

CHAPTER-IV

TRAFFICKING OF WOMEN AND CHILDREN

4.1.1 The trafficking of women and children is the gravest form of abuse and exploitation of human beings. Women and children are trafficked for a range of purposes, including forced and exploitative labour, farms and private households, sexual exploitation, forced marriage, etc. The crux of the problem is that the trafficking of women and children, being a highly secretive and clandestine trade, remains under-reported and untraced.

4.1.2 As per data published by the NCRB, State/UT-wise number of women (above 18 yrs.) and children (below 18 yrs. Male, Female and Total) trafficked and rescued during the year 2017-2019 is as under-

States/UT-wise Children and Women Victims of Trafficking during 2017-19

Sl. No.	States/UTs	2017				2018				2019			
		Children			Women	Children			Women	Children			Women
		Male	Female	Total		Male	Female	Total		Male	Female	Total	
1.	Andhra Pradesh	2	24	26	312	1	15	16	351	0	18	18	380
2.	Arunachal Pradesh	0	0	0	0	3	0	3	0	1	3	4	0
3.	Assam	23	164	187	106	35	203	238	114	24	56	80	132
4.	Bihar	362	33	395	56	529	10	539	80	261	33	294	22
5.	Chhattisgarh	14	31	45	26	45	56	101	74	52	61	113	94
6.	Goa	0	1	1	74	3	6	9	93	0	2	2	88
7.	Gujarat	0	2	2	17	0	1	1	25	0	2	2	20
8.	Haryana	0	9	9	13	3	23	26	6	3	3	6	14
9.	Himachal Pradesh	1	2	3	12	0	3	3	13	0	1	1	14
10.	Jammu & Kashmir	0	1	1	0	1	0	1	0	0	0	0	0
11.	Jharkhand	17	314	331	78	124	94	218	30	34	138	172	48
12.	Karnataka	48	101	149	89	3	5	8	178	12	30	42	112
13.	Kerala	24	36	60	21	40	105	145	38	22	155	171	27
14.	Madhya Pradesh	46	75	121	47	29	44	73	19	47	76	123	92
15.	Maharashtra	44	90	134	520	27	46	73	698	34	61	95	475
16.	Manipur	5	8	13	10	0	2	2	3	2	3	5	151
17.	Meghalaya	0	3	3	0	0	22	22	2	0	30	30	1
18.	Mizoram	60	0	60	2	2	0	2	1	3	22	25	27
19.	Nagaland	0	0	0	0	0	0	0	0	0	2	2	18
20.	Odisha	60	57	117	61	41	90	131	64	94	108	202	250
21.	Punjab	7	1	8	2	14	6	20	7	1	8	9	8
22.	Rajasthan	849	37	886	11	346	27	373	6	636	17	653	6
23.	Sikkim	0	5	5	0	0	2	2	2	0	0	0	2
24.	Tamil Nadu	21	16	37	135	5	3	8	12	21	22	43	16
25.	Telangana	12	112	124	300	4	4	8	373	1	70	71	263
26.	Tripura	6	6	12	2	0	1	1	0	0	1	1	1
27.	Uttar Pradesh	27	11	38	24	2	39	41	49	16	16	32	94
28.	Uttarakhand	6	9	15	22	6	12	18	40	5	11	16	20
29.	West Bengal*	20	299	319	66	11	148	159	96	11	148	159	96
	Total State(s)	1654	1447	3101	2006	1274	967	2241	2374	1280	1097	2377	2871

30.	A&N Islands	0	0	0	0	0	0	0	0	0	0	0	0
31.	Chandigarh	0	0	0	0	0	0	0	0	0	1	1	1
32.	D&N Haveli	0	0	0	0	0	0	0	0	0	0	0	0
33.	Daman & Diu	0	0	0	3	0	0	0	0	0	0	0	0
34.	Delhi UT	383	51	434	31	432	99	531	58	462	74	536	30
35.	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0
36.	Puducherry	0	0	0	0	0	0	0	0	0	0	0	5
	Total UT(s)	383	51	434	34	432	99	531	58	462	75	537	36
	Total (All India)	2037	1498	3535	2040	1706	1066	2772	2432	1742	1172	2914	2907

