked within India. International trafficking accounts for a small percentage of total trafficking in India, as previously indicated. According to reports, women and young girls have been smuggled into India from Russia, Bhutan, Myanmar, Kyrgyzstan, Pakistan, Europe, Russia, and Thailand. While evidence of trafficking into India has been established from Bangladesh and Nepal, there is minimal evidence of trafficking from India to international destinations. Children from Andhra Pradesh, Karnataka, Rajasthan and Madhya Pradesh have been reported to be trafficked for Commercial sex Exploitation to the Gulf States, England, Korea, and the Philippines. International trafficking passes through Delhi and Mumbai, and Tripura has emerged as a "safe passage" state for children being trafficked from Bangladesh to West Asia, particularly Dubai.

The fact that India finally ratified the UN agreement against human trafficking on May 5, 2011, together with treaties against transnational organised crime and corruption, is cause for celebration. In fact, ratification of this agreement makes it mandatory for India to create legislation that complies with the international convention's rules. However, those who traffic in forced labour are now covered by the country's legal framework. Because the laws of the nation are more skewed against prosecuting employers or pimps in cases of prostitution, criminal groups involved in widespread kidnappings, abductions, and forced labour of children escape punishment. The concern is that India lacked a comprehensive definition of human trafficking to provide a common platform for the different Indian states to use in legislation and enforcement (Sarkar 2014).

TRAFFICKING DIMENSIONS

Human trafficking is a multi-faceted phenomena that covers a wide range of different and complex economic, social, and cultural factors. Promises of jobs, better job prospects, and marriage enticed the bulk of the victims. Some people are kidnapped against their will. Some girls are sold by friends or relatives, and in extreme situations, even by their own parents, out of desperation. Human trafficking and sexual exploitation of women and children are inextricably linked to women's and children's positions in society. Though poverty is the most significant factor, underlying gender-based discrimination and male dominance in society structures also contribute to women's dehumanization, commercialization, and exploitation. Other important factors include the rise of sex tourism, the entertainment industry, pornography in print, electronic, and cyber media, the breakdown of family structures, shifting social and family settings, and shifting public perspectives on sex and morality. Lack of education, caste, ethnicity, and social marginalization all contribute to human trafficking. Natural calamities such as floods and draughts, as well as the impact of globalization, which has resulted in the elimination of traditional subsistence practices, are all elements that contribute to human trafficking. Human trafficking and Commercial sex Exploitation are both connected by a 'demand' and 'supply' nexus. Sex trafficking is a profitable but low-risk criminal activity. While poverty may serve as a backdrop for sex trafficking, the existence of criminal networks that control the push and pull components that lead to the recruitment and trafficking of women and minor girls is the driving force behind it. Poverty and the pressures to work or support a family; a lack of education and training that prevents access to economic resources; man-made conflict and natural disasters that devastate local economies; hostile cultural attitudes toward children and girls; and inadequate local laws and their poor enforcement are all 'supply' factors that encourage trafficking.

The rising demand for women and children in the sex industry could be due to 'sex tourism' and the desire for intercourse with young and minor females. The high profit margins of this low-risk unlawful enterprise also play a role. Inadequate or ineffective laws, poor enforcement, low chances of prosecution and conviction, corruption and complacency, governments' failure to enact strong laws, implement policies, and provide adequate rehabilitation services for victims are all factors that contribute to the perpetuation of human trafficking.

FACTORS CONTRIBUTING TO WOMEN AND CHILD TRAFFICKING

Almost all research and publications on trafficking in India indicate to poverty and feminization of poverty as major underlying causes in the trafficking of women and minor girls for Commercial Sex Exploitations. However, as the ILO and UNICEF research points out, poverty alone does not make people vulnerable to human trafficking. Poverty can be seen as a contextual factor that enhances the effects of other vulnerabilities, making human trafficking more likely. There are many risk factors that make people vulnerable to human trafficking, and a combination of these factors and poverty is sometimes referred to as "poverty plus," which refers to a situation in which poverty alone does not lead to a person being trafficked, but where a "plus" factor, such as illness, family crisis, or other stress factors, combines with poverty to increase a person's vulnerability to human trafficking. A number of "plus" factors, including as natural catastrophes and civil unrest, as well as community, family, and individual-level vulnerabilities, put women and underage girls at risk of Commercial Sex Exploitations trafficking, according to the evidence.

Poverty is the primary cause of human trafficking in India. Other issues include "poor employment opportunities, a patriarchal culture, a low regard for women's rights, low levels

of education, women's discrimination and marginalization, and cultural components such as dowry troubles." Poverty, which makes people more vulnerable to trafficking, as well as growing demand for cheap labour and a lack of government oversight, all contribute to human trafficking. Similar factors, such as the low female-to-male child sex ratio in northern India (specifically, Uttar Pradesh, Rajasthan and Haryana) and the large number of migrant labourers in certain regions of India, which increases demand for commercial sex workers as well as trafficked brides, facilitate sex trafficking, which primarily affects women and girls forced into prostitution. Caste also compounds the situation. A person who belongs to a "lower" caste is more vulnerable to human trafficking. Due to their precarious economic condition, lower caste women face dual and simultaneous discrimination based on their caste and gender: caste and gender both contribute to the restriction of access to education and long-term work, making it easier to exploit and traffic them. Furthermore, the persistence of the problem has been aided by a lack of societal awareness of human trafficking as well as a sound legal framework.

Agents convince their parents with promises of school, a better life, and money to take their children from their homes and sell them in different parts of India for sexual exploitation and bonded labour. These children are not sent to school; instead, they are sold to work in brick kilns, carpentry shops, as domestic staff, beggars, and other low-wage tasks, while girls are trafficked for sexual exploitation. Even these girls are forced to marry in communities with an uneven female-to-male sex ratio. Children from tribal communities are more likely to be victims of human trafficking. Human trafficking cases have lately been reported in Manipur's Tamenglong area, with the Kuki tribe accounting for the majority of the youngsters. Tribal feuds were the reason for this, which allowed human trafficking to flourish. A battle between the Kukis and Nagas tribes in the Northeast region resulted in the displacement of many children between 1992 and 1997. These children were moved to other parts of the country via agents.

FACTORS IMPACTING INTO TRAFFICKING VULNERABILITY

In order to address the problem holistically, it is necessary to have a thorough understanding of the factors that lead to human trafficking. At the global, regional, and local levels, these factors must be understood as pull or push elements. In general, the following are some of these factors:

1. Economic Vulnerability

Globalization has increased price competition, resulting in a higher demand for low-cost labour to keep production costs low. As a result, the informal labour sectors have exploded, including street vending and unlicensed manufacturing work. Employees have grown more vulnerable and prone to abusive working circumstances since these neglected and uncontrolled areas of employment are not visible and hence are not subject to labour laws and regulations. On the pull side of the equation, these elements are present. On the other side, globalization has the impact of undermining the traditional family structure. Each member of the family has become a "separate and independent unit of labour capable of being plugged into the modern labour market." Furthermore, basic economic shifts such as the rural economy's collapse, natural disasters, agro-climatic variability, and dwindling employment chances compel disadvantaged communities with no economic options to leave to places where their prospects may be better. In general, these migrants are at a greater risk of being trafficked.

2. Gender Vulnerability

The UN Special Rapporteur on Violence against Women notes “The underlying causes of migration and trafficking often coincide.” The main driving force behind both female migration and female trafficking is a lack of rights for women. Governments foster circumstances conducive to human trafficking by failing to protect and promote women’s civil, political, and social rights. The feminization of poverty, in which the majority of poor women are denied access to resources, women’s low social status, lack of education for girls, the expectation that women perform certain roles and be solely responsible for their children, and discrimination against women in political participation, sexuality, religion, customs, and social practices are all push factors. On the one hand, there is the traditional sexual division of labour and on the other, there is the increased demand for reproductive services in the globalized market, where women and girls are increasingly being recruited as service providers. They provide a wide range of personalized reproductive services in the entertainment and sex industries, domestic employment, and the marriage market.

3. Vulnerability to Migration

“Fishing in the migratory stream” is a tactic used by human traffickers. As a result, all migrants, particularly women, are at risk of being trafficked, including involuntarily resettlers, refugees, internally displaced individuals, illegal migrants, and others. As a result of unequal societal and household duties, women and children are becoming more conspicuous in contemporary migration. As their duties to their families expand, women venture out to seek job opportunities. Due to a lack of education and career options, many women are drawn into the sex business, domestic employment, and marriage market. As a result, the phenomena of feminization of migration emerges.

4. Restrictive Migration Policy

Despite the increased need for all sorts of migrant labour, immigration restrictions in destination countries are still unable to keep up. As a result, there is a significant gap between the demand for and supply of labour. As a result, unemployed migrant workers end up in the clutches of human traffickers and migrant smugglers. In addition, the link between human trafficking and irregular migration has led to tighter immigration restrictions and laws.

5. Development Vulnerability

Poor development practices have created a division between the developed and developing worlds, which is replicated at the local, regional, national, and global levels. As the developing world’s population rises, it becomes a “consumable commodity” for the developed world. The underdeveloped area serves as a supply zone, whereas the developed area is a demand zone. Furthermore, promoting sex tourism as a development strategy leads to prostitution-related human trafficking. There is a connection between the influx of relatively wealthy foreigners seeking sex with women from developing countries and the movement of women into the sex industry to meet that demand. Therefore, trafficking in women and children is clearly both a human rights and a developmental issue.

6. Political Vulnerability

The political and economic backdrops of the countries frequently exacerbate the vulnerability

of women and children. The collapsing economic and political conditions in Myanmar encouraged women to flee to Thailand. Thai officials who are searching for cheap labour or personal benefit are facilitating this influx. As Eastern Europe moves from communism to capitalism, women's trafficking into Western Europe has increased. Women were once trafficked into Western Europe from countries like as Colombia, the Dominican Republic, Ghana, Thailand, Zaire, and the Philippines. Eastern Europe is becoming the primary source of female workers in the industry. Intra-country trafficking is influenced by economic and political factors inside a country.

7. Armed Conflict Vulnerability and Insurgency

During times of armed conflict, women and children are particularly vulnerable to sexual assault and forced domestic services by armed soldiers. Large-scale displacement and migration are also a result of armed wars. Traffickers use these influxes of displaced people as an easy way to seduce, abduct, or compel people to become victims of human trafficking. As proven by the fact that the conflicts in Bosnia and Kosovo created opportunities for traffickers in the former Yugoslavia and the Balkans. Human traffickers had targeted refugee women leaving Kosovo. Kidnappings of children are also common during armed wars in order to recruit them as soldiers. According to a US State Department investigation on human trafficking, the LTTE kidnaps and retains adolescents against their will for forced labour, military conscription, and in some cases sexual exploitation. Kenya, Angola, Sudan, and Uganda are among the African countries that have experienced such patterns. Because their absence is unlikely to be noticed or reported, street children in general are easy targets.

8. Religious and Cultural Vulnerability

In various countries, such as India and Nepal, religious and historic customs of the devadasi or devki system give legitimacy to human/Sex trafficking and slavery-like practices. Such legal and illegal violence is then considered as a routine private family matter, and society accepts it as a norm.

9. Information Technology Vulnerability

Human traffickers have incorporated technology into their business model at every level of the process, from recruitment to torturing victims. Many young people are targeted by human traffickers on social media. The UNODC has identified two types of trafficking strategies: "hunting," in which a trafficker actively pursues a victim, usually on social media, and "fishing," in which criminals post job advertising and wait for possible victims to respond. Technology can be used by traffickers to launder or transfer illegal profits. It can also aid investigations, improve convictions, raise awareness, and provide services to victims in the fight against human trafficking. As a pull factor, information technology, particularly the Internet, is rapidly being used to advertise pornography, prostitution, and matrimony to women and children. Websites for males sell detailed sex-related information on every country in the world, according to studies undertaken by the Coalition Against Trafficking on the use of the Internet for worldwide sexual exploitation of women and children. On the Internet, there is a world sex guide, a virtual grocery store where men, women, and girls from over 80 countries can be selected for sex tourism. These websites include information about sex tours, such as where to find prostitutes, hotel costs, taxi prices and the sex acts that may be purchased. The Internet has had a huge impact on the sexual exploitation of children and the elderly. Because there are no mediators or borders on the Internet, unlawful or harmful behaviours are less likely to occur. Women and children are

considerably more cost-effective and easier to obtain. Men can objectify and categorize women and children based on their skin colour, male cooperation and male hardness. Thanks to the Internet, the dehumanization of women as sexual objects has reached new heights.

10. Vulnerability to Authority Complicity

The UN Special Rapporteur on Violence Against Women, Ms. Radhika Coomaraswamy, claims that trafficked women have claimed considerable levels of government complicity and cooperation. Officials accept bribes from drug traffickers in exchange for allowing them to pass borders and in some cases, officials are personally participating in the operation. Both Burmese and Thai officials have been accused of being directly involved in the trafficking of Burmese women to Thailand. Armed police officers and in certain circumstances, police and brothel guests have allegedly transported women into Thailand.

11. Vulnerability to Growth in Tourism

The tourist sector has grown worldwide as a result of globalization, particularly in poorer countries. Tourists from all over the world flock to underdeveloped countries in search of easy and inexpensive sexual fulfilment, particularly with children. American males, along with Europeans are said to be the most prevalent sex tourists in Central America (Costa Rica, Honduras) and Southeast Asia (India, Sri Lanka). Not only does their twisted psychology push them to treat children as sexual objects, but the AIDS epidemic fuels a yearning for virgin females as well.

12. Vulnerability to Adoption

As birth rates fall in many industrialized countries adoption from poor countries with higher fertility rates is becoming more common. The rising demand for children has put pressure on sending countries to respond quickly, often without the necessary infrastructure and mechanisms in place. As a result of this situation abuses have occurred, as well as the establishment of a global market for adoptive children. The trafficking of children for the purpose of adoption is on the rise, with adoption charges reaching from \$5,000 to \$30,000 per child in some countries, according to intermediaries.

13. Natural Disasters and Civil Strife

Natural catastrophes and political upheaval represent a serious threat to young girls from marginalized communities, since they exacerbate their family's economic deprivation and limited livelihood options, making underage girls and their families ideal targets for human traffickers. A catastrophic cyclone in Odisha in 1999, recurrent floods in Bihar (Kosi River basin), and Naxalite activity in Jharkhand have all been blamed for increased trafficking of women and young girls. As a result of distress-driven and unstable migration to metropolitan areas, women and minor girls may be at risk of being trafficked. Minor girls and women who relocate as dependents or alone under difficult circumstances are likely to encounter severe gender discrimination. They may be compelled to labour in the informal economy in low-wage, low-skilled jobs, or they may be subjected to hazardous working conditions or sexual exploitation, including being duped into Commercial Sex Exploitation.

14. Community, Family and Individual Factors

Because of a multitude of factors at the community, family, and individual levels, women and minor girls in India are becoming increasingly exposed to trafficking for Commercial Sex

Exploitation. Discriminatory social and cultural practices against women such as child marriage and dowry play an important role in exposing minor girls to human trafficking at the community level. There are also locations where it is a multigenerational practice to initiate adolescent girls and women into Commercial Sex. Family and community elders decide which minor girls will be initiated into Commercial Sex and when they will be initiated in these societies. In parts of Karnataka, Maharashtra, and Andhra Pradesh (Blanchard et al., 2005; Orchard, 2007; Sen and Nair, 2004; Mukherjee and Mukherjee, 2004) as well as among the Bedia community in Madhya Pradesh, Rajasthan and Uttar Pradesh (Agarwal, 2008; Mukherjee and Mukherjee, 2004) this practice is quite prevalent. Intergenerational Commercial Sex is also widespread among the Nat group in Bihar, Madhya Pradesh, Rajasthan, and Uttar Pradesh (O'Neil et al., 2004; Gupta and Sinha, 2007; Mukherjee and Mukherjee, 2004). According to two surveys in Karnataka, the devadasi custom brought 26 percent of women and 46 percent of minor girls into Commercial Sex (Blanchard et al., 2005; Banandur et al., 2012). Several devadasi girls refused to call themselves trafficked, instead defining themselves as girls who “do not always like what they do or what is asked of them, but do so out of a sense of filial duty, economic need, and because Commercial Sex is interwoven into their conceptions of female maturation”.

At the family level, studies have shown that a large proportion of women and minor girls—between one-third and two-thirds—attributed their entry into CS to poverty (see McClarty et al., 2014 for a review; Blanchard et al., 2005; Devine et al., 2010; Saggurti et al., 2011a; Banandur et al., 2012). Domestic abuse, illness or death of family members who make a living and marriage separation or abandonment are all key factors that put women and girls at risk of being trafficked for Commercial Sex Exploitation. According to a study of rescued women and girls who were trafficked into Commercial Sex Exploitation as children, family disruption, the death of income-earning family members and marriage separation or desertion were all major factors in their enslavement as minors. According to the study, 43% of women trafficked as teens reported physical and/or sexual violence by their parents, natal family members and husbands before being trafficked, compared to 26% of women trafficked as adults. Minor girls were considerably more likely than adult females in Commercial Sex to report dispute with parents over marriage partner choice as a factor in their Commercial Sex admission (19 percent vs. none) (19 percent vs. none). They were, however, less likely to blame their trafficking on family illness or death (5 percent vs. 26 percent) or marriage dissolution and abandonment (5 percent vs. 26 percent) (24 percent versus 44 percent).

The family's social position has also been linked to the likelihood of minor girls being trafficked into Commercial Sex Exploitation. According to studies, minor girls from socially excluded caste groups, such as scheduled castes and scheduled tribes, are more likely to be trafficked than those from other caste groups (Sen and Nair, 2004; International Center for Research on Women [ICRW], 2010). Children of women who work in brothels are equally vulnerable to mistreatment, trafficking and sexual exploitation. Individually, illiteracy has been identified as a risk factor. According to a countrywide survey conducted by the National Human Trafficking Resource Center, 63 percent of trafficking survivors were illiterate or barely literate, with only 10% having some secondary education (Sen and Nair, 2004). According to a study conducted in Mumbai, 49% of rescued women and underage girls indicated they had never attended school.

MIGRATION AND HUMAN TRAFFICKING

The worldwide community has pledged to address global challenges through the Sustainable Development Goals (SDGs) in order to achieve a better and more sustainable future for everybody.

SDG 8.7 aims to prohibit child labour by 2025 and eliminate modern slavery, human trafficking, forced labour, and the worst forms of child labour by 2030. Alliance 8.7 is a multi-stakeholder group dedicated to achieving Target 8.7 by pooling resources, boosting research, and exchanging data and knowledge. The SDGs target migration as well, most notably in SDG 10.7, which aspires to promote orderly, safe, and responsible migration and mobility, particularly through well-managed migration policies. In addition, the Global Compact for Safe, Orderly, and Regular Migration wants to be the first UN-sponsored worldwide migration accord. When looking into all sorts of human trafficking, one's focus is pulled to migration. The main purpose of this focus is to find more effective ways to combat human trafficking particularly in the prevention area, while not infringing on migrants' rights.

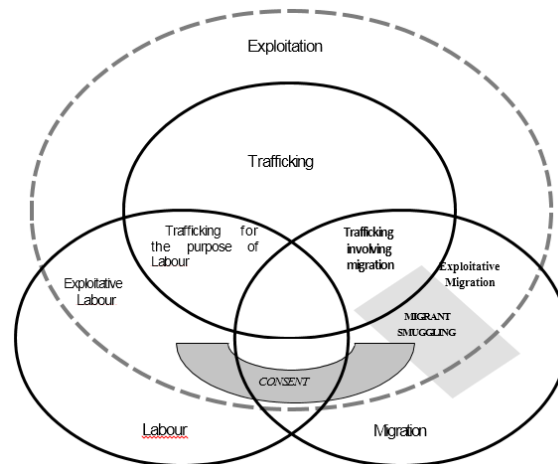
Radhika Coomarswamy's study covers crucial indications for possible human trafficking and migratory crossovers. In their two recent papers, Raymond and Blanchet used this link as the foundation for their research. The link is believed to be significant because understanding migration patterns and trends, as well as the factors that drive movement and the procedures involved in migration, will help in the battle against human trafficking. In contrast to the relationship between trafficking and other phenomena, migration and trafficking appear to overlap at almost all levels. The exploitation of migration by traffickers appears to be the most prominent characteristic of this relationship. They appear to collide at first at a physical movement crossroads. Migration appears to offer the foundation and context for human trafficking on a structural level. The fact that these places expose those who live in them to a high level of vulnerability is self-evident. It is obvious that the nature of movement provides opportunities and means for human trafficking to occur. Migration trends may have an impact on human trafficking, as evidenced by the relationship between these two phenomena.

Migrant workers are also vulnerable in certain work situations that are either hidden, difficult to access, or do not come within the purview of existing legal protections. This can include migrants who are essentially confined to work locations by private employers or agencies who have extensive control over their visa status, working and living circumstances, and mobility. It can also refer to migrants who are effectively bound to work sites by private employers or agents who have a lot of power over their visa status, working and living circumstances, and mobility. Migrant children and adolescents are especially vulnerable to modern slavery. While there are an estimated 31 million children who travel around the world, children are frequently denied legal migration opportunities. Certain forms of exploitation may be acceptable to people. "However, no one can consent to human trafficking" (UN. 2003, p.27). Even if there is manifest permission, it is merely a 'facade of consent' rather than 'informed consent.'

The term "human trafficking" refers to a lot more than the systematic transportation of people

for monetary gain (Recommended Guidelines of the UN High Commission for Human Rights, 2002). The use of force, coercion, and/or deceit throughout, or at some level, in the process—such as deception, force, or coercion being employed for the aim of exploitation—is a significant additional factor that distinguishes trafficking from migrant smuggling. In this context, Figure 1.3 depicts the UN Economic and Social Commission's (ECOSOC) model, which demonstrates how the many connected concepts interact (UN.2003. p.27)

Figure: 1.3 Interplay between exploitation, trafficking, migration, smuggling, labour and consent



Source: ECOSOC

Maria Grazia Giammarinaro, the UN Special Rapporteur on human trafficking, has emphasized the link between human trafficking and large-scale migration as an area that demands further attention. Tight and discriminatory immigration regulations, insufficient pathways for regular migration and family reunion, and irregular access to the labour market for asylum seekers, refugees, and migrants all contribute to migrant exploitation, according to the expert. "Human trafficking does not affect all migrants. People fleeing wars, natural catastrophes, and poverty, on the other hand, are forced to move in perilous and vulnerable conditions," she explains. "They could be exploited and trafficked throughout their route or at their destination because of their social vulnerability." The line between human trafficking and migration is quite thin. Person trafficking is a subset of migration, although the magnitude of this subgroup is difficult to measure.

LABOUR MIGRATION AS TRAFFICKING

In recent years, a new view on the complex relationship between human trafficking, smuggling, and migration has emerged. A number of international development agencies and non-governmental organizations (NGOs) have begun to use an "anti-trafficking framework" in their theory and practice when dealing with cases of labour exploitation involving "legal" migrants in response to mounting evidence of a wide range of exploitative practices experienced by labour migrants in destination countries. Many of these workers face restrictions on their freedom of movement, as well as counterfeit and fake documents, bonded labour and debt bondage, fraud, assault and abuse, deplorable working conditions, and nonpayment of wages. Rather than treating these issues as cases of labour abuse under recipient countries' labour laws, migrant rights activists—and some governments—have turned to anti-trafficking legislation. They argue that the vast majority of low-skilled migrant workers can easily be categorized as "victims

of human trafficking” under the UN Trafficking Protocol’s criteria due to the prevalent nature of these concerns and the ease with which documented migrant workers can become unlawful. Treating ‘documented/legal’ migrants as ‘trafficking victims’ skews the classifications that countries use to limit temporary labour migration. While the ability of individual states to regulate labour migration varies substantially, state authorities’ attempts to manage temporary labour migrations are rather similar. Both sending and receiving countries have developed complex immigration and employment regimes to recruit and deploy labour migrants, with the bulk of these regimes presuming a clear distinction between legal and illegal entry and deployment.

By addressing the fundamental assumptions that underpin most immigration and labour policy, the ‘labour migration as trafficking’ approach reveals the model’s shortcomings. Since 2000, international agencies and donors have made major investments in anti-trafficking programmes, which has assisted this approach. While donor money gives the means to prosecute labour abuse cases as “trafficking cases,” the political motive for this shift in focus is international pressure to ratify the Trafficking Protocol and ensure compliance with fundamental conditions listed in the annual TIP Reports. Dealing with documented labour migrants under anti-trafficking legislation or programmes can assist states portray themselves as tough on both trafficking and smuggling, as well as terrorism. On the other hand, the characterization of labour migration as trafficking should not be disregarded as a cynical response to international pressure from the United States and other donor countries. It also reflects a growing consensus among academics and activists that labour laws are ineffectual in curbing the demand for low-wage, unprotected work. For example, Roger Plant, the former head of the ILO’s Special Action Programme to Combat Forced Labor, argues that trafficked people are better protected than other vulnerable migrants working in slave-like conditions. Despite the fact that the ILO’s forced labour conventions have been signed by the majority of its members.

Forced labour is not defined in any detail, making it difficult for law enforcement agents to identify and prosecute the offence. Second, and in consequence of this, there have been very few prosecutions for forced labour offences anywhere in the world. A vicious cycle is thereby established: no clear legislation, little or no resources for prosecutions, limited awareness or publicity, thus no pressure for clear legislation, and so on. (ILO 2005: 2).

The International Labour Organization (ILO) proposes that “legislative and judicial action against forced labour and human trafficking can serve the same purposes and be mutually supportive” in the face of government inaction on labour exploitation (ILO 2009: 8). This is because, whereas the definition of forced labour emphasizes the involuntary character of the employment, the Trafficking Protocol emphasizes the tactics used to gain initial consent (i.e., force, deception, coercion, etc). To address the link between forced labour and trafficking, the ILO employs a ‘forced labour continuum,’ defining three forms of labour: trafficked victims of forced labour, non-trafficked victims of forced labour, and successful migrants. It claims that trafficked forced labour victims face the worst abuses because they have the least freedom of movement and are the most vulnerable, whereas non-trafficked forced labour victims face a variety of exploitative conditions, including non-payment of wages, retention of identity documents, long working hours, and inhumane working conditions. The ‘forced labour continuum’ has an advantage over the traditional distinction between ‘victims of trafficking’ and ‘illegal migrants,’ in that it allows researchers to look at the ‘varying degrees to which migrants can become victims of exploitation, routes that lead to forced labour, and individual strategies to escape coercion and control,’ among other things.

The majority of migrant domestic workers obtain employment contracts that are purposely dishonest, according to Jureidini and Moukarbel and “such direct and indirect deception regarding contractual security... pushes people into the category of being trafficked.” This classification of all forms of exploitation involving temporary labour migrants as “trafficking” ignores the agency of migrant workers and fails to recognize that many migrants knowingly cross borders without “legal” papers and choose to work in illegal jobs in both sending and receiving societies. It also disregards what migrants want from the migration process. Anti-trafficking laws and regulations govern not just the status of a victim, but also how that victim is treated. This usually means being removed from the exploitative situation, staying in the receiving country for a period of time while evidence and statements are obtained, and then being repatriated. Migrant workers may not want any of these things to happen in many cases: they may prefer to stay at their current employment (but with better pay and/or hours), leave to hunt for new work, and/or have their immigration status regularized. These objectives will not be met just by anti-trafficking legislation. Only nations have the last word on whether or not a certain act is considered forced labour or human trafficking.

While some international NGOs argue for a “labour migration as trafficking” strategy, most governments have been much less willing to include documented workers in their anti-trafficking efforts. Only the “worst cases” of exploitation, mainly sexual exploitation of women and children, are dealt with in this manner due to the financial, legal, and administrative problems in identifying labour migrants as victims of trafficking (Piper 2005). This isn’t to say that the Protocol isn’t getting traction; in fact it’s already having an impact on international, national, regional, and local responses to regional migratory movements. The repercussions of this transformation, on the other hand, are still unknown.

HUMAN TRAFFICKING’S CONSEQUENCES

1. Human Trafficking’s Health Consequences

Empirical research on the impact of human trafficking for Commercial Sex Exploitation on women’s lives reveals a range of risks to their physical and mental health, which could have long-term consequences. They are at risk of unwanted pregnancies, unsafe abortions, and sexually transmitted infections (STIs), including HIV/AIDS. They are also more likely to experience physical and sexual violence as well as mental health issues like depression, anxiety, guilt, shame, and feelings of self-blame, attachment disorders, adult mistrust, and antisocial behaviour, reduced cognitive functioning, low self-worth, suicidal ideation, alcohol or drug addiction, and PTSD symptoms.

2. Self-Reported STIs/Symptoms of STIs and HIV Infection

The research that looked into the link between Commercial Sex experiences and HIV infection used cross-sectional data from women in Commercial Sex at the time of the survey or women and minor girls who had been rescued and were receiving post-trafficking care from NGOs at the time of the survey. To assess whether or not someone was infected with HIV, all of these trials used laboratory testing. Three of the four studies included in this review (all from India) found no statistically significant association between HIV infection and age at first interaction with Commercial Sex/age at first encounter with trafficking. However, a Nepalese study discovered a significant link: those trafficked before the age of 15 had nearly four times the chance of contracting HIV as those trafficked after the age of 18. Those between the ages of 15 and 17 who

were trafficked were not at risk. Similarly, when it came to the link between HIV infection and ever having been a victim of human trafficking, as defined by entrance into Commercial Sex by force or deception, the results were ambiguous. Women who were trafficked were 2.3 times more likely to be HIV positive than others, according to a study from Karnataka, however no such link was identified in a study from West Bengal. Only two studies looked into the experiences of women and underage girls who were trafficked for Commercial Sex and other STIs besides HIV. There was no link between a history of human trafficking and STIs or STI symptoms in these investigations.

3. HIV-Infection-Producing Behaviors

Several studies have looked into the relationship between human trafficking and HIV risk variables such as client load, length of Commercial Sex involvement, violence exposure, condom use, and alcohol consumption. Women and minor girls who were trafficked, as defined by entry as minors with or without force or deception or as adults as a result of force or deception at the time the studies were conducted, were more likely to serve more clients and engage in Commercial Sex for longer periods of time than those who were not. Women who were trafficked as minors were significantly more likely than those who were trafficked as adults to have spent greater time in brothels (19 months versus 10 months), a factor that has been related to an elevated risk of HIV infection.

4. Mental Health

Only a few studies have looked into the mental health consequences of being a victim of human trafficking or Commercial Sex. One study in Nepal compared women trafficked for sexual exploitation to those trafficked for domestic work, and the findings revealed that, while many trafficked women reported negative symptoms in general, women trafficked for sexual exploitation had a significantly higher risk of depression and PTSD than those trafficked for labour. Another study of women in Commercial Sex in Goa found that 42 percent of those under the age of 20 had attempted suicide in the three months preceding to the interview, and that those over the age of 20 were three to six times less likely to have attempted suicide.

According to a study conducted in Kolkata, when young girls aged 13–18 years who were trafficked for Commercial Sex Exploitation were compared to a matched sample of minor girls who had not been sexually assaulted, those trafficked for Commercial Sex Exploitation showed significantly higher levels of hostility (31% versus 14%). Other behavioural symptoms ranging from social isolation to violence were discovered in a small qualitative study of 20 Commercial Sex survivors in Nepal.

In a cross-sectional study titled “Mental Health of Female Survivors of Human Trafficking in Nepal,” 164 female survivors of human trafficking were studied in Kathmandu, Nepal. The researchers utilized a T-test for continuous variables and an analysis of covariance (ANCOVA) using age as a covariate. The chi-square test was used to compare categorical data and the case proportions of anxiety, depression, and PTSD, as determined by the measures’ cut-off values (two-tailed). The sex workers had much more anxiety symptoms than the non-sex workers. In terms of depression, the proportion of people in the sex workers group who are above the PTSD cut-off (29.6%) was higher than in the non-sex workers group (7.5 percent).

According to another study, violence and mental suffering are common among women and

girls trafficked for sexual exploitation. The random effects pooled prevalence of detectable HIV was 31.9 percent in studies of women seeking post-trafficking help in India and Nepal, while the estimate was subject to considerable fluctuation.

LIFE TRAJECTORIES OF TRAFFICKING

In this part, we summarize findings from research that depict the lives of minor girls who were trafficked, their experiences in brothels, and their rescue and rehabilitation.

The Process of Human Trafficking

While the majority of incidents of trafficking begin with deception or coercion of women and young girls into migrating to an area where they will be exploited, women and children who move voluntarily can also be trafficked into Commercial Sex Exploitation after they get at their destination. By taking advantage of vulnerable characteristics such as poverty, troubled family conditions, or restricted access to education, Commercial Sex hooks minor women and girls into Commercial Sex Exploitation or their families into enabling their daughters to be trafficked into Commercial Sex. Young women and teenage girls were reportedly recruited for Commercial Sex Exploitation through a variety of informal social networks, including friends and coworkers, family members such as husbands, relatives, and parents, and strangers, according to studies performed across India. In several research, stranger-induced trafficking is represented to varying degrees. According to the National Human Rights Commission (NHRC) Study, only 11% of trafficking victims in Commercial Sex at the time of the survey were trafficked by strangers, whereas 35% were trafficked by family or relatives, and 53% were exploited by acquaintances (Sen and Nair, 2004) whereas in some studies the percentage of trafficking by strangers vary from 11% to 53%.

Locations for Recruitment

Some traffickers approached women and minor girls through informal social networks and familial ties, while others approached them directly at bus stops, train stations, and markets. Cafes and restaurants, beauty contest venues, beauty parlours, national roadways, and construction sites were all places where traffickers approached women and minor girls (Sen and Nair, 2004). According to a survey of trafficked victims rescued in Mumbai, the most common recruitment sites were relatives' or friends' residences (27%), workplaces (21%), and public transportation terminals and other public venues (51 percent). Females from rural areas were typically recruited by traffickers, according to studies (Sen and Nair, 2004). As a result of greater usage of current communication technologies, the character of the recruitment process has evolved in recent years. Traffickers, for example, utilize newspaper adverts to recruit women and minor girls through allegedly legal shop-front organizations, and they've also expanded their reach by using the internet and mobile phones.

Lure/Promises

Offers of well-paying jobs, opportunities to live in a more developed location, the promise of marriage, and protestations of love are just a few of the many enticements used by traffickers to persuade victims to join them on their journey. A common inducement is the promise of a well-paying job; studies from throughout the country suggest that offers of economic opportunity attracted between two-fifths and two-thirds of women and minor girls trafficked into Commercial Sex. Promises of better living conditions or lifestyles enticed minor ladies in the past. Some people were trafficked because of false marriage offers. According to studies, human traffickers deceived

parents who did not have the financial means to marry their daughters by offering false dowry-free marriage proposals or cash offers from phoney grooms in exchange for marriage (Ghosh, 2009). Kidnapping or abduction with or without the use of drugs or force has been documented in several studies, with between 12% and 26% of victims reporting the use of force and drugs.

Mode of Transports

According to studies, traffickers used public transit to take their victims to their locations, typically buses or trains. Bribes paid to local officials and transporters ensured that the traffickers' conduct were not called into question. In a Mumbai survey of trafficking survivors, 63 percent of women and minors stated they were transported to various locations using public transportation (Silverman et al., 2007a). According to the NHRC survey, public transit was used by more than three-quarters of the survivors (Sen and Nair, 2004). In the second part of the trafficking operation, the trafficked person was usually relocated to a transit site before being taken to the final destination. Minor girls who had been trafficked became even more reliant on traffickers or brothel owners and they had no choice but to obey them at the transit site, which was usually the brothel owner's or trafficker's residence. Traffickers used a variety of methods to make girls dependent, including starvation, imprisonment, sexual and physical abuse, threats of violence against them and their families, and forced drug use. They also kept them in a false debt bondage ostensibly created by their travel, living and other expenses, and used methods of harassment, such as starvation, imprisonment, sexual and physical abuse, threats of violence against them and their families, and forced drug use (Saggurti et al., 2011a). Minor girls who have been trafficked may be moved to other traffickers with whom they have had no previous contact, adding to their anxiety. We found that the movement of trafficked young females from their point of origin to transit and final destination points was not necessarily linear, and that they were moved or resold numerous times before reaching their final destination (Sen and Nair, 2004).

Exploitation of Victims in Brothels

A human trafficking victim is sold to a brothel and is forced to deal with clients directly. Pricing for adolescent females was set by a "sorting and grading" method, according to one study, with the youngest girls earning the highest fee. In the early days of Commercial Sex Exploitation, women and minor girls may have been imprisoned in a small room for several months in order to break them in. They were held in brothels on a debt bondage, which they were led to believe had to be paid with their brothel work. They were also told that their families relied on them financially. They may be offered drugs and drink, and if they are enrolled in Commercial Sex Exploitation, they may be forced to sell themselves to 5-15 men each day, with the "madam" earning approximately \$100 per customer if sold as a virgin. According to another study of women and girls trafficked for Commercial Sex Exploitation in Delhi, Mumbai, and Kolkata, physical assault and imprisonment were widespread, especially in the early days of their stay in the brothel. The victims described torture, hunger, forced use of drugs and alcohol, being paraded naked, solitary confinement in a darkened room, and other damaging actions as ways in which brothel owners ensured their submissiveness. These women and girls claimed that on average, they served 4-5 customers every day at the brothels, where they were kept in deplorable and filthy conditions. Brothel owners kept all of their earnings, including gratuities from customers. Healthcare costs were viewed as a debt that people were expected to repay if they were ill. Many women said that they were pressured to get pregnant because brothel owners saw having a child as another way to retain women and young girls in the brothel.

Saving money is difficult in these circumstances. According to the NHRC study, 61% of women and underage girls in CS had no savings at the time of the survey, and nearly half said they sent money home on a regular basis. According to the research, the majority of the girls did not communicate with their parents while at Commercial Sex Exploitation. Accordingly, more than two-thirds of survivors had no contact with their families, and barely half of those who did have visited them, including some who had done so to get more young girls (Sen and Nair, 2004). Women and underage girls who stay in brothels as they get older become less profitable, and by the age of 35, they are no longer deemed profitable and are released. Because they lack familial support or a means of earning money, many people believe they have no choice but to operate as human traffickers.

Rescue

Women and girls are rescued from brothels through raids and relocation to safe locations where they are not exploited (Pandey et al., 2013). Typically, rescue operations are broken down into many stages. When the police or non-governmental organizations (NGOs) get information about a trafficked minor girl in a brothel, they conduct an independent confidential investigation to verify the accuracy of the information. After being authenticated, police officials and NGO representatives carry with the rescue operation. Minor ladies rescued from human trafficking are sent to a police station to make a first information report (FIR). Medical testing is arranged by the police, with the support of NGOs, to determine the age of people rescued, if necessary. According to surveys, brothel raids occur more frequently than in the past, and many minor girls are spared. The majority of Commercial Sex Exploitation survivors and those in Commercial Sex at the time of the NHRC study said that rescue efforts took place in the brothels where they were trafficked (Sen and Nair, 2004).

However, there are a lot of faults in the rescue efforts. First, police officers regularly charge trafficking victims with offences including soliciting or engaging in sex in or near a public venue, as defined by Section 8 of the ITPA, during rescue operations, sometimes known as “raids”. According to the NHRC’s study of survivors, more than half of them had been arrested at least once, with two-fifths of those arrested being charged with solicitation. The rest of the group appeared to be unaware of the situation, probably because the charges against them were swiftly dropped and they were released and returned to the brothel. Second, the collaboration of human traffickers and law enforcement officers’ thwarts rescue efforts. According to the NHRC study, about half of the women and minor girls in CS had eluded arrest at least once, largely because the brothel owner had received advance information from the police and had moved girls away from the brothel (58%) or they were hidden in boxes, cupboards, and other places unlikely to be searched (24%) or the brothel owner had bribed the raiding police party (1%) (Sen and Nair, 2004). Third, several women and minor girls in CS who had previously been subjected to police raids and rescues said that they were able to bribe officials or solicit the help of their brothel owner to get out of police custody.

Rehabilitation

After rescue, victims’ various needs, such as immediate and long-term physical and mental health demands, social concerns, and meaningful integration into society, are addressed in rehabilitation (Pandey et al., 2013). It usually means placing women and minors in government or non-governmental organization (NGO) homes for a period of protective custody until their cases are heard in court or they are returned to their families. NGOs play an important role in

the rehabilitation process, giving legal support and supporting victims in seeking compensation. Minors are sent to designated shelter Homes for custodial care. They are placed in protective custody in the residence until their parents or legal guardians are located and their identities are verified before a Magistrate in order for the minor girls to be released to their families. When recognized non-governmental organizations (NGOs) involved in the restoration and repatriation process return underage girls to their parents or legal guardians, the NGOs must provide a detailed report on their follow-up actions. If the girl is from another country, the two governments work together to repatriate her and help her through an approved non-governmental organization in her home country. Women are relocated to Swadhar/Ujjawala homes, where they are counselled and imparted income-generating skills in preparation for alternative jobs.

Reintegration

Reintegration is the process of assimilating a rescued victim into their “source” or home community so that they can live a normal life and be accepted socially. According to the information now available, stigma, insufficient skills, and a lack of livelihood opportunities make it difficult for women and underage girls to reintegrate with their native families and communities. Those who returned were often placed in vulnerable conditions, such as poverty and a lack of safety, leading to re-trafficking. The vast majority of re-trafficked survivors (80%) reported they were unable to find other sources of income or livelihood options when they returned to their communities, according to a study (Sen and Nair 2004). Furthermore, many societies hold significant prejudices against women and minor girls who have been trafficked for Commercial Sex, making it impossible for returned victims to lead normal lives. Existing interventions appear to be largely concerned with rescue and rehabilitation, with social reintegration receiving little attention. In the limited efforts to rehabilitate rescued victims, economic reintegration frequently takes precedence over social reintegration.

THE SUPPLY AND DEMAND SIDE OF TRAFFICKING

The most immediate cause of trafficking in women and minor girls has been thought to be male desire for Commercial Sex. The literature on sex trafficking for Commercial Sex Exploitation articulates three levels of demand: (a) demand from those who employ women and minor girls in Commercial Sex (brothel owners and managers, for example); (b) demand from clients; and (c) demand from third parties involved in the process (recruiters, agents, transporters, and others who knowingly participate in the movement of persons for the purpose of exploitation). Men who solicit or buy sex acts; profiteers in the sex industry (traffickers, pimps, brothel owners, and corrupt officers who support trafficking); and, finally, the culture that indirectly creates a demand for victims by normalizing prostitution, such as media depictions of prostitution and other commercial sex acts.

While there is a demand for women, a variety of supply-side factors also play a role, and the combination of demand- and supply-side factors makes it tough to pinpoint the reasons of trafficking. As a result, poverty may be a supply-side issue, causing a large number of women and minor girls to migrate to unregulated businesses, where they are more vulnerable to exploitation. A plentiful supply of such women and juvenile girls stimulates demand that would not have existed if they were not so freely available. However, some experts believe that the commercial sex industry in India is largely demand driven, and that even when the supply of vulnerable women and minor girls in particular source sites is depleted, traffickers and other parties profiting from Commercial Sex procure minor girls and women from other parts of the

country because there is a constant demand for Commercial Sex.

Traffickers/Recruiters

Despite women's participation being higher than in other crimes, nearly two-thirds of individuals convicted of human trafficking offences in 2018 were men, according to the UNODC's 2020 Global Report on Trafficking in Persons. About 2% of the overall convictions were for traffickers under the age of 18. Females continue to be convicted in greater numbers than males in Eastern Europe and Central Asia, with 80 percent of convictions involving women, but in Central America and East Asia, males and females were convicted in about equal proportions in 2018. Human trafficking impacts business owners, intimate partners, and other family members. While many traffickers have criminal backgrounds and use human trafficking as a direct source of cash, it also affects company owners, intimate partners, and other family members. According to court documents, parents have been accused of supporting their children's sexual exploitation or pushing them to beg on the streets. In India, however, the situation is different, as more than half of all traffickers are women, with many of them having previously been trafficked (Sen and Nair, 2004).

Human trafficking is a well-organized crime involving multiple people, according to studies of human traffickers in India. Accordingly, the trafficker is a critical link in a multi-tiered chain involving many actors: (a) master trafficker/cum-kingpin; (b) primary trafficker/cum-procurers; (c) subordinate traffickers; and (d) spotters or a grassroots chain of intelligence gatherers. Multiple people are involved in the trafficking process, according to Commercial Sex Exploitation survivors. They indicated at least three to four persons were there, including the brothel owner, an initial procurer, a secondary procurer, a transporter, and an initial procurer. It is also discovered that a variety of other stakeholders support the main trafficking structure, including (a) financiers who finance transactions at various levels; (b) hoteliers who provide accommodation during transit; (c) goons/goondas who provide security at various levels; (d) transporters who provide or arrange transportation; and (e) paramedical persons or even quacks who attend to the illnesses of trafficked victims while in transit.

According to findings from studies undertaken in India, traffickers are equally likely to be males or girls. Strangers or individuals who are related to or familiar with the trafficked women and minor girls can be the traffickers. Female traffickers were often victims of Commercial Sex Exploitation themselves, accordingly, many of them are elderly women who had lost their business in brothels. The majority of traffickers said that the police were aware of their actions and that they were paid in cash or "free sex" to keep them from being prosecuted. As a result, more than half of those questioned had never been arrested, and many of those who had been arrested had never been to jail or had been released on bail. Sex trafficking is a low-risk, high-reward criminal activity (Hodge and Lietz, 2007).

Brothel Owners

In India, the brothel owner does not have to be the owner of the property. Brothel managers or brothel keepers are the people in charge of the brothel who work for or on behalf of the brothel owner. According to a recent survey, just 10% of 30 "madams" from a well-known brothel district in Nagpur owned the facility that housed their brothel. On average, they spend Rs 5,500 per month on rent. The majority of information about brothel proprietors comes from rescued survivors or reports of women or minor girls involved in Commercial Sex. The survey reveals

that almost three-quarters of brothel owners were between the ages of 31 and 50, were illiterate or barely educated, and that the majority of brothel owners had worked in Commercial Sex in brothels before becoming owners, based on interviews with 412 brothel owners from 12 states.

Patterns of Demand and Client Profile

Men who buy sex from women and minor girls have been the subject of a few studies. The majority of these client studies were conducted in the aftermath of the HIV / AIDS epidemic, mainly in Andhra Pradesh, Karnataka, Maharashtra, and Tamil Nadu. According to existing evidence from several studies on consumer socio-demographic variables, clients included both younger and older males, although they were primarily men in their 30s. While some studies suggest that married men made up the bulk of the clients, others report that the married and unmarried clients were evenly split. According to the study, clients came from a variety of educational and occupational backgrounds, however blue-collar workers and merchants dominated. These figures show that demand for Commercial Sex is far broader than previously imagined, and that it is not restricted to a single socioeconomic group. According to studies, clients were also able to receive sex at a reasonable cost. In one study, nearly 80% of customers indicated they paid Rs 500 or less.

Customers' first meetings with women or minor girls in CS were more frequently organized by friends or colleagues than by the clients themselves, according to one study. As a result, a mix of their own beliefs of masculinity's societal norms and peer pressure to conform to those demands influenced young men's first encounters with approaching a lady or minor girl for sex. Following the AIDS crisis, there appears to be a preference for younger girls, with a particular need for HIV-free virgin girls. The belief that having sexual contact with a virgin can cure HIV / AIDS is fueling demand for young females (Datta, 2011). Finally, research shows that the majority of clients regard women and minor girls as commodities, and that knowing they may have been trafficked does not bother them. Commercial Sex demand varies, with more demand during festivals and the Christmas season. The demand for Commercial Sex varies by geography and location, such as at train stations, movie theatres, and beaches, for example. Wherever anonymity can be preserved, law enforcement is lenient, and clients are not at risk of being arrested, demand is high. Connections between hotels, brothels, and human smugglers have been established (Gupta and Sinha, 2007). It is becoming less site specific as a result of the rising use of mobile phones to express demand, and anonymity is easier to maintain than before (Suryawanshi et al., 2013).

Profits and costs of trafficking

According to the ILO, human trafficking (which includes sexual exploitation and other forms of forced labour) earns roughly US\$ 31.6 billion in annual revenue. The Asia-Pacific area earns the largest profits (US\$ 9.7 billion), accounting for about one-third of all profits worldwide. Data on the profits and costs of human trafficking in India is scant, according to our review of the literature. According to the conclusions of the Sen & Nair, 2004 report and others, trafficking and Commercial Sex are lucrative and profitable in India for traffickers and brothel operators, but not for the women and minor girls involved in Commercial Sex Exploitation and their families, who earn a small percentage of the industry's income.

Implications of Human Trafficking

Human trafficking has serious psychosocial and economic effects for victims, but it also has

far-reaching consequences for society and the country. For trafficked children, isolation from family and community, fear and psychological stress, physical and emotional abuse, as well as the loss of childhood and education, are all regular occurrences. In the case of trafficked minor girls, pregnancy, early motherhood, and reproductive abnormalities are all possibilities. Furthermore, their families and communities demonize and reject them. In the worst-case situation, it could result in his or her death or severe bodily and mental injury. In addition to the consequences of having limited housing, sleep, and freedom of movement, trafficking victims are frequently denied food and medical treatment. Isolation and dominance have a significant psychological impact on the victim, which is aggravated by the victim's relocation to a region where she is compelled to live in silence and submission. Victims of abuse and exploitation, especially those forced into commercial sex, may be drugged, becoming sick and dependent. Human trafficking has a harmful impact on victims in the context of the HIV/AIDS epidemic, which is becoming a growing concern. According to some studies, the longer victims are kept in brothels, the more likely they are to contract HIV/AIDS as a result of multiple sex partners, sex assault, and inadequate condom negotiation. The country will be forced to spend a significant amount of money on health and rehabilitation.

One of the major gaps is the lack of studies on human trafficking in India based on primary data. There are few research available, and those that do exist are inconsistent. Human trafficking's different dimensions and characteristics must be thoroughly investigated. There is no community-based research on people's awareness of human trafficking and its relevance to human trafficking's incidence. The demand side of trafficking is virtually non-existent, as is information about traffickers and their networks. NGO responses to human trafficking, best practices followed by them, and NGO networks to combat trafficking are all underrepresented in the literature. The effectiveness of government and non-government anti-trafficking programmes must be properly assessed.

Chapter 2

POLICY AND LEGAL PERSPECTIVE OF HUMAN TRAFFICKING

Human trafficking has been an issue in our country since the beginning of time, but it has become increasingly prevalent since India's globalization and industrialization. Our global engagement has increased, allowing us to participate in the global economy, which has improved our economic growth. On the other hand, it has resulted in the victimization of the most vulnerable elements of our society, particularly women and children. Human trafficking is both a result and an integral aspect of globalization. Sexual trafficking, often known as the immoral flesh trade, is the most common form of human trafficking that has been recognized by our legal institutions. Human trafficking is a modern-day kind of slavery in which criminals benefit from the exploitation of trafficking victims. It is a crime against humanity since it infringes on the dignity, rights, and liberty of the victims. It's a form of organized crime gang that operates in a network, making it tough to eradicate from society. The global stats for sex trafficking are worrisome, but what's even more alarming is that it's one of the least reported crimes on the planet due to its organized nature. It's a war crime that needs to be handled on both a national and international level.

A multitude of push and pull dynamics are at work in this organized crime. By "push factors," we mean factors that encourage victims to leave their own nation in search of a better life. Pull factors, on the other hand, are by-products of globalization and modernization that operate within the destination country. Among them are better job prospects in host countries, better living conditions, political stability, and so on. According to emerging statistics on human trafficking, the push forces have a stronger impact on victims and offenders than the pull elements, resulting in this crime situation. Because of these circumstances, an attempt was made in the shape of the Immoral Trafficking Prevention Act (ITPA) amendment Bill of 2006, which recommended criminalizing clients. However, due to a lack of agreement, the bill lapsed.

INTERNATIONAL LEGAL INSTRUMENTS TO COMBAT TRAFFICKING:

A number of international tools are now in use to prevent human trafficking. The two most important international conventions addressing child trafficking are the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979 and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Particularly Women and Children. The Palermo Protocol, a supplement to the UN Convention against Transnational Organized Crime (2000), is the most important international mechanism for combating human trafficking. Trafficking, attempted trafficking, and any other purposeful involvement or organization in a

trafficking system are all prohibited under Article 5 of the Protocol.

The following International Legal Instruments are in existence to combat trafficking in persons, especially women and children:

1. **International Agreement for Suppression of White Slave Traffic, 18th May, 1904**, as amended by the Protocol approved by General Assembly of the United Nations on 3 December 1948: The agreement was formulated with the intention of securing to women of full age who have suffered abuse or compulsion, as also under-age girls, effective protection against criminal traffic known as the “White Slave Traffic”.
2. **International Convention for Suppression of White Slave Traffic, 4th May, 1910**, as amended by the Protocol approved by General Assembly of the United Nations on 3 December 1948: This convention criminalized procurement, enticement or leading away of a woman or girl under the age of 21, even with her consent for immoral purposes irrespective of the fact that the various acts constituting the offence may have been committed in different countries.
3. **International Convention for the Suppression of the Traffic of the Women and Children, 30th September, 1921**, as amended by the Protocol approved by General Assembly of the United Nations on 20th October 1947: The treaty prohibits the enticing or leading away of a woman or girl for immoral purposes, to be carried out in another country.
4. **Slavery Convention, 1926**: States Parties are enjoined to discourage all forms of forced labour. Slavery means control over another person, without full informed consent, for the purpose of exploitation.
5. **International Labour Organization Forced Labour Convention, 1930**: Article 1 of this convention calls for suppression of the use of forced or compulsory labour in all its forms within the shortest possible period.
6. **International Convention for Suppression of Traffic in Women of Full Age, 1933**: This convention imposes a duty on the signing countries to prohibit, prevent, prosecute and/or punish those engaged in trafficking in women.
7. **Universal Declaration of Human Rights, 1948**: Article 4 of the Declaration prohibits all forms of slavery and the slave trade. Article 13 recognizes the right of persons to freedom of movement and residence and Article 15 recognizes the right to nationality.
8. **UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949**: This convention is a compilation of four previous international conventions (Conventions of 1904, 1910, 1921 and 1933). This convention made procurement, enticement, etc. for purposes of prostitution punishable irrespective of the age of the person involved and his/her consent to the same (Article 1). Brothel keeping was also denounced to be illegal and punishable (Article 2). The convention provided for repatriation (Article 19) and rehabilitation (Article 20) measures. However, the 1949 Convention is limited to trafficking for prostitution and related activities.
9. **Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices of Slavery, 1956 (Slavery Convention)**: This convention condemned a variety of slavery-like practices, including debt bondage and forced marriage. States Parties undertook to establish suitable minimum ages of marriage and registration of

marriages.

10. **Abolition of Forced Labour Convention, ILO, 1957:** Under this convention, States Parties undertook to suppress any form of forced or compulsory labour as a means of political coercion, economic development, labour discipline, or racial, social, national or religious discrimination.
11. **International Covenant on Civil and Political Rights, 1966:** Forced labour and slavery are prohibited by Article 8 of the ICCPR. Article 24 outlines the rights of children.
12. **International Convention on Economic, Social and Cultural Rights (ICESCR) 1966:** Article 10 of this convention stipulates that States are responsible for protecting children from exploitation and must lay down the minimum age for their employment.
13. **Minimum Age Convention, 1973:** The aim of this convention was to prohibit and regulate child labour and restrict engagement of children in hazardous work.
14. **Convention on the Elimination of all forms of Discrimination against Women, 1979 (CEDAW):** Article 6 of CEDAW requires States Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women.
15. **United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984:** The convention provides against the expulsion or return of a person to another state if there are substantial grounds for deeming her to be in danger of torture. Victim compensation measures are also stipulated in the convention.
16. **Tourism Bill of Rights and the Tourist Code 1985:** Adopted by the WTO, the Code enjoins that the State should preclude any possibility of the use of tourism to exploit others for purposes of prostitution.
17. **Convention on the Rights of the Child, 1989:** Article 11 requires States Parties to take measures to combat the illicit transfer and non-return of children abroad. Under Article 34 and 35, States Parties must take appropriate national, bilateral and multilateral steps to protect the child from all forms of sexual exploitation and sexual abuse as also to prevent the abduction, sale of or traffic in children.
18. **Convention on Protection of Rights of Migrant Workers, 1990:** This Convention seeks to put an end to the illegal or clandestine recruitment and trafficking of migrant workers and lays down binding international standards for their treatment, welfare and human rights.
19. **The ILO Convention on the Worst Forms of Child Labour, 1999:** Article 3 of this Convention defines the worst forms of child labour comprising all manifestations of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and servitude and forced or compulsory labour, etc.
20. **Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, 1999:** The Protocol enables individuals or groups who have exhausted national remedies to directly approach the Committee under the Protocol.
21. **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000:** The UN Trafficking Protocol seeks to create a global language to define trafficking in persons, especially women and children, assist victims of trafficking, and prevent trafficking in persons. It supplements the United Nations Convention Against

Transnational Organized Crime, 2000. Article 3(a) of the Protocol defines 'trafficking in persons' as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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". This victim-friendly protocol provides for preventive measures (Art. 9), victim compensation and privacy protection (Art. 6), repatriation (Art. 8) and strengthened border control measures (Art. 11 & 12).

The Protocol, on the other hand, does not give immunity from prosecution for activities that victims are forced to commit. As a result, victims could be charged with a crime they were pressured into committing-such as prostitution, working without a permit, or possessing fraudulent identification documents - and deported immediately. Furthermore, the majority of the beneficial actions, particularly victim aid, are optional. Victims who stay in a country to testify for the prosecution may be jailed for months without access to basic amenities or jobs. This could lead to victims becoming hesitant to testify, which would be damaging to the case and undercut the Protocol's law enforcement goals. These victims are still in danger of being physically harmed by the traffickers. There is no discussion of 'reintegration' or offering services following return to help victims reintegrate into society. Only collaboration between States Parties is included in the Protocol in order to facilitate the safe repatriation of victims to their home countries. The victims will almost certainly be returned to the same conditions in which they were trafficked, putting them at risk of re-victimization.

22. **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2002:** This process seeks to raise standards for the protection of children from all forms of sexual exploitation and abuse
23. **Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2002:** These standards were developed by the UN High Commission for Human Rights so as to strengthen the human rights principles and perspective of the Trafficking Protocol. The document sets down 17 Recommended Principles and 11 Recommended Guidelines, which are meant to facilitate effective implementation of the key provisions
24. **Second World Congress against Commercial Sexual Exploitation of Children held at Yokohama, Japan 2001** to review developments as a follow-up process to strengthen the commitment to protect children from sexual exploitation; and abuse.

REGIONAL LEGAL INSTRUMENTS TO COMBAT TRAFFICKING:

At the regional level, there have been several initiatives by the governments of South Asia and Asia-Pacific regions. The Bangkok Accord and Plan of Action to Combat Trafficking in Women, 1998; Asian Regional Initiative Against Trafficking in Persons, especially Women and Children, (ARIAT) 2000; The ASEM (Asia Europe Meeting) Action Plan to Combat Trafficking in Persons, especially Women and Children, 2000; The Bali Conference Co-chair's Statement on People Smuggling, Trafficking in Persons and Related Transnational Crime, 2002; are illustrations of their concerted efforts.

1. **SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002:** The primary aim of this convention is to promote cooperation among

member states in order to effectively deal with various aspects of trafficking in women and children, including prevention, interdiction, and suppression, as well as repatriation and rehabilitation of victims of trafficking and preventing the use of women and children in international prostitution networks, particularly where SAARC member countries (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka) are involved. The convention is the first regional anti-trafficking deal to originate from Asia, and it is legally obligatory on its signing states. Except for Nepal and Sri Lanka, all member countries had accepted the pact as of March 2004. Article 1 of the SAARC Convention specifies the terms “child,” “prostitution,” “trafficking,” “traffickers,” and “persons vulnerable to trafficking.” It allows for ‘aggravating circumstances,’ which are facts that increase the severity of the crime (Art. 4). It also includes provisions for victim protection (Article 5), mutual legal assistance (Article 6), training and sensitization of law enforcement authorities (Article 8), and victim rehabilitation (Article 9). (Art. 9). Extraditable offences under the Convention (Art. 7). Article 8(3) calls for the States Parties to form a Regional Task Force made up of officials from the Member States to help implement the Convention’s provisions and conduct periodic evaluations. The SAARC Convention has been criticized for its restricted definition of trafficking, which is limited to prostitution, as well as the fact that it makes no distinction between women and children. Human trafficking is defined as the movement, sale, or purchase of a person, but not recruiting, labour, transfer, or reception, which are not basically the same as buying or selling.

2. **Convention on Regional Arrangement for the Promotion of Child Welfare, 2002:** This Convention seeks to create regional arrangements among SAARC countries in order to promote understanding and awareness of the rights, duties and responsibilities of children and to develop the full potential of the South Asian child.
3. **World Conference on Human Rights, 14 – 25 June 1993, Vienna, Austria:** This conference took new steps to promote and protect the rights of women and children by supporting the creation of new mechanisms and advocating the universal ratification of the Convention on the Rights of the Child by the year 1995.
4. **World Congress against the Commercial Sexual Exploitation of Children, 1996:** The aims of the World Congress were to award high priority and adequate resources for action against the commercial sexual exploitation of children; promote stronger cooperation among all sectors and strengthen the role of families in protecting children; ensure the revision and enforcement of laws; and advocate the development and implementation of gender sensitive prevention and reintegration programmes.
5. **Amsterdam Conclusion and Oslo Conference, 1997:** The Conference affirmed that in order to eliminate the exploitation of children, poverty eradication and rehabilitation programmes must be developed, along with a sound mechanism to monitor their progress
6. **Second World Congress against Commercial Sexual Exploitation of Children, Yokohama, 2001:** The Conference called upon the international community to promote action towards the eradication of commercial sexual exploitation of children and address the risk factors of poverty, inequality, discrimination, violence, armed conflict, HIV/AIDS, dysfunctional families and criminality.
7. **The Honolulu Declaration, 2002:** This Declaration recognized the need to address the structural causes of trafficking and the forms of exploitation and poverty at its roots.

The mobilizing of a broad coalition was envisaged, to bring together concerned agencies, organizations and individuals to combat trafficking at local, national, regional and international levels.

8. **Brussels Declaration on Preventing and Combating Trafficking in Human Beings, 2002:** The Brussels Declaration aims at bringing about European and international cooperation, in developing concrete measures, standards, best practices and mechanisms for prevention, victim protection and assistance, and police and judicial cooperation to prevent and combat the trafficking of human beings.

Despite progress, there is still impunity in many regions of the world, as indicated by the low rates of victim detection and trafficker convictions in Sub-Saharan Africa and Asia. The majority of governments in these regions have now signed the UN Trafficking in Persons Protocol, and relevant legislation has been passed. The focus now must be on implementing the Protocol's terms in these origin regions, as well as in their important destination states. In the spirit of shared responsibility and international collaboration, support from other countries affected by these trafficking flows can help speed up anti-trafficking operations and battle impunity for this crime.

INDIAN LEGAL INSTRUMENTS TO COMBAT TRAFFICKING

“The Government of India does not fully comply with the minimal standards for the elimination of trafficking; nevertheless, it is making considerable efforts to do so,” according to the United States Department of State’s 2013 Trafficking in Persons Report - India, published on June 19, 2013. The government amended the penal code in April 2013, considerably improving the country’s regulations by widening the types of acts that are deemed trafficking and imposing more severe penalties on traffickers. Anti-Human Trafficking Units (AHTUs) were established by the Ministry of Home Affairs (MHA) to combine law enforcement and rehabilitation operations. The government’s protection services were woefully inadequate in many locations. The involvement of some government officials in human trafficking remained a substantial and unresolved issue that hampered efforts to combat the crime effectively. According to a number of sources, the Indian central government tackled human trafficking in a disorganised, piecemeal manner, its prioritising of anti-trafficking measures dropped over the year, and certain officials’ indifference and lethargy hampered efforts. Aside from the provisions of the Constitution, which serves as the country’s fundamental law, India has a rather extensive legal framework enacted by the Parliament and many State legislatures.

The Constitution of India

Article 23 of the Constitution: The Constitution of India, the fundamental law of the land, forbids trafficking in persons. Article 23 of the Constitution specifically prohibits “traffic in human beings and beggar and other similar forms of forced labour” and any contravention of this provision is an offence punishable in accordance with Law.

Article 24 of the Constitution: Article 24 further prohibits employment of children below 14 years of age in factories, mines or other hazardous employment.

Article 35 of the Constitution: Such a law has to be passed by the Parliament, as soon as may be, after the commencement of the constitution.

Article 39(e) of the Constitution: Directive Principle of State Policy directed at ensuring that

health and strength of individuals are not abused and that no one is forced by economic necessity to do work unsuited to their age or strength

Article 39 (f) of the Constitution: The Directive Principles of State Policy articulated in the Constitution are also significant, particularly Article 39 which categorically states that men and women should have the right to an adequate means of livelihood and equal pay for equal work; that men, women and children should not be forced by economic necessity to enter unsuitable vocations; and that children and youth should be protected against exploitation. Further, Article 39A directs that the legal system should ensure that opportunities for securing justice are not denied to any citizen because of economic or other disabilities.

Article 42 of the Constitution: requires the State to enact/bring in suitable provisions for securing just and human working conditions as well as provide for maternity benefits.

Article 43 of the Constitution: Article 43 states that all workers should have a living wage and there should be appropriate conditions of work so as to ensure a decent standard of life.

Article 51 of the Constitution: requires the State to foster respect for international law and treaty obligations.

Article 51-A (e) of the Constitution: ordains that it shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women.

Other fundamental rights enshrined in the Constitution relevant to trafficking are Article 14 relating to equality before law, Article 15 that deals with prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, Article 21 pertaining to protection of life and personal liberty and Article 22 concerning protection from arrest and detention except under certain conditions.

The Indian Penal Code (IPC) 1860:

There are 25 provisions relevant to trafficking; significant among them are shown in Table: 2.1:

Table: 2.1

The Indian Penal Code (IPC)	Section
Procurator of a minor girl (below 18 years of age) from one part of the country to the another is punishable.	Section 366A
Importation of a girl below 21 years of age is punishable	Section 366B
Selling of girls for prostitution	Section 372
Buying of girls for prostitution	Section 373
Provides punishment for compelling any person to labour against his will	Section 374
Kidnapping/ Abduction	359-368
Wrongful Restraint & Wrongful Confinement	339-348
Acts Done in Furtherance of Common Intention	34
Abetment	107-120
Criminal Conspiracy	120A, 120 B
Criminal Force/ Assault	349-356
Cheating	415-418
Criminal Trespass	441

Criminal Intimidation	503-509
Rape	375-376
Unnatural Offences	377
Hurt	319-338
Causing Miscarriage	312-318
Attempt to Commit Offences	511
Slavery	370-371

Source: Desk Research

Human Trafficking (Section 370 and 370A IPC) after enactment of the criminal law (amendment) Act, 2013,

Section 370 IPC - Trafficking of person

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

First –using threats, or

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

Thirdly- by abduction, or

Fourthly- by practicing fraud, or deception, or

Fifthly- by abuse of power, or

Sixthly- by inducement, including the giving or receiving of payment or benefits, in order to achieve the consent of any person having control over the person **commits the offence of trafficking.**

Special Provisions Relating to Pornography and Trafficking: Trafficking of women and children may also be done for the purposes of pornography. The laws dealing with pornography that is relevant to are shown in Table: 2.2.

Table: 2.2

The Indian Penal Code (IPC)	Section
Sale of obscene books etc.	292-293
Obscene acts and songs	294
Defamation	500
Word, gesture, or act intended to insult the modesty of a woman	509
Indecent Representation of Women (Prohibition) Act, 1986	Entire Act
Information Technology Act, 2000	67
Young Persons (Harmful Publications) Act, 1956	Entire Act

Source: Desk Research

THE ACTS ENACTED BY THE INDIAN PARLIAMENT:

From time-to-time Indian Parliament has enacted various Act to combat Human Trafficking, some most relevant are:

1. **The Indian Evidence Act, 1872** in which Sections 114 A and 151 are relevant in this context.
2. **The Child Marriage Restraint Act, 1929** defines the terms ‘child marriage’, ‘child’,

‘contracting parties’, ‘minors’, etc. It sets down the legal age of marriage as 18 years for girls and 21 years for boys. The Act empowers the court to issue injunctions prohibiting child marriage.

3. **The Criminal Law Amendment Ordinance, 1944** provides for attachment of property in case of commission of a scheduled offence.
4. **Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA)** was enacted under Article 35 of the Indian Constitution with the object of inhibiting or abolishing the immoral traffic in women and girls. It was also in pursuance of the **Trafficking Convention**, which India signed on 9 May 1950. The Act aimed to rescue exploited women and girls, to prevent deterioration of public morals and to stamp out the evil of prostitution, which was rampant in various parts of the country. In 1978, SITA was amended by the **Amendment Act 46 of 1978**, which took effect from 2 October 1979. This was owing to the realisation that the social evil needed to be curbed and that existing provisions failed to do so. The act was further amended and changed in 1986, resulting in the Immoral Traffic Prevention Act also known as PITA. **PITA only discusses trafficking in relation to prostitution** and not in relation to other purposes of trafficking such as domestic work, child labour, organ harvesting, etc.
5. **The Immoral Traffic (Prevention) Act, 1956 (ITPA)** is a special legislation that deals exclusively with trafficking. The Act defines the terms ‘brothel’, ‘child’, ‘corrective institutions’, ‘prostitution’, ‘protective home’, ‘public place’, ‘special police officer’ and ‘trafficking officer’. The purpose of the enactment was to inhibit or to abolish commercialized vice, namely the traffic in women and girls for the purpose of prostitution, as an organised means of living.

The main outage of the ITPA is that it allows for the arrest of those engaging in acts of prostitution (seducing or soliciting for the purpose of prostitution) under Sec 8. Crimes under ITPA are cognizable, only certain police officers under Sec 13 can do this and there must be female officers and witnesses present. The ITPA also allows for the Special Courts to be set up for the purpose of Trafficking Cases. *Presently, the Anti-Trafficking Cell (ATC) located in the Ministry of Home Affairs is the nodal agency for the implementation of the ITPA 1956.* The creation of the ATC has led to the strengthening of the law enforcement response. The advisories issued by the MHA has not only strengthened legal procedures and investigations of cases of human trafficking but also pushed the State governments to build the capacity in the various law enforcement agencies. 225 Anti-Human Trafficking Units (AHTU) have also been created by the MHA at the district level to combat trafficking and undertake rescue operations.

RELEVANT PROVISIONS OF THE ACT:

Sec 3. Punishment for keeping a brothel or allowing premises to be used as a brothel.

1. Any person who keeps or manages, or acts or assists in the keeping or management of, a brothel shall be punishable on first conviction with rigorous imprisonment for a term of not less than two years and which may extend to three years and also with fine which may extend to ten thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which shall not be less than three years and which may extend to seven years and shall also be liable to fine which may extend to two lakh rupees

2. any person who, -

- a. being the tenant, lessee, occupier or person in charge of any premises, uses, or knowingly allows any other person to use, such premises or any part thereof as a brothel, or
- b. being the owner, lessor or landlord of any premises or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof is intended to be used as a brothel, or is willfully a party to the use of such premises or any part thereof as a brothel, shall be punishable on first conviction with imprisonment for a term which may extend to two years and with fine which fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which may extend to five years and also with fine.

Sec 4. Punishment for living on the earnings of prostitution.

1. Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both, and where such earnings relate to the prostitution of a child, shall be punishable with imprisonment for a term of not less than seven years and not more than ten years.
2. Where any person over the age of eighteen years is proved, —
 - a. to be living with, or to be habitually in the company of, a prostitute; or
 - b. to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding abetting or compelling her prostitution; or
 - c. to be acting as a tout or pimp on behalf of a prostitute, it shall be presumed, until the contrary is proved, that such person is knowingly living on the earnings of prostitution of another person within the meaning of sub-section (1).

Sec 5. Procuring, inducing or taking person for the sake of prostitution.

1. Any person who —
 - a. procures or attempts to procure a person whether with or without his/her consent, for the purpose of prostitution; or
 - b. induces a person to go from any place, with the intent that he/ she may for the purpose of prostitution become the inmate of, or frequent, a brothel; or
 - c. takes or attempts to take a person or causes a person to be taken, from one place to another with a view to his/her carrying on, or being brought up to carry on prostitution; or
 - d. causes or induces a person to carry on prostitution; shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees, and

if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years:

Provided that if the person in respect of whom an offence committed under this subsection, is a child, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life.

3. An offence under this section shall be friable, —

- a. in the place from which a person is procured, induced to go, taken or caused to be taken or from which an attempt to procure or taken such persons made; or
- b. in the place to which she may have gone as a result of the inducement or to which he/she is taken or caused to be taken or an attempt to take him/her is made.

Sec 5A. Whoever recruits, transports, transfers, harbours, or receives a person for the purpose of prostitution by means of-

- a. threat or use of force or coercion, abduction, fraud, deception; or
- b. abuse of power or a position of vulnerability; or
- c. giving or receiving of payments or benefits to achieve the consent of such person having control over another person, commits the offence of trafficking in persons.

Sec 5B. (1) Any person who commits trafficking in persons shall be punishable on first conviction with rigorous imprisonment for a term which shall not be less than seven years and in the event of a second or subsequent conviction with imprisonment for life.

2. Any person who attempts to commit, or abets trafficking in persons shall also be deemed to have committed such trafficking in persons and shall be punishable with the punishment hereinbefore described.

Sec 5C. Any person who visits or is found in a brothel for the purpose of sexual exploitation of any victim of trafficking in persons shall on first conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to twenty thousand rupees or with both and in the event of a second or subsequent conviction with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to fifty thousand rupees.

Sec 6. Detaining a person in premises where prostitution is carried on.

1. Any person who detains any other person, whether with or without his consent, —

- a. in any brothel, or
- b. in or upon any premises with intent that such person may have sexual intercourse with a person who is not the spouse of such person, shall be punishable on conviction, with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine which may extend to one lakh rupees:

Provided that the court may for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which may be less than seven years.

2. Where any person is found with a child in a brothel, it shall be presumed, unless the contrary is proved, that he has committed an offence under sub-section (1).

(2-A) Where a child found in a brothel, is, on medical examination, detected to have been sexually abused, it shall be presumed unless the contrary is proved, that the child has been detained for purposes of prostitution or, as the case may be, has been sexually exploited for commercial purposes.

3. A person shall be presumed to detain a person in a brothel or in upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there, —
 - a. withholds from her any jewellery, wearing apparel, money or other property belonging to her, or
 - b. threatens her with legal proceedings if she takes away with her any jewellery, wearing apparel, money or other property lent or supplied to her by or by the direction of such person.
4. Notwithstanding any law to the contrary, no suit, prosecution or other legal proceeding shall lie against such woman or girl at the instance of the person by whom she has been detained, for the recovery of any jewellery, wearing apparel or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by such woman or girl or for the recovery of any money alleged to be payable by such woman or girl.

Sec 7. Prostitution in or in the vicinity of public place.

1. Any person who carries on prostitution and the person with whom such prostitution is carried on, in any premises:
 - a. which are within the area or areas, notified under sub-section (3), or
 - b. which are within a distance of two hundred meters of any place of public religious worship, educational institution, hotel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or Magistrate in the manner prescribed, shall be punishable with imprisonment for a term which may extend to three months.

Sec 7 (1-A) Where an offence committed under sub-section

1. is in respect of a child, the person committing the offence shall be punishable with imprisonment of either description for a term which not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

2. Any person who:
 - a. being the keeper of any public place knowingly permits prostitutes for purposes of their trade to resort to or remain in such place; or
 - b. being the tenant, lessee, occupier or person in charge of any premises referred to in sub-

section (1) knowingly permits the same or any part thereof to be used for prostitution; or

- c. being the owner, lessor or landlord of any premises referred to in sub-section (1), or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof may be used for prostitution, or is willfully a party to such use shall be punishable on first conviction with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both, and in the event of a second or subsequent conviction with imprisonment for a term which may extend to six months and also with fine, which may extend to two hundred rupees, and if the public place or premises happen to be a hotel, the license for carrying on the business of such hotel under any law for the time being in force shall also be liable to be suspended for a period of not less than three months but which may extend to one year:

Provided that if an offence committed under this sub-section is in respect of a child in a hotel, such license shall also be liable to be cancelled.

Sec 9. Seduction of a person in custody.

Any person who having the custody, charge or care of or in a position of authority over any person causes or aids or abets the seduction for prostitution of that shall be punishable on conviction with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Sec 10-A. Detention in a corrective institution.

1. Where , –
 - a. a female offender is found guilty of an offence under Section 7, and
 - b. the character, state of health and mental condition of the offender and the other circumstances of the case are such that it is expedient that she should be subject to detention for such term and such instruction and discipline as are conducive to her correction, it shall be lawful for the court to pass, in lieu of a sentence of imprisonment, an order for detention in a corrective institution for such term, not being less than two years and not being more than seven years, as the court thinks fit:

Sec 11. Notification of address of previously convicted offenders.

1. When any person having been convicted –
 - a. by a court in India of an offence punishable under this Act or punishable under Section 363, Section 365, Section 366, Section 366-A, Section 366-B, Section 367, Section 368, Section 370, Section 371, Section 372 or Section 373 of the Indian Penal Code (45 of 1860), with imprisonment for a term of two years or up wards; or
 - b. by a court or tribunal in any other country of an offence which would, if committed in India, have been punishable under this Act, or under any of the aforesaid sections with imprisonment for a like term, is within a period of five years after release from prison, again convicted of any offence punishable under this Act or under any of those section with, imprisonment for a term of two years or upwards by a court, such court may, if it

thinks fit, at the time of passing the sentence of imprisonment on such person, also order that his residence, and any change of, or absence from, such residence, after release, be notified according to rules made under Section 23 for a period not exceeding five years from the date of expiration of that sentence.

2. If such conviction is set aside on appeal or otherwise, such order shall become void.
3. An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.
4. Any person charged with a breach of any rule referred to in sub-section (1) may be tried by a Magistrate of competent jurisdiction in the district in which the place last notified as his residence is situated.

Sec 13. Special police officer and advisory body.

1. There shall be for each area to be specified by the State Government in this behalf a special police officer appointed by or on behalf of that government for dealing with offences under this Act in that area.
2. The special police officer shall not be below the rank of a sub-inspector of Police.

(2-A) The District Magistrate may, if he considers it necessary or expedient so to do, confer upon any retired police or military officer all or any of the powers conferred by or under this Act on a special police officer, with respect to particular cases or classes of cases or to cases generally.

Sec 13A. (1) The Central Government may constitute an Authority for the purposes of effectively preventing and combating the offence of trafficking in persons.

2. The members of the Authority shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed.
3. The Chairperson of the Authority shall be one of the members appointed under sub-section (2) to be nominated by the Central Government.
4. The term of office of the members of the Authority, the manner of filling vacancies among and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.

Sec 14. Offences to be cognizable-Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

Sec 15. Search without warrant.

1. Notwithstanding anything contained in any other law for the time being in force, whenever the special police officer or the trafficking police officer as the case may be, has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in respect of a person living in any premises, and that search of the premises with warrant cannot be made without undue delay, such officer may, after recording the grounds of his belief, enter and search such premises without a warrant.

(5-A) Any person who is produced before a Magistrate under sub-section (5), shall be

examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases.

Sec 18. Closure of brothel and eviction of offenders from the premises.

1. A Magistrate may, on receipt of information from the police or otherwise, that any house, room, place or any portion thereof within a distance of two hundred meters of any public place referred to in sub-section (1) of Section 7 is being run or used as a brothel by any person, or is being used by prostitutes for carrying on their trade, issue notice on the owner, lessor or landlord or such house, room, place or portion or the agent of the owner, lessor or landlord or on the tenant, lessee, occupier of, or any other person in charge of such house, room, place, or portion, to show cause within seven days of the receipt of the notice why the same should not be attached for improper use thereof, and if, after hearing the person concerned, the Magistrate is satisfied that the house, room, place or portion is being used as a brothel or for carrying on prostitution, then the Magistrate may pass orders, —
 - a. directing eviction of the occupier within seven days of the passing of the order from the house, room, place, or portion;
 - b. directing that before letting it out during the period of one year or in a case where a child has been found in such house, room, place or portion during a search under Section 15, during the period of three years, immediately after the passing of the order, the owner, lessor or landlord or the agent of the owner, lessor or landlord shall obtain the previous approval of the Magistrate

Sec 19. Application for being kept in a protective home or provided care and protection by court.

1. A person who is carrying on, or is being made to carry on prostitution, may make an application, to the Magistrate within the local limits of whose jurisdiction she is carrying on, or is being made to carry on prostitution, for an order that she may be —
 - a. kept in a protective home, or
 - b. provided care and protection by the court in the manner specified in sub-section (3).
2. The Magistrate may pend inquiry under sub-section (3) direct that the person be kept in such custody as he may consider proper, having regard to the circumstances of the case.
3. If the Magistrate after hearing the applicant and making such inquiry as he may consider necessary, including an inquiry by a Probation Officer appointed under the Probation of Offender Act, 1958, (20 of 1958) into the personality, conditions of home and prospects of rehabilitation of the applicant, is satisfied that an order should be made under this section, he shall for reasons to be recorded, make an order that the applicant to be kept:
 - i. in a protective home, or
 - ii. in a corrective institution, or
 - iii. under the supervision of a person appointed by the Magistrate for such period as may be specified in the order.

Sec 21. Protective homes.

1. The State Government may in its discretion establish as many protective homes and corrective institutions under this Act as it thinks fit and such homes and institutions when established shall be maintained in such manner as may be prescribed.

Sec 22.

(1) Trials -No Court, inferior to that of a Metropolitan Magistrate or a Judicial magistrate of the first class, shall try any offence under Section 3, Section 4, Section 5, Section 5B, Section 5C, Section 6 or Section 7.

Sec 22-A. Power to establish special Courts. (1) If the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act in any district or metropolitan area, it may, by notification in the official Gazette and after consultation with the High Court, establish one or more Courts of Judicial Magistrates of the first class, or, as the case may be, Metropolitan Magistrate, in such district or metropolitan area.

Sec 22-B. Court can try the offences summarily

6. **The Young Persons (Harmful Publications) Act, 1956** defines the term 'harmful publication' as "any book, magazine, pamphlets, leaflet, newspapers or other like publication which consists of stories told with the aid of pictures or wholly in pictures, being stories portraying wholly or mainly, a) the commission of offence, b) acts of violence or cruelty, and c) incidence of a repulsive or horrible nature".
7. **The Probation of Offenders Act, 1958** is aimed at offenders. Its important features are: a) the Act empowers the court to release certain offenders after admonition and place certain other offenders on probation for good conduct, and b) the Act puts a restriction on the court, forbidding the imprisonment of any offender below the age of 21 years, who has not committed an offence punishable with imprisonment for life, unless the circumstances of the case or nature of the offence requires that the offender be punished.
8. **Criminal Procedure Code, 1973** with Section 51(2), 53(2), 98, 160, 327(2) and 357 having relevance in this context. Responsibility for providing compensation to trafficking victims is fragmented between the central government and individual states. This is largely the result of Section 357, Code of Criminal Procedure, which states that the Central Government should be responsible for compensating victims of any crime (not limited to trafficking) who have suffered loss or injury. However, it fails to note the form or degree of such compensation.

The Section deals with compensation for victims of human trafficking, although it leaves it up to the individual states to decide on compensation procedures and amounts. As a result, there is no centralised compensation system in India for victims of human trafficking. The Centrally Sponsored Rehabilitation Scheme for Bonded Labor requires each bonded labourer to receive a rehabilitation grant of Rs. 20,000 (approximately \$330) as well as rehabilitation assistance. Unfortunately, regardless of how long the labourer has supplied bonded work, this amount is fixed. According to interviews with law enforcement authorities, India's anti-trafficking laws and regulations are patchwork and sporadically implemented. Dr. P.M. Nair of the Indian Police Service in New Delhi said in an interview that the government's rehabilitative efforts are often haphazard and

ineffective, owing to a lack of coordination among the police and government agencies involved at every stage of the process, from rescue to rehabilitation. Many NGOs have experienced difficulty securing timely disbursements of national government funds for their shelters, according to the United States' 2012 Trafficking in Persons Report.

9. **The Bonded Labour System (Abolition) Act, 1976** defines the terms 'advance', 'agreement', 'ascendant or descendant', 'bonded debt', 'bonded labour', 'bonded labour system' and provides for initiating appropriate action.
10. **Inter-State Migrant Workmen (Regulation of Employment Conditions) Act, 1979:** In addition to trafficking laws, the provisions of this Act can be used to fasten liability on the principal employer and to protect the rights of the workers who may have been recruited in one State for employment in an establishment of another State. Relevant Sections: Sections 2(e), 61, 14 & 151.
11. **The Indecent Representation of Women (Prohibition) Act, 1986** defines "indecent representation of women" as the depiction in any manner of the figure of a woman, her form of body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating of women; or is likely to deprave, corrupt or injure public morality. The Act puts a restriction on the publishing or sending by post, of books, pamphlets, etc., containing indecent representations of women, and prohibits all persons from getting involved directly or indirectly in the publication or exhibition of any advertisement containing indecent representations of women in any form.
12. **The Child labour (Prohibition and Regulation) Act, 1986** prohibits employment of children in the specific occupations set forth in Part A of the schedule of the Act. The Act lays down the conditions of work of the children. As per the Act, no child shall work for more than three hours before he or she has had an interval of rest for at least one hour.
13. **Religious Institutions (Prevention of Misuse) Act, 1988:** This Act can be used to combat various social evils that are associated with religious institutions like some of the practices mentioned earlier. Some of these activities of sexual exploitation may be conducted within the premises of religious institutions under the pretext of rituals. This Act can be invoked in order to prevent such misuse. The manager of the religious institution or person connected with such contravention can be punished for contravention of the Act. The *devadasis* or other trafficked women cannot be brought under the purview of this Act. They are to be treated as 'victims' and not as 'offenders'.
14. **The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,** Many victims are from marginalized groups because traffickers are targeting on vulnerable people in socially and economically backward areas. This Act provides an additional tool to safeguard women and young girls belonging SC/ST and also creates greater burden on the trafficker to prove his lack of complicity in the crime. This can be effective if the offender knows the status of victim. It specifically covers certain forms of trafficking, forced or bonded labour and sexual exploitation of women. A minimum punishment of 6 months is provided that could extend up to 5 years in any offence covered under Sec 2.
15. **The Transplantation of Human Organ Act, 1994.** The two-fold objectives of this Act are: (1) to provide for the regulation of removal, storage and transplantation of human organs for therapeutic purposes, (2) to prevent commercial dealings in human organs. The Act

also provides for regulation and registration of hospitals engaged in removal, storage and transplantation of human organs.

