

# HANDBOOK ON **HUMAN TRAFFICKING**

**FOR CIVIL SOCIETY ORGANIZATIONS**

## **IN TELANGANA**



## ACKNOWLEDGEMENTS

### **Sunitha Krishnan**

Founder, General Secretary, Prajwala

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### **Smt. Divya Devarajan, IAS**

Commissioner, Dept. of Women & Child Welfare, Govt. of Telangana

### **Smt. Geeta Seekhon**

Consultant, United Nations

### **Shri Ravi Kant**

President, Shakti Vahini

### **Ms. Roseann Rajan**

### **Ms. Sharon Daniel**

### **Ms. Temsukumla Pongener**

### **Ms. Melita Fernandes**

### **Ms. Vaishnavi Sabhapathi**

### **Mr. Saptarshi Biswas**

### **Ms. Acca Varghese**

### **Ms. Swasti Rana**



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Basavaguda Road

Mankhal (Village & Post)

Maheshwaram (Mandal)

Ranga Reddy (Dist)

Telangana State-501359

praj\_2010@yahoo.com

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**Dr. TAMILISAI Soundararajan**



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## **FOREWORD**

*Human trafficking is a complex and multi-dimensional organised crime that is victimising millions of girls across the world. The inhuman exploitation of young adolescent girls and women through trafficking is more in underdeveloped and developing countries. The trafficking is taking place in varied forms and is becoming difficult to prevent by the government machinery alone.*

*The trafficking signifies wide ranging crimes like cheating, kidnapping, abduction, buying, selling, and wrongful confinement thus manifesting in various forms of exploitation.*

*The human trafficking is also resulting in crimes like child labour, bonded labour, sexual exploitation, rape, organ trade, etc.,*

*In order to deal with this highly organised crime of human trafficking, it has been recognised and proved that only a concerted and an efficiently organised response system must be put in place in the first instance.*

*It calls for the united effort from all stakeholders with effective discharging of their individual responsibilities while working in tandem under a common umbrella goal of rooting out human trafficking in all forms.*

*In this context, I am really glad to know that a definitive response system that encompasses advocacy, prevention, action, rescue, and rehabilitation is being promoted by Prajwala, India, a pioneering anti-trafficking organisation founded by Ms Sunitha Krishnan, the Padma Shri awardee.*

*I really appreciate the daring initiatives with stupendous conviction, whole hearted dedication, and impeccable integrity of Ms Sunitha Krishnan and her Team Prajwala in carrying out their inspiring fight against human trafficking with special focus on sex trafficking for the past two decades.*

*In this backdrop, I extend my heartiest congratulations to Prajwala for successfully coming out with the customised Handbooks on Human Trafficking for five different warriors in this fight.*

*The exhaustive and highly informative Customised-Handbooks, which are replete with numerous case studies, will help the duty bearers in their efforts to obliterate human trafficking which results in a brazen violation of basic human rights of the victims and is robbing of them of their human dignity, protection, and self-determination.*

*The five specialised and customised handbooks will go a long way in training and empowering Judicial Officers, Prosecuting Officers, Labour Officers, Child Welfare Committees, and Civil Society Organisations in ending trafficking.*

*The Handbooks, I am sure, will serve as the ready-reckoner, for the duty bearers in preventing and fighting against all forms of human trafficking and to effectively prosecute those who perpetrate such heinous crimes.*

*The customised handbooks will also help to fight against human trafficking with a noble aim to create a safe and protective environment for victims of this atrocious crime.*

*I found the customised handbooks, written in lucid style laced with many real-life examples and come up with practical and legal solutions to deal with the complex crime of this nature will immensely be helpful in effective discharge of the duties by the officers concerned.*

*I deeply appreciate the unique and gigantic initiative of collating and presenting exhaustive information compiled in the customised handbooks.*

*I am sure the handbooks will serve as the game changers in the functioning of the duty bearers in their respective areas of work while dealing with the inhuman crime of human trafficking.*

Legendary Saint Thiruvalluvar, the great philosopher, in his immortal "Thirukkural" has said

**"ஒழுக்கத்தின் ஒல்கார் உரவோர் இழுக்கத்தின்  
ஏதம் படுபாக் கறிந்து"**

**Which means that....**

***"Those firm in mind will not slacken in their observance of the proprieties of life, knowing, as they do, the misery that flows from the transgression from them."***

*I hope all the warriors of this maha yagna of eradication of human trafficking from the State of Telangana will keep this in mind while dealing with the cases relating to human trafficking.*

*I extend my hearty congratulations and heartfelt appreciation to Ms Sunitha Krishnan and her Team Prajwala for the inspiring work done to bring out these handbooks and for their tremendous selfless and daring work with an objective to end human trafficking and in giving a new life to the most vulnerable sections.*

*I wish your amazing and inspiring work continues to inspire many to be part of this mission to end human trafficking and all forms of exploitation.*

**Best wishes**



**Dr. Tamilisai Soundararajan**

4<sup>th</sup> February, 2021

## FOREWORD

*Trafficking in any form is a curse – whether it is trafficking in animals or in humans. It crushes the spirit and soul of the victim. Unfortunately, this crime does not seem to be going away and being an underground activity, the number of victims mentioned in official records may not necessarily be reflecting the true picture.*

*The task of obliterating trafficking from the face of the Earth is not the sole responsibility of the government - all of us, as responsible citizens, have an obligation to humanity to ensure that trafficking is abolished. But that is easier said than done. The next best that we can do is to try and wipe the tear from the eye of every victim. The five-volume Handbook on Human Trafficking is, in that sense, an extremely significant publication marking, as it were, a concerted step in that direction.*

*While each duty holder has his or her role to play in the exercise, it must be appreciated that only a concerted effort will yield results. Therefore, each of the duty holders addressed in these volumes must work in tandem. Parliament may enact excellent laws in relation to trafficking, but if they are not faithfully implemented, they will remain only in the statute and law books. Similarly, the State Government may frame excellent welfare schemes, but the benefits must roll out to those who need them. It is in this exercise that we must work collectively and with a mission.*

*It is also necessary to appreciate that there are several forms of exploitation that have been haunting adults and children – sexual exploitation is only one of them. There are instances of those who have been victims of a disaster having to take loans at usurious rates of interest and are unable to repay them. They are then victims of bonded labour and some of the more broken souls seek a violent release from bondage and the vicissitudes of life. Women are sometimes driven to prostitution and the girl child is sometimes forced into marriage, as the pandemic has shown us. There have been instances of the sale of children,*

*illegal adoptions and worse, sale of organs. In each of such cases, the police, prosecution, judges and government officials at various levels have an important role to play. Civil society organizations can independently play a powerful role in changing the societal narrative in favour of the victims and providing them the support that laws and welfare schemes of State Governments seek to give as a matter of their right.*

*My commendations to all for their excellent work which, I am sure, will go a long way in alleviating the pain and suffering of so many.*



**(Madan B. Lokur)**

A-26, First Floor, Gulmohar Park  
New Delhi - 110 049  
E: [madanlokur@outlook.com](mailto:madanlokur@outlook.com)  
M: +91 9868219007

## FOREWORD

**“The best way to find yourself,  
is to lose yourself in the service of others”  
- Mahatma Gandhi**

*Trafficking in persons is a serious crime and a grave violation of human rights. Every year in India, thousands of men, women and children fall into the hands of traffickers.*

*Civil society organizations have been at the forefront of combatting human trafficking and form a strong third pillar along with government, and the agencies of the criminal justice system.*

*Human trafficking continues to generate significant challenges for civil society organizations which are further exacerbated due to the COVID-19 pandemic. There is a growing need for strengthened civil society responses associated with the prevention of human trafficking, the rehabilitation of victims, along with assisting law enforcement - with a wide-ranging focus on a victim-centred approach.*

*The victim of trafficking has been kept as a focal point around which this Handbook has been created. All actions of civil society organizations in this Handbook are focused on the victims, not treating them merely as victims, but first and foremost as human beings– towards their effective social reintegration as the end-goal. The Handbook is designed to provide a hands on approach, and is written in a functional and implementable style rather than merely for a theoretical reading.*

*I remain evermore assured that coming from a long list of Prajwala publications, this Handbook for Civil Society Organizations will be useful towards facilitating early identification of victims, human rights-oriented rescue of those in exploitative situations, ultimately leading to effective rehabilitation and reintegration in human trafficking cases.*



*I take this opportunity to thank and congratulate Prajwala for bringing out this timely Handbook and look forward to its utilization by all concerned responders working on combatting trafficking in persons.*

A handwritten signature in blue ink that reads "Geeta" with a horizontal line underneath.