States/UT-wise Children and Women Victims Rescued during 2017-19

Sl. No.	States/UTs	2017		2018		2019	
		Children	Women	Children	Women	Children	Women
1.	Andhra Pradesh	27	371	16	437	15	410
2.	Arunachal Pradesh	0	0	3	0	3	0
3.	Assam	154	99	182	97	73	126
4.	Bihar	395	56	537	73	294	22
5.	Chhattisgarh	77	79	101	74	112	94
6.	Goa	1	74	9	93	2	88
7.	Gujarat	2	17	1	25	2	16
8.	Haryana	9	14	24	5	6	14
9.	Himachal Pradesh	2	10	0	11	1	15
10.	Jammu & Kashmir	1	0	1	0	0	0
11.	Jharkhand	103	44	201	19	102	39
12.	Karnataka	149	89	8	178	42	112
13.	Kerala	86	102	112	45	179	29
14.	Madhya Pradesh	97	41	72	16	124	93
15.	Maharashtra	148	482	74	693	95	917
16.	Manipur	12	10	2	3	4	151
17.	Meghalaya	3	0	5	2	29	0
18.	Mizoram	0	0	2	1	25	27
19.	Nagaland	0	0	0	0	2	18
20.	Odisha	117	61	131	64	202	250
21.	Punjab	7	0	15	5	18	7
22.	Rajasthan	886	11	373	6	653	6
23.	Sikkim	5	0	2	2	0	2
24.	Tamil Nadu	37	135	27	22	42	16
25.	Telangana	30	354	8	381	71	263
26.	Tripura	12	2	1	0	2	1
27.	Uttar Pradesh	38	28	41	45	32	98
28.	Uttarakhand	15	22	18	40	16	20
29.	West Bengal	450	80	154	94	154	94
	Total State(s)	2863	2181	2120	2431	2300	2928
30.	A&N Islands	0	0	0	0	0	0
31.	Chandigarh	0	0	0	0	1	1
32.	D&N Haveli	0	0	0	0	0	0
33.	Daman & Diu	0	3	0	0	0	0
34.	Delhi UT	429	27	364	35	536	30
35.	Lakshadweep	0	0	0	0	0	0
36.	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

4.1.3 The data shows that in the year 2017, 3535 children and 2040 women were trafficked. In the year 2018, 2772 children and 2432 women were trafficked and in the year 2019, 2914 children and 2907 women were trafficked. Further, 3294 children and 2211 women were rescued in 2017, 2484 children and 2466 women were rescued in 2018 and 2837 children and 2964 women were rescued in 2019.

4.1.4 The Ministry of Home Affairs is in the process of implementation of projects under the Nirbhaya Fund and has approved the release of Rs.100 crore under the said fund to all States and UTs for establishing/strengthening Anti-Human Trafficking Units (AHTUs) with office infrastructure and purchasing Computers, Mobile Phone instruments, Digital Cameras, Four-wheelers, Motor Cycles and landline phones with broadband, etc. The AHTUs will be manned by State Police officials who will be assisted by officers of other relevant departments of respective States.

4.1.5 The MHA has also engaged with the Ministry of Railways as many traffickers use Railways as a major mode of transport for trafficking of the victims to other States and border areas. Railway Board has been asked to rope in Railway Protection Force (RPF) and Government Railway Police (GRP) for apprehending the incidents of trafficking at Railway Stations. They have been advised to ask GRP and RPF officials to remain alert and vigilant in addressing such incidents.

4.1.6 The MHA has also taken up with the Ministry of Labour & Employment and has advised them to sensitize officers of Labour Department in all States and UTs to keep watch on illegal placement agencies in the States who indulge in exploiting children with the false promise of a job. The MHA has circulated a comprehensive scheme to address the issue of human trafficking to all States and UTs advising them to establish an Anti-Human Trafficking Bureau at the State capital level, Anti-Human Trafficking Units (AHTUs) at every District level and monitor investigations at every Police Station level through Women Help Desks.

4.1.7 For promoting inter-State coordination, the Ministry of Home Affairs (MHA) regularly engages with States and UTs through various advisories and meetings and advises them to achieve greater inter-State coordination mechanisms to counter human trafficking. In addition, a national-level communication platform - Crime Multi-Agency Centre (Cri-MAC) was launched by MHA on 12th March, 2020 to achieve the objective of inter-State coordination in locating and identifying the trafficked victims as also in prevention, detection and investigation of crimes. The Cri-MAC facilitates the dissemination of information about significant crimes including human trafficking cases across the country on a real-time basis and enables inter-State coordination.