16. **The Information Technology Act, 2000** extends throughout India and also has extra-territorial jurisdiction. Section 67 penalizes the publication or transmission of any material, in electronic form, which is lascivious; or appeals to prurient interests; or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied therein.
17. **The Juvenile Justice (Care and Protection of Children) Act, 2000** was passed in consonance with the Convention on the Rights of the Child, to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection. The definition specifically includes the child who is found vulnerable and is, therefore, likely to be inducted into trafficking. The focus of the Act is to provide for proper care, protection and treatment by catering to the child's development needs and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interests of children and for their ultimate rehabilitation through various institutions established under the Act. 'Child' means a person, either male or female, who has not completed his or her eighteenth year of age. Section 29 of the act empowers state governments to constitute child welfare committees for such areas as they may deem fit. It also outlines the powers of the committee and the procedures to be followed. Section 31 gives them the ultimate authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights. Under Section 34, a state government may establish and maintain children's homes for the care and protection of children. Under Section 39, the primary objective of the children's home or shelter is the restoration and protection of childhood. This law is essentially in the form of a Code and incorporates in itself not only punitive and rehabilitative provisions, but also spells out the detailed procedures to be followed. The Act has been **amended in 2015** as it mandates setting up Juvenile Justice Boards and Child Welfare Committees in every district. Both must have at least one-woman member each.
18. **Immigration (Carrier's Liability) Act, 2000** This Act can be used to prosecute those who indulge in the illegal transport of human beings from other countries. This Act applies only to carriers by air or by sea. Where the provisions of the Passport Act or any rules made there under are contravened in bringing persons from other countries into India, the carrier may be punished by the competent authority under the Passport Act, by order imposing a penalty of rupees one lakh on such carrier^{1iv}. For the purposes of this Act, 'carrier' means a person who is engaged in the business of transporting passengers by water or air and includes any association of persons, whether incorporated or not, by whom the aircraft or the ship is owned or chartered.
19. **The Prohibition of Child Marriage Act, 2006:** This Act restrains the solemnization of child marriages. A child under this Act is defined as a male below twenty-one and a woman below eighteen years of age. A minor is defined as a person of either sex who is under eighteen years of age. If either the bride or groom is a child, it would amount to a child marriage. The Act provides for punishment for a variety of crimes associated with child marriages. It also has a direct provision dealing with trafficking holding such marriages null and void.

20. Protection of Children from Sexual Offences Act, 2012 (POCSO Act): The Protection of Children from Sexual Offences Act, 2012 (POCSO Act), was enacted to protect children from offences of sexual assault, sexual harassment and pornography and to provide a child friendly system for the trial of these offences. The Act provides for seven specific sexual offences against children and stipulates child-friendly legal procedures that must be adhered to during investigation and trial. Under the POCSO Act, the term “child” has been defined to mean “any person below the age of eighteen years”. The Act does not recognize sexual autonomy of children in any form. Children can also be held liable for committing sexual offences under the Act. As a result, sexual interactions or intimacies among or with children below the age of 18 years constitute an offence. The Act has been amended as THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (AMENDMENT) ACT, 2019 NO. 25 OF 2019.

Punishments for Offences covered in the Act are:

1. Penetrative Sexual Assault (Section 3)- Not less than seven years which may extend to imprisonment for life, and fine (Section 4)
2. Aggravated Penetrative Sexual Assault (Section 5) – Not less than ten years which may extend to imprisonment for life, and fine (Section 6)
3. Sexual Assault (Section 7) – Not less than three years which may extend to five years, and fine (Section 8)
4. Aggravated Sexual Assault (Section 9) – Not less than five years which may extend to seven years, and fine (Section 10)
5. Sexual Harassment of the Child (Section 11) – Three years and fine (Section 12)
6. Use of Child for Pornographic Purposes (Section 13) – Five years and fine and in the event of subsequent conviction, seven years and fine (Section 14 (1))

The Act provides for the establishment of Special Courts for trial of offences under the Act, keeping the best interest of the child as of paramount importance at every stage of the judicial process. The Act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences.

- 21. Criminal Law (Amendment) Act 2019:** POCSO was gender-neutral while the new law pertains to girls specifically. The Criminal Law (Amendment) Act 2019 enhances the minimum sentence for offence of rape against girl children of all three age categories. Under new law, if the victim is under 12 years of age, the culprit faces minimum sentence of 20 years, up from 10 years previously. Accused is not entitled to anticipatory bail, under new law, in offences of rape of child less than 16 years of age.
- 22. Criminal Law Amendment Act 2013:** Until recently, Indian law did not contain a comprehensive definition of human trafficking. In March 2013, India passed the Criminal Law (Amendment) Act of 2013, which amended **Section 370** of the Indian Penal Code and included India’s first definition of human trafficking based on the UN Trafficking Protocol: Section 370, as amended, now defines exploitation as including *“any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.”* The new Amendment Act expanded the types of offenses criminalized as a trafficking violation and instituted heightened

sentences for perpetrators. It is a significant step towards bringing India in line with the international law obligations it assumed on ratifying the UN Trafficking Protocol.

STATE GOVERNMENTS ACTS/LAWS:

State governments have also established their own programmes and schemes to address trafficking that are based on the National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Girls. These programmes focus on awareness raising, income generation, the provision of medical and other support and the training of law enforcement officials (Everly, 2011). Most States have also constituted anti-trafficking units and have shelter homes for the rehabilitation of trafficked victims. Given below is a tabular analysis of state-wise (highly affected) legislation and programmes to mitigate trafficking (Table: 2.3).

Table: 2.3

States	Legislation and Programmes/Schemes
Andhra Pradesh	<ul style="list-style-type: none"> Passed legislation for prevention of “traditional” forms of sexual exploitation (Devadasis) and the Prohibition of Dedication Act (1988) Andhra Pradesh Children Act, 1979
Assam	<ul style="list-style-type: none"> Assam Children Act, 1970
Bihar	<ul style="list-style-type: none"> Bihar Children Act, 1970 Human Trafficking Prevention Program (2007)
Chhattisgarh	<ul style="list-style-type: none"> Chhattisgarh Private Placement Agencies (Regulation) Act, 2013 - Regulatory unit set up to grant licenses to any private placement agency, thereby ensuring no fee is charged from domestic workers, and prohibiting girls under 18 from being engaged by such agencies. Committees for Prevention of Atrocities against Women and Trafficking in 16 district (2008)
Goa	<ul style="list-style-type: none"> Goa Children’s Act, 2003 – To ensure protection of children against exploitation. Explicit prohibition of child sexual trafficking, child labour and abuse. Provides for setting up of children’s homes. State Level Authority and Village Child Committee to be set up. Setting up of special Children’s Court for offences under this act.
Jharkhand	<ul style="list-style-type: none"> Jharkhand Private Employment Agency and Domestic Employee Bill has been introduced in 2016 and is yet to be passed. It provides compulsory licensing for placement agencies, prohibits them from taking money from domestic workers and makes publication of employment details mandatory
Karnataka	<ul style="list-style-type: none"> The Karnataka Devadasis (Prohibition Of Dedication) Act, 1982 - To prevent dedication of women as Devadasis in the State of Karnataka, as the practice is leading to prostitution and exploitation
Maharashtra	<ul style="list-style-type: none"> The Bombay Devadasis Protection Act, 1934 - To prevent dedication of women as devadasis in the State of Maharashtra, as the practice is leading to prostitution and exploitation The Orphanages and other Charitable Home (Supervision and Control) Act, 1960 - To provide for the supervision and control of orphanages, homes for neglected women and children and other like institutions
Odisha	<ul style="list-style-type: none"> Orissa Children Act, 1982
Tamil Nadu	<ul style="list-style-type: none"> Tamil Nadu Children Act, 1920 Tamil Nadu Hostel and Homes for Women and Children (Regulation) Act, 2014 - To provide for regulation and registration of hostels, lodging houses, homes for women and children
West Bengal	<ul style="list-style-type: none"> West Bengal Children Act, 1959
NCT of Delhi	<ul style="list-style-type: none"> Draft Policy on Rehabilitation and Combating Trafficking of Women and Children, 2018, The Draft Policy yet to be finalized.

INDIA'S TRAFFICKING PREVENTION MEASURES

The Government of India has initiated several initiatives in collaboration with NGOs to combat trafficking and has also formed a special cell in the Ministry of Home Affairs, Government of India as the Nodal Agency for the Anti Human trafficking Units. The law enforcement agencies are also being sensitized on the issue of Trafficking and several modules for police trainings have been formulated by United Nations office on Drugs and Crimes (UNODC), Bureau of Police Research and Development (BPRD) and Ministry of Home Affairs. The Union of India in collaboration with NGOs has launched Ujjwala and Swadhar Schemes which are more focused towards trafficked children and as short stay homes.

To combat trafficking, especially in vulnerable areas and parts of society, with the aid of local communities at the village and urban levels, as well as to enable the rescue, rehabilitation, and reintegration of trafficked victims, a multi-sectoral approach is required. To address the foregoing concerns and shortcomings, the Ministry of Women and Child Development established a "Comprehensive Scheme for Prevention of Trafficking for Rescue, Rehabilitation, and Re-Integration of Victims of Trafficking for Commercial Sexual Exploitation-Ujjawala." On the one hand, this strategy was designed with the primary goal of preventing human trafficking, and on the other, it was created with the major purpose of rescuing and rehabilitating victims.

Ujjawala Scheme: The Ministry of Women and Child Development is implementing "Ujjawala"-a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation. The number of beneficiaries under the scheme in the year 2017-18 and 2016-17 each is 6,175. The Schemes provide shelter, food and clothing, counseling, medical care, legal aid and other support, vocational training and income generation activities for the victims. The main objectives of the scheme are:

- To prevent trafficking of women and children for commercial sexual exploitation through social mobilization and involvement of local communities/awareness generation programmes, generate public discourse through workshops, seminars and such events and any other innovative activity;
- To facilitate rescue of victims from the place of exploitation and place them in safe custody;
- To provide rehabilitation services both immediate and long term to the victims by providing basic amenities / needs such as shelter, food, clothing, medical treatment including counseling, legal and guidance and vocational training;
- To facilitate reintegration of the victims into the family and society at large;
- To facilitate repatriation of cross-border victims to their country of origin.

One Stop Centre: Many women who face violent crimes do not know where to go for support. For them, One Stop Centers (OSCs) have been set up across the country. Popularly known as Sakhi Centers, the Scheme of One Stop Centre (OSC) is being implemented across the country since 1st April, 2015 for facilitating access to an integrated range of services including police, medical, legal, psychological support and temporary shelter to women affected by violence. The Scheme is funded through Nirbhaya Fund.

Swadhar Greh: The Ministry is implementing the Swadhar Greh Scheme which targets the women victims of unfortunate circumstances who are in need of institutional support for

rehabilitation so that they could lead their life with dignity. The Scheme envisages providing shelter, food, clothing and health as well as economic and social security for the women victims of difficult circumstances which includes widows, destitute women and aged women.

Child Line: A project supported by the MOWCD to help children in distress is the *Child Line India Foundation*, which provides a 24-hour toll-free telephone outreach service (MOWCD and UNODC, 2008). It provides referral services to children in emergency situations and undertakes activities to sensitize various stakeholders on trafficking (MOWCD and UNODC, 2008).

Integrated Child Protection Scheme (ICPS)-2009: The Ministry of Women and Child Development, (MWCD) extends its commitment of the XI plan to create a protective environment for 40 per cent of India's vulnerable children who are experiencing difficult circumstances, by continuing the centrally sponsored Scheme - the Integrated Child Protection Scheme (ICPS) in the XII plan. The Scheme, since its launch in 2009, in partnership with the State Governments/UT Administrations, has strengthened prevention of child rights violation; enhanced infrastructure for protection services; provided financial support for implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000; increased access to a wider range and better quality of protection services; increased investment in child protection and is continuously drawing focus on the right of all children to be safe.

The Integrated Child Protection Scheme (ICPS) has made a substantial contribution to realizing Government/State responsibilities for developing a system that protects children efficiently and effectively. ICPS is achieving its objectives to contribute to improvements in the well-being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment, and separation of children from their families, based on the cardinal principles of "protection of child rights" and "best interest of the child." ICPS is being implemented by establishing State Child Protection Societies (SCPS) and District Child Protection Entities (DCPUs) as the essential units for implementation at the State and District levels, respectively, in order to ensure successful service delivery. The State Adoption Resource Agency (SARA) is a division of the SCPS. The SCPS is a registered charity under the Societies Registration Act of 1860 that operates under the overall supervision and control of the state/UT department responsible for child welfare and protection. The Ministry of Women and Child Development (MWCD) has previously developed and published thorough instructions, as well as bylaws, for establishing these institutions at the state level.

The MWCD's Child Welfare Bureau is implementing the Integrated Child Protection Scheme (ICPS), which has responsibilities such as formulating policies and legislation for children, advocating for effective implementation of policies, programmes, and services for children, ensuring the implementation of various international norms and standards related to children, and representing the Government of India at various national and international child-related fora. A full-fledged dedicated and professionally equipped staff working closely with State Governments and other stakeholders is required to enable the successful and timely implementation of a scheme as broad and comprehensive as ICPS.

National Child Protection Policy: In pursuance with the direction of the Hon'ble Supreme Court in the matter of Sampoorna Behura vs. UOI & Ors. (M.A. No.- 2069/2018 in W.P.(C) No.473/2005 regarding drafting of the National Child Protection Policy, the first draft of the National Child Protection Policy was prepared by the Ministry. The draft was widely circulated in the public domain to gather the comments/suggestions of all the stakeholders. A large number of comments have been received which are under consideration of the Ministry. The

Government has adopted a National Policy for Children (NPC, 2013 on 26th April, 2013). The policy reaffirms the Government's commitment to realization of the rights of all children in the country. It recognizes every person below the age of eighteen years as a child. It acknowledges that childhood is an integral part of life with a value of its own, and a long term, sustainable, multi-spectral, integrated and inclusive approach is necessary for the harmonious development and protection of children. The Policy lays down the guiding principles that must be respected by the National, State and local Governments in their actions and initiatives affecting children. The Policy has identified survival, health, nutrition, education, development, protection and participation as the undeniable rights of every child, and has also declared these as key priority areas. The National Plan of Action for children, 2016 was released on 24th January, 2017.

First meeting of the Joint Task Force in Human Trafficking between India and UAE was held from 4th to 5th August, 2019 at Abu Dhabi, UAE to enhance cooperation to prevent human trafficking especially the trafficking of women and children between the two countries. A delegation of the Government of India including officers of the Ministry of Women and Child Development, Ministry of Home Affairs, Ministry of External Affairs and Ministry of Labour and Employment attended the First meeting of the Joint Task Force in Human Trafficking between India and UAE.

POCSO e-Box: To facilitate reporting of offences/ complaint, the POCSO e-Box was launched on 26th August, 2016. POCSO e-Box is an online complaint management system for easy and direct reporting of sexual offences against children and timely action against the offenders under the POCSO Act, 2012. In order to address newer forms of offences and for further deterrence, certain other provisions in the Act were considered necessary. Accordingly, the Protection of Children from Sexual Offences (Amendment) Bill, 2019 was considered and passed by the Lok Sabha on 1st August, 2019. Further, the same received the President's assent on 5th August, 2019. It was published in the Gazette by Ministry of Law on 6th August, 2019 and has also been notified by this Ministry to be made effective from 16th August, 2019. Further, under amended provisions in the Act, death penalty has also been introduced as a possible punishment in cases of aggravated penetrative sexual assault. After the amendment, the definition of Child Pornography has now been explicitly defined in the Act. The Amendments have provided more stringent punishments for committing the crime related to child pornography. Section-14 of the Act has been amended to provide enhanced punishments for the act of pornography, associated with different sexual offences. Amendment also provides for levying fine for not destroying/ or deleting/ or reporting the pornographic material involving a child. Person can be further penalized with jail term or fine or both for transmitting/ propagating/ displaying/ distributing such material in any manner except for the purpose of reporting as may be prescribed and for use as evidence in court. More stringent penal provisions have been provided in the Amendment for storing/ possessing any pornographic material in any form involving a child for commercial purpose.

Child Tracking System: Track Child, including Khoya-Paya, a website for missing children and related MIS. Launched on 2nd June, 2015, it is an enabling platform for the citizens to report on the missing and sighted children in a prompt manner, thus avoiding time delay. Reporting on the portal can be through uploading the available information.

Open Shelter Home for Children in Need in Urban and Semi Urban Areas: In order to provide for the growing needs of children, the ICPS facilitates for setting up of Open Shelters particularly in urban areas. Such centers shall provide a space for children where they can play, use their time productively and engage themselves in creative activities through music, dance,

drama, yoga & meditation, computers, indoor and outdoor games, etc. These activities would encourage meaningful peer group participation and interaction. This will ensure their overall growth and development, and keep them away from socially deviant behaviors in addition to fulfilling their basic requirements for food, nutrition and health. These shelters shall also have provisions for health care, quality and flexi-time education and vocational training, including provisions where children can safely keep their belongings and earnings. Counseling guidance and life skill education shall also be provided for channeling these children's energy into productive endeavours.

National Scheme for Rehabilitation of Sex Workers: A panel constituted by the Supreme Court of India to look into the rehabilitation of sex workers, on 08th of November, 2012 has submitted a rehabilitation scheme to the Supreme Court. The panel has suggested to the Apex Court that the scheme should be a national scheme. The scheme is first of its kind and provides rehabilitation to sex workers as well as victims of commercial sexual exploitation. It will be a national scheme. The Government of India unfortunately has till date not devised any proper scheme for rehabilitation for women in prostitution so that they can become part of the mainstream. *This Scheme remained only a proposal.*

Compensation Scheme For Women Victims/Survivors Of Sexual Assault/Other Crimes - 2018: In response to Hon'ble Supreme Court of India in W.P. (C) No. 565/2012 titled **Nipun Saxena Vs. Union of India**, National Legal Services Authority Committee has finalized the Compensation Scheme for women Victims/Survivors of Sexual Assault/other Crimes and submitted the same before the Hon'ble Supreme Court of India on 24.04.2018.

Central Victim Compensation Fund (CVCF): Central Victim Compensation Fund (CVCF) has been set up under Nirbhaya Funds at a total cost of the project is Rs. 200.00 crore CVCF has been released as a one-time grant to States/UTs to support and supplement the Victim Compensation schemes in respective States/ UTs and expenditure from this fund is allowed to States/ UTs after consuming non-budgetary resource with them.

JUDICIAL RESPONSE TO ISSUE OF TRAFFICKING:

In the governance of a democracy, the court performs a crucial role that cannot be overstated. In fact, the judiciary takes a large and unique importance as a result of its critical role in passing judgement on the activities of the two other components-as well as the privilege of interpreting constitutional provisions. The Supreme Court of India or one of the High Courts are frequently referred to when judicial rulings or "landmark cases" on human trafficking are mentioned. Lower courts, on the other hand, handle the majority of cases involving human trafficking. Unlike the High Courts and the Supreme Court, these cases are not reported. However, studies have revealed that conviction rates are abysmally low, and that victims are frequently re-victimized as a result of the procedure. Some principles established by the High Courts and the Supreme Court have had a favourable impact on the judiciary's attitude to cases of human trafficking. These judgements, in general, are concerned with three key issues: victim's rights, issuing suitable directions to the government, and special protection for children. In 2016, pursuant to an **order of the Supreme Court (Prajwala vs. Union of India 2016 (1) SCALE 298)**, the **Ministry of Women and Child Development constituted a committee to examine the feasibility of a comprehensive legislation on trafficking.**

Victim's Rights: Many judicial decisions in India have been focused on the protection of victims of trafficking. In **Prajwala v Union of India**, the implementation of a victim protocol

was demanded. There have been cases where compensation has been ordered to be paid by a perpetrator of crimes to victims of the crime as in **Bodhisattwa Gautam v Subhra Chakraborty**, where a person had promised marriage to a woman and even went through with a wedding ceremony which turned out to be false. This has been applied to foreign nationals as well. In cases of trafficking too, this principle has been used, as seen in **PUCL Vs Union of India**, where compensation was ordered to be paid where children were trafficked/ bonded for labour.

Vishal Jeet Vs. Union of India AIR 1990 SC 1412: was a landmark decision where the Supreme Court took it upon itself to give directions for the protection and rehabilitation of those who had been dedicated as devadasis by their families or communities for cultural reasons and were currently in prostitution. The problem of **child prostitution** was thoroughly discussed by the Supreme Court in this case Through a Public Interest Litigation. The Supreme Court observed: "It is highly deplorable and heart rendering to note that many poverty-stricken children and girls in the prime youth are taken to "flesh market" and forcible pushed into flesh trade which is been carried on utter violation of all canons of morality, decency and dignity of human mankind. There can be two opinions -- indeed there is none that this obnoxious and abominable crime committed with all kinds of unthinkable vulgarity should be eradicated at all levels by drastic steps." The Supreme Court of India passed an order stating the Central and State Government should set up Advisory Committees to make suggestions for:

- The measure to be taken in eradicating child prostitution
- The social welfare programmes to be implemented for the care, protection, treatment, development and rehabilitation of the young fallen victims and mainly children and girls rescued either from the brothel houses or from the vices of prostitution;
- To make suggestions of amendments of the existing laws or for enactment of any new law if so warranted for the prevention of sexual exploitation of children;
- The examination of the *Devadasi* and *Yogins* traditions and give suggestions for their welfare and rehabilitation;
- Devising suitable machinery for implementing the suggestions made by the committees.

In pursuance of the court directives, the Government of India constituted a Central Advisory Committee on Child Prostitution. The recommendations made by the Central Advisory Committee have been sent to the concerned Central Ministries/ Department and to the State Government to notify special police officers, set up Advisory Boards of social workers and NGO's in red light areas, conduct regular raids and take measures for the protection and rehabilitation of rescued persons.

The Supreme Court in the case of *Vishaal Jeet Vs Union of India* directed that the law enforcement agencies should implement the law and at the same time, bring such rescued child prostitutes to rehabilitation homes maintained by well qualified and trained social workers, psychiatrist and doctors. In view of this, as when child prostitutes are rescued from such premises it would be necessary to shift them to juvenile's homes and ensure their protection in such homes. Such homes have been set up under the Juvenile Justice Act and numbers of such homes are established in the various states. Prior to the placement of the children in such homes, enforcement authorities will have to coordinate with the social welfare officers of the state government who are locally available, and seek the orders of Juvenile Welfare Board.

Bhagwati, J. in **Lakshmi Kant Pandey Vs Union of India**, [1984] 2 SCC 244 while emphasizing

the importance of children has expressed his view thus: "It is obvious that in a civilized society the importance of child welfare cannot be over-emphasized, because the welfare of the entire community, its growth and development, depend on the health and well-being of its children. Children are a 'supremely important national asset' and the future wellbeing of the nation depends on how its children grow and develop."

Accordingly, we make the following **directions**:

1. All the State Governments and the Governments of Union Territories should direct their concerned law enforcing authorities to take appropriate and speedy action under the existing laws in eradicating child prostitution without giving room for any complaint of remissness or culpable indifference.
2. The State Governments and the Governments of Union Territories should set up a separate Advisory Committee within their respective zones consisting of the secretary of the Social Welfare Department or Board, the Secretary of the Law Department, sociologists, criminologists, members of the women's organizations, members of Indian Council of Child Welfare and Indian Council of Social Welfare as well the members of various voluntary social organizations and associations etc., the main objects of the Advisory Committee being to make suggestions of:
 - a. the measures to be taken in eradicating the child prostitution, and
 - b. the social welfare programmes to be implemented for the care, protection, treatment, development and rehabilitation of the young fallen victims namely the children and girls rescued either from the brothel houses or from the vices of prostitution.
3. All the State Governments and the Governments of Union Territories should take steps in providing adequate and rehabilitative homes manned by well-qualified trained social workers, psychiatrists and doctors.
4. The Union Government should set up a committee of its own in the line, we have suggested under direction No. (2) the main object of which is to evolve welfare programmes to be implemented on the national level for the care, protection, rehabilitation etc. etc. of the young fallen victims namely the children and girls and to make suggestions of amendments to the existing law or for enactment of any new law, if so warranted for the prevention of sexual exploitation of children.
5. The Central Government and the Governments of States and Union Territories should devise a machinery of its own for ensuring the proper implementation of the suggestions that would be made by the respective committees.
6. The Advisory Committee can also go deep into devadasi system and Jogin tradition and give their valuable advice and suggestions as to what best the Government could do in that regard.
7. The copies of the affidavits and the list containing the names of 9 girls are directed to be forwarded to the Commissioner of Police, Delhi for necessary action. We may add that we are not giving an exhaustive list of the members for the constitution of the committee. Therefore, it is open to the concerned Government to include any member or members in the committee as it deems necessary.

In **Gaurav Jain vs. Union of India** (1997 (8) SCC 114), the court affirmed that the State had

a duty to rescue, rehabilitate and enable women to lead a life of dignity. The Supreme Court passed an order directing, inter alia, the constitution of a committee to make a in depth study of the problems of prostitution child prostitutes, and children of prostitutes, to help evolve suitable schemes for their rescue and rehabilitation. Taking note of the fact that, '**children of prostitutes**' should not be permitted to live in the inferno and undesirable surroundings of prostitute homes', The Apex Court issued directions to ensure the protection of human rights of such persons the court also desired that

"... the ground realities should be tapped with a meaningful action imperative apart from the administrative action which aims at arresting the immoral traffic of women under the ITPA through interstate or Interpol arrangements and the Nodal Agency like the CBI is charged to investigate and prevent such crimes."

The central government pursuant to the directions issued by this Honorable Court in Gaurav Jain case constituted a *"Committee on the Prostitution, Child Prostitutes & Plan of Action to Combat trafficking and commercial and Sexual Exploitation of Women and Children"*.

The Supreme Court in **Budhadev Karmaskar v. State of West Bengal** ([2011] 10 SCR 578) had issued notice to all states while noting down the concern on the pathetic conditions of Sex Workers: "we strongly feel that the Central and the State Governments through Social Welfare Boards should prepare schemes for rehabilitation all over the country for physically and sexually abused women commonly known as prostitutes as we are of the view that the prostitutes also have a right to live with dignity under Article 21 of the Constitution of India since they are also human beings and their problems also need to be addressed. As already observed by us, a woman is compelled to indulge in prostitution not for pleasure but because of abject poverty. If such a woman is granted opportunity to avail some technical or vocational training, she would be able to earn her livelihood by such vocational training and skill instead of by selling her body. Hence, we direct the Central and the State Governments to prepare schemes for giving technical/vocational training to sex workers and sexually abused women in all cities in India. The schemes should mention in detail who will give the technical/vocational training and in what manner they can be rehabilitated and settled by offering them employment. For instance, if a technical training is for some craft like sewing garments, etc. then some arrangements should also be made for providing a market for such garments, otherwise they will remain unsold and unused, and consequently the women will not be able to feed herself."

Rehabilitation / Compensation approach

The Supreme Court in **Bandhua Mukti Morcha** (1984 (3) SCC 161) has elucidated the rehabilitation of Bonded Labour and directed the Government to award compensation to Bonded labour under the provisions of **Bonded Labour System (Abolition) Act 1976** after taking note of serious violation of Fundamental & Human Rights : "The other question arising out of the implementation of the Bonded Labour System (Abolition) Act 1976 is that of rehabilitation of the released bonded labourers and that is also a question of the greatest importance, because if the bonded labourers who are identified and freed, are not rehabilitated, their condition would be much worse than what it was before during the period of their serfdom and they would become more exposed to exploitation and slide back once again into serfdom even in the absence of any coercion. The bonded labourer who is released would prefer slavery to hunger, a world of 'bondage and (illusory) security' as against a world of freedom and starvation. The State Governments must therefore concentrate on rehabilitation of bonded labour and evolve effective

programmes for this purpose. Indeed, they are under an obligation to do so under the provisions of the Bonded Labour System (Abolition) Act 1976. It may be pointed out that the concept of rehabilitation has the following four main features as admirably set out in the letter dated 2nd September 1982 addressed by the Secretary, Ministry of Labour, Government of India to the various States Governments:

- i. Psychological rehabilitation must go side by side with physical and economic rehabilitation;
- ii. The physical and economic rehabilitation has 15 major components namely allotment of house sites and agricultural land, land development, provision of low cost dwelling units, agriculture, provision of credit, horticulture, animal husbandry, training for acquiring 134 new skills and developing existing skills, promoting traditional arts and crafts, provision of wage employment and enforcement of minimum wages, collection and processing of minor forest produce, health medical care and sanitation supply of essential commodities, education of children of bonded labourers and protection civil rights;
- iii. There is scope for bringing about an integration among the various central and central sponsored schemes and the on-going schemes of the State Governments for a more qualitative rehabilitation. The essence of such integration is to avoid duplication i.e. pooling resources from different sources for the same purpose. It should be ensured that while funds are not drawn from different sources for the same purpose drawn from different sectors for different components of the rehabilitation scheme are integrated skillfully; and
- iv. While drawing up any scheme/programme of rehabilitation of freed bonded labour, the latter must necessarily be given the choice between the various alternatives for their rehabilitation and such programme should be finally selected for execution as would need the total requirements of the families of freed bonded labourers to enable them to cross the poverty line on the one hand and to prevent them from sliding back to debt bondage on the other.

Supreme Court in **MC Mehta v. State of Tamil Nadu and Others – Writ Petition (Civil) No.465/1986** seeing the severe violation of fundamental rights in cases of child labour laid down guidelines for compensation and rehabilitation: “It may be that the problem would be taken care of to some extent by insisting on compulsory education. Indeed, we think that if there is at all a blueprint for tackling the problem of child labour, it is education. Even if it were to be so, the child of a poor parent would not receive education, if per force it has to earn to make the family meet both the ends. Therefore, unless the family is assured of income allude, problem of child labour would hardly get solved; and it is this vital question which has remained almost unattended. We are, however, of the view that till an alternative income is assured to the family, the question of abolition of child labour would really remain a will-o’-the wisp. Now, if employment of child below that age of 14 is a constitutional indication insofar as work in any factory or mine or engagement in other hazardous work, and if it has to be seen that all children are given education till the age of 14 years in view of this being a fundamental right now, and if the wish embodied in Article 39(e) that the tender age of children is not abused and citizens are not forced by economic necessity to enter avocation unsuited to their age, and if children are to be given opportunities and facilities to develop in a healthy manner and childhood is to be protected against exploitation as visualized by Article 39(f), it seems to us that the least we ought to do is see to the fulfillment of legislative intendment behind enactment of the Child Labour (Prohibition and Regulation)

Act, 1986. Taking guidance therefrom, we are of the view that the offending employer must be asked to pay compensation for every child employed in contravention of the provisions of the Act a sum of Rs.20,000/-; and the Inspectors, whose appointment is visualized by section 17 to secure compliance with the provisions of the Act, should do this job. The inspectors appointed under section 17 would see that for each child employed in violation of the provisions of the Act, the concerned employer pay Rs.20,000/- which sum could be deposited in a fund to be known as Child Labour Rehabilitation-cum-Welfare Fund. The liability of the employer would not cease even if he would desire to disengage the child presently employed. It would perhaps be appropriate to have such a fund district wise or area wise. The fund so generated shall form corpus whose income shall be used only for the concerned child. The quantum could be the income earned on the corpus deposited qua the child. To generate greater income, fund can be deposited in high yielding scheme of any nationalized bank or other public body. As the aforesaid income could not be enough to dissuade the parent/guardian to seek employment of the child, the State owes a duty to come forward to discharge its obligation in this regard. After all, the aforementioned constitutional provisions have to be implemented by the appropriate Government, which expression has been defined in section 2(i) of the Act to mean, in relation to establishment under the control of the Central Government or a railway administration or a major port of a mine or oil field, the Central Government, and in all other cases, the State Government. Now, strictly speaking a strong case exists to invoke the end of an Article 41 of the Constitution regarding the right to work and to give meaning to what has been provided in Article 47 relating to raising of standard of living of the population, and Articles 39(e) and (f) as to non-abuse of tender age of children and giving opportunities and facilities to them to develop in healthy manner, for asking the State to see that an adult member of the family, whose child is in employment in a factory or a mine or in other hazardous work, gets a job anywhere, in lieu of the child. This would also see the fulfillment of the wish contained in Article 41 after about half a century of its being in the paramount parchment, like primary education desired by Article 45, having been given the status of fundamental right by the decision in Unni Krishnan. We are, however, not asking the State at this stage to ensure alternative employment in every case covered by Article 24, as Article 41 speaks about right to work "*within the limits of the economic capacity and development of the State*". The very large number of child-labour in the aforesaid occupations would require giving of job to very large number of adults, if we were to ask the appropriate Government to assure alternative employment in every case, which would strain the resources of the State, in case it would not have been able to secure job for an adult in a private sector establishment or, for that matter, in a public sector organization., we are not issuing any direction to do so presently. Instead, we leave the matter to be sorted out by the appropriate Government. In those cases where it would not be possible to provide job as abovementioned, the appropriate Government would, as its contribution/grant, deposit in the aforesaid Fund a sum of Rs.5,000/- for each child employed in a factory or mine or in any other hazardous employment. The aforesaid would either see an adult (whose name would be suggested by the parent/guardian of the concerned child) getting a job in lieu of the child, or deposit of a sum of Rs.25,000/- in the Child Labour Rehabilitation-cum- Welfare Fund. In case of getting employment for an adult, the parent/guardian shall have to see that his child is spared from the requirement to do the job, as an alternative source of income would have become available to him."

The Supreme Court in Public **Union for Civil Liberties V. State Of Tamil Nadu** (2013(1) SCC 585) directed the District Magistrates to effectively implement Section 10, 11 and 12 of the Bonded Labour (Abolition) Act, 1976 and that they expected them to discharge their functions

with due diligence, with empathy and sensitivity, taking note of the fact that the Act is a welfare legislation.

The case of **Upendra Baxi Vs. State of Uttar Pradesh** shows how deeply entrenched is the market for sex trafficking. The Agra Protective Home was constituted by and functioned under the penal law, The Immoral Traffic (Prevention) Act, 1956. In a letter to the *Indian Express* a member of the Board of Visitors of the Agra Protective Home described the pathetic condition of the Home in which the girls were kept. According to this letter,' a letter was written to the then Justice P.N. Bhagwati who treated it as a writ petition.

The judgment transcending from 1989 to 1998 saw three phases and ultimately the Supreme Court transferred the case to the National Human Rights Commission with certain guidelines recorded by the Supreme Court. The guidelines were far reaching in the changes they proposed to the existing framework while staying within the framework of the Immoral Traffic Prevention Act and the Constitution. They required the person who is either " removed" under Section 15(4) or "rescued" under Section 16(1) of ITPA and produced before a Magistrate to be heard either in person or through a lawyer (assigned by the Legal Aid Committee of the District Court concerned) at every stage of proceedings including admission to a Protective Home, Intermediate custody as well as discharge. The Supreme Court further lay down that *in camera trial* be held and that it should be the duty of the court to ensure the presence of lawyers of both sides. If under section 15(4) and section 16(1) it was a child, the child should be placed in an institution recognized or established under the Juvenile Justice Act, 1986. It was further suggested that the post of special police officer shall, wherever possible, be held by a woman police officer and that there should be in place an Advisory Board consisting of five leading social workers to be associated with the special police officer.

Section 20 of the ITPA was challenged on several occasions. Section 20 permits the removal of prostitutes from any area in the interests of the general public. The Magistrate is further empowered to prohibit the prostitute women from re-entering the place from which she has been removed.

In **Shama Bai vs. State of Uttar Pradesh**, Section 20 was challenged by a prostitute woman. She argued that prostitution was hereditary trade. It was her only means of livelihood and the members of her family were economically dependent on her. The writ was filed primarily to prevent her landlord from using the provisions of the ITPA for evicting her from the premises .The court held that the unfettered discretion conferred on the Magistrate ^remove any woman believed to be a prostitute from his jurisdiction by Section20, violated Article 14.The court further held **that prostitutes were subject to a punitive form of surveillance to which other women were not, and that this differential treatment constituted discrimination between persons who were similarly situated.**

In the **State of Uttar Pradesh Vs. Kaushaliya**, Section 20, ITPA was again challenged as violating Article 14. The Supreme Court, in adopting the reasonable classification approach, held that the difference between a prostitute and non-prostitute was a reasonable classification. Further, the court ruled that there were real differences between a prostitute who does not demand, in public interest, any restrictions on her movement, and a prostitute, whose action demand restrictions.

In the case of, **Prerana Vs. State of Maharashtra and Others**, *Mumbai High Court clearly held that children who have been trafficked themselves should also be considered as children in need of care*

and protection and not as children in conflict with the law. The Mumbai High Court looked into the issue of violation of rights of trafficked children by various authorities who are supposed to implement the law. Prerana, the petitioner is a registered organization which works in the red-light areas of Mumbai and Navi Mumbai with the object of preventing the trafficking of women and children and rehabilitating the victims of forced prostitution. This petition was filed in public interest to protect children and minor girls rescued from the flesh trade against the pimps and brothel keepers keen on reacquiring possession of the girls. On May 16, 2002 the social service branch of Mumbai police raided a brothel at Santa Cruz. Four persons who were alleged to be brothel keepers/pimps were arrested. Twenty-four females were rescued. On conducting an ossification test, ten of them were found to be minors. In this case the Mumbai High Court passed the **following directions** which are of great significance for the children rescued from the brothels.

- No magistrate can exercise jurisdiction over any person under eighteen years of age whether that person is a juvenile in conflict with law or a child in need of care and protection, as defined by sections 2 (1) and 2(d) of the Juvenile Justice (Care and Protection of Children) Act 2000. At the first possible instance, the magistrate must take steps to ascertain the age of a person who seems to be under eighteen years of age. When such a person is found to be under eighteen years of age, the magistrate must transfer the case to the Juvenile Justice Board if such a person is a juvenile in conflict with law, or to the Child Welfare Committee of such a person is a child in need of care and protection.
- A magistrate before whom such persons rescued under, the Immoral Traffic (Prevention) Act 1956 or found soliciting in a public place are produced should, under Section 17(2) or the said Act, have their ages ascertained the very first time when they are produced before him. When such a person is found to be under eighteen years of age, the magistrate must transfer the case to the Juvenile Justice Board if such person is a juvenile in conflict with law or to the Child Welfare Committee if such a person is a juvenile in conflict with law or to the child welfare committee if such a person is a child in need of care and protection.
- Any juvenile rescued from a brothel under the Immoral Traffic (Prevention) Act 1956 or found soliciting in a public place should only be released after an inquiry has been completed by the probation officer.
- The said juvenile should be released only to the care and custody of a parent/guardian after such parents/guardian has been found fit by the child welfare committee, to have the care and custody of the rescued juvenile.
- If the parent/guardian is found unfit to have the care and custody of the rescued juvenile, the procedure laid down under the Juvenile Justice (care and protection of children) Act 2000 should be followed for the rehabilitation of the rescued child.
- No advocate can appear before the child welfare committee on behalf of a juvenile produced before the child welfare committee after being rescued under the Immoral Traffic (Prevention) Act 1956 or found soliciting in a public place. Only the parents/guardian of such juvenile should be permitted to make representations before the child welfare Committee through themselves or through an advocate appointed for such purpose.
- An advocate appearing for a pimp or brothel keeper is barred from appearing in the same case for the victims rescued under the Immoral Traffic (prevention) Act 1956.

In **Khatrri II Vs. State of Bihar** the **Supreme Court** held that the provision of free legal aid by the state to those who cannot afford legal representation is integral to a person's fundamental right to life.

Recently, a committee was appointed by the **Mumbai High Court** in relation to the case of **Jayesh Thakker and Another Vs. State of Maharashtra** and Others and Internet Users Association of India (Intervenors). The High Court laid down **several restrictions on cyber-Cafes** to provide for an adequate degree of supervision and control so that minors are protected from being exposed to **pornographic** sites on the Internet in the cyber cafes. The committee has given recommendations to make a child friendly or **child-safe 'cyber zone'** where minors could safely access and use the internet for information, education, communication and entertainment.

A public interest petition was filed in the Allahabad High Court and the **Supreme Court** in the case of **Munna Vs. State** of when reports of sexual abuse in Kanpur Central Jail appeared in newspaper based on a social activist's findings. The High Court asked the session's judge of Kanpur to visit the jail and find out whether they are maltreated. The jail authorities meanwhile released a large number of boys. Therefore, when the session's judge visited the jail, there were only some six children there. But there were eighty-four under trial who were between sixteen and twenty-one years of age. *The judge also reported that there was general ignorance about the U.P. Children's Act among the jail authorities.* There were parallel proceedings on the same issue in the High Court and the Supreme Court.

The **Lucknow High Court** in a judgment on Wednesday dated **13-10-95**, not only directed the release of a 13-year-old girl forcibly engaged in the flesh trade but also issued writ of mandamus directing the state of Uttar Pradesh and the Barabanki District Magistrate to admit her to a primary school and sanction Rs. 10,000 for her rehabilitation.'*^ The Court was of the view that the child should be immediately restored to her parents, whose primary responsibility will be the upbringing and development of the child. The judiciary have also played an important role in protection of minor/child prostitution by saying that "no lawyer can appear on behalf of minor girl rescued from the flesh trade market" — the Bombay High Court.

The **Supreme Court** in the case of, **Lakshmi Kant Pandey Vs. Union of India and others**, examined the vulnerability of children being trafficked in adoption rackets due to the lack of an effective protection mechanism. The court went on to create an appropriate mechanism to fill the gap, especially in the context of inter country adoptions. The Court have taken the view that no malpractices indulged in by social organizations and voluntary agencies engaged in the work of offering Indian Children in adoption to foreign parents, must not in any manner be involved.

In a writ petition No.365 of 1997 by an **NGO Savera and Others Vs State of Goa and Others**, the **High Court of Bombay** delivered a judgment on 21st July, 2003. The object of the petition was primarily to seek the direction of High Court to the concerned agencies in the "**readjustment and rehabilitation**" of the persons in the *Red-Light* area of Baina. The High Court took into consideration the various views in the replies filed by the petitioners, respondents, etc., as well as the report of the Kamat Committee. The High Court directions included the following:

- State government to ensure necessary action as per Kamat Committee Report.
- Ensure effective implementation of the judgment of the Apex Court in *Gaurav Jain Vs Union of India*.
- Ordered that the District Collector take steps under ITPA and other relevant laws to

close down the *cubicles* (250 cubicles being used for sex trade in Baina beach). If the said 250 cubicles constructions are illegal, and are on government land and land belonging local authorities, then to take steps to evict the illegal occupants and then demolish them by following due process of law”.

- State government to take adequate steps to prevent the CSWs (Commercial Sexual Workers) being brought into the state of Goa on contract basis, as noted by the Justice Kamat Committee.
- Since the CSWs are being brought from outside Goa, the Government of Goa is not bound to rehabilitate them except to the extent mentioned by specific directions in the judgments of the Apex Court. The rescued CSW's be deported to the state where they came from. The Goa State Commission for Women, along with the National Commission for Women to take steps, so that the said women are rehabilitated in the state from where they hail with the assistance of the perspective state governments.
- The National Commission for Women to report in ninth months the action taken on the implementation of the Kamat Committee Report.

A CRITICAL ANALYSIS OF LAWS AGAINST HUMAN TRAFFICKING IN INDIA

India's Constitution addresses human trafficking both directly and indirectly. Part III, Fundamental Rights, and Part IV, Directive Principles of State Policy, each contain three articles that address trafficking-related issues. The Constitution notably emphasizes human trafficking and forced labour, as well as the special protection that must be offered to society's most vulnerable populations. The Indian Constitution addresses provisions on human trafficking on two levels: first, at the level of Fundamental Rights, which are fundamental rights guaranteed to all people regardless of caste, creed, sex, or place of origin, and second, at the level of State Policy Directive Principles.

As a Fundamental Right in Article 23, trafficking in human beings is prohibited as are all forms of forced labour. According to Directive Principles of State Policy in Articles 39(e) and (f), the health and strength of workers should not be abused. It prohibits exploitation of persons to perform work which is unsuitable for them. It also specifically protects children and youth against exploitation of any kind. While the provisions in the Directive Principles of State Policy do not mention trafficking, it mentions exploitation which is a key element in trafficking.

Human trafficking has become one of the most lucrative types of organised crime throughout the years. For both forced labour and human trafficking, India continues to be a source, destination, and transit country for men, women, and children. The ITPA 1956, on the other hand, specifies a narrow definition of trafficking, recognising only trafficking of girls and women for prostitution and excluding various other types of trafficking from the Act's scope. Following the Justice Verma Committee Report, a modification to the IPC Section 370 in 2013 provided a broad definition of trafficking that recognised multiple manifestations of trafficking.

The ITPA Act is an abject failure & requires changes which can help to overcome the loopholes which are prevailing in it. For better administration it should be amended and special attention should be given on execution of the Act. *It has been a normal practice to arrest and charge sheet commercial sex workers, who often are victims of trafficking, mainly under section 8 of the ITPA for seducing and soliciting customers. As most of the arrests are done during the rescue operations and raids by police, nearly 90% of the arrested persons in India are found to be victims of trafficking. The persons,*

who are in control of the brothels (often called brothel keepers or managers or madams), a large majority of whom were originally trafficked into commercial sexual exploitation, are hardly caught and arrested.

Prostitution is not an offence under the ITPA. It however criminalizes solicitation or engaging in sex work in or near a public place. Often this provision of the act is used by the police to harass and punish the sex workers who themselves are the victims of trafficking. The Government of India has therefore recently **attempted to amend the law** and absolve the sex workers of the offence of soliciting or seducing by **deleting Section 8** of the act even though it complicated the matter by suggesting exemplary punishment for the clients under a new section 5C.

Moreover, rehabilitation of victims is a critical challenge which requires adequate attention and legal backing for proper enforcement. Hence there is a need to enact a new legislation to expand the definition of trafficking as well as address critical gaps to deal with the newly emergent challenges.

DRAFT BILL 2018: The Ministry of Women and Child Development (MoWCD) has drafted Bill known as **The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018**, as per the direction of Hon. Supreme Court and under the guidance of the Inter-Ministerial Committee constituted on this issue. It had been understood that there is no comprehensive legislation for the prevention of trafficking and protection and rehabilitation of its victims. Also, trafficking is an organized crime which includes more than one criminal activity or groups. It has a borderless character across States and Countries as the groups or persons indulged have close nexus with other offences. Therefore, it needs a comprehensive attention and broader strategy to tackle the menace of this offence. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 was introduced in Lok Sabha on 18, July 2018 and was passed on 26, July 2018 but it never became a law as the same was not presented in upper house. **The Bill provides for the prevention, rescue, and rehabilitation of trafficked persons.**

The Trafficking In Persons (Prevention, Care And Rehabilitation) Bill, 2021: *A Bill to prevent and counter trafficking in persons, especially women and children, to provide for care, protection, and rehabilitation to the victims, while respecting their rights, and creating a supportive legal, economic and social environment for them, and also to ensure prosecution of offenders, and for matters connected therewith or incidental thereto.* The draft anti-trafficking Bill, 2021 is slated to be tabled in the coming session of Parliament. Activists working in the field of child and women welfare are hopeful that the Bill will be passed in both the Houses of Parliament, thus adding muscle to the efforts of various organizations working to combat the threat. There are a few recommendations and additional measures that activists have made after the ministry of women and child development sought public feedback.

Some of the significant provisions of the Bill are listed below:

1. Cases will be probed by the fully functional and prestigious Agency- NIA. The faster arrest of offenders (most often operating in syndicates and organised criminal groups).
2. Stricter punishment to the perpetrator if the victim of trafficking is a child. Aggravated crime to get deservedly stricter punishment.
3. Online trafficking: Bill includes a provision that says that physical movement or transportation of the victim is not necessary to define the crime of tracking.
4. The provision of protection homes for immediate protection of victims and

rehabilitation homes for long term rehabilitation will help the victims to come out of the trauma and seamlessly assimilate in society later.

5. This Bill proposes a proposal for the provision of separate protection and rehabilitation homes for transgenders. This is a great step to erase discriminatory behaviour that this hitherto neglected section of the society is subject to and will cater to their different needs.
6. This anti-trafficking bill states that the rehabilitation of victims is not dependent on criminal proceedings and not even on its outcome. The rehabilitation is to begin immediately once the FIR is registered.
7. The Bill also provides for immediate relief to the victim within 30 days of the filing of FIR. This immediate relief is that it is
8. over and above the compensation that will be awarded to the victim under the State Victim Compensation Scheme.
9. This Bill makes re-tracking an aggravated form of tracking with higher punishment of not less than 10 years which can go
10. Up to life imprisonment and a fine which can be up to Rs 10 lakh.
11. Women, children and physically and mentally disabled persons are given extra protection in the law by including them under the provision of “presumption of offences”. This means that when the victims are women, children and physically and mentally disabled persons then the trackers will be presumed to have committed the crime and during the trial, they have to prove they are innocent.
12. To crush crime syndicates in trafficking, the Bill provides for the attachment and forfeiture of property and bank accounts of the accused.
13. Proceeds of crime collected and accumulated by traffickers, will be used for the relief and rehabilitation of the victim.

We still have a long way to go before we can truly address the threat of human trafficking in India. India is now categorized as a Tier-II country in terms of dealing with human trafficking, indicating that, while it has been committed to its promise to combat the evil of human trafficking, it has not been able to fully address the problem.

Chapter 3

RATIONALE, OBJECTIVES AND RESEARCH METHODOLOGY

Human trafficking, particularly of women and children, is one of the fastest-growing enterprises, earning unfathomable revenues every year. The causes of this worldwide phenomenon's rise are numerous and diverse, affecting both affluent and poor countries. This is also true in India. The most destitute localities, regions, or countries are generally the source areas or points of origin, whereas the points of destination are often but not necessarily metropolitan conglomerates within or across borders. For those who view human trafficking in economic terms, the real or perceived disparity in economic status between source and destination areas is critical. Human people, on the other hand, may be and are transported from one destitute area to another for reasons best known to the traffickers, as evidenced by research studies and data from around the world. The truth is that traffickers construct and control the process for their own interests, and they use a variety of methods to achieve their goals. As a result, the idea that people are constantly transported from developing to industrialized countries is incorrect. It's difficult to gauge the magnitude of the occurrence.

Data collection on human trafficking is exceedingly difficult due to the clandestine nature of the activities. 'The trade is hidden, women are hushed, traffickers are violent, and only a few agencies keep track of it. The United Nations estimates that 4 million individuals are exchanged against their will to work in some kind of slavery each year, many of them children,' and that 'trafficking in women and children for sexual exploitation has harmed more than 30 million people in Asia alone in the previous 30 years.' The golden triangle, in which India is located, is the most vulnerable location for the trafficking of women and children for the flesh trade. Girls and women become a cheap commodity as a result of poverty and exploitation. Low-yielding agriculture, a lack of alternative employment opportunities, and marginalization all result in poverty, impoverishment, economic troubles, deprivation and resource scarcity, and marginalization, all of which create an ideal climate for sex trade to thrive. This is especially true in the case of human trafficking of women and children, as two-thirds of the girls and women recruited come from impoverished areas. The sex trade is also encouraged by cultural traditions such as Jogini, Devadasi, and Basavi in Andhra Pradesh, Orissa, Maharashtra, and Karnataka. Sex trafficking is also encouraged by economic factors among tribes and communities such as the Bedias, Jahats, Kanjars, Kolta, Banchra, Mahar, Matang, and Sansi. Delhi and Bombay have grown into major flesh-trading hubs. Though there are over 1100 red light areas in India, Sonagachchi is the biggest.

The five major metropolitan areas viz. Mumbai, Delhi, Kolkata, Chennai, and Bangalore

account for over 80% of child prostitutes. When rural poor people migrated to cities, human traffickers took advantage of their desperation and used promises of money and jobs to entice their children into this business. It's also been stated that as the working population migrates to industrial districts, children and women seek to satisfy their sexual and financial desires by visiting brothels, resulting in an increase in the demand for female prostitutes. Girls and women have been trafficked as a result of tourism, particularly in coastal tourist locations. Thailand, the Philippines, Sri Lanka, and India have all emerged into organized tourism flesh trades.

The law gives relevant authorities broad powers in terms of victim and survivor rescue and rehabilitation, as well as harsh punishment for exploiters, including eviction of brothels, surveillance, and externment, as well as increased punishment when crimes are perpetrated against children. The Immoral Traffic (Prevention) Act and the Juvenile Justice Act in India have been updated to reflect current international instruments. The Juvenile Justice Act considers a child who is judged to be vulnerable and at risk of being initiated into human trafficking as a kid in need of care and protection, and it includes extensive measures for rescue and rehabilitation. It provides non-governmental organizations (NGOs) authority and a seat on child welfare committees and the Juvenile Justice Board. The ITPA authorizes state governments as well as the Indian government to establish special courts. Rape laws have been scrutinized and interpreted by the Supreme Court multiple times, with the result that the legislation is now gender and childfriendly.

Therefore, it was imperative to conduct a National Level Research Study on Trafficking of Women and Children in India and to find out the various challenges faced by different stakeholders in combating Human Trafficking and suggest the remedies thereafter.

REVIEW OF LITERATURE

Human trafficking is the outcome of a complex interaction of situational, social, and personal circumstances that make those who are trafficked susceptible. Traffickers are always on the lookout for this vulnerable demographic, as they are simpler to persuade into risky migration, which leads to exploitation. Several studies have been conducted, and there is a substantial literature on the subject of human trafficking. This section analyses previous studies and literatures on the topic in order to provide it with a solid foundation. The current overview of the literature looks at research findings on many elements of human trafficking. The reviews are divided into two sections based on research conducted at the international level and (ii) the national level.

Giselle Balfour , David Okech , Tamora A. Callands & Grace Kombian (2020): A Qualitative Analysis of the Intervention Experiences of Human Trafficking Survivors and At-risk Women in Ghana: study documents the positive and negative intervention experiences of 37 trafficked and at-risk women from a residential care facility in Accra, Ghana. In-depth interviews were analyzed with the Atlas T.I. software using a primarily inductive approach in thematic analysis. Delia Deckard, Natalie (2020) -Constructing Vulnerability: The Effect of State Migration Policy and Policing on the Commercial Sexual Exploitation of Children: examines the effects of the criminalization of immigration control systems on the prevalence of the commercial sexual exploitation of children (CSEC) in the United States. This research delineates the relationship between increased carcerality and marginalization. The results confirm existing theory that more intense criminalization is associated with greater marginalization and exploitation of the most vulnerable members of the polity. Controlling for demographic and socio-economic variables proves relevant to CSEC, and models exhibit positive correlations between the variables of

interest. It can be seen that migration, human trafficking and human smuggling have a nexus amongst themselves. They thrive on mutual elements which are functional in these phenomena. The 'consent' element is taken into account in context of trafficking and human smuggling (Kyle & Koslowski, 2011). Victims of both phenomena are exploited. In case of migration, people who avail the services of a smuggler outside their own conscious knowledge, often find themselves turn into victims of trafficking. Another prime difference between people smuggled and people trafficked is that the former have the freedom to leave their place of work or operation and the latter are not even remotely fortunate to do the same (Väyrynen, 2003). Dinh et al. (2014) invited a proposal comprising innovative and dynamic methodologies with an intention to develop the base and expand it for further research in Human Trafficking in Vietnam. It is an organized crime and is on the rise. It can also be called as the modern-day slavery. The outcomes of the pilot study that was conducted in the rural regions (hamlets) of Vietnam have been focused upon to find reliable and relevant statistical data which is usually not available. To overcome this issue, the pilot study was a requisite and to find a solution to this. The revelations of this survey were that the researchers did not find any trace or reliable information to confirm as to why rural population saw more trafficking incidences. Traffickers make lump sum amount of money at the cost of the lives of innocent people which consists of babies, young girls, children, women, men (Orhant & Murphy, 2002). They are exploited and deprived of their freedom and human rights. People who get victimized are forced to work without pay (Kangaspunta, 2011). The incidences of human trafficking generally flourish due to the marginalized people who are frail, poverty stricken and helpless due to the absence of livelihood options which makes them susceptible. Gender discrimination and related exploitation is another major reason for these marginalized people suffering and bearing the cost of exploitation. Their lives can be transformed when better and sustainable livelihood opportunities would be created for them. In some countries where there is a situation of war, military base camps serve as the demand driven group and are facilitated by sex workers who have been trafficked from different regions (Getu, 2006).

The American Psychological Association (2011) established the Task Force on Trafficking of Women and Girls and reported that there are different aspects to human trafficking apart from legal, social and human rights. Different recommendations regarding the enhancement of training and research in this field of human trafficking and also for changes in public policy, advocacy set up, capacity building and preventive measures to be taken for combating the same were suggested. Scientific approach has been used to have an insight for the psychologists to deal with this social problem. Because if the dynamics of trafficking are not well understood, the picture that we get is vague and lacks clarity about the real issue. In the policy recommendations section, it has been suggested that behavioural health services and counseling services should be given to those who have been the victims and then came out as survivors and also to be able to generate enough funds to have further in-depth research in this field. It is important to promote and create awareness in the sectors like education, health, legal (judiciary) and child welfare and train their professionals about the various aspects, elements and consequences of human trafficking. Bohl (2010) critically study about human trafficking in Nepal and India and throws light on the structural and institutional factors which contribute to its propensity in both the countries. Failure of developmental strategies leads to loss of jobs and also breeds unemployment everywhere. This in turn forces people to look for livelihood opportunities in anywhere possible. Resource mobilization is also seen to be defective. Both the countries have seeds of patriarchy sowed deep, which have fed the culture threads to discriminate women in all spheres. This is where they are worst affected. Relying on social networks to benefit themselves

for obtaining work to feed themselves and their families proves harmful in the long run. One major finding was that the trafficker is usually someone whom they know. Sometimes parents unknowingly push their children into the vicious circle of trafficking. Relatives play a major role in aggravating this problem further. In Nepal, many children are seen to have been trafficked by their parents when they were sent to work at the Indian Circuses. Maiti Nepal is an NGO working rigorously by formulating trafficking combat programs. They also run shelter homes for re-establishing the rescued victims of trafficking in a new order. Trafficking in persons is often portrayed as the world's fastest growing criminal enterprise, with profits that rival the illegal drugs and arms trade. Reports repeatedly quote the number of seven billion dollars in profit to indicate the magnitude of the phenomenon (Spangenberg 2002; Denisova 2001; Scarpa 2006; Roby 2005). Reports also talk about networks of international organized crime which are attracted to the trade in human beings because of low risk and because the criminal penalties for human trafficking are light in most countries (Pochagina 2007; Tiefenbrun 2002; Sheldon 2007).

In transnational trafficking, it is commonly seen that those people who are taken away from their home country in the pretext of being given good jobs, their passports are taken away from them. And other such related personal documents are confiscated (Shelley, 2007). UNDOC's first endeavour towards classifying human trafficking from among the pool of other forms of organized crime was done in April 2006 (Chawla et al., 2009). Trafficking must have some essentials elements to be fully defined as trafficking. An 'action' is important which is to be done through some 'means' and must be directed towards some 'goal(s)'. The varieties and ways in these elements vary from situation to situation. Without these elements, human trafficking cannot be said to have taken place (Aronowitz, 2009).

Different TIP Reports produced by the US Department of State reiterate this assertion, describing how traffickers enjoy virtually no risk of prosecution by using sophisticated modes of transportation and communication; avoid punishment by operating in places where there is little rule of law, lack of anti-trafficking laws, poor enforcement of such laws, and wide-spread corruption (DOS 2003-2007). Media and international organizations also talk about the fact that the crime of trafficking in persons offers international organized crime syndicates a low-risk opportunity to make billions of profits by taking advantage of unlimited supply and unending demand for trafficked persons (Claramunt 2002; Burke et al 2005; ILO, 2002; Reuters 2000). Basu and Chau (2004) asserted that debt creates a bondage situation where people are forced to stay as proletariats under the exploitation of the money lenders. Generally, it is seen that children are made to offer their labour as service for such bondages. And this vicious cycle of debt and bondage labour among children is a never-ending process. This is seen to get passed from one generation to another which eventually contributes to labour based trafficking. Therefore, assessment of trade permits and endorsements must be made mandatory as policy measure to combat bonded labour. Richards (2004) analyses the mutual connection between corruption and trafficking and how they feed each other at every level. This connection has two sides to itself, one where it heightens the danger faced by those who get trafficked. The other side is, it makes trafficking smooth, as a process to function without interruptions and any hurdles. This is substantiated by the way the allocated resources are utilized for this process. Nothing but corruption helps it to grow.

Given the lack of research findings and statistical data, it is difficult to accurately assess the scope of organized crime's involvement in human trafficking (Bruckert and Parent 2002: 13). The distinction between trafficking and smuggling is not always easy to make. According to John Salt

(2000: 43) the notion that human trafficking and organized crime are closely related is widespread despite lack of evidence-based data to support this assertion. This alleged connection is based on the fact that people of different nationalities are part of the same group of trafficked victims; that trip over a long distance require a well-oiled organization; those substantial amounts of money are involved; those itineraries change quickly; those legal services are available very quickly; and that there is a strong reaction to counter-offensives by law enforcement agencies (Bruckert and Parent 2002). These arguments developed by Europol (Salt 2000) are also shared by others (e.g., Taibly 2001; Juhasz 2000). Some researchers point to a close connection between organized crime and trafficking for sexual exploitation indicating that the magnitude and geographic scope of the sex industry are phenomenal and organized crime is involved at various levels (Shanon 1999; Caldwell et. al. 1997). Miko and Park (2003) investigated that how inclination, favouritism and differential treatment towards boys and men generally seen in almost every society is a major reason for trafficking. This is where we know that patriarchy prevails and thus aggravates the situation for women who are adversely affected and exploited in every possible manner.

Human trafficking is a global socio legal issue of discussion and debate. A number of studies have been conducted which highlight the various dimensions of the issue. A study by Congressional Research Service for the US Congress cites the following estimates of trafficked people worldwide: South-East Asia 225,000; South Asia 15,000; former Soviet Union - 100,000; East Europe 75,000; Latin America 10,000; Africa 50 crores (CRS, 2001). Recent International Labour Organization figures for children in the worst forms of labour worldwide are: trafficking (1.2 million); forced and bonded labour 5.7 million; armed conflict (0.3 million); prostitution and pornography (1.8 million); and illicit activities (0.6 million) (ILO, 2002). Calculations of trafficked people are generally made with reference to commercial sex exploitation. In India, the stigma attached to prostitution and the clandestine nature of operations makes it doubly difficult to arrive at authentic numbers (Gupta, 2003). To give a sense of the total magnitude of the problem, estimates of adult and child sex workers in India are quoted. All minors in commercial sex work are generally classified as cases of trafficking. The figures quoted show a high degree of discrepancy, and the possibility of ascertaining the authenticity of the quoted figures is almost nil. The original sources, or how these figures have been arrived at, are rarely stated. Around 30 to 90 per cent of women and girls are under 18 at the time of entry in to prostitution (Mukherjee and Das, 1996; UNICEF 1994; YMCA 1995; Gathia 1999; Gathia 2003; Save our sisters 2001). The population of women and children in sex work in India is stated to be between 70,000 and 1 million. Of these, 30 per cent are 20 years of age. Nearly 15 per cent began sex work when they were below 15, and 25 per cent entered between 15 and 18 years (Mukherjee and Das, 1996). A news item published in Statesman (12 August 2002) states that roughly 2 million children are abused and forced into prostitution every year in India. A rough estimate prepared by an NGO called End Children's Prostitution in Asian Tourism reveals that there are around 2 million prostitutes in India; 20 per cent among them are minors. A study conducted in 1992 estimates that any one time, 20,000 girls are being transported from one part of the country to another (Gupta, 2003).

NGO estimates of sex work are however much higher (UNICEF, 1994). A CEDPA report states that in 1997, approximately 200 girls and women in India entered prostitution on a daily basis and 80 per cent were coerced into it (Save Our Sisters, 2001). There are reportedly 300,000 to 500,000 children in prostitution in India (Patkar, Praveen and Priti, Patkar, 2001). A UNICEF study on Maharashtra states that at any given time, approximately 40 per cent of the victims of commercial sex exploitation and trafficking are found to be below 18 years. Trafficking of women and children for flesh trade has emerged as one of the most profitable illegal trades next

to illegal trade in arms and narcotics. All of three became the toughest forms of organized crime. Selling of young women is one of the fastest growing organized crimes making the traffickers richer by \$ 6 billion every year (Shelley, 2010). Richards (2000) maintains that trafficking in persons, particularly women and children is significant on nearly every continent. Trafficking-involves gross violation of human rights. People suffer from physical and mental abuse and social stigmatization. The alarming number of women and children being trafficked for forced labour or slavery like practices, including commercial sex exploitation, is a concern for development agencies and government. The complexity of trafficking, the links with visceral issues such as commercial sex work and exploitation of children, and the politics of migration management have meant that there is much contention over the definition of trafficking and the types of policies and programming that would effectively combat this serious crime and effort to basic human rights (Asian Development Bank, 2003).

Large numbers of Nepalese citizens have migrated to India to work as labourers. During colonial times, Nepalese were recruited in the Gorkha Regiments of the Indian Army, and that continues to this day. Nepalese migrant workers crossing the borders into India 7000 sex workers cross over from Nepal into India every year. It is reported that 86 per cent of the prostitutes come from Andhra Pradesh, Karnataka, Tamil Nadu, West Bengal, Maharashtra and Uttar Pradesh (National Commission for Women, 1995-96). About 66 per cent of the girls are from families where the annual income is about Rs.5000. While they are sold off by their parents, deceived with promises of marriage of a lucrative range in between 1.8 million and 3 million in a year (Gurung, 2001). India and Nepal share a common open border and the nationals in both the countries do not require a travel permit or a passport to cross the border. Women make up a large of proportion of the Nepalese labour force in India. They end up as domestic help in rich Indian families or sex workers in the red-light areas in Mumbai, Kolkata, Delhi and Chennai. Nepalese women migrants are highly vulnerable to commercial and sexual exploitation (UNDP, 2004). About job, others are children who are kidnapped and sold to brothel owners (The Week, August 4, 1996). Fowler & UNICEF (2004) illustrated the different segments a country gets divided into, pertaining to the ways the traffickers carry out their transactions, in context of Africa. Their role in carrying out these transactions (involving people from the marginalized section of the community) also characterizes the patterns and the classifications made. It is seen that those countries which supply (involuntarily) people for the purpose of meeting the demands of traffickers and their clients, are known as the country of source. This is more evident in the third world countries who are deprived, poverty stricken, lack ample amount of livelihood and employment opportunities, characterized by low levels of literacy, health and where inequality prevails. ILO (2005) studied about the preconceived notions about the employment of those who are trafficked into different industries. The study states that the people, who are trafficked, due to coercion, trick, bondage, false hope and sham marriages don't always get into prostitution. There are various other kind of sexual enslavement. They are put into laborious factory and industry-based jobs. Mostly kids are a part of the begging racket where they are forced to go into the streets. Young girls and even women are sold off in the name of marriage and forced into domestic servitude also. All of these things are studied in the context of South Asia. Recent estimates from ILO's study shows that, of all victims 43% are sexually exploited, 32% are victims are economically abused and exploited. Huda (2006) claims that, apart from health ramifications, sex trafficking goes beyond the limits of human rights violation. The outcomes of the cruel treatment of the victims, is reflected in their status of physical, sexual and psychological health. The cost borne by these people are a cluster of health perils which might include an obsession of drugs and increased dependence

on them. Sexual health gets impaired due to reasons like STDs (sexually transmitted diseases), unintended pregnancy leading to abortion in most cases, health complications, and different forms of physical and sexual abuse like rape. The mental health of an individual is adversely affected pushing them to their limits, with an increased propensity towards mental instability and suicide. Kilgman and Limoncelli (2005) illustrated examples of trafficking in persons, especially that of women in various countries. They analyzed that human trafficking isn't a new thing for the academicians, national authorities, media persons and development professionals. This concept is not an alien subject to them. They mentioned about the transiting nature of trafficking patterns in the last one century. Nonetheless the stability of their organizational foundation and structural roots remained almost similar to that of ancient times. Countries like China, Japan and many European nations served as country of source in the past.

The prostitution is not confined to sexual abuse. It also encompasses (i) sexual harassment, (ii) rape, (iii) battering, (iv) verbal abuse, (v) domestic violence, (vi) a racist practice, (vii) a violence of human rights, (viii) childhood sexual abuse, (ix) a consequence of male domination of women, (x) a means of maintaining male domination of women, (xi) all of above (Prostitution-research.com). The commercial sex industry includes street prostitution; massage brothels, escort out call services, strip clubs, lap-dancing, phone sex, adult and child pornography, internet pornography, and prostitution tourism. Most women who are in prostitution than a few months drift among these various permutations of the commercial sex. All prostitution causes harm to women. Whether it is being sold by one's family to whether it is being sexually abused in ones' family, running away from home, and pimped by one's boyfriend, or whether one is in college and needs to pay for next tuition and one work's out at a strip club behind glass where men have actually touch forms of prostitution hurt the women in it (Melissa, 2000). It is to be noted that about 80 per cent of women in prostitution have been the victim of a rape (Susan and Reed, 1990). Other studies report that 68 per cent to 70 per cent of women in prostitution being raped (Silbert, 1998). Prostitution is an act of violence against women, which is intrinsically traumatizing. Melissa et al. (1998) reported that most women have been raped in prostitution, and have experienced physical assault in prostitution. They are mainly homeless, and wanted to escape from prostitution immediately. A study conducted by the Central Social Welfare Board, 1990 reported that 40 per cent of the population of commercial sex workers entering the trade is below 18 years of age. At least 400,000 are estimated to be minor of which 20,000 are annually brought to India from Nepal. The children of sex workers, a very vulnerable group are estimated to be 53 lakhs (National Commission for Women, 1997).

People with personal characteristics of low self-esteem and lack of self-control are reported to be vulnerable (United Nations Development Programme, 2002). Low levels of literacy, awareness and information are also risk factors. Economic deprivation due to various reasons and its associative conditions are among the most important factors that lead to vulnerability. Greater the degree of impoverishment, higher is the risk of falling prey to trafficking (Mukherjee and Das, 1996; Department of Women and Child Development, 1998; UNDP, 2002). People with disabilities and 'women who suffer from "disfigurements" are also vulnerable (Gathia, 2003). A dysfunctional home environment - break-up of the family, marital discord, physical abuse, sexual abuse, drug use, family pressures, large families, families facing uncertain times, children in substitute care, gender discrimination within the family, desertion by husbands, husbands' acquiring a second or a third wife makes people vulnerable to trafficking. Studies by Central Social Welfare Board and others have shown that most trafficked women were unmarried, divorced, separated or widowed (Karmakar, 2001). Environments lacking livelihood options

or economic opportunities, with the accompanying pressures to work and earn, make peoples' lives on ongoing 'battle for survival' (Sanghera, 1999). The quickening pace of urbanization and heightened mobility resulting from the development of road links are contributing factors. A culture of consumerism, materialism, commoditization of individuals and commercialization of sex distorts family needs and individual desires (National Commission for Women, 1997; Raymond 2002). A mindset which judges children's worth by the amount of money they can earn, and how soon they are able to do so, has developed (Institute of Social Sciences 2003), justifying their exploitation by kin members. Discriminatory practices and social exclusion exacerbate the vulnerabilities of groups like Scheduled Tribes, Scheduled Castes, Other Backward Castes, ethnic minorities, tribal communities, undocumented migrant workers, stateless people or people in refugee camps.

Trafficking occurs in a wider context of increasing instances of human rights violation against women. These include the violation of their reproductive rights and the rights of female infants and fetuses to live; domestic violence against women, custodial violence against women, violence against women in markets and other public places; the violation of women's rights to decision-making and to land assets and other resources (Sanghera, 1999; Karmakar, 2001; Asian Development Bank, 2002; Raymond et. Al.). In 'cases where their families or guardians push women or girls into trafficked circumstances, many do not consider this as harmful, as they are considered chattels of their father or guardian and further protection from their community would be inappropriate' (Asian Development Bank, 2002). Instances of male relatives making periodic visits to collect a girl's earnings have been reported (Nirmala Niketan, College of Social Work, 2003). Thus, there is a non-recognition and non-acceptance of such practices as being exploitative. Early marriage, lack of choice regarding marriage partner and their socialization into women who remain servile and bear injustice silently are other factors that render them more vulnerable (Asian Development Bank, 2002). Sanghera (1999) elaborates how the feminization of poverty and migration increases vulnerability to traffickers. Driven by the pressing need for gainful employment, with scarcity of jobs in their home bases, women and children are easy prey for the designs of unscrupulous agents, offering choices and assistance with travel, particularly across borders, for jobs.

Sex tourism has also become a problem in Kerala, which has witnessed a tourist boom since the early '80s. The National Geographic has listed Kerala as one of the world's fifty 'Must see destinations. Along with the growth of tourism, there has been an increasing victimization of young children. DARSHAN, an NGO group, has made a research study of the problems of sex tourism in Kerala. The study mentions that the Kerala Women's Commission received numerous letters of complaint from women tourists, about sex tourism in Kovalam. They even rescued 11 girls belonging to Lambada community of Karnataka from Kovalam in October, 1998. Brothels also arrange package tours to tourist destinations for their customers. The research paper contains case studies showing the exploitation of trafficked females at the hands of the tourists. In one case, a girl was deceived by the promise of a job and forced into commercial sexual exploitation. She perforce had to accompany local tourists to various places like Ooti, Nelliampathy and other places and satisfy their sexual urges. The clients paid the victim well. Darshan's study also reveals how hoteliers in areas like Qullion, Alleppy, Ernakulam promote sex tourism, because such services bring them extra income. Victims are often projected by the agents as college girls in search of fun and excitement, wanting to earn an extra buck. In places like Alleppy, foreign tourists come and stay in houseboats. This houseboat sex tourism is a new and thriving concept. It is safe, as there are no raids on the houseboats (Patkar & Patkar, 2002). In Kerala, although

places like Kovalam and Fort Cochin have become sex tourism hot spots, police records indicate that enforcement agencies have turned a blind eye to the problem and cases have seldom been registered under the Immoral Traffic (Prevention) Act. The study mentions the case of a 'sex worker' from Mangalore and Goa who shifted her operations to Varkala, a major tourist spot, because of the growth of sex tourism. She earns well from sex work and possesses houses and vehicles of her own. She says that there is demand for sex not only from foreign tourists but also among the locals, including a number of political figures. With the accent on tourism promotion, bars and pubs have proliferated in different tourist destinations. A study of trafficked bar girls around Mumbai conducted by two NGO groups – Save our Sisters (SOS) and VEDH – reveal a very disturbing picture. There are about 2,000 bars in Greater Mumbai, where a large number of the girls work, averaging about 50 girls per bar. Thus, there are now approximately one lakh bar girls in Greater Mumbai alone. Most of the bar girls come from Bangladesh, Nepal as well as different cities in India. The 'push' factors are mainly economic, such as sale of family land, debt, expenditure on marriages and lack of any other skills. A number of girls who were interviewed said that natural disasters like flood, drought etc. force them to leave their homes. In a majority of the cases, male family members made the decision to send them to Mumbai, and the girls usually had no choice. 75 per cent of the bar girls are under 25 years of age. Trafficked persons are reportedly traumatized by their experiences. Depression and suicidal thoughts are commonly reported. The mental and emotional state of the survivors may include malevolence, helplessness and withdrawal; disassociation; self-blame and identification with the aggressor; distraction; a foreshortened view of time; normalization and shaping, whereby the victims convince themselves that their experiences had to happen instead of viewing them as traumatic (Saarthak, 2002). Some of the psychiatric disorders among survivors of trafficking are listed as posttraumatic stress disorder, depressive disorder, dissociative disorders, psychotic disorders and eating disorders. Girls are made to bear the responsibility of upholding the family honour through their sexual purity/chastity (ISS, 2003). If they are trafficked into commercial sexual exploitation, they face additional stress because of the prevalent morality.

According to 'Report on Trafficking in Women and Children India' by Sen and Nair, 2004 (p. 440.), the overall major trends are:

- a. Trafficking major purpose is commercial sexual exploitation
- b. There is a repeated preference for younger children and inclusion of men.
- c. Trafficking is becoming extremely lucrative business, sometimes exceedingly doing well than arms and drug trafficking.
- d. There is strong nexus between traffickers and public officials with the participation of corporate, sex and tourism industry.
- e. Majority of women and children are trafficked through deception and false promises

Research Study on Human Right Violation of Victims of Trafficking in Delhi Conducted by Social Action Forum for Manvaadhikar-SAFMA (2006), sponsored by NCW studied the limitations faced by the CSWs in accessing the legal system and found that the laws are ultimately harmful to both the CSWs and public because they reinforce and encourage negative double standards regarding what is or is not acceptable female behaviour. Acceptable female sexual behaviour is much more narrowly defined than male sexual behaviour and reflects societal bias against sexually promiscuous women as opposed to our tolerance of sexually promiscuous men. Singh

and Pandey (2008) in their research study on children depending on female sex workers in Uttar Pradesh highlighted that young child of prostitutes and erstwhile prostitutes are more vulnerable to sexual exploitation. The traffickers lure poor and vulnerable young women for trafficking and sexual exploitation. Ghosh, Biswajit. (2009). Trafficking in women and children in India: nature, dimensions and strategies for prevention. *The International Journal of Human Rights*. 13. 716-738. 10.1080/13642980802533109. Trafficking in women and children is one of the worst abuses of human rights. But it is very difficult to estimate the scale of the phenomenon as trafficking is closely related to child labour, bonded labour, child marriage, kidnapping and abduction and prostitution even though these phenomena can exist also independent of trafficking. This paper has attempted to analyze the nature, causes, modes and volume of trafficking in a country that has recently become a soft target in the South Asian region for trafficking in persons. India has failed to comply with certain international standards to combat the crime. The paper highlights the need to develop a multidimensional approach and focuses attention on structural factors of trafficking for recommending meaningful stratagems to counter the social evil. Sadika Hameed, Sandile Hlatshwayo, Evan Tanner, Meltem Türker, and Jungwon Yang (2010): Report on Human Trafficking India: Dynamics, Current Efforts, and Intervention Opportunities-indicated that trafficking was prevalent in destination states because of high inflow of migrants, high demand for sex workers, generic gender/caste issues, a lack of community responsibility for social security & welfare and the absence of strong legal framework.

Gupta et al. (2011) critically analyzed the probable measures which contribute to the increasing danger of HIV infection amongst those who have survived sex trafficking in India. 61 case studies of those women and girls were taken for in depth analysis that were trafficked for sexual activity and then rescued and sent back home. These women and girls were benefiting from the services of an NGO in Mysore. Case study analysis was done to find the prime roots and causes of the dangerous HIV infection which made their lives miserable. The women and girls who were the respondents of this study belonged to the age group of 14-30 years. Singh and Singh (2012) in their edited volume on trafficking of women and children also highlighted that Nepal and Bangladesh have emerged major source point from where a large number of young women are trafficked into India and later on are trafficked to gulf countries. Shetty (2012) studied that development induced displacements is a major reason for the alarmingly increasing number of trafficking cases in Odisha. When people from the tribal populace get displaced due to the execution of developmental projects, they are forced to migrate. While migrating, some people fall prey to the traffickers who take immense advantage of these situations. Panda (2013) opined about the mobility that is there among the tribal populace. The two districts in concern here are Khordha district and Sundargarh district of Odisha. Both these districts have varying migration patterns. Therefore, the focus was on finding out the gender-based feature and course of mobility to better explain trafficking in persons. It was found that the tribal women from Sundargarh district were mostly employed as domestic helps in places like New Delhi. And those from Khordha district were seen working as wage labourers in the stone crushing sites which are found along the highway which connects Mumbai and Chennai. Singh and Pandey (2013) have also opined that the efforts for prevention and combating of trafficking as the problem are gradually increasing. Mishra (2013) in his edited volume on human trafficking has attempted to examine the role of various stakeholders in prevention and combating the human trafficking in India.

Shri S. Saratkumar Sharma (2016), Chairperson Manipur Commission For Protection of Child Rights-Child Trafficking In The Indo-Myanmar Region: A Case Study In Manipur, reported that During the period of 2008-2016 (till June 26), 66 reported incident of child trafficking was reported

throughout Manipur and in that 44 incident are reported from the five hill districts whereas only 22 incident are reported from the four districts of Imphal valley. The reported number of child trafficking during the period is 530 children. It was also reported that 135 children were rescued in the year 2010, which is the highest reported case of child trafficking in Manipur. But the cases reported from the year 2011 till 2013 is a concern and also alarming as the number of cases are all above 100 except 2011. This is alarming because the situation has to be read with the background that the state mechanism to combat trafficking has already put in place particularly by the Department of Social Welfare and Department of Home, Government of Manipur. In addition, the Child Welfare Committees (CWC) which are constituted under the JJ Act were already in operation since 2007 in all the district of Manipur. Vimal Vidushy (2016), Human trafficking In India: An Analysis-It argues that the focus on trafficking either as an issue of illegal migration or prostitution still dominates the discourse of trafficking, which prioritizes state security over human security and does not adequately address the root causes of trafficking and the insecurity of trafficked individuals. The root causes or vulnerability factors of trafficking such as structural inequality, culturally sanctioned practices, poverty or economic insecurity, organ trade, bonded labor, gender violence, which are further exacerbated by corruption, have remained unrecognized in academic and policy areas. Roy S, Chaman C. Human rights and trafficking in women and children in India. *J His Arch & Anthropol Sci.* 2017;1(5):162-170. DOI: 10.15406/jhaas.2017.01.00027 reported that Human trafficking is not occasional crime but it is rampant and affecting every state of the country. It not only crosses national and international level but has street level occurrence also. The victim of the trafficking can be an acquaintance and trafficker can also be a familiar person. India in a continued seventh time remained on the Tier 2 watch list and in the Trafficking in Persons (TIP) report 2014, which is issued by the US state department annually, received lowest rank. This paper attempted to present the trends and dimensions of trafficking from a human rights paradigm and demystify several issues surrounding it.

Besides being stigmatized as outcasts and facing moral and legal isolation (Giri, 1999), trafficked people are vulnerable to HIV/ AIDS infection; drug addiction; and high-risk abortions and teenage pregnancies, which may affect their reproductive health for life. A study by an NGO in Dhaka found that 'more than 20 per cent of street children prostitutes die before reaching adulthood. Almost 22 per cent become physically invalid and are fit only for begging' (Save Our Sisters, 2001). Psychological trauma permeates all aspects of their lives. Since it usually remains unaddressed and unresolved, 'the abused turn into abusers', with a high probability of them becoming criminals. The consequences of being in 'child labour' and its adverse impact on the development of children are well documented. The victims of trafficking are compelled to lead illegal lives. Illegality taints every dimension of their lives, converting into criminals. Their criminalization as workers and persons severely stigmatizes them. It intensifies their victimization several folds and leaves them with no recourse for redress (Sanghera, 2002). There is also a viewpoint which is generally not expressed in the literature on trafficking. It argues that there are conflicting aspects to the social impacts of trafficking, as for many women, trafficking episodes, while causing harm, also removed them from otherwise oppressive circumstances. Thousands of women, who have returned, but remain silent about their experiences, especially concerning commercial Sex Worker, may have brought back not only some savings, but also more experience of the world. Some of these women have managed to turn these experiences into personal empowerment within their communities' (Asian Development Bank, 2002). The crime of trafficking involves the violation of a whole gamut of laws and human rights. It becomes a threat to society because traffickers operate across borders with impunity, with the growing

involvement of organized criminals and by generally undermining the rule of law. Trafficking 'threatens the very fabric of society' because it involves not only criminals but also law enforcers. It manifests and perpetuates patriarchal attitudes and behavior, which undermine the efforts to promote gender equality and eradicate discrimination against women and children (Asian Development Bank, 2002). This is illustrated by reports from Albania, which 'document villages where nine in 10 girls over 14 stay away from school because they are afraid of being trafficked'. Thus, this fear 'alters the choices that girls make about their futures' (International Labour Organization, 2002).

A study by Asian Development Bank notes that the 'economic losses to communities and governments are enormous if considered in terms of lost returns on human or social capital investments. The cost of countering criminal trafficking activities puts additional strain on the already limited government resources for law enforcement. A vast amount of potential income from trafficked labour is lost in 'hidden' sectors' (Asian Development Bank, 2002). Specific communities may become known as potential sources for people if following each other's example, communities start a trend of sending their children and women out. The loss of future productivity and earning power through low educational levels, ill health and potentially premature death is also felt at the country and regional level. Poor nations can ill afford to lose their young people, whose present and future productive capacity is essential to growth.... The ravage of disease, including HIV/AIDS, is also an enormous burden on such countries and causes further imbalances between the young and middle-aged potential workforce (most likely to be affected) and older people dependent on them (International Labour Organization, 2002).

RESEARCH GAPS

The analysis of the compiled bibliography on trafficking in persons suggests that the dominant anti-trafficking discourse is not evidence-based but grounded in the construction of particular mythology of trafficking. Despite the increased interest in human trafficking, relatively little systematic, empirically grounded, and based on solid theoretical underpinnings research has been done on this issue. Much of the research on human trafficking for sexual exploitation has been conducted by activists involved in anti-prostitution campaigns. Research on human trafficking for labor exploitation is disconnected from theory as well. There are few attempts to analyze issues of cross-border trafficking for labor exploitation within existing international migration theories. There is also no attempt to develop a new theoretical framework in which to comprehensively analyze the phenomenon. Poverty and the aspiration for a better way of life are by far the most discussed 'push factors and principal reasons for explaining why women and, in particular, children are at risk for trafficking. Similarly, to theoretical approaches, development of innovative methodologies to study human trafficking is also in its infancy. Reliance on unrepresentative samples is widespread. Most studies rely on interviews with 'key stakeholders.' Studies that do include interviews with victims are limited to very small samples. There is a need to emphasize the limitations of small samples for generalizations and extrapolations, while at the same time stressing the value of ethnographic investigations for formulating hypotheses for further studies, including preparation of survey questionnaires.

Predominant methodologies include qualitative data collection techniques, mainly interviews. Victims' and stakeholders' narratives are important but need to be augmented by participant observation. Participant observation is needed, but difficult. The main obstacle to conducting empirical qualitative research on human trafficking is related to gaining access to trafficked persons. There is a need to facilitate researchers' access to victims while protecting victims who

are willing to participate in research projects. In order to acquire the broadest possible picture of the trafficking phenomenon, several different data collection methods, including quantitative and qualitative methods, need to be tested. There is a need for both quantitative and qualitative research that would provide both macro-and micro-level understanding of the trafficking phenomenon. Rigorous ethnographic and sociological studies based on in-depth interviews with trafficking survivors would provide baseline data on trafficking victims and their characteristics. Too often victims of trafficking remain one-dimensional figures whose stories are condensed and simplified, which does not bode well for the development of culturally appropriate services. In order to develop appropriate assistance and treatment programs for trafficking survivors, increased attention needs to be paid to the expertise and practical knowledge of non-governmental organizations (NGOs) and their experience in working with different groups of trafficking survivors, including women, men, and children.