**Dr. Geeta Sekhon**

Consultant, United Nations

14 January 2021



# shakti vahini

Plot No 31, Third Floor, Pocket -2, Jasola Vihar, New Delhi-110025  
E-mail : shaktivahini@yahoo.co.in, Website: www.shaktivahini.org  
+91-42870188, 45081098, 42244224

## FOREWORD

*The organized crime of human trafficking is incredibly complex and thrives on unique vulnerabilities that go beyond endemic poverty or sociocultural practices. The grassroots efforts of Civil Society Organizations (CSOs) have been crucial to developing a nuanced understanding of such underlying factors. They also contribute heavily to ever-growing knowledge bank containing information about the multiplicity of formulae employed by traffickers, ramifications of unchecked trafficking that creates traffickers out of victims, how intervention efforts must be customized instead of decontextualized legal processes to prioritize the well-being of victims. Most importantly, CSOs and Non-Governmental Organizations (NGOs) have been instrumental in recognizing that human trafficking can happen to anyone, anywhere and anyhow. Driven simply by their unwavering belief in equal human rights for all, determination in the face of adversity and their innate human kindness, CSOs now form an indispensable part of anti-human trafficking efforts in India, from rescue to rehabilitation to conviction.*

*As an activist committed to the cause, I know that information paucity can be a huge impediment, detrimental to well-meaning efforts involving days and months of hard work that can ultimately harm victims and create a trust deficit. This Handbook is a vital tool that has come at an opportune moment to aid CSOs to combine intention with law. Independently we are great, but together we are stronger and will last longer.*

*The role of partners who gave their time in compiling this handbook is extremely valuable. The clarity of presentation by the team at Prajwala is commendable, who have identified, applied and produced all relevant information for CSOs, that has accumulated over decades in SOPs and lengthy documents.*

*Starting from intervention, the format of this Handbook will work brilliantly as a 'Ready Reckoner' which provides detailed substantive and procedural information needed for every grass-roots worker when they encounter victims and/or receive information about trafficking. Without being wordy, the role of CSOs is comprehensively discussed, while identifying key stakeholders at every*

step of the intervention, prevention and protection process. This is because CSOs are more than 'hand-holders', who often have to come up against systemic barriers that can and have proved discouraging and can also be demoralizing in the long run. This particular challenge can, to a great extent be deftly countered with information this Handbook provides. For instance, the Immoral Traffic Prevention Act, 1956, mandates the presence of a 'social worker' whenever a raid or rescue is conducted. Many, if not most, victims of sex trafficking and/or forced prostitution are minor girls, for which the Protection of Children Against Sexual Offences Act, 2012 (POCSO) and the Juvenile Justice (Care and Protection of Children) Act, 2015, (JJA) create a particularly robust legal framework. Both POCSO and JJA have created a host of stakeholders each of whom horizontally shares the heavy responsibility of child protection. Therefore, by adhering to the Handbook, CSOs are relieved of the moral dilemmas and legal implications in such tricky situations. It is a testament of the importance of CSOs everywhere, that their roles and responsibilities feature in almost every aspect of 'access to justice', invaluable to victims of trafficking. Particularly, for child victims, representatives of CSOs act as a bridge of communication, a protective and caring hand to neutralize the intimidating experience of inquiry, statement gathering and medical exam. Therefore, it is essential that they navigate emotion by balancing it with knowledge and awareness of each stakeholder's primary duty and responsibility towards victims.

*This Handbook will also inspire confidence in CSOs, as it enumerates all the instances where the nuanced, informal tactics of CSOs become indispensable in strategically preventing human trafficking, a veritable eyes and ears of society.*

*Lastly, our responsibility lies to those who cannot protect themselves. For a just and equitable society, its citizens and institutions have to work in harmony. This Handbook will be of great help to the hard work of all those citizens, as they serve its many peoples without asking for anything in return.*



**Ravi Kant**  
President, Shakti Vahini



## CONSULATE GENERAL OF THE UNITED STATES OF AMERICA

HYDERABAD, INDIA

### FOREWORD

*Human trafficking threatens the security of people around the world. Trafficking is an extreme violation of human rights, infringing upon the basic rights to human dignity, self-determination, protection, and integrity of victims who may be women, men, or children.*

*Countries around the globe are battling this problem, and the United States is no exception. The U.S. government has strived to create comprehensive mechanisms to fight this menace domestically and internationally. Through the Department of State, the U.S. government has created global partnerships to combat human trafficking, bringing all segments of society to a common platform in the fight against modern day slavery.*

*The Governments of India and Telangana have taken measures to combat human trafficking. However, despite our best intentions the problem of human trafficking continues to grow, making it incumbent on us to strengthen our collective efforts, improve our capabilities, and build on existing momentum in eradicating this abhorrent evil.*

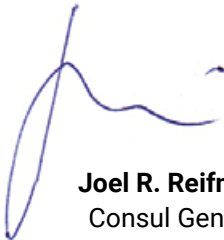
*Each year, human traffickers deprive millions of victims – through force, fraud, and coercion – of their unalienable rights to life, liberty, and the pursuit of happiness. We all have a role in combatting human trafficking. Civil society organizations (CSOs) play a pivotal role in supplementing the efforts of relevant duty bearers in raising awareness, rescuing victims, rehabilitating them, and prosecuting criminals.*

*This handbook, meant for CSOs, is an important tool to obtain a clear understanding of the roles and responsibilities prescribed by existing national laws. It also includes various policies and schemes of the Government of Telangana, which can be used to provide effective and timely justice to victims of trafficking.*

*In the past, the U.S. Consulate General Hyderabad has joined hands with several Indian civil society organizations in our efforts to end human trafficking. One of these campaigns was the landmark Swaraksha Caravan campaign in collaboration with our esteemed partner Prajwala, which had a far-reaching impact and sensitized millions to this issue across the region. This campaign led to the ground-breaking decision of the Government of Telangana to institutionalize the Swaraksha experience as a state-wide program and declare the third Saturday of each month "Swaraksha Day."*

*I also take this opportunity to applaud and thank Ms. Sunitha Krishnan, founder of Prajwala, under whose leadership this important handbook has been designed. As a 2009 recipient of the U.S. Department of State TIP Report Hero Acting to End Modern Day Slavery Award, she has led from the front and provided extraordinary vision in combating this problem.*

*The efforts of civil society organizations globally have been pivotal in the fight against one of the worst human rights violations – human trafficking – and this handbook intends to strengthen the hands of all the duty bearers, and in particular the civil society organizations. I sincerely hope this handbook will be another step towards dismantling modern day slavery and ensuring the protection of future generations.*



**Joel R. Reifman**  
Consul General

**Sunitha Krishnan**  
Padmashree Awardee  
Founder, Prajwala



#Survey No. 64/2, 65/3  
Basavaguda Road, Mankhal (V)  
Maheshwaram (M), Ranga Reddy (D)  
Telangana State, INDIA - 501 359  
Phone : 08414 237304  
Fax : 08414 237305  
Website : [www.prajwalaindia.com](http://www.prajwalaindia.com)  
E-mail : [praj\\_2010@yahoo.com](mailto:praj_2010@yahoo.com)