4.1.8 Training is provided to State Police Personnel in prevention and investigation of human trafficking in partnership with BPR&D, United Nations Office on Drugs and Crime (UNODC), Border Security Force (BSF), etc. This aims at capacity building of law enforcement agencies and generating awareness among them. States have also been advised to sensitize Police personnel deployed at bus depots and State Borders/ Inter-State Check Posts, etc., to keep watch on suspicious activities of transporting victims of trafficking, especially children.

4.1.9 The National Investigation Agency (NIA) Act has been amended on 25th July 2019 and NIA has been notified as the national investigating and coordinating agency responsible for investigating cases of trafficking in persons under Section 6 of the NIA Act which are inter-State or international in nature and such other cases as may be assigned to it by the Central Government.

4.1.10 The MHA has issued periodic advisories to Border Security Force (BSF), Sashastra Seema Bal (SSB) and State Governments to engage and coordinate with each other to address the issue of trafficking in border areas. The MHA has recently released funds to BSF and SSB to establish Anti-Human Trafficking Units (ATHUs) in border areas and strengthen their infrastructure to counter human trafficking. In addition, bilateral Memorandum of Understandings (MoUs) with neighboring countries like Bangladesh and Myanmar are also considered useful in the repatriation of victims of trafficking. India has also been engaging with other neighboring countries to sign such MoUs to achieve greater collaboration and coordination in addressing the crime of trafficking.

4.1.11 The Protector General of Emigrants (PGE) in the Ministry of External Affairs is the authority responsible for protecting the interests of Indian workers proceeding abroad for employment purposes. They have developed “eMigrate” and “Madad” portals which, *inter-alia* serve the purpose of registering and resolving grievances and complaints of such nature. Emigration Clearance (EC) is a safety measure that ensures that emigrants are not duped overseas and clearance is granted after verifying offered salary, working terms and conditions of the employment contract as well as credentials of foreign employer and insurance through Pravasi Bhartiya Bima Yojna, etc. The MHA has been engaging with PGE, Ministry of External Affairs (MEA) in connection with strengthening response against trafficking of victims to foreign countries and save victims from being duped by unscrupulous travel and employment agents in the name of lucrative overseas employment, etc.

4.1.12 To address cross-border human trafficking, the following actions have been taken by MHA:

- (i) India signed a bilateral MoU for the Prevention of human trafficking with the Government of Bangladesh on 6th June, 2015. A Joint Task Force of officials of India and Bangladesh was constituted to periodically review the actions and initiatives required to contain human trafficking. Six meetings of the task force have been held so far and the last meeting was held on 11th and 12th March, 2019.
- (ii) An MoU was signed with the UAE on cooperation in prevention and combating human trafficking on 25th January, 2017. A Joint Task Force meeting between India and UAE was held at Abu Dhabi, UAE on 4th and 5th August, 2019. The second meeting of the Joint Task Force took place virtually on 9th December 2020.
- (iii) A bilateral MOU on human trafficking was signed with Cambodia on 27th January, 2018.
- (iv) A bilateral MOU on human trafficking was signed with Myanmar 27th February, 2020.
- (v) India signed the SAARC Convention on Prevention and Combating Trafficking in Women and Children in Prostitution in 2002.
- (vi) In collaboration with MEA, a Standard Operating Procedure (SOP) for repatriation of Nepalese children was issued to all States and UTs on 26th December, 2018.
- (vii) In the year 2011, India ratified the United Nations Convention on Transnational Organized Crime (UNTOC) and its Protocols namely (i) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and (ii) Protocol against the Smuggling of Migrants by Land, Sea and Air. Officers dealing with Human trafficking regularly attend the meetings convened by UNODC and make use of the experience gained during the interactions in these meetings especially the Working Group Meetings held annually on Trafficking in Persons and Smuggling of Migrants.

4.1.13 The Committee was apprised by the Ministry of Women and Child Development (MoW&CD) that it has initiated the 'Ujjawala' Scheme for prevention of trafficking and rescue, rehabilitation and reintegration of victims of trafficking for commercial sexual exploitation. MoW&CD has been in the process of integrating its various schemes regarding shelter homes and 'Ujjawala', etc., with a view to achieve a greater focus on providing rehabilitation to victims of trafficking. The Ministry is also working on the draft legislation of human trafficking, which has a dedicated focus on the rehabilitation of victims.