OBJECTIVES OF THE STUDY

The present study has been conducted keeping in view of the following main objectives:

- To review the legal and policy perspective of human trafficking and role of various stakeholders in prevention, combating, rescue and rehabilitation of trafficked victims and their reintegration in family and society;
- To study the magnitude, nature, dimensions, causes and modus operandi of trafficking of women and children in India;
- To assess the functioning and performance of Ujjawala Centers in terms of prevention and combating of trafficking, rescue and rehabilitation of trafficked victims and their reintegration in society and family;
- To examine the background of trafficked victims and their rehabilitation and reintegration in society and family;
- To appraise the government, private and civil society initiatives, interventions and efforts in prevention, combating, rescue and rehabilitation of trafficked victims and their reintegration in family and society;
- To suggest policy measures for prevention and combating of trafficking, rescue and rehabilitation of trafficked victims and their reintegration in society and family.

RESEARCH QUESTIONS

The present study has been conducted keeping in view of the following research questions:

- Whether poverty, backwardness and illiteracy are the major factors responsible for human trafficking?
- Whether poor women and girls are more vulnerable for human trafficking in the backward regions, international border areas and tourists' destinations?
- Whether cultural traditions, rituals and practices among tribal communities encourage prostitution and trafficking of young women for trade of human flash?
- Whether civil society organizations, NGOs, corporate houses and various government organizations are making serious efforts to prevent and combat the human trafficking for human flash?

- Whether Ujjawala Scheme, government and non- government initiatives and efforts are effective in prevention and combating as well as rescue, rehabilitation and reintegration of trafficked victims in family and society?

SCOPE OF THE STUDY

The present study is an attempt to make an enquiry into the various facets of Trafficking of Women and Children in India. The scope of the present study is both wide and narrow. It is wide because it covers all the Stakeholders of Trafficking, involved in combating Trafficking and welfare of victims. The scope of the study could also be viewed as narrow for it covers only women and Children. This need not be a limitation of the study as an in-depth enquiry lends itself to incisive analysis and comprehensive coverage to get better insight into the issue relating to trafficking.

RESEARCH DESIGN & METHODOLOGY

Research Design

In order to respond to the objectives, the study has followed the combined methodological approach of quantitative supplemented by qualitative methodology. It is an exploratory study with the integration of Primary and Secondary Data. The present study is empirical in nature and is based mainly on primary data collected through field survey. Besides survey and analysis of primary data, secondary data and pertinent literature have been compiled from published and documented sources for getting insights on the topic of the research.

The study has focused on National Perspective however; the field survey was confined to the states of Assam, West Bengal, Jharkhand and Uttar Pradesh as Source of Trafficking AND Delhi, Maharashtra, Tamil Nadu and Karnataka as Destination of Trafficking. The selection of States is based on highest number of cases registered under Human Trafficking Laws and Number of Victims as Reported by NCRB data. The districts were selected on the basis of reported trafficking cases under ITPA and other relevant trafficking laws by the Anti Human Trafficking Units in CID/Crime Branch of the respective States and on discussions with the key officials of the State AHTU.

Universe of the Study

All the victims of Trafficking and their parents, inmates of all the Short Stay Home running under Ujjawala, Child Line, and Swadhar Greh scheme, All the responsible officials of organizations running Ujjawala and Swadhar Greh, All State and District Level Officers of the Departments responsible for prevention and combating of trafficking of women and girl children; various other stakeholders such as victim families, Women and Child rights based NGOs; civil society activist, government official dealing with the issues of child, police officials, member of SCWs, CWCs, JJBs and NCPCR etc. Besides, civil societies, NGOs, organizations and other stakeholders who are not supported by Ministry of Women and Child Development, Government of India but are active in prevention and combating human trafficking from all the eight selected states namely Assam, West Bengal, Jharkhand, Uttar Pradesh, Delhi, Maharashtra, Tamil Nadu and Karnataka of India have constituted the Universe of the Study. The operators of brothels, traffickers, other persons engaged in human trafficking and other networks working for prevention and combating of trafficking of women and children active in selected states will also be included in the universe of the study.

RESEARCH SETTING:

Present study is mainly empirical in nature and based on primary data. Besides, collection and analysis of primary data, secondary data and pertinent literature has been compiled, analyzed and reviewed accordingly. Both dependent and independent variables have been identified for the quantitative & qualitative analysis of data and information.

SAMPLE DESIGN

The trafficked victims were contacted in brothels for interview and the trafficking survivors in Shelter Home in each selected district. In view of the criminal nature of trafficking, both purposive and convenience sampling has been adopted. Purposive sampling has been used to select the Law Enforcement Agencies/police personnel from IGP/ACP to Sub Inspector Level, Chairperson and Members of CWCs, DCPOs, Public Prosecuting Officers/APOs, Officials of NGOs/CBOs/Service Providers, Officials of Department of Women and Child Development, Social Welfare and Labour Department, Officials of SCWs/SHRC/SCPCR and Shelter Homes for interview.

The Sex Workers Victims have been identified through Respondent-driven sampling (RDS), combines “snowball sampling” (getting individuals to refer those they know, these individuals in turn refer those they know and so on). As far as possible randomness has been maintained. Therefore, a statistically representative sample has been drawn of an unrepresentative part of the target population, so conclusions can be validly made about the entirety of the target population. Representative Random Sampling method has been adopted to interview the Parents of the Victims and the victims from the Shelter Homes & their Homes. Since the traffickers were the most elusive category, snowball sampling method has been adopted in their selection. The method of saturation point has been used to discontinue the data collection process for the qualitative process.

Stakeholders/Units of Inquiry Identified for the Research Study:

Various stakeholders such as victims and their parents, Traffickers & Brothel operators, Clients of CSWs, Public Prosecutors, Child rights-based NGOs; civil society activist, government official dealing with the issues of child, police officials, Officials and Non-Officials of organizations running Ujjawala and Swadhar Greh and member of SCWs, CWCs and NCPCR (State CPCR) etc. have been the part of our sample. State Level Committee to Combat Human Trafficking, Anti Human Trafficking Units in all the districts by the state Home Department (under the guidelines of the Ministry Home Affairs, Government of India (GoI), Anti-Trafficking Squads at the State and District level by the Department of women and Child Welfare have also been consulted and interviewed (Table: 3.1)

Table: 3.1
Geographical Coverage of the Research Study

Name of States	Name of Districts Visited
Uttar Pradesh	Lucknow, Kanpur, Ayodhya, Gorakhpur, Mahrajganj, Varanasi, Ghaziabad, Gautam Budh Nagar
Jharkhand	Ranchi, Dhanbad, Khunti, Gumla, Latehar, Simdega, Lohardaga, Pakur, Hazaribagh
West Bengal	Kolkata, Howrah, North 24 Parganas, South 24 Parganas, Jalpaiguri, Darjeeling, Uttar Dinajpur
Assam	Kamrup Metro, Kamrup Rural, Nagon, Dhubri, Goalpara, Lakhimpur, Tinsukia, Dhemaji, Sonitpur, Dibrugarh, Hojai, Sivsagar

Maharashtra	Mumbai, Palghar, Pune, Thane, Solapur, Sangli, Nasik,
Karnataka	Bengaluru Urban, Bengaluru Rural, Tumkur, Ramanagara, Chitadurga, Mandya, Bellari, Belagavi,
Tamil Nadu	Chennai, Thiruvavarur, Madurai, Kanyakumari, Thanjavur, Rameswaram, Ramanathapuram, Tiruvannamalai, Pattukkotai
Delhi	New Delhi, South Delhi, North Delhi, Central Delhi, West Delhi, North West Delhi, East Delhi

Conceptual Clarity

As per National Commission for Protection of Child Rights (NCPCR), a child includes those up to the age of 18 years, however as per the Child Labour (Prohibition and Regulation) Act, 1986, a child is defined as a person who has not completed 14 years of age.

SAMPLE SIZE OF THE RESEARCH STUDY

The size of the sample varies from the state to state. The sample, although has been stratified, but randomization was not permissible in view of the criminal nature of trafficking (Table 3.2, Table 3.3 and Table 3.4).

Table: 3.2
Details of Stakeholders

S. No	Stakeholder	Subcategory	Sample Size
1	Victims of Trafficking- Women & Children and their Parents (Survivors- rescued trafficked victims of CSE, trafficked non-rescued victims of commercial sexual exploitation and rescued trafficked child labourer.); Proposed Sample: 1255	Victims	1155
		Parents	411
	Total		1566
2	Officials and non- officials including police personnel, representatives of local governments and civil society organizations and other stakeholders who are active in prevention and combating of human trafficking and rescue, rehabilitation, and reintegration of trafficked victims in family and society, member of CWCs, JJBs and NCPCR, SHRC, State Anti-Trafficking Committee, District Anti Trafficking Committee etc., Proposed Sample: 400	Law Enforcement Agencies	93
		Programms Administrators	255
		Civil Society Organizations	24
		Public Prosecutors	29
	Total		401
3	Operators of brothels, traffickers, Clientele and other persons engaged in human trafficking; Proposed Sample: 150	Traffickers	49
		Brothel Operators	47
		Clients	63
	Total		159
4	Officials of organizations running Ujjawala and Swadhar Greh or short stay homes, Children Homes run under JJ Act/ICPS. Proposed sample: 120	Ujjawala Homes	29
		Swadhar Greh	26
		Short Stay homes	16
		Children Homes	23
		One Stop Centers	13
		CCIs	16
	Total		123
5	Officials of District Child Protection Unit, Child Line Service, Integrated Child Protection Scheme (ICPS),		25
6	Focused Group Discussions (FGDs) with all Stake holders of the scheme at state level.		56
	Grand Total (2000)		2324

Table: 3.3
State Wise Vs Stakeholders Wise Sample Covered

States	Jharkhand	Uttar Pradesh	Assam	West Bengal	Maharashtra	Tamil Nadu	Karnataka	Delhi	Total
Stakeholder									
Victims-Rescued	180	13	151	125	100	96	98	52	815
Sex Workers	0	98	0	75	75	10	20	62	340
Parents	104	1	76	104	39	43	44	0	411
Service Providers	3	7	17	29	32	11	14	34	147
Law Enforcement Agencies	7	10	6	21	15	2	3	29	93
Programms Administrators	47	46	35	25	18	33	34	42	280
Traffickers	28	7	0	0	0	0	0	14	49
Brothel Operators	0	0	0	15	12	0	0	20	47
Clients	0	0	0	18	25	0	0	20	63
Public Prosecutors	5	6	3	4	6	2	3	0	29

Table: 3.4
State wise Details of Focused Group Discussions (FGDs)

Name of State	Types of Participants/ Stakeholders	No. of FGDs Conducted	No. of Participants Per FGD
Jharkhand	Service Providers	1	7
	Law EAs	2	7
	Victims	2	10
	Parents	2	11
	Programms Administrators	1	8
	Total	8	
Uttar Pradesh	Service Providers	1	6
	Law EAs	2	6
	Victims	1	12
	Programms Administrators	2	8
	Total	6	
Assam	Service Providers	2	9
	Law EAs	2	8
	Victims	2	11
	Parents	1	9
	Programms Administrators	2	8
	Total	9	

West Bengal	Service Providers	3	11
	Law EAs	1	6
	Victims	2	11
	Parents	2	10
	Programms Administrators	2	6
	Total	10	
Maharashtra	Service Providers	2	8
	Law EAs	2	8
	Victims	2	11
	Parents	1	12
	Programms Administrators	3	7
	Total	10	
Tamil Nadu	Service Providers	2	8
	Law EAs	1	8
	Victims	1	11
	Programms Administrators	1	8
	Total	5	
Karnataka	Service Providers	1	15
	Law EAs	1	8
	Victims	1	11
	Programms Administrators	1	8
	Total	4	
Delhi	Service Providers	1	7
	Law EAs	1	8
	Victims	1	12
	Programms Administrators	1	8
	Total	4	
	Grand Total	56	

METHODS FOR DATA COLLECTION:

Primary data has been obtained through canvassing interview schedules, focus group discussions, case studies and non-participant observation. Interviewing, an interactive method of data collection, has been used mostly in collecting qualitative data. The data & information from various stakeholders has been collected through pre-structured Interview Schedules and Questionnaires. A different pre-structured format (Interview Schedules) was designed for different stakeholders in consultation with NHRC. Secondary Data has been collected on a pre-structured Format. The questions related to the role, functions, challenges, problem areas as well as suggestions for improving the existing scenario. The interview method was also used to access information from the functionaries and residents of the state homes regarding quality of services delivered and numbers rehabilitated, followed up etc.

TOOLS FOR DATA COLLECTION

The field survey has been conducted with the help of structured interview schedules. We developed a set of interview schedules for the interview of following stakeholders: -

1. Victims of Trafficking-Women and Children
2. Parents of Victims
3. Programms Administrators (Officials of Members of SHRCs, SCWs, CWCs and NCPCR, Officials of Department of Women and Child Development, Social Welfare and Labour Department, Officials of SCWs/SHRC/SCPCR etc.)
4. Law Enforcement Agencies
5. Service Providers/CBOs/NGOs
6. Operators of brothels, traffickers and other persons engaged in human trafficking
7. Clients of CSWs
8. Public Prosecutors/ APOs
9. Observations and Focused Group Discussions (FGDs) with all Stakeholders.

SOURCE OF SECONDARY DATA

The main sources of secondary data and pertinent literature included the publications and documents of state governments, Central Government and non-government organizations. Academic institutions such as universities, colleges, research institutes and various departments of government and non-government were consulted for collection of secondary data and literature. The Reports of Department/ Directorate of Home Affairs, MoWCD, CWCs, NCPCR, NCRB, UNDP, UNODC, Asian Development Bank, World Bank, International Labour Organization, UNICEF, ECOSOC, IOM, NHRC, UNIFEM etc. have been widely consulted.

PROCESSING & ANALYSIS OF DATA

The filled in interview schedules was thoroughly checked, edited and processed in computer on SPSS 22.0 package for the analysis. Inferences, results and conclusions has been drawn out from the analysis of data. The data in tabular form has been analyzed, interpreted and discussed in the respective chapters. The interpretation of the primary data has been carried out keeping in view the overall perspective of the study and by comparing and correlating data, wherever possible. Efforts have been made to integrate the quantitative and qualitative data. The analysis is based on the frequency distribution of the data obtained. After tabulating the data, the frequency numbers and their corresponding percentages has been calculated.

Analysis of the qualitative information has involved undertaking a systematic thematic analysis of the qualitative data using a framework approach whereby both a priori and emerging themes were synthesized by tabulating them in a common analytic framework. For the study, both dependent and independent variables were identified for the analysis of data and information. Again age, education, caste, religion, geographical background, income levels, occupation of family, ecological background, etc. have been considered for the analysis of data. The policy recommendations are based on the analysis of research findings, observations and critical appreciation of pertinent literature.

RECRUITMENT AND TRAINING OF FIELD STAFFS/INVESTIGATORS

Interviews have been conducted by teams, each of which consisted of two persons – with at least one female. In view of the sensitive nature of the data to be collected from the respondents,

the interviewers were given adequate orientation to facilitate their work. A background note was prepared by BIRD and was circulated to all the field research partners/Team Members to sensitize them about the objectives and scope of the research. This note dealt with the programme of work, expectations of the study, the time frame and the responsibility of the various members/partners in research. In order to familiarize the field researchers with the interview schedules and the methods of data collection, a four days training programme was organized at in Each State. The research methodology experts of Study Team, who prepared the interview schedules, conducted the training of the field staff- explaining the tools and instruments, the methods of data collection, the necessity of being sensitive towards the respondents, etc. After Pilot Testing of Research Tools, the same was printed.

Monitoring & Reporting Mechanism: The Principal Investigator, Coordinator along with NHRC Officials of the Study were regularly updated about the progress of the research and feedback was taken from them regarding crucial decisions taken in connection with the project. This was done through monthly review meetings and continuous exchanges. For Monitoring of Field Visits and in order to ensure quality data collection exercise, eminent researchers such as Professors/HOD, Govt. Officials and head of prominent NGOs were identified as State Coordinators and were actively involved in the study. These researchers continuously monitored the field staffs and ensured the quality of data.

SIGNIFICANCE OF THE STUDY:

Government of India under the Ministry of Women and Child Development has implemented a comprehensive scheme for prevention, combating of trafficking, rescue and rehabilitation of trafficked victims and their reintegration in the family and society. However, effective implementation of the scheme could not be ensured due to various factors. The plan of action on the part of various state governments, non-government organizations and donor agencies also could not witness the desired results due to ineffective enforcement of legislation and governance of programmes and schemes. *Against this view point, this study has been conducted to examine the issue of human trafficking and the efforts for protection of women and girl children against trafficking for trade of human flash as well as to examine the implementation of various shelter and Rehabilitation Homes such as Ujjawala P & R Homes & Swadhar Greh, Children Homes etc. in selected states.* The present study would be of immense importance for policy implications and also for operational view point as it will provide academic inputs for better understanding of the socio-legal issue and a road map for protection of women and girls against trafficking and rehabilitation of trafficked victims.

LIMITATION OF THE STUDY:

Though fairly large number of source and destination states and districts has been covered in the sample but due to time and resource especially budget constraints, the study had its limitation in covering other regional states where incidence of human trafficking is high. Due to Covid-19 period from the beginning of study, the reference period of the study stretched lengthy, 2-3 times filed work was discontinued and most of the stakeholder especially Law Enforcement Agencies, Prosecuting Agencies and Programs Administrators preferred on line mode of interview instead of face to face /physical interview. Due to Covid-19 restrictions we were not able to take the views and opinions of Members of Judiciary only Public Prosecutors showed their willingness to participate in the study that to in on-line mode. We faced a lot of problem in getting permissions from selected State Governments for visiting the shelter homes due to Covid-19 restrictions and

it consumed a lot of time and efforts of the Research Team.

CHALLENGES FACED IN THE FIELD

Being the nature of study explorative one and exploration was for a clandestine activity, it was a great challenge to identify and locate a respondent especially traffickers, clients, CSWs and brothel keepers/operators. In the case of rescued victims (former victims of CSE or child labourers), some were found in rescue homes but the researchers had to search for reintegrated/repatriated trafficked 'survivors' in the places they had been rehabilitated. For identification and location of rescued victims, traffickers and brothel operators the help of some credible NGOs and Police/Prosecuting officials was taken. Once the respondents were located, it was a herculean task to gain their confidence and to assure them that their identities would not be revealed. Suspicion and fear created an atmosphere which acted as a barrier to truthful response. It required considerable ingenuity and perseverance on the part of the interviewers to coax them to part with information relevant to the study and to assure them of anonymity. Many times, interviews had to be rescheduled, postponed and even repeated.

Interviewing victims who were still trapped in commercial sexual exploitation was the most difficult. Segregating the trafficked victims from the non-trafficked ones in the brothels was certainly no simple matter. Moreover, as they were under the complete control of the exploiters, it was not easy to get them to speak the truth. The researchers had to make repeated visits to the brothels to interview some of the victims as they were busy with their 'clientele' and did not want to be disturbed. Clients would walk in even during the 'lean' periods and would get preference to anything else. The interviewers had to adjust to such breaks in the interviews and be patient enough to wait for the interviewee's convenience. The only positive thing was that when respondents were told that this research is being carried out by NHRC, only then they showed their willingness to participate in the research and agreed to share their views and opinions/information.

Chapter 4

TRAFFICKED VICTIMS AND THEIR EXPLOITATION

More people are falling prey to human trafficking each year than ever before, particularly in the case of women and children. Many factors contribute to the rise of this worldwide issue. Rich and poor countries alike are affected by it. Women and children are trafficked in India for three reasons: (a) commercial sexual exploitation, (b) exploitative labour, and (c) various forms of exploitation such as organ sales, begging, and camel jockeying. A cursory examination of the available records and reports on human trafficking reveals that trafficked women and children are forced to engage in activities such as prostitution in brothels, massage parlours, or beer bars, pornography, dancing, petty crimes, domestic help, agricultural labour, begging, camel jockeying, organ trafficking, and drug trafficking, as well as after they have been trafficked. The surge in trafficking of young women and girls has been attributed to the rapid growth of sex tourism and the growing need for cheap labour in the globalized globe. Women are bartered at different values depending on their physical beauty and virginity. Some clients in the sex industry prefer girl children who are thought to be AIDS-free. As a result, the sex business is always looking for young girls, sometimes as young as ten years old. Trafficking for exploitative labour occurs in a variety of industries, including agriculture, the domestic sector, the entertainment business, and construction work. Some boys are trafficked to West Asia or the Persian Gulf States to work as camel jockeys. During the Hajj, some pilgrims end up as beggars in Saudi Arabia. Young girls are trafficked to meet the demand for brides in Northern India, where the number of girl children is lower.

According to the NCRB, girls and women are the predominant targets of immoral trafficking in India, accounting for 76 percent of all human trafficking instances over the last decade (26 Aug, 2015, IndiaSpend.com-Chaitanya Mallapur- Minor Girls, Women Chief Targets as Human Trafficking Surges-Human Trafficking in India Over the Past 10 Years, NCRB Report 2015, Munshi 2020). Women and girls represent 72 per cent of all trafficking victims globally, and 77 per cent of detected female victims are trafficked for the purpose of sexual exploitation (UN Women Deputy Executive Director, Tuesday, 8 December 2020). Women and children are increasingly being victimised by sex trafficking in tiny motels, automobiles, and private residences, in addition to typical red-light districts. Human trafficking for sexual exploitation is shifting away from brothels and into non-brothels. Websites, mobile apps, and online money transfers are increasingly being used by traffickers to arrange commercial sex. In religious pilgrimage centres and tourism areas, children are still susceptible to sex trafficking. Poverty, unemployment, illiteracy, family financial issues, rape, kidnapping and abduction, allured for marriage purposes, superstitions, frenzy to

enter the entertainment sector such as TV serials, media, and movies are all factors that contribute to the flesh trade. The age of women/ girls entering prostitution has been steadily decreasing over the last decade, which is extremely concerning. (2012-13 Prajwala Annual Report, Cunningham, Fiona & Jacquin, Kristine. (2018). Age of Entry into Sex Work is a Myth, Rana, U., Sharma, D. & Ghosh, D. Prostitution in northern Central India: an ethnographical study of Bedia community (2020).

The Hon'ble Supreme Court of India in the appeal matter of Buddhdev Karmasker V/S State of West Bengal (Criminal Appeal No(s).135/2010- Judgement Date: August 02, 2011) had directed the State government and Central government to prepare schemes for women and girls in prostitution on following issues (1) Prevention of trafficking; (2) Rehabilitation of sex workers who wish to give up sex work and (3) Creating conditions conducive for sex workers to live with dignity. Hon'ble Supreme Court of India directed the state / Union Territory to carry out survey through their agencies and assess if sex worker given an opportunity would opt for rehabilitation or whether they would choose to continue in the profession voluntarily.

The use of the internet to spread violence and criminality has become a big problem around the world. Women and children are the most vulnerable and targeted demographics. Blackmailing, exploitation, harassment, stalking, voyeurism, and other types of violence against women and children are becoming more common on digital platforms. For fear of social stigmatisation, a considerable percentage of such occurrences go unreported. This also permits perpetrators of such abuse to get away with it. In order to address the problem of trafficking holistically, a comprehensive policy as well as its action plan covering various aspects such as prevention of trafficking, victim rescue, repatriation to their native place, economic empowerment, health care, education, housing, legal reforms, and the creation of a corpus fund is the need of the hour.

Magnitude of Human Trafficking:

According to the 2020 Global Report on Human Trafficking, 50% of victims were trafficked for sexual exploitation in 2018, 38% for forced labour, 6% for forced criminal activity, 1% for begging, and smaller amounts for forced marriages, organ removal, and other purposes. Detected kinds of exploitation varies greatly amongst subregions. For more than a decade, the number of victims identified as being trafficked for forced labour has continuously climbed. Trafficking for forced criminal behaviour is the most commonly recognized form of trafficking, aside from trafficking for forced labour or sexual exploitation. Around 6% of all victims found around the world are used to commit crimes ranging from pickpocketing to drug cultivation and trafficking. In 2018, 13 countries in Europe, South Asia, Africa, and the Americas reported this type of trafficking (trafficking for exploitation in criminal enterprises - a double victimization). Trafficking for the purpose of exploitative begging is a less well-known form of trafficking. In 2018, 19 nations from all corners of the globe reported occurrences of this type of trafficking, accounting for more than 1% of all detected victims. North Africa and the Middle East have the highest numbers of victims of this type of trafficking, accounting for almost 30% of all victims discovered in the region. Trafficking victims for the purpose of forced marriage are less common, with only nine nations across various regions reporting cases, accounting for around 1% of the global total. Similarly, mixed types of exploitation, in which victims of human trafficking are exploited for both forced labour and sexual exploitation, account for around 1% of all victims identified. A few examples of trafficking of pregnant women and/or newborns, both for the goal of illegal adoption, have also been documented in a number of nations. (UNODC, Global Report on Human Trafficking, 2020).

Victims of human trafficking might be of any age, gender, or nationality. Female victims remain the major targets, according to the UNODC's 2020 Global Report on Trafficking in Persons, which is based on official data from over 148 countries. According to the report, women made up 46 percent of the victims in 2018, while girls made up 19 percent. In the case of male victims, the report states that 20% of those found were males and 15% were boys. Over the last 15 years, the proportion of minors among recognized trafficking victims has tripled, while the proportion of boys has climbed fivefold. In the world, one out of every three victims is a youngster. Boys are primarily trafficked for forced labour, whereas girls are primarily trafficked for sexual exploitation. The percentage of male victims found has increased from 10% in 2003 to 20% in 2018. According to the UNODC Report 2020, female victims of human trafficking continue to be disproportionately affected. In 2018, roughly five adult women and two girls were found for every ten victims worldwide. Children, both girls and boys, made up around a third of the total casualties, while adult men made up 20%. 95 percent of trafficked people in India are pushed into prostitution, according to statistics (Divya, 2020). According to the NCRB, there are a total of 6,616 human trafficking instances documented in India, with sex trafficking being the most common (Munshi, 2020)

The rise in human trafficking has put the country's social fabric at jeopardy. Girls under the age of 18 are being enticed to Indian metropolises from Nepal and Bangladesh. Girls and young women from Assam, West Bengal, Bihar, Rajasthan, Jharkhand, Madhya Pradesh, Chhattisgarh, and Uttar Pradesh are also targeted by traffickers. False promises of better jobs and living conditions drive many young ladies into prostitution. The issue is not only sensitive, but also serious. Commercial exploitation of women's and children's vulnerabilities has become a multi-million-dollar organized crime ring. A link between HIV/AIDS, human trafficking, and other sexually transmitted illnesses has also been discovered in several research.

Between 2017 and 2019, there was a dramatic decrease in the number of trafficked children in India. During the same time period, however, the number of trafficking women victims climbed by 42.59 percent. During this time, the number of women trafficked victims increased significantly in many states. Maharashtra had the highest number of victims of human trafficking in 2019, followed by Andhra Pradesh, Telangana, and Odisha. However, Rajasthan had the highest number of trafficked minors throughout the year, followed by Bihar, Odisha, Jharkhand, and Kerala. According to the statistics, 3535 children and 2040 women were trafficked in 2017. In 2018, there were 2772 children and 2432 women trafficked, and in 2019, there were 2914 children and 2907 women trafficked. (Table 4.1).

Table: 4.1
States/UT-wise Children and Women Victims of Trafficking

Year	2017		2018		2019	
Sates/UTs	Children	Women	Children	Women	Children	Women
Andhra Pradesh	26	312	16	351	18	380
Arunachal Pradesh	0	0	3	0	4	0
Assam	187	106	238	114	80	132
Bihar	395	56	539	80	294	22
Chhattisgarh	45	26	101	74	113	94
Goa	1	74	9	93	2	88
Gujarat	2	17	1	25	2	20

Haryana	9	13	26	6	6	14
Himachal Pradesh	3	12	3	13	1	14
Jammu & Kashmir	1	0	1	0	0	0
Jharkhand	331	78	218	30	172	48
Karnataka	149	89	8	178	42	112
Kerala	60	21	145	38	171	27
Madhya Pradesh	121	47	73	19	123	92
Maharashtra	134	520	73	698	95	475
Manipur	13	10	2	3	5	151
Meghalaya	3	0	22	2	30	1
Mizoram	60	2	2	1	25	27
Nagaland	0	0	0	0	2	18
Odisha	117	61	131	64	202	250
Punjab	8	2	20	7	9	8
Rajasthan	886	11	373	6	653	6
Sikkim	5	0	2	2	0	2
Tamil Nadu	37	135	8	12	43	16
Telangana	124	300	8	373	71	263
Tripura	12	2	1	0	1	1
Uttar Pradesh	38	24	41	49	32	94
Uttarakhand	15	22	18	40	16	20
West Bengal*	319	66	159	96	159	96
Total State(s)	3101	2006	2241	2374	2377	2871
A&N Islands	0	0	0	0	0	0
Chandigarh	0	0	0	0	1	1
D&N Haveli	0	0	0	0	0	0
Daman & Diu	0	3	0	0	0	0
Delhi UT	434	31	531	58	536	30
Lakshadweep	0	0	0	0	0	0
Puducherry	0	0	0	0	0	5
Total UT(s)	434	34	531	58	537	36
Total (All India)	3535	2040	2772	2432	2914	2907

Source: NCRB Data

Between 2017 and 2019, the number of women rescued increased significantly. Maharashtra, Telangana, Odisha, and Manipur had the most number of rescued women in 2019. Rajasthan, Bihar, Odisha, Kerala, West Bengal, and Madhya Pradesh had the highest number of rescued children in 2019. Furthermore, in 2017, 3294 children and 2211 women were rescued, followed by 2484 children and 2466 women in 2018, and 2837 children and 2964 women in 2019. (Table 4.2).

Table: 4.2
States/UT-wise Children and Women Victims Rescued

Sates/UTs	2017		2018		2019	
	Children	Women	Children	Women	Children	Women
Andhra Pradesh	27	371	16	437	15	410
Arunachal Pradesh	0	0	3	0	3	0

Assam	154	99	182	97	73	126
Bihar	395	56	537	73	294	22
Chhattisgarh	77	79	101	74	112	94
Goa	1	74	9	93	2	88
Gujarat	2	17	1	25	2	16
Haryana	9	14	24	5	6	14
Himachal Pradesh	2	10	0	11	1	15
Jammu & Kashmir	1	0	1	0	0	0
Jharkhand	103	44	201	19	102	39
Karnataka	149	89	8	178	42	112
Kerala	86	102	112	45	179	29
Madhya Pradesh	97	41	72	16	124	93
Maharashtra	148	482	74	693	95	917
Manipur	12	10	2	3	4	151
Meghalaya	3	0	5	2	29	0
Mizoram	0	0	2	1	25	27
Nagaland	0	0	0	0	2	18
Odisha	117	61	131	64	202	250
Punjab	7	0	15	5	18	7
Rajasthan	886	11	373	6	653	6
Sikkim	5	0	2	2	0	2
Tamil Nadu	37	135	27	22	42	16
Telangana	30	354	8	381	71	263
Tripura	12	2	1	0	2	1
Uttar Pradesh	38	28	41	45	32	98
Uttarakhand	15	22	18	40	16	20
West Bengal	450	80	154	94	154	94
Total State(s)	2863	2181	2120	2431	2300	2928
A & N Islands	0	0	0	0	0	0
Chandigarh	0	0	0	0	1	1
D & N Haveli	0	0	0	0	0	0
Daman & Diu	0	3	0	0	0	0
Delhi UT	429	27	364	35	536	30
Lakshadweep	0	0	0	0	0	0
Puducherry	2	0	0	0	0	5
Total UT(s)	431	30	364	35	537	36
Total (All India)	3294	2211	2484	2466	2837	2964

Source: NCRB Data

Total No. of Victims Trafficked and Rescued as per NCRB data during the year 2015 to 2019 has been shown in Table 4.3, Data reveals that number of persons trafficked shows a declining trend from 2015 to 2018 but it increased during the year 2019. The reason for declining trend in cases of human trafficking as cited by stakeholders are “Traffickers have changed their mode of operating, discarded known routes and found new ones. In many cases, the police are not registering cases under trafficking laws,”.

Table: 4.3
Victims Trafficked & Rescued

Year	Total No. of Victims Trafficked			Total No. of Victims Rescued		
	Below 18 Years	Above 18 Years	Total	Below 18 Years	Above 18 Years	Total
2019	2914	3702	6616	2837	3734	6571
2018	2834	2954	5788	2358	2906	5264
2017	3535	2365	5900	3294	2495	5789
2016	9034	6345	15379	14183	8934	23117
2015	9127	6321	15448			

Source: NCRB Reports

Note: 1. In 2016: 15 Transgender Victims Trafficked from Odisha is included and 10 Transgender Victims Trafficked from West Bengal is included

2. Due to non-receipt of data from Assam & Jharkhand for 2018, data furnished for 2017 has been used

3. Due to non-receipt of data from West Bengal in time for 2019, data furnished for 2018 has been used.

Human trafficking is primarily used for sexual exploitation for prostitution, according to reports (31.65 per cent). In 2019, forced labour accounted for around 17% of the overall number of incidents. During 2016, forced labour accounted for nearly 45 percent of all human trafficking, while sexual exploitation for prostitution accounted for 21.54 percent. However, in 2018, it was stated that its market share was as high as 36.51 percent. Domestic servitude and post-marriage trafficking were identified as further forms of human trafficking in 2019. (Table 4.4).

Table: 4.4
Purpose of Human Trafficking

Purpose of Human Trafficking	No. of Victims Trafficked (All India)			
	2019	2018	2017	2016
Forced Labour	1141	1046	1657	10509
Sexual Exploitation for Prostitution	2080	1922	1275	4980
Other forms of Sexual Exploitation	0	0	0	2590
Domestic Servitude	364	143	113	412
Forced Marriage	227	220	240	349
Petty Crimes	13	7	9	212
Child Pornography	0	154	0	162
Begging	68	21	358	71
Drug Peddling	0	0	0	8
Removal of Organs	4	6	0	2
Other reasons	2674	1745	2137	3824
Total	6571	5264	5789	23117

Source: NCRB Reports

The majority of human trafficking victims recovered were of Indian descent. However, Nepal and Bangladesh accounted for about 5% of the rescued victims. From 0.32 percent in 2016 to 4.96 percent in 2019, this percentage has risen (Table 4.5).

Table: 4.5
Nationality-wise profile of Victim Rescued under Human Trafficking

Year of Rescue	Nationality					Total
	India	Sri Lanka	Nepal	Bangladesh	Other	
2019	6198	0	228	98	47	6571
2018	5012	0	167	25	60	5264
2017	5699	0	47	17	26	5789
2016	22932	38	38	36	73	23117

Source: NCRB Reports

Note: i) 5 Transgender Victims Rescued from West Bengal is included

ii) Other includes Victims belonging to Thailand & Uzbekistan & other Countries.

The data shows that 1,18,971, 1,15,656 and 1,19,617 children went missing in the country in 2017, 2018 and 2019 respectively, The State of West Bengal and Madhya Pradesh have reported a maximum number of missing children from 2017-2019. The common reasons for missing children as reported by Law Enforcement Agencies during FGDs with them are “lost the way, academic pressure, scolding by parents, elopement, runaway, left on their own will, family circumstances, etc.” (Table 4.6).

Table: 4.6
States/UT-wise Missing Children (Below 18 years)

S. No.	States/UTs	2017	2018	2019
1.	Andhra Pradesh	3616	3150	3286
2.	Arunachal Pradesh	74	34	46
3.	Assam	1651	2120	2067
4.	Bihar	8493	12072	12404
5.	Chhattisgarh	3341	4237	4460
6.	Goa	45	47	62
7.	Gujarat	2172	2417	1983
8.	Haryana	3814	3739	3978
9.	Himachal Pradesh	368	481	534
10.	Jammu & Kashmir	725	800	661
11.	Jharkhand	1099	993	972
12.	Karnataka	3195	2864	1385
13.	Kerala	1755	2153	2335
14.	Madhya Pradesh	14116	15320	17058
15.	Maharashtra	8581	6928	8276
16.	Manipur	97	107	137
17.	Meghalaya	148	163	148
18.	Mizoram	1	3	0
19.	Nagaland	103	97	53
20.	Odisha	7446	3491	5503
21.	Punjab	2724	2587	2843
22.	Rajasthan	3403	3521	4697

23.	Sikkim	88	57	43
24.	Tamil Nadu	5844	5333	5814
25.	Telangana	4304	4410	4566
26.	Tripura	166	198	179
27.	Uttar Pradesh	5161	5704	6089
28.	Uttarakhand	877	938	1103
29.	West Bengal	19671	16027	16027
	Total State(s)	103078	99991	106709
30.	A & N Islands	43	56	55
31.	Chandigarh	513	540	528
32.	D & N Haveli	8	4	7
33.	Daman & Diu	34	30	30
34.	Delhi UT	15252	14986	12239
35.	Lakshadweep	0	0	0
36.	Puducherry	43	49	49
	Total UT(s)	15893	15665	12908
	Total (All India)	118971	115656	119617

Source: NCRB data

It is reported that Ministry of Women & Child Development has developed a national tracking system for missing and vulnerable children which has been implemented across the country. On June 2, 2015, the MoWCD created the 'Khoya-Paya' site, which allows citizens to report missing children and sightings of their whereabouts. This website can also be used to report the details of children who have been found. For more efficient working, the Portal has been integrated with CCTNS. Approximately 3.80 lakh people were reported missing in 2019, with women accounting for roughly two-thirds of the total. A considerable proportion of the total missing individuals were unable to be located and remain unaccounted for. The Supreme Court while hearing a case in 2013 directed police that cases of missing children should be treated as abduction or trafficking until proven otherwise, yet to become a reality. This demonstrates that a huge number of missing people, especially women, were coerced into the sexual exploitation trade (Table 4.7).

Table: 4.7
Total No. of Missing and Traced Persons

Year	Persons Missing				Persons Traced			
	Male	Female	Trans.	Total	Male	Female	Trans.	Total
2019	132089	248397	40	380526	125558	222949	101	348608
2018	123339	223621	564	347524	122384	209852	518	332754
Back log of Previous Years	137659	161064	35	298758				

Source: NCRB Reports

Note: 1. Due to non-receipt of data from West Bengal in time for 2019, Data furnished for 2018 has been used

2. Clarifications are pending from West Bengal, Assam, Arunachal Pradesh, Meghalaya & Sikkim

Female children constituted about 71 per cent during 2019 and a significant proportion of missing children were not traced out and it is likely to happen that these children are being

sexually exploited (Table 4.8).

Table: 4.8
Total No. of Missing and Traced Children

Year	Children Missing				Children Traced			
	Male	Female	Trans.	Total	Male	Female	Trans.	Total
2019	21074	52049	15	73138	21797	49436	20	71253
2018	19784	47191	159	67134	22239	48787	150	71176
Backlog of Previous Years	17759	30761	2	48522				

Source: NCRB Reports

Note:

- i. Due to non-receipt of data from West Bengal in time for 2019, Data furnished for 2018 has been used
- ii. Clarifications are pending from West Bengal, Assam, Arunachal Pradesh, Meghalaya & Sikkim

The BIRD study team contacted 1155 victims across eight states to learn about their status and perceptions of rescued victims and Commercial Sex Workers (CSWs). 815 rescued victims and 340 CSWs were questioned in total. Table 4.9 shows where trafficking victims were interviewed. Ujjawala Centres accounted for almost 20% of responders, while women victims from homes accounted for nearly the same percentage. About 1/4th respondents were from brothels and short stay homes.

Table: 4.9
Place of Interview of Trafficked Victims/Respondents

Particular	No. of Respondents
Ujjawala Center	229 (19.8%)
Swadhar Greh	45 (3.9%)
Brothel	202 (17.5%)
Home	225 (19.5%)
Institutional Child Care Home	101 (8.7%)
Street	27 (2.3%)
Short Stay Home	82 (7.1%)
Other	116 (10.0%)
Open Shelter Home	97 (8.4%)
Transit Point	31 (2.7%)
Total	1155 (100%)

Source: Field Survey

PROFILE OF TRAFFICKED VICTIMS

Gender of Trafficked Victims is shown in Table: 4.10A. It is crystal clear that 44.0% trafficked victims are children and 43.94% victims are women, thus women and children constitute majority number of persons trafficked out.

Table: 4.10A
Gender of Trafficked Victims

Gender	Below 18 Years			Above 18 Years			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
No. of Victims	1742	1172	2914	795	2907	3702	2537	4079	6616
%	26.33	17.71	44.0	12.02	43.94	55.96	38.35	61.65%	100

Source: NCRB Report-2019

Most of victim respondents were women and children. They were mainly females (86.4 per cent). About 2/5th respondents were from the age group of less than 18 years. About half of the respondents were from the age group of 18 to 35 years. Majority of them were found belonging from rural and semi-urban areas (Table 4.10B).

Table: 4.10B
Gender, Ecological Background & Age of Respondents (Victims)

Category	Gender	Ecological Background	Age
Women and Children 1152 (99.7%)	Male 154 (13.3%)	Metropolitan City 149 (12.9%)	<10 Years 29 (2.5%)
LGBTI People 3 (0.3%)	Female 998 (86.4%)	Rural 714 (61.8%)	10-14 Years 129 (11.2%)
	Transgender 3 (0.3%)	Semi-Urban 97 (8.4%)	14-16 Years 164 (14.2%)
		Urban 195 (16.9%)	16-18 Years 175 (15.2%)
			18-25 Years 260 (22.5%)
			25-30 Years 148 (12.8%)
			30-35 Years 141 (12.2%)
Total 1155 (100%)			35-40 Years 109 (9.4%)

Source: Field Survey

About 80 per cent respondents were from weaker section including Scheduled Caste, Scheduled Tribes, OBCs and Minority communities. About 20 per cent respondents were from General Caste. About 2/3rd respondents were Hindus while 20 per cent victims were Muslims (Table 4.11).

Table: 4.11
Social Class & Religion of Respondents (Victims)

Social Class	No. of Respondents	Religion	No. of Respondents
Schedule Castes (SC)	175 (15.2%)	Hindu	759 (65.7%)
Schedule Tribes (ST)	258 (22.3%)	Islam	231 (20.0%)
Other Backward Classes	275 (23.8%)	Christian	22 (1.9%)
General Castes	226 (19.6%)	Buddhist	12 (1.0%)
Minority	204 (17.7%)	Sikh	3 (0.3%)
Others	17 (1.55)	Other	128 (11.1%)

Total	1155 (100%)	Total	1155 (100%)
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Source: Field Survey

About 2/3rd respondents were unmarried, divorced, widows and abandoned. However, about 30 per cent respondents were married. About 28 per cent respondents were illiterate while more than half of the respondents were primary and matriculation pass. Thus, a negligible proportion of respondents were found intermediates and graduates (4 per cent) (Table 4.12).

Table: 4.12
Marital Status & Educational Level of Respondents (Victims)

Marital Status	No. of Respondents	Education Level	No. of Respondents
Married	350 (30.3%)	Illiterate	322 (27.9%)
Separated	37 (3.2%)	Primary	307 (26.6%)
Abandoned	13 (1.1%)	Middle School	337 (29.2%)
Divorced	26 (2.3%)	High School	142 (12.3%)
Widow	19 (1.6%)	Intermediate	32 (2.8%)
Unmarried	710 (61.5%)	Graduate	11 (1.0%)
Total	1155 (100%)	Postgraduate	4 (0.3%)

Source: Field Survey

The educational levels were found comparatively low among the sex workers as compared to rescued victims. However, about 20 per cent rescued victims were educated high school and above levels (Table 4.13).

Table: 4.13
Category of Respondents wise Educational Level of Trafficked Victims

Category of Respondent	Illiterate	Primary	Middle School	High School	Intermediate	Graduate	Postgraduate	Total
Rescued Victims	194	234	215	130	28	11	3	815
	23.8%	28.7%	26.4%	16.0%	3.4%	1.3%	0.4%	100%
Sex Workers	128	73	122	12	4	0	1	340
	37.6%	21.5%	35.9%	3.5%	1.2%	0.0%	0.3%	100%
Total	322	307	337	142	32	11	4	1155
	27.9%	26.6%	29.2%	12.3%	2.8%	1.0%	0.3%	100%

Source: Field Survey

Types of Family wise Level of supply side reasons/Human Trafficking has been shown in Table 4.14. The value of chi-square indicating that the Level of Supply side reasons of trafficking and Family type having significant relation.

Table 4.14
Level of Supply side reasons of trafficking Vs Type of Family you belong

Level of Supply side reasons of trafficking	Type of Family you belong				Total
	Joint	Nuclear	Extended	No One in her Family	
Low	60	445	82	0	587
	10.2%	75.8%	14.0%	0.0%	100%

Medium	36	415	39	0	490
	7.3%	84.7%	8.0%	0.0%	100%
High	3	73	1	1	78
	3.8%	93.6%	1.3%	1.3%	100%
Total	99	933	122	1	1155
	8.6%	80.8%	10.6%	0.1%	100%
Chi-Square Tests	38.824**				

** indicating value is significant at 1% level of significance

Unskilled labour, agriculture, self-employment, casual and skilled labour were some of the family occupations of respondents. About 2/3rd respondents reported that their annual family income at the time of trafficking was less than Rs. 20,000. However, about 1/4th respondents revealed that their annual family income at the time of trafficking was in between Rs. 20,000 to 40,000. Thus, most of the respondents were from economically weaker sections i.e., BPL families (Table 4.15).

Table: 4.15
Family Occupation, Annual family Income & Economic Class of Respondents (Victims)

Occupation	No. of Respondents	Annual Family Income (INR)	No. of Respondents
Agriculture	248 (21.5%)	Less Than 20,000	754 (65.3%)
Self Employed	145 (12.6%)	20,000-40,000	270 (23.4%)
Salaried-Govt. Job	6 (0.5%)	40,000-60,000	84 (7.3%)
Salaried-Pvt. Job	46 (4.0%)	60,000-80,000	37 (3.2%)
Skilled Labour	119 (10.3%)	More Than 80,000	10 (0.9%)
Unskilled Labour	343 (29.7%)	Economic Class of Family	
Crop Plantation	33 (2.9%)	Economic Class	No. of Respondents
Animal Husbandry	20 (1.7%)	APL	35 (3.0%)
Causal Labour	140 (12.1%)	BPL	581 (50.3%)
Petty Business	32 (2.8%)	AAY-Antodaya Anna Yojana (Poorest of Poor)	351 (30.4%)
Individual Service (Caste Occupation)	2 (0.2%)	No Card	162 (14.0%)
Others	21 (1.8%)	Not Sure	26 (2.3%)
Total	1155 (100%)	Total	1155 (100%)

Source: Field Survey

Friends / lovers, brokers / middlemen, strangers and migrant workers recruiters / placement agents were the main persons who initiated victims in trafficking, about 12 per cent respondents admitted that their family members are already trafficked. These family members were mainly sisters, mothers and brothers (Table 4.16).

Table: 4.16
Instrumental Person/Institutions of Trafficking and Name of Other Family member Already Trafficked

Instrumental Person/Institutions	Respondents	Name of Other Family member Already Trafficked	Respondents
Family	103 (8.9%)	Mother	47 (4.1%)
Parents	87 (7.5%)	Sister	68 (5.9%)
Friend/Lover	290 (25.1%)	Widow Mother	4 (0.3%)
Brokers/Middleman	145 (12.6%)	Widow Sister	4 (0.3%)
Migrant Worker Recruiters/ Placement Agent	115 (10.0%)	Brother	13 (1.1%)
Friends and Acquaintances	52 (4.5%)	Daughter	1 (0.1%)
Strangers	146 (12.6%)	None	1016 (87.9%)
Other Family Members (Aunts, Uncles, Cousins, Sister-In-Law)	64 (5.5%)	Cousins	1 (0.1%)
Brothel Owners/Pimps	17 (1.5%)	Other	1 (0.1%)
Sex Abusers of Minors	5 (0.4%)		
Prostitute Clients	5 (0.4%)		
Relatives	65 (5.6%)		
Self	54 (4.7%)		
Beauty/Massage Parlors	4 (0.3%)		
Escort Services	3 (0.3%)		
Total	1155 (100%)	Total	1155 (100%)

Source: Field Survey

Correlations between Instrumental Person/Institutions in trafficking and Social-economic parameters of Family of Victims has been shown in Table 4.17. The results indicate that ecological background has a significant and negative correlation with instrumental Person/Institutions in Trafficking/How you Victimize of Trafficking. While other socioeconomic parameters are found no significant correlation with Who initiated you in Trafficking/How you Victimize of Trafficking.

Table 4.17
Correlation between socio-economic parameters and Instrumental Person/Institutions in Trafficking

Socio-economic parameters	Instrumental Person/ Institutions in Trafficking/ How you Victimize of Trafficking
Social Class/Category	0.003 ^{NS}
Ecological Background	-0.161 ^{**}
Economic Class of Family/Household you belong	-0.049 ^{NS}

^{**} indicating correlation is significant at the 1% level of significance

About 11 per cent respondents who were minor at the time of trafficking, were accompanied by family members during the course of trafficking. Promise for paid work, to pay back or support parents were the main reasons for trafficking at the time of trafficking (Table 4.18).

Table: 4.18
Minors Accompanied by Family Members during Trafficking and Reasons for Trafficking

Accompanied by Family Members	Respondents	Reasons for Trafficking	Respondents
Yes	128 (11.1%)	To Pay Back or Support Parents	318 (27.5%)
No	1027 (88.9%)	Child Fostering	48 (4.2%)
Total	1155 (100%)	Parents Accepted Money from Traffickers	45 (3.9%)
		Promise For Paid Work	339 (29.4%)
		Promise For Education/ Vocational Training	18 (1.6%)
		Others	38 (3.3%)
		Total	806 (100%)

Source: Field Survey

More than 2/3rd respondents faced threat to themselves and their family while about 2/5th respondents reported that they faced physical and sexual violence (Table 4.19).

Table: 4.19
Kind of Threats and Violence Experienced During Trafficking

Kinds of Threats	Respondents	Kinds of Violence	Respondents
Threats To Self	677 (58.6%)	Physical Violence	297 (25.7%)
Threats To Family	101 (8.7%)	Sexual Violence	285 (24.7%)
Both (Family & Self)	137 (11.9%)	Both Type of Violence	491 (42.5%)
No Threats	239 (20.7%)	No Violence	82 (7.1%)
Threats To Children	1 (0.1%)	Total	1155 (100%)
Total	1155 (100%)		

Source: Field Survey

Girls and women have become cheap commodity as a result of poverty and exploitation. Low-yielding agriculture, a lack of alternative sources of employment, and marginalization all result in poverty, impoverishment, economic troubles, deprivation and resource scarcity, and marginalization, all of which create an ideal climate for sex trafficking to develop. This is especially true in the case of human trafficking of women and children, as two-thirds of the girls and women recruited come from impoverished areas. The sex trade is also encouraged by cultural traditions such as Jogini, Devadasi, and Basavi in Andhra Pradesh, Orissa, Maharashtra, and Karnataka. Sex trafficking is also encouraged by economic factors among tribes and communities such as the Bedias, Jahats, Kanjars, Kolta, Banchra, Mahar, Matang, and Sansi. Delhi and Bombay have grown into major flesh-trading hubs. Though there are over 1100 red light areas in India, Sonagachchi is the largest. The five major metropolises of Mumbai, Delhi, Kolkata, Chennai, and Bangalore account for over 80% of child prostitutes. When rural poor people moved to cities, human traffickers took advantage of their desperation and used promises of money and jobs to entice their children into this business. It's also been said that working-class people frequently migrate to industrial areas, where children and women satisfy their sexual and financial desires by visiting brothels, hence increasing demand for girls prostitutes. Girls and women have been trafficked as a result of tourism, particularly in coastal tourist locations. Thailand, the Philippines, Sri Lanka, and India have all developed into organised tourism flesh trades (Singh and Singh, 2012).

According to a report conducted by the National Commission for Women in 2002, the majority of children are trafficked from areas near tourist hotspots. The majority of the children were accompanied by an uncle from the area. Marriage or better careers were offered to them. Tourists inquired about oral sex with the children. They are mostly drug addicts. Tourists take advantage of youngsters sexually. Some of the variables that lead to youngsters selling their bodies are coercive sexual encounters and compulsive sexual experiences. The pimps and middlemen that make up the nexus come in all shapes and sizes, from van drivers to hotel workers to tour operators. As a result, sex tourism, or travelling to a foreign nation in pursuit of sex, has evolved into a well-developed component of commercial child sexual exploitation. Experts believe that modern technology and low-cost travel have exacerbated the problem of child sex tourism. Because of the anonymity it provides, technology has also proven to be a safe location to engage in such behaviours and exchange child pornography without fear of being found. Child sexual predators have discovered a means to reach out to young children via the internet and messaging apps, resulting in romance tourism. When travelers meet youngsters online and begin up a dialogue with them, without implying any sexual intentions, this is known as romance tourism. This allows the abuser to acquire the child's trust before abusing them. Later, the abuser may pay a visit to the child in his country; if the abuser is a man, this is known as sex tourism; if the abuser is a woman, this is known as romantic tourism. (Boruah, Jayanta and Baruah, Masia, Legal Implications of Sex Tourism (April 3, 2021). Journal on Jurisprudential Studies Vol 1 Issue 3, Forthcoming, Available at SSRN: <https://ssrn.com/abstract=3818710>)

Most of the respondents reported that they faced physical and sexual abuse / violence at destination and during trafficking (Table 4.20).

Table 4.20
Place of Physical and Sexual Abuse/ Violence Experienced

Place (Multiple Response)	Frequency	Percent
During Trafficking	245	21.2
At Destination	975	84.4
At P & R Homes	1	.1
Hotel	55	4.8
Home/Street	43	3.7
Other	2	.2

Source: Field Survey

Victims of human trafficking are frequently subjected to severe physical violence, weariness, and malnutrition. Broken bones, concussions, bruising, or burns are common injuries, as well as other assault-related injuries. Some of these major injuries can result in long-term health issues, necessitating long-term therapy. Because women who have been trafficked have been subjected to many abuses over a lengthy period of time, they may experience health problems similar to those experienced by torture victims.

Sexual assault is a painful experience for the victim, with both physical and emotional consequences. Any sexual interaction between two or more persons in which one of the people is involved against his or her will is referred to as sexual assault. In an assault, the sexual action might comprise a wide range of experiences. Unwanted touching, grabbing, oral sex, anal sex, sexual penetration with an object, and/or sexual intercourse can all happen to women. Victims of human trafficking are frequently forced to engage in sexual activities through physical or

non-physical means, such as pressure from someone in a position of authority, bribery or manipulation, or impairment from drink or drugs. A woman who has been sexually assaulted may have a variety of physical and emotional effects, including extreme stress and sadness.

Sexual exploitation, violence, beating, over work and deprivation of sleep and food were some of the types of physical and sexual abuse/violence experience by trafficking victims and sex workers (Table 4.21).

Table 4.21
Types of Physical and Sexual Abuse/ Violence Experienced

Type of Abuse	Respondents	Type of Abuse	Respondents
Deprivation of Food	393 (34.0%)	Beatings	733 (63.55)
Deprivation of Sleep	537 (46.5%)	Acid Attacks	5 (0.4%)
Over Work	625 (54.1%)	Cutting with Knives	13 (1.1%)
Sexual Exploitation	780 (67.5%)	Breaking Arms/Legs	16 (1.4%)
Frequent Abortions	54 (4.7%)	Throwing Stones	12 (1.0%)
Gang Sex	114 (9.9%)	Putting Chilli Powders in Eyes	1 (0.1%)
Burning Of Breasts/Genitals with Cigarettes	4 (0.3%)	Hitting with Hard Objects	64 (5.5%)
Beating And Chaining with Fetters	21 (1.8%)	Shaving Heads	4 (0.3%)
Violence	905 (78.4%)	Beating the Soles of The Feet	39 (3.4%)

Source: Field Survey

It is reported that about 58 per cent respondents also experience injuries during their trafficking (Table 4.22).

Table No. 4.22
Have You Experienced Injuries During Trafficking?

Particular	Respondents	Percent
Yes	666	57.7
No	489	42.3
Total	1155	100.0

Ecological Background wise Level of physical and Sexual abuse/violence experienced by Trafficked Victims is being Shown in Table 4.23. The value of chi-square indicates the ecological background has significant relation with Sexual abuse/violence experienced by Trafficked Victims is being.

Table 4.23
Ecological Background wise Level of physical and Sexual abuse/violence experienced by Trafficked Victims

Ecological Background	Level of physical and Sexual abuse/violence experienced by Trafficked victims			Total
	Low	Medium	High	
Metropolitan City	30	107	12	149
	20.1%	71.8%	8.1%	100%
Rural	131	536	47	714
	18.3%	75.1%	6.6%	100%

Semi-Urban	23	70	4	97
	23.7%	72.2%	4.1%	100%
Urban	60	132	3	195
	30.8%	67.7%	1.5%	100%
Total	244	845	66	1155
	21.1%	73.2%	5.7%	100%
Chi-Square Tests	21.522**			

** indicating the value is significant at 1% level of significance

The age of victims wise Level of physical and Sexual abuse/violence experienced by victims is shown in Table 4.24. The value of the chi-square indicates that the age of victims and levels of physical and sexual abuse/violence experienced by victims has significant relation.

Table 4.24
Age of victims wise Level of physical and Sexual abuse/violence experienced by victims

Age of Victims	Level of physical and Sexual abuse/violence experienced by Victims			Total
	Low	Medium	High	
Less than 10 Years	11	17	1	29
	37.9%	58.6%	3.4%	100%
10-14 Years	19	109	1	129
	14.7%	84.5%	0.8%	100%
14-16 Years	24	133	7	164
	14.6%	81.1%	4.3%	100%
16-18 Years	36	129	10	175
	20.6%	73.7%	5.7%	100%
18-25 Years	54	177	29	260
	20.8%	68.1%	11.2%	100%
25-30 Years	34	110	4	148
	23.0%	74.3%	2.7%	100%
30-35 Years	33	96	12	141
	23.4%	68.1%	8.5%	100%
35-40 Years	33	74	2	109
	30.3%	67.9%	1.8%	100%
Total	244	845	66	1155
	21.1%	73.2%	5.7%	100%
Chi-Square Tests	47.952**			

** indicating values is significant at 1% level of significance

Poor hygiene, locking in room, living in overcrowded room and inadequate food were some of the living conditions during trafficking. Extreme restriction of movement, forced to drink alcohol and illegal drugs were the main restriction and drug abuse during trafficking. About 2/5th respondents faced terrific encounter of trafficking (Table 4.25).

Table 4.25
Living Conditions, Drug Abuse & Other Restrictions During Trafficking

Living Conditions	Respondents	Drug Abuse & Other Restrictions	Respondents
Locked in a Room	445 (38.5%)	Being Made to Drink Alcohol	276 (23.9%)
Living/Sleeping in Overcrowded Room	300 (26.0%)	Being Made to Take Illegal Drugs	109 (9.4%)
Sleeping in Dangerous Conditions	80 (6.9%)	Being Made to Take Medications	71 (6.1%)
Poor Hygiene	827 (716.6%)	No Access to Passport or Identity Documents	115 (10.0%)
Nowhere to Sleep/Sleeping on The Floor	169 (14.6%)	Extreme Restriction of Movement	809 (70.0%)
Inadequate Food	390 (33.8%)		
Inadequate Drinking Water	172 (14.9%)		
No Clean Clothing	198 (17.1%)		

Source: Field Survey

Majority of the respondents reported that they were rescued victims of trafficking. About 63 per cent respondents who were rescued admitted that they were rescued after exploitation occurred (Table 4.26).

Table 4.26
Whether You Are a Rescued Victim of Trafficking

Rescued	Respondents	If Rescued Then Please Specify	
Yes	815 (70.6%)	Rescued Before Exploitation Occurred-Trafficking Preempted	84 (7.3%)
No	340 (29.4%)	Rescued After Exploitation Occurred-Trafficking Not Preempted	731 (63.3%)
Total	1155 (100%)	Total	815 (70.6%)

Source: Field Survey

Local law enforcement Agency, service providers, child care institutions, and good samartian were some of the agencies who rescued the trafficked victims (Table 4.27).

Table 4.27
Name of Agency who Rescued the Trafficked Victims

Name of Agency	Respondents	Percent
Good Samartian	38	3.3
Health Care Providers-Hospitals	3	.3
Local Law Enforcement Agency	442	38.3
Raid (By CBI/ED)	6	.5
Self	34	2.9
Department of Labour	5	.4
SSB/BSF	2	.2
Railway Protection Force (RPF)	12	1.0
Child Care Institutions	86	7.4
Service Providers-NGOs	256	22.2
Immigration Officials	1	.1
Others	1	.1

Source: Field Survey

Labour exploitation, slavery / servitude, criminal activities, forced marriages and illegal adoption were some of the intensions of trafficking other than sexual exploitation as reported by Victims. Domestic servants, hotels, bars, restaurants, markets, brick kilns and textile/garment industry as well as begging rackets were some of the industries/establishments from where victims were mainly rescued (Table 4.28).

Table 4.28
Intension of Trafficking other than Sexual Exploitation

Purpose and Intention	Respondents	In Case of Forced Labour/ Beggars, Place of rescue	Respondents
Labour Exploitation	356 (30.8%)	Construction Sectors	11 (1.0%)
Slavery/ Servitude	63 (5.5%)	Steel Industry	2 (0.2%)
Removal of Organs	1 (0.1%)	Textiles/Garment Industry	23 (2.0%)
Organized Begging	13 (1.1%)	Carpet Weaving	8 (0.7%)
Criminal Activities	54 (4.7%)	Biscuits Factories	6 (0.5%)
Illegal Adoptions	28 (2.4%)	Pickling	5 (0.4%)
Forced Marriages	46 (4.0%)	Floriculture	3 (0.3%)
Child Pornography	16 (1.4%)	Fish Farms	1 (0.1%)
Others	11 (1.0%)	Agricultural Workers	6 (0.5%)
		Coal Mining/ Metallurgical Industries	6 (0.5%)
		Cement And Glass Industry	1 (0.1%)
		Paint and Dyes Industry	4 (0.3%)
		Brick Kilns	34 (2.9%)
		Chemical & Petrochemicals	1 (0.1%)
		Firecracker Workshop	3 (0.3%)
		Hotels, Bars, Restaurants, Markets	136 (11.8%)
		Domestic Servants/Maid from a House	162 (14.0%)
		Beggars From Street or Begging Rackets	32 (2.8%)

Source: Field Survey

IMPACT OF HUMAN TRAFFICKING ON VICTIMS:

People who have been trafficked have apparently been scarred by their experiences. Suicidal ideation and depression are frequently mentioned. The survivors' mental and emotional states may include malevolence, helplessness, and withdrawal; disassociation; self-blame and identification with the aggressor; distraction; a shortened view of time; normalization and shaping, in which the victims convince themselves that their experiences had to happen rather than viewing them as traumatic; and normalization and shaping, in which the victims convince themselves that their experiences had to happen rather than viewing them as traumatic (Saarthak, 2002). Posttraumatic stress disorder, depressive disorder, dissociative disorders, psychotic disorders, and eating disorders are among the psychiatric problems experienced by survivors of human trafficking. Girls are expected to carry the burden of sustaining the family honour through their sexual purity and chastity (ISS, 2003). If they are trafficked for commercial sexual exploitation, they will be under even more duress due to the dominant morality.

Apart from being labelled as outsiders and experiencing moral and legal isolation (Giri, 1999), trafficked people are at risk for HIV/AIDS, drug addiction, and high-risk abortions and

teenage pregnancies, all of which can negatively impact their reproductive health for the rest of their lives. According to a survey conducted by a Dhaka-based NGO, “more than 20% of street children prostitutes die before reaching maturity.... Nearly 22% become physically invalid and are only fit for begging” (Save Our Sisters, 2001). Psychological trauma has affected them in every part of their life. ‘The abused turn into abusers,’ with a high possibility of becoming criminals, because it is frequently left ignored and unresolved. The repercussions of “child labour” and its negative impact on children’s development are well recognized. Victims of human trafficking are forced to live in deplorable conditions. Illegality infiltrates every aspect of their existence, turning them into criminals. Their criminality as workers and individuals has a significant negative impact on them. It multiplies their victimization and leaves them with no recourse for retaliation (Sanghera, 2002).

Human trafficking has a variety of effects on victims and survivors, depending on the type of trafficking and the circumstances. However, research has revealed that victims and survivors may face a variety of challenges. Trafficking victims are frequently subjected to extreme physical conditions, such as forced labour or the use of force by their traffickers. Victims may also be at risk for health issues like as HIV/AIDS, illnesses, and substance dependence. They may also face major mental health problems, such as worry, insecurity, fear, and trauma. Survivors had high degrees of Post-Traumatic Stress Disorder (PTSD), according to several studies. Cognitive impairment, memory loss, depression, and even suicide are all possible consequences of human trafficking. Because of their age, trafficked kids are even more susceptible. Child trafficking can have a significant impact on a child’s emotional, physical, and psychological development.

Human trafficking has physical impacts on victims in terms of deprivation of sleep, fatigue, frequent headache, back pain etc. (Table 4.29).

Table 4.29
Physical Impact/ Physical Health Symptoms of Human Trafficking on Victims

Physical Health Symptoms	Respondents	Physical Health Symptoms	Respondents
Constitutional Symptoms		Neurological Symptoms	
Easily Tired	495 (42.9%)	Frequent Head-Aches	466 (40.3%)
Weight Loss	335 (29.0%)	Dizzy Spells	161 (13.9%)
Loss Of Appetite	364 (31.5%)	Memory Problems	94 (8.1%)
Inadequate Sleep	507 (43.9%)	Fainting/ Fatigue	92 (8.0%)
Gastrointestinal Symptoms		Cardiovascular Symptoms	
Vomiting, Upset Stomach, Constipation or Diarrhea	83 (7.2%)	Chest/ Heart Pain	165 (14.3%)
Stomach Pain	300 (26.0%)	Breathing Difficulty	101 (8.7%)
Lower Abdomen Pain	229 (19.8%)	Musculoskeletal Symptoms	
Dermatological Symptoms (Rashes, Itching, Sores)	211 (18.3%)	Back Pain	743 (64.3%)
Eye, Ear and Upper Respiratory Symptoms		Malnourishment /Dental Pain	82 (7.1%)
Asthma	83 (7.2%)	Rheumatic Disorders	39 (3.4%)

Eye Pain/Weak Eyes	75 (6.5%)	
Ear Pain/Hearing Problem	42 (3.6%)	
Tuberculosis	11 (1.0%)	

Source: Field Survey

The Ecological Background Wise Level of Physical Impact of Human Trafficking on victims has been shown in Table 4.30. The value of chi-square indicates that the Ecological Background has significant relation with Level of Physical Impact of Human Trafficking on victims.

Table 4.30
Ecological Background wise Level of Physical Impact of Human Trafficking on Victims

Ecological Background	Level of Physical Impact of Human Trafficking			Total
	Low	Medium	High	
Metropolitan City	30	112	7	149
	20.1%	75.2%	4.7%	100%
Rural	147	523	44	714
	20.6%	73.2%	6.2%	100%
Semi-Urban	28	67	2	97
	28.9%	69.1%	2.1%	100%
Urban	29	127	39	195
	14.9%	65.1%	20.0%	100%
Total	234	829	92	1155
	20.3%	71.8%	8.0%	100%
Chi-Square Tests	52.745**			

** indicating value is significant at 1% level of significance

Age of victims wise Level of Physical Impact of Human Trafficking on Victims has been shown in Table: 4.31. The value of chi-square indicates that the age of victims has significant relation with Level of Physical Impact of Human Trafficking on Victims.

Table 4.31
Age of victims wise Level of Physical Impact of Human Trafficking on Victims

Age of Victims	Level of Physical Impact of Human Trafficking			Total
	Low	Medium	High	
Less than 10 Years	12	17	0	29
	41.4%	58.6%	0.0%	100%
10-14 Years	36	89	4	129
	27.9%	69.0%	3.1%	100%
14-16 Years	42	117	5	164
	25.6%	71.3%	3.0%	100%
16-18 Years	59	107	9	175
	33.7%	61.1%	5.1%	100%
18-25 Years	53	188	19	260
	20.4%	72.3%	7.3%	100%

25-30 Years	14	120	14	148
	9.5%	81.1%	9.5%	100%
30-35 Years	13	109	19	141
	9.2%	77.3%	13.5%	100%
35-40 Years	5	82	22	109
	4.6%	75.2%	20.2%	100%
Total	234	829	92	1155
	20.3%	71.8%	8.0%	100%
Chi-Square Tests	103.687**			

** indicating value is significant at 1% level of significance

Table 4.32 shows the STDs, hygienic conditions, and other health problems connected with trafficked victims. Sexual and reproductive health concerns, such as sexually transmitted infections (STDs) and other gynecological issues, are common among women who participate in the commercial sex trade. Women who have been trafficked into the sex trade may not have access to or be allowed to use condoms or other forms of birth control, and their gynecological examinations may be irregular. Unwanted pregnancies and losses are a risk for such women. Prostitutes have a higher rate of abortion, sterilization, and infertility than other women.

Table 4.32
STD, Hygienic Condition & Other Health Problems

Sexually Transmitted Diseases		Hygienic Condition & Other Health Problems	
Health Problems	Respondents	Health Problems	Respondents
HIV/ AIDS	111 (9.6%)	Personal Hygienic	735 (63.6%)
Pelvic Pain/ Inflammatory Diseases (PID)	7 (0.6%)	Sexual Services on the Same Bad	352 (30.5%)
Chlamydia	7 (0.6%)	Recurring Pregnancy	41 (3.5%)
Gonorrhea	27 (2.3%)	Infertility from chronic untreated Sexually Transmitted Infections or botched or unsafe Abortions	5 (0.4%)
Human Papillomavirus (HPV) Infection,	7 (0.6%)	Infections Or Mutilations Caused by Unsanitary and Dangerous Medical Procedures	15 (1.3%)
Syphilis	14 (1.2%)	Undetected Or Untreated Diseases, Such as Diabetes or Cancer	28 (2.4%)
Rectal Trauma and Urinary Difficulties	127 (11%)		

Source: Field Survey

Human trafficking victims often suffer from acute guilt, posttraumatic stress disorder, depression, anxiety, substance abuse (alcohol or narcotics), and eating disorders as a result of the physical and psychological violence they endure. Psychological care is frequently required as part of complete medical treatment for victims of human trafficking. Human trafficking has a psychological impact that includes stress, despair, insomnia, desperation, negative thinking, irritability, aggressiveness, and a lack of obedience (Table 4.33).

Table 4.33
Psychological (Mental Health) Impact of Human Trafficking

Psychological Symptoms	Respondents	Psychological Symptoms	Respondents
Depression	517 (44.8%)	Phobias and Panic Attacks	69 (6.0%)
PTSD- Post Traumatic Stress Disorder.	186 (16.1%)	Stress/ Anxiety	612 (53.0%)
Bipolar Disorder	18 (1.6%)	Self-Mutilation	86 (7.4%)
Passive Suicidal Ideation	97 (8.4%)	Hopelessness Or Desperation for The Future	438 (37.9%)
Active Suicide Attempts	20 (1.7%)	Humiliation	56 (4.8%)
Sleeping Difficulties	451 (39.0%)	Negative Attitude	301 (26.1%)
Eating Disorder	121 (10.5%)	Lack of Obedience	208 (18.0%)
Somatic Complaints	143 (12.4%)	Short Temper and Violence	510 (44.2%)
Drug/ Alcohol Use (In Past Month)	193 (16.7%)		

Source: Field Survey

Ecological Background wise Level of Psychological (Mental Health) Impact of Human Trafficking on Victims is being shown in Table 4.34. The value of chi-square indicates that the Ecological Background has significant relation with Level of Psychological (Mental Health) Impact of Human Trafficking on Victims.

Table 4.34
Ecological Background wise Level of Psychological (Mental Health) Impact of Human Trafficking

Ecological Background	Level of Psychological (Mental Health) Impact of Human Trafficking			Total
	Low	Medium	High	
Metropolitan City	35	101	13	149
	23.5%	67.8%	8.7%	100%
Rural	187	460	67	714
	26.2%	64.4%	9.4%	100%
Semi-Urban	38	50	9	97
	39.2%	51.5%	9.3%	100%
Urban	34	152	9	195
	17.4%	77.9%	4.6%	100%
Total	294	763	98	1155
	25.5%	66.1%	8.5%	100%
Chi-Square Tests	24.302**			

** indicating value is significant at 1% level of significance

Age of victims wise Level of Psychological (Mental Health) Impact of Human Trafficking on victims is being shown in Table 4.35. The value of chi-square indicates that the age of victims has no relation with Level of Psychological (Mental Health) Impact of Human Trafficking on victims.

Table 4.35
Age of victims wise Level of Psychological (Mental Health) Impact of Human Trafficking on victims

Age of Victims	Level of Psychological (Mental Health) Impact of Human Trafficking			Total
	Low	Medium	High	
Less than 10 Years	5	24	0	29
	17.2%	82.8%	0.0%	100%
10-14 Years	24	94	11	129
	18.6%	72.9%	8.5%	100%
14-16 Years	35	109	20	164
	21.3%	66.5%	12.2%	100%
16-18 Years	46	111	18	175
	26.3%	63.4%	10.3%	100%
18-25 Years	72	163	25	260
	27.7%	62.7%	9.6%	100%
25-30 Years	47	93	8	148
	31.8%	62.8%	5.4%	100%
30-35 Years	40	90	11	141
	28.4%	63.8%	7.8%	100%
35-40 Years	25	79	5	109
	22.9%	72.5%	4.6%	100%
Total	294	763	98	1155
	25.5%	66.1%	8.5%	100%
Chi-Square Tests	21.494 ^{NS}			

NS- indicating value is not significant at desired level of significance

It might be difficult to provide culturally appropriate and trauma-informed mental health therapy. Some of the most commonly stated impediments and challenges to assisting trauma victims include:

- There is a scarcity of competent mental health services and access to them.
- Developing trustworthy relationships with survivors is difficult.
- When engaging with victims, mandated therapeutic initiatives may be detrimental. This is especially important in places where the only way to get mental health help is to be locked up in a treatment facility.
- Trauma, recognised mental health disorders, and substance misuse or addiction all occur together.
- Polyvictimization has a long history among victims.
- Victims are not permitted to label their experience as abusive or to attempt to flee.
- Cultural and linguistic difficulties, as well as separation from one's family.

Aside from the difficulties mentioned above, it's also vital to remember that some victims may be uncomfortable with their sexuality as a result of such trauma. Same-sex interactions may be an option for those who have been subjected to severe exploitation. Service providers must be informed, prepared, and at ease when assisting victims through this process, as disassociating

from one's birth gender can be a coping technique for victims dealing with traumatic experiences. It is critical to first guarantee basic safety and service needs in order to effectively treat the mental health needs of survivors of human trafficking. When working with trafficking victims who have experienced trauma, physical and psychological safety must be established. This necessitates collaborating with individuals involved in the case to assess current client safety needs and plan ahead of time. In order to address numerous requirements, task force members participating in a case should be able to work across systems of care. It's critical that professionals dealing with victims have access to a variety of trauma-specific interventions, including well-trained clinicians who are willing and culturally competent to engage with victims. Polyvictimization can be treated in a variety of ways, including educational support groups that focus on skill development, interpersonal connections, and competence and resiliency.

Many victim support providers use art and music therapy to assist survivors relate physical symptoms to mental health, which has been shown to be effective in rehabilitation programmes. It's also crucial to think about the client's cultural background and how it influences resiliency and the experience of receiving mental health care, especially in the case of victims who are foreign nationals. The importance of culture and community bonds in survivor reintegration and healthy relationships may be overlooked in Western-centered psychotherapy treatment. The therapy privilege does not apply in group settings, thus social workers should be cautious about victim disclosure about components of the trafficking experience. A peer-support approach is a viable alternative to clinical mental health care. Victims can benefit greatly from peer-to-peer therapy and mentoring from survivors who are now working in victim services. Peers who understand and have experienced comparable suffering and abuse in a nonjudgmental, empathic manner are frequently more comfortable with victims. It's also a means to assist survivors in reclaiming their identity and overcoming feelings of loneliness.

Table 4.36 shows the emotional impact of human trafficking on victims. Human trafficking can have a variety of acute and long-term psychological consequences. Maladaptive behaviours, mental health issues, and substance abuse are all possible outcomes of these consequences. Understanding the complexities of this crime and offering proper support requires knowing what the individual impacts are and how they affect a victim. Human trafficking has an emotional impact that includes depression, lack of self-compassion, suspicion of others, anxiety, impatience, low self-esteem, emotional instability, irritation, shame, and guilt.

Survivors of violent exploitation may develop a distrust of care-giving individuals and systems, which might obstruct service delivery. Sex trafficking wreaks havoc on caregiving by sabotaging the victim's sense of trust and security. Victims rely on their traffickers for food and shelter, but in order to achieve these necessities, victims must work, which often involves sexual violence and coercion. As a result, the hand that feeds, shelters, and promises a way to safety is also the hand that leads to harm and persecution. This extreme disruption of attachment connections can have a profound impact on survivors, impacting their sense of self and their ability to escape exploitative settings, rehabilitate emotionally, and engage with resources. Survivors describe feeling helpless and despondent after times of imposed seclusion, loss of autonomy, and forced servitude, as well as struggle to feel competent with life skills, ashamed of their prior victimisation, and resentful over missed schooling and job training. In their personal search for identity and significance, many people feel lost. It might be tough to manage uncomfortable emotions and interpersonal interactions. Overall, sex trafficking has far-reaching, profound, and often poorly understood consequences. Signs and symptoms of psychological distress can also exist outside

of diagnostic categories, manifesting themselves in distressing cultural idioms (Table 4.36).

Table: 4.36
Emotional Impact of Human Trafficking

Name of Effects	Respondents	Name of Effects	Respondents
Very Low Self Esteem	335 (29.0%)	Depression	591 (51.2%)
Impatience/Short Temper	489 (42.3%)	Anxiety	549 (47.5%)
Irritability	436 (37.7%)	Suicidal Ideation	154 (13.3%)
Distrust Towards Others	581 (50.3%)	Feelings Of Isolation	312 (27.0%)
Lack Of Self-Confidence	614 (53.2%)	Shame And Guilt	332 (28.7%)
Emotional Instability	338 (29.3%)		

Source: Field Survey

Ecological Background wise Level of Emotional Impact of Human Trafficking on Victims has been shown in Table 4.37. The value of chi-square indicates that the Ecological Background has a significant relation with the Level of Emotional Impact of Human Trafficking on Victims.

Table 4.37
Ecological Background wise Level of Emotional Impact of Human Trafficking

Ecological Background	Level of Emotional Impact of Human Trafficking			Total
	Low	Medium	High	
Metropolitan City	36	107	6	149
	24.2%	71.8%	4.0%	100%
Rural	107	572	35	714
	15.0%	80.1%	4.9%	100%
Semi-Urban	33	57	7	97
	34.0%	58.8%	7.2%	100%
Urban	24	162	9	195
	12.3%	83.1%	4.6%	100%
Total	200	898	57	1155
	17.3%	77.7%	4.9%	100%
Chi-Square Tests	32.438**			

** indicating value is significant at 1% level of significance

Age of Victims wise Level of Emotional Impact of Human Trafficking on Victims is being shown in Table 4.38. The value of the chi-square indicates that the Age of Victims has a significant relation with Level of Emotional Impact of Human Trafficking on Victims.

Table 4.38
Age of Victims wise Level of Emotional Impact of Human Trafficking on Victims

Age of Victims	Level of Emotional Impact of Human Trafficking			Total
	Low	Medium	High	
Less than 10 Years	2	27	0	29
	6.9%	93.1%	0.0%	100%
10-14 Years	17	107	5	129
	13.2%	82.9%	3.9%	100%
14-16 Years	21	137	6	164
	12.8%	83.5%	3.7%	100%

16-18 Years	30	134	11	175
	17.1%	76.6%	6.3%	100%
18-25 Years	55	188	17	260
	21.2%	72.3%	6.5%	100%
25-30 Years	29	116	3	148
	19.6%	78.4%	2.0%	100%
30-35 Years	33	100	8	141
	23.4%	70.9%	5.7%	100%
35-40 Years	13	89	7	109
	11.9%	81.7%	6.4%	100%
Total	200	898	57	1155
	17.3%	77.7%	4.9%	100%
Chi-Square Tests	24.095*			

* Indicating value is significant at 5% level of significance

Long-term physical and mental abuse has a deleterious impact on victims' behaviour, affecting both physical and emotional responses. Because trafficked people are typically subjected to significant forms of trauma over extended periods of time, their ability to comprehend what has occurred to them and to recount their experiences is severely harmed. It can be difficult for victims to make personal sense of the abuse they have suffered, let alone describe it to authorities. They're much less able to recognize what kind of assistance they could require as a result of the abuse. They may be hesitant to reveal facts, give incorrect information, be angry, rude, and aggressive toward others, including supporters. They could appear grumpy, uncooperative, or ungrateful. As a result, individuals may not be identified as criminals, exacerbating the injustice they have suffered. Failure to identify a person as a victim of human trafficking frequently leads in expulsion from the transit or destination country, with no access to legal, medical, or social services. Individuals' behaviour, on the other hand, may persist for years. Victims may be too traumatized to fully participate in programmes, make decisions, express preferences, or accept assistance. Victims' capacity to participate in programmes designed to help them will be harmed if their physical health issues and chronic pain are not addressed.

Social withdrawal, poor communication skills, inability to express feelings, difficulty with adjustment, lack of motivation and aggression, sexual activeness, nightmares, inability to make friendship and frightened of adults and strangers were some of the behavioural impacts of human trafficking (Table 4.39).

Table 4.39
Behavioral Impact of Human Trafficking

Nature of Effects	Respondents	Nature of Effects	Respondents
Inability to Express Feelings	406 (35.2%)	Difficulty With Sleeping / Nightmares	334 (28.9%)
Poor Communication Skills	499 (43.2%)	Difficulty with Adjustment	403 (34.9%)
Inability to Make Friendship	294 (25.5%)	Tendency of Suicide	165 (14.3%)
Frightened of Adults and Strangers	210 (18.2%)	Social Withdrawal	536 (46.4%)
Addiction to Drugs and Substances	139 (12.0%)	Lack of Motivation and Aggression	450 (39.0%)
Sexual Activeness	328 (28.4%)		

Source: Field Survey

Ecological Background wise Level of Behavioral Impact of Human Trafficking on Victims has been shown in Table 4.40. The value of chi-square indicates that the Ecological Background has no relation with Level of Behavioral Impact of Human Trafficking on Victims.

Table 4.40
Ecological Background wise Level of Behavioral Impact of Human Trafficking

Ecological Background	Level of Behavioral Impact of Human Trafficking			Total
	Low	Medium	High	
Metropolitan City	74	71	4	149
	49.7%	47.7%	2.7%	100%
Rural	264	413	37	714
	37.0%	57.8%	5.2%	100%
Semi-Urban	39	54	4	97
	40.2%	55.7%	4.1%	100%
Urban	69	120	6	195
	35.4%	61.5%	3.1%	100%
Total	446	658	51	1155
	38.6%	57.0%	4.4%	100%
Chi-Square Tests	11.680 ^{NS}			

NS indicating value is not significant at the desired level of significance

Age of Victims wise Level of Behavioral Impact of Human Trafficking on Victims is being shown in Table 4.41. The value of chi-square indicates that the Age of Victims has significant relation with Level of Behavioral Impact of Human Trafficking on Victims.

Table 4.41
Age of Victims wise Level of Behavioral Impact of Human Trafficking on Victims

Age of Victims	Level of Behavioral Impact of Human Trafficking			Total
	Low	Medium	High	
Less than 10 Years	12	17	0	29
	41.4%	58.6%	0.0%	100%
10-14 Years	44	81	4	129
	34.1%	62.8%	3.1%	100%
14-16 Years	45	112	7	164
	27.4%	68.3%	4.3%	100%
16-18 Years	55	106	14	175
	31.4%	60.6%	8.0%	100%
18-25 Years	113	139	8	260
	43.5%	53.5%	3.1%	100%
25-30 Years	64	79	5	148
	43.2%	53.4%	3.4%	100%
30-35 Years	66	65	10	141
	46.8%	46.1%	7.1%	100%
35-40 Years	47	59	3	109
	43.1%	54.1%	2.8%	100%

Total	446	658	51	1155
	38.6%	57.0%	4.4%	100%
Chi-Square Tests	33.926**			

** indicating value is significant at 1% level of significance

To address the various components of trafficking, the central and state governments have developed legislation and programs/schemes to combat all forms of trafficking. In all of its efforts to construct an integrated response to prevent and combat trafficking, the government has established strong links and partnerships with a variety of stakeholders, including civil society, NGOs, corporate sector, international organisations, and others. The Central Government has implemented a variety of programmes to safeguard vulnerable people, particularly women and children, from human trafficking and to give economic and social empowerment to them. In addition, the government has developed a number of anti-trafficking legal procedures to tackle the problem.

We attempted to assess the level of awareness among the rescued victims (815) of the various schemes/prohgramme being implemented by Central or State Agencies, as well as whether or not they have benefited from these schemes. Table 4.43 shows the level of awareness and benefits received by victims or their families. The degree of awareness regarding schemes and programmes among trafficking victims was observed to be very poor, with only a small percentage of respondents knowing about Beti Bachao, Beti Padao, Swadhar Greh, Ujjawala, child line, and children homes. A small percentage of respondents also said they receive benefits from the Ujjawala, Swadhar, compensation for sexual exploitation, and children's homes schemes. The rescued victims who were educated were found to be more aware of government initiatives and programmes. Similarly, when compared to illiterate and low-educated victims, educated respondents received a higher degree of benefits under government schemes and programmes.

Table 4.42 clearly depicts that only 3.6% respondents were aware about Compensation Scheme for Women Victims/Survivor of Sexual Assault/other crime-2018 and only 2.6% respondents got benefitted from the Scheme. The Victim Compensation Scheme established under 357-A Cr.Pc. by National Legal Services Authorities are not reaching the trafficked victims. In the last seven years, between 2012 and 2019, across India, not even 100 victims of human trafficking have been awarded compensation. Out of total 100 applications, only 30 survivors received compensation amount. In 19 States, out of the total fund allocation of Rs 544.53 crore for victim compensation, only 128.27 crore has been utilized and 75 per cent of the funds remain unutilized. Less than 1% of the survivors rescued from trafficking over 10 years (2009 to 2019) were compensated. (*Source*: RTI filed by Sanjog, Kolkatta).