## FOREWORD

*The Hon'ble Supreme Court of India, on numerous occasions, has underlined the significance of civil society organizations (CSO) in addressing the issue of human trafficking. All the landmark judgements that were a watershed in the arena of Labour Law was thanks to the sustained efforts of one civil society organization which successfully highlighted the plight of the labourers, victims and migrants before the Courts and was able to reinstate their rights and entitlements.*

*The Hon'ble Supreme Court in Neeraja Chaudhary vs State of M.P. on 8 May, 1984, upheld the critical role of Civil Society Organizations (CSOs) in bonded labour cases stating that it is "necessary to involve social action groups operating at the grassroots level in the task of identification and release of bonded labourers". It further said that "it is only through social action groups working amongst the poor that we shall be able to discover the existence of bonded labour and that the State government should start taking their assistance..."*

*Human trafficking is an organized crime and any effort to combat it is most effective when all duty bearers synergize their efforts in a collective action. A civil society organization is a key duty bearer and can play a pivotal role in assisting the government in implementing and enforcing anti-human trafficking legislations and policies in all efforts such as rescuing victims, rehabilitating them and prosecuting criminals. In each stage in the process, the CSO can creatively and effectively deliver its own services to victims with a sense of urgency and focussed attention.*

*Several existing legislations including the Immoral Traffic (Prevention) Act, 1956 clearly specify the role of a CSO in the important intervention of rehabilitation. The Government of India's Standard Operating Procedures to tackle child labour, sex trafficking and bonded labour, specifically state the role*

*of CSOs to partner with the government in lending its services to bring relief and restoration to victims.*

*Several pioneering civil society organizations across the country have played a path-breaking role in helping in identifying cases and bringing them to the notice of government authorities for appropriate and immediate action. It goes without saying that CSOs have been the torch bearers in India for providing holistic victim services in the form of Safe Shelters, Helplines, Crisis Counselling Centres etc.*

*Yet the need for credible CSOs trained in the fight against human trafficking is ever growing. A right orientation and appropriate training will ensure that the role of CSOs is professionally conducted and will play a major part in the prevention, protection and prosecution of human trafficking cases.*

*This handbook contains all relevant information for CSOs to perform their role effectively in assisting the government in addressing human trafficking. It provides clear, updated, and concise information on various laws, policies, procedures for better convergence and smooth operations in tackling the crime of trafficking. It is important that CSOs have a clear understanding of the roles and duties of the duty bearers, for them to work towards convergence and support at each level of the operation. A thorough knowledge of relevant laws will enable CSOs to be more effective, it will allow them to connect vulnerable communities to government services and support them in getting access to justice. This handbook is aimed at building the capacity and knowledge of CSOs and social workers towards ending the crime of human trafficking in India.*

*My heartfelt gratitude to Smt. Geeta Sekhon, internationally known UN consultant responsible for several training manuals on Anti Human Trafficking for taking out her valuable time to review this handbook and make it relevant for all CSOs.*

*I am honored and thankful to Shri. Ravikant, founder of pioneering anti human trafficking organization Shaktivahini, for doing a peer review of this handbook.*

*I place my humble gratitude to all the CSOs across the country who have played a critical role in the risk-taking field of combating human trafficking and have sustained their efforts in spite of all challenges.*

*This handbook would not be possible without the support of our valued partner International Justice Mission, India whose practical experience and longstanding efforts in the anti-trafficking mission shaped the content.*

*The U.S. Consulate General Hyderabad and the U.S. Embassy, New Delhi has been our long-standing partner and collaborator supporting us actively in the anti-trafficking mission. I humbly acknowledge the entire team of Public Affairs, U.S. Consulate General Hyderabad who were actively involved in the development of this handbook.*

*I do believe this humble initiative will be a ready to use guide for CSOs dealing with a case of human trafficking to ensure justice for the victim.*



**Sunitha Krishnan**  
Padmashree Awardee  
Founder, Prajwala



## PREFACE

This handbook has been designed to aid CSOs and social workers with clear, concise and structured information on laws, policies and best practices for them to adopt while collaborating with the government to tackle crimes of human trafficking in India. To maintain this objective, a brief needs assessment was conducted with a few CSOs across the country. The goal was to understand the following:

- Specific challenges CSOs face while handling human trafficking cases.
- Gaps in current resource materials available for CSOs.
- Recommendations for the development of the Handbook.

The conclusion of the needs assessment is given below:

### **Challenges faced by CSOs include:**

1. Lack of knowledge on specific laws, legal definitions, procedures and policies in place to address human trafficking.
2. Lack of proper understanding of the role of each stakeholder mandated to address trafficking, from the identification phase to rescue to rehabilitation of victims.
3. Lack of proper coordination between CSOs and government bodies can lead to inordinate delays in providing relief to victims of trafficking.
4. CSOs have limited resources and also have limited geographical reach and presence and where CSOs are present, there is a heavy reliance on them, putting a strain on their limited resources.

### **Gaps in Current Resource Materials Available on the Topic:**

1. Most current resource material are too bulky and lengthy and do not serve the purpose of being quick reference guides to be used on the ground.
2. There is no one-stop resource book which clearly and systematically lays out the process/procedures, laws, government circulars and notifications pertaining to the subject of human trafficking.

3. There is also a need for a tool which clearly lays out the specific role of CSOs and social workers in addressing human trafficking. There is a need for updated material/content on the subject at hand.

### **Recommendations for the Handbook:**

1. The handbook must be in the format of a ready reckoner that clearly lays down the role CSOs can play in assisting the government in tackling crimes of human trafficking.
2. The content must include court judgements, government orders, laws, and policies for CSOs to easily refer to, including specific information on the role and duties of CSOs.
3. The handbook should contain updated information. It should include a set of court judgements where the role of CSOs is highlighted.

Several landmark court judgements have highlighted that CSOs should be called upon to assist the government in identification of cases, rescue and rehabilitation of victims. A number of government Standard Operating Procedures (SOPs) relating to trafficking of persons call out the role of CSOs. The Handbook captures the specific role of CSOs in various stages of the process, from rescue to rehabilitation. The knowledge captured in this handbook will enable smoother functioning and collaboration among various stakeholders, including government agencies, CSOs and others working for the protection of human trafficking victims.

## LIST OF ABBREVIATIONS

<b>CrPC</b>	Code of Criminal Procedure, 1973
<b>CWC</b>	Child Welfare Committee
<b>DCPU</b>	District Child Protection Unit
<b>DLSA</b>	District Legal Services Authority
<b>FIR</b>	First Information Report
<b>IO</b>	Investigating Officer
<b>ITPA</b>	Immoral Traffic (Prevention) Act, 1956
<b>JJA</b>	The Juvenile Justice (Care and Protection of Children) Act, 2015
<b>MHA</b>	Ministry of Home Affairs
<b>MO</b>	Modus Operandi
<b>MWCD</b>	Ministry of Women and Child Development
<b>NALSA</b>	National Legal Services Authority
<b>CSO</b>	Civil Society Organisation/Non-Governmental Organization
<b>AHTU</b>	Anti-Human Trafficking Unit
<b>DM</b>	District Magistrate
<b>IPC</b>	Indian Penal Code
<b>ILO</b>	International Labour Organization
<b>SOP</b>	Standard Operating Procedures
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>POCSO</b>	The Protection of Children from Sexual Offences
<b>G.O.s</b>	Government Orders



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# HOW TO USE THE HANDBOOK

This Handbook provides an outline of the role that CSOs play in a human trafficking case as support persons. The role of CSOs and the multi-stakeholder role have been derived from existing laws, judgements, policies, Government Orders and Standard Operating Procedures (SOPs) issued for the purpose of combating trafficking.

This handbook has two segments:

**I. Role of CSOs-** This provides the role of the CSOs in the following:

- 1) Case Intervention
- 2) Prevention
- 3) Strengthening Systems to Combat Human Trafficking

**II. Relevant Policies and Schemes-** This provides the relevant policies and schemes of the Government of Telangana and the Central Government, that can be used for the welfare and rehabilitation of the victim.