4.2 Written submission of Indian Leadership Forum Against Trafficking (ILFAT) on the trafficking of women and children

4.2.1 Indian Leadership Forum Against Trafficking (ILFAT) is a forum by the trafficked survivors for the trafficked survivors. The forum acts as a catalyst and convener for sharing expertise, insights and evidence relevant to human trafficking in India. ILFAT engages in policy and law consultation processes as well as with media to share its findings and experiences in the system in order to strengthen the system together. The Committee was informed by the ILFAT in its written submission that the most common reasons for Human trafficking are-

- i. The Panchayats and District Administration provides no protection services to trafficked people, or help to deal with economic distress, or cope with violence in the family or community;
- ii. the Anti Human Trafficking Units (AHTUs) do not focus on mapping, identification and tracking traffickers who operate in the rural areas;
- iii. preventive strategies like migration registers are not effective in combating trafficking because the burden and onus of registering in these registers lie with the families, and traffickers ensure that they avoid any such process; and
- iv. the AHTUs in most districts across India are either not functional or notified, and do not have specifically designated officers. As a result, traffickers who are in the source States, are never traced, arrested, or prosecuted. Even if the victims' family registers a case in the home district, the local Police register such cases under sections of kidnapping and abduction and refuse to apply trafficking sections because the officers take the plea that the outcome of that case is in another location and therefore, the case can only be registered under abduction or kidnapping. These cases almost are never successful in conviction.

4.2.2 When asked about the effectiveness of AHTUs in tracking and curbing the trafficking of women and children, the ILFAT informed the Committee that the investigation done by AHTUs are superior to an investigation by local Police officers. AHTUs being focused units and investigating only human trafficking cases are able to conduct investigations across state borders and collect necessary circumstantial evidence to strengthen the prosecution case. They have the expertise or skills, intelligence gathering and understand the nuances of the crime of trafficking. It has been seen that charge sheets filed by AHTUs are stronger than local Police Stations.

4.2.3 The Committee was also informed by the ILFAT that wherever AHTUs have been functional, there has been a remarkable difference in terms of service delivery between AHTUs and local Police Stations. Survivors experience a much better quality of investigation and treatment by AHTUs as compared to local Police Stations. Hence, getting AHTUs to function to their full capacity is not only important for swift investigation but also to ensure that the victims get fair treatment from law enforcement.

4.2.4 For rehabilitation of victims of trafficking, the ILFAT informed the Committee that the shelter homes, which are meant for rehabilitation and relief, are not good enough. There is an indication that shelters run with no transparency and accountability. Overall, it is not an environment fit for physical and emotional healing. The shelter homes provide basic training in the computer course, tailoring and beautician course, etc. However, they are insufficient to support survivors in earning a livelihood post reintegration into society. For instance, the survivors are unable to use skills learned in tailoring with no access to the sewing machine. A majority of the survivors have reported that they were denied a job despite showcasing the certificate of computer training received from the shelter home due to lack of continued education. Therefore, for a survivor to get fully rehabilitated, self-independence is important. For that to happen, it is necessary that victims of trafficking be trained and skilled in vocations and areas which will allow them to seek respectable livelihoods.

4.2.5 To strengthen existing anti-human trafficking laws in the country, ILFAT informed the Committee that currently there is a multiplicity of laws, which deals with different forms of trafficking under the different laws in silos. Some laws define and penalize only one part of human trafficking and the punishment of traffickers is weakened by fragmented prosecution of the organized crimes under different laws. Moreover, the existing legislations are inadequate and the definitions are outdated. There is no uniformity for addressing the proper rehabilitation mechanism and victim compensation that supports the long-term well-being of the survivors. There is also ambiguity on the roles and powers of the law enforcement agencies in the inter-State investigation of trafficking.

4.2.6 The ILFAT informed the Committee that due to COVID-19 Pandemic induced lockdowns, thousands of migrant labours with their families returned back to their villages from various States due to which many women and young girls have lost their livelihoods and employment and are facing lots of challenges. So many criminals who are noticed/identified as traffickers have deceived and cheated innocent girls and women and pushed them into the vicious cycle of prostitution.

Observation/Recommendation

4.2.7 The Committee notes that the MHA has allocated Rs.100 crore for the establishment of Anti-Human Trafficking Units (AHTUs) in all States/UTs under the Nirbhaya Fund. The Committee understands the importance of these units and the requirement of office infrastructure, computers and other logistics for its establishment and operational needs and therefore, recommends that MHA may allocate adequate funds to the States/UTs for establishment and strengthening of AHTUs in States/UTs including representation of female officers. An additional requirement of funds, if any, may be raised with the Ministry of Finance in the coming financial year (2021-22) at the RE stage so that AHTUs are established and made operational without further delay.