Table 4.42
Awareness and Benefits availed in different Schemes & Programme

Name of Scheme/Programme	Aware Respondents	Benefitted Respondents
Beti Bachao Beti Padhao Scheme	126 (10.9%)	19 (1.6%)
Women Helpline Scheme	42 (3.6%)	4 (0.3%)
One Stop Centre Scheme	37 (3.2%)	9 (0.8%)
Mahila police Volunteers	41 (3.5%)	15 (1.3%)
Working Women Hostel Scheme	25 (2.2%)	1 (0.1%)

SWADHAR Greh (A Scheme for Women in Difficult Circumstances)	52 (4.5%)	37 (3.2%)
UJJAWALA: P&R Homes	48 (4.2%)	39 (3.4%)
Support to Training and Employment Programme for Women (STEP)	7 (0.6%)	2 (0.2%)
NIRBHAYA	18 (1.6%)	-
Kishori Shakti Yojana	5 (0.4%)	1 (0.1%)
Family Counseling Centre Scheme	9 (0.8%)	6 (0.5%)
Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes – 2018	42 (3.6%)	34 (2.9%)
Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	12 (1.0%)	7 (0.6%)
The Protection of Women from Domestic Violence Act, 2005	16 (1.4%)	4 (0.3%)
Immoral Traffic Prevention Act 1956	6 (0.5%)	3 (0.3%)
Adolescent Girls Scheme	5 (0.4%)	2 (0.2%)
National Crech Scheme	4 (0.3%)	-
Sexual Offences (POCSO) Act, 2012-The Protection of Children from Sexual Offences (Amendment) Act, 2019	20 (1.7%)	13 (1.1%)
Rashtriya Bal Kosh (National Children's Fund)	4 (0.3%)	1 (0.1%)
Right of Children to Free and Compulsory Education Act 2009	24 (2.1%)	16 (1.4%)
Education and Vocational Training in Observation Homes	16 (1.4%)	13 (1.1%)
Child Line Scheme	38 (3.3%)	19 (1.6%)
Children Homes, CCIs	38 (3.3%)	28 (2.4%)
The Juvenile Justice (Care and Protection of Children) Act, 2015	7 (0.6%)	3 (0.3%)
Child Care Institutions (CCIs under JJ Act 2015)	9 (0.8%)	2 (0.2%)
Prohibition of Child Marriage Act, 2006	8 (0.7%)	-
The Child Labour (Prohibition and Regulation) Act 1986 (CLPRA)	6 (0.5%)	3 (0.3%)
Bonded Labour System (Abolition) Act, 1976	3 (0.3%)	-
Integrated Child Protection Scheme (ICPS)	11 (1.0%)	2 (0.2%)

Source: Field Survey

The education-wise awareness score analysis and correlation analysis of Victims have been presented in Table 4.43. The awareness about various developmental schemes of the victims has been found quite low i.e., 10 per cent and below for all levels of education. However, in the case of whether they benefitted from the scheme has also found a quite low percentage (below 5 per cent). The quite low percentage shows that most of the victims are not educated. The correlation coefficients have been found positive and significant between the education level of victims and other variables under study. It can be concluded that the awareness and beneficiaries could be increased if the education level is increased.

Table 4.43
Correlation Between Level of Education of Victims Vs Awareness about various developmental schemes and the whether they benefitted from the scheme

Educational Level	Awareness obtained score about different Schemes-Whether Aware	Percentage of Awareness score about different Schemes-Whether Aware from total possible score	Awareness obtained score about different Schemes-Whether benefitted	Percentage of Awareness score about different Schemes-Whether benefitted from total possible score	Total possible score
Illiterate	69	0.74	35	0.37	9338
Primary	177	1.99	88	0.99	8903
Middle School	160	1.64	64	0.65	9773
High School	148	3.59	48	1.17	4118
Intermediate	93	10.02	46	4.96	928
Graduate	31	9.72	2	0.63	319
Postgraduate	1	0.86	0	0.00	116
Total	679	2.03	283	0.84	33495
Correlation	0.198**		0.142**		

** values are indicating significant at 1% level of significance

The Ecological Background-wise awareness score analysis and correlation analysis of Victims have been presented in Table 4.44. The awareness about various developmental schemes of the victims has been found quite low i.e., below 3 per cent for all ecological background. However, in the case of whether they benefitted from the scheme has also found a quite low percentage (below 2 per cent). The quite low percentage shows that most of the victims were found from rural background. The correlation coefficients have been found negative and significant between the ecological background of victims and other variables under study. It can be concluded that the awareness amongst beneficiaries could be increased if the stakeholder will conduct awareness programme regularly.

Table 4.44
Correlation Between Ecological Background of Victims Vs Awareness about various developmental schemes and the whether they benefitted from the scheme

Ecological Background	Awareness about different Schemes-Whether Aware	Percentage of Awareness score about different Schemes-Whether Aware	Awareness about different Schemes-Whether benefitted	Percentage of Awareness score about different Schemes-Whether benefitted	Total possible score
Metropolitan City	64	1.48	21	0.49	4321
Rural	516	2.49	220	1.06	20706
Semi-Urban	71	2.52	38	1.35	2813
Urban	28	0.50	4	0.07	5655
Total	679	2.03	283	0.84	33495
Correlation	-0.067**		-0.068**		

* Values are indicating significant at 5% level of significance

About 28 per cent victims were minor and therefore, they could not opt for employment while about 12 per cent could not persuade employment. Thus, others were persuaded in self-employment, wage employment, domestic help, volunteers and other economic activities (Table 4.45).

Table 4.45
Feedback on Employment Options Pursued by Rescued Victims

Employment Persuaded	Respondents
Homes Guards	1 (0.1%)
Volunteers	33 (2.9%)
Domestic Helpers/cook	51 (4.4%)
Wage Employment	26 (2.3%)
Self-Employment	102 (8.8%)
Others	140 (12.1%)
NA as Victims was below 14 Years	323 (28%)
Not Persuaded	139 (12.1%)
Total	815 (70.6%)

Source: Field Survey

About a third of those interviewed said their families are unwilling to take them back. However, nearly two-thirds of respondents were willing to return to main stream after the trafficking was over. A little more than a third of those polled also said they try to flee from a human trafficking location. Approximately 80% of the rescued victims said their family are eager to accept them back. However, just around a third of sex workers said their families are eager to take them back into their homes. Similarly, the majority of rescued victims were willing to reintegrate into society, compared to only 1/3 of sex workers who were willing to reintegrate into society after being released from trafficking. (Table 4.46).

Table 4.46
Aspirations of Respondents

Respondents	Rescued Victims		Sex Workers		Total	
Responses	Yes	No	Yes	No	Yes	No
Are your families unwilling to accept you backing in to respective homes	164 (20.1%)	651 (79.9%)	233 (68.5%)	107 (31.5%)	397 (34.4%)	758 (65.6%)
Are you willing to joining the main stream at the exit of the trafficking trade	634 (77.8%)	181 (22.8%)	115 (33.8%)	225 (66.2%)	749 (64.8%)	406 (35.2%)
Total	815 (100%)		340 (100%)		1155 (100%)	

Source: Field Survey

More than 2/5 of rescued victims attempted to flee the trafficking destination, compared to 6% of sex workers who seek to flee the trafficking destination (Table 4.47).

Table 4.47
Have you ever escaped or tried to escape from Trafficking Destinations?

Category of Respondent	Yes	No	Total
Rescued Victims	333 (40.9%)	482 (59.1%)	815 (100%)
Sex Workers	21 (6.2%)	319 (93.8%)	340 (100%)
Total	354 (30.6%)	801 (69.4%)	1155 (100%)

Source: Field Survey

PROFILE AND PERCEPTION OF THE SEX WORKERS:

A prostitute has the same right to life as everyone else under Article 21. In the case of *Budhadev Karmaskar v State of West Bengal*, this was explained. It said that sex workers are human beings who have the right to live and that no one has the right to abuse or murder them. The judgement also highlighted the plight of sex workers, empathizing that these women are forced to engage in prostitution not for pleasure, but because of abject poverty, and directed the federal and state governments to open rehabilitation centres and teach technical and vocational skills such as sewing so that they can find alternative sources of income. The Immoral Traffic (Prevention) Act has integrated Section 21 as a regulation for state governments to build and operate protective houses, which should be regulated by licences issued by them, in accordance with the directive. A competent authority should be chosen to conduct an inquiry into the application for a protection house licence. These licences are non-transferable and only good for the time period mentioned. By virtue of Section 23 of the Act, the government has the authority to adopt ancillary rules for the licencing, management, and maintenance of protection houses, as well as other concerns. Prostitutes are generally categorized according to their 'modus operandi,' which are as follows:

- **Brothel Prostitutes:** Their business is conducted in a brothel operated by a former prostitute. Prostitutes are paid a commission for their sexual services.
- **Call Girl Prostitutes:** These prostitutes usually operate independently of her. She may be available to customers directly or through middlemen.
- **Street Prostitutes:** This type of prostitute solicits customers on the streets and takes them to a location where they will be assigned.
- **Other Types:** Clandestine forms of prostitution are also found in bare, massage parlors, amusement centers, dance clubs etc.

According to research conducted by Havocscope, there are roughly 13,828,700 people participating in prostitution worldwide (Havocscope, 2015). In the last 150 years, several researchers have focused their efforts on highlighting the causes of prostitution (Benjamin et al. 1964; Bullough et al. 1978). Hughes identifies four factors that lead to women becoming prostitutes (Hughes 2004). The first reason is because men are sexually demanding. The second reason is that various agencies, such as brothel owners, traffickers, pimps, and organized crime groups, recruit women. The failure of state measures and the legalization of prostitution are the third and most critical reasons. The fourth factor for women turning to prostitution, according to Hughes, is societal impact. He goes into great detail about the media's involvement in promoting prostitution as a way to get quick money.

It is important to note that while there is no particular restriction against prostitution, there is a prohibition against trafficking in persons. In reality, in the case of *Gaurav Jain v Union of India*, the Supreme Court used its extra-ordinary writ jurisdiction making powers under Article 145 and Article 142 to lay out a comprehensive plan to rescue and rehabilitate victims of sexual exploitation (AIR 1997 SC 3021). When asked whether the profession they were performing was legal or illegal, the majority of CSWs did not understand the implications of the issue or had any knowledge of the law, even if it was just rudimentary. They were afraid of the law enforcement authorities, but they also said the police aided them, and 66% of the ladies said they were satisfied with the police's behaviour. When asked if they wanted the profession to be legalized or not, almost 79 percent replied yes, although it's unclear whether they really comprehended the implications. There is no clear and specific definition of "prostitute" under the Act. Section 2

(f) defines prostitution as “the sexual exploitation or abuse of persons for commercial objectives, and the phrase “prostitute” should be understood accordingly.” People should not be sexually exploited or abused for commercial objectives, according to Section 2 (f) of the Act. As a result, there must be a commercial motive, which entails a customer’s offer of money and acceptance of the same by the person who sells her body in exchange for consideration.

Despite the fact that prostitution is illegal in India, the country still has Asia’s largest red-light areas including Kamathipura in Mumbai and Sonaganchi in Kolkata (Menen, 2007; Karandikar et al., 2008), as well as other red-light localities like G.B. Road in Delhi, Budhwar Peth in Pune, Meergunj in Allahabad, and Chaturbhujsthan in Muzaffarpur, among others. Because the number of prostitutes engaging in prostitution vary year to year, the prevalence of prostitution cannot be precisely estimated. UNAIDS estimate there were 657,829 prostitutes in the country as of 2016. Other unofficial estimates have calculated India has roughly 3–10 million prostitutes. The government recognized 5532 girls as trafficking victims, according to the NCRB study (Trafficking in Persons Report: India, 2018). According to the Ministry of Women and Child Development, nearly 40% of the country’s three million prostitutes are youngsters (Karandikar et al., 2013). Children are trafficked through well-organized networks with the sole goal of selling them to brothel owners. Human trafficking is becoming more common by the day, with kids accounting for roughly 60% of all victims (Sen et al., 2004). In her studies, Pandey stated that child trafficking for sex work is a symptom of larger socioeconomic issues (Pandey, 2018). According to another study by Sithannan, certain communities who practice institutional prostitution, such as the Bedia, Benchara, and Rajnat, have been actively partaking in sex work since the ancient past until now (Sithannan, 2006). Prostitution has been highlighted as a convenient familial activity among the Bedias (Agrawal, 2008; Agrawal, 2018; Pandey, 2010; Ray, 2008; Sen et al., 2004), but it deprives them of respectability and social position. The Bedia community’s queerness comes from the fact that they train their females to be prostitutes themselves. Prostitution is traditionally required of the elder daughter. Institutions such as family, marriage, and kinship are governed by community structures and guidelines. Pathariya, Mehar, Maneriya, Rahatpur, Banda, Gadakota, Madwara, Bamuriya, Karyiya Fataka, Fatehpur, Habla, and other villages in the Sagar district are populated by Bedia people.

Voluntarism in Prostitution in India

In India, prostitution is prohibited, but millions of unlucky girls are forced into it. Poor and illiterate women are increasingly participating in sex labour, according to research by India’s Population Council. It is discovered that only 1–5% of women sex workers in Andhra Pradesh were trafficked into the industry; the rest chose it voluntarily owing to poverty and debt, which was caused by familial or spousal death, divorce, separation, or a spouse’s chronic sickness (Population Council, 2008).

However, an increasing number of women are voluntarily trading in their bodies just for luxury life styles. The same has been also reported in the study conducted by K K Mukherjee and Sutapa Mukherjee on behalf of the central government by the Gram Niyojan Kendra in Ghaziabad. According to the article, many young guys seek sex for pleasure and fun. Group sex is also becoming more popular. (Mukherjee, K. K. and S. S. Mukherjee. 2004. Girls/Women in Prostitution in India. A National Study. Ghaziabad: Gram Niyojan). Yes, we’re discussing high-end escorts/Call Girls.

Case Study-1: Meet Priya Singh (name changed), a 24-year-old student at one of Delhi’s most

prominent colleges. She has already found her 'ideal' career, with flexible hours and good pay, even before she has finished her education. "I come from a middle-class family in north India, and I can't afford to live a nice lifestyle without working." "I use my leisure time to get money," Priya explains as she proudly displays a new cell phone she recently purchased. We live in a culture where people are judged based on their occupation. A doctor or engineer can be seen as a highly recognized career, whereas a painter or a dancer might not be so much. A female who stays at home all day may be thought of as a 'ideal' woman, but a girl who returns home late may cause discussion and suspicion in the neighborhood. Let's not even get into the debate over what society would think of a girl who chooses to be a prostitute! Priya is one of those high-priced prostitutes who chose to work in this industry and have no regrets. "You sell your brain, we sell our bodies," says the narrator. What's the big deal? Our society, I believe, is still quite judgmental. It's fine if a boy and a girl go on a blind date and end up having sex. However, if the guy pays the girl for sex, it is unethical, according to Priya. Priya believes that no other career would have given her such exposure with a clientele that includes businessmen, engineers, lawyers, doctors, architects, and others from educational backgrounds. She recently went on an all-expenses-paid vacation to Switzerland with one of her customers, who introduced her as his girlfriend at his college reunion there. She considers her job to be far more than simply having sex. "I should be able to carry on a decent discourse about practically any subject." Many men find a lady who is well-read attractive. "Of course, I spend a large amount of money every month to stay in shape and take care of my skin," says Priya, adding, "And of course, I need to be proficient in English and grasp something as fundamental as table etiquettes." My clients usually give me clothes and make-up."

Majority of the respondents were from the age group of 16 years and above. However, more than 1/4th respondents were less than 16 years. More than 2/5th respondents revealed that they were in sex trade for more than 7 years. However, about 18 per cent sex workers were in sex trade for less than 4 years, Tenure refers to number of years in sex industry since the entry (Table 4.48).

Table 4.48
Entry age of CSWs in Sex Trade and their Tenure in Sex Trade

Entry age of CSWs in Sex Trade	Respondents	Tenure of CSWs in Sex Trade	Respondents
0-10 Years	9 (2.65%)	Less Than 1 Year	1 (0.29%)
10-14 Years	24 (7.06%)	1 Year	2 (0.58%)
14-16 Years	54 (15.88%)	1-2 Years	16 (4.71%)
16-18 Years	96 (28.24%)	3-4 Years	43 (12.65%)
18-25 Years	110 (32.35%)	4-5 Years	37 (10.88%)
25-30 Years	41 (12.06%)	5-6 Years	40 (11.76%)
More Than 30 Years	6 (1.77%)	6-7 Years	54 (15.88%)
Total	340 (100%)	7 Years & Above	147 (43.23%)

Source: Field Survey

Lack of support, not accepting as victim, supporting families, fear of going back to home, better living and lack of trust in the system were some of the main reasons for being in sex profession for a long time. About 34 per cent sex workers revealed that they moved to different locations to engage in commercial sex profession. However, majority of them accepted that their families are not aware of their profession (Table 4.49).

Table 4.49
Reasons for Being in Sex Profession for A Long Tenure

Reasons For Tenure	Frequency
Fear of Going Back to Home	68 (20%)
Lack of Trust in The System	42 (12.35%)
Isolation/ No Support	123 (36.17%)
Don't Recognize Self as a Victim	108 (31.76%)
Fear of Violence Against Self or Family	19 (5.58%)
Shame / Embarrassment	14 (4.11%)
Traditional Occupation	9 (2.64%)
To Support Family	70 (20.58%)
Better Living	64 (18.82%)
Others	2 (0.58%)

Source: Field Survey

Less than 10 per cent respondents reported that they were lured/ pressurized to engage in sex during childhood. They were lured/pressurized mainly by relatives, neighbors and strangers for money and relationship (Table 4.50).

Table 4.50
Have you ever been lured/ pressurized to engage In Sex during Childhood?

Responses	Respondents	If Yes, Then Lured/ Pressurized by	Respondents
Yes	32 (9.41%)	Neighbor	9 (28.12%)
No	301 (88.52%)	Peer	3 (9.32%)
Refused/No Response	7 (2.05%)	Relative	10 (31.25%)
Total	340 (100%)	Pimp	4 (12.5%)
For What You Were Lured/ Pressurized		Stranger	5 (15.62%)
Money	11 (34.37%)	Others	1 (3.12%)
Gift	6 (18.75%)	Total	32 (100%)
Relationship	10 (31.25%)		
Others	5 (15.62%)		
Total	32 (100%)		

Source: Field Survey

Type of clients and frequency of their visits to brothels is shown in Table 4.51. "Prostitutes are offering concessions to student clients," said K K Mukherjee and Sutapa Mukherjee in a study conducted on behalf of the central government by the Gram Niyojan Kendra in Ghaziabad. According to the article, many young guys seek sex for pleasure and fun. Group sex is also becoming more popular. Regular clients to brothels, according to more than half of the respondents, are mostly from the working-class labourers, drivers, businessmen/rich people, and criminals. Client visits were said to be frequent for doctors, teachers, lawyers, foreigners, police / army officers, and the working class, including labourers, drivers, and others.

Table 4.51
Type of Clients and Frequency of Their Visits to Brothels

Type	Regularly	Occasionally	Never	Total
Students	133	85	122	340
	39.11%	25.0%	35.88%	100%
Working Class-Labourers, Drivers Etc.	220	118	2	340
	64.70%	34.70%	0.58%	100%
Doctors, Teachers, Lawyers	95	156	89	340
	27.94%	45.88%	26.17%	100%
Businessmen/Rich People	216	68	56	340
	63.52%	20%	16.47%	100%
Police/ Army Personnel	129	109	102	340
	37.94%	32.05%	30%	100%
Criminals/Bad Characters	173	83	84	340
	50.88%	24.41%	24.70%	100%
Foreigners	17	151	172	340
	5%	44.41%	50.58%	100%
Tourists	27	73	240	340
	7.94%	21.47%	70.58%	100%
Politicians	103	78	158	340
	30.29%	22.94%	46.47%	100%
New Visitors/Strangers	134	60	146	340
	39.41%	17.64%	42.94%	100%
Film Personalities	3	57	280	340
	0.88%	16.76%	82.35%	100%
Others	12	32	296	340
	3.52%	9.41%	87.05%	100%

Source: Field Survey

Majority of the respondents revealed that they also refused to serve to clients mainly urge for sex without using condoms, abnormal sex and use of alcohol and drug (Table 4.52).

Table 4.52
Refusal of Client to Serve

Response	Respondents	Reason For Refusal	
Yes	235 (69.17%)	Reason	Respondents
No	105 (30.88%)	Alcohol/ Drug Addict	57 (24.25%)
Total	340 (100%)	Sex Without Condom	205 (87.23%)
		Client Fee	111 (47.23%)
		Abnormal Sex	127 (54.04%)
		Others	5 (2.12%)
		Total	235 (100%)

Source: Field Survey

About 57 per cent respondents revealed that they get less than Rs. 500 per customer per

service. However, about 20 per cent respondents reported that they get more than Rs. 1000 and above per customer per service. More than half of them admitted that they have saving account in bank / post office in their name. About 58 per cent respondents admitted that they remit of their earnings to their families. However, remittance against total income was reported to be low (Table 4.53).

Table 4.53
Earnings of CSWs and their Financial Inclusions

Earnings of CSWs Per Customer Per One Services		Do You Have a Saving Account in any Bank/Post Office	
Earnings	Respondents	Response	Respondents
Below Rs. 500	193 (56.76%)	Yes	178 (52.35%)
Rs. 500-1000	79 (23.23%)	No	158 (46.47%)
Rs. 1000-2000	60 (17.64%)	Refused/ No Response	4 (1.17%)
Rs. 2000 and above	8 (2.35%)	Total	340 (100%)
Total	340 (100%)		

Source: Field Survey

Majority of the respondents had ID such as voter card and aadhar card. These IDs are in their possession. Majority of the respondents reported that they have basic amenities. About 18 per cent respondents reported that they were abused a part from prostitution earlier. More than 1/4th respondents reported that they faced harassment by police. However, about 17 per cent respondents admitted that they were arrested by police for soliciting clients. They were released from police custody mainly through bribing money, providing sex services and on bail (Table 4.54).

Table 4.54
Instances of Harassment of CSWs by Police

Ever Encountered/ Harassed by Police		Frequency of Harassment	
Responses	Respondents	Responses	Respondents
Yes	91 (26.76%)	Frequently	53 (58.24%)
No	247 (72.64%)	Occasionally	24 (26.37%)
Refused / No Response	2 (0.58%)	Rarely	14 (15.38%)
Total	340 (100%)	Total	91 (100%)
Ever Been Arrested by Police for Soliciting Clients		Mode of Release from Police Custody	
Responses	Respondents	Mode of Release	Respondents
Yes	59 (17.35%)	Bribing Money	39 (66.10%)
No	281 (82.64%)	Providing Sex Services	14 (23.72%)
Total	340 (100%)	On Bail	14 (23.72%)
		On Cash Penalty	7 (11.86%)
		Others	1 (1.69%)
		Total	59 (100%)

Source: Field Survey

Slightly more than 1/4th respondents revealed that they take drugs/alcohol daily. The main reasons for taking drugs / alcohol were reported to be physical relief, client's demand and as a way of life in brothel (Table 4.55).

Table 4.55
Use of Alcohol/Drugs by CSWs

Do You Use Drug/ Alcohol Daily		Frequency of Drug/ Alcohol Use	
Responses	Respondents	Responses	Respondents
Yes	92 (27.05%)	Rarely	30 (32.60%)
No	248 (72.94%)	Sometimes	41 (44.56%)
Total	340 (100%)	Most Times	17 (18.47%)
		Every Time Before Sex	4 (4.34%)
		Total	92 (100%)
Reason For Taking Alcohol/Drugs			
Reason		Respondents	
Client Demand		35 (38.04%)	
Physical Relief		40 (43.47%)	
Thrill/ Excitement		7 (7.60%)	
Brothel Way of Life		10 (10.86%)	
Total		92 (100%)	

Source: Field Survey

Most of the respondents admitted that they adopt safe sex behavior. However, a significant proportion of respondents reported that due to unwillingness on part of clients they do not use condoms (Table 4.56).

Table 4.56
Preference of Safe or Unsafe Sex by CSWs

Preference of Safe Sex or Unsafe Sex		If Safe Sex, How Often You Use Condom	
Responses	Respondents	Responses	Respondents
Safe Sex (With Condoms)	328 (96.47%)	All The Times	324 (94.29%)
Unsafe Sex (Non-Use of Condoms)	12 (3.52%)	Most Often	16 (4.70%)
Total	340 (100%)	Total	340 (100%)
If Not All the Times, Reasons for Not Using Condom All the Time			
Not Available		1 (6.25%)	
Client Unwilling		15 (93.75%)	
Total		16 (100%)	

Source: Field Survey

Most of the respondents were found aware of HIV / AIDS and STD. However, a negligible proportion of respondents were not aware of issues pertaining to protected sex, risk of HIV/ AIDS, STD infection (Table 4.57).

Table 4.57
Awareness of HIV/AIDS and STD amongst the CSWs

Have you heard about HIV/AIDS		Source of Your Information About HIV/AIDS	
Response	Respondents	Source	Respondents
Yes	335 (98.52%)	Mass Media	38 (11.34%)
No	5 (1.47%)	Co-Workers	60 (17.91%)

Total	340 (100%)	NGO Workers	316 (94.32%)
A Person with STD is Prone To HIV/AIDS		Others	21 (6.26%)
True	230 (68.65%)	Total	335 (100%)
False	1 (0.29%)	Condom Use Reduces the Risk of HIV/AIDS/STD Infections	
Don't Know	104 (31.04%)	Response	Respondents
Total	335 (100%)	True	324 (96.71%)
HIV Mainly Spreads Through Unprotected Sex		False	8 (2.38%)
True	332 (99.10%)	Partially True	2 (0.59%)
Partially True	2 (0.59%)	Don't Know	1 (0.29%)
Don't Know	1 (0.29%)	Total	335 (100%)
Total	335 (100%)		
Commercial Sex Workers Are Most Susceptible To HIV/ AIDS			
Response		Respondents	
True		294 (87.76%)	
False		15 (4.47%)	
Partially True		11 (3.28%)	
Don't Know		15 (4.47%)	
Total		335 (100%)	

Source: Field Survey

About 60 per cent respondents revealed that they had medical expenditure on major diseases. However, a large proportion of respondents admitted that they do not undergo on medical test such as STD, HIV / AIDS (Table 4.58).

Table 4.58
Feedback on Medical Tests

Period	General Test	HIV/AIDS Test	STD Test
Less Than One Month	109 (32.05%)	3 (0.88%)	0 (0.0%)
1-2 Months	31 (9.11%)	10 (2.94%)	7 (2.05%)
2-3 Months	90 (26.47%)	70 (20.58%)	38 (11.17%)
3 Months and Above	100 (29.41%)	176 (51.76%)	131 (38.52%)
No Response	10 (2.94%)	81 (23.82%)	164 (48.23%)
Total	340 (100%)	340 (100%)	340 (100%)

Source: Field Survey

Psychological manipulation, threat of physical violence and pleasure are some of the main habituation factors in sex profession (Table 4.59).

Table 4.59
How Do You Take Habituation Factors in Sex Profession?

Habituation Factors	Respondents
Due to Threat of Physical Violence	49 (14.41%)
Threat Of Torture	12 (3.52%)
Forced Drug Use	6 (1.76%)

Psychological Manipulation	267 (78.52%)
Pleasure	25 (7.35%)

Source: Field Survey

Most of the respondents had mobile handset and about 36 per cent respondents reported that they possess smart phone. About 1/3rd respondents further reported that they have their account in social networking sites such as WhatsApp, Facebook and Youtube. The main reasons for using social networking sites were reported to be maintaining client relationship, finding new clients and maintaining profile (Table 4.60).

Table 4.60
Possessing of Mobile Handset and Use of Social Networking Sites

Do you possess Mobile Handset		What is Most Commonly Used Site Social Networking site by you	
Response	Respondents	Response	Respondents
Yes Basic	205 (60.29%)	Facebook	55 (16.17%)
Yes Smart	123 (36.17%)	What’s App	115 (33.82%)
No	12 (3.52%)	Youtube	18 (5.29%)
Total	340 (100%)	Instagram	3 (0.88%)
Do You Use Any Social Networking Site		Snapchat	3 (0.88%)
Yes	117 (24.41 %)	Total	117 (100%)
No	223 (65.58%)		
Total	340 (100%)		
Reason For Using Social Networking Sites			
Maintain Client Relationship		81 (69.23%)	
Find New Clients		27 (23.07%)	
Present Profile		15 (12.82%)	
Others		29 (24.78%)	
Total		117 (100%)	

Source: Field Survey

About 60 per cent respondents are willing to exit from the profession. Most of the respondents reported that they do not want that their children follow their mother's profession. However, majority of them require the support such as livelihood and accommodation, alternative livelihood and safe and secure place to live in order to exit from the current profession (Table 4.61).

Table 4.61
Aspirations of CSWs

Do You Wish to Exit from This Profession		What Support Do You Need to Exit from This Profession	
Response	Respondents	Response	Respondents
Yes	200 (58.82%)	Alternative Livelihood	184 (54.11%)
No	104 (30.58%)	Livelihood and House to Stay	216 (63.52%)
Already Left	2 (0.58%)	Safe and Secure Place to Live	83 (24.41%)
Refused/ No Response	34 (10%)	Others	13 (3.82%)
Total	340 (100%)		

Whether You Want Your Children to your Profession	
Yes	4 (1.17%)
No	336 (98.82%)
Total	340 (100%0

Source: Field Survey

Due to a lack of education and job skills, sex workers are forced to rely on the flesh trade for a living. It is advised that the district and state governments use the National Urban Livelihood Mission (NULM) to create basic skill-training programmes for women in areas such as data entry, telephoning, sales, tailoring, and working with NGOs. Skills-sharing workshops for and by sex workers is most desirable and sustainable. For sex workers' economic empowerment, community-based self-help groups could be formed. Under the PM Shahri Awas Yojana, all sex workers may be provided with residential accommodations. The formal status of a person as a worker has a significant impact on their access to credit, social security, benefits, and even citizenship. Due to the invisibility of sex work, sex workers may be denied access to many sorts of government assistance and financial resources that could allow them to plan their future, have an extra income besides sex work, start other economic ventures if they wish to, and save the money they make.

There is a need for right based economic empowerment of sex workers rather than rehabilitation based. Financial security, social protection, individual crisis response, and community institutional development are all important in addressing vulnerabilities and providing organized support to Sex Workers in obtaining their social and economic entitlements, such as ration cards, Aadhaar cards, bank accounts, gas connections, and other benefits from social protection schemes. Unified Help Desks (UHDs) might be established in every red-light area to help Sex Workers access various social and economic services. Self-employment may be encouraged besides wage employment.

By default, the structural roots of prostitution and the modus operandi remains the same across the country where mostly minor girls are trafficked and forced into sex slavery so Kolkata is no exception. Even Global Slavery Index 2018 report also highlights that India has the highest number of people living in modern slavery. Besides this, a Public Interest Litigation is already pending in the Hon'ble Supreme Court for the immediate rescue of 1.2 million minor girls from the brothels all over the country (PIL filed by Guria Swayam Sevi Sansthan represented by Mr. Ajeet Singh, reported in Times of India on March 9, 2014).

There are several international and national organizations seeking to protect the rights of sex workers, including those advocating for the recognition of sex work as labour. The Supreme Court's Seventh Report on Sex Work included recommendations such as using community-based rehabilitation rather than sending them to state-run 'homes,' and revising laws like the Immoral Trafficking in Persons Act to distinguish between those coerced into sex work and those who engage in it voluntarily, so that interventions are tailored to those who need them (The Seventh Report of the Panel on Sex Work, constituted by the Supreme Court in 2012).

The Global Network of Sex Work Projects (NSWP) strives to promote the rights of female, male, and transgender sex workers globally and to unite regional networks working for their rights. NSWP is a not-for-profit private business registered in the United Kingdom. NSWP is a non-profit organization with a membership base. Its members are sex worker-led groups and networks from five continents: Africa, Asia and the Pacific, Europe, Latin America, and North

and Central America, as well as the Caribbean. NSWP's work is guided by three core values: (1) accepting sex work as work; (2) opposing all forms of criminalization and other legal oppression of sex workers (including sex workers, clients, third parties*, families, partners, and friends); and (3) promoting sex workers' self-organization and self-determination.

The All-India Network of Sex Workers (AINSW) is a member of NSWP and represents 5 million sex workers in India. AINSW is a sex workers' membership-based organization. Each member organization has equal voting power and rights. The organization now has 19 office bearers (representing 16 states), and the secretariat is based in Delhi. It is a federation of sex workers' community-based organizations (CBOs) dedicated to promoting and safeguarding sex workers' rights in addition to their participation in HIV intervention programmes. The AINSW is committed to establishing sex workers' rights as well as individuals' right to self-determination. It views sex labour as any other type of work that should be decriminalized. It is dedicated to eliminating the stigma and discrimination associated with sex and sex work. For sex workers, AINSW facilitates access to social security and health services. For communication, participation, and representation, AINSW uses basic democratic norms and procedures.

The National Network of Sex Workers (NNSW) is a national network of sex worker-led groups and partners dedicated to advancing sex workers' rights in India. NNSW is made up of 12 CBOs, State Networks, State Federations, and Collectives, as well as eight NGOs spread throughout seven states. It is the only national network that brings together female, transgender, and male sex workers with NGOs and sex worker rights advocates, with a membership of 50,000. The NNSW further urges that anti-human trafficking law not equate sex work with trafficking and exclude adult consenting sex workers from its scope, whose rights must be protected.

"In the name of prevention, rescue, and rehabilitation, anti-trafficking laws in Asia largely end up further criminalizing and incarcerating persons who are not trafficked, i.e., the poor, the beggar, the sex worker, the transgender, the bonded labour, the juvenile, and the surrogate," says the NNSW in its statement. This, it claims, occurs because laws place a greater emphasis on victims than on criminals. Over 1.5 lakh sex workers are members of the NNSW, which is made up of 63 organizations spread throughout eight states. The network is very vocal in its opposition to the 2018 Bill on Human Trafficking (Prevention, Protection, and Rehabilitation). It was passed by the Lok Sabha in 2018, but it lapsed when the 16th Lok Sabha was disbanded prior to the 2019 general elections.

Several sex workers' organizations, including the Vaishya Anyay Mukti Parishad (VAMP) in Sangli, Maharashtra, Ganika Mahila Shakti Sanghatan, Ganga-Jamuna, Red Light Area, Nagpur, Ananya, Me and My World, Karnataka Sex Workers Union, Muskan, Vadamlar Federation, Aneka, SIAAP, Samraksha, Sangama, Sangram, WINS According to the NNSW, such tactics have proved that collectives are efficient first responders to trafficking occurrences at the community level.

Durbar is a collective of sex workers (male, female, and transgender) headquartered in West Bengal, India. Durbar (unstoppable or indomitable in Bangla) is a collective of sex workers (male, female, and transgender) based in West Bengal, India. Durbar has been working to remove the social, cultural, and structural challenges that sex workers face since its creation (in 1995). We were compelled to live on the periphery of society due to a lack of self-esteem, the stigma linked to sex work, and the mainstream culture's negative attitude toward sex and sex workers. Durbar is clear about its political goal: to have sex work recognized as equal to other jobs, and

sex workers treated equally to other workers in our society. It is involved in campaigning for changes to laws and policies that limit sex workers' human rights, criminalizes sex workers, and restricts our rights as full citizens of the country. The Durbar Mahila Samanwaya Committee (DMSC) is a sex workers' forum established in West Bengal, India, that represents 60,000 sex workers' opinions (female, male and transgender). Adult sex work should be decriminalized in all aspects, according to the DMSC, and sex work should be socially recognized as a service sector vocation.

DMSC has formed Function of Self-Regulatory Board to

- Prevent entry of minors and trafficked women in the trade in addition to slavery and slavery-like practices.
- Control other exploitative practices within the sex trade.
- Arrange social security schemes (old age pension, health insurance, vocational training) for sex workers & their children.
- Support women, children of sex workers with alternative occupations if one wishes to leave sex work.
- Provide economic security through linking financial institutes.
- Ensure child protection mechanisms for children of sex workers and their access to education and other career building opportunities

On January 31, 2021, the National Human Rights Commission (NHRC) ordered the Chief Secretary of West Bengal to submit a thorough report on the strategy enacted to “monitor and prevent” the sex-trade and brothels in Kolkata’s Sonagachi neighbourhood within the next 10 weeks. The NHRC also ordered the Secretary of the West Bengal Government’s Department of Women and Child Development and Social Welfare to expedite the work of conducting a survey, in collaboration with the Indian Institute of Science, on the social, legal, and health conditions of sex-trade victims in Sonagachi, and to submit the report by March 11 at the latest. The NHRC issued the order in response to a plea filed by Radhakanta Tripathy, a prominent human rights campaigner and Supreme Court lawyer, regarding the situation of trafficked or otherwise engaged sex workers in Sonagachi, Kolkata’s main red-light area. Tripathy said in his plea that women, including little girls, have been subjected to sexual assault and savage rape as a result of the state’s inaction and negligence. “The government authorities fail to maintain surveillance and do what is required for a permanent solution to the issue that has existed in the area for decades,” he said.

In response to the NHRC’s directives, the Commissioner of Kolkata Police stated in his report that the police conducted an extensive search to locate the victims and that a strict vigil and close watch is maintained throughout the year over the Sonagachi area to prevent human trafficking and sexual exploitation. “At Sonagachi Area, the local police station and detective department of Kolkata Police also record cases as per the provisions of the Immoral Trafficking and Prevention Act (ITP Act),” stated Police Commissioner. The report also revealed that the Kolkata Police, which includes a women’s helpline and a child line, have established a helpline to combat human tracking in order to prevent crime, and that awareness programmes have been held at various locations by the Kolkata Police to raise public awareness and combat human tracking. The West Bengal government’s Secretary Department of Women and Child Development and Social Welfare detailed the actions taken to address the issue of human tracking in its report.

The above analysis and discussion simply raised a valid question: “Can the Government of India grant social recognition of sex work as a service sector occupation or can it legalise sex work as a work?” Many National and International agencies have raised concerns about the criminalization of Consensual Adult Sex Work.

The following is the logic behind the demand:

- Why Criminalizing adult, voluntary, and consenting sex, as well as the commercial exchange of sexual services, violates the fundamental right to personal autonomy and privacy. In other words, the government should not dictate consenting adults who they can have sexual relations with and under what conditions.
- Criminalization exposes sex workers to abuse and exploitation by law enforcement personnel, such as cops. Human Rights Watch has documented how police officers harass sex workers, extort bribes, physically and verbally abuse sex workers, and even rape or coerce sex from them in criminalized contexts. Many studies have revealed that criminalizing sex workers renders them more vulnerable to violence, such as rape, assault, and murder, by attackers who regard sex workers as easy targets since they are stigmatized and unlikely to receive support from the authorities. Criminalization may also force sex workers to labour in dangerous environments in order to avoid being arrested.
- Sex workers’ ability to seek justice for crimes against them is routinely harmed by criminalization.
- The criminalization of sex work has been determined to have a negative impact on sex workers’ right to health, according to UNAIDS, public health specialists, sex worker organizations, and other human rights organizations.
- Criminalization has ramifications for other human rights. Sex workers are less likely to be able to organize as workers, fight for their rights, or work together to support and protect themselves in nations that prohibit sex work.
- Sex work is defined as the voluntary exchange of sex between two adults. Human trafficking and child sexual exploitation are two distinct issues. Both are severe human rights violations and crimes that should be investigated and prosecuted at all times.
- Laws that clearly separate sex work from crimes such as human trafficking and child sexual exploitation protect both sex workers and crime victims. Sex workers may have valuable knowledge about crimes such as human trafficking and child sexual exploitation, but they are unlikely to feel safe revealing this information to the authorities unless the activity they do is not considered unlawful.
- The Special Rapporteur on Violence Against Women (SR-VAW) has stated that “measures to address trafficking in persons should not overshadow the need for effective measures to protect the human rights of sex workers” [UNHRC (2014) Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, Mission to India]. The SR-VAW has also requested that India’s Immoral Traffic Prevention Act, 1956, which criminalizes sex employment, be reviewed.
- UN Resolutions, international agencies, and commissions have emphasized the importance of a rights-based approach to sex work, emphasizing the need to protect rights not just by decriminalizing sex work, but also by ending the unjust application of non-criminal laws and regulations against sex workers.

- According to the National Commission for Women, access to health care is a serious concern for women who work in the sex industry. While the stigma of being a “immoral whore” makes it difficult to acquire adequate medical care, the medical establishment’s illiteracy, ignorance, and fear leaves them vulnerable to exploitation and extortion of money and resources.

RESCUE AND REHABILITATION OF SEX WORKERS:

The ITPA’s rescue and rehabilitation provisions are responsible for some of the most pervasive human rights violations. Special police officers and NGO workers conduct raids on brothels, where women are “rescued” and placed in rehabilitation centers. Police raids, which are common in red light areas and ostensibly to save youngsters, make no distinction between minors and consenting adults. Trafficking and migration are being conflated, resulting in the denial of labour rights. The distinction between “trafficking,” “sex work,” and “migration” is critical. There is a propensity to equate sex work with human trafficking, according to the Special Rapporteur on Violence Against Women [(SR-VAW) [UNHRC (2014) Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to India]. She saw that when sex workers are identified as victims of human trafficking, the help they receive isn’t tailored to their individual requirements.

Though many sex workers have been deceived or persuaded into sex work by money and may be considered “trafficked,” there are many more who have not entered sex work owing to any form of force or deception. They’ve relocated in pursuit of a better life and a better way of life. Though poverty and inequality are factors that lead people to engage in sex work and show a lack of “free will,” it is impossible to say that everyone who suffers from these conditions is a victim of human trafficking. Human rights assistance, including social and economic options, should be provided to them. When women’s voluntary migration (for the purpose of employment, residence, or escape from persecution by State or non-State actors) is confused with human trafficking, protectionist measures steeped in patriarchal control over women’s mobility result in female migration being stifled both within and outside the country’s borders. This restricts women’s ability to go away from their families and kinfolk in search of a better life. Even though the lines between deceptive transportation and a person’s desire to travel are blurred (with women encountering both situations at different times in their lives), restricting women’s movement is not the solution.

For women who work in the sex industry, the challenges are magnified. An older sex worker becomes destitute and disenfranchised due to a lack of support from family and unsafe, inadequate workplaces (as well as from family members who would like the income to reach home, but without the ‘sullied’ woman returning home), even if she may have earned a substantial income during her working years. The consent of adult women who are “rescued” from sex work is irrelevant, and they are detained in correctional facilities despite testifying that they were in sex work willingly. These adult women are placed in the care of their parents or family members on the condition that they stop working in the sex industry. Moral judgments are frequently used to give over “custody” of an adult sex worker to a parent or family member. The (often) involuntary rehabilitation of women in sex trade is the final stage in the rescue intervention. Non-governmental organizations (NGOs) or government-sponsored rehabilitation programmes are available. Sex workers are sent to rehabilitation centers, where they are confined in jail-like conditions and subjected to recurrent sexual abuse before being freed. The health and safety problems of women unwillingly removed from brothels have been brought to the attention of

sex worker organizations. Given the high rates of violence faced by women in rehabilitation homes, the return of women to sex work, and the disruption of their daily lives as a result of being held for extended periods of time, rehabilitation programmes frequently undercut the whole goal of their existence.

According to our study, the rehabilitation of sex workers in India is a serious problem. The Supreme Court of India has ruled that sex workers' rehabilitation training should not be conditional on their being forced to stay in corrective homes, and that sex workers cannot be detained in corrective homes "which they regard as a virtual prison." (The Seventh Report of the Panel on Sex Work, constituted by the Supreme Court in 2012). Despite these findings, forced rehabilitation remains the standard across the India. The demand for unorganized sector social security nets has evolved as a right to offer social protection for India's marginalized and invisible workers. Unorganized workers' concerns about sex workers' social security must also be considered. The Indian Parliament passed the Social Security for the Unorganized Sector 2008 legislation in December 2008. Sex workers have expressed a desire to be included in these social protection schemes, as well as to take part in larger campaigns and forums advocating for the rights of the unorganized workforce. At the district level, however, income generation plans are made conditional on sex workers giving up sex work, a requirement that many sex workers refuse.

Another factor that prevents sex workers from participating in income-generating initiatives is that they are forced to join self-help groups in their village or neighbourhood. Many sex workers who participate in self-help groups have complained of discrimination and marginalization from other SHG members. As a result, the government should examine the need for identity-based self-help groups as an unique relaxation for marginalized communities. The Pension Parishad, a national campaign to demand a Universal Old Limit Pension, has taken into account the concerns of old sex workers, such as lowering the eligibility age to 45 years for especially vulnerable populations such tribal tribes, transgender people, and women in sex work. Women's (and trans-women's) concerns in sex work should not be relegated to Article 6 of CEDAW, according to the overarching recommendation to the Indian government. Women who work in the sex industry have rights in the economic, political, social, civil, and cultural arenas. Education, political participation (including national and international representation), citizenship, livelihood, health, equality before the law, and freedom from gender stereotyped notions about women's chastity and roles and responsibilities within a hetero- normative and patriarchal family can only be fully realized if discrimination is eliminated from all aspects of sex workers' lives. As a result, we urge the Indian government to take a holistic approach to realizing sex workers' human rights, and we advocate those interventions impacting sex workers be carried out with sex workers' input, participation, and leadership.

To ensure that the State is held accountable for respecting, safeguarding, and fulfilling the rights of women in sex work, the question must be asked: How will the person, department, or mechanism responsible be held accountable? What will be the relief/remedies for the woman/women who have been harmed as a result of the absence of implementation? What would be the consequences of non-compliance with laws and policies, as well as non-implementation? Addressing the state's accountability for acts or omissions by state and non-state actors, as well as establishing an independent monitoring system to hold the judiciary accountable for upholding the checks and balances amongst state organs, are all critical.

PERCEPTION ANALYSIS OF PARENTS OF TRAFFICKED VICTIMS:

Parents of trafficked victims are one of the most important stakeholders in combating human trafficking, thereby we contacted 411 parents of trafficked victims across the selected states except Delhi and a thorough interview and FGDs were conducted with them by the Research Team. Out of 411 Parents interviewed, majority of them (71.3 percent) belongs to Rural Areas followed by Semi-Urban areas (13.1 percent). The percentage of parents of belonging to urban areas and metropolitan cities are same (7.8 percent). It is reported that most of the respondents were having the age more than 30 Years, 4.9 percent were from the age group of 25-30 Years, whereas only 0.5 percent respondents were in the age group of 18-25 Years. As for as social background of parents is concerned majority of them were from other backward classes (25.1 percent) followed by Scheduled Tribes (23.6 percent), General Castes (19.7 percent) and Scheduled Castes (17.0 percent). About 12.4 percent parents were from minority communities and 2.2 percent parents were from other social classes. Out of 411 Parents interviewed most of the respondents (74.7 percent) were followers of Hindu religion followed by Islam (13.4 percent, Christian (2.7 percent), Sikhs (0.2 percent) and 9.0 percent respondents were followers of other faiths & religion. Most of the respondents were married (89.8 percent), separated (6.6 percent), divorced (1.9 percent), widows (1.2 percent) and 0.5 percent were abandoned.

It is reported that most of the Parents of trafficked victims were illiterate (38.2percent), about 33.6 percent were having primary level education and 20.0 percent had completed their middle level schooling. Only 0.7 percent were graduate and only 2.4 percent had completed their intermediate (10+2). Most of the respondents were from nuclear family (64.7 percent) followed by extended families (23.8 percent) and only 11.4 percent were from joint families. Family occupation of most of the respondent is agriculture (31.1 percent) followed by un-skilled labours (22.6 percent), skilled labours (14.6 percent), self-employed (13.9 percent) and casual labours (6.1 percent). Equal percentages (3.9 percent) were having salaried private Jobs and engaged in crop plantations. About 1.2 percent respondents were engaged in animal husbandry, 0.7 percent having petty business and only 0.2 percent having the salaried government, Jobs. 1.7 percent respondents were engaged in other profession. As for economic status is concerned 53.3 percent of respondents reported that their annul family income is in less than Rs. 20,000/- thereby 51.8 percent respondent were belonging to BPL category and 28.2 percent were the beneficiaries of AAY-Antodaya Anna Yojana (poorest of poor). 9.5 percent reported that they fall in BPL category but they do not have any kind of card. Only 5.4 percent respondents were from APL category.

Poverty and illiteracy have been identified as two of the leading causes of human trafficking. The majority of the parents of trafficked victims are illiterate and live in object poverty, which confirms this study. As a result, it is critical to ensure that the various poverty-eradication schemes target families with vulnerable women and children who are at high risk of being trafficked for sexual exploitation and commercial purposes. The focus must be on preventing women and girls from becoming victims of human trafficking. People from disadvantaged populations, such as Dalits, tribals, and religious minorities, are particularly vulnerable to human trafficking. Forced child labour and/or sex trafficking are common forms of trafficking for children from underserved families. Several minors work in brick kilns, construction sites, and agricultural areas illegally. Child trafficking can also take the form of youngsters being forced to participate in begging rings and other similar activities. Many youngsters are sold to work in factories and other hazardous occupations with poisonous conditions by their parents. Aside from that, awful reports of young girls being coerced into the sex trade appear on a daily basis. Due to their terrible

socioeconomic conditions, the parents of these children are either misled or tricked into 'sending' or 'selling' their children for 'better livelihood possibilities.' Most traffickers take advantage of their lack of awareness, particularly among the uneducated and impoverished who live in slums and other backward areas of the country. Parents of young children are promised daily wages by traffickers, who then move them to large cities, where they are frequently treated as commodities. Families in desperate financial situations are frequently approached by traffickers who offer to buy their children, and with no other option, parents accept.

Response on Status of Migration

In today's environment, migration is quite important. Understanding the complexities of gender and migration can lead to initiatives and policies that assist female migrants while lowering their costs. Respondents were asked is anyone from your house living/working/seasonally working outside the village in last three years, only 37 (9.0 percent) out of 411 reported yes. Out of 37 persons migrated, 22 (59.46 percent) were female and 15 (40.54 percent) were male members. Out of 37 migrated persons 18 (48.65 percent) were in the age group of 14-18 Years, only 3 (5.4 percent) were above 18 years. Thus 34 (91.89 percent) were minor at the time of migration. Those 37 persons who migrated 21 (56.76 percent) were daughters, 8 (21.62 percent) were sons, 5 (13.51 percent) were wives and 3 (8.11 percent) were brothers of respondents. It is crystal clear that majority of migrated persons are female (70.29 percent). Migrant women are at a heightened risk of violence and abuse because domestic workers, caregivers, and workers in the sex and entertainment industries are often not covered by labor protections and are hidden from the public. Example-Dance bar girls in Maharashtra

Women migrants, particularly irregular migrants, may be particularly exposed to violence. Emotional, psychological, physical, and sexual violence, as well as economic abuse, can occur in the origin country/state, during transit, in the destination country/state, or even on returning home. Respondents were asked who takes decision about movement of Child out of village/town for work, the responses of 34 parents whose children were migrated is shown in Table: 4.62. More than half of the respondents said that decision is taken by both i.e., mother and father. About 29.4 percent respondents replied that this kind of decision is taken only by father of child.

Table 4.62
Who takes Decision about Movement of Child for Migration?

Who Takes Decision	Father	Mother	Both Father and Mother	Guardian (Uncle/ Aunt/ Grandparents)	Self	Total
Response	10	1	20	2	1	34
	29.4%	2.9%	58.8%	5.9%	2.9%	100%

Source: Field Survey

Respondents were asked that who were the facilitators for migration of their children, responses are shown in Table: 4.63. About 60 percent respondents said that Family members are the facilitators followed by friends/relatives (11.8 percent), contractors/agents (5.9 percent) and placement agencies (2.9 percent). Surprisingly 23.5 percent respondents reported that their children run away from home. NCRB data shows that 1,18,971, 1,15,656 and 1,19,617 children went missing in the country in 2017, 2018 and 2019 respectively and run away is one of the most important reasons for rising number of missing children in the country.

Table 4.63
How Did Child Go Out of Village/Town?

Facilitator	Family	Friend/ Relatives/ Other Villagers	Child Run Away	Placement Agencies	Contractors/Agents Paid Advance and Took the Child Away with The Permission of The Family	Total
Responses	19	4	8	1	2	34
	55.9%	11.8%	23.5%	2.9%	5.9%	100%

Source: Field Survey

Respondents were asked about the relationship with persons who accompanied child outside the village. 32.4 percent respondents reported that it was the employer/agent followed by parents (17.6 percent), family members (14.7 percent), and relatives (14.75 percent) and about 17.6 percent others who accompanied their children. Only 2.9 percent children were migrated alone. When asked about duration of stay in migration, 28.2 percent respondents reported that their child stayed for 1-3 months followed by 3-6 months (23.6 percent) and more than 6 months 51.8 percent. As for as purpose of migration is concerned about 3/4th respondents said that their children went out for job followed by education (9.7%), marriage (8.5 percent) and for other purposes (5.4 percent). When asked about money received in lieu of migration/ trafficked, 16.3 percent respondents said yes, they had received advance financial payments. This means 16.3 percent parents almost sold their children in the hand of traffickers or agents. This is a serious concern. When respondents were asked that if they are aware where their children's lives, surprisingly 28.7 percent respondents said that they have no idea where his child lives.

Respondents were asked about nature of work in which child is involved at the destination; the responses are shown in Table: 4.64. *Most of the (about 37 percent) respondents reported that their children were working as forced labour-domestic works.* Women make up the majority of domestic workers worldwide. According to the International Labor Organization (ILO), there were roughly 43.6 million female domestic workers worldwide in 2011. Domestic work is typically unregulated by labour rules. Migrant domestic workers are kept concealed from the public eye, making them more vulnerable to abuse and limiting their ability to socialise. It is more difficult for them to become aware of their rights, or to form or join unions, as a result of their isolation. Female migrants may also face lower salaries as a result of the scenario. When migrant women are subjected to harassment or discrimination at work, they are frequently unaware of their rights, especially if they are secluded from the general population. Because of their limited mobility, fear of deportation, and concern about losing their jobs, they may be unable to use current resources and support. Female migrants may be coerced into prostitution or the sale of sexual favours in order to survive or support their family, particularly in circumstances of forced migration or displacement. Sexual exploitation is a threat to migrant women. According to an ILO report, one out of every six irregular female migrants is forced to engage in sexual activity, generally in the entertainment or domestic sectors. Separation from spouses due to migration, as well as forced or income-based sex activity, may raise the risk of HIV and AIDS.

Table 4.64
Nature of Work in Which Child was involved at The Destination

Nature of Works	Total Response
Forced Labour-Domestic Works	98 (37.1%)
Labour In Agriculture	2 (0.8%)

Labour In Small Industries-Textiles Workshop Etc.	20 (7.6%)
Labour In Firecracker Workshop	6 (2.3%)
Labour In Construction	20 (7.6%)
Labour In Hazardous Industries- Metallurgical Industries, Coal, Fertilizers, Mining, Chemical & Petrochemicals, Cement,	75 (28.4%)
Hotels, Bars, Restaurants, Markets	28 (10.6%)
Others	15 (5.7%)
Total	264 (100%)

Source: Field Survey

About 31 percent respondents reported that their children were working in hazardous industries- metallurgical industries, coal, fertilizers, mining, chemical & petrochemicals, cement and firecracker workshops. Hazardous child labour, more specifically, is work in hazardous or unhealthy situations that could result in a child being killed, hurt, or sickened as a result of low safety and health regulations and working conditions. It can lead to long-term disability, illness, and psychological harm. Often, health problems induced by child labour do not manifest themselves until the child is an adult. Hazardous child labour is the most common form of child labour, with an estimated 73 million children aged 5 to 17 working in hazardous situations in a variety of industries such as agriculture, mining, construction, manufacturing, as well as hotels, bars, restaurants, markets, and domestic service. It can be found in both developed and underdeveloped nations. Girls and boys typically begin doing dangerous work at a young age. Every year, the ILO estimates that 22,000 children are killed at work around the world. The number of people who have been hurt or become unwell as a result of their profession is unknown. Children are more vulnerable to occupational dangers than adults because their bodies and minds are still developing, and the repercussions of hazardous work are typically more catastrophic and long-lasting for them.

The other forms of works reported by respondents are Hotels, Bars, restaurants, markets (10.6 percent), Labour in small industries-textiles workshop etc. (7.6 percent), and labour in construction (7.6 percent). Respondents were asked about their contact with the children during the migration period. Only 15.1 percent respondents reported that they had regular contact with their children and 74.9 percent respondents reported that they had irregular contact with their children whereas 10 percent respondents reported that their children were untraceable. About 50 percent respondents reported that they had to contact their children through friends/relatives/agent's phone. Only 13.1 percent respondents reported that their children were provided some kind of education along with the works Respondents were asked whether they are aware of the law against child labour, 76.9 percent respondents said they are not aware and those were aware only 11.4 percent said that they are aware that child labour is a punishable crime.

In a very astonishing way 83.8 percent respondents said that Child migration/trafficking for work is not inevitable. About 98.3 percent respondents said that there is no change in living status of family after sending child for work outside. Respondents were asked about status of child's health after migration/trafficking for work. About 13 percent respondents reported that health of their children gets deteriorated after migration, especially mental health and behavior. Respondents were asked about the instances Where their migrant child was abused. About 62.5 percent respondents reported that their children were abused during the migration/trafficking as well as destinations. When asked about types of abuse, 65.4 percent reported that their children faced both verbal and physical abuse, 16.6 percent reported for verbal abuse only, 12.8 percent reported for physical abuse only and 23.7

percent respondents reported that their children were sexually abused. When asked about nature of physical abuse 69.7 percent reported for beating/hitting followed by over work (48.5 percent), deprivation of food (24.2 percent) and deprivation of sleep (15.2 percent). It was also reported by 78.8 percent respondents that their children suffered/ got injured by beating and upon knowing these kind of abuse 92.3 percent respondents felt helpless and very bad. 95 percent respondents reported that their children complained about the misbehavior or sexual exploitation to the concerned available authorities (contractors/agents/relatives) but got no help. Better education for children, protection of children, employment for adult, better information and awareness for families and better law enforcement against offenders were some of the measures suggested to reduce the possibility of children having to migrate to work (Table 4.65).

Table 4.65
Suggestions to Reduce the Possibility of Migration of Children to Work

Suggestions	Total Response
More Employment for Adults	249 (60.6%)
Better Education for Children	254 (61.8%)
More Protection for Children	286 (69.6%)
Better Information and Awareness for Families	219 (53.3%)
Better Law Enforcement Against Offenders	162 (39.4%)
Better Awareness Among Sending Communities	99 (24.1%)
Communities To Be Organized Against Trafficking of Children	80 (19.5%)
Awareness Among Children Against Child Labour and Unsafe Migration	68 (16.5%)
Others	2 (0.5%)

Source: Field Survey

The Ecological background wise distribution of Awareness about National Human Rights Commission (NHRC) amongst the Victims is presented in Table 4.66. The awareness has been found quite low (5 per cent) for all the ecological background. However, the relation between ecological background and Awareness about National Human Rights Commission (NHRC) amongst the Victims has been found significant which is validated by the value of chi-square.

Table 4.66
Ecological background wise Awareness about National Human Rights Commission (NHRC) amongst the Victims

Ecological Background	Awareness about National Human Right Commission (NHRC)		Total
	Yes	No	
Metropolitan City	0	144	144
	0.0%	100%	100%
Rural	2	697	699
	0.3%	99.7%	100%
Semi-Urban	0	90	90
	0.0%	100%	100%
Urban	58	137	195
	29.7%	70.3%	100%
Total	60	1068	1128
	5.3%	94.7%	100%

Chi-Square Tests	279.287**
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** indicating value is significant at 1% level of significance

The Educational Level wise distribution of Awareness about National Human Rights Commission (NHRC) amongst the Victims is presented in Table 4.67. The awareness has been found quite low (5 per cent) for all the ecological background. However, the relation between Educational Level and Awareness about National Human Rights Commission (NHRC) amongst the Victims has been found significant which is validated by the value of chi-square.

Table 4.67
Educational Level wise Awareness about National Human Rights Commission (NHRC) amongst the Victims

Educational Level	Awareness about National Human Right Commission (NHRC)		Total
	Yes	No	
Illiterate	7	310	317
	2.2%	97.8%	100%
Primary	6	284	290
	2.1%	97.9%	100%
Middle School	44	292	336
	13.1%	86.9%	100%
High School	2	136	138
	1.4%	98.6%	100%
Intermediate	0	32	32
	0.0%	100%	100%
Graduate	0	11	11
	0.0%	100%	100%
Postgraduate	1	3	4
	25.0%	75.0%	100%
Total	60	1068	1128
	5.3%	94.7%	100%
Chi-Square Tests	62.112**		

Prostitution and human trafficking are linked. Globalization, economic liberalization, and other socio-cultural issues have all contributed to an alarming rise in both human trafficking and prostitution. This rise can be linked to a number of factors, including illiteracy, ignorance, poverty, cultural customs, as well as increased consumerism brought on by globalization, growth in the tourism and hotel industries, and so on. Economic exploitation, corruption, and criminal ties define the industry. Human trafficking has become one of the most profitable industries on the planet. Women and children are trafficked from vulnerable and destitute homes, and the majority of young women and girls are forced into the sex business. Trafficking isn't just about commercial sexual exploitation; it's also about bonded labour, organ transplants, beggary, and weddings, among other things. The existence of red-light areas in our towns and cities demonstrates that society has implicitly accepted and even endorsed the prostitution industry. Prostitution has become socially acceptable, resulting in systematic exploitation of young women and the marketing of the flesh trade by anti-social forces. The principal victims of this institution are the children of prostitutes, who are discriminated against, socially ostracised, and denied of a normal existence for no fault of their own. They continue to be deprived of basic chances, as

well as the atmosphere and conditions that are required for general physical and psychological growth.

Chapter 5

RECRUITERS, PERPETRATORS AND EXPLOITERS OF VICTIMS

Human trafficking is a breach of human rights that involves the practice of enslaving another person by force, deception, or compulsion. Traffickers profit from the practice by enslaving and exploiting their victims for labour and/or sex. Prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices comparable to slavery, servitude, or the removal of organs are all examples of exploitation. According to the UNODC's 2020 Global Report on Human Trafficking in Persons, nearly two-thirds of those convicted of human trafficking offences in 2018 were men, despite women's participation being higher than in other crimes. Traffickers under the age of 18 accounted for about 2% of all convictions. Females continue to be convicted in significantly greater numbers than males in Eastern Europe and Central Asia, with 80 percent of convictions involving women, while males and females were convicted in nearly equal numbers in Central America and East Asia in 2018. While many traffickers have criminal backgrounds and use human trafficking as a direct source of revenue, business owners, intimate partners, and other family members are also engaged. Court trials indicate instances of parents facilitating their children's sexual exploitation or pushing them to beg on the streets. Despite the fact that most nations have extensive human trafficking legislation in place for some time, the number of convictions has only recently begun to rise. The rise in the number of convictions coincides with the rise in the number of detected and reported victims, indicating that the criminal justice system is responding to the detection trend. However, certain regions continue to have an extremely low number of trafficking convictions while detecting fewer victims. The fact that there are few recognized victims and convictions does not mean that human traffickers are not active in these countries. Victims of human trafficking from areas with low detection and conviction rates have been found in high numbers in other areas. According to a report released by the International Labor Organization in May 2014, human trafficking is the world's second largest criminal enterprise, earning exploiters more than \$150 billion every year.

THE RECRUITERS/TRAFFICKERS

Human traffickers are criminals who profit from the exploitation of others. The sole purpose of a human trafficker is to get money by exploiting other people. Different 'links' in the human trafficking network act as human traffickers. Their acts may involve one or more of the following: recruiting, transportation, sheltering, and receiving of trafficked individuals. Human traffickers entice their victims with promises of a better life and financial prospects, utilizing charm, falsehoods, and deception. These assurances are false. Victims of human trafficking quickly learn that the promises of a "better life" or "excellent wages" made by the traffickers

were lies. Traffickers may become the “lover” or the legal spouse of a victim. This, too, is based on a fabrication of reality. The goal is not to be romantic, but to make money. The victim could be sold, employed for labour, or sexually exploited. The truth is that these victims have become commodities to be exchanged, exploited, threatened, beaten, tortured, raped, and occasionally killed – all in the name of profit for the human trafficker. Human traffickers have been known to use kidnapping to obtain their “commodity.” After obtaining their victim, the trafficker maintains control by using physical and psychological threats, humiliation, beatings, sleep deprivation, and hunger. Despite movies and TV shows, abduction is not a method of recruitment in general. Grooming and relentless creation of a ‘genuine friendship’ is typically used to win trust and subsequently control.

Human traffickers may be tied to large international criminal networks, smaller domestic networks, a ‘family business,’ or operate on a small scale, completely on their own. They could own a bar, a nightclub, a massage parlour, a factory, an orchard, or a farm, for example. While some companies may be legal, their earnings may be based on the exploitation of human trafficking victims. Human traffickers might transport their victims over national borders or keep them in the same country, city, or town. The trafficker may accompany the victim physically or create a circumstance in which the victim is unable to “simply turn around and go back” once they have started their journey. They are sometimes provided only the name and phone number of the next person they will meet (the next trafficker in the trafficking chain), with no knowledge of where they are or what route the journey will take. Because of the victims’ lack of orientation, fear, limited understanding of the destination country, and ongoing maltreatment, traffickers are able to keep such control over them. Victims who are trapped, demoralized, abused, and ‘camouflaged’ inside our immediate communities but under the power of the human trafficker can only be protected via the acts of free members of civil society.

PROFILE OF TRAFFICKERS:

Table 5.1 shows the gender of traffickers (respondents). More over two-thirds of traffickers (69.4%) are men, while significantly less than one-third (30.6%) of respondents are women. Human traffickers can thus be both men and women. In reality, when it comes to recruiting victims, a woman trafficker may appear more ‘trustworthy’ than a man, especially when it comes to minors or young women for forced sexual exploitation. “Of sure, we’ll take care of her.” She’ll be surrounded by great things and meet lovely people.” To a desperate poor parent who wants the best for their child, these words of hope may sound so genuine. It’s also possible that their culture “justifies” selling their child to pay off debts or provide sustenance for the family for a limited time.

Table: 5.1
Gender of Trafficker

Gender	Male	Female	Total
Responses	34	15	49
	69.4%	30.6%	100%

Source: Field Survey

According to our research, more than half of the traffickers (57.1%) live in rural areas, while slightly more than a third (36.7%) live in India’s metropolitan cities. Only 6.1 percent of human traffickers live in cities or semi-urban areas. As a result, it can be established that the majority

of traffickers' networks are concentrated in rural areas, followed by India's metropolitan cities. When it comes to the age of traffickers, it is reported that slightly less than half (49.0 percent) of them are between the ages of 35 and 40, followed by 30-35 and 40-50. (Each 18.4 percent). Only 14.4 percent of respondents stated that they are under the age of 30. More than a third of respondents (38.8%) identified themselves as belonging to Other Backward Classes, while slightly less than a third (32.7%) identified themselves as Schedule Tribes. Only 6.1 percent said they belonged to Schedule Caste communities, while slightly more than a fifth (22.4 percent) said they belonged to the general category. It can be assumed that, like the victims, the majority of traffickers are from underprivileged backgrounds, as they have an easier time gaining the trust of victims from their own neighbourhoods. About one-fifth (19.3%) of respondents were from minority communities, and slightly more than two-thirds (77.6%) belonged to the Hindu faith. Only 4.1 percent of widows were also involved in trafficking, despite the fact that the majority of respondents (95.9%) were married. In terms of educational qualifications, more than 80% of traffickers are educated (primary-16.3 percent, middle school-30.6 percent, high school-32.7 percent, intermediate-8.2 percent, graduate-4.1 percent), with just 8.2 percent claiming to be illiterate. Slightly less than two third (63.3 percent) traffickers were conversant with at least two languages, about 14 percent respondents were conversant with three languages. The majority of respondents (81.65) were now living with their spouse and children, with roughly 8% living with their parents and similar amounts living alone.

Previous occupation of traffickers is shown in Table: 5.2. Petty business, pimp, skilled labour, sex workers and previous victim of Commercial Sex Exploitation were some of the previous occupations of traffickers.

Table: 5.2
Previous Occupation of Traffickers

Previous Occupation of Traffickers	Responses
Previous victim of CSE	1 (2.0%)
Sex Worker	2 (4.1%)
Pimp	5 (10.2%)
Skilled Labour	4 (8.2%)
Petty Business	19 (38.8%)
Service	2 (4.1%)
Other	3 (6.1%)
No response	1 (2.0%)
Total	49 (100%)

Source: Field Survey

It is reported that slightly less than half (49.0%) respondents had some or other types of Criminal Antecedents. Those having Criminal Antecedents were arrested by Police in some or other cases mainly for Cheating, Abuse of Children, Human Trafficking, rape or other heinous crimes and those arrested about 86% reported that they have been prosecuted for their offences but only slightly more than one fifth (20.8 percent) prosecuted persons were convicted/ sentenced. The main reason behind low conviction rate as reported by traffickers is getting bail easily and thereby influencing the witness and the victims in their favour. Slightly more than two third (69.4 percent) respondents reported they are used to take Drugs or Alcohol and those were used to take drugs / alcohol half of the respondents reported that they take it often and slightly more

than one fifth (20.6 percent) reported that they always take it. Types of drugs used by traffickers are shown in Table: 5.3, Cocaine and tranquillizers are the most desired/favoured drugs used by traffickers. Most of the traffickers during interaction told that they are also involved in drug peddling but they were always arrested on grounds of human trafficking rather than for drug peddling as they get bail easily in trafficking cases.

Table: 5.3
Types of Drugs You Use

Name/Types of Drugs	Trafficker
Heroin	8 (23.5%)
Other Opiate	3 (8.8%)
Tranquillizers	6 (17.6%)
Crack Cocaine	4 (11.8%)
Amphetamine	2 (5.9%)
Cocaine	6 (17.6%)
Cannabis	2 (5.9%)
Others	10 (29.4%)

Source: Field Survey

Though trafficking of women and girls for commercial sexual exploitation is a more heinous crime than peddling drugs, the law makers have missed opportunities to prescribe stringent punishment for human trafficking, which attracts a lenient maximum three-year jail term as against minimum 10 years for drug peddlers, says Justice S K Panigrahi of Odisha High Court. Justice Panigrahi said, "The complex and troubling issue as emerged in the instant case, in essence, demonstrates a conflict between collective morality of the society and markedly skewed legislations which mismatches the culpability of the participants in question (i.e., service provider, facilitator) and the recipient of the services. Though it involves clandestine and unlawful trafficking of girls but the law makers have missed the opportunity to prescribe a stringent punishment regime, even though the present offence is far more heinous than drug trafficking." (As Reported by Times of India on July 2, 2020)

Instrumental factors for involving in trafficking trade are shown in Table: 5.4. Respondents were asked how they get involved in human trafficking trade. Associations with traffickers is the basic reason for about half of the respondents for getting involved in flesh trade, whereas more than one third (37 percent) respondents have reported that earlier they were Sex Workers/ Broker/Pimps, about 8 percent have reported that earlier they were brothel owners. 2 percent respondents were practicing their inherited business.

Table: 5.4
Instrumental Factors for involving in Trafficking Trade

Instrumental Factors	Earlier Association with Trafficking as Sex Worker/ Broker/Pimp	Earlier Association with Trafficking as Brothel Owner	Inherited The Business	Association With Trafficker's	Others	Total
Responses	18	4	1	24	2	49
	36.7%	8.2%	2.0%	49.0%	4.1%	100%

Source: Field Survey

Respondents were asked about their tenure in human trafficking trade. About 92 percent

respondents said that they are in this profession for more than 3 years, only about 8 percent respondents replied that they are new entrant in this trade. About slightly less than half (45 percent) of respondents were in this trade for more than 7 years (Table 5.5).

Table: 5.5
Tenure in Trafficking Trade

Tenure	1-2 Years	3-4 Years	4-5 Years	5-6 Years	6-7 Years	7 Years and Above	Total
Total	4	10	7	4	2	22	49
	8.2%	20.4%	14.3%	8.2%	4.1%	44.9%	100%

Source: Field Survey

Respondents were asked about their initial role they played in human trafficking trade, about half (46.9 percent) of the respondents replied that initially they were agents, slightly more than one fourth (26.5 percent) were spotter, 14.3 percent were transporters, less than one tenth (8.2 percent) were harborers and about 4 percent respondents played some other roles. It is very much clear from this analysis that most of the traffickers were involved in human trafficking trade at initial stage and played some or other roles (Table 5.6).

Table: 5.6
What Role Did You Play Initially in Trafficking?

Role Played	Agent	Spotter	Transporters	Harborer	Others	Total
Total	23	13	7	4	2	49
	46.9%	26.5%	14.3%	8.2%	4.1%	100%

Source: Field Survey

More than 3/4th (77.6 percent) traffickers said that normally they targeted at minor girls/boys below 18 years age and for more than 1/4th (28.6 percent) traffickers, unmarried girls above 18 years ages were at target. Young widows and young divorcees were at the target of about 6% traffickers (Table 5.7).

Table: 5.7
Methods Normally adopted in Recruitment

Methods	Direct Contact	Indirectly Through Agents/ Spotters	Network of Love Boys
Responses	35	36	2
	71.4%	73.5%	4.1%

Source: Field Survey

Tables 5.8 and 5.9 reveal the traffickers' modus operandi. The majority of traffickers (79.6%) stated that they traffic victims on the promise of money or jobs, and that they contact the victims' families/victims directly through their placement agency. Minor girls and children are being trafficked for the purposes of labour, sex slavery, and forced marriages via placement agencies. The traffickers have changed their modus operandi with the changes in law and society. In the majority of cases, the victim knows the trafficker, who persuades the victim and her/his family to sell them to a placement agent. The placement firms usually hire someone to track down the girls and then pick them up (by luring or kidnapping) and transport them to the state's urban centers. Another person is in charge of transporting the victims from the urban centers to the railway station, where they are given over to another person and transported to Delhi. After arriving in

Delhi, the victims are given over to someone else and sent to placement agencies. Some victims are subsequently placed as domestic help in various houses for a payment ranging from Rs 20,000 to Rs 30,000, while others are sold into forced marriages or prostitution. The girls who are placed in residences where they are paid a monthly salary of Rs 1000 or Rs 3000 are never paid. A girl is placed in a single house for 11 months, and the placement companies withdraw their salary every month, which never reaches the victims or their families. Once a victim has served her 11-month sentence in one house, she is moved to another, and the exploitation continues. The victims are tormented, whipped, and beaten up harshly for objecting to the labour assigned by placement agencies; many times, these victim girls describe sexual violence and assault by placement agents and even their employers. The girls are maintained in placement agencies until they are sold to other people. To avoid the law, these placement services continuously shifting their addresses, names, and contact information. The placement agencies operate freely and actively, taking advantage of different loopholes in the law and government machinery.

Most wanted traffickers have been apprehended recently. The NIA confirms this tactic with Panna Lal and Sunita from Jharkhand. Panna Lal and Sunita revealed to the research team, and Jharkhand AHTU revealed during an investigation, that they were running more than 200 illegal placement agencies in Delhi, where they were bringing minor girls from Jharkhand and selling them as domestic slaves in affluent houses for an advance payment of Rs 20,000 to Rs 30,000 per girl. Panna Lal and his wife Sunita used to prey on young girls and the poorest households in Jharkhand's rural and tribal districts. Once a female has been identified as a target, she is enticed with false promises of marriage, a good job, an education, or a happy life. Families were also assured that the girl would have a happy life and that she would receive a monthly salary. After being transported to Delhi, the girl is detained and housed by Panna Lal's placement agencies, where she is forced to work from early dawn to late at night, with no breaks or vacations. The salary of the girl is also taken by Panna Lal. Every girl is assigned to one residence for 11 months before being transferred to another. Victims are not permitted to return home or meet with their relatives.

The victims of human trafficking were exploited not just by these individuals, but also by their employers. Those who are fortunate enough are rescued by law enforcement or anti-trafficking organizations, while others remain enslaved. In the last few years, Delhi has quickly become a center for placement firms. Tughlakabad, Ranibagh, Punjabi Bagh, Shakurpur, Shakarpur, and other areas became hubs for these placement firms. More than 10,000 illegal placement agencies operate in Delhi, with over 4000 of them based in Shakurpur, which is under the jurisdiction of the Subhash Place police station. While a small number of these firms are registered with the Labor Department, they have yet to follow the laws. Because there is currently no law to control these agencies, they are freely trafficking minors from the states of Jharkhand, Bihar, Assam, West Bengal, and Orissa. Even if an agency is raided and shut down, the agents get away with it and create a new one with a different name and address, perpetuating the never-ending cycle of exploitation of minor girls. In 2014, the Jharkhand CID handed over a list of 240 agents and agencies operating illegally in Delhi and involved in trafficking minor girls from Jharkhand to the Delhi Police and a Writ Petition 1555/2013 was filed in the Jharkhand High Court by an NGOs working to combat human trafficking, namely Diya Seva Sansthan regarding the same issue (Table 5.8).

Table: 5.8
Involvement of Other Persons in Trafficking

Other Persons	Friends	Family Members/ Relatives	Brokers/Pimps/ Agent/Brothel Owners/Sex Workers	Placement Agencies	Others
Responses	8	18	30	18	2
	16.3%	36.7%	61.2%	36.7%	4.1%

Source: Field Survey

Due to the lack of a Placement Agency Act in Jharkhand and several other states, persons who work for such agencies have assumed the role of traffickers, raking in millions of rupees. From both sides, the children are entrapped. On the one hand, many domestic bosses are cruel, and on the other, placement agencies seize their income and prevent them from returning home or speaking with their loved ones. While it is accepted that a lack of employment prospects will force people to migrate, governments must ensure that migration is safe (Table 5.9).

Table: 5.9
Modus Operandi of the Traffickers

Modus Operandi	Promise of Money/ Jobs	Making False Promises of Marriage	Befriending/ enticing with attractive offers	Using Coercion/ Force/ Threat/ Kidnapped
Responses	39	4	25	10
	79.6%	8.2%	51.0%	20.4%

Source: Field Survey

According to the ILO report *Profits and Poverty: The Economics of Forced Labour* (2014), commercial sexual exploitation accounted for two-thirds of the estimated total of US\$ 150 billion, or US\$ 99 billion, where women and young girls account for the majority of victims, while forced economic exploitation, which included domestic work, agriculture, and other economic activities, accounted for the remaining US\$ 51 billion.

Table 5.10 shows the types of work that are typically promised by traffickers to victims and their families. More than half of the respondents said they usually offer victims Domestic Jobs and some types of office work. At a time when India's Prime Minister, Shri Narendra Modi, is focusing on labour reforms and giving workers respect, the country fails to recognize one of the most important work forces, domestic labour. Domestic Labour, also known as domestic workers, is a large work force in India that is largely hidden behind closed doors in our homes. It is critical to control the placement agencies that operate in each state, particularly in Delhi. The Delhi Private Placement Agencies (Regulation) Bill 2012 was proposed to the government with the goal of regulating placement agencies and recognizing domestic workers as workers. However, the bill has not yet been passed. In this regard, Chhattisgarh has made a significant step forward by being the first state to implement the Private Agencies (Regulation) Act. On September 25, 2014, the Labour Department of the Government of the National Capital Territory of Delhi, in accordance with the order of the Delhi High Court in writ Petition (CrI.) 82/2009, issued an executive order directing placement agencies to register under the "Delhi Shops & Establishment Act, 1954" or the "Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979" before October 25, 2014, but most placement agencies never complied for the same.

It is suggested that there should be web based single point registration system for registration of all the placement agencies and address of all their offices and it should be made mandatory that no placement agency will operate without the registration on SPRS. An inspector level officer from the Department of Labour & Employment may be deputed to check the accuracy of data and the field operations of placement agencies at regular intervals.

Table 5.10
Kind of Work Normally Promised to Victims

Kind of Work	Domestic Work	Office Work	Firm/ Factory Work	Others
Responses	29	31	13	10
	59.2%	63.3%	26.5%	20.4%

Source: Field Survey

Having huge network in trafficking, being friends and involvement in commercial sexual exploitation were main reasons for involving other persons in human trafficking (Table 5.11).

Table 5.11
Reasons for Involving other Persons in Trafficking

Reasons	Were already involved In Commercial Sexual Exploitation	Were Friends	Already had huge networks in Trafficking	Were already providing Young/Fresh and Beautiful Girls
Responses	9	10	34	5
	18.4%	20.4%	69.4%	10.2%

Source: Field Survey

About 3/4th respondents reported that a few victims were known to traffickers while about 20 percent respondents reported that victims are usually unknown to traffickers (Table 5.12).

Table 5.12
Whether Victims Are Usually Known to Traffickers

Known Status	Mostly Known	A Few Known	Unknown	Total
Response	3	36	10	49
	6.1%	73.5%	20.4%	100%

Source: Field Survey

Relatives /family members, neighbor /friends and other middle men are playing critical role in making women and children more vulnerable to join trafficking (Table 5.13).

Table 5.13
Role in Making Women & Children Vulnerable to Join Trafficking

Who made Vulnerable	Neighbor/ Friends	Relative / Family	Stranger	Others Like Middlemen
Responses	10	38	1	7
	20.4%	77.6%	2.0%	14.3%

Source: Field Survey

The respondents reported that they kidnapped / abduct victims seldom, sometimes and often. However, about 22 per cent respondents revealed that they never kidnap / abduct victims (Table 5.14).

Table 5.14
How Often You Kidnapped/Abducted Victim

How Often	Never	Seldom	Sometimes	Often	Total
Responses	11	20	12	6	49
	22.4%	40.8%	24.5%	12.2%	100%

Source: Field Survey

Most of the respondents reported that sometimes victims are sold to them by family members (Table 5.15).

Table 5.15
How Often Victim is sold by Family

How Often	Seldom	Sometimes	Often	Total
Responses	5	41	3	49
	10.2%	83.7%	6.1%	100%

Source: Field Survey

Majority of the respondents view the victims of human trafficking as business value while about 22 per cent respondents view it as benefactor. Majority of the respondents have justified trafficking as they help needy persons. Most of traffickers felt good after first act of trafficking (Table 5.16).

Table 5.16
How Do You View the Victim of Trafficking?

How you view the victim	Benefactor	Business Value	Total
Responses	11	38	49
	22.4%	77.6%	100%

Source: Field Survey

However, majority of the respondents (63.3%) revealed that they do not get often involved in contact with police. Further About half of the respondents reported that police are also involved in racket of trafficking (Table 5.17).

Table 5.17
Contact of Traffickers with Police & Involvement of Police in Trafficking Rackets

Contact with Police			Involvement of Police in Trafficking		
Yes	No	Total	Yes	No	Total
18	31	49	26	23	49
36.7%	63.3%	100%	53.1%	46.9%	100%

Source: Field Survey

Most of the respondents reported that they face encounter by police during transition, more than 4/5th respondents reported that they were also arrested by police on ground of trafficking (Table 5.18).

Table 5.18
Encounter By Police During Transition & Arrest on Ground of Trafficking

Faced Police Encounter during Transition			Ever arrested by Police on Ground of Trafficking		
Yes	No	Total	Yes	No	Total

40	9	49	41	8	49
81.6%	18.4%	100%	83.7%	16.3%	100%

Source: Field Survey

Most of the traffickers reported that they were prosecuted for human trafficking cases, However, a negligible proportion of traffickers were convicted (Table 5.19).

Table 5.19
Prosecution and Conviction for Crime Related to Human Trafficking

Ever been Prosecuted for Trafficking			Convicted or Sentenced for Human Trafficking Crime		
Yes	No	Total	Yes	No	Total
37	4	41	4	37	41
90.2%	9.8%	100%	9.8%	90.2%	100%

Source: Field Survey

Big profit and lack of alternative livelihood are the main reasons for continuity act of human trafficking (Table 5.20).

Table 5.20
Reasoning For Continuing Act of Trafficking

Reason for Continuation	Big Profit	No Alternative Livelihood	Others
Responses	42	10	2
	85.7%	20.4%	4.1%

Source: Field Survey

Inappropriate charge sheet, witness turn hostile, poor evidences and lack of victim or witness protection are some of the loopholes in law enforcement mechanism (Table 5.21).

Table 5.21
Loopholes in Law Enforcement Mechanism

Loopholes	Inappropriate Charge Sheet	Poor Evidences	Lack Of Victim or Witness Protection	Witness Turn Hostile	Don't Know
Responses	36	18	19	34	1
	73.5%	36.7%	38.8%	69.4%	2.0%

Source: Field Survey

BROTHEL OWNER/KEEPERS:

A brothel is defined by the Immoral Traffic Prevention Act of 1956 as “any house, room, conveyance, or place, or any portion of any house, room, conveyance, or place, used for the purpose of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes” (Section 2a). Prostitution is defined as “the sexual exploitation or abuse of humans for commercial objectives,” according to the act (Section 2f). Because commercial sexual exploitation of women and children is the primary goal of human trafficking, and brothels play a key role in this illegal business, an effort has been made to better understand their exploitative environment, the role of various exploiters, the factors that exacerbate victims’ vulnerability, and the response mechanisms of the agencies involved in addressing the relevant issues. To be classified as a brothel, a location must have been utilized for prostitution. In the lack of any

proof from the surrounding circumstances, the premises cannot be held “used for brothel” when the prosecution showed the presence of only one female in the premises and a single instance of prostitution (In Re Dhanalakshmi, 1974 CriLJ 61 MAD). A single incident of prostitution in a location does not qualify it as a “brothel” (Sushila v. State of Tamil Nadu, CriL J 1982 MAD 702). Thus, if a single woman uses the premises for her own gain, she is not breaking the law, but if two prostitutes use the same premises for mutual gain, it is considered a “brothel.” The last sentence of the definition is crucial. It means that a single woman who practices prostitution for a living without the presence of another prostitute or another person involved in the upkeep of such premises will not be considered a “brothel” (In Re Ratnamala, AIR 1962 MAD 31).

The Act obviously denies Commercial Sex Workers the ability to work because, if properly applied, the law prohibits women from working in brothels or soliciting on the street. Seducing or soliciting for the purpose of prostitution is punishable under Section 8. It makes soliciting for prostitutes illegal and is being used to arrest and punish women and girls who have been victims of human trafficking. The Commercial Sex Workers are left to find clients through methods other than solicitation. Soliciting clients is an essential part of earning a livelihood, and this clause simply strengthens the police, who harass Commercial Sex Workers by threatening to invoke section 8. This is predicated on the International Convention’s flawed premise that criminalizing the commercial sex business will cause the enterprise to collapse.

According to K K Mukherjee and Sutapa Mukherjee, there are various reasons why brothels and prostitution are on the rise, as per a study conducted on behalf of the central government by the Gram Niyojan Kendra in Ghaziabad. Growing migration and poverty, political instability, the degradation of traditional values, the drive to make quick money, globalization, and the decline of job opportunities for uneducated and unskilled youths are only a few of these factors. Urbanization, new attitudes toward sex, worry among youngsters about their sexual performance, the expansion of the hotel industry, promiscuity, and sex myths with virgin women are all factors to consider. “Consumerism, combined with the expansion of transportation facilities, is contributing to the emergence of a new form of practice known as ‘commuting prostitute,’ in which girls and women from nearby rural areas come to cities such as Delhi, Kolkata, and Mumbai for a set number of hours under the guise of working in offices/homes,” according to the study. According to the report, there is no way to completely eradicate prostitution. However, if the government and others demonstrate the will, its prevalence can be minimized. The Karnataka government formed a committee to investigate the working conditions of sex workers in the state, with one of the sitting women members of the Karnataka Legislative Council as its head. The study discovered that in the early stages, women are pushed into this job only for the purpose of human trafficking or to make more money for the rest of their lives, or are sold unintentionally to pimps by relatives or friends. When women become trapped in this vicious cycle, they have no choice but to continue working as sex workers. Women are found to be sex workers as long as demand or beauty reigns supreme in the market. When demand falls, they continue to work as a supplier/agent in the field (pimps). The majority of them are trafficked from Maharashtra and Goa to Karnataka, according to the research. Migration, drought, unemployment, early marriage divorce, poverty, and other factors were identified as causes for seeking this job in the study. Surprisingly, the survey found that married women are more active in this field. The more fascinating issue is that approximately 26% of women/girls have entered this sex labour employment in order to acquire a good phone, a good dress, pocket money, and so on.