## GUIDELINES FOR CSOs

Some important points to use this handbook are:

- i. The 'Role of CSOs' is a comprehensive chapter that details the step-by-step process in a case including rescue, rehabilitation and prosecution. Each step has the statutory requirement clearly outlined. Additionally, it also provides the policies and schemes of the Government of Telangana which can be used for the welfare of the victim at that stage.
- ii. The 'Relevant Policies and Schemes' chapter is a ready reference of all the relevant policies and schemes issued by the Government of Telangana, which if appropriately used can become a great support mechanism for a victim.





# **ROLE OF CIVIL SOCIETY ORGANIZATIONS (CSOs)**

The role of CSOs on the issue of human trafficking can be categorized as follows:

### **I. Case Intervention**

- a. Identification of cases
- b. Rescue Operation
- c. Rehabilitation of victims
- d. Restoration & Repatriation
- e. Legal Intervention

### **II. Prevention**

- a. Intelligence gathering for preventing Human Trafficking
- b. Public Awakening
- c. Entry/Exit Strategy
- d. Demand Reduction

### **III. Strengthening Systems to combat human trafficking**

- a. State Level Mechanisms
- b. District Level Mechanisms
- c. National Level Policies and Mechanisms

It is imperative that CSOs equip themselves with the existing anti-trafficking laws and policies to be able to effectively partner with the government to combat human trafficking.

### 1) IDENTIFICATION OF CASES

#### a. In the case of Missing Children

*Derived from:*

*Standard Operating Procedure for Cases of Missing Children, issued on 23<sup>rd</sup> November, 2016 by the Ministry of Women and Child Development, Government of India. [Refer - **Relevant Policy I**]*

*(Can be accessed here: <https://wcd.nic.in/sites/default/files/SOP%20for%20Tracing%20Missing%20Children-24.4.17.pdf>)*

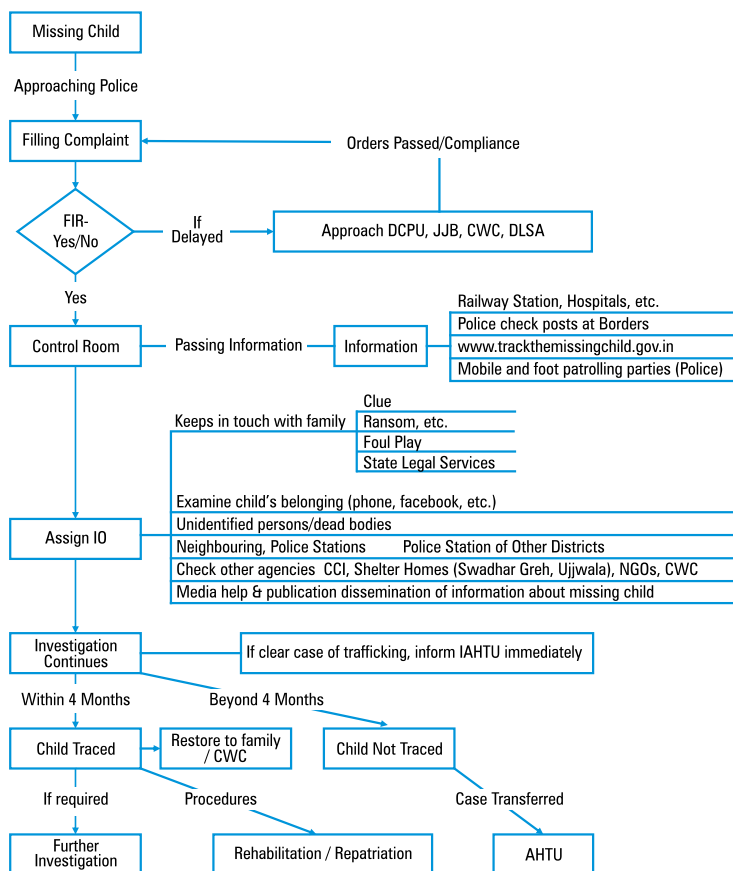
The Procedure in cases of Missing Children is as follows:

- On receipt of information of a missing child, report the missing child to:
  - 1) Police Station/AHTU/SJPU
  - 2) PCR Number, Dial 100
  - 3) Any other helpline number of the Police
  - 4) Childline No. 1098
  - 5) Khoya Paya Portal / Darpan Portal
- Report the missing child to the above-mentioned authorities through:
  - 1) In person filing of complaint
  - 2) Over the phone complaint
  - 3) Email complaint
  - 4) SMS complaint
- Ensure that the information provided to the Police is recorded in the General Diary and the police conduct a verification of the information provider.

- Ensure that the Police registers an FIR.
- Coordinate and receive information from the Police with regard to spotting and recovering/rescuing the missing child.

**Note:** Since CSOs work primarily in communities, it is observed that when a child goes missing, parents seek the support of grassroot level CSOs to assist them in submitting complaints to the local police station.

The following Flowchart on the Process to be followed on the Receipt of a Missing Child Complaint has been taken from the SOP for Cases of Missing Children:



## b. For children found in contact with Railways

Derived from:

*Guidebook for creating a Child friendly and protective environment for children in contact with Railways, released by the National Commission for the Protection of Child Rights in collaboration with Railway Children India, 2018. [Refer - Relevant Policy II]*

[Can be accessed here: [https://indianrailways.gov.in/railwayboard/uploads/directorate/Transformation\\_Cell/Circulars/Care\\_Protection\\_040618.pdf](https://indianrailways.gov.in/railwayboard/uploads/directorate/Transformation_Cell/Circulars/Care_Protection_040618.pdf)]

Steps to protect a child found at the Railways:

- If a child is found by a CSO member, bring the child to the Station Superintendent (SS)/Station Master(SM).
- Assist the SS/SM in recording the details of the child in the register maintained by SS/SM and placing the photograph of the child in the register.
- Once the RPF/GRP hands over the child to the CSO, produce the child before the CWC without any delay.
- Seek access from the Inspector-Railway Protection Force (RPF) and Station House Officer- Government Railway Police (GRP) to the CCTV surveillance network for monitoring/identifying the child at the Station/Platform yard.

## c. Intelligence Gathering

Derived from :

*SOP on Investigating Crimes of Trafficking for Commercial Sexual Exploitation (2007), released by the UNODC and the Government of India. [Refer - Relevant Policy III]*

[Can be accessed here: [https://www.unodc.org/documents/humantrafficking/India\\_Training\\_material/SOP\\_on\\_Investigation\\_of\\_](https://www.unodc.org/documents/humantrafficking/India_Training_material/SOP_on_Investigation_of_)

[Crimes\\_of\\_Trafficking\\_for\\_Commercial.pdf](#) ]

*SOP on Investigation of Crimes of Trafficking for Forced Labor (2008), released by the UNODC and Government of India. [Refer - Relevant Policy IV]*

[Can be accessed here: [https://www.unodc.org/pdf/india/SOP\\_Investigation\\_Forced\\_Labour.pdf](https://www.unodc.org/pdf/india/SOP_Investigation_Forced_Labour.pdf) ]

Take the following steps for gathering intelligence with respect to places and victims of human trafficking:

- Assist the Police/AHTU in identifying victims.
- Immediately provide any information received during community awareness activities or case intervention to the Police/AHTU for swift action.
- Assist the Police/AHTU police in intelligence gathering and in decoy operations, if required.
- In situations where reintegrated survivors or victims living in Protective Home are willing to give further information about other victims or places of exploitation create interface with the Police/AHTU for necessary action.