4.2.8 The Committee also recommends that the Government should establish a National Anti-Human Trafficking Bureau to investigate trans-border trafficking across States as well as cases of human trafficking involving a foreign country. It should also cooperate and coordinate with the Anti-Human Trafficking Bureau at the State capital level and intelligence agencies for making concerted and holistic efforts in tracking, tracing and rescuing trafficked women and children. The Committee further recommends that the MHA should develop a mechanism for convergence and coordination between the different agencies, institutions, organizations, departments (Home, WCD, Labour, Railways, Transport and Health) for smooth and better accessibility of services to the

victims and survivors of trafficking.

4.3 Missing Children

4.3.1 The Committee was informed by the Ministry of Women & Child Development that it has developed a national tracking system for missing and vulnerable children which has been implemented across the country. The MoWCD has also launched the 'Khoya-Paya' platform on 2nd June, 2015 where citizens can report missing children as well as sightings of their whereabouts. The details of children, who have been found, can also be reported on this platform. The Portal has been integrated with CCTNS for efficient working. As per data published by the NCRB, a list of State/UT-wise total number of children (below 18 yrs.) missing in the country during 2017 to 2019 is given below-

States/UT-wise Missing Children (Below 18 years) during 2017-19

S. No.	States/UT	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

4.3.2 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.

4.3.3 In the meeting of the Committee held on 18th November, 2020 Delhi Police informed the Committee that the common reasons for missing children as identified by them are “lost the way, academic pressure, scolding by parents, elopement, runaway, left on their own will, family circumstances, etc.”

4.3.4 The MHA in its background note informed the Committee that it has advised State Governments/UT Administrations to undertake the following steps in case of missing children:-

- (i) In case of complaint with regard to any missing children made in a Police Station, the same should be reduced into a First Information Report and appropriate steps should be taken to see that follow-up investigation is taken up immediately thereafter.
- (ii) In the case of every missing child reported; there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved otherwise.
- (iii) Whenever any complaint is filed before the Police authorities regarding a missing child, after referring the information to the Magistrate concerned, Police authorities should continue with the inquiry into the complaint.
- (iv) Each Police Station should have, at least, one Police Officer, specially instructed, trained and designated as a Juvenile Welfare Officer in terms of Section 63 of the Juvenile Act. Special Juvenile Officer on duty in the Police Station should be present in shifts.
- (v) Para-legal volunteers, who have been recruited by the Legal Services Authorities, should be utilized, so that there is, at least, one paralegal volunteer, in shifts, in the Police Station to keep a watch over the manner in which the complaints regarding missing children and other offenses against children are dealt with.
- (vi) The State Legal Services Authorities should also work out a network of NGOs, whose services could also be availed of at all levels for the purpose of tracing and reintegrating missing children with their families which, in fact, should be the prime object, when a missing child is recovered.
- (vii) Every found/recovered child must be immediately photographed by the Police for purposes of advertisement and to make his relatives/guardians aware that the child having been recovered/found.
- (viii) Photographs of the recovered child should be published on the website and through the newspapers and television so that the parents could locate their missing child and recover him or her from the custody of the Police.
- (ix) The State authorities shall arrange for adequate shelter homes to be provided for missing children, who are recovered and do not have any place to go to. Such shelter homes or after-care homes will have to be set up by the State Government concerned and funds to run the same will also have to be provided by the State Government together with proper infrastructures.

Observation/Recommendation

4.3.5 The Committee is aghast to note the sorry state of affairs in the National Capital Territory of Delhi so far as missing children is concerned. The NCRB data shows 15252, 14896 and 12239 children went missing in Delhi in 2017, 2018 and 2019 respectively. Despite the fact that an advisory has been issued by the MHA to State Governments/ UT Administrations that ‘in case of every missing child reported; there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved otherwise’. Delhi Police has not even cited ‘trafficking’ as a reason for missing children in their submission.

4.3.6 The Committee takes note of the advisory issued by MHA to States/UTs regarding missing children and recommends that the Ministry of Home Affairs may take up with States/UTs to ensure the availability of Juvenile Welfare Officer and Para-legal volunteer as per the extant provision of law in a time-bound manner in each Police Station for proper registration and investigation of cases of missing children and rehabilitation of the recovered children.