The Research Team of BIRD visited as many as 47 Brothels across the State of West Bengal,

Delhi and Maharashtra as in the State of Karnataka, Tamil Nadu brothels have been closed by Law Enforcement agencies and research team could not found any brothel in the selected districts of Jharkhand, Assam & Uttar Pradesh. Perceived reasons of different stakeholders for flourishing of brothels are shown in Table 5.22. Lack of livelihood, lack of alternative profession for victim of CSE, low level of requirement/investment to operate sex related business, high rewarding, low risk criminal activity, loose manners and morals, prostitution as entertainment and most lucrative illicit business and most profitable trade are some of the main reasons responsible for flourishing of brothels.

Table 5.22
Perceived Reasons of Different Stakeholders for Flourishing of Brothels

Perceived Reasons	Traffickers	Brothel Keepers	Law EAs	Public Prosecutors
Luxurious Life Style Addiction	5	8	17	10
	10.2%	17.0%	18.3%	100%
Loose Manners and Morals	19	11	38	9
	38.8%	23.4%	40.9%	100%
Self-Indulgence Of the Wealthier Class	6	2	3	3
	12.2%	4.3%	3.2%	100%
Prostitution As Entertainment- Women and Girls Are Treated as Sexual Toys	10	14	21	10
	20.4%	29.8%	22.6%	100%
Pornographic, Soft and Strong Literature and Entertainment	3	4	54	13
	6.1%	8.5%	58.1%	100%
Lack Of Livelihoods/High Level of Unemployment	31	44	83	12
	63.3%	93.6%	89.2%	100%
Lack Of Alternatives for A Victim Of CSE/ No Other Options for Survival	30	36	76	12
	61.2%	76.6%	81.7%	100%
Easy Spending of Quick Money Earned by Criminals and Thugs	8	6	20	3
	16.3%	12.8%	21.5%	100%
Decline Of Public Order and Increase in Lawlessness	1	0	3	6
	2.0%	0.0%	3.2%	100%
Most Lucrative Illicit Business and Most Profitable Trade	27	6	22	6
	55.1%	12.8%	23.7%	100%
Low Level of Requirements/Investment to Operate Sex-Related Business	24	14	17	3
	49.0%	29.8%	18.3%	100%
Worldwide Phenomenon of Sex Tourism	0	3	23	3
	0.0%	6.4%	24.7%	100%
Government's Criminalization Policy Fails to Adequately Address the Problem of Prostitution	3	2	18	10
	6.1%	4.3%	19.4%	100%
Insufficient Or Inadequate Laws, Poor Enforcement	7	2	17	16
	14.3%	4.3%	18.3%	100%
Difficult To Prove Offences Related to Sexual Exploitation	16	0	36	6
	32.7%	0.0%	38.7%	100%
Minimal Chances of Prosecution and Conviction In The Field Of Pimping, Exploitation And Trafficking Of Human Beings	11	0	58	12
	22.4%	0.0%	62.4%	100%
High-Rewarding, Low-Risk Criminal Activity	21	2	35	10
	42.9%	4.3%	37.6%	100%

Corruption And Complacency	11	4	4	7
	22.4%	8.5%	4.3%	100%
Lack Of Clear-Cut Guidelines and Mechanism for Monitoring of Brothels	1	1	25	6
	2.0%	2.1%	26.9%	100%

Source: Field Survey

Growing poverty due to COVID-19 is likely to compel more women to choose sex work and enforcement agencies must engage their collectives to “prevent, identify and redress” perpetrators of human trafficking who force children and women into flesh trade instead of criminalizing adult consenting workers.

It is reported that majority of brothel keepers were female (95.7 percent). More than half (53.2 percent) of the operators of brothels were from rural background followed by Metropolitan Cities (23.4 percent). Slightly less than one fourth (23.4 percent) operators of brothels were from Urban/Semi Urban background. Brothel and prostitution is a phenomenon of Urban and Metropolitan Cities but operators of brothels were found from rural background because most of the sex workers whether by trafficked or by self belongs to rural background and after 7-8 years they become Madam Jee/Badi Didi/ operators of brothels. It is found that women continue to be sex workers as long as demand or beauty prevails in the market. When demand decreases, they continue in the field as a supplier/agent (pimps). This could be confirmed from the analysis of age group of brothel operators. Most of the brothel operators (70.2 percent) were having age more than 40 Years. About 13 percent respondents were in the age group of 35-40 years. Most of the brothel keepers (42.6 percent) was from Other Backward Classes community followed by general castes (34 percent). Significant percentages of brothel operators were also from Scheduled Caste communities (12.8 percent) and Scheduled Tribes communities (10.6 percent). About half (48.9 percent) of the brothel operators were followers of Hinduism faith followed by Islam (25 percent) and 10.6 percent respondents were from other minority communities. It is reported that slightly more than one fifth (21.3 percent) brothel keepers were widows, 17 percent were unmarried, 42.6 percent were married, Equal percentage (8.5 percent) were separated and divorced and 2.1 percent were abandoned. Slightly more than two third (68.1 percent) brothel keepers were illiterate, slightly more than one fourth (25.5 percent) had completed their primary level schooling and only 6.4 percent had completed their middle level education. More than half (57.4 percent) brothel keepers can speak at least two languages, slightly less than one fifth (19.1 percent) brothel keepers know three or more than three languages. It is reported that about three fourth (72.3 percent) brothel keepers were living alone and those living alone were residing inside of the brothels. 6.4 percent brothel keepers were living with their spouse and 4.3% were living with their spouse and children.

Previous Occupation of Brothel Keepers is shown in Table: 5.23. More than half (59.6 percent) brothel keepers were previously sex workers and about 15 percent were previous victims of Commercial Sex Exploitation (CSE). 12.8 percent respondents refused to disclose their previous occupations.

Table: 5.23
Previous Occupation of Brothel Keepers

Previous Occupation of Brothel Keepers	Responses
Previous victim of CSE	7 (14.9%)
Sex Worker	28 (59.6%)
Pimp	0 (0.0%)
Skilled Labour	2 (4.3%)
Petty Business	0 (0.0%)
Service	0 (0.0%)
No Work	4 (8.5%)
Other	0 (0.0%)
No response	6 (12.8%)
Total	47 (100%)

Source: Field Survey

It is reported that most of the brothel keepers (95.7 percent) do not have any kind of criminal antecedents and those having criminal antecedents were never prosecuted for their offences. Slightly more than one third (36.2 percent) brothel keepers reported that they take alcohol/drugs and when asked about frequency of taking drugs/alcohol from those taking alcohol/drugs more than half of the respondents (52.9 percent) reported that they take it sometimes and only slightly more than one third (35.3 percent) reported that they take it always. Those taking drugs less than one fourth reported that they take other opiate, about 12 percent respondents reported that they take cocaine and more than half (58.8 percent) reported that they take other kind of drugs.

More than half of the respondents reported that period of brothel keeping are more than 10 years while about half of the respondents reported that brothel keeping has been for less than 10 years (Table 5.24).

Table: 5.24
Period of Brothel Keeping

Period of Brothel Keeping	Less Than 5 Years	5-10 Years	10-20 Years	> 20 Years	Total
Response	8	15	9	15	47
	17.0%	31.9%	19.1%	31.9%	100%

Source: Field Survey

More than half of the respondents reported that brothels are on rent while ownership of brothels was reported by slightly more than 1/3rd cases even significant number of brothel keepers reported that brothels are inherited to them (Table 5.25).

Table: 5.25
Ownership of Brothel

Type of Ownership	Owned	Inherited	On Rent	Total
Response	16	5	26	47
	34.0%	10.6%	55.3%	100%

Source: Field Survey

Slightly more than half of the respondents reported that there are less than 5 rooms in the

brothel. However, more than 2/5th respondents reported that there are 5 to 10 rooms in brothel (Table 5.26).

Table: 5.26
No. of Rooms in Brothel

No. of Rooms	Less Than 5	5-10 Rooms	> 10 Rooms	Total
Response	24	21	2	47
	51.1%	44.7%	4.3%	100%

Source: Field Survey

Majority of the respondents reported that there are less than 10 CSWs in the brothel. However, about 1/4th respondents reported that there are more than 10 CSWs in the brothel (Table 5.27).

Table: 5.27
No. of CSWs in Brothel (Regular)

No. of Regular CSWs	> 5 CSWs	5-10 CSWs	>10 CSWs	Total
Response	16	20	11	47
	34.0%	42.6%	23.4%	100%

Source: Filed Survey

No. of flying sex workers in brothels is shown in Table: 5.28. The phenomenon of flying sex workers is increasing day by day and has been attributed the reason behind flourishing of brothels. K K Mukherjee and Sutapa Mukherjee in the study undertaken by the Gram Niyojan Kendra, Ghaziabad, on behalf of the central government find that “Consumerism combined with growth of transport facilities is contributing to the emergence of a new form of practice called ‘commuting prostitute’ wherein girls and women from neighboring rural areas come to cities like Delhi, Kolkata, Bengaluru and Mumbai for some specific hours on the pretext of working in offices/homes,” This was also confirmed during a FGD with the Sex Workers at Kanpur, Uttar Pradesh. About 3/4th respondents reported that they directly contact sex workers however; about 30 per cent respondents reported that they recruit them indirectly through pimps. Majority of the respondents reported that they themselves supervise the brothels.

Table: 5.28
No. of CSWs in Brothel (Flying)

No. of Flying CSWs	< 5 CSWs	5-10 CSWs	>10 CSWs	Total
Response	25	15	7	47
	53.2%	31.9%	14.9%	100%

Source: Field Survey

Methods normally being adopted in recruitment of sex workers in brothels are shown in Table 5.29. More than three fourth (76.6 percent) brothel operators reported that they directly recruit the sex workers, so they do not want services of pimps. Slightly more than one fourth (29.8 percent) respondents reported that they recruit through pimps. The reason behind direct recruitment is easily availability of Flying Sex workers or part time sex workers in that city.

Table 5.29
Methods Normally Being Adopt in Recruitment

Method of Recruitment	Direct Contact	Indirectly Through Pimps	Promise Of Marriage	Incited For Prostitution	Others
Response	36	14	1	3	2
	76.6%	29.8%	2.1%	6.4%	4.3%

Source: Field Survey

More than half (53.2 percent) brothels keepers reported that they do not require services of pimps due to increasing no. of voluntarisms in sex industry and increasing number of flying sex workers (Table 5.30).

Table 5.30
No. Of Pimps in Brothel

No. of Pimps	Zero	1-2	3-5	More Than 5	Total
Response	25	13	4	5	47
	53.2%	27.7%	8.5%	10.6%	100%

Source: Field Survey

About 2/3rd respondents reported that they share room rent and fixed amount per customer in the victim's earnings while 1/4th respondents reported that they share room rent and 50 per cent of earnings of victims (Table 5.31).

Table 5.31
Share in Victim's Earnings

Type of Share	Room Rent and Fixed Amount Per Customer	Room Rent Alone	Room Rent and 50% Of Earning	Others
Response	31	6	12	1
	66.0%	12.8%	25.5%	2.1%

Source: Field Survey

Young, beautiful and virgin women and girls are more demanded in brothels (Table 5.32).

Table 5.32
Types of Women and Girls in Demand

Women and Girls in demand	Virgin	Young	Beautiful	Region Specific	Others
Response	29	39	36	17	7
	61.7%	83.0%	76.6%	36.2%	14.9%

Source: Field Survey

About 2/5th respondents reported that on an average more than 10 clients are visiting brothels per day. However, about 30 per cent respondents revealed that there are less than 5 clients per day per brothel (Table 5.33).

Table 5.33
Average No. of Clients Visiting Brothel Per Day

No. of Clients	Less Than 3	3-5	6-10	> 10 Clients	Total
Responses	10	4	13	20	47
	21.3%	8.5%	27.7%	42.6%	100%

Source: Field Survey

More than 2/5th respondents reported that police raids thrice and above in a month in the brothels. The main reasons for police raids were reported to be checking of minor girls, law and order problems and for official figures. About 1/4th respondents reported that they are often involved in contact with police. However, most of them denied that they were arrested by police on ground of trafficking or commercial sex exploiters. About 30 per cent respondents reported that police is also involved in racket of trafficking (Table 5.34).

Table 5.34
Reasons for Police Raids

Reason for Police Raids	To Check Minor Girl	Law & Order Problem	For Official Figures	To Collect Monthly Quota	Others
Response	37	19	12	10	6
	97.4%	50.0%	31.6%	26.3%	15.8%

Source: Field Survey

Majority of the respondents reported that they get involved in brothel keeping as they were sex workers / brokers, Pimp earlier. A significant proportion of respondents also reported that they inherited the business and were associated with traffickers (Table 5.35).

Table 5.35
How You Get involved in Brothel Keeping

Reason for Getting involved	Earlier Working as Sex Worker/Broker/ Pimp	Earlier Association with Brothel Owner	Inherited The Business	Association With Traffickers
Total	29	8	10	7
	61.7%	17.0%	21.3%	14.9%

Source: Field Survey

Lack of alternative livelihood and inherited profession as well as big profit are some of the main reasons for continuing the act of brothel keeping (Table 5.36).

Table 5.36
Reasoning For Continuing Act of Brothel Keeping

Reason for Continuation	Big Profit	No Alternative Livelihood	Inherited Profession	Others
Responses	8	36	10	1
	17.0%	76.6%	21.3%	2.1%

Source: Field Survey

THE CLIENTS:

Human trafficking exploiters comprise a diverse group of criminals and criminal entities

who plan, carry out, and profit from human trafficking. In order to run their business, traffickers frequently rely on enablers: individuals and entities – both legal and illegal – that give goods and services to exploiters, making human trafficking conceivable and profitable. The Organization for Security and Cooperation in Europe (OSCE) describes human trafficking as “a process rather than a single offence, a process including several stages or nodes through which victims’ transit and involving different persons at each level of the process.” Prostitution is frequently linked to illegal drug markets, crime, violence, and other undesirable negative effects on neighborhoods, as well as sexually transmitted diseases. Despite the public safety, order, and health issues associated with prostitution, there is surprisingly little reliable empirical data on crucial aspects of the problem, particularly male clients of prostitute women. To address some of these information gaps, we conducted multi-stranded research.

Many researchers have looked into the attitudes, beliefs, motivations, and conduct of male sex workers’ clients. However, few studies have looked at individual variations in significant personality traits indicated by males who buy prostitution versus those who don’t. Although numerous evolutionary psychologists have researched prostitution and individuals engaging in sex work, none have explicitly considered the utility of an evolutionary personality approach in attempting to understand why certain men pay for sex, to our knowledge. Prostitution is described largely as a form of short-term mating sought primarily by men in the current mini-review, following other academics. We argue that the dark tetrad’s socially aversive traits (narcissism, Machiavellianism, psychopathism, and sadism) may characterize some male clients of female sex workers, particularly those who express desires for exciting and novel sex with women who are treated with contempt, perceiving prostitution as a business with little emotional involvement, and seeking to dominate and control sex workers who are viewed as vulnerable. In comparison to men who acquire sex from female sex workers in interior settings (e.g., street prostitution), the tetrad features may be more prominent among men who purchase sex from female sex workers in outdoor (e.g., street prostitution) settings (e.g., escort agencies).

Direct prostitution (e.g., street prostitution, escort services, and brothels) is a type of sex work that entails an explicit exchange of material items, favours, and/or services in exchange for sexual intimacy or erotic acts with no commitment necessary (Harcourt and Donovan, 2005). Indirect prostitution, on the other hand, occurs when the exchange of money for sex is not the primary source of income (e.g., massage parlour workers), purveyors do not refer to themselves as prostitutes (e.g., “camgirls,” adult film actors/actresses, and exotic dancers), or people are forced into sex work out of necessity (e.g., “camgirls,” adult film actors/actresses, and exotic (e.g., survival sex). However, among academics, the word used to describe prostitution remains a contentious issue (Benoit et al., 2018). Since ancient times, prostitution has been conducted in sex-specific ways throughout a wide range of civilizations, with males typically being the principal clients of sex work services provided by both women and men (Dylewski and Prokop, 2019). Estimates of the percentage of men who purchase sex cross-culturally range from 9 to 80% (discussed in Farley et al., 2011); however, several researchers have cautioned that previous estimates are likely inflated due to methodological issues (e.g., sampling bias), and that a more conservative estimate below 20% likely typifies men who have ever paid for sex (Månsson, 2004; Pan et al., 2011; Jewkes et al., 2012; Monto and Mirod, 2014; Ondrášek et al., 2018).

Personality traits influence both mate choices (i.e., intersexual selection) and how people fight for mating opportunities with rivals, according to evolutionary psychologists (i.e., intra sexual competition; Jonason et al., 2012, 2015; Buunk et al., 2017; Buss and Schmitt, 2019). Because

personality characteristics have an impact on fitness-related outcomes and exhibit a significant degree of inter-individual variability, heredity, and developmental stability, it's worthwhile to think about their possible adaptive significance (Nettle, 2006; Buss, 2009).

The dark tetrad is a four-variable personality model marked by egocentrism and grandiosity (i.e., narcissism), manipulative and cynical tendencies (i.e., Machiavellianism), callousness and anti-sociality (i.e., psychopath), and taking pleasure in the pain and suffering of others (i.e., psychopath) (i.e., sadism; Buckels et al., 2013; Book et al., 2016; Meere and Egan, 2017; Paulhus et al., 2018). Investigators have argued that the Dark Tetrad dimensions appear to comprise an organised system of co-adapted traits that facilitate, to varying degrees, early sexual development, short-term mating strategies, risk-taking, exploitation, and aggressive behaviour; a so-called "fast life history strategy" (Lalumière et al., 2001; Gladden et al., 2009; Jonason et al., 2010; McDonald et al., 2012; Davis et al., 2019). Personality traits like honesty and humility, on the other hand, appear to be associated to a "slower life history strategy" in which resources are invested in generating fewer offspring later in development, heightened parental care, risk aversion, and better physical and mental health (Davis et al., 2019). Researchers have warned, however, that the application of life history theory to human personality has deviated from its theoretical roots in ecology and evolutionary biology (Nettle and Frankenhuys, 2019). Some have disputed the fast-slow life history continuum, claiming that these tactics do not function on a single continuum (Holtzman and Senne, 2014). Scholars have also argued that the evolutionary processes that lead to differences in life history between species (Darwinian evolution) are distinct from those that contribute to changes in psychological qualities among members of a species (e.g., developmental plasticity; Zietsch and Sidari, 2019). Nonetheless, scholars argue that a life history framework is important for studying personality trait diversity in humans and nonhuman animals (Wolf et al., 2007; Vonk et al., 2017; Davis et al., 2019; Young et al., 2019; Del Giudice, 2020).

A very consistent set of reasons for why men purchase sex from women has been identified across samples of arrested offenders and non-offenders from different cultures (McKeganey, 1994; Xantidis and McCabe, 2000; Vanwesenbeeck, 2001; Cotton et al., 2002; Mnsson, 2004, 2006; Pitts et al., 2006; Lowman and Atchison, 2006; Monto, 2010; Milrod and Monto, 2012, 2017; Farley et al., 2017; Ondrášek et al., 2018). When extrapolating findings from offenders to non-arrested male clients of sex work, however, caution should be exercised because these individuals differ in important ways (e.g., demographic characteristics; Monto and McRee, 2005; Monto and Milrod, 2014), which may affect the degree to which they express certain motives for buying sex. Wanting novel, exciting, and forbidden sex with a variety of female sex workers who are treated with contempt to satisfy their sexual urges; seeking specific sexual acts that dating or romantic partners are unwilling or unlikely to provide; perceiving sex in a business-like manner without emotional involvement that is less complicated than dating and romantic relationships; a desire to dominate and control female sex workers who are persecuted; and a desire to dominate and control female sex workers who are per The findings in this section support the hypothesis that while the majority of male clients of female sex workers have increased short-term mating proclivities, the motivations driving a subgroup of males to purchase prostitution may actually indicate a long-term mating endeavour (e.g., wanting companionship).

Only a few studies have looked at major personality traits in male clients of female sex workers. Men who had previously been prostitution clients in Zimbabwe exhibited higher degrees of impulsivity, pleasure seeking, and ego-defensiveness (Wilson et al., 1992). In comparison to non-clients, Australian male clients of brothels who purchased services from female sex

workers indicated higher levels of sensation-seeking (i.e., an eagerness to engage in unusual and stimulating activities) (Xantidis and McCabe, 2000). Xantidis and McCabe (2000) discovered that male clients who viewed sex as a business transaction were substantially more interested in sensation than consumers wanting romance and connection. Hostile masculinity, which is defined as a psychological profile characterized by animosity and cynicism toward women, as well as views that legitimize aggressiveness and dominance over women, was found to be more prevalent among American men who purchased prostitute services (Farley et al., 2017). Those who held inaccurate beliefs about prostitution (e.g., “prostitutes make a lot of money”) had higher cynicism (misanthropy and interpersonal distrust), antisocial practice (criminal behaviour and lawlessness), and lower self-esteem than those who held accurate beliefs about prostitution (e.g., “prostitutes make a lot of money”) (Sawyer et al., 2001).

These data also imply that the Dark Tetrad is more common among men who express certain goals, such as thrilling and scornful sex with a variety of sex workers, commodified and business-like sex, and the desire to have power and control over sex workers. In contrast, the tetrad’s characteristics may not clearly characterize males seeking sex workers for specific actions as a result of unmet demands from their spouses. Men who buy sex for the purposes of connection, intimacy, and love are likely to have a lower predominance of the Dark Tetrad aspects.

The respondents were mainly from urban areas including semi-urban and metropolitan cities. They were mainly from age group of 18 to 40 years. A large proportion of respondents were from General Caste and OBCs. They were mainly Hindus. More than 2/5th clients were found married while less than 1/3rd respondents were unmarried. The educational level of clients was reported to be poor as majority of them were educated up to high school. The clients were mainly self-employed, casual labour and salaried private job holders. More than half of the clients were from local areas.

About 46 per cent respondents reported that they are regular visitors of CSW. However, there is no specific frequency of visit to them for more than 2/5th cases. A significant proportion of respondents further reported that they visit to CSW once a week and once a month. Curiosity and learning as well as greater sex urge and desire for variety in sexual life were main reasons for visiting a CSW (Table 5.37).

Table 5.37
Whether You Are Regular Visitor of CSW

Are you a Regular Visitor	Yes	No	Refused/ No Response	Total
Response	29	28	6	63
	46.0%	44.4%	9.5%	100%

Source: Field Survey

More than 3/4th respondents reported that they prefer intercourse only with CSW while about 1/4th respondents reported that they prefer both oral and intercourse with CSW (Table 5.38).

Table 5.38
Type of Sexual Activity Preferred with CSW

Types of Sexual Activity	Percentage of Preference
Half and Half sex- both oral and intercourse	15 (23.8%)
Intercourse Only	48 (76.2%)
Oral Only	0 (0.0%)

Total	63 (100%)
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Source: Field Survey

Most of clients admitted that they were easy going, entertaining, obeying, polite and friendly with CSW. Most of them paid less than Rs. 500 per visit to CSW (Table 5.39).

Table 5.39
Describe the CSW Whom You Have Just Contacted

Obeying	Entertaining	Polite	Easy Going	Friendly	Reserved	Unfriendly
24	22	16	31	15	6	1
38.1%	34.9%	25.4%	49.2%	23.8%	9.5%	1.6%

Source: Field Survey

Good looking, young and beautiful CSWs are being preferred by the clients (Table 5.40).

Table 5.40
Type of CSW Preferred by You

Types of CSW	Percentage of Preference	Types of CSW	Percentage of Preference
Young	28 (44.4%)	Beautiful	24 (38.1%)
Good Looking	30 (47.6%)	Slim	4 (6.3%)
Good Body Shape	10 (15.9%)	Fair Complex	3 (4.8%)
Region Specific	1 (1.6%)	Shy and submissive	6 (9.5%)
Language Specific	0 (0.0%)	Agreed to sex without condom	4 (6.3%)
Total	63 (100%)		

Source: Field Survey

Clients of CSWs were asked if they ever been refused by CSWs. 12.7 percent Clients of CSWs reported that they were refused by CSW for sexual services and 5 percent clients refused to reply. Clients of CSWs were asked have they had any instance of misbehavior by the CSW, 8 percent clients reported yes and further 3 percent reported that refusal was due to under payment, 1 percent reported it was due to over exploitation, 1 percent were refused for abusive behavior and 1 percent were refused for other reasons. Clients were asked if they are aware that buying sex is illegal, only 28.6 percent said that this is illegal, others were not aware.

Preference about safe or unsafe sex is shown in Table 5.41. Most of the Clients (81.0 percent) reported that they prefer safe sex; only 19% clients said that they prefer unsafe sex. When asked about frequency of use of condom, slightly less than two third (63.5 percent) those using condom during sex reported that they use it always, 6.3 percent reported that they use it often and another 6.3 percent reported that they use it sometimes. Only 4.8 percent reported that they use it seldom. Those using condom all the times slightly less than half (47.6 percent) said they use this as it prevents from HIV-AIDS, 9.5 percent reported that it prevents STD and only 6.3 percent reported that it prevents from STD as well as HIV, meaning by very few clients were aware why they are using protective measures. Those who were not using condom sighted the reasons such as non-availability (6.3 percent), Don't Like (6.3 percent), not necessary (4.8 percent) and other reasons (1.6 percent). The first Integrated Bio-Behavioural Assessment (IBBA) survey in Andhra Pradesh, Maharashtra and Tamil Nadu, showed that 28 percent of clients reported 'every time' condom use with sex workers. A quarter of the clients (27 percent) reported commercial partners only, 47 percent reported also having a main sexual partner and 27 percent reported casual and

main female partners. (Subramanian T, Gupte MD, Paranjape RS, Brahman GN, Ramakrishnan L et al. (2008) HIV, sexually transmitted infections and sexual behavior of male clients of female sex workers in Andhra Pradesh, Tamil Nadu and Maharashtra.

Table 5.41
Do You Prefer Safe Sex or Unsafe Sex?

Preference of Sex	Safe Sex (With Condoms)	Unsafe Sex (Non-Use of Condoms)	Total
Responses	51	12	63
	81.0%	19.0%	100%

Source: Field Survey

Majority of the respondents revealed that they carry condom while visiting a CSW. However, about 16 per cent respondents revealed that they do not carry condom while visiting CSW. Thus, they are more vulnerable and at risk of STD and HIV-AIDS (Table 5.42).

Table 5.42
How Often You Carry a Condom When Visiting a CSW

How Often	Frequency	Percentage
All the time	28	44.4
Most the time	9	14.3
Some Times	16	25.4
Never	10	15.9
Total	63	100.0

Source: Field Survey

Clients were asked whether they ever been encountered/ harassed by Police. Only 7.9 percent clients reported that they were ever harassed by Police and those who were harassed 60 percent clients reported that they were harassed occasionally where as 40 percent reported that were rarely harassed. Clients those who were harassed by Police were asked what was the action taken by Police when encountered. 80 percent Clients reported that Police extracted money from them and 20 percent reported that they were verbally abused. Clients of CSWs were asked have they ever been arrested by Police for buying sex, only 4.8 percent Clients reported that they were arrested by Police for buying the sex and those who were arrested by Police were later on released on bribing to Police. Only 7.9 percent clients were aware that clients can be penalized under Section 7 of ITPA for buying the sex and surprisingly slightly more than one third (33.3 percent) clients were aware that that sexual assault on a child under 16 years age, even with consent, amounts to rape under Indian Penal Code (Table 5.43).

Table 5.43
Encounter/Harassment of Clients by Police

Ever been encountered/ harassed by Police		If harassed, Frequency of Harassment	
Response	Respondents	Frequency	Respondents
Yes	5 (7.9%)	Occasionally	3 (60%)
No	53 (84.1%)	Rarely	2 (40%)
Refused	5 (7.9%)	Total	5 (100%)
Total	63 (100%)	Have you ever been arrested by Police for buying sex	

Action taken by Police when encountered		Response	Respondents
Action	Respondents	Yes	3 (4.8%)
Extracted Money	4 (80%)	No	59 (93.7%)
Verbally abused	1 (20%)	Refused	1 (1.6%)
Total	5 (100%)	Total	63 (100%)
How Many Times Arrested by Police for buying Sex		Are you aware that clients can be penalized under Section 7 of ITPA	
1 Time	1 (33.3%)	Very much Aware	5 (7.9%)
15 Times	1 (33.3%)	Not Aware	58 (92.1%)
2 Times	1 (33.3%)	Total	63 (100%)
Total	3 (100%)	Mode of Release from Police Custody	
		Bribing Money	3 (100%)
Are you aware that sexual assault on a child under 16 years age, even with consent, amounts to rape under Indian Penal Code			
Very much Aware	21 (33.3%)		
Not Aware	42 (66.7%)		
Total	63 (100%)		

Source: Field Survey

More than half of the clients (57.1 percent) reported that they drink alcohol and 7.9 refused to response on their addiction history. 36.1 percent of those were taking drinks reported that they drink regularly, 27.7 percent occasionally, and 19.4 percent rarely where as 16.6 percent who were taking drinks refused to response on the frequency of drinks. Clients who were taking drinks, were asked what types of drink you take, 22.2 percent responded that they take foreign brand, 30.5 percent reported that they take Local Brand and 47.22 percent clients reported that they consume both Foreign and Local brands of Alcohol based on its availability and their pocket money. Further clients were asked “Do you take drink when visit to CSW/Brothel” 25 percent clients reported that yes, they take drink before visiting a CSW whereas same percentage (25 percent) clients refused to reveal their choices (Table 5.44).

Clients were asked if they take drugs, slightly less than half (44.4 percent) respondents reported that yes, they take drugs, those who were taking drugs were not regular users but 75 percent clients reported that they take the drugs sometimes, only 25 percent reported that take it often. Those who were taking drugs reported that they take Other Opiate, Heroin and some other kinds of drugs. Clients were asked if they take drugs before visiting a CSW, only 18.7 percent clients reported that yes, they take it before visiting a CSW whereas 6.25 percent clients refused to reveal their preferences (Table 5.44).

Table 5.44
Addiction History

Have you ever had a drink		If yes, how frequently you drink	
Response	Respondents	Frequency of Drink	Respondents
Yes	36 (57.1%)	Regularly	13 (36.1%)
No	22 (34.9%)	Occasionally	10 (27.7%)
No Response	5 (7.9%)	Rarely	7 (19.4%)
Total	63 (100%)	No Response	6 (16.6%)
What type of drink you take		Total	36 (100%)

Foreign	8 (22.2%)	Do you take drink when visit to CSW/ Brothel	
Local	11 (30.5%)	Response	Respondents
Both	17 (47.22%)	Yes	9 (25%)
Total	36 (100%)	No	18 (50%)
Do you take Drugs		No Response	9 (25%)
Yes	16 (44.4%)	Total	36 (100%)
No	20 (55.5%)	How frequently you use drugs	
Total	36 (100%)	Sometimes	12 (75%)
Types of Drugs you Take		Often	4 (25%)
Drugs Types	Respondents	Total	16 (100%)
Heroin	4 (25%)	Taking drugs when visit to CSW	
Other Opiate	7 (43.75%)	Response	Respondents
Tranquilizers	0 (0.0%)	Yes	3 (18.7%)
Crack Cocaine	0 (0.0%)	No	12 (75%)
Amphetamine	0 (0.0%)	No Response	1 (6.25%)
Cocaine	4 (25%)	Total	16 (100%)
Cannabis	0 (0.0%)		
Others	1 (6.25%)		
Total	16 (100%)		

Source: Field Survey

Most of the respondents were found aware about STD-HIV/ AIDS. They were also aware that HIV mainly spreads through unprotected sex and condom use reduced of risk of HIV/ AIDS/ STD infection. They were also aware that commercial sex workers are more susceptible to HIV/ AIDS. However, most of the respondents refused that they have ever been tested for HIV or have faced genital ulcer / sores during last 12 months (Table 5.45).

Table 5.45
Awareness About STD/HIV

Have heard of STD-HIV/ AIDS	Respondents	A person with STD is prone to HIV/AIDS	
Yes	60 (95.2%)	Response	Respondents
No	3 (4.8%)	Yes	35 (58.3%)
Total	63 (100%)	No	6 (10%)
Source of your Information about HIV/AIDSs		Refused/ No Response	19 (31.6%)
Source	Respondents	Total	60 (100%)
Mass Media	31 (51.6%)	HIV mainly spreads through unprotected Sex	
Co-Workers	10 (16.6%)	True	54 (90%)
NGO Workers	16 (26.6%)	Partially true	1 (1.6%)
Others	3 (5%)	Don't Know	5 (8.3%)
Total	60 (100%)	Total	60 (100%)
Condom use reduces the risk of HIV/AIDS/STD Infections		Commercial Sex Workers are most susceptible to HIV/ AIDs	
True	52 (86.6%)	True	49 (81.6%)
Partially true	1 (1.6%)	False	1 (1.6%)
Don't Know	7 (11.6%)	Partially true	1 (1.6%)

Total	60 (100%)	Don't Know	9 (15%)
Have you any genital ulcer/ sores during last 12 months		Total	60 (100%)
No	48 (80%)	Have you ever been tested for HIV	
No Response	12 (20%)	Yes	5 (8.3%)
Total	60 (100%)	No	49 (81.6%)
What was the result of HIV Test		No Response	6 (10%)
HIV Negative	5 (100%)	Total	60 (100%)

Source: Field Survey

Human trafficking of women and children is a worldwide concern since it violates fundamental human rights. Although there are various individual violations of national and international law committed during the course of trafficking, it is the combination of displacement from the community and marketed exploitation that distinguishes trafficking from its constituent parts. Individuals operating on their own or in small groups on an opportunistic basis to well-structured criminal organizations operating as business entities pursuing territorial dominance. Many more victims are trafficked when organized criminal gangs are engaged, frequently for longer periods of time, over greater distances, and with greater brutality. However, individual traffickers were identified in a greater number of court cases studied by UNODC than organized crime groups. While many traffickers have criminal past and use human trafficking as a direct source of revenue, human trafficking also affects business owners, intimate partners, and other family members. Parents have been accused of assisting their children's sexual exploitation or forcing them to beg on the streets, according to court documents. In other circumstances, business owners abuse people by forcing them to work.

Several human trafficking organizations, according to court cases and literature, are organized as recruiting agencies, which are commonly employed by potential migrants looking for work abroad. Workers are frequently fooled about the fees withdrawn from their earnings to ostensibly cover job search, official paperwork, transportation, housing, and other services. Some agencies have been accused of charging as much as 11 months' salary. These organizations can be found in a variety of industries, such as construction, fishing, agriculture, manufacturing, and cleaning. In some circumstances, agencies intimidate employees, and they frequently have the right to seize firm funds. In disadvantaged rural communities, small-scale recruiters use the same strategies. These traffickers approach poor families, persuade them to send their children to work, advance monies to purchase labour gear, and enslave the families in a cycle of debt with their children stuck in exploitation. Employers are frequently charged fees by some agencies that recruit domestic employees in Asia for wealthy families in the Middle East and other parts of the world. Employers frequently force employees to reimburse fees, sometimes by withholding documents and refusing to let them go until the fee is paid.

Individual or opportunistic traffickers are more likely to employ violence than traffickers structured in governance-type organized criminal organizations. However, during the recruitment phase, traffickers are more likely to use false or manipulative methods. The UNODC-GLO-TiP-2020 investigation demonstrates how little victims are valued in the illegal trafficking industry. Victims are traded as commodities by human traffickers. When victims are bought and sold between traffickers, they are "priced." Traffickers may offer victims as little as a couple hundred dollars, which is comparable to a few grammes of methamphetamine. Human trafficking is carried out by actors with varying levels of organizational structure, which can be

split into two categories: organized criminal groups and opportunistic traffickers who operate alone or in collaboration with one or more other traffickers. Human trafficking has become the most profitable profession for many recruiters, including brothel owners and traffickers. Many traffickers have strong ties to politicians and other high-ranking government officials, and as a result, they are rarely arrested or prosecuted. Because human trafficking has a large network of operations that extends beyond states and national borders, they are frequently not captured or prosecuted. The arrest, incarceration, legal trial, and prosecution of traffickers and brothel owners is also time consuming, complicated, and laborious; as a result, many recruiters reap the rewards and continue their operations. Existing laws include gaps, and many law enforcement agencies and other players involved in enforcing laws and combating trafficking are under-informed.

Chapter 6

STATUS OF LAW ENFORCEMENT IN COMBATING HUMAN TRAFFICKING

Concerns regarding migrant workers' rights and conditions in India have been in the news since the beginning of the COVID-19 outbreak, but the Indian government's response has been lacklustre (Janwalkar, 2020; Rukmini, 2020; Francis and Uniyal, 2021). Covid-19, according to Subir Sinha, has exacerbated existing inequities in India, blurring the distinctions between waged, compelled, and trafficking labour (Sinha, 2020). There have also been indications of an increase in human trafficking incidents in India as a result of the present pandemic (News18 Networks, 2020). In response to these concerns, the Indian Ministry of Home Affairs' Women Safety Division has issued an advice, which has been in effect since July 2020, advising all states and Union Territories to build new Anti-Human Trafficking Units (AHTUs) and/or enhance infrastructure in existing ones. The functions of AHTUs primarily include registering cases of human trafficking, conducting raid and rescue operations for survivors of trafficking, carrying out investigation on all aspects of the crime, collecting evidence, effectively prosecuting traffickers, collecting, disseminating and utilizing intelligence on human trafficking and the sharing of information on traffickers to concerned law enforcement agencies. Human trafficking for the purpose of commercial sexual exploitation can invoke legal provision of the Indian Penal Code, 1860 ('IPC'), the Immoral Traffic (Prevention) Act, 1956 ('ITPA') and the Protection of Children from Sexual Offences Act, 2012 ('POCSO'). Complaints of human trafficking can be made before the local police, who ideally have to transfer such cases to the jurisdictional AHTU. A study conducted by Sanjog, a technical resource organization, and Taftesh, a coalition of lawyers, activists, social workers and survivor leaders, on assessing the operational competence of Anti-Human Trafficking Units (AHTUs) across India revealed that only 27% of the AHTUs are functional and only 51% being notified with all the power and resources. The study was spearheaded by 5 lawyers who filed RTIs in 33 States and Union Territories out of which only 22 States and Union Territories responded. his study collated data between 2010-2019 with the objective of evaluating the effectiveness of the AHTUs to find out the number of AHTUs actually notified by State/UT Governments, the district-wise breakup of these AHTUs and various aspects of how they functioned and trained their officials. Responses from 16 States and UTs showed that 225 AHTUs are setup only on paper with no centralized process to notify them. Further, the number of notified AHTUs in many states/UTs were much less than the number of AHTUs that states/UTs claimed were operational. Most of the AHTU postings were only seen as 'notional' offices occupied by near-retirees or police officials taking on 'punishment postings'. (Published in Indian Express on 1st September 2020, AHTU WATCH- A National Study on Status of Anti Human Trafficking Units in India (2010-2019) by Sanjog-Kolkata and Taftesh-Delhi). The study

also found that only seven states/UTs (Bihar, Kerala, Nagaland, Rajasthan, West Bengal, Tamil Nadu and Uttarakhand) have AHTUs covering all their districts. All the other states either have AHTUs in half or less of their districts, with Andhra Pradesh and Chhattisgarh having the lowest coverages of AHTUs with 30% and 25%, respectively. Also, it is alarming that 51% of the states were unresponsive to the questions of establishing AHTUs. While the MHA advisory has sparked increased interest among anti-trafficking activists, leading to calls for the rapid establishment of AHTUs in all districts (Janyala, 2021), the report's highlighted claim indicates that the Ministry of Home Affairs, Government of India advisory, and demand for the establishment of AHTUs is insufficient. The proposed intervention is warped by its failure to account for the colonial heritage and current contestations in policies that equate human trafficking with social control of consensual adult sex work and migration (Bhattacharya, 2018; Giammarinaro and Boola, 2018). Attempts to modify the legal definition of human trafficking and intervene have resulted in the use of arbitrary and excessive state authority and bureaucratic control (Tandon, 2015). These attempts indicate a misdirected emphasis on law enforcement rather than comprehensive human-rights-based solutions that enhance workers' and migrants' agency.

India's current policies on human trafficking have a colonial past, with negative consequences. For example, as a colonial construct formed by the British Raj to promote their military, racial, and colonial goals (Chang, 2007; Tambe, 2009), colonial regimes defined human trafficking as the kidnapping and transportation of women for prostitution (Irwin, 1996). This definition conflates human trafficking and prostitution, ignoring the interests and rights of consenting adult sex workers (Tambe, 2009). Apart from the conflation with consenting adult sex work, colonial prostitution governance established a regulatory system that gave unrestricted powers to organizations such as the police or the regime, culminating in the prosecution and imprisonment of sex workers. For example, the Indian Contagious Disease Act of 1868 required sex workers to register, which included being compelled to stay at home (without work) for an indeterminate amount of time and being imprisoned (Banerjee, 2000; Tambe, 2009). The focus of human trafficking interventions on criminalizing sex work persisted, and Indian nationalists backed laws reflecting a similar conflation of human trafficking and sex work and/or related professions in the 1920s and 1930s, such as the Madras Hindu Religious Endowments (Amendment) Act of 1929 (Sreenivas, 2011) and/or The Suppression of Immoral Traffic Acts (SITA) (Legg, 2014). After India's independence, SITA was reinstated and eventually replaced by the Immoral Traffic (Prevention) Act, 1986. (ITPA). Except for a few minor differences, ITPA has a similar colonial background and design to SITA, equating consenting adult sex employment with trafficking (Cunha, 1987).

India has additional provisions combating human trafficking in addition to the ITPA, with an amendment in section 370 of Indian Penal Code, which defines human trafficking as: Whoever, for the purpose of exploitation, recruits, transports, harbors, transfers, or receives, a person or persons, by using threats, or using force, or any other form of coercion, or by abduction, or by practicing fraud, or deception, or by abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harbored, transferred or received, commits the offence of trafficking. The expression "exploitation" shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude. The consent of the victim is immaterial in determination of the offence of trafficking" (Govt. of India, 2013: 5).

The above definition in Section 370 not only perpetuates the conflation of human trafficking

and sex work, but it also introduces new complications: the broad definition encompasses many people displaced by forced migration, denies targeted person's agency, and gives the state and bureaucratic regime and its institutions, including the police, unrestricted power. It also advocates for a criminalization strategy to combat human trafficking. The National Crime Record Bureau (NCRB) of the Indian government collects data on the current number of trafficking cases using this definition of 370. According to data, 95 percent of trafficked persons in India are forced into prostitution (Divya, 2020). According to the NCRB, there are a total of 6,616 human trafficking instances documented in India, with sex trafficking being the most common (Munshi, 2020). Because these numbers are based on the description of trafficking in Section 370, which conflates sex work with trafficking, the accuracy of this number is questioned. Because both the ITPA and Section 370 allow it, these figures could include cases of adult sex workers who consented but were denied consent during anti-trafficking interventions. However, these data and laws place sex workers in a scenario where they are targeted selectively by anti-trafficking actors and interventions (GAATW, 2007; The Telegraph, 2017; Chandra, 2018). As a response to the Verma Committee's proposal, the amendment to section 370 made minor but insufficient revisions to the concept of trafficking (Khan, 2015). After ratifying the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (UN Protocol) in 2011, India's commitment to international players prompted these modifications (UNODC, 2004). Despite certain advances in India's human trafficking or labourers' tough working circumstances, these adjustments, like colonial policies, caused more harm than good. For example, documented narratives (Sangram, 2018), experiences (Walters, 2018) of targeted groups, and research (GAATW, 2007; Pai, Seshu, and Murthy, 2018; Sangram, 2018; Walters and Ramachandran, 2018) have all shown (re)production of violence and harms in targeted people's lives as a result of contemporary anti-trafficking interventions, of which AHTUs primarily serves as the central implementing agency.

The purpose of settling AHTUs appears to be to maintain a law enforcement anti-crime framework, given the ITPA and Section 370 definitions treat trafficking as a criminal offence. In practice, however, narratives from targeted individuals at the local level indicate that this intervention does not advance the goal of human rights and targeted person protection. Narratives from Najar's current ethnographic research, which gives epistemic priority to adult migrant workers who have experienced anti-trafficking interventions or who are seen as trafficked 'victims' in the law (Najar, 2020, 2021), in India's construction and sex sectors, show that anti-trafficking officials are viewed by such workers as corrupt and partial to the interests of the perpetrators. **Case Study-2:** "Police is the culprit here," Sanjana (name changed), a migrant female adult sex worker, remarked while sitting inside her brothel room in Pune. She related an incident from the day before in which two police officers harassed a customer, and the customer responded by giving them Rs.1000/-. These customers were then allowed to enter the brothel by the cops. She claimed that the police are a party in the red-light area. She also mentioned that work should normally be done till midnight or 1:00 a.m. However, because the Police make rounds till midnight, very few customers arrive before that time because they are afraid of being harassed by the cops. According to Sanjana, the method is reversed here, as the market opens after 12 p.m., after the cops have collected their share and left. This story shows how a system that gives greater power and authority to institutions like the police may be abused, causing more harm to workers' livelihoods and rights, rather than securing and preserving their human rights. Furthermore, state officials were seen as having unrestrained power over the targeted person's decisions, choices, and path. **Case Study-3:** "Who knows when they (Police) will start

harassing you,” remarked Sultana, a non-brothel based adult migrant sex worker in Kolkata, who introduced herself as a “flying sex worker” when describing her experiences in our research. They occasionally come to a halt in front of me, inquire whether I have Ganja or Daar and exchange a few words with me before driving away. All power, however, is in their hands. They can put me in jail if they want by claiming that I am 15 years old or that I am a Bangladeshi (undocumented migrant). Then no one will come to my aid. They (Police) are in charge. So, it’s best not to annoy them and pay or do the service that they require.” This story depicts the anxiety and consequences experienced by marginalized migrant workers in India as a result of excessive and unaccountable institutionalized authority given to agents such as cops, as well as the conflation of rules with consenting adult sex activity.

As of February 29, 2020, the Ministry of Women and Child Development of India supported 332 Anti-Human Trafficking Units (2010-2011 to 2019-2020). Uttar Pradesh had the highest number of AHTUs (35) followed by Madhya Pradesh (24), Bihar (20), Rajasthan (19), and Maharashtra (18). As a result, total reliance on AHTUs has the potential to recreate harmful situations, resulting in insufficient relief for the targeted person (Sangram, 2018; Walters, 2018; Sen, 2021). Furthermore, giving AHTUs authority and relying on them may foster further corruption, police surveillance and control, the replication of problematic raid-rescue methods, and the targeting of suspected migrants, particularly sex workers, undocumented/informal labourers, and so on. Sen (2021) that discusses a recent incident and how “Police Raid to Rescue interventions criminalized an Entire Neighborhood.” Because the legislation conflates human trafficking with sex work and forced migration, and places disproportionate emphasis on law enforcement techniques, this situation is possible.

More structural efforts to engage with these intersecting challenges in a way that honours the agency of targeted persons are hampered by the disproportionate reliance on law enforcement measures. In her report, the UN special rapporteur on human trafficking called for a shift in focus away from law enforcement and toward human rights and victim protection (Okyere, 2020). In her report, the UN special rapporteur on human trafficking also stated that a new international instrument may be required, as existing international treaties such as the Palermo Protocol may not be sufficient or successful in addressing such human rights goals. “The Palermo agreement is irredeemably corrupted and must be abolished, rather than modified,” Sam Okyere argues, analyzing the Special Rapporteur’s thesis. Instead, we must strengthen existing international institutions that focus on the rights and protections of workers and migrants. Any new instrument devised must avoid falling into the trap of prioritizing crime prevention” (Okyere, 2020). As a result, the present demand to combat human trafficking and protect migrant rights indicates a movement away from law enforcement-focused intervention and toward human rights and worker protection. Given the colonial past and the ongoing problems raised by previous attempts at legal reform, it appears that the current intervention to combat human trafficking in India, which consists solely of the establishment of AHTUs, is insufficient. India’s plan to combat human trafficking and the migrant worker dilemma should not rely solely on law enforcement institutions such as AHTUs; rather, it should include rights-based reforms that demolish the colonial legacy of the law that conflates human trafficking, sex work, and migration. If the Indian government fails to alter its policies and instead supports intervention by solely establishing law enforcement mechanisms such as AHTUs, it would be a token response rather than a genuine effort to combat trafficking and safeguard the rights of migrant workers.

The Rescue Protocol lays forth basic recommendations for planning and carrying out raids

in a “successful, child-friendly manner [that is] less stressful for the child,” as well as rapid post-rescue procedures. According to the Harvard FXB report (2016), rescue operations in Bihar and Rajasthan are mostly successful in physically removing a small number of children from exploitative labour situations after workplace raids. However, operations are carried out in a haphazard manner by poorly trained personnel who are not supported by centralized intelligence systems, exposing youngsters to further trauma and risk. The content and implementation of policies for organizing and executing raids are both lacking.

Rescue teams should include a representative from the Department of Labour, representatives from the CWCs, a local non-profit, a doctor, and a female police officer or volunteer, according to the Protocol. These individuals must be trained on applicable legislation, their personal duties, and trauma prevention techniques. However, participants in the study stated that in actuality, teams are frequently too small to handle the large number of youngsters in need of rescue. Only occasionally do police officials, doctors, and female witnesses participate. The AHTUs, whose primary mission is to coordinate rescue and post-rescue operations, are rarely involved in the process. Rescue operations rely primarily on non-profit groups in practice because there is no clear distribution of responsibility between the many bodies named in the Protocol. While several organizations, including Bachpan Bachao Andolan, Rescue Foundation, International Justice Mission, Diya Seva Sansthan, BKS, and Sanlap, have significant experience conducting raids, key informant data suggests that this overreliance leads to ad hoc and under-resourced raids directed by inexperienced or poorly supported workers, a situation that can and does cause additional trauma to vulnerable children. NGOs occasionally continue with a rescue on their own, according to one respondent: ‘Most of the time, if we don’t take prompt action, the child could be transported somewhere else.’ As a result, no one is informed. My first goal is to save the child, and then I’ll inform the rest of the family.’ In retribution for their acts, non-profit participants claimed receiving threats, stone attacks, and beatings. The lack of engagement of law enforcement in raids exacerbates the possibility of retaliation. Details of the rescue and the identities of rescued children must be kept totally confidential, according to the Protocol, and should not be revealed to third parties, including the media. Privacy violations and information leaks before, during, and after raids, however, are common. Employers are frequently notified to impending raids, according to respondents, and botched rescue operations can raise the chance of employers retaliating against minors. Basic safeguards to protect children’s identity are frequently overlooked. According to one government official, rescue team members actively seek media participation so that “the public understands that this type of action is a crime and serious offence.” Retaliation against rescued children is a possibility, as is heightened societal stigma and reintegration problems. Furthermore, frequent sensationalized media coverage of raids contributes to the problem’s perpetuation by simplifying the complicated underlying social and economic issues.

The average number of reported human trafficking cases during 2016 to 2019 was reported to be 5237. The number of such cases was recorded high in Maharashtra followed by Andhra Pradesh, Assam, Kerala, West Bengal and Odisha which witnessed average number of 150-300 cases per year in each state (Table 6.1).

Table: 6.1
State -Wise Cases Reported Under Human Trafficking During 2016-2019

Sl. No	State/UT	2016	2017	2018	2019
1	Andhra Pradesh	239	218	240	245

2	Arunachal Pradesh	2	0	3	0
3	Assam	91	262	262	201
4	Bihar	43	121	127	106
5	Chhattisgarh	68	48	51	50
6	Goa	40	39	55	38
7	Gujarat	548	9	13	11
8	Haryana	51	22	34	15
9	Himachal Pradesh	8	11	6	11
10	Jammu & Kashmir	0	1	1	0
11	Jharkhand	109	373	373	177
12	Karnataka	404	31	27	32
13	Kerala	21	53	105	180
14	Madhya Pradesh	51	87	63	73
15	Maharashtra	517	310	311	282
16	Manipur	3	8	3	9
17	Meghalaya	7	8	24	22
18	Mizoram	2	2	2	7
19	Nagaland	0	0	0	3
20	Odisha	84	63	75	147
21	Punjab	13	5	17	19
22	Rajasthan	1422	316	86	141
23	Sikkim	1	3	1	0
24	Tamil Nadu	434	13	8	16
25	Telangana	229	329	242	137
26	Tripura	0	2	2	1
27	Uttar Pradesh	79	46	35	48
28	Uttarakhand	12	20	29	20
29	West Bengal	3579	357	172	172
30	A & N Islands	1	0	0	0
31	Chandigarh	1	0	0	2
32	D&N Haveli	0	0	0	0
33	Daman & Diu	7	1	0	0
34	Delhi UT	66	95	98	93
35	Lakshadweep	0	0	0	0
36	Puducherry	0	1	0	2
	Total	8132	2854	2465	2260

Source: NCRB, Ministry of Home Affairs, Government of India

Table: 6.1 Shows that there is a declining trend in the number of reported cases whereas the ground realities show that there is an increase in the incidences of trafficking. The traffickers mostly use the railway stations as transit point for transporting the victims to other states, as it is well connected, cheaper and safer for them. According to Shri Birendra Kumar, Principal Chief Security Commissioner, Southern Railway during the interview, “The number of children rescued, most of them trafficked, at railway stations across Tamil Nadu and Kerala under Southern Railway, has tripled over three years. In 2016, the number of children rescued was 615.

This jumped to 905 in 2017 and to 1603 in 2018. Until the end of April this year, 683 children have been rescued.” However, no case is registered in 2017 and 2018 by Government Railway Police in Tamil Nadu as per NCRB data which is contrary to the reality.

Key informant interviews with police officers, Government Railway Police (GRP) and Railway Protection Force (RPF), and other stakeholders – Child Welfare Committee members, NGO representatives, and vendors in railway stations - were conducted to better understand the reasons for not reporting the incidents. According to them, the majority of incidents of human trafficking are not registered or reported, which is one of the main reasons for the decline in recorded cases of human trafficking. More than 2000 runaway/trafficked children are rescued every year in Tamil Nadu from major railway stations such as Chennai central, Egmore, Salem, Erode, Tirupur, and Coimbatore, according to Service Providers and Program Administrators. GRP/RPF makes a memo/DD entry, and in most circumstances, the children are handed over to the Child Welfare Committee. Some of them go uninvestigated or unrecorded.

The law relating to FIR is covered in Section 154 of the Criminal Procedure Code (CrPC), which is the procedural law governing crimes in our country. When a police officer receives information on the commission of a criminal offence, he or she is required to record the information and file a report. In 2013, Section 154 was revised, and now, if the informant is a woman who has been the victim of an acid attack or a sexual offence, the information must be recorded by a woman officer. Furthermore, if the woman has been physically or mentally impaired as a result of the crime, such information must be documented at her home or any other location convenient to her. Wherever possible, the information should be recorded in the presence of an interpreter or special educator, and in such situations, it is also obliged by law to video graph the information recording.

Despite the terms of the law and directions of the Hon’ble Supreme Court, police refuse to register complaints in situations of human trafficking and rape, forcing the complainant to file a complaint through court orders- while the wrongdoing police officials go unpunished. There have been instances where police have refused to file a complaint on the basis of jurisdiction/ area, despite the fact that there are regulations that allow any police station to file a complaint and the investigation to be transferred to the appropriate police station. Any police officer who refuses to file a FIR in a rape case faces a minimum sentence of six months in prison and a maximum sentence of two years in prison, as well as a fine (Section 166A(c), IPC). So the real issue in this case is the enforcement of law, appropriate authorities are suggested for strict enforcement of law and also there is a need of capacity building & Training of Police Personnel.

Cases are not registered for a variety of reasons. It varies depending on the circumstances. IPC section 370 is not well known among police officers. Although it is stated explicitly in explanation-2 of the Act that the victim’s consent is irrelevant in determining whether or not the offence of trafficking has occurred, most police do not accept this. As there are vacancies at police stations, the officers are overburdened with tasks. As a result, they are hesitant since they are unable to study the complete chain, which spans three to four states. Between the source and destination states, there is no coordination mechanism. Even if the victims are rescued and returned to their homes, there is no rehabilitation package available under the IPC, keeping the victims vulnerable. There will also be issues with filing charge sheets, trials, and other actions if the victims do not cooperate or become hostile. Officers are forced to disclose incidents due to corruption, pressure from superiors/politicians, and a lack of review mechanisms. Furthermore, child protection processes are ineffective, with victims not being properly questioned or protocols

not being followed. They don't have the authority or power to sway police officers.

As a result of the underreporting of human trafficking cases and loopholes in other laws, comprehensive legislation is needed to combat the problem and safeguard the rights of victims and survivors. The bill against human trafficking is currently being revised by the Ministry of Women and Child Development. While revising the bill, stakeholders' recommendations should be taken into account in order to create a complete bill that would prevent human trafficking, protect/rehabilitate victims, prosecute offenders, and ensure efficient implementation of the Act. This demonstrates that IPC section 370 has many gaps and cases are under-reported, which is extremely obvious. It excludes rehabilitation, victim recompense, and access to justice in favour of punishing the traffickers. Furthermore, the Prevention of Immoral Trafficking Act solely addresses sex trafficking, not other forms of trafficking such as forced labour, organ transplantation, beggary, and commercial surrogacy. The definition of an accused in the Bonded Labor Abolition Act is limited to the major employer, which excludes traffickers from prosecution. Furthermore, the victim's recompense is related to their conviction, making them more vulnerable.

As per a recent report on atrocities and crimes against women and children, submitted to Rajya Sabha on 15th March, 2021, there were 3073 average number of trafficked children and 2459 trafficked women in India during the period of 2017 to 2019. The average number of rescued victims was reported 2872 for children and 2547 for women victims. Thus, the number of trafficked and rescued children as compared to trafficked and rescued women victims was recorded comparatively higher (Table 6.2).

Table: 6.2
Number of Trafficked and Rescued Victims in India

Particular	2017	2018	2019
Trafficked Victims			
Children	3535	2772	2914
Male	2037	1706	1742
Female	1498	1066	1172
Women	2040	2432	2907
Victims Rescued			
Children	3294	2484	2837
Women	2211	2466	2964

Source: Two Hundred Thirtieth Report on Atrocities and Crimes Against Women and Children, Rajya Sabha On 15th March, 2021

Since human trafficking is an organized crime therefore rescue alone cannot succeed in isolation – most of the other related activities cross-cut and supplement each other at various levels. Hence, every rescue should be compulsorily followed by arrest of traffickers, seizure of brothels, bail rejections, conviction and much more. 90% acquittal rate in trafficking cases (Crime in India - NCRB 2020) should be seen as a direct result of the impunity enjoyed by the criminal nexus which also results in increased trafficking and child prostitution. Though, number of persons arrested under human trafficking has shown a declining trend over the period of 2016 to 2019. However, number of persons convicted and number of persons charge sheeted against number of persons arrested under human trafficking was recorded lower in during the corresponding period (Table 6.3).

Table: 6.3
Disposal of Persons Arrested under Human Trafficking

Year	Persons Arrested	Persons Charge sheeted	Persons Convicted	Persons Acquitted/ discharged by the Court
2019	5128	3638	324	1329
2018	5362	3922	432	1126
2017	5528	4209	249	1155
2016	10815	7292	159	753

Source: NCRB, Ministry of Home Affairs, Government of India

Though, there has been significant decline in the number of cases reported and cases charge sheeted and final report submitted by police. However, there has been significant growth in the rate of charge sheeted (Table 6.4).

Table 6.4
Disposal of Cases of Human Trafficking by Police

Year	Total Number of Cases Reported	Disposal by Police	
		Cases Charge-sheeted	Final Report
2019	2260	1606	312
2018	2465	1910	349
2017	2854	2060	383
2016	8132	2403	2814

Source: NCRB, Ministry of Home Affairs, Government of India

The conviction rate under crimes against women & Children during the period from 2017 to 2019 is given in Table 6.5. The tables depict that the conviction rate in crimes against women and children for the past three years has been low. The conviction rate in cases of crimes like rape, cruelty by husband or his relatives, violation of Protection of Women from Domestic Violence Act, human trafficking, violation of Cyber Crimes/Information Technology Act and Protection of Children from Sexual offenses Act, have been amongst the lowest. It has been informed by the State Government of Uttar Pradesh that they are conducting prosecution drives to improve the conviction rate in crimes against women and children. It has helped in increasing the conviction rate as in 2019, the conviction rate was 29.28 percent under POCSO Act and in 2020, and it has increased to 37.51 percent. In rape cases also, the rate of conviction has increased from 34.36% in 2019 to 47.45 percent in 2020. In other sexual offenses, it has increased from 34.97 percent in 2019 to 38.15 percent in 2020. They have a separate prosecution department headed by Additional Director-General (ADG) level officer who undertakes special drives from time to time to coordinate with the district level Monitoring Committees. The Government of West Bengal has also informed that crime against women has been showing a decreasing trend and the charge-sheets rate in case of crime against women is 94% in their State. It was further informed that the conviction rate is not good and, in this regard, the interface between the Judiciary and the Executive comes to the fore.

The conviction rate under crimes against women has shown a declining trend during the period of 2017 to 2019. The conviction rate was recorded high for buying of minor girls (66.7 per cent) followed by murder with rape / gang rape (63.2 per cent), acid attack (54.2 per cent) during 2019. Conviction rate under human trafficking was recorded 42.4 per cent in 2017 which declined

to 31.9 per cent in 2018 and further reduced to 20 per cent in 2019. There has been significant increase in number of persons convicted under human trafficking in India during the period of 2016-2019. During 2016, number of persons convicted under human trafficking was reported 159 which increased to 432 during 2018; however, it dropped to 324 in 2019. The number of persons convicted under human trafficking was recorded high in Andhra Pradesh followed by Uttar Pradesh, Jharkhand and Telangana.

The main reasons for low conviction rate as per public prosecutors were recorded witnessed turning hostile (44.8 percent), poor evidence (20.7 per cent), lengthy court procedure (13.8 per cent), inappropriate charge sheet (10.3 per cent) and easy bail to traffickers (10.3 per cent). However, reasons for low conviction rate vary across the selected states (Table 6.5).

Table 6.5
Reasons for Low Conviction Rate as Per Public Prosecutors

State	Witness Turning Hostile	In – Appropriate Charge Sheet	Easy Bail to Traffickers So They Influence the Witness, Threaten Survivors and Often Commit Crime Again	Lengthy Court Procedure	Poor Evidences	Total
West Bengal	2	0	0	2	0	4
	50.0%	0.0%	0.0%	50.0%	0.0%	100%
Maharashtra	4	0	0	1	1	6
	66.7%	0.0%	0.0%	16.7%	16.7%	100%
Karnataka	1	1	1	0	0	3
	33.3%	33.3%	33.3%	0.0%	0.0%	100%
Jharkhand	2	1	1	0	1	5
	40.0%	20.0%	20.0%	0.0%	20.0%	100%
Assam	2	0	0	0	1	3
	66.7%	0.0%	0.0%	0.0%	33.3%	100%
Uttar Pradesh	2	1	1	1	1	6
	33.3%	16.7%	16.7%	16.7%	16.7%	100%
Tamil Nadu	0	0	0	0	2	2
	0.0%	0.0%	0.0%	0.0%	100%	100%
Total	13	3	3	4	6	29
	44.8%	10.3%	10.3%	13.8%	20.7%	100%

Source: Filed Survey

The Key informant interviews with police officers, Government Railway Police (GRP) and Railway Protection Force (RPF), and other stakeholders – Child Welfare Committee members, NGO representatives & Service Providers reveals that during the course of investigation, the statement of complainant/victims is altered or ignored and not video-graphed as per law. Even if the statement of victims/complainants is video-graphed, then the same is not forwarded to the court with the charge-sheet. It is observed that law enforcing authorities neglect to take any action against the accused persons furnishing forged documents to procure bail. Police hardly makes the informant NGO witness of recovery memo/charge sheet due to which the traffickers/brothel keepers are mostly successful in escaping the legal trap. These are some basic reasons for low rate of conviction in cases of Human Trafficking.

About 44.8 percent of respondent has reported that the reason for low conviction rate is witness turning hostile followed by Poor Evidence, Lengthy Court Practices, in-appropriate charge sheet and easy bail to offenders. A paucity of evidence against the culprit also contributed

to the poor conviction. When asked about the issues that rape victims face during the medical examination and investigation process, the NGO 'All India Women's Conference (AIWC)' stated that the issues that rape victims face include delays in medical examination that result in the disappearance of evidence, insensitivity of doctors, apathy and insensitivity of police, lack of counselling, and so on. In terms of investigating and prosecuting severe crimes against women, the NGO Action India believes that due to defective charge sheets filed in a timely manner, it can be difficult to prove a case of rape or even a case of violence. As a result, charge sheets must be filed correctly and within the timeframe specified. According to reports, the Delhi Police Legal Cell has taken many steps to keep Investigation Officers (IOs) up to date on the latest Court judgements and decrees, including producing an advance monthly calendar of all such cases pending trial in District Courts, the High Court, and the Supreme Court. On a monthly basis, a summary of various observations/directions made by the District Courts is created and distributed to all Districts/Units in order to improve the skills of Investigating Officers. These monthly booklets highlight issues/errors relating to investigation flaws caused by non-compliance with statutory provisions, IO procedural lapses, and other factors influencing the speed of trial and court proceedings. These orders are organized by offence and compiled. Joint training programmes for investigating officers and police personnel are also held to develop their skills in order to improve the conviction rate. In addition, IOs are regularly trained in specialist courses such as scientific investigation, extradition law, key case studies, and cyber-crime, among others, in order to conduct a proper investigation. W/IOs are also given a number of workshops and short-term courses in order to ensure that offenders are convicted. In all of its basic training programmes for various ranks, the Delhi Police prioritizes all parts of scientific inquiry, forensic science, and knowledge of criminal laws and procedures. This model could be used in other states as well.

There has been decline in conviction rate during the period of 2016 to 2019, however, disposal cases of human trafficking by court have shown an increasing trend over the period of 2016 to 2019 (Table 6.6).

Table 6.6
Disposal of Cases of Human Trafficking by Court

Year	Total Number of Cases Reported	Disposal By Court			
		Cases Convicted by Court	Cases Acquitted/ Discharged by Court	Cases In Which Trials Were Completed	Cases Conviction Rate
2019	2260	172	538	782	22.0%
2018	2465	202	485	687	29.4%
2017	2854	164	505	669	24.5%
2016	8132	163	424	587	27.8%

Source: NCRB

PERCEPTION OF LAW ENFORCEMENT AGENCIES:

About 58 per cent respondents were found associated with AHTUs/SDM Vigilance Committee. It was found more pronouncing in Delhi (89.7 percent) followed by Uttar Pradesh (70 per cent). About 2/5th respondents in West Bengal and 1/3rd respondents in Assam were associated with District Law Enforcement Agency while half of the respondents in Tamil Nadu, 2/5th respondents in Jharkhand and 1/3rd respondents in Karnataka and Assam were associated with State Law Enforcement Agency (Table 6.7).

Table 6.7
Type of Agency Interviewed

State	State Law Enforcement Agency	District Law Enforcement Agency (Police)	AHTU/SDM-Vigilance Committee	GRP/BSF/SSB/ CRPF/ RPF- In Case of Transit	Total
West Bengal	1 (4.8%)	9 (42.9%)	8 (38.1%)	3 (14.3%)	21 (100%)
Maharashtra	1 (6.7%)	4 (26.7%)	6 (40.0%)	4 (26.7%)	15 (100%)
Karnataka	1 (33.3%)	0 (0.0%)	1 (33.3%)	1 (33.3%)	3 (100%)
Jharkhand	3 (42.9%)	0 (0.0%)	4 (57.1%)	0 (0.0%)	7 (100%)
Assam	2 (33.3%)	2 (33.3%)	1 (16.7%)	1 (16.7%)	6 (100%)
Uttar Pradesh	0 (0.0%)	0 (0.0%)	7 (70.0%)	3 (30.0%)	10 (100%)
Tamil Nadu	1 (50.0%)	0 (0.0%)	1 (50.0%)	0 (0.0%)	2 (100%)
Delhi	0 (0.0%)	3 (10.3%)	26 (89.7%)	0 (0.0%)	29 (100%)
Total	9 (9.7%)	18 (19.4%)	54 (58.1%)	12 (12.9%)	93 (100%)

Source: Field Survey

Intelligence collection, crime investigation, undertaking rescue operations, database maintenance and updation and prosecution of offender were main responsibilities of respondents (Table 6.8).

Table: 6.8
Role and Responsibility of Respondents

State	Intelligence Collection	Database Maintenance & Updation	Undertake Rescue Operations	Post Rescue Care and Rehabilitation	Liaison With Mahila And Sishu Desks/Department	Crime Investigation	Prosecution Of Offenders	Post Prosecution Conviction Action	Work With Prosecutors On Law Enforcement	Undertake Community/Moral Policing Activities	Keep Vigil At Transit Areas
West Bengal	18	18	15	3	5	16	10	0	6	5	6
	85.7%	85.7%	71.4%	14.3%	23.8%	76.2%	47.6%	0.0%	28.6%	23.8%	28.6%
Maharashtra	10	8	12	3	6	15	8	6	7	7	8
	66.7%	53.3%	80.0%	20.0%	40.0%	100%	53.3%	40.0%	46.7%	46.7%	53.3%
Karnataka	3	1	2	0	0	2	1	0	2	0	0
	100%	33.3%	66.7%	0.0%	0.0%	66.7%	33.3%	0.0%	66.7%	0.0%	0.0%
Jharkhand	5	3	5	0	3	4	1	0	3	0	0
	71.4%	42.9%	71.4%	0.0%	42.9%	57.1%	14.3%	0.0%	42.9%	0.0%	0.0%
Assam	4	4	4	3	3	4	4	1	3	1	4
	66.7%	66.7%	66.7%	50.0%	50.0%	66.7%	66.7%	16.7%	50.0%	16.7%	66.7%
Uttar Pradesh	9	9	9	0	4	6	1	1	3	4	7
	90.0%	90.0%	90.0%	0.0%	40.0%	60.0%	10.0%	10.0%	30.0%	40.0%	70.0%
Tamil Nadu	0	0	1	0	0	1	1	0	0	0	0
	0.0%	0.0%	50.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%
Delhi	25	17	26	0	5	26	19	2	4	2	6
	86.2%	58.6%	89.7%	0.0%	17.2%	89.7%	65.5%	6.9%	13.8%	6.9%	20.7%
Total	74	60	74	9	26	74	45	10	28	19	31
	79.6%	64.5%	79.6%	9.7%	28.0%	79.6%	48.4%	10.8%	30.1%	20.4%	33.3%

Source: Field Survey

Most of the respondents admitted that their departments have formal protocol for conducting

raid and rescue of victims of human trafficking. However, about 17 per cent respondents in Assam were against the view point and about 19 per cent respondents in West Bengal were not aware about the fact. Most of the respondents reported that registering of FIR is covered under protocol while about 3/4th respondents reported that obtaining search warrant has been included in the protocol. A large proportion of respondents reported that wearing badges and uniform also covered in the protocol (Table 6.9).

Table 6.9
Kinds of Things Covered in Protocol

State	Register FIR	Obtain Search Warrant	Wearing Badges and Uniform	Others
West Bengal	14 (82.4%)	12 (70.6%)	4 (23.5%)	1 (5.9%)
Maharashtra	14 (93.3%)	6 (40.0%)	8 (53.3%)	1 (6.7%)
Karnataka	3 (100%)	3 (100%)	1 (33.3%)	0 (0.0%)
Jharkhand	7 (100%)	5 (71.4%)	7 (100%)	0 (0.0%)
Assam	5 (100%)	2 (40.0%)	3 (60.0%)	1 (20.0%)
Uttar Pradesh	10 (100%)	9 (90.0%)	10 (100%)	0 (0.0%)
Tamil Nadu	1 (50.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Delhi	29 (100%)	29 (100%)	1 (3.4%)	0 (0.0%)
Total	83 (94.3%)	66 (75.0%)	34 (38.6%)	3 (3.4%)

Source: Field Survey

Producing of victims before magistrate, searching premises, producing victims before CWC in case of minor, custody of belongings of victim, segregating offenders and evidence collection were some of the protocols during rescue operations (Table 6.10).

Table 6.10
Protocols during Rescue Operations

State	Searching Premises	Segregating Offenders	Custody of belongings of Victims	Evidence Collection	Produce Victim Before Magistrate	Produce Victim Before CWC If Minor	Others
West Bengal	17	3	15	2	15	15	0
	100%	17.6%	88.2%	11.8%	88.2%	88.2%	0.0%
Maharashtra	15	12	14	14	14	14	0
	100%	80.0%	93.3%	93.3%	93.3%	93.3%	0.0%
Karnataka	3	0	2	3	3	3	0
	100%	0.0%	66.7%	100%	100%	100%	0.0%
Jharkhand	6	4	5	5	7	6	0
	85.7%	57.1%	71.4%	71.4%	100%	85.7%	0.0%
Assam	3	2	4	3	4	5	1
	60.0%	40.0%	80.0%	60.0%	80.0%	100%	20.0%
Uttar Pradesh	8	8	10	4	10	10	0
	80.0%	80.0%	100%	40.0%	100%	100%	0.0%
Tamil Nadu	1	1	1	1	2	0	0
	50.0%	50.0%	50.0%	50.0%	100%	0.0%	0.0%
Delhi	29	12	29	8	29	29	0
	100%	41.4%	100%	27.6%	100%	100%	0.0%

Total	82	42	80	40	84	82	1
	93.2%	47.7%	90.9%	45.5%	95.5%	93.2%	1.1%

Source: Field Survey

A negligible proportion of respondents admitted that survey has been conducted in their areas about vulnerabilities of human trafficking (Table 6.11).

Table 6.11
Any Survey has been conducted in areas Vulnerable to Trafficking

Response	Yes	No	Not Sure	Total
Respondents	10	72	11	93
	10.8%	77.4%	11.8%	100%

Source: Field Survey

About 2/5th respondents reported that the problem of human trafficking is serious and this has been taken as priority in their agency. Even less than 1/3rd respondents viewed that human trafficking is very serious problem. It was found more pronouncing in Tamil Nadu followed by Karnataka and West Bengal (Table 6.12).

Table 6.12
Whether Trafficking is viewed as serious problem and priority in your Agency

State	Minor Problem	Somewhat Problem	Serious Problem	Very Serious Problem	Total
West Bengal	0 (0.0%)	5 (23.8%)	3 (14.3%)	13 (61.9%)	21 (100%)
Maharashtra	2 (13.3%)	1 (6.7%)	6 (40.0%)	6 (40.0%)	15 (100%)
Karnataka	0 (0.0%)	1 (33.3%)	0 (0.0%)	2 (66.7%)	3 (100%)
Jharkhand	0 (0.0%)	3 (42.9%)	4 (57.1%)	0 (0.0%)	7 (100%)
Assam	0 (0.0%)	2 (33.3%)	2 (33.3%)	2 (33.3%)	6 (100%)
Uttar Pradesh	2 (20.0%)	6 (60.0%)	2 (20.0%)	0 (0.0%)	10 (100%)
Tamil Nadu	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (100%)	2 (100%)
Delhi	0 (0.0%)	3 (10.3%)	22 (75.9%)	4 (13.8%)	29 (100%)
Total	4 (4.3%)	21 (22.6%)	39 (41.9%)	29 (31.2%)	93 (100%)

Source: Field Survey

A negligible proportion of respondents (7.5 per cent) admitted that placement agencies that facilitate migration are registered with law enforcement agency. It was found more pronouncing in Tamil Nadu followed by Karnataka and Maharashtra. Thus, most of the respondents revealed that placement agencies are not registered with them. Thus, there is possibility of exploitation of girls during their migration (Table 6.13).

Table 6.13
Whether Placement Agencies Who Facilitate Migration Are Registered with Law Enforcement Agencies

State	Yes	No	Not Sure	Total
West Bengal	0 (0.0%)	20 (95.2%)	1 (4.8%)	21 (100%)
Maharashtra	5 (33.3%)	4 (26.7%)	6 (40.0%)	15 (100%)
Karnataka	1 (33.3%)	1 (33.3%)	1 (33.3%)	3 (100%)
Jharkhand	0 (0.0%)	5 (71.4%)	2 (28.6%)	7 (100%)
Assam	0 (0.0%)	5 (83.3%)	1 (16.7%)	6 (100%)

Uttar Pradesh	0 (0.0%)	10 (100%)	0 (0.0%)	10 (100%)
Tamil Nadu	1 (50.0%)	0 (0.0%)	1 (50.0%)	2 (100%)
Delhi	0 (0.0%)	29 (100%)	0 (0.0%)	29 (100%)
Total	7 (7.5%)	74 (79.6%)	12 (12.9%)	93 (100%)

Source: Field Survey

About 29 per cent respondents reported that labour trafficking of people within India is widespread in their jurisdiction area while about 20 per cent respondents reported that sex trafficking is widespread in their jurisdiction area. Majority of the respondents reported that sex trafficking of people within the area including victims of commercial sex is found to be occasional in their jurisdiction area (Table 6.14).

Table 6.14
Prevalence of Different Types of Human Trafficking Within Your Jurisdiction

Type of Human Trafficking	Widespread	Occasional	Rare	Non existent	Unsure	Total
Labor Trafficking of People Who Come from Outside the India, Including Victims of Forced Labor or Domestic Servitude.	12	26	38	15	2	93
	12.9%	28.0%	40.9%	16.1%	2.2%	100%
Labor Trafficking of People Within the India, Including Victims of Forced Labor or Domestic Servitude.	27	42	18	4	2	93
	29.0%	45.2%	19.4%	4.3%	2.2%	100%
Sex Trafficking of People Who Come from Outside the India, Including Victims of Commercial Sex Acts.	13	48	17	11	4	93
	14.0%	51.6%	18.3%	11.8%	4.3%	100%
Sex Trafficking of People Within the India, Including Victims of Commercial Sex Acts	19	57	11	1	5	93
	20.4%	61.3%	11.8%	1.1%	5.4%	100%

Source: Field Survey

The Ministry of Home Affairs of the Government of India has issued frequent advisories to the Border Security Force (BSF), the Sashastra Seema Bal (SSB), and state governments to engage and coordinate to combat the issue of border trafficking. BSF and SSB have lately received funding from the MHA to build Anti-Human Trafficking Units (ATHUs) in border areas and upgrade their infrastructure in order to combat human trafficking. Bilateral Memorandums of Understanding (MoUs) with adjacent countries such as Bangladesh and Myanmar are also thought to be beneficial in the repatriation of trafficking victims. India has also been working with other surrounding nations to sign such Memorandums of Understanding in order to improve collaboration and coordination in the fight against human trafficking.

Non local language speaking, being control by someone, frightened, unusual behavior, unfamiliar with local language, holding of identity documents by someone, body language, limited freedom of movement are some of the possible sign of potential victims of human trafficking and modern slavery (Table 6.15).

Table 6.15
Possible signs of potential victim of human trafficking & Modern Slavery

Signs/Indicators	Response
Frightened/Wary/Scared	77 (82.8%)
Victims Are Non-Local Language Speaking	81 (87.1%)
Unusual Behavior/ Demeanor	63 (67.7%)
Nervous/Withdrawn/Quiet	53 (57.0%)
Beginning On the Street	18 (19.4%)
Sad/Depressed	33 (35.5%)
Being Controlled by Someone	75 (80.6%)
No Communication or Eye Contact	33 (35.5%)
Houses of Multiple Occupancy/Multiple Housing Moves/ Suspicious Activity in Premises/ Heavy Security at The Commercial Establishment or Work Site (Barred Windows, Locked Doors, Electronic Surveillance, Guards)	28 (30.1%)
Unusually High Foot Traffic at Establishment	27 (29.0%)
Thin/Malnourished	23 (24.7%)
Limited Freedom of Movement/Isolated	58 (62.4%)
Dress	20 (21.5%)
Injured/Ill Health/Discomfort	40 (43.0%)
Limited Access to Money/Control on How or Where Money Is Spent	45 (48.4%)
Unfamiliar With Local Language / Away from Home	63 (67.7%)
Signs Of Physical or Psychological Trauma	55 (59.1%)
Long Working Hours	19 (20.4%)
Poor Hygiene	24 (25.8%)
Body Language	57 (61.3%)
Poor Living Conditions/ Accommodation	30 (32.3%)
Signs Of Substance Misuse	57 (61.3%)
Passport Identity Documents held by Someone Else/ Victims do not have Control of Their own Identity/Travel Documents	77 (82.8%)
Disclosure	27 (29.0%)
Tone/Volume of Voice	26 (28.0%)
Works In Sex Industry	28 (30.1%)
Pay Transferred to Other Accounts	12 (12.9%)

Source: Field Survey

Help lines, referrals from advocacy groups/victims service providers, missing person's report, tips from members of the community, tip from informant or coconspirator and railway protection force etc. are some of the attention means for cases of human trafficking (Table 6.16).

Table 6.16
How Cases Come to Attention of Law Enforcement

Sources of Information	Response
Calls For Service	27 (29.0%)
Alerts/ Referrals from Advocacy Groups/Victim Service Providers (VSPs) Or Community/ Faith-Based Organizations (CBOs)	73 (78.5%)

Tips From Members of The Community/ Citizens or Good Samaritans	63 (67.7%)
Task Forces	30 (32.3%)
Tips From Informant or Co-Conspirator	61 (65.6%)
Media Reports	13 (14.0%)
During The Course of Investigation for Other Crimes (e.g., Prostitution, Drugs, Domestic Violence)	44 (47.3%)
Missing Persons Reports	69 (74.2%)
Information/Referrals from Inspectional Services or Other Regulatory Agencies/Law Enforcement Agencies	20 (21.5%)
Information/Referrals from Criminal Justice Agencies That Are Non-Law Enforcement (e.g., Probation)	14 (15.1%)
Undercover Operations (e.g., Collaborative Investigations with National and State Law Enforcement)	24 (25.8%)
Railway Protection Force	66 (71.0%)
Help Lines	78 (83.9%)
Transporters	13 (14.0%)
Other	4 (4.3%)

Source: Field Survey

Work with state and local law enforcement agency, surveillance, interview of victims, covert /overt operations, follow up on the leads and, task force participation are some of primary role of law enforcement agencies while working on cases of human trafficking (Table 6.17).

Table 6.17
Primary Role of Law Enforcement Agencies while working on Cases of Human Trafficking

Primary Role of Law Enforcement	Response
Work With State/Local Law Enforcement	84 (90.3%)
Work With National Law Enforcement	19 (20.4%)
Task Force Participation	69 (74.2%)
Surveillance	75 (80.6%)
Crime Pattern Analysis	23 (24.7%)
Review Paper Trail (Bank Receipts, Tax Records)	22 (23.7%)
Look For Suspicious Activities in The Community	48 (51.6%)
Look For Evidence of Exploitation	37 (39.8%)
Look For Evidence of Criminal Enterprises	28 (30.1%)
Interview Victims	76 (81.7%)
Follow Up on The Leads	69 (74.2%)
Covert/Overt Operations/ Raids	70 (75.3%)

Source: Field Survey

Majority of the respondents reported that 3-6 months is the average time spending in investigation of a human trafficking case. It was found more pronouncing in Jharkhand followed by Delhi, West Bengal and Uttar Pradesh. However, most of the respondents in Maharashtra and half of the respondents in Tamil Nadu admitted that average time spend in investigation of such cases is less than 3 months (Table 6.18).

Table 6.18
Average Time Spend in Investigating a Human Trafficking Case

State	Less Than 3 Months	3 To 6 Months	6 To 12 Months	Unsure	Total
West Bengal	2 (9.5%)	17 (81.0%)	1 (4.8%)	1 (4.8%)	21 (100%)
Maharashtra	12 (80.0%)	1 (6.7%)	0 (0.0%)	2 (13.3%)	15 (100%)
Karnataka	1 (33.3%)	2 (66.7%)	0 (0.0%)	0 (0.0%)	3 (100%)
Jharkhand	0 (0.0%)	7 (100%)	0 (0.0%)	0 (0.0%)	7 (100%)
Assam	1 (16.7%)	4 (66.7%)	0 (0.0%)	1 (16.7%)	6 (100%)
Uttar Pradesh	2 (20.0%)	8 (80.0%)	0 (0.0%)	0 (0.0%)	10 (100%)
Tamil Nadu	1 (50.0%)	0 (0.0%)	0 (0.0%)	1 (50.0%)	2 (100%)
Delhi	1 (3.4%)	28 (96.6%)	0 (0.0%)	0 (0.0%)	29 (100%)
Total	20 (21.5%)	67 (72.0%)	1 (1.1%)	5 (5.4%)	93 (100%)

Source: Field Survey

On the issue of non-filing of final report and charge sheet within 60 days by police, Law Enforcement Agencies during FGDs Reported that investigation is a factor of availability of evidence, witnesses to adequately substantiate the case theory to file a prosecution charge which varies from case-to-case. The NGO Jagori informed the Research Team that in terrible crimes against women, the focus should be on the certainty of conviction rather than the death penalty. It's also critical for law enforcement authorities (LEAs) to treat every single report of sexual harassment seriously, because failing to do so empowers the perpetrators, allowing them to perpetrate even more horrific crimes. According to the Criminal Law (Amendment) Act, 2018, law enforcement agencies have been given an analytical tool called "Online Investigation Tracking System for Sexual Offences (ITSSO)" to monitor and track police investigations in sexual offences within two months. The data is updated on a regular basis by the police and is not made public. In addition, the Supreme Court of India has ruled that victims' identities should not be revealed and that victims and their families should be protected.

About 61 per cent respondents reported that human trafficking cases outcomes results occasionally of investigation, arrest and prosecution. However, about 45 per cent respondents reported that human trafficking cases occasionally results in investigation, arrest, leading to prosecution where defendant is acquitted (Table 6.19).