## 2) **RESCUE OPERATION**

### **a. Receiving Information of Human Trafficking**

When information of a human trafficking case is received, take the following steps:

- Ask from the informant, whether a survivor or a community-based worker or a family member, the following questions-
  - *How did you get this information?*
  - *How many suspected victims are being trafficked? What is their age, gender?*
  - *What sort of exploitation are the victims being subject to?*

- *Have any authorities been informed? Whether any missing complaint has been filed etc.?*
- *What is the exact location of the premises?*
- *How many offenders are at the location?*
- *Where are the victims from?*
- *How long ago were the victims trafficked?*
- *When was the last contact made?*
- Immediately inform the authorities about the case while ensuring that there is no tip-off.
- Maintain strict confidentiality throughout the process.
- If there is a functioning AHTU in the district, then file the complaint or support the local community worker or relative of victims to file the complaint immediately.
- Obtain a received copy of the complaint

## **b. Composition of the Rescue Team**

*Derived from:*

*-SOP on Investigating Crimes of Trafficking for Commercial Sexual Exploitation (2007), released by the UNODC and the Government of India.*

[Can be accessed here: [https://www.unodc.org/documents/humantrafficking/India\\_Training\\_material/SOP\\_on\\_Investigation\\_of\\_Crimes\\_of\\_Trafficking\\_for\\_Commercial.pdf](https://www.unodc.org/documents/humantrafficking/India_Training_material/SOP_on_Investigation_of_Crimes_of_Trafficking_for_Commercial.pdf)]

*-SOP on Investigation of Crimes of Trafficking for Forced Labor (2008), released by the UNODC and Government of India.*

[Can be accessed here: [https://www.unodc.org/pdf/india/SOP\\_Investigation\\_Forced\\_Labour.pdf](https://www.unodc.org/pdf/india/SOP_Investigation_Forced_Labour.pdf)]

*-SOP for Identification and Rescue of Bonded Labourer and Prosecution of Offender, F. No. S-11012/01/2015-BL issued by Ministry of Labour and*

Employment, Government of India on 17<sup>th</sup> August, 2017 [**Refer - Relevant Policy V**]

-Standard Operating Procedure for the Enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 issued by the Ministry of Labour and Employment, Government of India in September 2017. [**Refer - Relevant Policy VI**]

[Can be accessed here: <https://www.childlineindia.org/a/knowledgecenter/>]

The rescue team shall consist of the following

- Police/SJPU/AHTU (The police will consist of two women police officials of any rank)
  - Trained woman counsellor
  - Two independent witnesses, at least one should be a woman
  - Translators
  - Members of CSO
  - CWC/DCPU (if victims are children)
  - DLSA
  - Any other necessary person
- In cases of Human Trafficking for Sexual Exploitation: Special Police Officer (SPO) to also be present in the Rescue Team.
  - In cases of Human Trafficking for forced/bonded labour: DM/SDM and Labour Officer/Labour Inspector to also be present in the Rescue Team.

**Points to Remember:**

- While it is best to have a multi-stakeholder rescue team, a rescue operation must be conducted within 24 hours of receipt of information. The rescue can be done by the Police/AHTU. The rest of



the members can be intimidated of the same. This is to avoid tip-off or the victims being subjected to violence or being moved.

- Confidentiality of information to be maintained at any cost.

### **c. During rescue**

- On submission of a complaint, facilitate duty bearers to ensure rescue operation is conducted immediately by the rescue team.
- Ensure the registration of the FIR which can take place at any location from the source to the destination.
- Assist the Police/AHTU in the search and rescue operation.
- Provide support to separate the victim from the traffickers.
- Provide first-response trauma support to the victim.
- Facilitate the recovery of belongings of the victim, in case of a young adult/adult facilitate the recovery of children kept in captivity by the traffickers.
- Reassure the victim of the post rescue plan.
- Protect the victim from media at all times.
- Assist in the transportation of the victim. Victims must be transported in vehicles different from those of the accused.

### **d. Immediately after the rescue operation**

#### **1. In cases of sex trafficking**

In cases of sex trafficking, immediately after the rescue, take the following steps at the respective locations-

#### **1. At the Police Station/Safe Location**

- In cases where POCSO applies, the following section needs to be complied :
  - i. The complaint must be recorded as per Sec. 19(3) of the POCSO in a simple language so that the child can

understand the content of the complaint.

- ii. In case the child fails to understand or interpret the language of the content of the case, an interpreter or a translator having due qualification and experience shall be provided to the child.
- iii. Facilitate the recording of the statement of the child which must be recorded as per Sec. 24 of POCSO in the following manner:

Sec. 24: Recording of statement of a child

*“(1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.*

*(2) The police officer while recording the statement of the child shall not be in uniform.*

*(3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child comes in contact with the accused.*

*(4) No child shall be detained in the police station in the night for any reason.*

*(5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child”.*

- Separate the victim by sight or sound from the traffickers.
- In Coordination with Sakhi Center provide the victim immediate support for basic necessities such as change of clothes and food.
- Give an understanding on the procedures that will be followed in the police station and subsequently during the medical examination and when produced before the appropriate legally competent authority.

- Provide information on their legal rights and the entitlements they can receive as a part of the rehabilitation schemes available in the state.
- Do not disclose the identity of victims to the media. In case of children, follow guidelines u/s 74 of the JJA.

In cases where POCSO applies, as per Sec. 23, none of the following information should be allowed to be disclosed to the media unless the court feels it is in the best interest of the child:

- a. *Identity of the child (name, address, photograph, family details, school, neighborhood)*
- b. *Or any other particulars which may lead to the disclosure of the identity of the child.*

- Ensure medical examination is conducted to ascertain physical or sexual abuse of the victim.
- Provide necessary counseling to victim to gain confidence to share true facts during recording of statement u/s 161 CrPC.
- Request the IO to notify the District AHTU, State AHTU and State Nodal Office of Human Trafficking (if case is not from AHTU), for monitoring purposes, in compliance with G.O.M No. 165 dated 25<sup>th</sup> June, 2011 issued by Home Department, Govt. Of Andhra Pradesh. **[Refer - RELEVANT POLICY VII]**
- If there is any threat perception for the victim, request in writing to the IO for inclusion of the victim in the Witness Protection Scheme, 2018 issued by the Ministry of Home Affairs, GoI and in the judgement passed by Hon'ble Supreme Court of India in ***Mahender Chawla & Others v. Union of India, WP (Cri) No. 156 of 2016 dated 5<sup>th</sup> December 2018.***
- Take all measures to ensure offenders are arrested by the Police.

- Take all measures to ensure a copy of the FIR is sent, directly through the CSO or through the Police to DLSA to process interim compensation for victim u/s 357A CrPC and Telangana Victim Compensation Scheme, 2015 [Refer - **Relevant Policy VIII**] and for appointment of para legal volunteer and panel lawyer to be assigned to the victim under the NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 [Refer - **Relevant Policy IX**]

[Can be accessed here - <https://nalsa.gov.in/acts-rules/preventive-strategic-legal-services-schemes/nalsa-victims-of-trafficking-and-commercial-sexual-exploitation-scheme-2015>] and Rule 7 of the POCSO Rules, 2020 in accordance with the provisions of the Legal Services Authorities Act, 1987.

- Ensure the FIR is filed under appropriate charges. In cases of sex trafficking, the commonly used charges are Sec. 370 IPC & other relevant sections, POCSO, ITPA etc.

## 2. At the Hospital

- Assist the safe transport of the victim from the Police Station to the Hospital. Ensure that it is conducted at a Government Hospital.
- Request the RMO/Duty Officer at the Hospital to administer and conduct the medical examination of the victim separately from the traffickers, so as to prevent any intimidation/harassment to the victim.
- Ensure all examination procedures to ascertain physical and sexual abuse is conducted.
- Provide the victim all information regarding the medical examination and its legal implications.
- In cases where POCSO is applicable, as per Sec. 27(2), ensure that the medical examination of a girl child is conducted by a woman doctor.

### 3. At the Court/CWC

- Ensure that the adult victims are produced before the Magistrate (Sec. 15 & 16 ITPA, 1956) by providing all necessary assistance to the police.
- Assist the Police in producing child victims of trafficking that fall under the category of “child in need of care and protection” (CNCP) as defined by Sec. 2(14) of Juvenile Justice (Care and Protection of Children) Act, 2015, before the CWC.
- In cases where POCSO applies, request CWC to assign a support person in accordance with 2(f) of POCSO Rules, 2020. As a support person, assist the child through the investigation process and trial or any other person assisting the child in the pre-trial or trial process under the Act.
- In cases where POCSO applies, request the CWC to direct the DCPU to provide special relief to the child victim for contingencies such as food, clothes, transport and other essential needs and immediate payment of such amount to the child as it may assess to be required (Rule 8 of the POCSO Rules, 2020).
- Take steps for opening a bank account, arranging for identity proofs, etc., with the assistance of DCPU and support person.

## II. In cases of labour trafficking

In cases of labour trafficking, immediately after the rescue, take the following steps at the respective locations:

### I. At the Police Station/Safe Location/Office of Labour Officer

- Separate the victim by sight or sound from the traffickers.
- Provide the victim with immediate support for basic necessities such as change of clothes and food.
- Give the victim an understanding on the procedures that will be followed in the police station and subsequently

during the medical examination and when produced before the appropriate legally competent authority.

- Provide information to the victim on their legal rights and the entitlements they can receive as a part of the rehabilitation schemes available in the state.
- Ensure that the labour officer initiates proceeding under the MWA/PWA. The statements are to include all the details about wages. ***(For MWA and PWA - Kindly note that at the time of drafting the Handbook, the Wage Code had been passed but the Rules were not formulated. Hence, kindly refer to the corresponding provisions as and when they are passed)***. The details about the wages included the following:
  - i. The amount of wages that the labourers were promised when they came to work at the facility.
  - ii. The amount which the owner had said he would provide to the labourers.
  - iii. The actual amount which was received in hand.
  - iv. If there was any deduction from the wages because of debts/advances.
  - v. The number of times such wages were received by the labourers.
  - vi. Whether such amount was sufficient for the family and the labourer.
- In cases of trafficking for bonded labour, facilitate the bonded labour inquiry which is to be carried out by the DM/SDM and ensure that release certificates under the BLSA and immediate cash assistance of Rs. 20,000/- *(or whatever amount is mentioned in the updated policy)* is provided to each victim as per the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016, F. No. S-11012/01/2015-BL, issued by the Ministry of Labour and Employment, Government of India on 18<sup>th</sup> May, 2016 and the *SOP for Identification and Rescue of Bonded Labourer*

*and Prosecution of Offender, F. No. S-11012/01/2015-BL issued by Ministry of Labour and Employment, Government of India on 17<sup>th</sup> August, 2017 are issued by them. [Refer - Relevant Policy X]*

- Ensure that the inquiry is conducted in the absence of the accused and protection is given to the victim at every stage.
- Assist the labour officials in maintaining the confidentiality of the victims throughout the investigation.
- If it is a case of child labour, the victims would fall under the category of child in need of care and protection as defined under the JJA.
- Produce child victims that are not accompanied by their families before CWC who shall then order inquiry which may include a medical examination, determination of age, intermediary care and protection, tracing parents or if the CWC deems fit, sending the child with parents, home verification etc. as per Sec. 31 of the JJA.
- Do not disclose the identity of children especially to the media. Follow guidelines u/s 74 of the JJA.
- Facilitate the provision of rehabilitation and economic compensation as per **MC Mehta v. State of Tamil Nadu and Ors AIR 1997 SCC 699** judgement in which-
  - i. Rs. 20,000 per child (*or whatever amount is mentioned in the updated policy*) are to be paid by the employer to a 'Child Labour Rehabilitation-cum-Welfare Fund' to be used only for the benefit of that child and
  - ii. In addition, the government is to provide employment to an adult family member of the child or contribute Rs. 5,000 per child to this fund.
- In cases of child labour, take measures to ensure that the Inspector or Nodal officer having jurisdiction, opens account of the child and the appropriate funds are transferred from the Child and Adolescent Labour Rehabilitation Fund to

the child's account. This is in compliance as per Rule 7 of the Child Labour (Prohibition and Regulation) Amendment Rules, 2017 and the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 in accordance with Standard Operating Procedure for the Enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 issued by the Ministry of Labour and Employment, Government of India in September 2017. [Can be accessed here: <https://www.childlineindia.org/a/knowledgecenter>]

- Take all measures to ensure that the District Nodal Officer uploads case in PENCIL Portal.
- Take all measures necessary to ensure inquiry is conducted in absence of offender and in presence of CSO representative, and that victim is provided protection through every stage.
- Provide necessary counseling to victim to gain confidence to share true facts during recording of statement u/s 161 CrPC.
- Assist the DM in ensuring quick and safe return of the victim and that the victim is accompanied by the police and representatives of CSOs during such return to home state.
- Facilitate the return of the victim by making sure that the return of labourer is not put on hold only because of the pendency of the investigation or trial in relation to the commission of the offences under the BLSA.
- Request the IO to notify the District AHTU, State AHTU and State Nodal Office of Human Trafficking (if case is not from AHTU), for monitoring purposes, in compliance with G.O.M No. 165 dated 25<sup>th</sup> June, 2011 issued by Home Department, Govt. of Andhra Pradesh.
- If there is any threat perception for the victim, request in writing to the IO for inclusion of the victim in the Witness Protection Scheme, 2018 issued by the Ministry of Home Affairs, GoI and in the judgement passed by Hon'ble Supreme Court of India in **Mahender Chawla & Others v.**



**Union of India, WP (Cri) No. 156 of 2016** dated 5<sup>th</sup> December 2018.

- Take all measures to ensure offenders are arrested by the Police.
- Take all measures to ensure a copy of the FIR is sent, directly through the CSO or through the Police to DLSC to process interim compensation for victim u/s 357A CrPC and Telangana Victim Compensation Scheme and for appointment of para legal volunteer and panel lawyer to be assigned to the victim under the NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

[Can be accessed here - <https://nalsa.gov.in/acts-rules/preventive-strategic-legal-services-schemes/nalsa-victims-of-trafficking-and-commercial-sexual-exploitation-scheme-2015>].

- Ensure the FIR is filed under appropriate charges. In cases of bonded labour, the commonly used charges are u/s 370 IPC and other relevant offences under the SC/ST (POA) Act, BLSA, CLA and JJA.

## II. At the Hospital

- Ensure medico-legal test is conducted in a Government Hospital to ascertain physical or sexual abuse of the victims.
- Assist the safe transport of the victim from the Police Station to the Hospital.
- Request the RMO/Duty Officer at the Hospital to administer and conduct the medico-legal test of the victim separately from the traffickers, so as to prevent any intimidation/harassment to the victim.
- Provide the victim all the information regarding the medico-legal test and ensure that the medico-legal examination is conducted at the Government Hospital to ascertain physical or sexual abuse of the victim.

### III. At the Court/CWC

- If rehabilitation measures have not been provided by the Labour officer or the DM, ask the DLSA assigned lawyer or Public Prosecutor to submit before the Court to provide directions for the same.
- Assist the Police in producing the child victims of trafficking that fall under the category of “child in need of care and protection” (CNCP) as defined by Sec. 2(14) of Juvenile Justice (Care and Protection of Children) Act, 2015, before the CWC.
- If rehabilitation measures have not been provided by the Labour officer or the DM, submit before CWC to provide directions for the same.

## 3) REHABILITATION OF VICTIMS

### A. **For victims of sex trafficking**

- Assist the court in planning for rehabilitation of victim as part of the panel of social workers formed as per Sec. 17(5) of the ITPA, 1956.

#### ***I. Home Investigation Report:***

- On the direction of the court, assist the court to do a Home Investigation Report (HIR) of an adult victim of sex trafficking (Sec. 17A, ITPA, 1956).
- On the directions of the court, assist the CWC to do a Social Investigation Report (SIR) of any child victim (Sec. 36 (2) of the JJ Act, 2015 and Rule 19(8) of the Model JJ Rules, 2016). The SIR which resembles the HIR as prescribed in ITPA, 1956 can be initiated only on the orders of the CWC.