Table 6.19
How Often Do Human Trafficking Cases Result in Following Outcomes

Outcome	Frequently	Occasionally	Seldom	Never	Unsure	Total
Case is Investigated, but does not lead to an Arrest(s)	2	13	50	24	4	93
	2.2%	14.0%	53.8%	25.8%	4.3%	100%
Case is investigated, any arrests are made, but does not lead to a Prosecution	3	13	44	28	5	93
	3.2%	14.0%	47.3%	30.1%	5.4%	100%
Case is investigated, any arrests are made, and leads to prosecution where defendant is Acquitted	9	42	30	6	6	93
	9.7%	45.2%	32.3%	6.5%	6.5%	100%
Case is investigated, any arrests are made and leads to Prosecution where defendant is Convicted	15	57	9	2	10	93
	16.1%	61.3%	9.7%	2.2%	10.8%	100%

Source: Field Survey

The major challenges being faced by agency in encountering with investigation of cases frequently reported of lack of victim cooperation/victim distressed, community ignorance and

lack of identity as Victims do not identify themselves as a Victim. However, other important challenges were reported to be language /cultural barriers, lack of adequate resources, victims do not identify themselves as victims, lack of support with victim support providers, lack of adequate training and knowledge as well as lack of procedures and clear jurisdiction. However, such challenges are occasionally reported (Table 6.20).

Table 6.20
Frequency of Agency Encounter with Challenges While Investigating Cases of Trafficking

Challenges and Barriers in Investigations	Level of Frequency					
	Frequently	Occasionally	Seldom	Never	Unsure	Total
Lack of Victim Cooperation/Victims Distrust	61	23	4	5	0	93
	65.6%	24.7%	4.3%	5.4%	0.0%	100%
Victims do not identify themselves as a Victim	50	32	7	4	0	93
	53.8%	34.4%	7.5%	4.3%	0.0%	100%
Language/Cultural Barriers/ Lack of or Inadequate translator/ interpreters Services	25	44	21	3	0	93
	26.9%	47.3%	22.6%	3.2%	0.0%	100%
Lack of Social Services for Human Trafficking Victims	7	15	12	56	3	93
	7.5%	16.1%	12.9%	60.2%	3.2%	100%
Lack of Adequate Shelter Homes	14	3	13	56	7	93
	15.1%	3.2%	14.0%	60.2%	7.5%	100%
Lack of coordination with State, National & International Agencies	5	3	10	72	3	93
	5.4%	3.2%	10.8%	77.4%	3.2%	100%
Lack of Support with Victim Service Providers (VSPs) / Community Based Organizations	5	10	22	49	7	93
	5.4%	10.8%	23.7%	52.7%	7.5%	100%
Resistance From National Law Enforcement to Pursue or Assist in Case Investigations	1	4	5	79	4	93
	1.1%	4.3%	5.4%	84.9%	4.3%	100%
Lack of Adequate Resources (e.g. Time, Money, Staff)	17	33	20	23	0	93
	18.3%	35.5%	21.5%	24.7%	0.0%	100%
Lack of Adequate Training/ Lack of Adequate Knowledge	5	30	33	25	0	93
	5.4%	32.3%	35.5%	26.9%	0.0%	100%
Lack of Procedures /Protocols to Identify and Respond to Human Trafficking Cases and Victims of Trafficking	3	13	31	46	0	93
	3.2%	14.0%	33.3%	49.5%	0.0%	100%
Lack of Clear Jurisdictions	3	3	23	62	2	93
	3.2%	3.2%	24.7%	66.7%	2.2%	100%
Community Ignorance	60	12	13	6	2	93
	64.5%	12.9%	14.0%	6.5%	2.2%	100%
Other	6	2	1	4	80	93
	6.5%	2.2%	1.1%	4.3%	86%	100%

Source: Field Survey

Most of the respondents admitted that human trafficking is associated with other crimes. Prostitution, drug trafficking, pornography, false identification, organ trafficking, cybercrimes and organized crimes are associated with human trafficking (Table 6.21).

Table 6.21
Type of Crimes Associated with Human Trafficking

Types of Crime	Total
Drug Trafficking	68 (78.2%)
Tax Evasion	2 (2.3%)
Arms Dealing	7 (8.0%)
False Identification	50 (57.5%)
Organ Trafficking	41 (47.1%)
Computer- Assisted Crimes	37 (42.5%)
Organized Crime	34 (39.1%)
Prostitution	80 (92.0%)
Terrorism	7 (8.0%)
Pornography	64 (73.6%)
Conspiracy	4 (4.6%)
Gangs	7 (8.0%)
Corruption And Bribery	2 (2.3%)
Money Laundering	26 (29.9%)
Other	2 92.3%)

Source: Field Survey

In order to build, human trafficking cases in community, surveillance, undercover operation and raids are frequently reported while undercover operations, raids or other overt operations, surveillance, collaboration with other law enforcement agencies were occasionally reported as investigative response (Table 6.22).

Table 6.22
Frequency of Investigative Responses to Build Human Trafficking Cases in Community

Potential Investigative Responses	Level of Frequency					
	Frequently	Occasionally	Seldom	Never	Unsure	Total
Surveillance	50	26	15	1	1	93
	53.8%	28.0%	16.1%	1.1%	1.1%	100%
Undercover Operations	22	46	22	2	1	93
	23.7%	49.5%	23.7%	2.2%	1.1%	100%
Raids or Other Overt Operations	24	37	30	1	1	93
	25.8%	39.8%	32.3%	1.1%	1.1%	100%
Collaboration with other Law Enforcement Agencies	14	25	52	1	1	93
	15.1%	26.9%	55.9%	1.1%	1.1%	100%
Collaboration with Code Enforcement & Inspectional Agencies	10	10	37	33	3	93
	10.8%	10.8%	39.8%	35.5%	3.2%	100%
Pursuing Paper Trails (Bank Receipts, Tax Records)	10	10	36	33	4	93
	10.8%	10.8%	38.7%	35.5%	4.3%	100%
Wire Tapping/ Communication Monitoring	7	11	54	19	2	93
	7.5%	11.8%	58.1%	20.4%	2.2%	100%

Investigate Linkages to Other Criminal Enterprises	8	10	43	32	0	93
	8.6%	10.8%	46.2%	34.4%	0.0%	100%
Providing Victim Support Services	14	6	18	49	6	93
	15.1%	6.5%	19.4%	52.7%	6.5%	100%
Other	3	0	40	3	47	93
	3.2%	0.0%	43.0%	3.2%	50.5%	100%

Source: Field Survey

Majority of the respondents reported that massage parlors, brothels and private homes / apartments are most likely locations in which police might encounter sex trafficking activities (Table 6.23).

Table 6.23
Most Likely Locations in Which Police Might Encounter Sex Trafficking Activities

Locations	Responses
Massage Parlors	83 (89.2%)
Brothels	77 (82.8%)
Hotels	27 (29.0%)
Street Corners	9 (9.7%)
Drug Busts	3 (3.2%)
Escort Services	28 (30.1%)
Private Homes/ Apartments	65 (69.9%)
Others	2 (2.2%)

Source: Field Survey

Material evidence, medical examination of victims, suspects and documents and witness evidence are some of the major techniques being used in investigation of crimes related to trafficking. However, techniques of investigation of crimes vary across the states (Table 6.24).

Table 6.24
Techniques Being Used in Investigating Crimes Related to Trafficking

State	West Bengal	Maharashtra	Karnataka	Jharkhand	Assam	Uttar Pradesh	Tamil Nadu	Delhi	Total
Material Evidence	19	13	2	6	5	6	2	29	82
	90.5%	86.7%	66.7%	85.7%	83.3%	60.0%	100%	100%	88.2%
Witness Evidence	12	12	2	6	5	8	1	13	59
	57.1%	80.0%	66.7%	85.7%	83.3%	80.0%	50.0%	44.8%	63.4%
Medical Examination of Victim	19	14	0	6	5	9	2	28	83
	90.5%	93.3%	0.0%	85.7%	83.3%	90.0%	100%	96.6%	89.2%
Forensic Examination of Victims	2	9	0	0	5	4	1	6	27
	9.5%	60.0%	0.0%	0.0%	83.3%	40.0%	50.0%	20.7%	29.0%
Suspects & Documents	18	7	3	3	3	5	1	29	69
	85.7%	46.7%	100%	42.9%	50.0%	50.0%	50.0%	100%	74.2%
Electronic Surveillance	2	6	3	3	5	3	2	5	29
	9.5%	40.0%	100%	42.9%	83.3%	30.0%	100%	17.2%	31.2%

Others	1	0	0	0	1	0	1	1	4
	4.8%	0.0%	0.0%	0.0%	16.7%	0.0%	50.0%	3.4%	4.3%

Source: Field Survey

According to state law enforcement agencies, forensics is crucial to a successful investigation, prosecution, and conviction. Since December 23, 2019, the Central Forensic Science Laboratory (CFSL) in Chandigarh has had a state-of-the-art DNA laboratory. It is projected to be a leading research and development center in this field, with a capacity of 2000 cases. Similarly, 20 States/UTs have approved projects to strengthen state-level forensic sciences laboratories based on demand-gap analysis and requisition by States/UTs. Several states have begun operations after procuring the requisite equipment and staff for DNA and Cyber Forensics. Himachal Pradesh, Madhya Pradesh, Mizoram, Punjab, Rajasthan, Tamil Nadu, and West Bengal are among these states. Others are in the process of acquiring the requisite equipment at various levels. MHA has approved projects at 16 State Forensic Science Laboratories (FSLs) at a total cost of Rs.157.98 crore, taking into account demand and gap analysis, as part of an initiative to strengthen DNA analysis, based on requests from States/UTs, Cyber-forensics and related facilities in the States. Guidelines for the collecting, management, and transportation of forensic evidence have been developed to improve capabilities and strengthen skill sets of Investigation Officers, Prosecution Officers, and Medical Officers in State/UTs who are handling forensic evidence in sexual assault cases. BPR&D and the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Science (LNJP NIC&FS) in New Delhi have begun training programmes. A total of 9397 officers, including investigators, prosecutors, and medical officers, have been trained. States/UTs have received 14,950 Sexual Assault Evidence Collection Kits from BPR&D.

Special police officer, nodal officer and working partnership between LEAs and service providers were found available under Anti human trafficking unit. However, a significant proportion of respondents were either not aware or denied the availability of such officials (Table 6.25).

Table 6.25
Availability of Law Enforcement Officials as Designated Under AHTU

Type of Officials/ Partnership	Yes	No	Don't Know	Total
Special Police Officer	86 (92.5%)	3 (3.2%)	4 (4.3%)	93 (100%)
Nodal Officer	84 (90.3%)	1 (1.1%)	8 (8.6%)	93 (100%)
Working Partnership between LEAs and Service Providers	81 (87.1%)	6 (6.5%)	6 (6.5%)	93 (100%)

Source: Field Survey

Most of the respondents reported very good and good relationship of AHTUs /District Law Enforcement Agencies with other stakeholders. However, all the respondents admitted that relationship with APOs/public prosecutors is not very good (Table 6.26).

Table 6.26
Level of Relationship of AHTU/District Law Enforcement Agencies with Other Stakeholders

Name of Stakeholder/Services	Very Good	Good	Not Very Good	Total
Service Providers	37 (45.7%)	41 (50.6%)	3 (3.7%)	81 (100%)
Other Law Enforcement Agencies	45 (48.4%)	45 (48.4%)	1 (1.1%)	2 (2.2%)

APOs/Public Prosecutors	41 (44.1%)	52 (55.9%)	93 (100%)	41 (44.1%)
Whether Patrol Officers, Investigators & Prosecutors are Trained on New Trafficking Trends and Legislations	15 (16.1%)	55 (59.1%)	23 (24.7%)	93 (100%)

Source: Field Survey

The Ministry of Home Affairs (MHA) routinely engages with States and UTs through various advisories and meetings to promote inter-State coordination and advises them on how to achieve greater inter-State cooperation mechanisms to combat human trafficking. In addition, on March 12, 2020, MHA inaugurated a national-level communication network, the Crime Multi-Agency Centre (Cri-MAC), to meet the goal of inter-State coordination in discovering and identifying trafficked victims, as well as in crime prevention, detection, and investigation. The Cri-MAC provides inter-State coordination by facilitating real-time broadcast of information regarding major crimes, such as human trafficking instances, across the country.

Witness turning hostile, protection of victims and witness, court adjournment and victims pleading guilty were some of the major difficulties being faced in working with cases of human trafficking (Table 6.27).

Table 6.27
Difficulties of Department in Working with Cases of Trafficking

State	Victim Pleading Guilty	Protection of Victim and Witness	Court Adjournments	Witness Turning Hostile	Others
West Bengal	5 (23.8%)	20 (95.2%)	2 (9.5%)	17 (81.0%)	0 (0.0%)
Maharashtra	4 (26.7%)	3 (20.0%)	4 (26.7%)	13 (86.7%)	0 (0.0%)
Karnataka	0 (0.0%)	0 (0.0%)	0 (0.0%)	3 (100%)	0 (0.0%)
Jharkhand	0 (0.0%)	7 (100%)	0 (0.0%)	6 (85.7%)	0 (0.0%)
Assam	1 (16.7%)	4 (66.7%)	4 (66.7%)	3 (50.0%)	2 (33.3%)
Uttar Pradesh	0 (0.0%)	10 (100%)	8 (80.0%)	10 (100%)	0 (0.0%)
Tamil Nadu	0 (0.0%)	1 (50.0%)	1 (50.0%)	1 (50.0%)	1 (50.0%)
Delhi	9 (31.0%)	28 (96.6%)	27 (93.1%)	27 (93.1%)	0 (0.0%)
Total	19 (20.4%)	73 (78.5%)	46 (49.5%)	80 (86.0%)	3 (3.2%)

Source: Field Survey

Most of the respondents admitted that the officials of their units/department have received training on the issues of human trafficking. However, a large proportion of respondents in Karnataka, Uttar Pradesh and Tamil Nadu revealed that officers have not received such training (Table 6.28A).

Table 6.28A
Have Officers in Your Unit/Department Has Received Training on the Issues of Trafficking

State	Yes	No	Don't Know	Total
West Bengal	19 (90.5%)	2 (9.5%)	0 (0.0%)	21 (100%)
Maharashtra	11 (73.3%)	3 (20.0%)	1 (6.7%)	15 (100%)
Karnataka	1 (33.3%)	2 (66.7%)	0 (0.0%)	3 (100%)
Jharkhand	7 (100%)	0 (0.0%)	0 (0.0%)	7 (100%)
Assam	5 (83.3%)	1 (16.7%)	0 (0.0%)	6 (100%)
Uttar Pradesh	4 (40.0%)	6 (60.0%)	0 (0.0%)	10 (100%)

Tamil Nadu	1 (50.0%)	1 (50.0%)	0 (0.0%)	2 (100%)
Delhi	29 (100%)	0 (0.0%)	0 (0.0%)	29 (100%)
Total	77 (82.8%)	15 (16.1%)	1 (1.1%)	93 (100%)

Source: Field Survey

In collaboration with BPR&D, the United Nations Office on Drugs and Crime (UNODC), the Border Security Force (BSF), and others, State Police personnel are trained in the prevention and detection of human trafficking. This attempts to improve law enforcement agencies' capacity and raise awareness among them. States have also been recommended to train police officers stationed at bus stations, state borders, and inter-state checkpoints, among other locations, to keep an eye out for suspicious actions involving the transportation of human trafficking victims, particularly youngsters.

Proportion of Officers in respective unit that has received Training on the issues of Trafficking is shown in Table: 6.28B Most of the respondents reported that less than half of the officers in their departments have received training on the issues of human trafficking. In-service, induction, orientation and refresher training were organized on the issues of human trafficking.

Table 6.28B
Proportion of Officers in your unit received Training on the issues of Trafficking

State	> 25 %	25-50 %	50-75 %	75-100 %	Total
West Bengal	13 (68.4%)	5 (26.3%)	1 (5.3%)	0 (0.0%)	19 (100%)
Maharashtra	1 (9.1%)	5 (45.5%)	3 (27.3%)	2 (18.2%)	11 (100%)
Karnataka	0 (0.0%)	0 (0.0%)	1 (100%)	0 (0.0%)	1 (100%)
Jharkhand	0 (0.0%)	4 (57.1%)	3 (42.9%)	0 (0.0%)	7 (100%)
Assam	5 (100%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	5 (100%)
Uttar Pradesh	4 (100%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	4 (100%)
Tamil Nadu	0 (0.0%)	1 (100%)	0 (0.0%)	0 (0.0%)	1 (100%)
Delhi	16 (55.2%)	11 (37.9%)	2 (6.9%)	0 (0.0%)	29 (100%)
Total	39 (50.6%)	26 (33.8%)	10 (13.0%)	2 (2.6%)	77 (100%)

Source: Field Survey

The majority of those who responded said that such trainings were organized by police training institutes. Identifying victims, victim rights, victim support, and assonance, legal provisions of human trafficking, legal and administrative provisions for inter-state and trans-border investigations, and distinguishing trafficking from prostitution, as well as trafficking's modus operandi, were among the topics covered during the training. The majority of responders only rated the efficiency of such training on human trafficking investigation to some level. The majority of respondents said they learn about human trafficking as part of their routine law enforcement efforts, while about half said they learn about it from training, conferences, and workshops. As a result, around two-thirds of respondents stated that their knowledge of human trafficking regulations is average.

The main reasons for non-stoppable trafficking as per use of law enforcement agencies were recorded mainly poor economic conditions, social customs, gender inequality, negligible penalties, domestic violence and poor law enforcement. However, prosecuting officers reported that poor economic conditions, poor law enforcement, negligible penalties, corruption, social customs, gender inequalities and inadequate laws are important reasons responsible for human

trafficking (Table 6.29).

Table 6.29
Reasons for Non-Stoppable Trafficking

State	Law Enforcement Agencies	Prosecuting Agencies
Inadequate Laws	16 (17.2%)	13 (44.82%)
Poor Law Enforcement	24 (25.8%)	23 (79.31%)
Negligible Penalties	32 (34.4%)	19 (65.52%)
Corruption	13 (14.0%)	17 (58.62%)
Poor Economic Conditions	86 (92.5%)	25 (86.21%)
Gender Inequality	39 (41.9%)	13 (44.83%)
Domestic Violence	30 (32.3%)	9 (31.03%)
Social Customs/Evils	54 (58.1%)	13 (44.83%)
Other	0 (0.0%)	3 (10.35%)

Source: Field Survey

Law enforcement agencies suggested the measures such as effective patrolling and vigil at traffic prone locations, inter-departmental cooperation, public awareness, support to vulnerable women and sensitization programme for stakeholders for prevention of human trafficking. However, prosecuting agencies suggested measures like sensitization programme for stakeholders, support to vulnerable women, inter-state collaboration and inter-departmental cooperation for prevention of human trafficking (Table 6.30).

Table 6.30
Measures to Prevent Trafficking

Measures for Prevention of Human Trafficking	Law EAs	Prosecuting Agencies
Effective Patrolling and Vigil at locations prone to trafficking	87 (93.5%)	13 (44.83%)
Inter Departmental Cooperation for spotting and Rescuing Victims	77 (82.8%)	12 (41.37%)
Periodical Checks on Transporters	70 (75.3%)	9 (31.03%)
Addressing New forms of Demand	33 (35.5%)	9 (31.03%)
Inter State Collaboration	39 (41.9%)	20 (86.96%)
Sensitization Programs for Police Officers, Railway Police Force, Prosecutors and Judges on various legislation	54 (58.1%)	29 (100%)
Prosecution of Perpetrators	45 (48.4%)	9 (31.03%)
Public Awareness	73 (78.5%)	16 (55.17%)
Support to Women Vulnerable to trafficking	58 (62.4%)	29 (100%)
Others	2 (2.2%)	7 (24.14%)

Source: Field Survey

Majority of the respondents reported that section-7 and 8 are most commonly used sections of ITPA. However, about 58 per cent respondents revealed that section-3 and 4 are most commonly used sections of ITPA (Table 6.31).

Table 6.31
Most Commonly Used Sections of ITPA

State	Section - 7 & 8	Section - 3 & 4	Section - 5 & 6	Section- 20
West Bengal	11 (52.4%)	9 (42.9%)	3 (14.3%)	0 (0.0%)
Maharashtra	10 (66.7%)	12 (80.0%)	4 (26.7%)	0 (0.0%)
Karnataka	2 (66.7%)	1 (33.3%)	0 (0.0%)	0 (0.0%)
Jharkhand	7 (100%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Assam	4 (66.7%)	3 (50.0%)	2 (33.3%)	0 (0.0%)
Uttar Pradesh	3 (30.0%)	7 (70.0%)	0 (0.0%)	0 (0.0%)
Tamil Nadu	1 (50.0%)	2 (100%)	2 (100%)	0 (0.0%)
Delhi	22 (75.9%)	20 (69.0%)	2 (6.9%)	0 (0.0%)
Total	60 (64.5%)	54 (58.1%)	13 (14.0%)	0 (0.0%)

Source: Field Survey

Slightly less than 3/4th respondents admitted that there are low chances of conviction in ITPA case. It was found more pronouncing in Karnataka followed by Jharkhand, Delhi and Uttar Pradesh. Thus, hardly 8 per cent respondents reported that chances of conviction in ITPA cases are higher (Table 6.32).

Table 6.32
Chances of Conviction in an ITPA Case

State	Very Low	Low	High	Very High	Total
West Bengal	8 (38.1%)	11 (52.4%)	2 (9.5%)	0 (0.0%)	21 (100%)
Maharashtra	0 (0.0%)	10 (66.7%)	4 (26.7%)	1 (6.7%)	15 (100%)
Karnataka	0 (0.0%)	3 (100%)	0 (0.0%)	0 (0.0%)	3 (100%)
Jharkhand	0 (0.0%)	7 (100%)	0 (0.0%)	0 (0.0%)	7 (100%)
Assam	3 (50.0%)	2 (33.3%)	1 (16.7%)	0 (0.0%)	6 (100%)
Uttar Pradesh	2 (20.0%)	8 (80.0%)	0 (0.0%)	0 (0.0%)	10 (100%)
Tamil Nadu	1 (50.0%)	1 (50.0%)	0 (0.0%)	0 (0.0%)	2 (100%)
Delhi	3 (10.3%)	26 (89.7%)	0 (0.0%)	0 (0.0%)	29 (100%)
Total	17 (18.3%)	68 (73.1%)	7 (7.5%)	1 (1.1%)	93 (100%)

Source: Field Survey

Easy bail for traffickers, harassment and humiliation of victims and adjournment in court are main loop holes in enforcement mechanism to tackle human trafficking. Thus, reforms in procedures, clarity of objectives of rescue and rehabilitation, introduction of new legislation and reforms in existing laws were suggested by the respondents. In order to address effectively human trafficking, adequate staff, infrastructure and funds are required as per use of officials (Table 6.33).

Table 6.33
Additional Resources You Need to Better Address Trafficking

State	Adequate Staff	Adequate Infrastructure	Adequate Funds	Others
West Bengal	21 (100%)	15 (71.4%)	4 (19.0%)	0 (0.0%)
Maharashtra	12 (80.0%)	7 (46.7%)	7 (46.7%)	0 (0.0%)
Karnataka	3 (100%)	3 (100%)	0 (0.0%)	0 (0.0%)
Jharkhand	7 (100%)	7 (100%)	5 (71.4%)	0 (0.0%)
Assam	5 (83.3%)	5 (83.3%)	5 (83.3%)	1 (16.7%)

Uttar Pradesh	10 (100%)	10 (100%)	10 (100%)	0 (0.0%)
Tamil Nadu	2 (100%)	1 (50.0%)	0 (0.0%)	0 (0.0%)
Delhi	29 (100%)	24 (82.8%)	6 (20.7%)	0 (0.0%)
Total	89 (95.7%)	72 (77.4%)	37 (39.8%)	1 (1.1%)

Source: Field Survey

The Ministry of Home Affairs is currently implementing projects under the Nirbhaya Fund, and has approved the release of Rs.100 crore from the fund to all States and UTs for the establishment/strengthening of Anti-Human Trafficking Units (AHTUs) with office infrastructure, as well as the purchase of computers, mobile phone instruments, digital cameras, four-wheelers, motorcycles, and landline phones with broadband, among other things. The AHTUs will be staffed by State Police officers who will be aided by officers from other relevant state departments. Because many traffickers use railways as a significant route of conveyance for trafficking victims to other states and border areas, the MHA has also worked with the Ministry of Railways. The Railway Board has been requested to enlist the help of the Railway Protection Force (RPF) and the Government Railway Police (GRP) to combat human trafficking at railway stations. They've been told to tell GRP and RPF officials to stay attentive and watchful in the face of such instances. The MHA has also spoken with the Ministry of Labour and Employment, advising them to train personnel from the Labor Department in all States and UTs to keep an eye on unlawful placement companies that abuse youngsters under the guise of a work. The MHA has sent a comprehensive scheme to all States and UTs to address the issue of human trafficking, advising them to establish an Anti-Human Trafficking Bureau at the State capital level, Anti-Human Trafficking Units (AHTUs) at every District level, and Women Help Desks to monitor investigations at each Police Station level.

The Ministry of Home Affairs is implementing Nirbhaya Fund projects such as the Emergency Response Support System (ERSS), the Central Victim Compensation Fund (CVCF), the Cyber Crime Prevention against Women and Children (CCPWC), Delhi Police projects on women's safety, Safe City projects in selected eight cities, the establishment of a state-of-the-art DNA Lab at the Central Forensic Science Laboratory (CFSL) in Chandigarh, and the strengthening of State/UT forensic science laboratories. These projects include capacity building through the infusion of appropriate equipment and technology to improve women's safety, such as better surveillance using drones, CCTV cameras, automatic number plate recognition to track and alert Police in crime hotspots throughout the city, and technology-enabled infrastructure such as smart lighting systems to eliminate dark alleys, women's toilets that can be located on maps, and so on. These include continuing and continual tender-based procurement, therefore the money granted to States/UTs constitute substantially committed expenditure for the project. The projects are reviewed on a regular basis by the states/UTs and the Ministry of Home Affairs.

PROSECUTING AGENCIES:

Most of the respondents were from district prosecuting agency. However, a significant proportion of respondents in Tamil Nadu, Uttar Pradesh and Maharashtra were from state prosecuting agencies (Table 6.34).

Table 6.34
Type of Prosecuting Agency Interviewed

State	State Prosecuting Agency	District Prosecuting Agency	Total
West Bengal	0 (0.0%)	4 (100%)	4 (100%)
Maharashtra	1 (16.7%)	5 (83.3%)	6 (100%)
Karnataka	0 (0.0%)	3 (100%)	3 (100%)
Jharkhand	0 (0.0%)	5 (100%)	5 (100%)
Assam	0 (0.0%)	3 (100%)	3 (100%)
Uttar Pradesh	1 (16.7%)	5 (83.3%)	6 (100%)
Tamil Nadu	1 (50.0%)	1 (50.0%)	2 (100%)
Total	3 (10.3%)	26 (89.7%)	29 (100%)

Source: Field Survey

Providing compensation to rescued victims, coordination with police for conviction of perpetrators, ensuring victim witness protection and legal counseling to rescued victims are the main responsibility as per views of law enforcement agencies and public prosecuting agencies (Table 6.35).

Table 6.35
Role and Responsibility of Prosecuting Agency

Role and Responsibility	Response
Assisting Investigation Officer (I.O.) In Drafting FIR	6 (20.69%)
Legal Counseling to Rescued Victims	10 (34.48%)
Assisting IO During Investigation	3 (10.35%)
Assisting I.O To Draft Charge Sheet	3 (10.35%)
Ensure Victim-Witness Protection	19 (65.52%)
Co-Coordinate with Police for Conviction of Perpetrators	22 (75.86%)
Providing Compensation to Rescued Victims	29 (100%)
Other	48.28 (100%)

Source: Field Survey

All the respondents reported that they have protocols / guidelines for prosecuting of trafficking cases. Witness statements, recording of victim's statement before magistrate, medical, forensic, material and documentary evidences are some of the things being covered in the protocol (Table 6.36).

Table 6.36
Kinds of Things Are Covered in the Protocol/Guidelines

Things are covered in the Protocol/Guidelines	Total Response
Victim's Statement Recorded Before Magistrate	26 (89.66%)
Medical, Forensic, Material, Documentary Evidences	22 (75.86%)
Witness Statements	26 (89.66%)
Other	10 (34.48%)

Source: Field Survey

About 1/4th respondents reported that present laws are able to address the issues of human trafficking adequately. Protection of victims and wetness, adequate rehabilitation facilities for victim, victim's access to legal aid, long term crime control policy and victim's rights are some of

the ignored areas in existing laws (Table 6.37). Reforms in existing laws, reforms in procedures, introduction of new legislation and reforms in court practices were suggested by the respondents.

Table 6.37
Ignored Areas in Laws

Ignored Areas	West Bengal	Maharashtra	Karnataka	Jharkhand	Assam	Uttar Pradesh	Tamil Nadu	Total
Victim's Rights	0	4	1	0	1	2	1	9
	0.0%	44.4%	11.1%	0.0%	11.1%	22.2%	11.1%	100%
Adequate rehabilitation Facilities for Victim	0	3	3	3	2	4	2	17
	0.0%	17.6%	17.6%	17.6%	11.8%	23.5%	11.8%	100%
Long Term Crime Control Policy	2	3	1	0	1	2	0	9
	22.2%	33.3%	11.1%	0.0%	11.1%	22.2%	0.0%	100%
Protection of Victim and Witness	2	5	3	3	2	5	2	22
	9.1%	22.7%	13.6%	13.6%	9.1%	22.7%	9.1%	100%
Victim's Access To Legal Aids	0	4	1	0	1	2	1	9
	0.0%	44.4%	11.1%	0.0%	11.1%	22.2%	11.1%	100%
Others	0	1	0	0	0	0	0	1
	0.0%	100%	0.0%	0.0%	0.0%	0.0%	0.0%	100%

Source: Field Survey

Material evidence, medical report, witness, forensic examination report, electronic surveillance was some of the critical evidences leading to conviction of a case (Table 6.38).

Table 6.38
Critical Evidence Leading to Conviction/Acquittal of a Case

Critical Evidences	West Bengal	Maharashtra	Karnataka	Jharkhand	Assam	Uttar Pradesh	Tamil Nadu	Total
Material Evidence	4	6	1	2	2	4	1	20
	20.0%	30.0%	5.0%	10.0%	10.0%	20.0%	5.0%	100%
Witness	2	5	1	2	2	3	1	16
	12.5%	31.3%	6.3%	12.5%	12.5%	18.8%	6.3%	100%
Medical Report	4	4	1	2	2	3	1	17
	23.5%	23.5%	5.9%	11.8%	11.8%	17.6%	5.9%	100%
Forensic Examination Report	0	1	2	3	2	3	1	12
	0.0%	8.3%	16.7%	25.0%	16.7%	25.0%	8.3%	100%
Electronic Surveillance	0	1	2	3	2	3	1	12
	0.0%	8.3%	16.7%	25.0%	16.7%	25.0%	8.3%	100%
Other	2	1	0	2	1	1	0	7
	28.6%	14.3%	0.0%	28.6%	14.3%	14.3%	0.0%	100%

Source: Field Survey

Most of the respondents admitted that existing laws permit them to use of specialized evidence

– gathering techniques in course. It was found more pronouncing in Jharkhand, Karnataka, West Bengal, Maharashtra, Assam and Uttar Pradesh.

Witness turning hostile, protection of victim and witness and victim pleading guilty are some of the major difficulties being faced in working with cases of human trafficking (Table 6.39).

Table 6.39
Difficulties Being Faced in Working with Cases of Trafficking

State	West Bengal	Maharashtra	Karnataka	Jharkhand	Assam	Uttar Pradesh	Tamil Nadu	Total
Victim Pleading Guilty	2	4	2	3	2	3	0	16
	12.5%	25.0%	12.5%	18.8%	12.5%	18.8%	0.0%	100%
Protection Of Victim and Witness	2	5	3	5	3	5	2	25
	8.0%	20.0%	12.0%	20.0%	12.0%	20.0%	8.0%	100%
Court Adjournments	0	1	0	0	1	1	0	3
	0.0%	33.3%	0.0%	0.0%	33.3%	33.3%	0.0%	100%
Witness Turning Hostile	4	5	3	5	3	5	1	26
	15.4%	19.2%	11.5%	19.2%	11.5%	19.2%	3.8%	100%
Other	2	2	0	2	1	2	1	10
	20.0%	20.0%	0.0%	20.0%	10.0%	20.0%	10%	100%

Source: Field Survey

Majority of the respondents reported that less than 25 per cent officers have received training on the issues of human trafficking. Trainings were mainly organized by department of justice, service providers and independent trainers. About 79 per cent respondents reported that officers have received training on the issues of human trafficking. It was found more pronouncing in Karnataka followed by West Bengal, Uttar Pradesh and Jharkhand. However, about half of the respondents in Tamil Nadu and 1/3rd respondents in Assam and Maharashtra revealed that officers have not received such training (Table 6.40A).

Table 6.40A
Whether Prosecuting Officers Received Training on Issues of Trafficking

State	Yes	No	Total
West Bengal	4 (100%)	0 (0.0%)	4 (100%)
Maharashtra	4 (66.7%)	2 (33.3%)	6 (100%)
Karnataka	3 (100%)	0 (0.0%)	3 (100%)
Jharkhand	4 (80.0%)	1 (20.0%)	5 (100%)
Assam	2 (66.7%)	1 (33.3%)	3 (100%)
Uttar Pradesh	5 (83.3%)	1 (16.7%)	6 (100%)
Tamil Nadu	1 (50.0%)	1 (50.0%)	2 (100%)
Total	23 (79.3%)	6 (20.7%)	29 (100%)

Source: Field Survey

Approximate Percentage of Officers who has received Training on the Issues of Trafficking is shown in Table: 6.40B. Table: 6.40B depicts that only half of respondents have received training

on subject matter of human trafficking and prosecution of offenders.

Table 6.40B

Approximate Percentage of Prosecuting Officers who have received Training on the Issues of Trafficking

State	Less Than 25%	25-50 %	Total
West Bengal	2 (50.0%)	2 (50.0%)	4 (100%)
Maharashtra	2 (50.0%)	2 (50.0%)	4 (100%)
Karnataka	3 (100%)	0 (0.0%)	3 (100%)
Jharkhand	4 (100%)	0 (0.0%)	4 (100%)
Assam	1 (50.0%)	1 (50.0%)	2 (100%)
Uttar Pradesh	3 (60.0%)	2 (40.0%)	5 (100%)
Tamil Nadu	1 (100%)	0 (0.0%)	1 (100%)
Total	16 (69.6%)	7 (30.4%)	23 (100%)

Source: Field Survey

Majority of the respondents revealed that training on the issues of human trafficking has not been effective on Prosecution of trafficking cases as 17 per cent respondents reported that training has been very effective on Prosecution of trafficking cases (Table 6.41).

Table 6.41

Effectiveness of Training on Prosecution of Trafficking Cases

State	Very Little Effect	Some Effect	Very Big Effect	Total
West Bengal	2 (50.0%)	0 (0.0%)	2 (50.0%)	4 (100%)
Maharashtra	1 (25.0%)	2 (50.0%)	1 (25.0%)	4 (100%)
Karnataka	0 (0.0%)	3 (100%)	0 (0.0%)	3 (100%)
Jharkhand	1 (25.0%)	3 (75.0%)	0 (0.0%)	4 (100%)
Assam	1 (50.0%)	1 (50.0%)	0 (100%)	2 (100%)
Uttar Pradesh	2 (40.0%)	2 (40.0%)	1 (20.0%)	5 (100%)
Tamil Nadu	0 (0.0%)	1 (100%)	0 (0.0%)	1 (100%)
Total	7 (30.4%)	12 (52.2%)	4 (17.4%)	23 (100%)

Source: Field Survey

The existing human trafficking laws in India has numerous flaws. There has been a lack of conceptual clarity among law enforcement officers on the topic of human trafficking. The vulnerabilities of human trafficking are not given the attention they deserve, and they are not successfully addressed. Many officials in charge of enforcing anti-human-trafficking laws and regulations have not received training. Due to a lack of knowledge and information, even those officials who have undergone training are unable to effectively deal with the complex concerns of human trafficking. Between law enforcement authorities and service providers, there is a lack of collaboration. Many local police departments lack established standards for dealing with human trafficking situations. The image of the police worked as a deterrent, and many victims and communities believe that the police are also complicit in human trafficking, preventing law enforcement from having a whole picture. There are many laws and legal requirements that are complicated, and law enforcement agencies and public prosecutors frequently need to consult with legal professionals when dealing with cases. As a result, law enforcement authorities' capacity to deal effectively with tracking cases must be strengthened. The public perception of cops needs to improve.

Chapter 7

REHABILITATION AND RE-INTEGRATION OF RESCUED VICTIMS

Since the rehabilitation, reintegration, and repatriation of victims of human trafficking is a long process, it must be planned in advance, taking into account the individual victims' distinct short and long-term needs. Efforts must be non-punitive and geared at ensuring the victims' rights are protected. Regardless of where they are trafficked from or to, rescued persons/victims of trafficking are 'victims of crime,' and all efforts should be made to ensure that: (1) Jurisdictional limitations, of any sort, do not impede rescue and post rescue activities in any way; (2) there is no delay in rescue and post rescue activities; (3) the rescued person's human rights are protected and are not further violated; (4) adequate care and attention is extended to rescued persons during and post rescue and; (5) all actions and decisions that are initiated are based on the principle of 'the best interest of the victim/ rescued person'.

Human trafficking can be effectively prevented and combated by integrating all stakeholders and responders in a comprehensive and holistic approach. The police should form successful cooperation with non-governmental organizations (NGOs) working in this field. The Police Nodal Officer (PNO) should take steps to ensure that government notifications are made for the purpose of forming the "advisory committee" described in Section 13(3)(b) of the ITPA. However, until such notification is received, the police may collaborate with any non-governmental organization (NGO) of their choice.

Post Rescue Operations:

A thorough interview with the rescued individuals is required to obtain information on their personal characteristics such as age, place of origin, health status, family history, and so on. Such information will be useful in determining the victim's 'best interests' so that post-rescue procedures can be tailored to their needs, as well as in comprehending the full scope of the crime. As required by section 15 (6A) ITPA, the interview must be performed by a female police officer or in the presence of a female representative of an NGO. The interview should be conducted by a specifically selected team of sensitive officials from both HT and VT. During the rescue from the 'scene of the crime,' the JT has the following options:

- Rescued persons may be escorted, without any public display, to the local PS where they are kept segregated from the offenders.
- If the Magistrate/ CWC is in office and the required documents (such as forwarding report, injury report, etc.) have been prepared at the place of rescue, the rescued persons may be escorted to the Magistrate/ CWC (u/s. 15 (5) or 16 (2) or 17 (1) ITPA). The rescued person, irrespective of the state or country of origin, is a trafficked victim and therefore a 'victim of crime'. Hence, all

relief/ compensation to which a trafficked victim is entitled should be extended to the rescued person. The responsibility for this lies with the Government Nodal Officer (GNO)- representing the Departments of Women and Child/ Welfare/ Labour of the place where the rescue takes place. The PNO concerned should liaise with the GNO and ensure expeditious action. Identify persons less than 18 years of age so that they can be sent to the Child Welfare Committee, as they are 'children in need of care and protection' under the JJ Act. The rescued adult persons are to be sent to the Magistrate u/s. 15 (5) or 16 (2) or 17 (1) ITPA. The leader of the JT in consultation with the NGO partner and based on the prima facie appearance of the person should take a decision as to whether the rescued person is less than 18 years of age or an adult. If there is any doubt regarding the age of the rescued person, it would be appropriate to leave it to the decision of the CWC.

Children should be sent to "drop-in centers or temporary shelter houses under the auspices of the Social Welfare Department" after being rescued until more permanent accommodations can be found. They should be accompanied to the CWC as soon as possible after being rescued so that they can make a statement about their ordeal. The CWC acts as the "guardian of the rescued children" who is "empowered to develop the rehabilitation plan." As a forerunner to more persistent rehabilitation and reintegration into a rights-respecting childhood, immediate care and assistance are also crucial. In actuality, while basic food and shelter are usually supplied right after a rescue, care is frequently inadequate. Several NGO participants stated that rescued children are occasionally taken to a police station, which is an inappropriate and potentially re-traumatizing setting. The care of children trafficked from different states is hampered, according to 123 of 147 Service Providers and NGOs who took part in the survey, by the simple lack of an interpreter who is fluent in the relevant local languages. This egregious failure has far-reaching repercussions for service delivery performance and the risk of criminal prosecution. Criminal proceedings are also intended to be begun as soon as possible after a rescue, which is an essential step in reducing the need for exploitative child labour. Officials from the Labor Department must file a First Information Report (FIR) to begin an investigation and possible prosecution of a crime. Respondents said that FIRs are not always filed in practice, and that there is misunderstanding and disagreement over who is responsible for filing them. Employers are 'rarely' or 'never' arrested, according to the agreement, and are unlikely to be convicted. According to official numbers from 2015, just 55 cases of child trafficking for whatever reason (1.09%) resulted in convictions out of 5,026 cases under investigation.

Reintegration

The children confront significant hurdles in successfully reintegrating into society after their rescue. While no common definition exists, 'reintegration' is widely understood in the literature to refer to a long-term, holistic process. Surtees defines it as "a process of recovery and economic and social inclusion...that includes settling in a stable and safe environment, access to a reasonable standard of living, mental and physical well-being, and opportunities for personal, social, and economic development, as well as access to social and emotional support." In India, the current reintegration plan prioritizes 'educational rehabilitation for the child and economic rehabilitation for the family.' However, the Harvard FXB study shows that current reintegration initiatives in Bihar and Rajasthan fail to meet the core needs and rights of trafficked children and their families, such as protection, appropriate living standards, health care, and education. Reintegration is viewed as a fixed, short-term procedure by Indian anti-trafficking experts. Individual children's cases are closed within four months of rescue, according to 96% of those

polled, with no following follow-up or monitoring of the implications of return. Reintegration plans for rescued children and their families, both short- and long-term, are rarely established or implemented. Instead, current reintegration efforts consist of just identifying and returning rescued children to their families, leaving them vulnerable to the same structural vulnerabilities that led to their being trafficked in the first place.

To reduce the danger of a child being re-trafficked for economic reasons, families require planned and continuous support. Cash transfers, according to the research, are most effective in reducing child labour when combined with other investments in health, schooling facilities, or afterschool education as part of a comprehensive, long-term poverty reduction plan. Lump-sum compensation does little to address the systemic reasons that contribute to families using child labour as a coping mechanism. Finally, the severe mental and physical health needs of rescued children are addressed as an afterthought, with no solid policy efforts in place to ensure that appropriate and long-term care are provided. Although study participants stated that a counsellor should accompany children immediately after rescue, no other tangible actions addressing the physical, emotional, and psychological needs of these vulnerable persons or their families were mentioned.

To address their concerns, it is critical to make systematic and coordinated efforts involving a variety of services such as police assistance, legal aid, medical assistance, support for their children, livelihood opportunities, shelter homes, and so on. The need for support services for women in prostitution is now widely recognized; nonetheless, the availability and quality of such services varies greatly. There are a variety of emergency services maintained by women's organizations and state governments, such as shelter homes and assistance lines, that need to be strengthened in addition to stronger legislation provisions.

Trafficked children fall into the category of "Children in Need of Care and Protection," and the Integrated Child Protection Scheme (ICPS) has unique procedures for preventing trafficking, rescuing, rehabilitating, and reintegrating victims. Ujjawala is a comprehensive anti-trafficking scheme. The Scheme was established in 2007 with the goals of preventing women and children from being trafficked for commercial sexual exploitation, assisting victims in being rescued and placed in safe custody, providing rehabilitation services by providing basic amenities/needs, assisting victims in reintegrating into their families and society, and assisting cross-border victims in being repatriated. The Scheme is mostly executed by Non-Governmental Organizations (NGOs) (NGOs). The Ujjawala scheme's norms have been updated as of April 1, 2016. The budgetary provisions have been enhanced under the new regulations, and the plan is being implemented as a sub-scheme of the Centrally Sponsored Umbrella Scheme "Protection and Empowerment of Women" by the States/UTs. Except in the North-Eastern States and Himalayan States, where the cost ratio is 80:10:10, the cost ratio between the Centre, States, and implementation agency is 60:30:10. The ratio between the center and the implementing agency in Union Territories is 90:10.

Prevention, rescue, rehabilitation, reintegration, and repatriation of trafficked victims for commercial sexual exploitation are the five components of the scheme. The Ujjawala Scheme assists eligible organizations in carrying out the aforementioned services. The total number of homes under the Ujjawala Scheme as of today (31.12.2020) is 104. For 2020-21, a budget provision of Rs. 30.00 crores have been set aside to implement the Ujjawala Scheme. Table 7.1 shows the budget estimates and expenditures under the Ujjawala Scheme for the last ten years.

Table: 7.1
Budget Estimates and Expenditure on Ujjawala Scheme in India
(Rs. Crore)

Year	Budget Estimate (BE)	Expenditure
2012-13	5.00	7.32
2013-14	13.00	13.72
2014-15	16.00	7.92
2015-16	20.00	20.67
2016-17	35.00	20.31
2017-18	50.00	24.56
2018-19	50.00	6.43
2019-20	30.00	9.35
2020-21	30.00	1.13

Source: Annual Reports of Ministry of WCD, Govt. of India

As on 31st December, 2020, there were 104 projects with 1732 beneficiaries under Ujjawala scheme in India. The numbers of Ujjawala homes were recorded high in Assam followed by Manipur, Karnataka, Odisha and Andhra Pradesh. The number of beneficiaries was recorded high in Karnataka followed by Odisha, Manipur and Assam (Table 7.2).

Table: 7.2
State/UT-wise Number of Projects and Beneficiaries Covered under Ujjawala Scheme
(As on 31.12.2020)

S. No	State Name	Homes	Beneficiaries
1	Andhra Pradesh	5	102
2	Assam	20	196
3	Chhattisgarh	3	26
4	Karnataka	13	386
5	Kerala	3	50
6	Maharashtra	5	82
7	Manipur	19	225
8	Mizoram	2	22
9	Nagaland	1	14
10	Rajasthan	1	22
11	Orissa	12	309
12	Tamil Nadu	4	120
13	Uttar Pradesh	2	24
14	Uttarakhand	2	10
15	West Bengal	2	51
16	Gujarat	2	16
17	Telangana	5	68
18	Jharkhand	2	0
19	Goa	1	9
	Total	104	1732

Source: Annual Reports of Ministry of WCD, Govt. of India

SWADHAR GREH

The Swadhar Greh initiative aims to provide a supportive institutional framework for women who have been victims of adversity, allowing them to live with dignity and conviction. The scheme aims to provide shelter, food, clothes, and health care, as well as economic and social security, to widows, poor women, and elderly women who are victims of difficult circumstances. Because the Swadhar Greh Scheme is a sub-scheme of the Centrally Sponsored Umbrella Scheme “Protection and Empowerment of Women,” funds are disbursed through the States, with a cost-sharing ratio of 60:40 between the Centre and the States (except in the North Eastern and Himalayan States, where it will be 90:10, and for UTs, it will be 100% with effect from January 1, 2016). As of December 31, 2020, there are 362 Swadhar Grehs operating throughout the country, benefiting 7719 women for the 2020-21 fiscal year. Table 7.3 shows the Budget Estimates and Spending of the Swadhar Greh Scheme for the preceding ten years and for the current year (as of December 31, 2020).

Table: 7.3
Budget Estimates and Expenditure on Swadhar Greh Scheme in India
(Rs. Crore)

Year	Budget Estimate (BE)	Expenditure
2011-12	30.00	24.59
2012-13	100.00	52.23
2013-14	75.00	53.74
2014-15	115.00	28.60
2015-16	100.00	48.57
2016-17	100.00	83.78
2017-18	100.00	57.20
2018-19	95.00	24.56
2019-20	50.00	25.48
2020-21	50.00	12.27 (As on 31.12.2020)

Source: Annual Reports of Ministry of WCD, Govt. of India

As on December, 31, 2020, there were 362 Swadhar Greh with 7719 beneficiaries in India. The number of such homes was recorded high in Odisha followed by Karnataka, Tamil Nadu, West Bengal, Telangana, Manipur and Andhra Pradesh. The numbers of beneficiaries in these homes were recorded high in Odisha followed by Karnataka, West Bengal, Andhra Pradesh, Telangana and Uttar Pradesh (Table 7.4).

Table: 7.4
State- Wise Swadhar Homes and Beneficiaries in India
(As on 31.12.2020)

S. No	State Name	Homes	Beneficiaries
1	Andaman and Nicobar Islands	1	9
2	Andhra Pradesh	22	467
3	Arunachal Pradesh	1	12
4	Assam	16	232
5	Bihar	0	0

6	Chandigarh	1	5
7	Chhattisgarh	3	55
8	Delhi	2	38
9	Gujarat	9	106
10	Himachal Pradesh	1	9
11	Jammu & Kashmir	3	27
12	Jharkhand	5	17
13	Karnataka	52	1378
14	Kerala	7	165
15	Madhya Pradesh	16	230
16	Maharashtra	9	165
17	Manipur	23	335
18	Mizoram	11	129
19	Meghalaya	2	12
20	Nagaland	2	35
21	Odisha	55	1669
22	Punjab	2	34
23	Puducherry	1	10
24	Rajasthan	9	167
25	Sikkim	1	20
26	Tamil Nadu	35	861
27	Telangana	23	389
28	Tripura	3	64
29	Uttar Pradesh	13	295
30	Uttarakhand	1	0
31	West Bengal	33	784
	Total	362	7719

Source: Annual Reports of Ministry of WCD, Govt. of India

CHILD PROTECTION SERVICES (ERSTWHILE ICPS)

Ministry of Women and Child Development is implementing a Centrally Sponsored Scheme i.e., Child Protection Services Scheme (CPS, erstwhile ICPS) since 2009-10, through the State Government/ UT Administrations on predefined cost sharing financial pattern. It's part of the Umbrella Integrated Child Development Scheme, which is funded by the central government. The Scheme's goal is to offer children in adverse situations with a safety net of legislation and service delivery structures. It also aims at reduction of vulnerabilities to situation and actions, that lead to abuse, neglect, exploitation, abandonment and separation of children from parents by focusing on (a) improved access to quality child protection services, (b) raised public awareness about the reality of child rights, situations and physical and social protection in India, (c) clearly articulated responsibilities and enforced accountability for child protection, (d) established and functional structure at all levels for delivery of statutory and support services to children in difficult circumstances and (e) operational evidence based monitoring and evaluation. CPS provides preventive, statutory care and rehabilitation services to children in need of care and protection, as well as those who are in legal conflict, as defined by the Juvenile Justice (Care and Protection of Children) Act, 2015. In the fiscal year 2020-21, the Ministry aided 1565 Homes, 366

Specialized Adoption Agencies (SAAs), and 247 Open Shelters across the country, benefiting over 75,000 people. Apart from institutional services, the State Governments/UT Administrations have claimed that the scheme has so far aided 713 Child Welfare Committees and 711 Juvenile Justice Boards.

The Ministry of Women and Child Development has prepared a draft National Child Protection Policy in response to the Hon'ble Supreme Court's direction in the Matter of Sampoorina Behrua vs. UOI & Ors (M.A. No.-2069/2018 in W.P.(C) No.473/2005 regarding the drafting of a National Child Protection Policy, which is expected to be finalized soon. As on Feb., 2020, there were 1541 assisted institutional care homes, 259 open shelter homes and 352 specialized adoption agencies in India. IN these homes about 74000 children were beneficiaries while about 3600 beneficiaries were reported in specialized adoption agencies (Table 7.5).

Table: 7.5
State/UTs Wise-Child Care Institutions Along with The Children Residing Therein Under Child Protection Service Scheme
(As on February, 2020)

State/UTs	Institutional Care Homes		Open Shelters		Specialized Adoption Agencies	
	No. Assisted	Beneficiaries	No. Assisted	Beneficiaries	No. Assisted	Beneficiaries
Andhra Pradesh	66	2954	9	262	14	140
Arunachal Pradesh	5	185	0	0	1	10
Assam	52	1617	7	104	21	72
Bihar	26	1286	0	0	13	132
Chhattisgarh	65	2042	10	127	12	95
Goa	20	557	2	225	2	16
Gujarat	52	1668	3	60	13	128
Haryana	24	1322	14	425	7	52
Himachal Pradesh	32	1268	4	91	1	15
Jammu and Kashmir	17	823	0	0	2	0
Jharkhand	41	1466	5	125	12	92
Karnataka	79	3124	38	1084	25	319
Kerala	30	721	4	100	11	222
Madhya Pradesh	67	2804	8	348	26	243
Maharashtra	74	2320	2	50	17	170
Manipur	42	1160	14	296	7	55
Meghalaya	44	868	4	150	4	5
Mizoram	45	1178	0	0	7	26
Nagaland	39	609	3	60	4	5
Orissa	93	7112	12	300	25	250
Punjab	19	620	0	0	6	77
Rajasthan	95	4418	20	331	21	211
Sikkim	16	496	4	64	4	20
Tamil Nadu	198	12864	11	275	20	200
Tripura	23	717	2	58	6	49
Uttar Pradesh	74	3703	20	517	25	247
Uttarakhand	20	437	2	50	2	15

West Bengal	70	4156	49	1226	23	326
Telangana	40	1306	0	0	11	320
Andaman & Nicobar	10	401	-	0	2	10
Chandigarh	6	252	0	0	2	17
Dadra and Nagar Haveli	0	0	1	25	1	10
Daman and Diu	1	25	-	0	-	0
Lakshadweep	-	0	-	0	-	0
Delhi	29	1614	9	313	3	59
Puducherry	27	1043	2	42	2	16
Total	1541	67136	259	6708	352	3624

Source: LS.US.Q.NO. 3791 FOR 17.03.2020

RESPONSES OF SERVICE PROVIDERS

BIRD's research team visited 123 P&R Homes and 24 NGOs combating trafficking of women and children in the eight states chosen. Ujjawala Centers accounted for about 20% Swadhar Greh (18%). Short-stay (11%) and children's homes accounted for about 16%. A large number of respondents came from other places, such as one-stop centers, CCIs, and NGOs dedicated to the cause and prevention of human trafficking (Table 7.6).

Table: 7.6
Category of Organizations visited

State	Ujjawala Center - Protective and Rehabilitative (P&R) Homes	Swadhar Greh	Short Stay Homes	Children Homes	One Stop Center	CCIs/ICPS/JJ Homes	NGO Working for Cause And Concerns Of Trafficking	Total
West Bengal	1	4	1	7	0	2	14	29
	3.4%	13.8%	3.4%	24.1%	0.0%	6.9%	48.3%	100%
Maharashtra	6	6	1	6	2	6	5	32
	18.8%	18.8%	3.1%	18.8%	6.3%	18.8%	15.6%	100%
Karnataka	6	2	0	3	0	0	3	14
	42.9%	14.3%	0.0%	21.4%	0.0%	0.0%	21.4%	100%
Jharkhand	0	0	1	1	0	0	1	3
	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	33.3%	100%
Assam	10	0	1	3	3	0	0	17
	58.8%	0.0%	5.9%	17.6%	17.6%	0.0%	0.0%	100%
Uttar Pradesh	2	2	2	1	0	0	0	7
	28.6%	28.6%	28.6%	14.3%	0.0%	0.0%	0.0%	100%
Tamil Nadu	3	5	0	1	0	2	0	11
	27.3%	45.5%	0.0%	9.1%	0.0%	18.2%	0.0%	100%
Delhi	1	7	10	1	8	6	1	34
	2.9%	20.6%	29.4%	2.9%	23.5%	17.6%	2.9%	100%
Total	29	26	16	23	13	16	24	147
	19.7%	17.7%	10.9%	15.6%	8.8%	10.9%	16.3%	100%

Source: Field Survey

Most of organizations visited were categorized as non-government organizations (82.3 per cent). The overwhelming majority of respondents were females (68.7 per cent). Majority of respondents were found from urban centers including metropolitan city and semi-urban areas. The respondents were mainly from the middle age group i.e., 30 to 50 years. They were mainly from the General Caste and Other Backward Caste. However, majority of them were postgraduates while about 22 per cent respondents were graduates. Majority of respondents reported that they are providing multiple services pertaining to prevention of human trafficking, emergency response and rescue of victims, protection of victims and their rehabilitation, educational, economic and income generation, reintegration, repatriation and prosecution (Table 7.7).

Table: 7.7
Type of Services being provided by Organizations

Activities Performed/ Services Provided	Total
Prevention Activities	
Anti-Trafficking Watch Group	50 (34.01%)
Community Vigilance Group	63 (42.86%)
Linkage Building with Other NGOs	71 (48.30%)
Media And Government	52 (35.37%)
Livelihood Support	74 (50.34%)
Helpline For Children	55 (37.45%)
Survey And Data Collection	53 (36.05%)
Awareness Generation Through Mass Media, Audio Visuals, Digital Communication and social media.	81 (55.10%)
Advocacy And Development & Printing of Awareness Generation Material Such as Pamphlets, Audio Visual, Leaflets and Posters	74 (50.34%)
Emergency Response and Rescue Services	
Assistance In Information Gathering	69 (46.94%)
Assisting Enforcement Agencies in Rescue Operations	63 (42.86%)
Immediate Relief on Rescue - Food, Shelter, Toiletries, Clothing, Trauma Care/Counseling, Medical Aid Etc. During The Interim Period Between Rescue and Production Before the Concerned Authorities	87 (59.18%)
Protection and Rehabilitation	
Protective And Rehabilitative (P&R) Homes	123 (83.67%)
Basic Amenities-Food, Clothes, Toiletries, Sanitary Items, Pocket Money, Insurance and Expense for Recreational Activities Etc.	123 (83.67%)
Medical Care/ Assistance	115 (78.23%)
Legal Aid and Counseling	37 (25.17%)
Psycho-Social Support/ Counseling	117 (79.59%)
Assistance To Women in Lodging FIR And Intimation to The Concerned Enforcement Agency	78 (53.06%)
Education	
Formal Education	48 (32.65%)
Informal Education	85 (57.82%)
Life Skills	91 (61.90%)
Vocational Training	89 (60.54%)
Economic Opportunities and Income Generation Activities	

Financial Inclusion	41 (27.89%)
Skill Development Training	83 (56.46%)
Placement Services for Wage Employment	39 (26.53%)
Economic And Marketing Support for Self-Employment	36 (24.49%)
Re- Integration	
Setting Of Half-Way Home	0 (0.0%)
Monetary Support for Self-Employment, Sustainable Living and Restoration to Families	0 (0.0%)
Repatriation (Cross- Border)	
Facilitate Repatriation Procedures, Communication and Documentation	59 (40.14%)
Repatriation To Country of Origin (Transport to The Victim and Escort, Includes Food and Other Incidentals)	15 (10.20%)
Prosecution	
Assist Police to Register Case Against Traffickers	26 (17.68%)
Legal Aid	20 (13.61%)
Assist Victim and Witness in Deposition	12 (8.16%)
Capacity Building	
Organizing Workshops/Seminars/Conferences Etc.	34 (23.13%)
Sensitization and Training of Police, Other Law Enforcement Agencies, Judiciary, WCD Officials, NGOs, Communities and Others	36 (24.49%)

Source: Field Survey

Most of the respondents admitted that law enforcement agencies are referring cases to them. However, a large proportion of respondents reported that neighbours, concerned citizens, self and other agencies are also referring victims to them (Table 7.8).

Table: 7.8
How Victims Are Normally Referred to You

Source of Referral	Total
Self-Referral	68 (55.28%)
Law Enforcement (Local, State, National)	118 (95.93%)
Prosecuting Agency (DPO)	35 (28.46%)
Neighbors, Concerned Citizens Groups, Ethnic Community Groups	71 (57.72%)
Other Service Providers	72 (48.98%)

Source: Field Survey

Insufficient rehabilitation provisions for victims, lack of community support for rescued victims, slow judicial process, lack of long-term funding for sustainable approach, lack of adequate funds, lack of protection for victims, inter-departmental cooperation, corruption, insufficient law enforcement, lack of cooperation from CSOs are major challenges being faced while helping victims of human trafficking (Table 7.9).

Table: 7.9
Challenges being faced while helping Victims of Human Trafficking

State	West Bengal	Maharashtra	Karnataka	Jharkhand	Assam	Uttar Pradesh	Tamil Nadu	Delhi	Total
Slow Judicial Process	21	14	8	1	11	2	3	10	70
	30.0%	20.0%	11.4%	1.4%	15.7%	2.9%	4.3%	14.3%	100%
Lack of Protection for Victims	12	5	9	1	7	3	3	8	48
	25.0%	10.4%	18.8%	2.1%	14.6%	6.3%	6.3%	16.7%	100%
Insufficient Rehabilitations Provisions for Victims	13	16	7	3	8	4	9	17	77
	16.9%	20.8%	9.1%	3.9%	10.4%	5.2%	11.7%	22.1%	100%
Lack of Adequate Funds	5	13	11	1	8	5	6	12	61
	8.2%	21.3%	18.0%	1.6%	13.1%	8.2%	9.8%	19.7%	100%
Interdepartmental Cooperation	1	5	4	2	7	7	4	13	43
	2.3%	11.6%	9.3%	4.7%	16.3%	16.3%	9.3%	30.2%	100%
Corruption	5	7	4	1	8	2	4	11	42
	11.9%	16.7%	9.5%	2.4%	19.0%	4.8%	9.5%	26.2%	100%
Insufficient Law Enforcement	6	9	7	2	1	1	4	3	33
	18.2%	27.3%	21.2%	6.1%	3.0%	3.0%	12.1%	9.1%	100%
Lack of Cooperation from CSOs	1	5	3	0	0	1	1	7	18
	5.6%	27.8%	16.7%	0.0%	0.0%	5.6%	5.6%	38.9%	100%
Lack of Community Support for Rescued Victims	9	15	7	2	10	2	8	20	73
	12.3%	20.5%	9.6%	2.7%	13.7%	2.7%	11.0%	27.4%	100%
Lack of Long-Term Funding for Sustainable Approach	3	14	10	2	9	5	7	16	66
	4.5%	21.2%	15.2%	3.0%	13.6%	7.6%	10.6%	24.2%	100%
Others	1	6	3	0	2	1	1	5	19
	5.3%	31.6%	15.8%	0.0%	10.5%	5.3%	5.3%	26.3%	100%

Source: Field Survey

Majority of the respondents reported that the attitude of police to the victims of trafficking is helpful. However, more than 1/3rd respondents revealed that attitude of police towards them have been indifferent and harassing. Most of respondents reported that their relations with law enforcement agencies for addressing issues of human trafficking have been good. However, lack of manpower, lack of networking and lack of infrastructure were some of the hurdles which are being faced by police in tackling human trafficking.

Less than 2/5th respondents were found agreed on the view point that task force has been effective in addressing issues of sex trafficking. However, about 18 per cent respondents were against the view point while more than 2/5th respondents were found neutral on the view point (Table 7.10).

Table: 7.10
Do You Agree That Task Force Has Been Effective in Addressing Issues of Sex Trafficking?

State	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
West Bengal	3 (10.3%)	2 (6.9%)	20 (69.0%)	4 (13.8%)	0 (0.0%)	29 (100%)

Maharashtra	1 (3.1%)	5 (15.6%)	11 (34.4%)	15 (46.9%)	0 (0.0%)	32 (100%)
Karnataka	1 (7.1%)	2 (14.3%)	2 (14.3%)	9 (64.3%)	0 (0.0%)	14 (100%)
Jharkhand	1 (33.3%)	0 (0.0%)	1 (33.3%)	1 (33.3%)	0 (0.0%)	3 (100%)
Assam	1 (5.9%)	0 (0.0%)	10 (58.8%)	6 (35.3%)	0 (0.0%)	17 (100%)
Uttar Pradesh	2 (28.6%)	1 (14.3%)	1 (14.3%)	3 (42.9%)	0 (0.0%)	7 (100%)
Tamil Nadu	0 (0.0%)	0 (0.0%)	4 (36.4%)	6 (54.5%)	1 (9.1%)	11 (100%)
Delhi	2 (5.9%)	6 (17.6%)	14 (41.2%)	12 (35.3%)	0 (0.0%)	34 (100%)
Total	11	16	63	56	1	147
	7.5%	10.9%	42.9%	38.1%	0.7%	100%

Source: Field Survey

About 60 per cent respondents reported that service providers received training on subject matter of human trafficking. It was found more pronouncing in Maharashtra followed by Karnataka and Tamil Nadu. Induction, orientation and refresher training programmes are being provided to them. Now-a-days, online training programmes are also being organized. Service providers, police training institutes and independent trainers are providing such trainings. Rights of victims, victim support and assistance, counseling and care of trafficked victims, psychological state of trafficked victims, legal tools, rescue protocols, public education, etc. are some of the important topics of such training (Table 7.11).

Table: 7.11
Do Service Providers Receive Training on Subject Matter of Human Trafficking

State	Yes	No	Total
West Bengal	14 (48.3%)	15 (51.7%)	29 (100%)
Maharashtra	26 (81.3%)	6 (18.8%)	32 (100%)
Karnataka	11 (78.6%)	3 (21.4%)	14 (100%)
Jharkhand	1 (33.3%)	2 (66.7%)	3 (100%)
Assam	11 (64.7%)	6 (35.3%)	17 (100%)
Uttar Pradesh	3 (42.9%)	4 (57.1%)	7 (100%)
Tamil Nadu	8 (72.7%)	3 (27.3%)	11 (100%)
Delhi	15 (44.1%)	19 (55.9%)	34 (100%)
Total	89 (60.5%)	58 (39.5%)	147 (100%)

Source: Field Survey

About 38 per cent respondents reported that there is reporting mechanism within their agencies to track trafficking cases. It was found more pronouncing in Jharkhand followed by Uttar Pradesh, Karnataka and Assam (Table 7.12).

Table: 7.12
Whether There is Reporting Mechanism within Your Agency to Track Trafficking Cases

State	Yes	No	Total
West Bengal	4 (13.8%)	25 (86.2%)	29 (100%)
Maharashtra	13 (40.6%)	19 (59.4%)	32 (100%)
Karnataka	6 (42.9%)	8 (57.1%)	14 (100%)
Jharkhand	3 (100%)	0 (0.0%)	3 (100%)
Assam	7 (41.2%)	10 (58.8%)	17 (100%)
Uttar Pradesh	7 (100%)	0 (0.0%)	7 (100%)

Tamil Nadu	4 (36.4%)	7 (63.6%)	11 (100%)
Delhi	12 (35.3%)	22 (64.7%)	34 (100%)
Total	56 (38.1%)	91 (61.9%)	147 (100%)

Source: Field Survey

Most of the respondents reported that there is specific menu of food for beneficiaries. About 3/4th respondents further reported that they follow such menu. They further reported that menu is changed mainly weekly and monthly basis. Most of the respondents revealed that beneficiaries are being provided with clothing and toilet reach (89.4 per cent). Majority of the respondents reported that beneficiaries are being provided new cloths for more than one time in a year. Similarly, most of the respondents reported that beneficiaries are being provided toiletries many times in a year.

Most of the respondents reported that they have admission register, attendance register, separate case file and detailed case histories of beneficiaries. However, less than 1/4th respondents reported that files are being given specific codes for maintaining confidentiality. The files are being updated mainly weekly and quarterly. The desired and relevant documents were found in files during the time of verification of documents while visiting the centers (Table 7.13).

Table: 7.13

Case management: Maintenance of Various Kinds of Registers/ Documents by P & R Homes as Per Guidelines

Name of Document	Yes	No	Total
Admission Register	108 (87.8%)	15 (12.2%)	123 (100%)
Attendance Register	103 (83.7%)	20 (16.3%)	123 (100%)
Separate Case Files	101 (82.1%)	22 (17.9%)	123 (100%)
Files are being given specific Codes/Numbers to Maintain Confidentiality	29 (23.6%)	94 (76.4%)	123 (100%)
Detailed Case Histories of Beneficiaries	91 (74.0%)	32 (26.0%)	123 (100%)

Source: Field Survey

It is reported that after verification of files by team it has been found that most of the service providers are maintaining the various kinds of documents as per guidelines but when it comes to Rehabilitation Plan, Psychological Counseling Reports, Home Verification Reports and follow up Reports only 16 out of 123 (13%) service providers are maintaining these documents (Table: 7.14). It is a serious lacuna and the main reason behind failure of rehabilitation of victims, when there is no proper rehabilitation plan and no proper Psychological Counseling of victims then how can they be treated or rehabilitated. Follow up report after reunion in the family is also missing on part of service providers, so it cannot be ascertained as what happened to the victims after their reunion in the families. Home Verification Report is also missing from the files, it raises a serious question that when home of victims is not verified, how they are reintegrated to families.

Table: 7.14
Documents Found in Files Verified

State	West Bengal	Maharashtra	Karnataka	Jharkhand	Assam	Uttar Pradesh	Tamil Nadu	Delhi	Total
Case Study	13	27	11	2	14	7	11	31	116
	11.2%	23.3%	9.5%	1.7%	12.1%	6.0%	9.5%	26.7%	100%
Rehabilitation Plan	6	2	1	1	1	1	1	3	16
	37.5%	12.5%	6.3%	6.3%	6.3%	6.3%	6.3%	18.8%	100%
Photograph	12	23	10	2	11	7	11	26	102
	11.8%	22.5%	9.8%	2.0%	10.8%	6.9%	10.8%	25.5%	100%
Age Proof	14	21	11	2	9	6	9	23	95
	14.7%	22.1%	11.6%	2.1%	9.5%	6.3%	9.5%	24.2%	100%
Address Proof	12	20	11	2	8	6	9	22	90
	13.3%	22.2%	12.2%	2.2%	8.9%	6.7%	10.0%	24.4%	100%
Medical Records	10	23	10	2	15	7	9	23	99
	10.1%	23.2%	10.1%	2.0%	15.2%	7.1%	9.1%	23.2%	100%
Legal/Court Orders	5	20	7	2	13	7	11	20	85
	5.9%	23.5%	8.2%	2.4%	15.3%	8.2%	12.9%	23.5%	100%
FIR/Complaint Copy	10	21	7	2	16	7	7	25	95
	10.5%	22.1%	7.4%	2.1%	16.8%	7.4%	7.4%	26.3%	100%
Counseling Reports	6	2	1	1	1	1	1	3	16
	37.5%	12.5%	6.3%	6.3%	6.3%	6.3%	6.3%	18.8%	100%
Social Worker's Reports	9	10	7	2	13	7	8	25	81
	11.1%	12.3%	8.6%	2.5%	16.0%	8.6%	9.9%	30.9%	100%
Home Verification Report	6	2	1	1	1	1	1	3	16
	37.5%	12.5%	6.3%	6.3%	6.3%	6.3%	6.3%	18.8%	100%
Follow Up Report	5	0	1	1	1	1	1	6	16
	31.3%	0.0%	6.3%	6.3%	6.3%	6.3%	6.3%	37.5%	100%

Source: Field Survey

The mode of follow up of victims restored to their families or reintegrated is being ensured through telephone, other organizations and direct visit to the place where beneficiaries are resided (Table 7.15).

Table: 7.15
Mode of Follow Up of Victims Restored to their Families or Reintegrated

State	West Bengal	Maharashtra	Karnataka	Jharkhand	Assam	Uttar Pradesh	Tamil Nadu	Delhi	Total
Through Direct Visit to The Place Where Beneficiary is Residing	2	2	8	0	3	2	4	12	33
	6.1%	6.1%	24.2%	0.0%	9.1%	6.1%	12.1%	36.4%	100%

Through Other Organizations	0	5	6	1	1	0	4	17	34
	0.0%	14.7%	17.6%	2.9%	2.9%	0.0%	11.8%	50.0%	100%
Through Telephone	5	6	9	1	5	4	4	18	52
	9.6%	11.5%	17.3%	1.9%	9.6%	7.7%	7.7%	34.6%	100%
Through Other Means-such as DCPOs/ Police	0	1	4	0	1	0	4	14	24
	0.0%	4.2%	16.7%	0.0%	4.2%	0.0%	16.7%	58.3%	100%

Source: Field Survey

RESPONSES OF VICTIMS ON THE SERVICES/PROGRAMS OF RESCUE, REHABILITATION AND RE-INTEGRATION:

Medical care/assistance (58 percent), psycho social support/counseling (56.9 per cent), shelter-protective and rehabilitation home (47.4 per cent) and legal aid and counseling (33.6 per cent) and drop-in centers (31.1 per cent) were some of the rescue, rehabilitation and reintegration programmes which were sought by victims (Table 7.16).

Table: 7.16
Rescue, Rehabilitation and Reintegration Programs Sought by Victims

Name of Programme	Respondents
Rescue and Immediate Relief on Rescue	370 (32.0%)
Shelters- Protective and Rehabilitative (P&R) Homes	548 (47.4%)
Drop-in Centers	359 (31.1%)
Legal aid and counseling	388 (33.6%)
Assistance in lodging FIR and intimation to the concerned enforcement agency	304 (26.3%)
Psycho-social support/ counseling	657 (56.9%)
Medical Care/ Assistance	670 (58.0%)
Education	289 (25.0%)
Financial Inclusion	106 (9.2%)
Empowerment- Vocational Training and Income generation activities	236 (20.4%)
Monetary support for self-employment, Sustainable living	73 (6.3%)
repatriation procedures, Communication and Documentation	48 (4.2%)
Compensation under Scheme for Women Victims/Survivors of Sexual Assault/other Crimes - 2018	44 (3.8%)
Total	815 (100%)

Source: Field Survey

Individual counseling, group counseling, professional counseling and bare foot counseling were some of the forms of counseling which were provided in P & R Homes (Table 7.17).

Table: 7.17
Feedback on Forms of Counseling Provided in P & R Homes

Particular	Respondents
Bare-foot counseling	49 (4.2%)
Professional Counseling	64 (5.5%)
Group Counseling	112 (9.7%)
Peer Counseling	7 (0.6%)
Individual Counseling	541 (46.8%)

Source: Field Survey

Funding, social stigma, service coordination, long term commitments and lack of sensitivity and understanding on sex trade were some of the obstacles in rehabilitation and reintegration programmes (Table 7.18).

Table: 7.18
Obstacles in Rehabilitation and Reintegration Programs

Obstacles	Respondents
Lack of sensitivity and understanding on sex trade	190 (16.5%)
Social Stigma	412 (35.7%)
Funding	392 (33.9%)
Service Co-Ordination	300 (26.0%)
Long Term Commitments	340 (39.4%)
Resistance to Rehabilitate and Reintegrate	164 (14.2%)

Source: Field Survey

General mentality, lack of assistance, lack of sensitivity, family, stereotypes and shame were some of the obstacles in rehabilitating and reintegration process of trafficked victims. The obstacles in rehabilitation and reintegration process vary across the social categories of respondents. The issue of lack of sensitivity was recorded high among the respondents from minority communities while the issue of family was reported high among Scheduled Tribes. Lack of assistance and stereotype were reported high among the respondents from other categories (Table 7.19).

Table: 7.19
Obstacles in Rehabilitation and Reintegration Process

Obstacles	Frequency
Lack of Sensitivity	334 (28.9%)
General Mentality	391 (33.9%)
Stereotypes	222 (19.2%)
Lack of Assistance	366 (31.7%)
Shame	191 (16.5%)
Family	316 (27.4%)
Fear of Pimps	39 (3.4%)

Source: Field Survey

More than half of the respondents were found satisfied on availability of medical care, psycho social support, toilets, room for counseling, separate space for recreation, room for inmates, room for administrative work and clothing and toilet reach while majority of the respondents were found satisfied with the availability of bathroom in Ujjawala Centres and Swadhar Greh. However, satisfaction with the adequacy of such services was found to be quite low. About half of the respondents were found satisfied with the availability of room for administrative work while about 1/3rd respondents were found satisfied with medical care, psycho social support, separate space for creation, counseling and room for inmates (Table 7.20).

Table: 7.20
Satisfaction on Availability and Adequacy of Services Provided by Service Providers Such as Ujjawala Centers, Swadhar Greh Etc.

Name of Services / Particulars	Availability of Services	Adequacy of Services
No. of Rooms for inmates	602 (52.1%)	416 (36.0%)
No. of Beds for inmates	553 (47.9%)	371 (32.1%)
No. of Mattresses for inmates	557 (48.2%)	383 (33.2%)
Rooms used for office/ administrative work	632 (54.7%)	566 (49.0%)
Separate room for counseling	619 (53.6%)	405 (35.1%)
Number of toilets	615 (53.2%)	305 (26.4%)
Number of bathrooms	815 (70.6%)	295 (25.5%)
Beneficiaries are provided with clothing and toiletries	584 (50.6%)	306 (26.5%)
Kitchen Room	582 (50.4%)	350 (30.3%)
Specific menu for food for the Beneficiaries	567 (49.1%)	286 (24.8%)
Separate space for recreational activities/ assembly	613 (53.1%)	371 (32.1%)
Separate space for vocational training/education/etc.	515 (44.6%)	291 (25.2%)
Safety and security of the Beneficiaries	530 (45.9%)	296 (25.6%)
Separate room for visitors in the premise	529 (45.8%)	343 (29.7%)
Legal aid and counseling	491 (42.5%)	331 (28.7%)
Psycho-social support/ counseling	641 (55.5%)	402 (34.8%)
Medical Care/ Assistance	650 (56.3%)	415 (35.9%)
Education	387 (33.5%)	261 (22.6%)
Vocational Training and Income generation activities	413 (35.8%)	243 (21.0%)

Source: Field Survey

More than half of the respondents rated the quality of services being provided in Ujjawala Centers and Swadhar Greh as good, very good and excellent. These services include mainly easily accessibility of shelter home, cleanliness of rooms for inmates, toilets, bath rooms and kitchen, availability of infrastructure for recreational activities, safety and security of inmates, beds and their condition, quality of clothing and toiletries, maintenance of admission and registration register, case management, medical care, legal aid and counseling (Table 7.21).

Table: 7.21
Satisfaction on Quality of Services Provided by Service Providers Such as Ujjawala Centers, Swadhar Greh Etc.

Name of Services/	Very Poor	Poor	Good	Very Good	Excellent	Not Present	No Response	Total
Easily Accessibility of the shelter home from the road	1	41	401	78	86	0	208	815
	0.1%	5.0%	49.2%	9.6%	10.6%	0.0%	25.5%	100%
Cleanliness of rooms for inmates	1	83	376	57	89	0	209	815
	0.1%	10.2%	46.1%	7.0%	10.9%	0.0%	25.6%	100%
Toilets and their cleanliness	10	113	339	50	93	0	210	815
	1.2%	13.9%	41.6%	6.1%	11.4%	0.0%	25.8%	100%

Bathrooms and their cleanliness	2	128	300	70	74	0	241	815
	0.2%	15.7%	36.8%	8.6%	9.1%	0.0%	29.6%	100%
Kitchen room and its cleanliness	5	80	357	46	82	0	245	815
	0.6%	9.8%	43.8%	5.6%	10.1%	0.0%	30.1%	100%
Infrastructures for recreational activities/ assembly	13	90	377	67	75	0	193	815
	1.6%	11.0%	46.3%	8.2%	9.2%	0.0%	23.7%	100%
Infrastructure for vocational training/ education/etc.	19	89	301	74	79	0	253	815
	2.3%	10.9%	36.9%	9.1%	9.7%	0.0%	31.0%	100%
Quality of vocational training/education/ etc.	23	89	299	61	77	0	266	815
	2.8%	10.9%	36.7%	7.5%	9.4%	0.0%	32.6%	100%
Safety and security of the Beneficiaries	10	72	354	49	84	0	246	815
	1.2%	8.8%	43.4%	6.0%	10.3%	0.0%	30.2%	100%
Beds and their condition	4	88	313	40	86	2	282	815
	0.5%	10.8%	38.4%	4.9%	10.6%	0.2%	34.6%	100%
Mattresses and their condition	3	97	306	36	80	2	291	815
	0.4%	11.9%	37.5%	4.4%	9.8%	0.2%	35.7%	100%
Quality of clothing and toiletries provided	8	99	342	38	78	0	250	815
	1.0%	12.1%	42.0%	4.7%	9.6%	0.0%	30.7%	100%
Specific menu for food for the Beneficiaries	22	74	343	41	82	0	253	815
	2.7%	9.1%	42.1%	5.0%	10.1%	0.0%	31.0%	100%
Maintenance of Admission register of the Beneficiaries	2	36	399	50	86	0	242	815
	0.2%	4.4%	49.0%	6.1%	10.6%	0.0%	29.7%	100%
Maintenance attendance register of the beneficiaries	5	37	437	50	85	0	201	815
	0.6%	4.5%	53.6%	6.1%	10.4%	0.0%	24.7%	100%
Case Management	14	22	462	46	98	0	173	815
	1.7%	2.7%	56.7%	5.6%	12.0%	0.0%	21.2%	100%
Medical Care/ Assistance	19	32	452	63	87	0	162	815
	2.3%	3.9%	55.5%	7.7%	10.7%	0.0%	19.9%	100%
Legal aid and counseling	30	18	420	61	89	0	197	815
	3.7%	2.2%	51.5%	7.5%	10.9%	0.0%	24.2%	100%
Quality of staffs in P&R home and their behavior towards the Beneficiary	14	25	454	62	89	0	171	815
	1.7%	3.1%	55.7%	7.6%	10.9%	0.0%	21.0%	100%

Source: Field Survey

Case Study-4: “There’s no difference between living in a brothel and staying in a shelter home,” says Sazia, 23, who spent two years in a ‘shelter home’ run by an NGO after escaping a brothel in Pune. “We have no control over the situation at a brothel; we can’t predict what will happen to us next minute; the same is true for these shelter homes, which are worse than prisons for us,” she continues. “At jails, we know when we’ll be allowed to leave; in a shelter house, we don’t know when we’ll be able to leave.” When I inquire, I am always informed that things are in the process, that I am being held at the shelter due to a court order, and that they cannot send me home until the court has ‘released’ me.” Shelter Homes are essential for trafficked women and girls who have been rescued until they may return home or seek rehabilitation assistance. When these shelters are run like prisons, robbing survivors of all agency and independence, confining them for long lengths of time, and failing to check consent, the unintended effect is that they

(survivors) will perceive them as nothing less than prisons.

Shelters must adhere to minimal care standards and not infringe on survivors' fundamental rights; they must also avoid confinement and indefinite detention. While it is true that the first three months following a rescue are important, locking the shelter's gates cannot be the only solution. One could argue that the majority of these shelters are managed on a shoestring budget. However, evidence suggests that the practice is consistent even among the 10 or 12 organizations out of 150 that receive significant funding from the private sector or foreign governments and foundations (The News Minute, December 7, 2018). The grounds for not investing in a non-custodial care system include a disregard for and ignorance to the tyranny inflicted on those whom one promises to protect and empower.

Deinstitutionalization and community-based care and protection should be the focus of rehabilitation services. More effective than shelter-based rehabilitation are rehabilitation programmes that provide survivors access mainstream health, education, and welfare services while living with their families or in independent shelters. In Nepal, Bangladesh, and India, there are a few extant community-based rehabilitation schemes. Community-based rehabilitation programmes have not increased as much as they might because they require investment in districts and rural areas, and it is difficult for city-based organisations to execute interventions and services in far-flung districts. Rural NGOs, on the other hand, are effective at implementing community-based care programmes, and once they've negotiated with Panchayats, police, and block development offices to provide social, financial, and health services to trafficked survivors, the approach is sustainable, rights-based, and strengthens the government's response system.

It is a fallacy that shelters can provide better recovery and rehabilitation services than community-based rehabilitation programmes. Staff recruited in shelter homes are underpaid, and finding, recruiting, and retaining skilled therapists, educators, or trainers in shelters is difficult. Therefore, the survivors must rely on mainstream service providers, in hospitals and chambers. The prospects of finding work as a result of the vocational training provided to survivors in shelter homes are nearly nil. Even specialized efforts in which a few NGOs cooperated with hospitality sector companies to provide jobs in services were uncommon, with the majority of them collapsing over time. On the contrary, when NGOs attempted to establish in-house training and manufacturing units, survivors' reliance on NGOs for survival and income increased, and this dependence became an additional barrier to their reintegration.

The aforementioned analysis is indicative of a dysfunctional ecosystem for which various stakeholders-NGOs, the government, and the law-are somewhat accountable. NGOs that administer shelters must be held to a higher standard of accountability right away. The anti-trafficking sector requires consistent and increased financial investment, and the Indian government should recommend CSR funding for community-based rehabilitation programmes and closely monitored shelter homes.

RESPONSES OF PROGRAMME ADMINISTRATORS

The Ministry of Women and Child Development, the Nodal Ministry in the Government of India dealing with issues concerning women and children, drew up a National Action Plan based on the report of the Central Advisory Committee on Child Prostitution, the recommendations of the National Commission for Women, and the directions of the Supreme Court of India (orders dated 2nd May 1990 and 9th July 1997), as well as the experiences of various non-governmental organizations working in this area. In addition to combating human trafficking, the NPA

prioritizes the rescue and rehabilitation of victims of human trafficking and commercial sexual exploitation. Legal and law-enforcement systems are activated under the National Plan of Action to strengthen the implementation of the IPTA, 1956. Under Section 21 of the Immoral Trafficking Prevention Act (IIPA), the government has established Protective Homes exclusively for girls and women incarcerated under the ITPA, as well as those seeking protection from being pushed into commercial sexual exploitation. For the protection and rehabilitation of victims, the Indian government has a vast network of around 351 short stay institutions aided by the DWCD and juvenile homes established under the Juvenile Justice Act. The Government of India has approved projects for the establishment of child development centers in various high-crime regions under the Integrated Child Development Service Scheme (ICDS).

Rehabilitation centers and shelter homes under Ministry of Women and Child Development, Govt. of India are run by Govt. and Non Govt. Organizations under the supervision, guidance and control of *State/District Advisory Committee and State/District Anti-Trafficking Committee, GNO, State/District level Officials, WCD, Department of Labour, Human Rights Commission & State Commission for Women*, District Women and Child Development Officers/District Social Welfare Officers, District Child Protection Officers, Child welfare Committees, JJ Boards etc. known as Programme Administrators. Programme Administrator is one of the most important stakeholders and has a very crucial role in rehabilitation and reintegration.

In terms of accommodation, the CWC is responsible for finding adequate housing for rescued children. A home verification report is required by the Protocol to establish whether it is safe for the child to return home to his or her family. If not, the CWC can suggest family-based alternative care or government- or non-profit-run residential hostels. Except in circumstances where the family cannot be traced, children are always returned to their relatives in reality. Comprehensive family assessments, examining the original motivations of the child's trafficking and methods to reduce the risk of re-trafficking, are never conducted, according to respondents.

Part of the reason for this major breach of protection is the logistical challenges of conducting a home verification. In India, almost four-fifths of child workers originate from low-caste households living in remote and difficult-to-reach rural areas, and trafficked children may come from families who are themselves nomadic and struggling to live. The constraints that CWCs have in doing home visits are significant, and they necessitate staffing, training, and transportation resources that are currently lacking. There is no apparent party in charge of coordinating and funding the return of rescued children to their home state. Long-distance returns, such as from Rajasthan to Bihar, are facilitated by sending groups of rescued children by train to significant regional railway hubs, escorted on an ad hoc basis by either a government official or an NGO worker. The family is notified and advised to come pick up the child from the regional hub.