#### ***Guidelines for conducting HIR/SIR***

- Carry all the legal documents such as Court/ CWC orders to validate your presence to conduct the HIR/SIR.

- Carry your authorized organization identity proof.
- Inform that the report will be submitted only to a legally competent body and will not be disseminated elsewhere.
- Build trust without indulging in any pressure tactic or intimidation.
- Gather all family details.
- Through observation, note down all the household goods.
- Without indulging in an interrogative mode, subtly gather details on the family's version of how the victim moved out of the family's safe net.
- Look out for any information that may indicate the passive or active connivance of the family in the process of trafficking.
- Subtly draw out the contributory factors/persons behind the custody application and their connection to the criminal syndicate.
- Look out for any indicators that may point out to the family's dependence on the victim's earnings.

### **Note:**

A Home Inquiry Report (HIR) or a Social Investigation Report (SIR) is a confidential report that records observations on the home environment of the victim that may have led or will lead a victim to being trafficked or re-trafficked. An HIR for majors is to be conducted by order of the Courts and is to be completed in 21 days. An HIR for minors is to be conducted on the orders of a CWC and is to be completed in 4 months.

## **II. Shelter Homes/Residential Institutions/Higher Education**

- In case the CSO runs a Child Care Institution (CCI) registered as per Sec. 41 of the JJ Act, 2015 or Protective Home for adults licensed as per Sec. 21, ITPA, 1956, ensure that the Home runs in accordance with the Standards of Care prescribed under "Minimum Standards of Care" notified

vide G.O.M. No. 16, dated 24<sup>th</sup> April 2010 issued by the Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh. **[Refer - Relevant Policy XI]**

- For the purpose of higher education, in accordance with the Individual Care Plan or the aptitude of the victim, admit them under reserved seats in polytechnic course as per G.O.M No. 14 dated 23<sup>rd</sup> May 2008 issued by the Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh. **[Refer - Relevant Policy XII]**
- In case of child victims, take into consideration security concerns and in case there is no threat perception, admit children to Government run residential institutions as per G.O.M No. 47 dated 31<sup>st</sup> August 2010 issued by the Department of Women Development, Child Welfare and Disabled Welfare of the Government of Andhra Pradesh. **[Refer - Relevant Policy XIII]**

### **III. District Anti Trafficking Committee**

Take all measures to become a part of the District Anti-Trafficking Committee set up under the “Policy for Combating Trafficking of Women and Children for Commercial Sexual Exploitation” notified vide G.O.M No. 1 dated 3<sup>rd</sup> January 2003, issued by the Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh. **[Refer - Relevant Policy XIV]**

As a member, request the Committee to take action on the following steps:

- Provide immediate relief fund to victim of sex trafficking as per G.O.M No. 28 dated 15<sup>th</sup> October 2012, issued by the Department of Women Development and Child Welfare, Govt. of Andhra Pradesh. **[Refer - Relevant Policy XV]**
- Provide Arogyashree Cards for victims of trafficking for free medical treatment.

- Provide Aadhar Card and Ration Card for the restoration of civic rights of the victims.
- Provide allocation of housing under weaker section housing scheme to rescued persons on priority.
- Ensure proper utilization of the Rehabilitation and Relief Fund.

## B. In Labour trafficking cases

*Derived from-*

*Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016, F. No. S-11012/01/2015-BL, issued by Ministry of Labour and Employment, Government of India on 18<sup>th</sup> May, 2016.*

*SOP for Identification and Rescue of Bonded Labourer and Prosecution of Offender, F. No. S-11012/01/2015-BL issued by Ministry of Labour and Employment, Government of India on 17<sup>th</sup> August, 2017.*

*Letter No. J4/6793/2017 dated 23/10/2018 issued by the Labour Employment Training and Factories Department for creation of Rehabilitation Fund. [Refer - **Relevant Policy XVI**]*

- Assist in providing benefits under various labour laws such as the Maternity Benefit Act 1961, the Factories Act 1948 etc.
- Facilitate in enrolling/registering victims under BOCW and other relevant laws.
- Assist in ensuring that the release rehabilitation be a single composite step with long-term sustainable arrangements finalized within three months, as far as possible.
- Consult the rescued labourer on the method of his/her rehabilitation, considering background, and specific needs and talents.
- Assist the Labour officer in arranging an alternative wage-employment through preferential treatment to the released individual.

- Arrange or extend skill training or other adult education schemes utilizing the help of private or voluntary sector.
- Assist the rescued labourer in obtaining financial assistance, subsidies through state funds or from nationalized banks.
- Assist the labour officials in rehabilitating the individual in the same occupation. Co-operatives or collectives, wherever feasible, be encouraged for groups or rescued bonded labourers, on a preferential basis and all the complementary assistance such as training and managerial and marketing support be provided.

#### **If the victim is a child/adolescent: -**

- Ensure that the labour officer creates a bank account for each child/adolescent.
- Assist the labour officer in ensuring the enrolment of the adolescent in the skill development program.
- Assist the labour officer in creating and issuing Index Card for each child/adolescent to monitor educational rehabilitation.
- Assist the labour officer in preparing and uploading the Second Action Report on the PENCIL portal.
- Facilitate the transfer of principle amount along with interest from the Fund to the child's bank account when such child or adolescent attains the age of 18.
- Follow up with the child regarding receipt of monetary compensation and non-cash rehabilitation benefits.
- Follow up on the progress of legal trial. Ensure that the labour officer uploads and updates the Legal Action Report on the PENCIL portal accordingly.

#### **In cases of bonded labour:-**

If the requisite rehabilitation provisions are not given, follow up with the labour commissioner/DM/Vigilance Committee/State Level Committee to ensure that the immediate rehabilitation benefits as mentioned above are provided immediately and that the following steps are taken for long-term rehabilitation:

1. In accordance with Sec.10 of the Bonded Labour SOP, coordinate with relevant authorities for issuance of the following documents to the victims to ensure holistic rehabilitation: Aadhar Card, Ration Card, Caste Certificates, Voter ID, MNREGA Card, Land Patta, Government health insurance and other relevant documents.
2. Coordinate with departments to provide the non-cash rehabilitation benefits to be provided to the victims in accordance with Sec. 5(v) of the said Scheme:
  - Allotment of house-site and agricultural land;
  - Land development;
  - Provision of low-cost dwelling units;
  - Animal husbandry, dairy, poultry, piggery etc.;
  - Wage employment, enforcement of minimum wages etc.
3. To provide compensation to victims under SC/ST(POA) Act, if FIR has charges under SC/ST (POA) Act.

**Committees to be notified for monitoring, accountability and rehabilitation:**

- **Bonded Labour:**
  - Notify case details to the district Vigilance Committee formed u/s 13 BLSA and G.O.M 20 dated 04/04/2018 issued by Department of Labour Employment Training and Factories (Labour) Department, Government of Telangana for further action and relief. [Refer - **Relevant Policy XVII**]
  - Notify case details to the State Level Monitoring Committee for Bonded Labour formed vide G.O.M No.19 dated 04/04/18 issued by Department of Labour Employment Training and Factories (Labour) Department, Government of Telangana for further action and relief. [Refer - **Relevant Policy XVIII**]

## FOR ALL CASES OF HUMAN TRAFFICKING

The following is the list of the relevant programs and services for the rehabilitation of victims along with the concerned departments:

Services	Program	Concerned Dept.
<b>Counselling</b>	1. Psycho-social counselling 2. G.O.Ms.No.30: Establishment of youth counselling center "YUVA"	Department of Women and Child Welfare
	3. Family Counselling Center To arrange for suitable rehabilitation services for the victims and their dependents.	Central Social Welfare Board
	<b>Sakhi Centre</b> a) Legal aid b) Police assistance c) Short Stay d) Vocational Training e) Employment/Financial aid f) Drug de-addiction/Rehabilitation Centre g) Medical Aid	Ministry of Women and Child Welfare
<b>Economic empowerment</b>	1. PDS (ration card) 2. Antyodaya Anna Yojana (BPL) 3. Village Grain Bank Scheme	Dept. of Food and Public Distribution
	4. National Rural Employment Guarantee Act (Employment)	Department of Rural Development
	5. National Rural Livelihood Mission (Self-employment)	Department of Rural Development
	6. National Social Assistance Program (Pension – old age, widow & differently abled)	Department of Rural Development