There is also a dearth of resources to facilitate a child's reintegration into the family, as well as mentorship and acceptance of returning children by their parents. As a result, reintegration is frequently limited to a simple return to the pre-trafficking status quo. Alternative housing choices are similarly restricted, underfunded, and not adequately monitored and evaluated. Given this reality, it's not surprise that complaints of assault, neglect, and re-trafficking in these settings are prevalent. The NCLP schools are aimed to give non-formal educational services to rescued children in order to assist them make up for lost years. Pupils are taught a shortened curriculum in these 'bridge schools' before being mainstreamed into a formal institution or returning to some type of self-employment. NCLP schools are also the main conduit for vocational training and sporadic health checks, which are conducted on a largely ad hoc basis.

According to the findings, when rescued children return home, they are not consistently enrolled in bridging school programmes. According to a CWC official, “only the child’s parents have a role in school enrolment.” The lack of suitable participating schools in the district, the failure of schools to deliver the promised daily compensation to formerly trafficked children, and the child’s simple refusal to attend were all mentioned as impediments to enrolling by participants. According to research, family mentorship and support are crucial in ensuring school attendance in India. Parents, on the other hand, are not given the financial, logistical, or emotional support they need to fulfil this duty. According to other sources, the NCLP is underfunded, operating in just approximately a third of India’s 676 districts, and its teaching staff is underpaid and often underqualified. Quality education that provides useful learning skills and resources to help students continue to higher education is essential, as it acts as a self-reinforcing mechanism to encourage parents to enroll their children in school. Bridge schools that are inadequate have the opposite effect. Returning children have a tough time integrating into formal schools, even if they are successfully enrolled in bridge schools. This is due to a lack of coordination between the two systems. The fact that bridge school programmes are run by the Ministry of Labour and Employment, while formal schooling is organized by the Ministry of Education, exacerbates this serious problem. A key issue in the reintegration context is the failure to invest in robust teaching facilities in bridge schools and to guarantee easy transition opportunities into mainstream formal education.

Through a lump sum compensation plan, India’s reintegration strategy aims to assist the social and economic viability of children and their families. In the case of *M C Mehta vs. State of Tamil Nadu*, the Supreme Court ruled that violating employers must pay INR 20,000 per rescued child into a special benefit fund. It also stipulated that one adult member of the child’s family be offered work or that the state contribute an additional INR 5,000 to the welfare fund if this is not possible. The study’s participants were all aware that rescued children should be compensated, but they also agreed that in actuality, children are rarely compensated at all. This backs up previous reports that compensation rarely reaches its intended recipients. ‘There is no hope of financial assistance or recompense,’ said an NGO spokesman. The freedom of a child is thought to constitute compensation in and of itself.’ Importantly, respondents did not cite a lack of resources as the primary cause for children’s underpayment. Employer noncompliance, as well as technological and administrative issues, were cited. Policy frameworks do not provide clear, uniform instructions on how cash transfers should be implemented. Neither the Protocol nor the *M C Mehta* decision specify where the welfare fund to receive the funds should be established, how interstate coordination should be accomplished, or what kind of access families will have to the funds. After incorporating recommendations from several regional workshops on the subject, the NPA became an Integrated Plan of Action. The Integrated Plan took a four-pronged approach: prevention, rescue, rehabilitation, and repatriation and reintegration. This strategy covers all areas of victim prevention, rescue, case registration, investigations, prosecution, conviction, cross-border trafficking issues, victim rehabilitation, repatriation, and reintegration, and so on.

A question was drafted to assess the level of awareness amongst the Programs Administrators about the component of NPA. Responses of Programs Administrators are shown in Table: 7.22 which clearly show that most of the Programs Administrators are not aware about various components of NPA. If the Programs Administrators are not fully aware about various components of NPA, we were not able to understand how they are administering the various schemes and programme to combat human trafficking in their respective areas.

Table: 7.22
Provisions included in National Plan of Action (NPA)

Provisions	Responses
Measures For Prevention of Trafficking	105 (37.5%)
Focus on Newly Emerging Forms of Trafficking	70 (25.0%)
Identification of Traffickers and Trafficked Victims	49 (17.5%)
Special Measures for Identification and Protection of Trafficked Child Victims	98 (35.0%)
Rescue of Trafficked Victims	93 (33.21%)
Rehabilitation, Reintegration and Repatriation of Trafficked Victims	129 (46.07%)
Cross-Border Trafficking	91 (32.5%)
Legal Framework and Law Enforcement Measures	81 (28.93%)
Witness Protection and Support to Victims	49 (17.5%)
Training, Sensitization, Education and Awareness	93 (33.21%)
Others	10 (3.57%)
Total	280 (100%)

Source: Field Survey

Rehabilitation, reintegration and repatriation of trafficked victims; rescue of trafficked victims; training, sensitization, education and awareness; and inter-departmental coordination are some of the priority actions identified to address under National Plan of Action (Table 7.23).

Table: 7.23
What Priority Actions are identified to Address under NPA

Priority Actions	Responses
Rescue of Trafficked Victims	144 (51.43%)
Rehabilitation, Reintegration and Repatriation of Trafficked Victims	152 (54.28%)
Prevention of Trafficking	53 (18.93%)
Additional Powers of Law Enforcement	51 (18.21%)
Training, Sensitization, Education and Awareness	119 (42.5%)
Inter Departmental Coordination	96 (34.29%)
Others	21 (7.5%)

Source: Field Survey

Majority of the respondents reported that Ministry of Women and Child Development is the main actor identified for implementation of specific activities while National Human Rights Commission, Ministry of Home Affairs and National Commission for Women are also identified for implementation of specific activities (Table 7.24), whereas the truth is that Ministry of Women and Child Development, Govt. of India is the main actor and Nodal Agency/Ministry dealing with issues concerning to Trafficking of women and children. Table 7.24 depicts again that about one third Programs Administrators are not aware about the main/nodal Agency/Ministry/Actor for implementation of specific activities.

Table: 7.24
Identified Actors for implementation of Specific Activities

Actor/ Agency	Responses
Ministry of Women and Child Development	190 (67.85%)
National Human Rights Commission	127 (45.36%)
Ministry Of Home Affairs	99 (35.36%)
National Commission for Women	68 (24.29%)

Source: Field Survey

About 2/5th respondents reported that strategy and National Plan of Action are monitored and evaluated on regular basis. It was found more pronouncing in Delhi followed by Tamil Nadu, West Bengal, Assam and Karnataka. However, more than half of the respondents were not aware about the fact (Table 7.25).

Table: 7.25
Whether Strategy and National Plan of Action are Monitored and Evaluated on a Regular Basis

State	Yes	No	Don't Know	Total
West Bengal	12 (48.0%)	1 (4.0%)	12 (48.0%)	25 (100%)
Maharashtra	7 (38.9%)	3 (16.7%)	8 (44.4%)	18 (100%)
Karnataka	15 (44.1%)	2 (5.9%)	17 (50.0%)	34 (100%)
Jharkhand	0 (0.0%)	10 (21.3%)	37 (78.7%)	47 (100%)
Assam	16 (45.7%)	2 (5.7%)	17 (48.6%)	35 (100%)
Uttar Pradesh	15 (32.6%)	0 (0.0%)	31 (67.4%)	46 (100%)
Tamil Nadu	20 (60.6%)	2 (6.1%)	11 (33.3%)	33 (100%)
Delhi	26 (61.9%)	2 (4.8%)	14 (33.3%)	42 (100%)
Total	111 (39.6%)	22 (7.9%)	147 (52.5%)	280 (100%)

Source: Field Survey

As per NPA Central Advisory Committee is responsible for Monitoring and Evaluating the Strategy and Activities under NPA. But only 9% Programs Administrators are aware about this fact (Table 7.26).

Table: 7.26
Which body Monitors and Evaluates the Strategy & National Action Plan

Name of Body/ Agency	Responses
Central Advisory Committee	25 (8.93%)
Ministry of Women and Child Development	123 (43.93%)
National Human Rights Commission	119 (42.5%)
Ministry of Home Affairs	54 (19.29%)
National Commission For Women	29 (10.36%)
Others	22 (7.86%)

Source: Field Survey

As per Direction of MHA & MoWCD State Nodal officers (Police) are responsible for Coordination and holding periodical meetings to review and monitor the efforts taken to prevent and combat the crime of trafficking at State Level. Only about 1/5th (19.6%) Programs Administrators are aware about this fact (Table: 7.27).

Table: 7.27
Existing Mechanism for Coordinating and Monitoring overall Anti- Trafficking Strategy at State Level

State	West Bengal	Maharashtra	Karnataka	Jharkhand	Assam	Uttar Pradesh	Tamil Nadu	Delhi	Total
State Anti-Trafficking Committee	19	6	18	22	25	35	21	20	166
	11.4%	3.6%	10.8%	13.3%	15.1%	21.1%	12.7%	12.0%	59.3%
Govt. Nodal Officer	2	3	5	0	8	4	3	4	29
	6.9%	10.3%	17.2%	0.0%	27.6%	13.8%	10.3%	13.8%	10.4%
Police Nodal Officer	3	7	4	25	5	4	5	2	55
	5.5%	12.7%	7.3%	45.5%	9.1%	7.3%	9.1%	3.6%	19.6%
IAHTU	6	11	14	0	10	12	15	22	90
	6.7%	12.2%	15.6%	0.0%	11.1%	13.3%	16.7%	24.4%	32.1%
Other	0	2	0	0	0	0	0	0	2
	0.0%	100%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.7%

Source: Field Survey

Most of the respondents reported that they perceive menace of sex trafficking for CSE as mild and moderate. However, a significant proportion of respondents in Jharkhand and Maharashtra reported it as severe (Table 7.28).

Table: 7.28
Perceive of Menace of Sex Trafficking For CSE

State	Mild	Moderate	Severe	Total
West Bengal	7 (28.0%)	16 (64.0%)	2 (8.0%)	25 (100%)
Maharashtra	3 (16.7%)	12 (66.7%)	3 (16.7%)	18 (100%)
Karnataka	12 (35.3%)	20 (58.8%)	2 (5.9%)	34 (100%)
Jharkhand	25 (53.2%)	12 (25.5%)	10 (21.3%)	47 (100%)
Assam	12 (34.3%)	20 (57.1%)	3 (8.6%)	35 (100%)
Uttar Pradesh	28 (60.9%)	16 (34.8%)	2 (4.3%)	46 (100%)
Tamil Nadu	22 (66.7%)	8 (24.2%)	3 (9.1%)	33 (100%)
Delhi	26 (61.9%)	12 (28.6%)	4 (9.5%)	42 (100%)
Total	135 (48.2%)	116 (41.4%)	29 (10.4%)	280 (100%)

Source: Field Survey

The main reasons for people in the district being trafficked out include poverty, poor schooling, poor law enforcement, family conflicts, lack of awareness, poor social support, lack of severe punishment to perpetrators and search for better quality of life (Table 7.29).

Table: 7.29
Reasons for People Being Trafficked Out in the District/State

Reason for Trafficking	Responses
Poverty	230 (82.14%)
Gender Discrimination	36 (12.86%)
Poor Schooling	145 (51.79%)

No Severe Punishment to The Perpetrators	78 (27.86%)
Poor Law Enforcement	104 (37.14%)
Family Conflicts	111 (39.64%)
To Hide From Shame	32 (11.43%)
Poor Social Support	76 (27.14%)
For Better Quality of Life	72 (25.71%)
Supportive Culture	7 (2.5%)
Lack Of Awareness	118 (42.14%)
Other	7 (2.5%)

Source: Field Survey

The modus operandi of trafficking of women and children include induced by family / friends / relatives; induced by traffickers; sold by family; promise of marriage; abduction; deception and forced marriage (Table 7.30).

Table: 7.30
Modus Operandi of Women and Children Trafficking

Modus Operandi	Responses
Sold By Family	105 (37.5%)
Abducted	68 (24.29%)
Induced By Family or Friend or Relative	145 (51.79%)
Induced By Trafficker	112 (40.0%)
On Forced Marriage	41 (14.64%)
On Promise of Marriage	91 (32.5%)
Deception	40 (14.29%)
Other	34 (12.14%)

Source: Field Survey

It is to be noted that Assam, West Bengal, Jharkhand and Uttar Pradesh are mainly source states for human trafficking while Maharashtra, Tamil Nadu, Karnataka and Delhi are destination states. West Bengal, Tamil Nadu and Karnataka also are categorized as source states for human trafficking. Majority of the respondents reported that they are witnessing increasing trend of trafficking in their states. It was found more pronouncing in Jharkhand followed by Maharashtra, Delhi, Uttar Pradesh and Assam while more than 1/4th respondents in Uttar Pradesh and Jharkhand reported that they are realizing decreasing trend of trafficking. Majority of the respondents (62.5 per cent) admitted that trafficking methods have shifted from brothels to private apartments, massage parlours and Escort services (Table 7.31).

Table: 7.31
Trend of Trafficking in State

State	Increasing	Decreasing	Constant	Total
West Bengal	14 (56.0%)	6 (24.0%)	5 (20.0%)	25 (100%)
Maharashtra	13 (72.2%)	2 (11.1%)	3 (16.7%)	18 (100%)
Karnataka	18 (52.9%)	8 (23.5%)	8 (23.5%)	34 (100%)
Jharkhand	35 (74.5%)	12 (25.5%)	0 (0.0%)	47 (100%)
Assam	22 (62.9%)	6 (17.1%)	7 (20.0%)	35 (100%)
Uttar Pradesh	29 (63.0%)	13 (28.3%)	4 (8.7%)	46 (100%)

Tamil Nadu	17 (51.5%)	5 (15.2%)	11 (33.3%)	33 (100%)
Delhi	28 (66.7%)	6 (14.3%)	8 (19.0%)	42 (100%)
Total	176 (62.9%)	58 (20.7%)	46 (16.4%)	280 (100%)

Source: Field Survey

Community awareness; prosecution and conviction of offenders; rehabilitation of victims; establishment of helpline; and prevention against vulnerabilities of trafficking are some of the existing measures that address the issues of prevention of trafficking of women and children (Table 7.32).

Table: 7.32
Existing Measures for Prevention of Trafficking of Women and Children

Measures	Responses
Prosecution and Conviction of Offenders	137 (48.93%)
Prevention against Vulnerabilities That Create Victims	85 (30.36%)
Community Awareness	216 (77.14%)
Reducing Demand by Changing Attitudes of Society and Punishing the Clients	42 (15.0%)
Enhanced Cooperation with CSOs	38 (13.57%)
Establishment of Help Lines Or Hotlines	103 (36.79%)
Rehabilitation of Victims	132 (47.14%)
Other	14 (5.0%)

Source: Field Survey

Community Awareness programmes, target group specific programme and family education programme are being organized as public education campaigns for creating awareness and sensitization. About half of the respondents admitted that existing legal mechanism address the problem of trafficking of women and children. Most of respondents admitted that state initiatives to counter human trafficking are moderate and significant. The flaws in the existing laws include mainly lack of severe penalty for repeat offenders; lack of continuous training of investigators, judicial officers and public prosecutors; lack of provision for special court; lack of protection for victims and witnesses; and non-existence of special investigating agency (Table: 7.33).

Table: 7.33
Flaws Exist in the Law

Flaws	Responses
No Severe Penalties for Repeat Offenders	177 (63.21%)
Lack Of Protection for Victims and Witnesses	102 (36.43%)
No Provision for Special Court	127 (45.36%)
No Victim's Legal Right to Rehabilitation	44 (15.71%)
No Continuous Training of Investigators, Judicial Officers and Public Prosecutors	131 (46.79%)
Non-Existence of Special Investigative Agency	92 (32.86%)
Offence Not Cognizable and Non Bailable	48 (17.14%)
Other	11 (3.93%)

Source: Field Survey

Majority of the respondents reported that there is lack of capacity building for care givers, law enforcement and judiciary while more than half of the respondents revealed that there is lack of specialized investigative agencies. Other lacunas included poor police infrastructure,

inadequate funds, adequate police officials and lack of political will (Table 7.34).

Table: 7.34
Lacunae in Implementation of Existing Laws and Procedures

Lacunae	Responses
No Political Will	93 (33.21%)
Inadequate Police Officials	102 (36.43%)
Inadequate Funds	107 (38.21%)
Poor Police Infrastructure	107 (38.21%)
Lack of Specialized Investigative Agency	143 (51.07%)
Lack of Capacity Building for Care Givers, Law Enforcement and Judiciary	189 (67.5%)
Other	1 (0.36%)
Total	280 (100%)

Source: Field Survey

The lacuna in Section 370 of the IPC is that it does not address rehabilitation of rescued persons. “Currently, funds for rehabilitation are provided through the Victim Compensation Fund. Not even 100 victims have been awarded compensation from 2012 to 2019. In 19 States, out of the total allocation of Rs 544.53 crore, only Rs 128.27 crore has been utilized. More than 2/3rd Programs Administrators reported that Legal Framework Related to Trafficking Contain Provisions for Rehabilitation of the Victims. Shelter, food, clothing, skill development, education, legal support, health care services, referral support, counseling are some of the important services which are being extended to rescued victims. In order to create alternative livelihood opportunities, skill developments, infrastructure under special welfare scheme, victim assistance fund, job placement, micro credit are being provided to the victims. More than 2/3rd (71.1%) respondents reported that Victim has a Legal Right to Rehabilitation but only slightly more than half (56.1%) of the respondents reported that victim’s willingness is presumed in rehabilitation process. Majority of the respondents reported that provisions for rehabilitation of victims in the existing laws are adequate and somewhat adequate. However, more than 1/3rd respondents in Assam, Karnataka, Delhi and West Bengal admitted that such provisions are inadequate. Majority of the respondents (71.1 per cent) reported that victims have legal right for rehabilitation. It was found more pronouncing in Maharashtra followed by Karnataka, Tamil Nadu, West Bengal and Delhi. More than half of the respondents reported that victim’s willingness is presumed. It was found more pronouncing in Maharashtra followed by West Bengal, Karnataka and Delhi (Table 7.35).

Table: 7.35
Whether Provisions in Legislation for Rehabilitation of the Victims are Adequate

State	Adequate	Somewhat Adequate	Inadequate	No Response	Total
West Bengal	8 (32.0%)	8 (32.0%)	8 (32.0%)	1 (4.0%)	25 (100%)
Maharashtra	3 (16.7%)	11 (61.1%)	4 (22.2%)	0 (0.0%)	18 (100%)
Karnataka	14 (41.2%)	8 (23.5%)	12 (35.3%)	0 (0.0%)	34 (100%)
Jharkhand	12 (25.5%)	25 (53.2%)	0 (0.0%)	10 (21.3%)	47 (100%)
Assam	11 (31.4%)	9 (25.7%)	13 (37.1%)	2 (5.7%)	35 (100%)
Uttar Pradesh	9 (19.6%)	16 (34.8%)	13 (28.3%)	8 (17.4%)	46 (100%)
Tamil Nadu	12 (36.4%)	13 (39.4%)	8 (24.2%)	0 (0.0%)	33 (100%)
Delhi	18 (42.9%)	10 (23.8%)	14 (33.3%)	0 (0.0%)	42 (100%)

Total	87 (31.1%)	100 (35.7%)	72 (25.7%)	21 (7.5%)	280 (100%)
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Source: Field Survey

About 1/3rd respondents reported that Law Provide for using Confiscated Proceeds of Crime to Compensate Victims. It was found more pronouncing in Maharashtra followed by Karnataka (Table 7.36).

Table: 7.36
Whether Law Provide for Using Confiscated Proceeds of Crime to Compensate Victims

State	Yes	No	Don't Know	Total
West Bengal	6 (24.0%)	1 (4.0%)	18 (72.0%)	25 (100%)
Maharashtra	10 (55.6%)	4 (22.2%)	4 (22.2%)	18 (100%)
Karnataka	17 (50.0%)	1 (2.9%)	16 (47.1%)	34 (100%)
Jharkhand	12 (25.5%)	10 (21.3%)	25 (53.2%)	47 (100%)
Assam	11 (31.4%)	3 (8.6%)	21 (60.0%)	35 (100%)
Uttar Pradesh	8 (17.4%)	4 (8.7%)	34 (73.9%)	46 (100%)
Tamil Nadu	11 (33.3%)	3 (9.1%)	19 (57.6%)	33 (100%)
Delhi	12 (28.6%)	4 (9.5%)	26 (61.9%)	42 (100%)
Total	87 (31.1%)	30 (10.7%)	163 (58.2%)	280 (100%)

Source: Field Survey

Majority of the respondents reported that police officials and NGOs have been trained to assist in recovery and reintegration of victims of CSE. A significant proportion of respondents further reported that judiciary, health care professionals, public prosecutors, teachers and representatives of local government were also trained. Victims support and assistance; human rights and legal rights of victims; legal provisions of trafficking; trafficking patterns and trend; gender sensitivity, trafficking modus operandi, distinguishing trafficking from prostitution were some of the important topics of training (Table 7.37).

Table: 7.37
Availability of Trained Professionals to Assist in Recovery and Reintegration of Victims of CSE

Name of Professionals	Responses
Police Officials	202 (72.14%)
Public Prosecutors	61 (21.79%)
Judiciary	70 (25.0%)
Service NGOs	162 (57.86%)
Other NGOs	54 (19.29%)
Health Care Professionals	72 (25.71%)
PRIs	39 (13.93%)
Teachers	48 (17.14%)
Other	33 (11.79%)

Source: Field Survey

Community awareness, empowerment of women and girls, prone to trafficking, proactive community policing, help line for women and children, penalties to perpetrators and clients of victims and sensitization programme for SSHs were some of the most effective programmes in combating human trafficking (Table 7.38)

Table: 7.38
Most Effective Programs in Combating Trafficking

Name of Programme	Responses
Community Awareness	204 (72.86%)
Pro-Active Community Policing	114 (40.71%)
Empowerment of Women and Girls Prone to Trafficking	174 (62.14%)
Penalties To Perpetrators and Clients of Victims	105 (37.5%)
Confiscation, Forfeiture and Attachment of Property of Perpetrators	49 (17.5%)
Sensitization Programs for SSHs	76 (27.14%)
Helpline For Women and Children	109 (38.93%)
Other	42 (15.00%)

Source: Field Survey

More than half of the respondents reported that state activities on community understanding of the issues of human trafficking have some improvement. However, more than 1/4th respondents rated the state activities as noticeable and significant improvement in understanding of issues of human trafficking (Table 7.39).

Table: 7.39
Impact of State Activities on Community Understanding of the Issues of Trafficking

State	Some Improvement	Significant Improvement	Noticeable Improvement	Don't Know	Total
West Bengal	15 (60.0%)	0 (0.0%)	3 (12.0%)	7 (28.0%)	25 (100%)
Maharashtra	9 (50.0%)	3 (16.7%)	4 (22.2%)	2 (11.1%)	18 (100%)
Karnataka	16 (47.1%)	3 (8.8%)	9 (26.5%)	6 (17.6%)	34 (100%)
Jharkhand	37 (78.7%)	10 (21.3%)	0 (0.0%)	0 (0.0%)	47 (100%)
Assam	15 (42.9%)	4 (11.4%)	10 (28.6%)	6 (17.1%)	35 (100%)
Uttar Pradesh	26 (56.5%)	3 (6.5%)	5 (10.9%)	12 (26.1%)	46 (100%)
Tamil Nadu	15 (45.5%)	6 (18.2%)	9 (27.3%)	3 (9.1%)	33 (100%)
Delhi	22 (52.4%)	6 (14.3%)	10 (23.8%)	4 (9.5%)	42 (100%)
Total	155 (55.4%)	35 (12.5%)	50 (17.9%)	40 (14.3%)	280 (100%)

Source: Field Survey

The most important district-level bodies for ensuring proper implementation of the JJ Act are the CWCs and DCPUs. The legislation establishes CWCs as the final authority for the care, treatment, protection, development, and rehabilitation of children in need of care and protection, as well as for the resolution of all complaints involving these children, while ensuring that their basic rights and needs are met.

In a number of districts, CWCs have not been constituted, and jurisdictional inconsistencies cause uncertainty, preventing a huge number of vulnerable children from exercising their entitlement to protection. Due to the size of the district, tough geographical topography or remote accessibility, case overflow due to the district's child profile, high population density, and long stretches of international boundaries, extra CWCs must be established inside some districts. Many beneficial provisions of the JJ Act and Model Rules, such as District/ City Advisory Boards, District Child Protection Units, State/ District/ City Inspection Committees, and Special Juvenile Police Units, have either not been established or are no longer operational in the vast majority of districts.

In terms of official appointment by Selection Committees, the majority of CWCs reviewed had a complete five-member makeup. Poor attendance, on the other hand, is a cause for concern. In rare circumstances, this might lead to extended absences. Recruitment is indefinitely postponed where vacant positions/prolonged absenteeism exist, possibly resulting in the inability to obtain a quorum for final decisions. In general, men are appointed to CWCs in greater numbers than women. The majority of CWC members and Chairpersons in various States largely meet the minimum eligibility requirements. However, in terms of a diversified and multidisciplinary profile, an optimum CWC composition is lacking. People in the social work and education fields appear to be overrepresented in CWCs, whereas those in the legal, medicine, and psychology fields appear to be underrepresented. The selection of government officials as Chairpersons, dual appointment of CWC and JJB membership, and dual CWC membership in two different CWCs have all been identified as serious deviations and problems in the CWC recruiting process. Recruitment of CWC members that could lead to a potential conflict of interest, such as people affiliated with a residential child care facility being appointed as CWC members within the same district, has also been highlighted.

Almost all of the CWCs were discovered to be functioning in insufficient settings, with several being significantly insufficient. Within the JJ System, the concept of child-friendliness has yet to be defined. Its deployment has largely gone unnoticed in both the CWC's setup and during the CWC's sessions. A single fixed CWC sitting location was insufficient to reach out to all children in the district who needed care and safety. Three types of sitting venue styles used by some CWCs across the country have been discovered to address this issue. Additional unusual sittings, such as rotating and parallel sittings, are available. However, each has its own set of advantages and disadvantages. CWCs conduct sittings at irregular intervals and for varying lengths of time. While some CWCs are found to meet the statutory three weekly sittings, the majority of CWCs in the country only meet once or twice a week. There are also CWCs that meet every two weeks, once a month, or whenever they are needed. The majority of CWCs do not hold sittings for the necessary four hours mandated by law. Other than low caseload, CWC sittings are being cut short for a variety of reasons, including members' personal obligations and employment commitments. Irregular member attendance and long periods of absence are common in many CWCs, with the main causes being a lack of foolproof attendance monitoring, members' other professional commitments, and insufficient sitting allowance. There are currently no processes in the Act or the Rules for case management during proceedings. While a few CWCs manage proceedings and case flow successfully, others appear to be floundering and employing inefficient/inappropriate techniques.

The removal of victims via raid and rescue has been discovered to be ineffective as an intercepting method. Re-trafficking among the victims is a common occurrence. Victims are re-introduced into their families, frequently under the premise of 'reunification within the family,' where they are re-exposed to the same spectrum of risk factors that led to their trafficking in the first place. The elements that initiate Sex Trafficking (economic or monetary assistance, physical, individual and family, and institutional factors) are also responsible for re-trafficking at later stages, implying that the determinants of Sex Trafficking are positively correlated to rehabilitation/reintegration. Poverty has been related to increased vulnerability to human trafficking, therefore economic rehabilitation could be a crucial step toward effective reintegration. Because many victims were victimized due to financial desperation, characteristics that encourage re-trafficking exist if victims return home without any vocational skill training. Economic rehabilitation may be a matter of life and death for some of the victims. As a result, even after reintegration into

their home or community, they are likely to be trafficked again. Because the majority of victims have only worked in the sex business, they require life and job skills training in order to acquire and maintain employment. Job and life skills training are critical for a victim's ability to achieve financial independence and care for himself or herself.

Therefore, we argue that Economic Rehabilitations must be preferred over reunification with families as Economic rehabilitation is beneficial not only for the victims' means of subsistence, but also for their self-esteem, which has a positive impact on their rehabilitation and reintegration.

Chapter 8

ROLE AND PERCEPTION ANALYSIS OF STAKEHOLDERS

“Women found in flesh trade, should be viewed more as victims of adverse socioeconomic circumstances rather than an offender in our society. The commercial exploitation of sex may be regarded as a crime but those trapped in custom oriented prostitution and gender-oriented prostitution should be viewed as victims of gender-oriented vulnerability”

-Gaurav Jains Vs Union of India

When the gender and age components of human trafficking are taken into account, the image that emerges is one of ongoing mistreatment of children and women, particularly girl children. Children are the most vulnerable and disenfranchised members of our society, and they require protection and security as they face many forms of adversity. They require special attention in policy and rehabilitation. The girl child is more affected than the boy child. Children are frequently physically and psychologically exploited in situations where all social security measures and internal mechanisms have failed completely. She becomes vulnerable to prostitution trafficking, particularly if she has no one to safeguard her. There is a strong undercurrent of gender prejudice and the exploitation that follows. This can only be handled if the topic of gender is integrated into all relevant schemes, programmes, and policies. Anti-trafficking measures, particularly those connected to prevention and rehabilitation, should be integrated into all relevant departments’ policies and programmes. In the long run, such a strategy can provide the necessary empowerment to women and children, particularly those in vulnerable situations, by providing them with secure livelihood options, rights awareness, and protection from exploitation. Human rights defence is, at its core, a defence of human dignity. This chapter gives an overview of the policies and programmes implemented by the government, the NHRC, the NCW, the NCPCR, and nongovernmental organizations.

NATIONAL HUMAN RIGHTS COMMISSION

The Protection of Human Rights Act of 1993 was enacted in response to a directive under Article 51 of the Constitution, international commitments, and the international community’s evolving approach to human rights. However, there has been an increase in concern in the country and abroad about human rights issues. With this in mind, as well as changing social realities and emerging trends in the nature of crime and violence, the government has been reviewing existing laws, procedures, and administrative systems, as well as their transparency, and devising more efficient and effective ways of dealing with the situation. The Protection of Human Rights Act, 1993, was enacted by the Indian Parliament, and it provided for the establishment of a National

Human Rights Commission by the Union Government. The Commission gave special attention to the rights of the most vulnerable, such as women and children, particularly young girls who are victims of prostitution trafficking.

The National Human Rights Commission is completely committed to the fight against human trafficking. There have been a number of projects in this direction. In 1998, the NHRC launched a public awareness campaign on the topic of child prostitution and sexual abuse of minors, with the support of UNICEF and other organizations. Following that, in collaboration with Prasar Bharati and UNICEF, the Commission sponsored four workshops on Sexual Violence Against Children and the Role of the Media. The NHRC issued guidelines for the media to handle the subject of child prostitution and child sexual abuse as a result of this workshop. An Information Kit on Trafficking in Women and Children was developed by the Commission's Focal Point in order to inform society on the various facets of trafficking - its forms, estimates, causes, consequences, modus operandi, and role of the Commission. The Action Research on Trafficking of Women and Children in India, which is being performed jointly by the NHRC, UNIFEM, and the Institute of Social Sciences in New Delhi, is one of the programmes initiated by the NHRC. The NHRC aims to establish an authentic database through action research in order to economically and socially strengthen vulnerable communities in supply zones. It also seeks to educate the public and law enforcement organizations about the grave hazards of human trafficking and the importance of preventing it. In addition, the Commission seeks to improve laws and enforcement mechanisms to penalize human traffickers, as well as rescue and rehabilitation programmes. It also wants to assist NGOs in utilizing the Government of India's National Plan of Action for this goal.

Under the joint jurisdiction of the NHRC and the DWCD, a manual on trafficking in women and children is now being prepared for the judiciary. Workshops with Judicial Magistrates and members of NGOs have been held in Karnataka, Andhra Pradesh, Goa, and Madhya Pradesh, West Bengal, Orissa, Tamil Nadu, Maharashtra, Rajasthan, and Delhi for this purpose. Apart from the anti-trafficking activities, the NHRC strives to make a training module on trafficking issues to be included in training programmes for administrators, police officers, and other government officials. The National Human Rights Commission has been working tirelessly to combat human trafficking and has developed a Plan of Action to prevent and combat trafficking of women and children. After incorporating recommendations from various regional workshops on the subject, this Plan of Action evolved into an Integrated Plan of Action. A procedure and guidelines have been developed by the Ministry of Women and Child Development and the National Human Rights Commission for both police and civic society to follow when undertaking rescue operations. In light of the information gap that exists about issues related to human trafficking and the laws that govern it, the National Human Rights Commission (NHRC) has decided to issue a Standard Operating Procedure (SOP) to fill that gap. This SOP also serves as a checklist of the tasks that must be completed by the various entities tasked with fighting human trafficking.

NATIONAL COMMISSION FOR WOMEN

The National Commission for Women was established in 1990 by an Act of Parliament known as the National Commission for Women Act (No. 20 of 1990). Keeping in mind that commercial sexual exploitation of children and trafficking of persons for commercial sex abuse are the most serious forms of human rights violations, and that the number of adolescents entering the trade is growing. The Commission's main focus was the sexual exploitation of women and children. As a result, studies were commissioned in various states to examine the scope of the problem, which revealed an extremely bleak and dreadful situation. It conducted two investigations in the

late 1990s, named “The Lost Childhood” and “Velvet Blouse – Sexual Exploitation of Children.” It conducted another study in 2001 called ‘Trafficking – A Socio-Legal Study.’ It later conducted research on ‘Coastal Sex Tourism’ in 2004. It has also organized a number of seminars, training programmes, and conferences on the issue of human trafficking in addition to these research investigations. Based on the foregoing, it proposed changes to the ITPA in order to create a comprehensive anti-trafficking law. Through its research, the NCW has learned that the network includes not just traffickers, but also pimps and brothel owners who work in collusion with the police. The state governments are acting quickly and effectively on NCW’s suggestions in order to eradicate the scourge. Non-governmental organizations (NGOs) are becoming more involved.

To prevent children from becoming involved in prostitution, NCW has enlisted the help of prostitutes themselves. The women themselves have come up to say that they will be able to stop it, and that the admission of children into this field would be addressed.’ They were also prepared to inform the NCW on the State Commissions rather than the police about new entries. NCW’s mission is to eliminate all forms of child prostitution. The commission had devised a ten-year National Plan of Action to achieve this (1997-2006 A.D.). The NCW has long been concerned about issues involving trafficking in women and girls.

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

The National Commission for the Protection of Child Rights (NCPCR) was constituted as a statutory body in March 2007 under the Commissions for the Protection of Child Rights Act, 2005 (4 of 2006), a Parliamentary Act (December 2005). NCPCR’s major responsibility is to safeguard, promote, and defend children’s rights throughout the country. The mandate of the Commission is to ensure that all laws, policies, programmes, and administrative mechanisms are consistent with the Child Rights perspective as embodied in the Indian Constitution and the UN Convention on the Rights of the Child. A child is someone who is between the ages of 0 and 18. The Commission envisions a rights-based approach to national policies and programmes, as well as nuanced responses at the state, district, and block levels, taking into account the unique characteristics and capabilities of each region. The NCPCR plays an important role in safeguarding, promoting, and defending children’s rights in the country. The mandate of the Commission is to ensure that all laws, policies, programmes, and administrative mechanisms are consistent with the Child Rights perspective as embodied in the Indian Constitution and the UN Convention on the Rights of the Child.

The Commission’s focus is on tasks such as monitoring the implementation of the Protection of Children from Sexual Offences (POCSO) Act, 2012; monitoring the implementation of the JJ Act 2015; monitoring the designation of Special Courts by State Governments; monitoring the appointment of Public Prosecutors by State Governments; and monitoring the designation of Special Courts by State Governments in order to achieve the Commission’s mandate of ensuring that each and every child has access to all entitlements and enjoys all of her rights. A National Conscience must be created that grabs each citizen’s imagination and inspires them to be proud of their country because it looks after all of its children and performs many other jobs.

The National Commission for Protection of Child Rights (NCPCR) recently advised states to assist local bodies in mapping “vulnerability of households” so that parents are not forced to “sell” their children to meet economic necessities. For the first time, the NCPCR, which is part of the women and children ministry, has developed a methodology for a “family centric strategy to counter child trafficking.” The body has also named locations in the country that have

reported the most occurrences of child trafficking, as well as measures to prevent them, in a letter addressed by the Union home ministry to the State to enforce the measures. In a letter to states, the NCPCR recommended that governments map all vulnerable families, notably migrants and children at risk, and link them to 37 government schemes to combat economic distress, including the Atmanirbhar Yojana introduced by Prime Minister Narendra Modi. Following two discussions, the letter with suggestions placed local governments and community organizations in the forefront of the struggle, requesting that they keep a close eye on families with children.

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

The Ministry of Women and Child Development, the Nodal Ministry in the Government of India dealing with issues concerning women and children, drew up a National Action Plan based on the report of the Central Advisory Committee on Child Prostitution, the recommendations of the National Commission for Women, and the directions of the Supreme Court of India (orders dated 2nd May 1990 and 9th July 1997), as well as the experiences of various non-governmental organizations working in this area.

Besides combating human trafficking, the NPA prioritizes the rescue and rehabilitation of victims of human trafficking and commercial sexual exploitation. Legal and law-enforcement systems are activated under the National Plan of Action to strengthen the implementation of the IPTA, 1956. Under Section 21 of the Immoral Trafficking Prevention Act (ITPA), the government has built Protective Homes exclusively for girls and women jailed under the ITPA, as well as those seeking protection from being pushed into commercial sexual exploitation. For the protection and rehabilitation of victims, the Indian government has a vast network of around 351 short stay institutions aided by the DWCD and juvenile homes established under the Juvenile Justice Act. The Government of India has approved projects for the establishment of child development centers in various high-crime regions under the Integrated Child Development Service Scheme (ICDS).

In addition, the Ministry of Women and Child Development has collaborated with UNICEF on research on the rescue and rehabilitation of child victims of commercial sexual exploitation. The Ministry of Women and Child Development also issued a Protocol for Pre-Rescue, Rescue, and Post-Rescue Operations of Child Victims of Commercial Sexual Exploitation. This Protocol includes recommendations for state governments as well as a plan for Rescue Team Members for pre-rescue, rescue, and post-rescue operations involving minors who have been victims of human trafficking and have been sexually exploited for commercial purposes. The Ministry of Women and Child Development has developed three manuals: “Manual for Judicial Workers on Combating Trafficking of Women and Children for Commercial Sexual Exploitation,” “Manual for Medical Officers for Dealing with Child Victims of Trafficking and Commercial Sexual Exploitation,” and “Manual for Social Workers Dealing with Child Victims of Trafficking and Commercial Sexual Exploitation” in collaboration with UNICEF and other organizations. The National Human Rights Commission collaborated on the development of the Judicial Workers’ Manual.

The government is also debating whether a Central Nodal Authority should be established under the Act to monitor interstate and cross-border trafficking issues. The government has taken a two-pronged approach to combating human trafficking: raising awareness and empowering women economically. There are two aspects to raising awareness. The first is intended at educating key stakeholders in the fight against human trafficking, while the second is targeted

at educating the general public. Government officers from the relevant departments, police, the judiciary, social workers, medical officers, women's commissions, and media representatives have all been highlighted as important stakeholders. The DWCD has also developed a model grant-in-aid programme to support NGOs in preventing, rescuing, and rehabilitating victims of human trafficking in source, transit, and destination locations. In collaboration with NGOs, the DWCD has conducted regional efforts to raise awareness of the trafficking dimension and promote sensitivity to trafficking victims among government departments, police, and judiciary, as well as civil society at large.

MINISTRY OF HOME AFFAIRS

Human trafficking is a critical issue that the Ministry of Home Affairs is worried about. The Ministry of Home Affairs established a Nodal Cell for Trafficking Prevention in August/September 2006. The major purpose of this Cell is to coordinate, network, and provide feedback to state governments and other relevant agencies on a regular basis in order to prevent and combat human trafficking. This Cell has also been charged with documenting "best practices" in the prevention and battle of human trafficking, as well as sharing data inputs with other stakeholders. The Cell proposes holding regular meetings with all stakeholders every quarter to examine the overall status of trafficking in the country. The majority of law enforcement is handled by the states. The MHA, on the other hand, is responsible for all law enforcement matters, including the provisions of the Immoral Traffic (Prevention) Act (ITPA) and particular provisions of the Indian Penal Code (IPC). Special enforcement agencies such as the Central Bureau of Investigation (CBI), Border Security Force (BSF), and the National Bureau for Crime Records, which compiles crime statistics, are also under the MHA's umbrella. The MEA is in charge of international conventions and protocols that deal with human trafficking. The Ministry of Labour and Employment is responsible for all aspects of labour law enforcement, as well as the rehabilitation and repatriation of child labourers.

On the 20th of September, 2018, a National Cyber Crime Reporting Portal (www.cybercrime.gov.in) was launched, allowing users to report online content relating to Child Pornography/Child Sexual Abuse Material or sexually graphic content such as Rape/Gang-Rape Content. On the 30th of August, 2019, a revised portal was established in conjunction with stakeholders to allow residents to report all forms of cyber-crimes, with a special focus on cyber-crimes against women and children. Several initiatives have been taken to raise awareness about cyber-crime, including the distribution of cyber-crime awareness messages via SMS, the MHA's Twitter handle @CyberDost, a radio campaign, and the publication of a Handbook for Adolescents/Students, among others. A Website on Anti Human Trafficking (stophumantrafficking-mha.nic.in) was launched in February 2014. It is a vital IT tool for sharing information among stakeholders, States/UTs and civil society organizations for effective implementation of Anti-Human trafficking measures. The MHA accepted a plan to construct 332 Anti-Human Trafficking Units (AHTUs) in various districts across the country as part of its project "Strengthening law enforcement response in India against trafficking in persons via training and capacity building." The Ministry assists states in establishing AHTUs by providing financial assistance. 264 AHTUs have been established across the country so far.

STATE MECHANISM TO COMBAT TRAFFICKING

State governments have concentrated on preventing human trafficking and have enacted particular legislation to combat it within their borders. There are various specific laws dealing with human trafficking of women and children, forced labour, cultural exploitation, and religious

exploitation. In Chapter 2, there is a more in-depth discussion.

ROLE OF JUDICIARY

The Supreme Court, as well as the High Courts of each state, have taken a lead role in ensuring that the state responds to human trafficking cases. In this section, we'll look at some of the most important cases from both courts in a nutshell. The Ministry of Women and Child Development established a committee to study the viability of a comprehensive legislation on trafficking in 2016, in response to a Supreme Court judgement (*Prajwala vs. Union of India* 2016 (1) SCALE 298). **Vishal Jeet Vs. Union of India AIR 1990 SC 1412:** was a landmark decision where the Supreme Court took it upon itself to give directions for the protection and rehabilitation of those who had been dedicated as devdasis by their families or communities for cultural reasons and were currently in prostitution. In **Gaurav Jain vs. Union of India** (1997 (8) SCC 114), the court affirmed that the State had a duty to rescue, rehabilitate and enable women to lead a life of dignity. In response to Hon'ble Supreme Court of India in W.P. (C) No. 565/2012 titled **Nipun Saxena Vs. Union of India**, National Legal Services Authority Committee has finalized the Compensation Scheme for women Victims/Survivors of Sexual Assault/other Crimes **WP 75/2012, Bachpan Bachao Andolan v. Union of India**, On 10th May, 2013 the Supreme Court ordered the police to file a FIR in every case of a missing child apart from other measures of strengthening the juvenile justice mechanism. The Jharkhand Government as well as the CID have passed orders in pursuance of this order. **WP 82/2009, Bachpan Bachao Andolan v. Union of India:** This petition highlighted the plight of children from various parts of the country trafficked to Delhi, especially through placement agencies for domestic labour. The Supreme Court ordered for the registration and then regulation of placement agencies. In pursuance of this the Delhi Government passed an order on 25th September, 2014 issuing directions for the regulation of placement agencies in Delhi. This requires a domestic worker to be above the age of 18 years. All placement agencies are to register with the Labour Department under the Delhi Shops and Establishment Act, 1954 and then also apply for a license to run a placement agency. An important provision under this order is of opening bank accounts for the domestic workers where their salary will be deposited. **WP 139/2011, Bachpan Bachao Andolan v. State of Jharkhand and Ors.** This petition dealt with the paucity of shelter homes in the state of Jharkhand. The High Court directed for constitution of Child Welfare Committees, Children's Homes, Shelter Homes, etc. Jharkhand State Action Plan for Elimination of Child Labour formulated in pursuance of this order.

There are several other landmark judgements which are torch bearers in combating human trafficking, discussed in details in chapter-2.

ROLE OF NGOS IN THE AREA OF EXPLOITATION AND TRAFFICKING:

Civil society organizations have made significant contributions to the fight against human trafficking. Many of the groups working on trafficking issues aren't just anti-trafficking organizations; they also address it as part of their efforts to prevent HIV, improve public health, and protect human rights. However, there are a number of non-governmental organizations (NGOs) and networks of NGOs that solely focus on human trafficking. The majority of these NGOs focus on prevention, with only a few focusing on prosecution of criminals, presumably as a result of the authorities' lack of cooperation.

NGO interventions aimed at preventing human trafficking have focused on sites where trafficked people originate, transit, or end up. Awareness-raising and social mobilization,

community networking and surveillance, capacity-building and training, and empowerment through formal and informal education, income production, and job training are just a few of the activities. NGOs have conducted rallies, lectures, street theatre performances, and preventative camps to raise awareness and sensitize communities. They've started neighbourhood support groups and peer education programmes, as well as hosting TV and radio shows. Some have attempted to reach out to influential adults in the community, such as by establishing inter-religious Priests Forums, which bring priests together to denounce trafficking, and forums that raised trafficking awareness among representatives from gramme panchayats, schools, and government-run hostels (MOWCD and UNODC, 2008). Women and minor girls have also benefited from life skills education in trafficking-prone communities, as well as skill building and economic empowerment efforts that provide women and minor girls with alternative sources of income.

In terms of rescue, the ITPA mandates the presence of representatives from civil society organizations during police rescue operations. The pan-Indian ATSEC network, Prajwala in Hyderabad, Prerana and Rescue Foundation in Mumbai, Saarthak and STOP in Delhi, and Sanlaap in West Bengal, DSS in Ranchi, IJM in Bangalore are among the NGOs that help authorities undertake raids and subsequent rescues of children in CSE. The majority of these set up and use networks to find minors in brothels, then perform raids with the police to rescue the youngsters. Raids on brothels are difficult for NGOs because of safety concerns and the potential for information about future raids to reach brothel operators. NGOs, on the other hand, have been successful in collaborating with police officers who have been educated on the concerns surrounding human trafficking. NGOs also assist rescued minor girls in securing their items from the brothel, keeping traffickers at bay, and ensuring that police procedures are followed correctly so that they are not further disadvantaged. Several non-governmental organizations (NGOs) provide legal assistance in cases of human trafficking.

It has also been attempted to collectivize sex workers to combat trafficking by forming vigilance committees or self-regulatory bodies from among themselves. Because they are insiders and can better grasp the issue, the Durbar Mahila Samanwaya Committee (DMSC), a sex workers' organization in Kolkata, has a self-regulatory body to rescue minors or women trafficked into brothels. The institutionalization of self-regulatory groups has contributed to a drop of nearly 90% in the number of minors in CSE in the Sonagachi area, according to one research based on programme monitoring data (Jana et al., 2013). Despite these attempts, minor females continue to work in brothels, according to evidence (George, Vindhya and Ray, 2010). By default, since predominantly minor girls are trafficked and coerced into sex slavery, the structural origins of prostitution and the modus operandi remain the same across the country. India has the biggest number of individuals living in modern slavery, according to the Global Slavery Index 2018. A Public Interest Litigation has also been filed in the Hon'ble Supreme Court for the immediate rescue of 1.2 million juvenile girls from brothels across the country.

In terms of protecting rescued girls, various NGOs work with the government to create shelter homes where rescued trafficking women and underage girls can stay. Some shelters focus just to children, while others serve both women and underage girls. In the shelter homes, kids are offered opportunities to build peer networks and develop self-confidence, as well as rehabilitation and reintegration. NGOs have concentrated on identifying traffickers at transit locations along the Nepal border as well as at interstate crossings as part of their prosecution efforts. Volunteers engage with local police and informants to identify human traffickers, or they

interview migrants who fit the victim profile. Unfortunately, there has been a lack of conventional programme monitoring and evaluation processes and only a few NGOs have released reports detailing their operations, successes, and challenges.

ROLE OF INTERNATIONAL AGENCIES

The United Nations system has taken a significant step forward in organizing a global response against human trafficking. The United Nations General Assembly has approved a package of instruments to combat various forms of transnational organized crime, including the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Particularly Women and Children. Various UN organizations and organs, such as UNIFEM, UNICEF, ILO, UNDP, and UNODC, have been active in the fight against human trafficking.

Since 1992, the International Programme for the Elimination of Child Labour (IPEC) has been working to combat child trafficking inside the ILO. IPEC aims to effectively eliminate child trafficking by addressing its core causes, guided by the United Nations Convention on the Rights of the Child and ILO Convention 182. The UNICEF strategy for combating child trafficking focuses on four primary areas: (1) increasing public knowledge of the problem, (2) providing financial assistance to families, (3) improving access to and quality of education, and (4) advocating for children's rights. The United Nations Office on Drugs and Crime (UNODC) is in charge of crime prevention, criminal justice, and criminal law reform within the United Nations. It focuses on tackling transnational organized crime, corruption, and human trafficking in particular. The UNODC developed the Global Programme against Human Trafficking (GPAT) in partnership with the United Nations Inter-Regional Crime and Justice Research Institute (UNICJRI) and launched it in March 1999. The work of the Office of the High Commissioner for Human Rights in the area of human trafficking is guided by two fundamental principles: (1) human rights must be at the heart of any credible anti-trafficking strategy, and (2) such strategies must be developed and implemented from the perspective of those who need their human rights protected and promoted the most.

UNIFEM began working on the subject of human trafficking in 1991, and for the first few years, it focused on building an appropriate conceptual framework for dealing with the problem in South Asia. At UNIFEM's First Ministerial-Level Regional Biennial Review of the Beijing PFA in South Asia, trafficking was noted as a particular source of concern (1996). NGOs and governments agreed that UNIFEM, given its strategic position and unique cross-cutting mandate to address gender-related challenges, should prioritize the elimination of human trafficking of women and children as a regional priority intervention. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) conducted comprehensive research to enhance awareness of the many legal tools available to states to combat human trafficking. On December 19, 2003, at the United Nations Conference Centre in Bangkok, it was released as a resource guide. Because they are frequently subjected to a variety of physical and psychological health problems, UNAIDS has identified trafficked persons as a category that is extremely vulnerable to HIV/AIDS exposure. In more than 100 nations, the United States Agency for International Development (USAID) provides economic and humanitarian aid. It has prioritized human trafficking as a major source of concern. President George W. Bush formed the President's Inter-Agency Task Force to Monitor and Combat Trafficking in Persons under the Trafficking Victims Protection Act of 2000. AusAID has identified human trafficking as a major source of concern and is launching anti-trafficking programmes as soon as possible. By lowering the incidence

of violence against women and eliminating trafficking and its harmful impacts on women and girls in Nepal, The Asia Foundation aspires to promote women's prospects for full involvement in social, political, and economic life. One of the Population Council's responses to the HIV epidemic in South and East Asia, among other issues, has been to work on human trafficking of women and girls.

The COVID-19 is posing new issues for migrant protection, and it is well recognized that the pandemic has varied effects on males, women, and children, especially adolescents. All parties must join hands and work together to tackle the evil of human trafficking." Stakeholder engagement in the implementation of anti-trafficking policies and service solutions has been extensively researched.

Perception Analysis of Stakeholders:

Poverty, uneven development, social discrimination, gender-based violence, family or marital separation or dysfunction, lack of educational or economic opportunity, poor social infrastructure, a lack of awareness of trafficking, and cultural practices that sanction or tolerate trafficking are all recognized as major contributors to trafficking vulnerability in India. While much attention has been paid to the factors that influence human trafficking vulnerability, such as poverty and uneven development, conflict, and gender inequality, the debate over what causes these elements to exist in the first place has received less attention.

We agreed that notions of vulnerability have fed into discourses of mobility, migration, and movement associated with trafficking as well as climate-induced migration and displacement during Focused Group Discussions with Victims and Service Providers in West Bengal, with implications for what kinds of responses are envisioned and carried out. Climate adaptation plans are being called for to account for migration and displacement outcomes and manage people flows, just as traditional anti-trafficking efforts continue to prioritize border security and criminal law responses, despite the fact that existing frameworks are deemed inadequate to deal with the complexity of such issues. Climate change-related vulnerability, which involves uneven, uncertain, and complex processes that are influenced by a variety of factors, does not fit neatly into current criminal justice-based anti-trafficking initiatives, which are based on limited evidence and understandings of vulnerability, target individual perpetrators, and produce visible results quickly. Despite the fact that anti-trafficking, like climate change, has been a contentious issue, both arenas are dominated by powerful interests who are unwilling to account for and address specific forms and dynamics of capitalism, as well as capital and state relations, that structure conditions of insecurity and exploitation. The Sundarbans region of West Bengal has been characterized as both particularly sensitive to climate change and vulnerable to human trafficking.

Trafficking vulnerabilities are shown in Table 8.1. Poverty, lack of means of livelihood, many girl children, lack of education, child marriages, and domestic violence are some of the major trafficking vulnerabilities. However, trafficking vulnerabilities vary across the stakeholders such as victims, law enforcement agencies and traffickers.

Table 8.1
Trafficking Vulnerabilities

Trafficking Vulnerabilities	Victims	Law EAs	Traffickers
Child Marriages	127 (11.0%)	45 (48.4%)	29 (59.2%)
Domestic Violence	244 (21.1%)	38 (40.9%)	22 (44.9%)
Lack of Education	274 (23.7%)	84 (90.3%)	34 (69.4%)
Many Girl Children	114 (9.9%)	54 (58.1%)	41 (83.7%)
Dowry Harassment	53 (4.6%)	8 (8.6%)	0 (0.0%)
Alcoholic Husband	98 (8.5%)	16 (17.2%)	8 (16.3%)
Poverty	974 (84.3%)	85 (91.39%)	39 (79.59%)
Natural Calamities	53 (4.6%)	0 (0.0%)	0 (0.0%)
Military Operations	2 (0.2%)	0 (0.0%)	0 (0.0%)
Male Dominance	104 (9.0%)	25 (26.9%)	2 (4.1%)
Lack of Means of Livelihood	559 (48.4%)	88 (94.6%)	41 (83.67%)
Others	3 (0.3%)	0 (0.0%)	0 (0.0%)
Total	1155 (100%)	93 (100%)	49 (100%)

Source: Field Survey

Poverty, globalization, social behaviours, natural calamities, and government are all major influences on the supply side of people trafficking. The demand side of trafficking, on the other hand, is determined by factors such as labour demand in industries such as commercial sex work (CSW), brick manufacturers, and so on. Given the interdependence of demand and supply, addressing both types of facts has been critical in India's fight against human trafficking. Economic marginalization resulting in the breakdown of traditional livelihoods, low status of women and girls in society, insufficient educational and employment opportunities due to gender disparities, lucrative business with low investment, high monetary returns attracting crime syndicates, economic disparities between countries and regions, migration of women into the labour market resulting in channels of Traditions and religious practices in some communities of dedicating girls to GOD & Goddess, Poverty, as well as gender discrimination, domestic abuse/violence, organized crime/weak law enforcement, societal inequity, and cultural customs, are also supply side elements in human trafficking (Table 8.2).

Table 8.2
Supply Side Reasons of Trafficking

Supply Side Reasons	Victims	Law Enforcement Agencies	Programs Administrators
Poverty coupled with Gender Discrimination	425 (36.8%)	87 (93.5%)	266 995.0%)
Domestic Abuse/Violence	293 (25.4%)	31 933.3%)	111 (39.6%)
Search For a Better Life	865 (74.9%)	37 (39.7%)	72 (25.7%)
Desire To Travel	179 (15.5%)	17 (18.2%)	23 (8.21%)
Organized Crime/Poor Law Enforcement	153 (13.2%)	23 (24.7%)	104 (37.1%)
Systemic Inequalities/ Cultural Practices	88 (7.6%)	27 (29.0%)	83 (29.6%)
Military Conflict	31 (2.7%)	0 (0.0%)	0 90.0%)
Environmental Disasters	12 (1.0%)	11 (11.8%)	37 (13.2%)
Others	17 (1.5%)	9 (9.6%)	39 (13.9%)
Total	1155 (100%)	93 (100%)	280 (100%)

Source: Field Survey

The demand side of human trafficking is influenced by industrialization, rural-to-urban migration, particularly of males, expanding commercial sex industry, demand for service of sex workers, preferences for young and virgin girls due to fear of HIV/AIDS, cheap labour of children and women, male-dominated value system in society, and STD removal by sex with girl before menstrual cycle. Poverty, lack of knowledge and awareness, low socio-economic status-inequalities, inadequacy in legislation are all push/pull factors. The lack of a strong law enforcement apparatus, Discrimination and women's status Modern life style, urbanization, migration, lucrative earning desire, achieving of status in society, and other push or pull factors for human trafficking include: commoditization of children in the market economy, growth of tourism and unsafe migration, modern life style, urbanization, migration, lucrative earning desire, achieving of status in society, and so on.

Some of the demand side elements responsible for human trafficking include inexpensive labour, cheap domestic servants / maids, demand for women's sexual activities, and derived demand - profit and money created by third parties including recruiters (Table 8.3).

Table 8.3
Demand Side Reasons of Trafficking

Demand Side Reasons	Victims	Law EAs	Programs Administrators
Demand For Women's Sexual Services of Women, Girls and Boys	763 (66.1%)	37 (39.7%)	147 (52.5%)
Derived Demand-Profit and Revenue Generated by Third Parties involved In the Trafficking Process (Recruiters, Travel Agents, Transporters)	233 (20.2%)	69 (74.1%)	141 (50.36%)
Cheap Labour Force	429 (37.1%)	57 (61.2%)	177 (63.2%)
Cheap Domestic Servant / Maid	394 (34.1%)	63 (67.7%)	163 (58.2%)
Organized Begging/ Other Crimes	106 (9.2%)	7 (7.5%)	17 (6.1%)
Child Pornography	23 (2.0%)	5 (5.3%)	13 (4.6%)
Others	24 (2.1%)	4 (4.3%)	11 (3.9%)
Total	1155 (100%)	93 (100%)	280 (100%)

Source: Field Survey

It all comes down to transportation and how traffickers' routes work. People who have been trafficked tend to migrate from less developed places to more developed areas. Routes are classified into three categories: origin, transit, and destination. Routes are also mentioned in some reports as gathering and dispersal places. Nepal and Bangladesh are two major suppliers in India, and the ease with which traffickers traverse borders is well known. Women are detained in West Bengal and Orissa once they arrive in India. They may be sold to pimps or sent to the Middle East, Kolkata, Delhi, Mumbai, and Agra after being 'sorted out or graded.' ADB (2002) and Shamim (2001) conducted studies that detail the trafficking pathways in these areas.

Multi-mode transport, public transport as well as private transport is some of the common modes of transportation used for human trafficking (Table 8.4).

Table 8.4
Modes of Transports used For Human Trafficking

Mode of Transport	Victims	Law EAs	Traffickers	Parents
Public Transport	672 (58.2%)	13 (14.0%)	1 (2.0%)	167 (40.6%)
Private Transport	212 (18.4%)	12 (12.9%)	5 (10.2%)	76 (18.5%)
Personal Transport	10 (0.9%)	1 (1.1%)	0 (0.0%)	3 (0.7%)

Multimode	251 (21.7%)	82 (88.2%)	43 (87.8%)	146 (35.5)
Others	10 (0.9%)	1 (1.1%)	0 (0.0%)	1 (0.2%)
Total	1155 (100%)	93 (100%)	49 (100%)	411 (100%)

Source: Field Survey

Without a doubt, sexual exploitation trafficking, like other kinds of human trafficking, begins at the source, continues during the transit(s), and ends at the destination. It doesn't end until the person is rescued. There may be several changes of destination, but the offence continues in each of them. To comprehend the difficulties and dimensions of human trafficking, it is necessary to understand the paths involved. Human trafficking, like any other business, relies on transit systems to function. Traffickers recruit victims at bus and railway stations, and they use transportation networks to convey current victims to different locations where they would be trafficked and abused. For many survivors attempting to flee their trafficking scenario, transportation is a major barrier.

Individual sex traffickers, or pimps, hunt for opportunities to recruit whenever and wherever they can, but bus stops and railway stations are particularly good trawling grounds, as they are brimming with vulnerable people with spare time. The proliferation of runaway or homeless youth who tend to congregate in these venues is of particular interest to traffickers, either because they are looking for ways to leave their current living situation or because they have nowhere else to go, and transit hubs often serve as a last resort shelter. Any offer that does not require a runaway youth to return to the place they are attempting to flee is likely to be at least moderately appealing. While participants in focus groups claimed that traffickers preferred the flexibility and relative obscurity of ground transportation to air travel when executing their business, a large percentage of survey respondents said they flew at some point during their exploitation.

TAT (Truckers Against Trafficking) and BOT (Bus Operators Against Trafficking) are two initiatives that could help India combat human trafficking. During Focused Group Discussions with Law Enforcement Agencies in Bengaluru, Karnataka, the Commissioner of Railway Protection Force stated that the Railway Protection Force (RPF) is a critical stakeholder in the fight against human trafficking because railway is a very cheap mode of transportation, with widespread connectivity, a large crowd, and atomicity, making it easy for traffickers to use this mode for trafficking. Because traffickers are fully aware that the RPF lacks the authority to deal with trafficking cases, they can easily influence the RPF. He proposed that the RPF be given authority over the registration and filing of trafficking cases whenever they fall under railway jurisdiction. He also suggested linking khoya paya to an android-based application. The railway is the only mode of transportation that connects India's length and breadth. Giving railways more power may result in a reduction in crime rates and a reduction in the strain on local police stations. For example, RPF's Operation Nanhe Farishte, run by Southern Railway, was a huge success and should be replicated across India.

By road, multi routes and by train are common routes of transportation being used for human trafficking (Table 8.5).

Table 8.5
Routes of Transports used For Human Trafficking

Route of Transport	Victims	Law EAs	Traffickers
By Air	1 (0.1%)	3 (3.2%)	1 (2.04%)

By Road	660 (57.1%)	8 (8.6%)	21 (42.85%)
By Train	146 (12.6%)	12 (12.9%)	11 (22.44%)
Multi Route	348 (30.1%)	66 (70.9%)	16 (32.65%)
Sea Routes	0 (0.0%)	4 (4.3%)	0 (0.0%)
Total	1155 (100%)	93 (100%)	49 (100%)

Source: Field Survey

Hoteliers or those in control of hotels, residential homes, guest houses, and other establishments where exploitation occurs. There has been shifting of places of human trafficking for commercial sexual exploitation. Near bus station, brothel house/export service, Flats in apartments, private houses, lodges and beauty/massage parlours are some of the important functioning places as per perception of main stakeholders (Table 8.6).

Table 8.6
Type of Functioning Place for Human Trafficking

Functioning Place	Victims	Law EAs	Parents	Traffickers
Private House	603 (52.2%)	74 (79.6%)	192 (46.7%)	14 (29.2%)
Lodgers	232 (20.1%)	31 (33.3%)	115 (27.9%)	12 (25.0%)
Brothel House/Escort Service	303 (26.2%)	77 (82.8%)	0 (0.0%)	19 (39.6%)
Flats in Apartments	281 (24.3%)	46 (49.5%)	43 (10.5%)	14 (29.2%)
Near Bus Station	84 (7.3%)	17 (18.3%)	19 (4.6%)	21 (43.8%)
Near Railway Station	87 (7.5%)	31 (33.3%)	22 (5.4%)	1 (2.1%)
Beauty / Massage Parlour	39 (3.4%)	75 (80.6%)	0 (0.0%)	8 (16.7%)
Drug Busts/Others	75 (6.5%)	1 (1.1%)	1 (0.2%)	8 (16.7%)
Total	1155 (100%)	93 (100%)	411 (100%)	48 (100%)

Source: Field Survey

Recruitment, transportation, transfer, harboring and receipt of persons are some of the major activities involved in trafficking. However, trafficking process activities vary across the stakeholders such as law enforcement agencies', victims and traffickers (Table 8.7).

Table 8.7
Trafficking Process Activities

Activity	Victims	Law EAs	Traffickers
Recruitment	1031 (89.3%)	85 (91.4%)	31 (63.2%)
Transportation	514 (44.5%)	87 (93.5%)	4 (8.2%)
Transfer	397 (34.4%)	83 (89.2%)	3 (6.1%)
Harboring	99 (8.6%)	44 (47.3%)	8 (16.3%)
Receipt of Persons	110 (9.5%)	27 (29.0%)	3 (6.1%)
Total	1155 (100%)	93 (100%)	49 (100%)

Source: Field Survey

Traffickers are skilled at using a variety of abilities and methods, from persuasion to kidnapping. The victims were occasionally drugged or kidnapped, and other times they were befriended and deceived. Fake employment and bogus marriages are the most prevalent ways they entice people. Low-income people are given dowry-free marriages, and they fall into the trap

of human trafficking. Many level players are involved in human trafficking, which reinforces the organized crime. Police, administrative officials, railways and bus authorities or personnel, taxi/ auto rickshaw drivers or rickshaw pullers are all connected in some way. Investors or financiers, procurers or recruiters, document forgers, protectors or corrupt public officials, brothel operators, and tour guides are some of the roles they play. Abuse of vulnerability/ promise and offering money / jobs, allurement/ be funding / enticing with attractive offers, deception, fraud making, false promises of marriage, physical force / use of force and threats were some of the modus operandi of traffickers (Table 8.8).

Table 8.8
Modus Operandi of Traffickers- Mean & Methods Adopted for Trafficking

Means & Methods	Victims	Law EAs	Parents	Traffickers
Threat	372 (32.2%)	31 (33.3%)	0 (0.0%)	0 (0.0%)
Physical Force/Use of Force	250 (21.6%)	46 (49.5%)	0 (0.0%)	0 (0.0%)
Coercion	59 (5.1%)	33 (35.5%)	0 (0.0%)	10 (20.4%)
Abduction/ Kidnapping	42 (3.6%)	23 (24.7%)	0 (0.0%)	0 (0.0%)
Fraud- Making False Promises of Marriage	110 (9.5%)	83 (89.2%)	32 (7.8%)	4 (8.2%)
Deception	382 (33.1%)	44 (47.3%)	3 (0.7%)	0 (0.0%)
Abuse of Power	130 (11.3%)	30 (32.3%)	0 (0.0%)	0 (0.0%)
Abuse of Position	115 (10.0%)	28 (30.1%)	0 (0.0%)	0 (0.0%)
Abuse of Vulnerability/ Promised and or offering Money/Jobs	796 (68.9%)	86 (92.5%)	171 (41.6%)	39 (79.6%)
Advance Financial Payment	106 (9.2%)	72 (77.4%)	8 (1.9%)	0 (0.0%)
Allurement/ Befriending/ Enticing with Attractive Offers	549 (47.5%)	78 (83.9%)	130 (31.6%)	25 (51.0%)
Blackmailing By Photo Editing	15 (1.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total	1155 (100%)	93 (100%)	411 (100%)	49 (100%)

Source: Field Survey

People are recruited at many crowded places like railway stations or bus stops, cinema halls with other places like cafes, beauty parlours. The construction sites and state and national highways are also where people are recruited. Work place, home and public place area the major locations and logistics from where trafficking is being performed (Table 8.9).

Table 8.9
Where Are from Trafficking Location and Logistics

Location	Victims	Traffickers	Law EAs
For From Home	517 (44.8%)	15 (30.6%)	47 (50.5%)
Public Place	415 (35.9%)	6 (12.2%)	36 (38.70%)
Work Place	136 (11.8%)	23 (46.9%)	51 (54.8%)
Friends Home	54 (4.7%)	4 (8.2%)	7 (7.5%)
Other Locations	33 (2.9%)	1 (2.0%)	5 (5.3%)
Total	1155 (100%)	49 (100%)	93 (100%)

Source: Field Survey

An examination of the available records and reports on human trafficking reveals that trafficked women and children are forced to engage in activities such as prostitution in brothels, massage parlours, or beer bars, pornography, dancing, petty crimes, domestic help, agricultural

labour, begging organ trade, and drug trafficking. Human trafficking's main goals include sexual exploitation / prostitution, labour exploitation, slavery / servitude, unlawful adoption and force marriage, and child pornography (Table 8.10).

Table: 8.10
Purpose and Intention of Trafficking

Purpose & Intention	Victims	Law EAs	Traffickers
Sexual Exploitation/ Prostitutions	884 (76.5%)	92 (98.9%)	42 (85.7%)
Labour Exploitation	523 (45.3%)	83 (89.2%)	41 (83.7%)
Slavery/ Servitude	146 (12.6%)	21 (22.6%)	36 (73.46%)
Removal of Organs	8 (0.7%)	11 (11.8%)	0 (0.0%)
Organized Begging	35 (3.0%)	17 (18.3%)	0 (0.0%)
Criminal Activities	65 (5.6%)	12 (12.9%)	0 (0.0%)
Illegal Adoptions	34 (2.9%)	48 (51.6%)	3 (6.1%)
Forced Marriages	38 (3.3%)	52 (55.9%)	0 (0.0%)
Child Pornography	30 (2.6%)	47 (50.5%)	0 (0.0%)
Others	10 (0.9%)	3 (3.2%)	0 (0.0%)
Total	1155 (100%)	93 (100%)	49 (100%)

Source: Field Survey

Trafficking happens through organized national networks, local trafficking rings or by occasional traffickers. They may act alone or in small groups. Organized groups, small localized crime network, local gang and syndicates with PAN India connection are some of the type of organizations and groups involved in human trafficking (Table 8.11).

Table 8.11
Type of Organization and Groups Involved in Human Trafficking

Groups	Victims	Law EAs	Traffickers
Organized Group Involved	607 (52.6%)	62 (66.7%)	34 (69.4%)
Local Gangs	446 (38.6%)	26 (28.0%)	5 (10.2%)
Small Localized Crime Networks	126 (10.9%)	24 (25.8%)	14 (28.6%)
Syndicates with Pan India Connections	42 (3.6%)	25 (26.9%)	4 (8.2%)
Others	17 (1.5%)	1 (1.1%)	0 (0.0%)
Total	1155 (100%)	93 (100%)	49 (100%)

Source: Field Survey

Poverty, poor law enforcement, negligible penalties, corruption, inadequate laws, gender inequalities, social customs and domestic violence are the main reasons for non-stoppable trafficking (Table 8.12).

Table 8.12
Reasons For Non-Stopable Trafficking

Reasons	Victims	Law EAs	Public Prosecutors
Inadequate Laws	192 (16.6%)	16 (17.2%)	13 (44.8%)
Poor Law Enforcement	283 (24.5%)	24 (25.8%)	23 (79.3%)
Negligible Penalties	80 (6.9%)	32 (34.4%)	19 (65.5%)
Corruption	177 (15.3%)	13 (14.0%)	17 (58.6%)

Poverty	1009 (87.4%)	86 (92.5%)	25 (86.2%)
Gender Inequality	143 (12.4%)	39 (41.9%)	13 (44.8%)
Domestic Violence	186 (16.1%)	30 (32.3%)	9 (31.0%)
Social Customs/ Evils	76 (6.6%)	54 (58.1%)	13 (44.8%)
Others	15 (1.3%)	0 (0.0%)	3 (10.3%)
Total	1155 (100%)	93 (100%)	29 (100%)

Source: Field Survey

A negligible proportion of respondents were found aware of National Human Rights Commission. The awareness level was found slightly significant among women and children victims followed by clients (Table 8.13).

Table 8.13
Stakeholders Wise Awareness about National Human Rights Commission (NHRC)

Category of Stakeholders	Yes	No	Total
Women and Children Victim	61 (5.3%)	1094 (94.7%)	1155 (100%)
Recruiters/Traffickers & Brothel Keepers	0 (0.0%)	96 (100%)	96 (100%)
Parents of Victims	3 (0.7%)	408 (99.3%)	411 (100%)
Clients of CSWs	3 (4.8%)	60 (95.2%)	63 (100%)
Total	67 (3.9%)	1658 (96.1%)	1725 (100%)

Source: Field Survey

The main sources of information about NHRC were reported to be NGOs followed by print media and electronic media (Table 8.14).

Table 8.14
Stakeholders Wise Source of Information About NHRC

Category of Stakeholders	Govt. Offices	Print Media- News Papers Etc.	NGOs	Electronic Media- Television Etc.	Friends / Relatives	Total
Women and Children Victims	1	2	56	2	0	61
	1.6%	3.3%	91.8%	3.3%	0.0%	100%
Parents	0	1	1	0	1	3
	0.0%	33.3%	33.3%	0.0%	33.3%	100%
Client	0	3	0	0	0	3
	0.0%	100%	0.0%	0.0%	0.0%	100%
Total	1	6	57	2	1	67
	1.5%	9.0%	85.1%	3.0%	1.5%	100%

Source: Field Survey

About 56 per cent respondents were partially aware of role and functions of NHRC. It was found more pronouncing among the parents followed by women and children victim, law enforcement agencies and clients. Slightly more than 1/3rd respondents were found fully aware of role and functions of NHRC. It was found more pronouncing among the public prosecutors

followed by programme administrators. About 1/3rd clients and more than 1/4th service providers were not aware at all about the roles and functions of NHRC (Table 8.15).

Table 8.15
Stakeholders wise level of awareness about Role & Functions of NHRC

Category Of Stakeholders	Partially Aware	Fully Aware	Not Aware	Total
Women & Children Victims	58 (95.1%)	2 (3.3%)	1 (1.6%)	61 (100%)
Parents	3 (100%)	0 (0.0%)	0 (0.0%)	3 (100%)
Clients	2 (66.7%)	0 (0.0%)	1 (33.3%)	3 (100%)
Public Prosecutors	13 (44.8%)	16 (55.2%)	0 (0.0%)	29 (100%)
Programs Administrators	138 (49.2%)	142 (50.7%)	0 (0.0%)	280 (100%)
Law Enforcement Agencies	59 (63.4%)	22 (23.7%)	12 (12.9%)	93 (100%)
Service Providers/NGOs	73 (49.7%)	33 (22.4%)	41 (27.9%)	147 (100%)
Total	346 (56.1%)	215 (34.9%)	55 (8.9%)	616 (100%)

Source: Field Survey

About 45 per cent respondents were found aware that a complaint regarding human trafficking may be directly filed with NHRC. It was found more pronouncing among parents followed by public prosecutors and service providers. However, all the respondents from women and children victims followed by clients and majority of the respondents from law enforcement agencies and service providers were not aware about the fact (Table 8.16).

Table 8.16
Whether a Complaint Regarding Human Trafficking Can Be Directly Filed With NHRC

Category of Stakeholders	Aware	Not Aware	Total
Women and Children Victim	0 (0.0%)	61 (100%)	61 (100%)
Parents	3 (100%)	0 (0.0%)	3 (100%)
Clients	0 (0.0%)	3 (100%)	3 (100%)
Public Prosecutors	29 (100%)	0 (0.0%)	29 (100%)
Programs Administrators	168 (60.0%)	112 (40.0%)	280 (100%)
Law Enforcement Agencies	22 (23.7%)	71 (76.3%)	93 (100%)
Service Providers/NGOs	55 (37.4%)	92 (62.6%)	147 (100%)
Total	277 (45.0%)	339 (55.0%)	616 (100%)

Source: Field Survey

About 20 per cent respondents were found aware of the mode of filling of a complaint with NHRC. It was found more pronouncing among public prosecutors (75.9 percent) while a significant proportion of respondents from programme administrators and law enforcement agencies were also found aware of the mode of filling of complaint. Thus, majority of the respondents were not aware of the mode of filling of complaint with NHRC (Table 8.17).

Table 8.17

Mode of Filing of a Complaint with NHRC

Category Of Stakeholders	Through Post	By Fax	Through E-Mail	By Phone On Mobile No. 9810298900	Online On Www. Nhrc.Nic.In	Through Common Service Center (CSC)	Through All Of The Above Modes	Through None Of The Above Mode	Other
Women and Children Victim	0	0	0	0	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Parents	0	0	0	0	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Clients	0	0	0	0	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Public Prosecutors	6	6	6	6	6	3	22	4	0
	20.7%	20.7%	20.7%	20.7%	20.7%	10.3%	75.9%	13.8%	0.0%
Programs Administrators	56	39	74	76	103	21	62	0	0
	20.0%	13.9%	26.4%	27.1%	36.8%	7.5%	22.1%	0.0%	0.0%
Law Enforcement Agencies	4	3	5	2	4	4	17	3	0
	4.3%	3.2%	5.4%	2.2%	4.3%	4.3%	18.3%	3.2%	0.0%
Service Providers/NGOs	21	13	17	15	30	5	24	1	1
	14.3%	8.8%	11.6%	10.2%	20.4%	3.4%	16.3%	0.7%	0.7%
Total	87	61	102	99	143	33	125	8	1
	14.1%	9.9%	16.6%	16.1%	23.2%	5.4%	20.3%	1.3%	0.2%

Source: Field Survey

About 2/5th respondents were aware about the filling of a complaint with NHRC. Thus, majority of the respondents were not aware that who can file complaint with NHRC regarding human trafficking (Table 8.18).

Table 8.18
Who Can File a Complaint with NHRC?

Category of Stakeholders	Only Victim	Family Members of Victim	Friends Or Relatives of Victim	Advocate Of Victim	Any Person on Behalf of Victim with His/ Her Consent	Other
Women and Children Victims	0	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Parents	1	0	0	0	0	0
	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%
Clients	1	0	0	0	0	1
	33.3%	0.0%	0.0%	0.0%	0.0%	33.3%
Public Prosecutors	3	3	3	3	26	3
	10.3%	10.3%	10.3%	10.3%	89.7%	10.3%
Programs Administrators	18	41	32	22	151	1
	6.4%	14.6%	11.4%	7.9%	53.9%	0.4%
Law Enforcement Agencies	2	4	3	4	22	0
	2.2%	4.3%	3.2%	4.3%	23.7%	0.0%

Service Providers/NGOs	9	8	6	12	52	0
	6.1%	5.4%	4.1%	8.2%	35.4%	0.0%
Total	34	56	44	41	251	5
	5.5%	9.1%	7.1%	6.7%	40.7%	0.8%

Source: Field Survey

About 7 per cent respondents admitted that they file a complaint of human trafficking with NHRC. It was found more pronouncing among public prosecutors (55.2 per cent). About 7 per cent programme administrators and 6 per cent service providers also reported that they have filed a complained with NHRC (Table 8.19).

Table 8.19
Have You Ever Filed a Complaint with NHRC?

Category of Stakeholders	Yes	No	Total
Women and Children Victims	0 (0.0%)	61 (100%)	61 9100%)
Parents	0 (0.0%)	3 (100%)	3 (100%)
Clients	0 (0.0%)	3 (100%)	3 (100%)
Public Prosecutors	16 (55.2%)	13 (44.8%)	29 (100%)
Programs Administrators	19 (6.8%)	261 (93.2%)	280 (100%)
Law Enforcement Agencies	0 (0.0%)	93 (100%)	93 (100%)
Service Providers/NGOs	9 (6.1%)	138 (93.9%)	147 (100%)
Total	44 (7.1%)	572 (92.9%)	616 (100%)

Source: Field Survey

Majority of the respondents were found satisfied and fully satisfied with grievance redressal by NHRC. Even less than 2/5th respondents were somewhat satisfied with grievance redressal by NHRC (Table 8.20).

Table 8.20
Level of Satisfaction Regarding Grievance Redressed by NHRC

Category of Stakeholders	Fully Satisfied	Satisfied	Somewhat Satisfied	Total
Prosecutors	3 (18.8%)	7 (43.8%)	6 (37.5%)	16 (100%)
Programs Administrators	7 (36.8%)	4 (21.1%)	8 (42.1%)	19 (100%)
Service Providers/NGOs	2 (22.2%)	4 (44.4%)	3 (33.3%)	9 (100%)
Total	12 (27.3%)	15 (34.1%)	17 (38.6%)	44 (100%)

Source: Field Survey

NHRC can only recommend and does not have the power to enforce decisions as well as its limitation to entertain a matter if it is not subjudice before a court are the main limitations of NHRC in dealing with a complaint. There is also lack of time frame for the disposal of the complaint on part of NHRC. NHRC also cannot enquire in any case if the complaint is made after one year of the incident. (Table: 8.21).

Table 8.21
Limitations/Shortcomings of NHRC in Dealing with a Complaint

Category of Stakeholders	Public Prosecutors	Programme As	Law EAs	Service Providers	Total
NHRC Can only recommend and does not have the Power to Enforce Decisions	16	50	1	15	82
	55.2%	17.9%	1.1%	10.2%	13.3%
NHRC Cannot Inquire in any Case, If the Complaint Is Made After One Year of The Incident	16	17	0	6	39
	55.2%	6.1%	0.0%	4.1%	6.3%
Cannot Entertain a Matter If It Is Sub-Judice Before a Court or a Tribunal or SHRC	16	49	2	8	75
	55.2%	17.5%	2.2%	5.4%	12.2%
Cannot Entertain Matters Where Complaint is A Copy Addressed to Some Other Authority	13	15	2	3	33
	44.8%	5.4%	2.2%	2.0%	5.4%
No Timeframe for The Disposal of The Complaints,	7	28	0	2	37
	24.1%	10.0%	0.0%	1.4%	6.0%
NHRC Does Not Send Timely Reminders to The Authorities Concerned by The Officials Where No Responses Is Forthcoming	3	19	0	2	24
	10.3%	6.8%	0.0%	1.4%	3.9%
NHRC Merely Rely on The Reports of The State Authorities Which Are Themselves Responsible for Acts of Omission	9	32	0	4	45
	31.0%	11.4%	0.0%	2.7%	7.3%
No Action Is Taken by NHRC Against the Authorities That Do Not Respond to The Call for Reports	0	6	0	6	12
	0.0%	2.1%	0.0%	4.1%	1.9%
Others	0	8	1	2	11
	0.0%	2.9%	1.1%	1.4%	1.8%

Source: Field Survey

Delay in grievance redressal, lengthy complaint form, unfriendly complain procedure, and incurring of cost in obtaining documents are some of the problems faced by a person while filling a complaint with NHRC (Table 8.22).

Table 8.22
Problems Faced by a Person While Filing a Complaint with NHRC

Category of Stakeholders	Prosecutors	Programme As	Law EAs	Service Providers	Total
Complaint Procedure is Not User Friendly	0	15	1	6	22
	0.0%	5.4%	1.1%	4.1%	3.6%
Complaint Form is Too Lengthy	0	26	0	1	27
	0.0%	9.3%	0.0%	0.7%	4.4%
Too Much Documentation; Face Difficulties in Obtaining the Required Documents	0	37	1	3	41
	0.0%	13.2%	1.1%	2.0%	6.7%

Cost Incurred in Obtaining Documents Such as Affidavit Etc. And Filing A Complaint	0	17	0	0	17
	0.0%	6.1%	0.0%	0.0%	2.8%
Delay in Grievance Redressal	16	50	2	9	77
	55.2%	17.9%	2.2%	6.1%	12.5%
Others	0	11	2	5	18
	0.0%	3.9%	2.2%	3.4%	2.9%

Source: Field Survey

Inadequate and ineffective laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the relatively low risks involved, corruption and complacency, low visibility and less debate on the issue, and governments' lack of political will to implement policies and provide adequate services for victims are all factors that contribute to the perpetuation of human trafficking. It has also been stated that those who take up the fight against human trafficking are in the minority. Because everyone (trafficking camp) is united, combat becomes harder. The profiteering families are also wary of speaking up.

During Focused Group Discussions (FGDs), all stakeholders agreed that forming partnerships across governments, the UN system, civil society, the commercial sector, faith-based groups, as well as victims and survivors, is critical to effectively combating human trafficking. Media, educators, research institutes, NGOs, and companies can all play a role in energizing such collaborations. The need of utilizing technology, research, and information sharing in the development of anti-trafficking measures was also underlined. Stakeholders agreed on the importance of increased collaboration and coordination among all stakeholders and departments of the federal and state governments to ensure system-wide coherence, emphasizing the importance of state governments collaborating with civil society and the private sector in both the implementation and evaluation of the National Plan of Action. They also agreed that humanitarian and development actors must work together to prevent human trafficking by leveraging efforts to implement the 2030 Agenda for Sustainable Development.

The need of political will in pursuing multiple ways to combating human trafficking was emphasized by all the participants. A renewed request for increased resources and financing to combat human trafficking was made, especially considering the extent and magnitude of the problem. Stakeholders also stressed the importance of establishing mechanisms to properly identify victims and cases of human trafficking, ensure that victims are not prosecuted, that perpetrators are sentenced appropriately, and that prosecutors are fully aware of the factors that lead to vulnerability and work with victims and witnesses in a way that empowers them to come forward and increase prosecution and compensation claims. To safeguard children, the prosecution mechanisms should be child-friendly. Stakeholders who were consulted Many delegates underlined the need of recognizing developing difficulties and addressing unique vulnerabilities, and that specific steps should be implemented to combat human trafficking as a result of conflict, humanitarian crises, and natural disasters. From the beginning, the Government of India and all actors engaged must respond in a systematic and predictable manner with preventive and protective measures. The specific susceptibility of migrants and refugees to human trafficking necessitates more safeguards.

Stakeholders emphasized the importance of understanding and addressing the core causes of human trafficking, including crisis, gender, poverty, and abuse. The complicated interplay of these aspects must be taken into account. Counter-trafficking measures should be implemented

before, during, and after a crisis to prevent trafficking, according to the report. Participants agreed that, while human trafficking can take many forms, such as sexual exploitation, forced labour, or organ removal, all forms of trafficking, as well as their connections to other issues such as crisis situations, migration, labour policy, public health, and child protection, should be addressed comprehensively. It was emphasized that children, particularly those in crisis situations, must be made aware of their vulnerability and available resources.

Throughout the discussions, a major focus was placed on pursuing a victim- and survivor-centered strategy to combating human trafficking. The strategy should priorities victims' and survivors' human rights, take into account their unique vulnerability, particularly among women and children, promote their long-term reintegration and recovery, and eliminate the stigma associated with human trafficking. Victims of human trafficking should be included in the action plan, and survivors should be at the center of decision-making. In support of all efforts to implement the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the "Palermo Protocol")'s 3Ps" approach ("Prevention," "Prosecution," and "Prosecution"), victim protection is critical to ensure effective prosecution of trafficking perpetrators.

Chapter 9

RESEARCH FINDINGS & CONCLUSIONS

Human trafficking has emerged as a significant global concern of unprecedented scope in the twenty-first century. Human trafficking is increasingly being referred to as “modern-day slavery” due to its nature of exploitation, which has prompted the rapid proliferation of international, regional, and national anti-trafficking laws, as well as states to devote enormous financial and bureaucratic resources to its abolition. Over the last decade, the volume of human trafficking has increased though the exact numbers are not known; it is one of the most lucrative criminal trades, next to arms and drug smuggling undertaken by highly organized criminals. The causes for its rise as worldwide phenomena are numerous and varied, affecting both affluent and poor countries. Women and children are sexually exploited in the popular conception of human trafficking; nevertheless, minors are trafficked for a number of reasons. Various social, economic, and political factors combine to produce a vulnerable scenario, particularly for women and children who have become victims of human trafficking.

Organized criminal groups involved in human trafficking varies in size and structure from small local networks to big transnational organizations. Recruiters, document forgers, brokers, brothel proprietors, debt collectors, and managers/owners of employment agencies are among those who profit. Bribes are accepted by corrupt immigration authorities, consular employees, embassy personnel, law enforcement officers, and border guards in exchange for passports, visas, and safe passage. Human trafficking, being a large international crime, is frequently associated with other organized criminal activities such as fraud, extortion, racketeering, money laundering, bribery of public officials, drug use, document forgery, and gambling.

Insufficient and inadequate laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the relatively low risks involved, corruption and complacency, poor visibility and less debate on the issue, the lack of political will of the governments to implement policies and to provide adequate services for victims- all has played important role in perpetuating trafficking. It has been also expressed by all stakeholders that people who takes up the cudgels against trafficking are in miniscule. It becomes difficult to combat because everyone (trafficking camp) is unified. The profiting families are also reluctant to talk.

MAJOR FINDINGS OF THE STUDY

Preventive Measures, Profile of Victims & Their Exploitation

1. NCRB Data shows that during 2019, about 3.80 Lakh persons were traced missing and out

of them, about 2/3rd were females. Out of total missing persons, a significant number of persons could not be traced out and remained missing. This shows that a large proportion of missing persons particularly women were forced into sexual exploitation trade. The Supreme Court while hearing a case in 2013 directed police that cases of missing children should be treated as abduction or trafficking until proven otherwise, it is yet to become a reality.

2. Most of the trafficked respondents (80.7%) were from economically weaker sections i.e., BPL families (50.3%), AAY-Antodaya Anna Yojana (30.4%) (Poorest of Poor) hailing from Rural & Semi-urban areas.
3. Friends/lovers/brokers/middlemen, strangers and migrant workers recruiters / placement agents were the main persons who initiated victims in trafficking; about 12% victims admitted that their family members are already trafficked.
4. About 11% victim respondents were found minor at the time of trafficking and thus, they were accompanied by family members during the course of trafficking. As per NCRB Data for 2019 this comes to 44.04% (2914 victims were minor out of total 6616 trafficked victims). Promise for paid work, to pay back or support parents were the main reasons for trafficking in case of minor at the time of trafficking.
5. Sexual exploitation, violence, beating, over work and deprivation of sleep and food were some of the types of physical and sexual abuse/violence experience by trafficking victims and sex workers. About 58% victims also experience injuries during their trafficking.
6. Victim re-trafficking is a common occurrence, especially in socially and economically disadvantaged areas. As per Report of International Organisation For Migration (IOM), one study found rates of re-trafficking in India to be 25.8 per cent among women trafficked for sexual exploitation; of this figure, 8.4 per cent had been trafficked on three or more occasions.
7. There is an increase in the recruitment of vulnerable people for online sexual exploitation by traffickers, as well as a growing market for child sexual abuse material and technology-facilitated child sex trafficking.
8. Many trafficked people (8%) are still unable to access governmental help due to administrative hurdles especially victims hailing from Bangladesh, Nepal & Myanmar. One of the most difficult parts is determining legal status/Identity. Trafficked people are frequently refused state services (e.g., medical, employment, social assistance, kindergarten, etc.) as well as other advantages to which they should be entitled and which are critical in the reintegration process.
9. There has been a complete failure in identifying and mapping human trafficking vulnerabilities. According to our research, the state, central, and local governments have not done any vulnerability surveys in the majority of India. A negligible proportion (10.8%) of Law Enforcement Agency respondents & 7.6% Programme Administrators admitted that there has been some kind of vulnerabilities survey in their States, it was reported from Tamil Nadu followed by Assam and Karnataka.
10. It is reported that Domestic Work is offered to the majority of trafficked victims or migrant workers, particularly females, by traffickers/placement agencies/migrant worker recruiters, etc.

11. Domestic workers, caretakers, and those employed in the sex and entertainment industries are largely unprotected by labour laws. Female migrants may be coerced into prostitution or the sale of sexual favours in order to survive or provide for their family, especially if they are forced to migrate or are displaced. Sexual exploitation is a threat to migrant women.
12. The types of physical and psychological abuse human trafficking victims experience have led to serious mental or emotional health consequences, including feelings of severe guilt, posttraumatic stress disorder, depression, anxiety, substance abuse (alcohol or narcotics), and eating disorders. Victims of trafficking were in need of psychological care as part of comprehensive medical treatment. Stress, depression, sleeplessness, desperation, negative thinking, sort temper and violence and lack of obedience were some of the psychological impacts of human trafficking.
13. Violent exploitation has resulted in survivors developing a mistrust of care-giving individuals and systems, which has severely hindered the service delivery.
14. Prolonged physical and mental abuse has affected victim's behaviour in negative ways, having an impact on both physical and emotional responses. Because trafficked persons experienced extreme forms of trauma over long periods of time, their capacities both to understand what has happened to them and to describe their experiences are directly impaired as a result of such abuse. Victims found that it is difficult to make personal sense of the abuse they have experienced, much less tried to explain it to the authorities of shelter home or counsellors.
15. Social withdrawal, poor communication skills, inability to express feelings, difficulty with adjustment, lack of motivation and aggression, sexual activeness, nightmares, inability to make friendship and frightened of adults and strangers were some of the behavioural impacts reported by victims of human trafficking.
16. The level of awareness about schemes and programmes among the trafficked victim respondents was reported very low as negligible proportion of respondents were found aware about a few schemes such as Beti Bachao, Beti Padao, Swadhar Greh, Ujjawala, child line and children's homes. A negligible proportion of respondents further reported that they get benefits under Ujjawala, Swadhar, compensation for sexual exploitation and children homes scheme. The educated rescued victims were found more aware of government schemes and programmes. Similarly, educated respondents availed comparatively higher level of benefits under the government schemes and programmes as compared to illiterate and low educated victims.
17. Only 3.6% victim respondents were aware about Compensation Scheme for Women Victims/Survivor of Sexual Assault/other crime-2018 and only 2.6% respondents got benefitted from the Scheme. The Victim Compensation Scheme established under 357-A Cr.Pc. by National Legal Services Authorities are not reaching the trafficked victims. In the last seven years, between 2012 and 2019, across India, not even 100 victims of human trafficking have been awarded compensation. Out of total 100 applications, only 30 survivors received compensation amount. In 19 States, out of the total fund allocation of Rs 544.53 crore for victim compensation, only 128.27 crore has been utilized and 75 per cent of the funds remain unutilized. Less than 1% of the survivors rescued from trafficking over 10 years (2009 to 2019) were compensated.

18. About 1/3rd victim respondents reported that their family is unwilling to accept them back. However, about 2/3rd victims were willing to join mainstream after exit of the trafficking. Slightly less than 1/3rd victims further reported that they try to escape from destination of trafficking.
19. Less than 1/3rd sex workers reported that their families are willing to accept them back in their families. Similarly, majority of rescued victims were found willing to join mainstream as against 1/3rd of sex workers who were willing to join mainstream at the exit of trafficking. More than 2/5th rescued victims attempted to escape from destination of trafficking as against 6% of sex workers who try to escape from the trafficking.
20. There are still a lot of social customs/practices that inducts young girls into prostitution.
21. Majority of the sex workers were from the age group of 16 years and above at the time of entry in sex profession. However, more than 1/4th respondents were less than 16 years of age.
22. There is no sound programme and scheme to prevent second generation of prostitutions.
23. Psychological manipulation, threat of physical violence and pleasure are some of the main habituation factors in sex profession.
24. About 60% sex workers are willing to exit from the profession. Most of the respondents reported that they do not want that their children follow their mother's profession. However, majority of them require the support such as livelihood and accommodation, alternative livelihood and safe and secure place to live in order to exit from the current profession.
25. A new form of organized Prostitution has emerged in recent years. Gangs involved in organized prostitution are luring customers through internet, text messages and mobile-based applications, taking advantage of a loophole in the law which is silent on regulating the proliferation, promotion and advertisement of prostitution on digital platforms and even through leaflets /pamphlets. In the name of Cross Gender Massage Services, Organized Sexual Services are being provided at Night Clubs, Massage Parlours, Spas, Luxury Hotels & Resorts, Motels, Dance Bars, Private Residences, huts and even vehicles etc.
26. Poverty and illiteracy have been identified as two primary causes of trafficking and Primary data simply supports this theory as most of the parents of trafficked victims are illiterate and were living in object poverty.
27. About 60% parents of victim respondents said that family members are the facilitators followed by friends/relatives (11.8%), contractors/agents (5.9%) and placement agencies (2.9%). Surprisingly 23.5% respondents reported that their children run away from home.
28. Most of the (about 37%) parents reported that their children were working as forced labour-domestic works.
29. About 31% parents reported that their children were working in hazardous industries-metallurgical industries, coal, fertilizers, mining, chemical & petrochemicals, cement and firecracker workshops. As per census of 2011, this figure is 20.7%.
30. There is a lack of National Level Campaign against Human Trafficking and Media is

silent.

31. About 2/5th Law Enforcement Agency respondents reported that the problem of human trafficking is serious and this has been taken as priority in their agency. Even less than 1/3rd respondents viewed that human trafficking is very serious problem. It was found more pronouncing in Tamil Nadu followed by Karnataka and West Bengal.
32. A negligible proportion of Law Enforcement Agency respondents (7.5%) admitted that placement agencies that facilitate migration are registered with law enforcement agency. It was found more pronouncing in Tamil Nadu followed by Karnataka and Maharashtra. Thus, most of the respondents revealed that placement agencies are not registered with them. Thus, there is possibility of exploitation of girls during their migration.
33. The main reasons for non-stoppable trafficking as per law enforcement agencies were recorded mainly poor economic conditions, social customs, gender inequality, negligible penalties, domestic violence and poor law enforcement. However, prosecuting officers reported that poor economic conditions, poor law enforcement, negligible penalties, corruption, social customs, gender inequalities and inadequate laws are important reasons responsible for human trafficking.
34. Majority of stakeholders during FGDs informed that it is necessary to identify appropriate points of intervention so that migrants and future migrants are warned about the dangers and repercussions of human trafficking and get information that allows them to seek help if necessary.
35. Poverty, lack of means of livelihood, many girl children, lack of education, child marriages, and domestic violence are some of the major trafficking vulnerabilities. However, trafficking vulnerabilities vary across the stakeholders such as victims, law enforcement agencies and traffickers.
36. Poverty along with gender discrimination, domestic abuse/ violence, organized crime/ poor law enforcement, social inequities and cultural practices are some of the supply side factors of human trafficking and Cheap labour force, cheap domestic servants / maids, demand for women's sexual services and derived demand – profit and revenue generated by third parties including recruiters are some of the demand side factors responsible for human trafficking identified in this research.
37. Abuse of vulnerability/promise and offering money / jobs, allurements/ be funding / enticing with attractive offers, deception, fraud making, false promises of marriage, physical force / use of force and threats were some of the modus operandi of traffickers.
38. During Focused Group Discussions with Victims as well as Service Providers in West Bengal, we agreed that notions of vulnerability have fed into discourses of mobility, migration, and movement associated with trafficking as well as climate-induced migration and displacement, with implications for what kinds of responses are envisioned and carried out. Just as typical anti-trafficking efforts continue to prioritize border security and criminal law responses, there are increasing calls for climate adaptation plans to account for migration and displacement outcomes and manage flows of people, even while existing frameworks are deemed inadequate to deal with the complexity of such issues. Climate change-related vulnerability, which entails uneven, uncertain, and complex processes contingent on myriad factors, does not fit neatly into dominant criminal justice-oriented

anti-trafficking initiatives that are informed by limited evidence and understandings of vulnerability, target individual perpetrators, and produce immediately visible results.

39. A negligible proportion of victims (5.3%), traffickers (0.0%), parents (0.7%) and client's (4.8%) respondent were found aware of National Human Rights Commission. The awareness level was found slightly significant among women and children victims followed by clients. The main sources of information about NHRC were reported to be NGOs followed by print media and electronic media
40. About 56% of respondents, who were aware about NHRC, were partially aware of role and functions of NHRC. It was found more pronouncing among the parents followed by women and children victims, law enforcement agencies and clients. Slightly more than 1/3rd respondents were found fully aware of role and functions of NHRC. It was found more pronouncing among the public prosecutors followed by programme administrators. About 1/3rd clients and more than 1/4th service providers were not aware at all about the roles and functions of NHRC.
41. About 45% respondents, who were aware about NHRC, were found aware that a complaint regarding human trafficking may be directly filed with NHRC. It was found more pronouncing among parents followed by public prosecutors and service providers. However, all the respondents from women and children victims followed by clients and majority of the respondents from law enforcement agencies and service providers were not aware about the fact.
42. About 20% aware respondents were found aware of the mode of filling of a complaint with NHRC. It was found more pronouncing among public prosecutors (75.9%) while a significant proportion of respondents from programme administrators and law enforcement agencies were also found aware of the mode of filling of complaint. Thus, majority of the respondents were not aware of the mode of filling of complaint with NHRC.
43. About 2/5th aware respondents were aware about the filling of a complaint with NHRC. Thus, majority of the respondents were not aware that who can file complaint with NHRC regarding human trafficking.
44. About 7% aware respondents admitted that they file a complaint of human trafficking with NHRC. It was found more pronouncing among public prosecutors (55.2%). About 7% programme administrators and 6% service providers also reported that they have filed a complained with NHRC.
45. Insufficient and inadequate laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the relatively low risks involved, corruption and complacency, poor visibility and less debate on the issue, the lack of political will of the governments to implement policies and to provide adequate services for victims- all has played important role in perpetuating trafficking.
46. It has been also expressed by all stakeholders that people who takes up the cudgels against trafficking are in miniscule. It becomes difficult to combat because everyone (trafficking camp) is unified. The profiting families are also reluctant to talk.

Law Enforcement, Traffickers & Exploiters

1. AHTUs in India are special police units, devoted to tackle human trafficking. Following MHA advisory (July 2020), a recent report of 16 states and UTs suggest that 225 AHTUs existed only on paper, and only 27 percent of the AHTUs were operational. Most of the AHTUs are designated AHTUs burdened with a lot of other law enforcement activities. The Anti Human Trafficking Units (AHTUs) are not fully operative & Dedicated to Human Trafficking and in many districts of India, AHTUs have not been established so far.
2. Anti-Human Trafficking units (AHTUs) are currently under-resourced as well as undertrained. AHTUs are not fully aware about various legislations and sections dealing with human Trafficking.
3. According to the Protocol, rescue teams should include: an official from the Department of Labour, representatives of the CWCs, a local non-profit, a doctor, and a female police officer or volunteer. These individuals must receive training on relevant laws, their individual responsibilities, and trauma prevention strategies. However, research participants reported that, in reality, teams are often too small to cope with the numbers of children needing rescue. Police officers, doctors, and female witnesses only sporadically take part. Key informant data suggests this overreliance leads to ad hoc and under-resourced raids directed by inexperienced or poorly supported workers, a situation that can and does inflict additional trauma on vulnerable children.
4. Most of the service provider respondents noted that NGOs sometimes proceed with a rescue on their own: 'Most of the time, when Police don't take immediate action, the child could be sent somewhere else. So, they don't inform anyone. Their first priority is to rescue the child, and then inform others.' Non-profit participants reported suffering threats, stone attacks, and beatings in retaliation for their actions. These risks of reprisal are exacerbated by the non-involvement of law enforcement in raids.
5. The Rescue Protocol states that details of the rescue and the identities of rescued children must remain strictly confidential, and should not be disclosed to outside parties, including the media. Yet privacy breaches concerning occurrences and information leaks before, during and after raids are frequent.
6. Service Provider Respondents stated that employers are often alerted to impending raids, and that unsuccessful rescue operations can increase the risk of employers retaliating against children.
7. Most of the Government official stated that rescue team members directly solicit media involvement so 'the public could understand that this type of activity is a crime and punishable offence'. Publicity generates risks of retaliation against rescued children, increased social stigma and difficulty in reintegration. Moreover, widespread sensationalized media coverage of raids plays an important role in simplifying the complex underlying social and economic problems that perpetuate this problem.
8. Key informant interviews held with police officers, Government Railway Police (GRP) and Railway Protection Force (RPF) and other stakeholders-Child Welfare Committee members, NGO representatives, and vendors in railway stations, reveals that most cases of trafficking are not registered or reported which is the major reason for the declining

trend in reported cases of trafficking. It is reported that Memo/GD entry is made by GRB/RPF and children are handed over to Child Welfare Committee in most cases. Some of them are left without any enquiry/record.

9. The terms "human trafficking" and "migration" are being used interchangeably, resulting in the denial of labour rights. It's crucial to understand the difference between "trafficking," "sex work," and "migration."
10. Human Trafficking incidents are underreported as a result, the complainant is compelled to file a complaint through court order, while the offending police officers walk free. There are cases of refusal by police to file a complaint on the basis of jurisdiction/area, despite the fact that any police station can file a complaint and the investigation can be moved to the appropriate police station
11. There are several reasons for non-registration of cases. It varies from case to case. The police officials are not much aware of IPC section 370. It is clearly provided in explanation-2 of the Act that the consent of the victim is immaterial in determination of the offence of trafficking, most of the police officers don't accept it. In the case of Bhagubhai Patel v State of Gujarat, the High Court held that a customer at a brothel comes within the purview of sec 370 of the IPC because trafficking also includes prostitution, the reason being that it is one type of exploitation.
12. The police are burdened with so many responsibilities as there are vacancies in police stations. Hence, they are reluctant as they cannot investigate the entire chain which crosses over three to four states. No coordination mechanism is available between source and destination states. Even if victims are rescued and sent back to their home, there is no rehabilitation package under IPC which would result in leaving the victims unprotected. There will be also problem in filing charge sheet, trail and other proceedings for which the victims will not either coordinate or turn hostile. Corruption, pressure from superiors/politicians and lack of review mechanism force the officers in non-reporting of incidents. Moreover, the child protection mechanisms are very weak and they are not properly enquiring the victims and following the procedures. They don't have any power or authority to influence the police officers.
13. The major challenges being faced by agency in encountering with investigation of cases frequently reported of lack of victim cooperation/ victim distressed, community ignorance and lack of identity as Victims do not identify themselves as a Victim. However, other important challenges were reported to be language /cultural barriers, lack of adequate resources, victims do not identify themselves as victims, lack of support with victim support providers, lack of adequate training and knowledge as well as lack of procedures and clear jurisdiction.
14. IPC section 370 suffers with a lot of lacunae and cases are under-reported which is very evident. It does not cover rehabilitation, compensation to victims and access to justice and focuses on penalizing the traffickers. In addition, The Prevention of Immoral Trafficking Act focuses only on sex trafficking and not all forms of trafficking – forced labour, organ transplant, beggary, commercial surrogacy. In the Bonded Labour Abolition Act, the definition of accused restricted to the principal employer and leaves traffickers out of the ambit of prosecution. Moreover, the compensation is linked with the conviction which makes the victim more vulnerable

15. NGOs and Service Providers reported that most of the AHTU or police relied on NGOs to report victims to the police for action. In some cases, poor inter-state coordination impeded victims' ability to obtain services and participate in civil and criminal cases upon return to their home states. The Odisha Labour Department took steps to improve inter-state coordination on labour trafficking cases by establishing help desks, located in the capital cities of Telangana and Andhra Pradesh, as well as in Delhi, to identify trafficking victims from Odisha.
16. International Justice Mission (IJM) and other NGOs reported that some officials in Uttar Pradesh, Tamil Nadu, Telangana and Karnataka treated bonded labour cases as labour exploitation, which meant victims were not identified as bonded labour victims, did not receive "release certificates," and were not eligible for government compensation or services. IJM fought for justice of those bonded labourers and currently running rehabilitation programme for them. In the Bonded Labour Abolition Act, the definition of accused restricted to the principal employer and leaves traffickers out of the ambit of prosecution.
17. Labour department officials do not register FIR in most of the cases as mandated under law as there is confusion & disagreement about who has this responsibility. The resulting consensus is that employers are 'rarely' or 'never' arrested & unlikely to be convicted. Official figures for 2015 show that nationwide only 55 cases of child trafficking for any purpose 1.09% resulted in convictions out of 5,026 under investigation.
18. Most of the traffickers during interaction told that they are also involved in drug peddling but they were always arrested on grounds of human trafficking rather than for drug peddling as they get bail easily in trafficking cases. Justice S K Panigrahi of Odisha High Court. Justice Panigrahi has heavily commented on this issue as reported in TOI: 02.07.2020. Drug trafficking is linked to many forms of trafficking including diverse forms of labour trafficking in agriculture, begging and diverse forms of hard physical labour.
19. Associations with traffickers with Pan India Network of Traffickers & smugglers is the basic reason for about half of the respondents for getting involved in flesh trade, whereas more than one third (37%) respondents have reported that earlier they were Sex Workers/Broker/Pimps, about 8% have reported that earlier they were brothel owners. 2% respondents were practicing their inherited business.
20. Most of the traffickers (79.6%) reported that they traffic the victims on promise of money/jobs and they directly contact to the family/victims through their placement agencies. Placement agencies are playing a major role in trafficking minor girls as well as children for the purpose of labour, sex slavery and forced marriages.
21. The traffickers have changed their modus operandi with the changes in law and society. In most of the cases the trafficker is known to the victim who convinces the victim and her/his family and further sell them over to placement agent.
22. For objecting the work given by placement agencies, the victims are tortured, thrashed and beaten up badly, many times these victim girls report sexual violence and assault by the placement agents and even by their employers. The girls are kept confined in the placement agencies till the time they are sold further. These placement agencies keep on changing their addresses, name and contact details to escape from law.

23. Most of the Traffickers (98%) reported that Relatives /family members, neighbour / friends and other middle men are playing critical role in making women and children more vulnerable to join trafficking..
24. Big profit and lack of alternative livelihood for trafficker are the main reasons for continuity act of human trafficking.
25. Witness turning hostile, protection of victims and witness, court adjournment and victims pleading guilty were some of the major difficulties being faced by Law Enforcement Agencies in working with cases of human trafficking.
26. It is reported that majority of brothel keepers were female (95.7%). More than half (53.2%) of the operators of brothels were from rural background followed by Metropolitan Cities (23.4%). Slightly less than one fourth (23.4%) operators of brothels were from Urban/ Semi Urban background.
27. More than half (59.6 percent) brothel keepers were previously sex workers and about 15 percent were previous victims of Commercial Sex Exploitation (CSE).
28. The phenomenon of flying sex workers is increasing day by day and has been attributed the reason behind flourishing of brothels.
29. More than 2/5th brothel keepers reported that police raids thrice and above in a month in the brothels. The main reasons for police raids were reported to be checking of minor girls, law and order problems and for official figures. More than 1/4th brothel keepers reported that Police Raids the brothel when monthly quota is not given to them. About 1/4th respondents reported that they are often involved in contact with police. About 30% respondents reported that police are also involved in racket of trafficking.
30. Only 7.9% clients reported that they were ever harassed by Police and those who were harassed 4.8% clients reported that they were harassed occasionally where as 3.2% reported that were rarely harassed. Clients those who were harassed by Police were asked what was the action taken by Police when encountered. 6.3% Clients reported that Police extracted money from them and 1.6% reported that they were verbally abused.
31. Only 4.8% Clients of CSWs reported that they were arrested by Police for buying the sex and those who were arrested by Police were later on released on bribing to Police. Only 7.9% clients were aware that clients can be penalized under Section 7 of ITPA for buying the sex and surprisingly slightly more than one third (33.3%) clients were aware that that sexual assault on a child under 16 years age, even with consent, amounts to rape under Indian Penal Code.
32. Easy bail for traffickers, intimidation and humiliation of victims, and baseless segregation of survivors/accused following rescue operation from brothels during complaint filing are the major gaps in the enforcement mechanism to combat human trafficking.
33. Most of the Law Enforcement Agency respondents admitted that the officials of their units/department have received training on the issues of human trafficking. However, a large proportion of respondents in Karnataka, Uttar Pradesh and Tamil Nadu revealed that officers have not received such training.
34. Most (84.4%) of the Law Enforcement Agency respondents reported that less than half of the officers in their departments have received training on the issues of human trafficking.

In-service, induction, orientation and refresher training were organized on the issues of human trafficking.

35. Most of the Law Enforcement Agency respondents (91.4%) revealed that they learn the subject of human trafficking as regular law enforcement activities while about half of the respondents admitted that they learn such knowledge from training, conference and workshops. Thus, about 2/3rd respondents revealed that their knowledge about legislations on human trafficking is at average level.
36. Majority of the Law Enforcement Agency respondents (64.5%) reported that section-7 and 8 are most commonly used sections of ITPA. However, about 58.1% respondents revealed that section-3 and 4 are most commonly used sections of ITPA.
37. There is a lack of integrated information system about the trafficked person and the traffickers/brothel owners/operators.
38. Police involvement in perpetuating the practice of trafficking is reported by traffickers, NGOs as well as brothel keepers. This shows that the police may support brothel owners, be complicit with traffickers and give low priority to crimes of trafficking. Police behaviour, their procedures for age-verification of minors and lack of coordination with other agencies, such as protective homes, have seriously compromised the quality of rescue operations conducted by them. Raid and rescue efforts have often resulted in police harassment, detention and abuse of women and minor girls as reported by victims rescued from the brothels of Pune and Mumbai. Although rescue efforts provide an important means of escape for women and minor girls in CS and a pathway to support services, when implemented poorly without sufficient police training and adequate insight about the commercial sex network, it has become traumatising for women and minor girls.
39. It is reported that Law enforcement authorities, for example, the police force themselves, have a limited understanding of the prevalence of trafficking of women and minor girls for CSE and tend to be uninformed about their responsibilities under the ITPA towards trafficking. This constitutes yet another challenge in the prevention of trafficking of women and minor girls.
40. The clause u/s 18 ITPA, which allows for the closure of brothels and the eviction of offenders, has been applied sparingly. We have discovered a slew of brothels operating beneath the radar of local cops in Delhi, Mumbai, Pune, Nasik, Kolkata, and others.

Prosecution of Offenders

1. Conviction rate in crimes against women and children for the past three years has been low. The conviction rate in cases of crimes like rape, cruelty by husband or his relatives, violation of Protection of Women from Domestic Violence Act, human trafficking, violation of Cyber Crimes/Information Technology Act and Protection of Children from Sexual offenses Act, have been amongst the lowest. It has been informed by the State Government of Uttar Pradesh that they are conducting prosecution drives to improve the conviction rate in crimes against women and children.
2. According to NCRB data, conviction rate under human trafficking was recorded 42.4 per cent in 2017 which declined to 31.9 per cent in 2018 and further reduced to 20 per cent in 2019. BIRD' Primary Data indicates that 20.8% prosecuted persons were convicted. The

main reasons for low conviction rate as per public prosecutors were recorded witnessed turning hostile (44.8%), poor evidence (20.7%), lengthy court procedure (13.8%), inappropriate charge sheet (10.3%) and easy bail to traffickers (10.3%). However, reasons for low conviction rate vary across the selected states.

3. Material evidence, medical examination of victims, suspects and documents and witness evidence are some of the major techniques being used in investigation of crimes related to trafficking. However, techniques of investigation of crimes vary across the states. The State Law Enforcement Agencies Reported that forensics plays a critical role in the successful investigation, prosecution and conviction.
4. NGOs have reported that police rarely make the informant NGO witness of the recovery memo or charge sheet, therefore most traffickers and brothel owners are able to evade legal capture.
5. Most of the rescued victims (56%) have reported that the statement of the complainant/ victims is changed or ignored during the investigation, and it is not video-graphed as required by law. Even it is videotaped, they are not sent to the court with the charge sheet.
6. Inappropriate charge sheet, witness turn hostile, poor evidences and lack of victim or witness protection are some of the loopholes in law enforcement mechanism for low-rate of prosecution.
7. Service Providers, NGOs, Parents, Programme Administrators and Public Prosecutors have reported that at different levels of government, a lack of comprehensive responsibility for wrongdoing and corruption persisted, contributing to widespread impunity.
8. During FGDs with the Service Providers, NGOs, Parents, Programme Administrators and Public Prosecutors it was deliberated that the survivors/families are forced to become hostile and refuse to testify in the trial court due to social pressure, threats, intimidation, bribes, police collaboration, protracted trials, cross-cases, and a lack of faith in the criminal justice system, among other things.
9. About 1/4th Public Prosecuting Officers reported that present laws are able to address the issues of human trafficking adequately. It has been noted that law enforcement officials do not take any action against accused persons who provide falsified documents in order to obtain bail. Protection of victims and witness, adequate rehabilitation facilities for victim, victim's access to legal aid, long term crime control policy and victim's rights are some of the ignored areas in existing laws.
10. Most of the Public Prosecuting Officers (79.3%) admitted that existing laws permit them to use of specialized evidence-gathering techniques in course. It was found more pronouncing in Jharkhand, Karnataka, West Bengal, Maharashtra, Assam and Uttar Pradesh. Witness turning hostile, protection of victim and witness and victim pleading guilty are some of the major difficulties being faced in working with cases of human trafficking.
11. It has been noted that law enforcement officials do not take any action against accused persons who provide falsified documents in order to obtain bail.
12. Majority of the Public Prosecuting Officers (69.6%) reported that less than 25% officers have received training on the issues of human trafficking. Trainings were mainly

organized by department of justice, service providers and independent trainers. About 79% respondents reported that officers have received training on the issues of human trafficking. It was found more pronouncing in Karnataka followed by West Bengal, Uttar Pradesh and Jharkhand. However, about half of the respondents in Tamil Nadu and 1/3rd respondents in Assam and Maharashtra revealed that officers have not received such training.

13. Approximate only half of the Prosecuting Officers has received Training on the Issues of Trafficking & prosecution of offenders and those who received the training majority of the respondents (82.6%) revealed that training on the issues of human trafficking has not been effective.
14. There are major coordination gaps/lacks among NGOs inside states, across states, and across borders, as well as other stakeholders.

Rehabilitation, Re-integration and Repatriation

1. It is reported that at every level, there is a resource shortage, particularly in terms of funds to combat human trafficking, such as underfunded shelter homes, which impedes the rehabilitation process.
2. It is reported that the CWC serves as 'guardian of the rescued child...empowered to plan the rehabilitation plan'. Immediate care and support are also of critical importance as a prelude to more sustained rehabilitation and reintegration into a rights-respecting childhood. In practice, while basic food and shelter are generally provided immediately following rescue, care is found to be insufficient. Several NGO participants reported that rescued children are sometimes transferred to a police station, an inappropriate and potentially re-traumatizing environment.
3. According to 123 of 147 Service Providers and NGOs participants, the care of children trafficked from different states is inhibited by the simple lack of an interpreter competent in the relevant local languages. When the victim speaks a different language, investigators and trial courts are handicapped in trans-border and inter-state trafficking cases. The lack of an interpreter who is fluent in the relevant local languages makes it difficult to care for women & children who have been trafficked from different states. This egregious failure has far-reaching repercussions for service delivery performance and the risk of criminal prosecution.
4. It is reported that both government and NGO run shelters faced serious shortages of financial resources and trained personnel, particularly counsellors and medical staff as funds are not released on time. The disbursement of government funding to NGOs was most of the time delayed for multiple years.
5. About 60% Service Providers reported that service providers received training on subject matter of human trafficking. It was found more pronouncing in Maharashtra followed by Karnataka and Tamil Nadu.
6. Only 38.1% Service Providers reported that there is reporting mechanism within their agencies to track trafficking cases. It was found more pronouncing in Jharkhand followed by Uttar Pradesh, Karnataka and Assam.
7. Most of the Service Providers (98.4%) reported that there is specific menu of food for

beneficiaries. About 3/4th respondents further reported that they follow such menu, but Research Team did not find a single cook in most of the shelter homes run by NGOs and victims reported that they themselves self-cook the food and perform other activities.

8. Most of the Service Providers reported that they have admission register (87.8%), attendance register (83.7%), separate case file (82.1%) and detailed case histories of beneficiaries (74%). However, less than 1/4th respondents (23.6%) reported that files are being given specific codes for maintaining confidentiality. The files are being updated mainly weekly and quarterly.
9. It is reported that after verification of files by team it has been found that most of the service providers are maintaining the various kinds of documents as per guidelines but when it comes to Rehabilitation Plan, Psychological Counselling Reports, Home Verification Reports and follow up Reports only 16 out of 123 (13%) service providers are maintaining these documents. Research Team did not find a single Psychological Counsellor in most of the NGOs run shelter homes. Only Social Counsellors were there that too were not properly qualified and having skills and expertise for counselling. Team hardly found any language interpreter in any of the shelter homes. It is a serious lacuna and the main reason behind failure of rehabilitation of victims, when there is no proper rehabilitation plan and no proper Psychological Counselling of victims then how can they be treated or rehabilitated. Follow up report after reunion in the family is also missing on part of service providers, so it cannot be ascertained as what happened to the victims after their reunion in the families. Home Verification Report is also missing from the files, it raises a serious question that when home of victims is not verified, how they are reintegrated to families. This is a fundamental flaw in the rehabilitation and reintegration process that must be addressed.
10. The urgent mental and physical health needs of rescued children are addressed as an afterthought, with no solid policy efforts in place to ensure that appropriate and long-term care are provided. Despite the fact that a counsellor is meant to accompany children immediately after rescue, no further specific actions to address the physical, mental, and psychological needs of these vulnerable persons or their families were indicated by survey participants. In most of the cases and in most of the shelter homes psychological counselling is done only on paper, we have not found a single psychological counselor in any of the visited shelter homes during the interaction with service providers.
11. The mode of follow up of victims restored to their families or reintegrated is being ensured through telephone, other organizations and direct visit to the place where beneficiaries are resided but was limited to a handful of victims (26.83%).
12. Funding, social stigma, service coordination, long term commitments and lack of sensitivity and understanding on sex trade were some of the obstacles in rehabilitation and reintegration programmes as reported by Victims.
13. It is reported that in most of the shelter homes (82.1%) run by NGOs there is a lot of deficiency on part of the services provided by them. Most of the shelter homes run by NGOs do not have the proper infrastructure as well as qualified and skilled manpower as envisaged in the guideline of Ujjawala, Swadhar Greh or other children's homes. The care system is completely missing in these homes. Almost every stakeholder argues that most of these shelters are run on poor budgets. The reasons for not investing in a care system

that does not become custodial is a neglect and blindness to the oppression being inflicted upon the ones that one claims to protect and empower.

14. Ujjawala and Swadhar are schemes devised by the MOWCD to reach out to women and minor girls in CS and women in difficult circumstances, respectively. Their implementation, however, has been far from satisfactory. Rehabilitation centers and shelter homes under these schemes are not universally available across states. This creates barriers to rescue operations by the police, because of the lack of designated places to which the police can send the rescued women and minor girls. Moreover, the quality of services provided to victims in shelter homes was found to be poor.
15. Many shelter homes were also found to be unsafe for victims, and the environment in these homes was such that rescued women and minor girls were at risk of being criminalized and re-victimized. 78% girls/women residing in shelter facilities reported that they were subjected to invasive medical examinations and had to face traumatizing queries from investigators checking details of their backgrounds. Finally, the *Ujjawala* scheme has not been successful in reintegrating survivors with their families and communities and in coordinating interstate activities between government and NGOs for rescue and rehabilitation of victims.
16. In several cases, government-funded shelter homes continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. Due to unsafe conditions and forcible detention in government run and funded shelters, some sex trafficking victims including children ran away, and at least one attempted suicide in the shelter during the reporting period especially in Delhi, Maharashtra and Assam.
17. It is reported that the staffs hired in shelter homes are poorly paid and it is a challenge to find, recruit and retain good therapists, educators or trainers in shelters. Therefore, the survivors must rely on mainstream service providers, in hospitals and chambers. The chances of getting employment based on the vocational trainings taught to survivors in shelter homes are near zero.
18. Rehabilitating sex workers is a serious issue. The Indian Supreme Court has declared that sex workers' rehabilitation program should not be contingent on their being forced to stay in corrective homes, and that sex workers cannot be imprisoned in corrective homes "which they see as a virtual prison." Regardless of these facts, forced rehabilitation is still the norm in India.
19. Regarding accommodation, the CWC has an obligation to allocate appropriate housing to rescued children. The Protocol requires a home verification report to determine whether it is safe for the child to be sent back home to his or her family. If not, the CWC can recommend family-based alternative care, or residential hostels provided by the government or non-profits. In practice, children are always returned to their families except in cases where the family cannot be located. Respondents agreed that thorough family assessments, exploring the original drivers of the child's trafficking and measures that could alleviate risks of re-trafficking, never happen.
20. This serious protection failure is due in part to the logistical difficulties of home assessment. Approximately, four-fifths of child workers in India are from low-caste families in remote and hard-to-reach rural areas, and trafficked children sometimes come from families that

are themselves migratory, struggling to survive. The challenges facing CWCs seeking to conduct home visits are therefore substantial and require staffing, training and transport resources that are generally unavailable at present. In most of the cases once home is traced, the family is told to come and collect the child from the regional hub.

21. Resources to strengthen a child's integration back into the family, to support parents' mentorship and acceptance of returned children are also lacking. As a result, reintegration is generally reduced to simple return to the status quo preceding the child's trafficking. Alternative accommodation options are also limited, underfunded, and not subject to adequate monitoring and evaluation. It is not surprising, given this reality, that reports of assault, neglect and re-trafficking in these environments are not uncommon.
22. Rescued children are not consistently enrolled in bridge school programmes (NCLP School) after their return home. One CWC official stated that 'only the parents of the child have a role in school enrolment'. Participants listed several barriers to enrolment, most prominently the lack of available participating schools in the district, the failure of schools to deliver the promised daily stipend to formerly trafficked children, and the child's simple refusal to attend.
23. The Rescued Children who are successfully enrolled in bridge schools, returned children face difficulties integrating into formal schools because the coordination between the two systems is extremely poor. This serious problem is partly exacerbated by the fact that bridge school programmes are run by the Ministry of Labour and Employment, while the Ministry of Education organises formal schooling. The failure to invest in robust teaching facilities in bridge schools and to ensure smooth transition opportunities into mainstream formal education is a critical issue in the reintegration context.
24. NGOs representatives during FGDs reported that 'There is no chance of financial help or compensation to victims. It is believed that child's freedom is itself compensation.' Importantly, respondents did not list the lack of resources as the principal reason why children are not compensated. They pointed to noncompliance by employers or technical and administrative failures.
25. Responses of Programs Administrators (76%) clearly show that most of them are not aware about various components of National Plan of Action (NPA) to combat Human Trafficking. If the Programs Administrators are not fully aware about various components of NPA, we were not able to understand how they are administering the various schemes and programme to combat human trafficking in their respective areas.
26. About one third Programs Administrators are not aware about the main/nodal Agency/ Ministry/ Actor for implementation of specific activities under NPA.
27. As per NPA, Central Advisory Committee is responsible for Monitoring and Evaluating the Strategy and Activities under NPA. But only 9% Programs Administrators are aware about this fact.
28. As per Direction of MHA & MoWCD State Nodal officers (Police) are responsible for Coordination and holding periodical meetings to review and monitor the efforts taken to prevent and combat the crime of trafficking at State Level. Only about 1/5th (19.6%) Programs Administrators are aware about this fact.
29. Most of the Programs Administrators reported that they perceive menace of sex trafficking

- for CSE as mild (48.2%) and moderate (41.4%). However, a significant proportion of respondents (10.4%) in Jharkhand and Maharashtra reported it as severe.
30. The main reasons for people in the district being trafficked out according to Programs Administrators include poverty, poor schooling, poor law enforcement, family conflicts, lack of awareness, poor social support, lack of severe punishment to perpetrators and search for better quality of life.
 31. Majority of the Programs Administrators (62.9%) reported that they are witnessing increasing trend of trafficking in their states. It was found more pronouncing in Jharkhand followed by Maharashtra, Delhi, Uttar Pradesh and Assam while more than 1/4th respondents in Uttar Pradesh and Jharkhand reported that they are realizing decreasing trend of trafficking. Majority of the respondents (62.5%) admitted that trafficking methods have shifted from brothels to private apartments, massage parlours and Escort services.
 32. According to Programs Administrators Community awareness; prosecution and conviction of offenders; rehabilitation of victims; establishment of helpline; and prevention against vulnerabilities of trafficking are some of the existing measures that address the issues of prevention of trafficking of women and children.
 33. Most of Programs Administrators admitted that state initiatives to counter human trafficking are moderate (53.9%) and significant (37.9%). The flaws in the existing laws include mainly lack of severe penalty for repeat offenders; lack of continuous training of investigators, judicial officers and public prosecutors; lack of provision for special court; lack of protection for victims and witnesses; and non-existence of special investigating agency.
 34. Majority of the Programs Administrators (67.5%) reported that there is lack of capacity building for care givers, law enforcement and judiciary while more than half of the respondents (51.07%) revealed that there is lack of specialized investigative agencies. Other lacunas included poor police infrastructure (38.21%), inadequate funds (38.21%), adequate police officials (36.42%) and lack of political will (33.21%).
 35. About 1/3rd Programs Administrators reported that Law Provide for using Confiscated Proceeds of Crime to Compensate Victims. It was found more pronouncing in Maharashtra followed by Karnataka.
 36. Community awareness, empowerment of women and girls, prone to trafficking, proactive community policing, help line for women and children, penalties to perpetrators and clients of victims and sensitization programme for SSHs were some of the most effective programmes in combating human trafficking according to Programs Administrators.
 37. CWCs have not been constituted in a number of districts (20) and jurisdictional aberrations create confusion resulting in a large number of vulnerable children not being able to access their right to protection.
 38. Majority of CWCs reviewed have a complete five-member composition in terms of official appointment by Selection Committees. Poor attendance is however a concern. This extends to prolonged absenteeism in some cases. Where vacant positions/ prolonged absenteeism exist, recruitment is indefinitely delayed, sometimes leading to the inability to have a quorum for final decisions. Overall, more men than women are appointed into CWCs. A majority of CWC members and Chairpersons across the different States largely meet the

minimum eligibility criteria. However, an ideal CWC composition in terms of a diverse and multidisciplinary profile is missing.

39. CWCs appear to be dominated by those from the social work and education sector, while people from law, medicine and psychology sectors are relatively under-represented. Serious deviations and concerns have been noted in the CWC recruitment process, including the appointment of government officials as Chairpersons; dual appointment of CWC and JJB membership and dual CWC membership in two separate CWCs. CWC recruitments that could lead to potential conflict of interest such as those who are associated with a residential child care facility being appointed as CWC members within the same district have also been noted.
40. Nearly all the CWCs are found to be functioning in incomplete settings and some in severely insufficient settings. The concept of child-friendliness has not yet been defined within the JJ System. Its implementation has been largely ignored in both the CWC set-up as well as during CWC proceedings. A single fixed CWC sitting venue has been insufficient to reach out to all children in need of care and protection within the district.
41. Irregular member attendance and prolonged absenteeism is a frequent occurrence among many CWCs, the key reasons for this being the lack of fool proof attendance monitoring, other professional commitments of members and inadequate sitting allowance. Currently, there are no prescribed procedures in the Act or the Rules for management of cases during proceedings. While a few CWCs effectively manage proceedings and case flow, others are seen to flounder and use inefficient/ inappropriate practices.

Human trafficking, particularly of minors, is a kind of modern-day slavery that necessitates a holistic, multi-sectoral strategy to address the problem's complicated dimensions. Law cannot be the exclusive device for dealing with challenging social and economic issues. Given the infancy of services to trafficked people, monitoring and evaluation studies should be a part of any assistance programme, both governmental and private. Anti-trafficking legislation must be enforced properly, which necessitates educating individuals about the laws in place so that these rights are respected and upheld in practice. There are provisions for victim confidentiality, in-camera trial (Section 327 CrPC), and compensation (Section 357 CrPC) in the existing laws. These provisions should be applied in relevant circumstances to protect victims' rights. In dealing with instances, the National Human Rights Commission has a larger role to play, and it must make recommendations and adopt remedial actions. People must also be aware of the commission, and it is now up to them to use these existing institutions to instill human rights ideals in their homes, communities, societies, and public spaces. Furthermore, the three pillars of government, namely the legislative, executive, and judiciary, must now respect and promote this culture of human rights, particularly for women and the weaker sections of society, in order to combat human trafficking in women and children to a larger level. Even NGOs, welfare agencies, legal experts, civil society, and social workers must play a vital role in securing the rights of women and children by advocating for them, giving legal help, and offering legal education from the ground up.

Given the fact that services to trafficked persons are in their infancy, monitoring and evaluation studies should be an integral part of every assistance program, public and private. Well-designed monitoring and evaluation studies, particularly external evaluations, can identify effective policies and 'best practice' approaches as well as assess the success of different programs.

Particularly important are longitudinal studies of the effects of rehabilitation programs on the ability of survivors to integrate into the new society or re-integrate into their native one. There is also a need for effective cooperation and coordination of research within and among different regions of the world.

Chapter 10

RECOMMENDATIONS

Human trafficking, as a complex manifestation of the global economy, organized crime, and human rights violations, causes extreme hardship for the millions of people suspected of being victims of this crime around the world, and has an impact on the financial markets, economies, and social structures of countries where trafficking is tolerated. Human trafficking has a complex and overlapping detrimental impact across human, social, political, and economic spheres as a fundamental component of organized crime with great financial power. The destabilizing and dangerous implications range from publicly recognized violence, direct economic loss, and huge migration issues to the less easily measurable, equally important, but more complicated effects of environmental, social, health, and safety problems, as well as human rights violations. Human trafficking is a direct threat to the formation of stable, successful communities and lawful economies, and it works against reconciling political goals with humanitarian and human rights commitments. The variety of trafficking-related crimes and their vast and interconnected consequences have altered political, social, and economic responses at both national and global levels, posing a cumulative danger to global peace, security, and stability.

Human trafficking jeopardizes the dignity and security of those who are trafficked, as well as their human rights. When it comes to real execution, India's constitutions provide equal rights for men and women, but they are sometimes just rhetoric. To combat human trafficking and so defend the human rights of vulnerable people, governments must have a strong political will to carry out their anti-trafficking responsibilities. Like a result, every crime that can be profited from one day becomes a major social problem, as in the case of people trafficking. The solution to the problem is still in our hands if thoughtful, forceful efforts are taken and policies are created and rigidly executed. If prompt action is not done, it will be late, but too late, in a very short period.

In light of the critical examination of the existing legislation and its gaps to tackle different forms of human trafficking and punish the perpetrators, Prevention, Protection and Rehabilitations measures taken by Government of India and the State Governments and the Challenges being faced by various stakeholders in combating Trafficking of Women and Children in India, we recommend following Remedies:

Prevention:

1. To combat economic distress, states should map all vulnerable families, particularly migrants and children at risk, and link them to 37 government schemes, including those

for skill development, income generation, housing, right to education, and livelihood schemes, such as those under the Atmanirbhar Yojana. The government's many policies, programmes, and initiatives involve different departments must be intertwined in such a way that they must include an anti-trafficking component that is integrated into the larger plan of action by the concerned government department. Self-Help Groups (SHGs) and PRIs can be useful in this regard.

2. It is necessary to identify appropriate points of intervention so that migrants and future migrants are warned about the dangers and repercussions of human trafficking and get information that allows them to seek help if necessary. Effective patrolling and vigilance at trafficking hotspots such as highways, dhabas, railway stations, and bus stations for suspicious movement of traffickers and victims, as well as monitoring suspicious/unnecessary movements of strangers in villages with the help of the village community. Truckers Against Trafficking (TAT) and Bus Operators Against Trafficking (BOAT) initiative could play a major role.
3. Most migrant workers or victims of trafficking, especially females, are given domestic labour by traffickers, placement agencies, recruiters of migrant workers, etc. The majority of people employed in the sex and entertainment sectors, caretakers, and domestic employees are not covered by labour regulations. To guarantee domestic workers' rights to compensation, reasonable working hours, good health, and other benefits, it is important to regulate domestic employment and create a legislative organisation to do so. Residents Welfare Associations (RWAs) should be given the responsibility of keeping a database of domestic workers, servants, and maids in their colonies and societies, as well as making sure that there is no child labour there. In order to prevent domestic employees from being taken advantage of, they could also be given the authority to regularly inspect homes or apartments.
4. The second prerequisite is for a regulatory body to oversee migrations, like the Migrant Worker's Commission, to guarantee safety and security of movement. Third, there has to be a dedicated web portal for keeping a database of every single migrant worker so that their present status can be evaluated or tracked and they can benefit from various social security programmes. Finally, we think that governments should accredit recruitment agencies and actively monitor, control, and oversee them.
5. Recruitment agencies should be required to require contracts for migrant workers, and each state should have a law to regulate them, like the Chhattisgarh Private Placement Agencies (Regulation) Act, 2013, or the Jharkhand Private Employment Agency and Domestic Employee Bill, 2016. It is proposed that there be a web-based single point registration system (SPRS) for recording all placement agencies' addresses and locations, with the requirement that no placement agency may function without being registered on SPRS. A Department of Labour & Employment inspector level officer may be assigned to regularly audit the placement agencies' field operations and data accuracy.
6. The government should make sure that all migratory workers in the informal sector, including prostitutes, are covered by social security programmes and that their children have access to education in all states.
7. Between NGOs within states, between states, across borders, and other stakeholders, there exist large coordination gaps or failures. A National Integrated Grid of Anti-Trafficking

NGOs that is connected to NGO groups outside of Bangladesh and Nepal's borders is appropriate and essential. Partnership between NGOs and government organisations is essential in anti-trafficking programmes and actions. The National System of Anti-Trafficking Nodal Officers at the national level may be connected to the NGO grid. Ministry of MHA and I&B can play a vital role in this regard.

8. There is a lack of resources at every level, especially in terms of funding to combat human trafficking, as seen by the underfunding of shelter homes, which impedes the process of rehabilitation. Collaboration between businesses and non-profits can be started by either party or encouraged by the proper government agencies. The enormous sums that corporations set aside to fulfil their social obligations (CSR) could be efficiently directed into the fight against trafficking. In this regard Ministry of Corporate Affairs may put the activities to combat human trafficking on top priority under Section 135 of the Companies Act, 2013 ('Act'), Schedule VII of the Act and Companies (CSR Policy) Rules, 2014.
9. A comprehensive information system about both the trafficked individual and the traffickers/brothel owners/operators is lacking. We support the establishment of a national website on human trafficking where members of the public, law enforcement, and non-governmental groups may exchange images and details on trafficked individuals and traffickers. A National Database connected to a National, State, and District Dashboard is required to continuously monitor cases and oversee rescue and rehabilitation efforts. This will make it possible for the police, judges, concerned government officials, and non-profit organisations to stay informed and act quickly. To facilitate effective communication, it is important to promote regional information exchange on trafficking. To provide data bases, situational analyses, information system management, training modules, and documentation of best practises, a national media resource centre should be established. Ministry of MHA can play a vital role in this regard.
10. Human trafficking is so deeply ingrained in society's social ethos that it cannot be addressed just through legal measures, government programmes, or initiatives. Lack of livelihood possibilities, gender discrimination, and opportunity deprivation are the most serious challenges. The community should guarantee human rights. Other stakeholders, such as schools, panchayats, other democratic institutions, NGOs, CBOs, religious teachers, media persons, and all members of the community, must play an important part in transforming the neighborhood's existing "culture of quiet" into "community involvement."
11. The National Resource Center for Human Trafficking Chairperson and UN Anti-Human Trafficking Nodal Officer Dr. PM Nair IPS (Retd.) provided support and direction for the Panchayat Against Human Trafficking (PAHT) initiative, which was launched in Vithura Grama, Thiruvananthapuram district, Kerala. This initiative could be replicated in every Gram Panchayat in India. This will involve a public awareness campaign and the development of an all-inclusive system to fight human trafficking at the grass-roots level that will involve all officials at that level. Women and children must be made aware of the tactics used by traffickers to entice them with enticing employment, lucrative incomes, and unions that result in commercial sexual exploitation. In addition to their proactive involvement, all stakeholders must be empowered by the community, have their capacities increased, and get support. It is recommended that Anti Human Trafficking Clubs (AHTCs) be established in every Indian school, college, and university for efficient awareness building and prevention of human trafficking because students are change

agents in any society.

12. Anti-trafficking movement should begin in order to keep the subject of human trafficking at the forefront of national debate. The media should play a beneficial role in promoting a good outlook. The media can help boost public awareness and participation in anti-human trafficking activities. It is a potent tool for social change because of its reach and ability to influence public opinion. As a result, it is vital to communicate often with the media. Investigative journalism on human trafficking should be encouraged. However, media coverage should take a rights-based approach to ensure that victims' and survivors' rights are not violated. Ministry of I&B can play a vital role in this regard.
13. Stringent laws should be enacted to prevent immoral social conventions that, in the name of folk culture, traditions, and rituals, induct minor girls and children into the flesh trade. Social initiatives for the rehabilitation of prostitutes should be carried out in partnership with non-governmental organisations (NGOs), particularly among specific castes and communities such as the Kolta, Nat, Bedia, Mahar, and others.
14. To prevent the threat of sex tourism, the government must act quickly. It is necessary to institutionalize coordination between state police agencies and central law enforcement agencies, including immigration officers, as well as other related departments such as tourism and urban development.
15. The problem of second-generation prostitution can be reduced if the children of prostitutes are given a fair future. Prajwala, an Andhra Pradesh-based anti-trafficking organization, has made a start.
16. The level of awareness of schemes and programmes among trafficking victims was found to be quite low. There is an increased need to raise awareness among the trafficking vulnerable population in general, and among trafficking victims in particular, about various development schemes and programmes being implemented by State Governments, which are either sponsored by the Central Government or by the State Government. Ministry of I&B can play a vital role in this regard.
17. Cross-border collaboration is required in more than just bordering districts. Ad hoc task groups or cross-border committees, on the other hand, are operating in a number of sites along the border at the request of local governments or law enforcement officials manning the border. For starters, such informal networks, which include both government officials and non-governmental organizations (NGOs), might be institutionalized so that they can successfully carry out anti-trafficking efforts.
18. Because the law is silent on controlling the proliferation, promotion, and advertisement of prostitution on digital platforms and even through leaflets/pamphlets, gangs engaged in organised prostitution are enticing clients using the internet, text messaging, and mobile-based applications. Organized sexual services are offered in nightclubs, massage parlours, spas, luxury hotels & resorts, motels, dance bars, private residences, huts, and even cars, among other places, under the guise of cross-gender massage services. On the internet and on mobile devices, these kinds of messages ought to be outlawed, and an effective monitoring system ought to be developed to find such material there and on other social media platforms. To counteract organised prostitution, which may be a form of human trafficking and is illegal under the law, local police should be especially vigilant and frequent checks and raids should be conducted at these sites.

19. The same recruiter can repeatedly traffic many vulnerable children from a village because arrests are typically focused on the place of exploitation rather than on perpetrators complicit in other stages of trafficking. As a result, it is suggested that widespread knowledge of human traffickers be raised at both the source and transit points.
20. Along with a growing market for child sexual abuse materials and technology-facilitated child sex trafficking, there is an increase in the recruitment of vulnerable individuals for online sexual exploitation by traffickers. Social media and messaging businesses have been urged by CEDAW to implement sufficient security measures to lower the danger of human trafficking and sexual exploitation of women and girls. Digital platforms should use “big data, artificial intelligence, and analytics to identify any pattern that could lead to trafficking and identification of the relevant parties” engaging in criminal activities, according to the request. In this regards MHA may create a cell & a dashboard under Indian Cybercrime Coordination Centre (I4C) Scheme for combating Online Human Trafficking with a alert system for local police. The cell may be entrusted with the responsibility to verify that social media and messaging providers are adhering to CEDAW regulations. It is also essential to start a significant public education effort regarding the nation’s cyber laws.

Effective Rescue, Rehabilitation, Repatriation & Re-Integration

1. Sex workers have expressed a desire to be included in social security programmes as well as take part in larger campaigns and forums advocating for the rights of the unorganised sector. Customized rehabilitation programmes have been found to be more successful than shelter-based programmes, such as the Community Based Rehabilitation Package and identity-based self-help groups. CBR is more efficient than shelter-based rehabilitation because it enables survivors to access mainstream health, education, and welfare services while residing with their family or in independent shelters. It might be possible to reproduce the Gujrat Amul Model for Sex Workers Rehabilitation in other regions of India. We recommend that initiatives impacting sex workers be carried out with the input, participation, and leadership of sex workers. We urge the Indian government to adopt a comprehensive strategy to uphold sex workers’ human rights.
2. The Bonded Labor Abolition Act limits the definition of an accused to the primary employer and excludes traffickers from prosecution. The fact that victims were not recognised as such, did not receive “release certificates,” and were not qualified for government assistance was considered labour exploitation by some. It is essential that the statute be amended so that traffickers are subject to prosecution under the Bonded Labor Laws. We demand that those responsible for such abuses be held accountable to the fullest extent of the law and that programme managers, including SDMs, receive training on how to do away with the bonded labour system.
3. There is a serious lack of services provided in the majority of shelter homes managed by NGOs. Budgetary resources must be increased to support the programme. Anti-trafficking initiatives that are creative, multifaceted, and cross-sectoral should be given top priority. The Indian government should push for the use of CSR cash for community-based rehabilitation programmes and closely supervised shelter facilities in the anti-trafficking sector.
4. Strong oversight and administration of Shelter homes’ operations, as well as the provision

of Social Audit, are also crucial. It is imperative to have an unbiased social audit authority. These shelters should be connected to various government programmes like ICDS, NRHM, NSDM/NSDC, and others in order to establish convergence and connect rescued victims to the mainstream.

5. The Ministry of Women and Child Development, in collaboration with the Ministries of Education and Skill Development, should implement skill development initiatives and vocational training programmes for children rescued from begging, drug abuse, child labour, bonded labour, and adolescent dropout girls.
6. We recommend that the central and provincial governments develop and implement regular monitoring mechanisms for government-run and government-funded shelters to ensure appropriate quality of care and promptly disburse funding to shelters that meet official care standards; and that the central and provincial governments improve the implementation of protection and compensation schemes for human trafficking victims to ensure that they receive benefits. Shelters must follow minimum care requirements and not infringe on survivors' fundamental rights, as well as avoid arrest and indefinite incarceration.
7. Rehabilitation and Re-integration policies should be family centric rather than victim centric otherwise there are chances of re-trafficking. Safety and security of victims must be the center of multi-agency work. Appropriate safety of victims and a conducive environment is the prerequisite of a shelter home and this should not be compromised in any way.
8. Shelters for women and other organisations that serve women specifically must manage their services from a gender perspective. All paid and volunteer staff in specialised support services must be taught about gender perspectives. It is important to address gender disparity in all fields of work, especially those that include working with young children of both sexes. Any form of discrimination ought to be prohibited. General and specialised women's support services must adopt a victim-centered, human rights-based approach with the fundamental tenet that "nothing about victims without victims" due to the institutional power systems that oppress women who have been abuse victims. In particular, victims shouldn't be intimidated or pressured into filing a lawsuit. Any decision regarding the victim should only be taken with the victim's informed permission, unless it's an emergency.
9. Depending on the objective of the shelter and the anticipated requirements of the women it will serve, particular positions and qualifications should be given preference. To optimise the breadth of services that can be provided with limited resources, personnel from Shelter Home may be hired on a case-by-case basis or staff with diverse/multiple abilities may be recruited.
10. We have not encountered a single psychological counsellor in any of the visited shelter homes throughout our interactions with service providers; psychological counselling is typically only conducted on paper in most cases and shelter homes. The study found that those who have been trafficked frequently experience depression and post-traumatic stress disorder (PTSD). Therefore, a person with PTSD (Post Traumatic Stress Disorder) won't be able to fully utilise the possibilities and resources at their disposal, which will undermine their resilience. As a result, recovery from trauma or having access to excellent

mental health care are essential elements of human trafficking survivors' rehabilitation. "Community-based rehabilitation is essential, where the impacted survivor obtains financial, social, psychosocial, and legal help, as opposed to an institution-based approach of placing them into shelter homes." The feeling of being imprisoned in a small space with a lot of uncertainty can lead to problems like irritability, sleeplessness, and more. We suggest requiring PTSD testing of human trafficking survivors before they may be rehabilitated and assisting NGOs in offering assistance for rights-based case management.

11. Rehabilitation frequently entails returning the child/victim to the same parents who exploited them in the first place. "We must abandon the notion that the natal family is a safe sanctuary for young children and develop novel rehabilitation solutions." Stopping child trafficking in the country should be the responsibility of the government. *It should be made mandatory and compulsory that no victim is re-integrated and repatriation until and unless complete home verification is done.*
12. In circumstances where the victim's or child's safe return to his or her family is either impractical or not in the victim's best interests, sufficient care arrangements that preserve the victim's rights and dignity must be created. A child who is mature enough to form their own ideas should be given the freedom to express them in every choice that affects them, especially those involving the possibility of returning to their family, and their opinions should be given the weight that is appropriate given their maturity and age.
13. Mandatory repatriation of rescued survivors is not desired, as many of the girls were averse to the prospect of reuniting with their families. Participants who were duped into trafficking by deception were eager to return to their families, whereas those who had fled their homes due to domestic violence and eventually ended up in a trafficking position were hesitant to return.
14. To arrest re-trafficking and facilitate the return and reintegration tailor-made strategies are required, which can address the factors which lead to the victimization in the first instance. All interventions during the rehabilitation phase must address the potentially vulnerable elements causing trafficking in the first place on the case-by-case basis.
15. Service Providers (Shelter homes) have no mechanism for follow up or monitoring of victims after reintegration. It is recommended that periodic monitoring of the victim's well-being after reintegration be done through service providers on the ground before closing the case.
16. The Ministry of Labour & Employment, Ministry of Education, and State Governments should collaborate to ensure that there are enough NCLP Schools in each district and develop a monitoring mechanism to ensure that NCLP schools are providing the services for which they were created. The rescued children and their families require ongoing counselling and persuasion to enrol in NCLP Schools. In the context of reintegration, it is crucial to invest at strong teaching facilities in bridge schools and to guarantee seamless entry possibilities into mainstream formal education. Coordination and interdepartmental cooperation are therefore particularly desirable.
17. The Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crime-2018 was only known to 3.6% of victims. Information on victim compensation schemes is even more important for victims and programme administrators. Judges should occasionally give restitution to those who have fallen victim to any form of

human trafficking through other government initiatives. There is an urgent need for strengthening the systems of victim compensation for increasing access to survivors of all forms of trafficking. An essential factor that enables survivors to work in congruence with the justice system involves harm reparation and compensation that is provided to the survivors in question.

18. The National Human Rights Commission (NHRC) is largely unknown to victims, traffickers, parents, and clients. We strongly suggest educating the general public, as well as law enforcement personnel, service providers, prosecutors, and programme administrators, about the NHRC's duties and functions, as well as its grievance redressal procedure.

Effective Law Enforcement & Prosecution:

1. Law enforcement officials should treat cases of missing children as abduction or trafficking until proven otherwise as per Direction of The Supreme Court in 2013 and search for these people in every possible location. When children disappear, Law EAs should start the missing person's process, look into what happened, disseminate information, and conduct investigations, collaborating with other agencies as needed.
2. About 31 percent Parent respondents reported that their children were working in hazardous industries- metallurgical industries, coal, fertilizers, mining, chemical & petrochemicals, cement and firecracker workshops. We recommend that provisions of The Juvenile Justice (Care and Protection) of Children Act, 2000: "If any person employs a child in any of the hazardous work or use the child as a bonded labour then that person will be punishable under this Act." And The Child Labour (Prohibition and Regulation) Act, 1986: "No child who is less than 14 years of age shall be employed in any hazardous occupations that are provided in a list by law." should be implemented in letter and sprits. Violators should be punished. Regular check of hazardous industries/units must be carried out by the Labour Inspectors.
3. The idea of community policing needs to be made more widely known in order for people and non-governmental organisations to get involved in policing to stop and combat the trafficking of women and children.
4. Anti-Human Trafficking units (AHTUs) are currently under-resourced as well as undertrained. There is an urgent need for additional Capacity Building of AHTUs and Providing them adequate funds and infrastructure because "the police lack the means to undertake a thorough investigation if the person is trafficked from another state."
5. To address the issue and protect the rights of victims and survivors, comprehensive legislation is required due to the underreporting of human trafficking instances and gaps in other laws. For law enforcement organisations, there is a need for an extensive training and capacity-building programme on the topic of human trafficking. It should be made mandatory for AHTU or the Police to report every case of human trafficking. At police stations, courts, and other homes and institutions for victims of human trafficking, we promote the hiring of social workers and counsellors who are certified and trained in their fields. Law enforcement Agencies (LEAs) must also take every accusation of sexual harassment seriously because failing to do so gives the perpetrators more power and enables them to commit even more heinous crimes.

6. We advise the police to use the following strategies to win the trust of victims: Assuring victims that they are not the subject of an inquiry Victims deserve to be treated with respect and decency. Employ a translator if the victims speak different languages, ensuring that the victim's identity and privacy are protected by taking all necessary precautions; Keep the accused far enough away from the victims to be safe. Check to see if Section 228 A of the IPC and Section 21 of the JJ Act are being followed; Inform the victims of the investigation's development; Keep in mind that the victim takes all of their belongings with them. Do not take offence if traumatised victims behave inappropriately or refuse to interact. Avoid, among other things, using derogatory language or making humiliating gestures or body language. Police officers may be able to overcome these challenges using their knowledge, skilful communication abilities, and information because it is also a question of counselling and persuasion.
7. According to public prosecutors, the primary causes for the low conviction rate include witnesses becoming hostile, inadequate evidence, a long court process, an improper charge sheet, and easy bail for traffickers. The problem of insufficient evidence and improper charge sheet could be addressed by conducting thorough investigations into human trafficking instances. Because most witnesses and victims become hostile during prosecution, more emphasis should be placed on gathering Material Evidence, Medical Examination of Victims, Suspects, Digital Videography of Investigations & Statements of Victims and Documents Supplemented by Forensic Evidences for filling a charge sheet instead of a statement under section 161 of the Cr..Pc., as this will almost certainly increase the chances of offenders being convicted.
8. A qualified and experienced investigative agency, such as the National Investigation Agency (NIA), which has been mandated to look into interstate and international trafficking crimes, is urgently required for the proper investigation of human trafficking cases. We support the full capacity building of law enforcement and prosecuting organisations, including providing them with state-of-the-art methods and tools for obtaining information and forensic evidence, as well as witness and victim protection, which may lead to a more severe conviction.
9. Recruitment agencies, document forgers, brokers, brothel owners, debt collectors, managers and owners of employment agencies, corrupt immigration officials, consular staff, embassy staff, law enforcement officers, border guards who accept bribes in exchange for passports, visas, and safe transit, and all others who are involved by their acts of omission and commission that result in exploitation should be dealt harshly under law.
10. In order to safeguard some victims of human trafficking, prosecutors should set up child-friendly courts, as is done in Telangana and West Bengal. Most of the time, courts should employ video conferencing to hear testimony from victims who have been reintegrated or repatriated. Since it is essential for convicting traffickers and criminals, victim and witness protection should be carefully considered. Because of poor witness protection and the drawn-out legal process, many victims were reluctant to take part in trials against their traffickers. As a result, it should be ensured that cases are routinely reviewed by superior authorities.
11. In many parts of India only designated AHTUs have been established. To combat human trafficking, all states and territories should establish an Anti-Human Trafficking Bureau

at the state capital level, as well as independent, non-designated Anti-Human Trafficking Units (AHTUs) at every district level, and use of Women Help Desks to monitor investigations at every police station by a Senior Officer at State Level. Dedicated AHTUs are urgently needed because some AHTUs lacked defined mandates, were not completely focused on human trafficking, and often received requests for assistance months later, limiting the effectiveness of investigations. In a few cases, police allegedly freed alleged sex traffickers on bond right away, allowing them to focus on other crimes. Trafficking investigations are lengthy and complex, and we believe that having full-time resources devoted to these investigations are essential for success. These officials also underscore the need to provide and use undercover assets and to establish and nurture informants and witnesses.

12. Many traffickers use railways as a significant route of transport for trafficking victims to other states and border areas as Railway Police is generally reluctant in Reporting of such cases and only GD is maintained. Ministry of Home Affairs should collaborate with the Ministry of Railways. The Railway Board should be asked to enlist the help of the Railway Protection Force (RPF) and the Government Railway Police (GRP) to combat human trafficking at railway stations. They should instruct GRP and RPF officials to remain watchful and alert when dealing with such instances and mandatorily report each and every case of Human trafficking.
13. In Delhi, Mumbai, Pune, Nasik, Kolkata, and other cities, we have found a tonne of brothels that are operating under the radar of the local police. The provision of Section 18 of the ITPA, which permits the closure of brothels and the removal of offenders, has only occasionally been used. Education and accountability for law enforcement officials are crucial. Brothels ought to be shut down right away. A thorough action plan needs to be created for this project. Prostitutes and commercial sex workers need to be rehabilitated into other fields in order to improve their livelihoods. The relationship between police and owners of brothels makes things worse. This nexus has to be broken up as soon as feasible.
14. It is advised that rescue teams strictly follow rescue protocols and include a representative from the Department of Labor, representatives from the CWCs, a local non-profit, a doctor, and a female police officer or volunteer. Almost every stakeholder reported that police do not follow standard rescue protocol. These people need to receive training on the pertinent laws, their responsibilities, and trauma prevention methods. Both the specifics of the rescue and the identities of the people who were saved must be kept completely secret and not shared with anyone, including the media. Key informant data indicates that this overdependence results in ad hoc and under-resourced raids that are led by inexperienced or under-supported employees. This circumstance can and does cause further trauma to vulnerable children and could have been avoided.
15. The incidence of women and minor girls being trafficked for CSE is not well understood by law enforcement organisations, including police personnel, and they frequently are not aware of their obligations under the ITPA with regard to trafficking. Enforcing the law in relation to applicable Acts like CLPRA, BLSA, IPTA, JJA, and IPC involves not only police but also many other authorities involved in the Criminal Justice System, such as executive magistrates, labour officials, CWC members, and in-charges of Homes. In order to strengthen the state's investigation and prosecution apparatus in this area, the State

government should create a time-bound action plan.

16. The development of all stakeholders' capacities and a regular programme of gender sensitization are absolutely necessary. As a result, dealing with cases of human trafficking and their rehabilitation requires a specialist team of social workers. The assistance of the cadre might be advantageous to the police, courts, and treatment centers. All of the following are necessary: gender sensitization; training and capacity building for police officials; strict action against police officials found guilty of corrupt practices; and harassment of victims, especially young girls. Police officers need to be well informed on the commercial sex network.
17. To launch an investigation and potentially bring charges against a suspect, Labor Department representatives must submit a First Information Report (FIR). Respondents claimed that in practise, FIRs are not always filed and that there is confusion and disagreement regarding who is in charge of filing them. A First Information Report should be filed in every instance of child labour, the case should be thoroughly investigated, and the offenders should be punished. As a result, there is an urgent need to train and sensitise labour department workers on the aforementioned issue.
18. IPC section 370 has a number of gaps, and cases are obviously underreported. It disregards victim compensation, rehabilitation, and access to justice in favour of prosecuting the traffickers. We suggest that Section 370 of the Penal Code be revised to include forced labour trafficking in its definition of trafficking and to ensure that the presence of force, deceit, or coercion is not a necessary element of a child sex trafficking accusation. The Act should also include provisions for victim rehabilitation and financial compensation. The rights of human trafficking victims should be given top priority under the Act. All forms of human trafficking should be covered, such as bonded labour, child labour, forced labour, forced marriage, sexual exploitation, commercial surrogacy, begging, and organ transplantation. We further demand that Section 370's definition of "trafficking" be changed to encompass traffickers and brothels.
19. The lack of an interpreter who is fluent in the relevant local languages makes it difficult to care for children who have been trafficked from different states. As a result, professional interpreters are required in such situations. At the district level, a database of competent language interpreters should be kept and shared with law enforcement agencies, service providers, and the courts.
20. CWCs must be established in each district as soon as possible, according to available guidelines, and multiple appointment practices should be strictly prohibited to eliminate potential conflicts of interest. CWCs should include those who work in the fields of law, medicine, and psychology.
21. It is found that almost all CWCs are working in inadequate sittings, some of which are seriously inadequate. To deal with this, three different sorts of sitting venue styles are utilised by several CWCs across the nation. There are further unique sittings available, including rotating and parallel sittings. Each, however, offers a unique set of benefits and drawbacks. A mixed sitting configuration of CWC is advised as needed.
22. The Act and the Rules do not currently provide any procedures for case management during hearings. While some CWCs successfully handle proceedings and financial flow, others seem to be struggling and using ineffective/inappropriate approaches. The

necessary authorities must create a flawless attendance system, such as Aadhar Enabled Biometric Attendance, to prevent prolonged absenteeism from CWC meetings because it interferes with the evaluation of children's rights.

23. Many trafficked people are still unable to access governmental help due to administrative hurdles. One of the most difficult parts is determining legal status. There is a need for creating legal status and documents to access services and opportunities.
24. In the vast majority of human trafficking instances, local police do not take harsh measures against the perpetrators. Strong action against human traffickers should be taken, including criminal penalties and the freezing of their bank accounts. The unlawful assets amassed by traffickers and other parties as a result of exploiting trafficked victims should be seized and forfeited.

The development of all stakeholders' capacities and a regular programme of gender sensitization are absolutely necessary.

Appendix 1

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APPENDIX 2

DISTRICT WISE NUMBER OF AHTUS AND NOTIFICATION DETAILS

(FY: 2010-11 to FY: 2018-19)

S. No.	State/UT Name	No. of Districts	No. of AHTUs set up	No. of AHTUs Notified	Date(s) of Notification	No. of Functional AHTUs
1	Andhra Pradesh	13		No response to RTI		4
2	Arunachal Pradesh	No Information Provided under RTI				
3	Assam	No Information Provided under RTI				
4	Bihar	38	44	0	16.06.2010	44
5	Chhattisgarh	28	4	11	30.10.2010	No Information Provided
					29.12.2011	
					28.03.2019	
6	Goa	2	1	2	01.08.2014	1
7	Gujarat	No Information Provided under RTI				
8	Haryana	22	6	No Information Provided	17.07.2015	No Information Provided
					04.08.2015	
9	Himanchal	9	4	0	NA	4
10	Jharkhand	26	8	8	14.07.2011	8
					23.08.2013	
11	Karnataka	No Information Provided under RTI				
12	Kerala	14	20	3	20.12.2014	No Information Provided
13	Madhya Pradesh	No Information Provided under RTI				
14	Maharashtra	No Information Provided under RTI				
15	Manipur	No Information Provided under RTI				
16	Meghalaya	No Information Provided under RTI				
17	Mizoram	8	4	4	12.07.2010	No Information Provided
					23.07.2010	
					19.01.2012	
18	Nagaland	12	11	12	3-Notification on 25.10.2010	No Information Provided
19	Odisha	No Information Provided under RTI				

20	Punjab	No Information Provided under RTI				
21	Rajasthan	42	42	Not Information Provided	Not Information Provided	No Information Provided
22	Sikkim	No Information Provided under RTI				
23	Tamil Nadu	34	Not Information Provided	34	04.06.2009	No Information Provided
24	Telangana	No Information Provided under RTI				
25	Tripura	8	5	17 (West Tripura-1, South Tripura-1, Gomati-15)	07.09.2009	No Information Provided
					02.11.2014	
26	Uttar Pradesh	75	39	No Information Provided	No Information Provided	No Information Provided
27	Uttarakhand	13	7	No Information Provided	No Information Provided	No Information Provided
28	West Bengal	23	34	23	14.07.2014	No Information Provided
					18.08.2014	
29	Chandigarh	No Information Provided under RTI				
30	Dadar & Nagar Haveli	No Information Provided under RTI				
31	Daman and Diu	No Information Provided under RTI				
32	Delhi	No Information Provided under RTI				
33	Jammu and Kashmir	No Information Provided under RTI				

APPENDIX 3

APPLICATIONS AND COURT RECOMMENDATIONS FOR VICTIM COMPENSATION FOR HUMAN TRAFFICKING

(From the Year of Scheme to FY: 2018-19)

S. No.	State/UT	No. of Applications for victim compensation	Court recommendation for victim compensation
1	Andhra Pradesh	2	2
2	Arunachal Pradesh	0	0
3	Assam	14	8
4	Bihar	No Information Provided under RTI	2
5	Chandigarh	No Information Provided under RTI	0
6	Chhattisgarh	No Information Provided under RTI	No Information Provided under RTI
7	Dadra & Nagar Haveli	No Information Provided under RTI	No Information Provided under RTI
8	Daman & Diu	No Information Provided under RTI	No Information Provided under RTI
9	Delhi	3(adults) and 4 (minors)	7
10	Goa	No Information Provided under RTI	No Information Provided under RTI
11	Gujarat	No Information Provided under RTI	No Information Provided under RTI
12	Haryana	2 (1 minor victim)	23
13	Himachal Pradesh	0	0
14	Jharkhand	26 (24 minor victims)	0
15	Karnataka	2 (adults) and 24 (minors)	56
16	Kerala	570 applications; no separate data for human trafficking	
17	Madhya Pradesh	0	0
18	Maharashtra	No Information Provided under RTI	No Information Provided under RTI
19	Manipur	0	0
20	Meghalaya	2	2 (kidnapping of major victims)
21	Mizoram	0	‘Not received human trafficking case’
22	Nagaland	‘Human trafficking cases may be treated as NIL’	‘No cases of human trafficking’
23	Odisha	0	0
24	Punjab	0	0

25	Rajasthan	4,531 applications; no separate data for human trafficking	
26	Sikkim	0	0
27	Tamil Nadu	No Information Provided under RTI	No Information Provided under RTI
28	Telangana	0	0
29	Tripura	No Information Provided under RTI	No Information Provided under RTI
30	Uttar Pradesh	Data not available, since 'under the scheme concerned Victim Compensation Board makes recommendation to UPSLSA'	No Data Available
31	Uttarakhand	0	0
32	West Bengal	24 (adults) and 4 (minors)	2

The data is only for human trafficking applications/recommendations from the year of institution of the scheme, till March 2019 for most of the states/UTs, except Arunachal Pradesh and Meghalaya which provided 2019-20 data

Appendix-4

LIST OF ABBREVIATIONS USED

ACP Assistant Commissioner of Police

ADB Asian Development Bank

AHTUs Anti Human Trafficking Units

AIR All India Reporter (of judgements of Supreme Court and High Courts)

AINSW All-India Network of Sex Workers

AIWC All India Women's Conference AIWC

ANCOVA- Analysis of covariance is used to test the main and interaction effects of categorical variables on a continuous dependent variable

APOs Assistant Prosecution Officers

ARZ Anyaya Rahit Zindagi (an NGO based in Goa)

ASI Assistant Sub Inspector of Police

ASP Additional/ Assistant Superintendent of Police

ATC Anti Trafficking Cell

ATSEC Action against Trafficking and Sexual Exploitation of Children

Aus AID Australian Agency for International Development

BIRD Bharatiya Institute of Research & Development

BPRD Bureau of Police Research and Development

BSF Border Security Force

CARA Central Adoption Resource Agency

CBI Central Bureau of Investigation, Government of India

CBM Confidence Building Measures

CBO Community Based Organisation

CCTNS Crime and Criminal Tracking Network & Systems

CCEVT Condensed Course for Education and Vocational Training

CCPWC Cyber Crime Prevention against Women and Children, Delhi Police projects

CCTV Closed-circuit television and is commonly known as video surveillance

CEDAW Elimination of All Forms of Discrimination Against Women

CEDPA Centre for Development and Population Activities

CFSL Central Forensic Science Laboratory CFSL
 CID Criminal Investigation Department (of the state government)
 CIF Child India Foundation (an NGO network)
 CIS Commonwealth of Independent States
 COVID-19 Coronavirus Disease discovered in 2019
 CLPRA Child Labour (Prohibition and Regulation) Act 1986
 CPCL Campaign against Child Labour (an NGO network)
 CPCT Campaign against Child Trafficking (an NGO network)
 CPC Care and Protection of Children) Act, 2000
 CPO Central Police Organisation (of the Government of India)
 CRC Child Rights Convention (of the UN)
 CrPC Criminal Procedure Code
 Cri-MAC Crime Multi-Agency Centre
 CS Commercial Sex
 CSEC Commercial sexual exploitation of children
 CSE Commercial Sexual Exploitation
 CSO Civil Society Organization
 CSW Commercial Sex Worker
 CSWB Central Social Welfare Board (of the Government of India)
 CVCF Central Victim Compensation Fund
 CWC Child Welfare Committee
 DCP Deputy Commissioner of Police
 DCPUs District Child Protection Units
 DCPOs District Child Protection Officers
 DIG Deputy Inspector General of Police
 DSP Deputy Superintendent of Police
 DMSC Durbar Mahila Samanwaya Committee
 DNA Deoxyribonucleic acid
 DPO District Prosecuting Officer
 DWCD Department of Women and Child Development, Government of India
 ECOSOC UN Economic and Social Commission
 ECPAT End Child Prostitution and Trafficking (an international NGO)
 ED Enforcement Directorate-A Law Enforcement Agency
 ERSS Emergency Response Support System
 FACSE Forum Against Child Sexual Exploitation (an NGO based in Mumbai)
 FBI Federal Bureau of Investigation (of USA)
 FGD Focus Group Discussion
 FIR First Information Report (of a crime lodged in a police station)
 GAATW Global Alliance Against Traffic in Women

GB Road Garstin Bastion Road (now known as Shraddhanand Marg) in Delhi

GD General Diary (maintained in a police station)

GDP Gross Domestic Product

GLOTiP Global Report on Trafficking in Persons

GPAT Global Programme Against Trafficking

GNO Government Nodal Officer

GRP Government Railway Police

HAQ Centre An NGO based in Delhi

HIV/AIDS Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome)

HTCA Human Trafficking (Control) Act, 1986 (of Nepal)

ICCW Indian Council for Child Welfare

ICESCR International Convention on Economic, Social and Cultural Rights

ICDS Integrated Child Development Scheme

ICPS Integrated Child Protection Scheme

ICRW International Center for Research on Women

IG Inspector General of Police

IJM International Justice Mission (an NGO based in Mumbai)

ILO International Labour Organisation

IO Investigating Officer

IOM International Organisation of Migration

IPC Indian Penal Code, 1860

IPEC International Programme for the Elimination of Child Labour

IPS Indian Police Service

IRDP Integrated Rural Development Scheme

ISS Institute of Social Sciences

ITSSO Investigation Tracking System for Sexual Offenses

ITPA Immoral Traffic (Prevention) Act, 1956

JJ Act Juvenile Justice Act, 2000

JWP Joint Women's Programme (an NGO based in Delhi)

LGBTs Lesbian, gay, bisexual, and transgender.

LTTE Liberation Tigers of Tamil Eelam

LEAs Law Enforcement Agencies

MHA Ministry of Home Affairs

MOU Memorandum of Understanding

MoWCD Ministry of Women and Child Development

MPB Missing Persons Bureau

NACO National AIDS Control Organisation

NCPCR National Commission for Protection of Child Rights

NCLP National Child Labour Project

NCRB National Crime Records Bureau
 NCT National Capital Territory of Delhi
 NCW National Commission for Women
 NE North-East
 NSWP Global Network of Sex Work Projects
 NFHS National Female Health Survey
 NGO Non-Governmental Organisation
 NHRC National Human Rights Commission
 NIPCCD National Institute of Public Cooperation and Child Development
 NPA National Plan of Action (of the Government of India to fight trafficking and commercial sexual exploitation)
 NNSW National Network of Sex Workers
 NSSO National Sample Survey Organisation
 OHCHR Office of the High Commissioner for Human Rights
 OSCE Organization for Security and Cooperation in Europe
 OSCs One Stop Centres
 PIL Public Interest Litigation
 POCSO Protection of Children from Sexual Offences Act, 2012
 PNO Police Nodal Officer
 P & R Homes Protective & Rehabilitative Homes
 PTSD Post-traumatic stress disorder
 RDS Respondent driven sampling
 RPF Railway Protection Force
 SAARC South Asia Association of Regional Countries
 SARA State Adoption Resource Agency
 SAFAHT South Asia Forum Against Human Trafficking (a regional NGO network)
 SAFMA Social Action Forum for Manvaadhikar
 SAKHI An NGO based in Patna
 SAPAT South Asia Professionals Against Trafficking
 SC Supreme Court (of India)
 SCW State Commission For Women
 SCPCR State Commission for Protection of Child Rights
 SDM Sub-Divisional Magistrate
 SDGs Sustainable Development Goals
 SEP Socio-Economic Programme
 SHO Station House Officer (of a police station)
 SHRC State Human Rights Commission
 SI Sub Inspector of Police
 SITA Suppression of Immoral Traffic Act, 1951
 SLARTC Socio-legal Aid Research and Training Centre (an NGO based in Kolkata)

SOS Save our Sisters (an NGO based in Mumbai)
SOP Standard Operating Procedure
SP Superintendent of Police
SPO Special Police Officer
SPSS Statistical Package for Social Sciences
SR-VAW Special Rapporteur on Violence Against Women
SSB Sashastra Seema Bal
STD Sexually Transmitted Disease
STIs Sexually Transmitted Infections
STEP Support to Training and Employment Programme for Women
STOP Stop Trafficking and Oppression of Persons (an NGO based in Delhi)
TB Tuberculosis
TIP Trafficking In Persons
u/s Under Section
UDCR Universal Declaration of Child Rights, 1989
UN United Nations
UNDCP United Nations International Drug Control Programme
UNDP United Nations Development Programme
UNAIDS United Nations Programme on HIV/AIDS
UNESCAP United Nations Economic and Social Council for Asia and Pacific
UNFPA United Nations Population Fund
UNICEF United Nations Children's Fund
UNIFEM United Nations Development Fund for Women
UNICJRI United Nations Inter-Regional Crime and Justice Research Institute
UNODC United Nations Office on Drugs and Crime
USAID United States Agency for International Development
UNESCAP United Nations Economic and Social Commission for Asia and the Pacific
UNTOC United Nations Convention against Transnational Organized Crime
UT Union Territory
UTI Urinary Tract Infection
Vs Versus
VAMP Vaishya Anyay Mukti Parishad
VSPs Victim Service Providers
WHO World Health Organisation
WP Writ Petition (filed in the Supreme Court of India or the High Courts in India)
WTO World Trade Organisation
YMCA Young Men's Christian Association

Exploitation Transportation
International Forced Marriage
Crime HUMAN Abduction
women Servitude
TRAFFICKING Trade
Fraud Child
Human Rights Deception
Prostitution Awareness
Vulnerability Recruitment
Coercion Protection Transfer Violation
Victims
Prevention
suicidal