	7. G.O.Ms.No.14: Reservation of trafficked victims in Polytechnic courses	Department of Women and Child Welfare
	8. GO.Ms.No.1: Policy for Combating Trafficking of Women and Children for Commercial Sexual Exploitation	Department of Women and Child Welfare
	9. G.O.Ms.No.47: Reservation of child victim in Govt. run residential Institutions	Department of Women and Child Welfare
	10. G.O.Ms.No.27: Appointment of Prajwala as State Nodal Agency for Economic Empowerment of Survivors	Department of Women and Child Welfare
<b>Education</b>	1. Child Development, Anganwadi (nutrition, vaccination, elementary education)	DWCD
	2. Sarva Shiksha Abhiyan (Mid-day meal, bridge schools, residential Schools)	Education Dept. Social Welfare Dept. Tribal Welfare Dept.
	3. Scholarship	Social Welfare Dept.
	4. Skill Development	National Skill Development Corporation
	5. Girl Child Protection Scheme Education support for Children	Department of Women and Child Welfare
	6. National Child Labour Project Scheme Mainstream through Formal Education Special Training Centres	Ministry of Labour & Employment (ML&E) NCLP
<b>Housing</b>	1. Land & Patta	Land Revenue & Settlement Department

	2. Pradhan Mantri Awaas Yojana (G)	Rural Housing – H&UDC
<b>Health</b>	1. National Health Mission (Janani Suraskhya Yojana, Health Insurance)	Health Department
	2. Pradhan Mantri Matru Vandana Yojana	DWCD
	3. Arogyashree	Health Department
<b>Financial Assistance</b>	1. Central Sector Scheme	DM
	2. SC/ST Compensation, POA (Rules)	DM
	3. Victim Compensation u/s 357A CrPC under the Telangana Victim Compensation Scheme	DLSA
	4.G.O.Ms.No.13: Immediate Relief fund of Rs.20,000/- for sex trafficked victim	Department of Women and Child Welfare
	5. GO.Ms.No.28: Relief and Compensation for Minor Victim of Sex Trafficking	Department of Women and Child Welfare
	6. Telangana Aasara Pension Scheme 2021	Department of Rural Development
<b>Universal Entitlements</b>	1.Bank Account 2.Aadhar 3.Voter ID 4.PAN Card	DM
<b>Shelter Homes</b>	1. G.O.Ms.No.16: Minimum Standards of Care for Homes for Victim of Sex Trafficking	Department of Women and Child Welfare
	2.G.O.Ms.No.17: Appointment of Additional staff for government run home for sex trafficked victims.	Department of Women and Child Welfare

	3.Ujjwala : Rescue, Rehabilitation, Re-integration	Ministry of Women and Child Welfare
	4.Swadhar: Shelter, food, clothing, counselling, skill development training program and rehabilitation	Ministry of Women and Child Welfare
<b>Protection</b>	1.G.O.Ms.No.165: Setting up of Anti Human Trafficking Units (AHTUs) & Victim Compensation	Home Department
<b>Immediate intervention/ First Response Centers</b>	Sakhi Centres - Help Line-181 Shelter Legal Aid Counselling Medical aid	Ministry of Women and Child Welfare
<b>Legal Aid</b>	NALSA (Victims of Trafficking and CSE) Scheme, 2015 Telangana Victim Compensation Scheme, 2015 Legal Assistance Victim Compensation Fund Government Schemes	Telangana State Legal Services Authority
<b>Legal Documents</b>	1.Caste Certificate 2.Residential Certificate 3.Birth Certificate 4.Death Certificate 5.Income Certificate 6.Residency Certificate 7.Disability Certificate	DM

#### 4) RESTORATION & REPATRIATION

- Assist police/DCPU for safe restoration of the victim to the victim's family after ensuring that the family will not cause a harmful influence on the victim.
- Take all measures to ensure that the process of restoration will not violate the right to privacy of the victim and the identity of the victim is protected from the media at all times.
- In case of a foreign national, ensure that the foreign national is treated as a victim and not as an accused under the Foreigner's Act as per Office Memorandum No. 14051/14/2011-F. V1 dated 1<sup>st</sup> May 2012, issued by the MHA, GoI [**Refer - Relevant Policy XIX**] [Can be accessed here - [https://www.mha.gov.in/sites/default/files/AmdmntAdvForeign-030512\\_4\\_0.pdf](https://www.mha.gov.in/sites/default/files/AmdmntAdvForeign-030512_4_0.pdf)] and safely repatriated to the country of origin.
- Ensure that the victim's details are sent to the Ministry of External Affairs for repatriation to home country.
- Assist the Investigation Officer and the High Commission for documentation and counseling.

#### 5) LEGAL INTERVENTION

- Once a legal counsel is assigned from the DLSA, coordinate with the legal counsel to ensure that the following steps are taken:

Ensure registration of FIR/Complaint under relevant offences & arrest of accused

File application u/s 301 r/w S. 24(8) of CrPC and Vakalatnama\*

File for interim compensation u/s 357A CrPC\*\*

Ensure Charge sheet filed on time within stipulated period

Prepare element sheet of offences, summarising the evidence in chargesheet per ingredient of offence

If B report/closure report filed, then file Protest Petition

Ensure appropriate charges framed, file for adding charges or accused, if required	File or assist PP to file for victim's evidence to be recorded via video conferencing***	File application for travel expenses for victim
File for witness protection order under the Witness Protection Scheme 2018	Ensure witness is re-examined if any clarification required. Assist PP to oppose Sec. 231 CrPC petition	Assist PP in filing for additional evidence to be called (see next diagram)
Obtain certified copies of court orders, witness depositions & evidence	Oppose adjournments. Oppose discharge petition, if filed	Oppose bail petitions, as appropriate
File written arguments	Protect victims' rights during investigation and trial	

\*As per the decisions of several High Courts in **Sathyavani Ponrani v. Samuel Raj & Ors. 2010 (2) MWN (Cr.) 273**, **Shankar v. State of Karnataka & Ors. (2013) 2 AIR Kant R 265**, **Lokesh Singh v. State of Uttar Pradesh (2013) 83 ACC 379**, **Uma Saha v. State of Tripura 2014 SCC OnLine Tri 859**, **Suneel Kumar Singh v. State of Uttar Pradesh 2019 SCC OnLine All 957**, and **Khumukcham Nikita Devi v. State of Manipur (2017) 176 AIC 839**, the role of the victim's counsel should extend to putting questions to victims, raising objections to irrelevant questions put by the Public Prosecutor and making oral arguments in addition to those made by the Public Prosecutor.

\*\*Ensure payment of fine imposed by the Special Court under the POCSO Act,

2012 which is to be paid to the victim (Rule 10 of the POCSO Rules, 2020).

\*\*\* Ensure the implementation of Memo.No.2323/WP.A2/2011 dated 2<sup>nd</sup> April, 2014, issued by the Department for Women, Children, Disabled & Senior Citizens, Government of Andhra Pradesh [Refer - **RELEVANT POLICY XX**].

### **Rights of Child Victims of Sex Trafficking U/S 33-38 of POCSO**

In cases where POCSO applies, ensure DLSA assigned lawyer conducts the trial in compliance with Sec. 33 to 38 of POCSO to protect victim's rights:

RIGHT	SECTION
Questions of Chief examination and cross examination to be submitted to the Judge by PP and Defence respectively. The Learned Judge would ask the child the questions	33(2)
Breaks in testimony	33(3)
Child-friendly environment	33(4)
Child to not be repeatedly called to record evidence	33(5)
Refrain from aggressive questioning	33(6)
Identity of child to not be disclosed in investigation and trial unless with permission of Special Court in written order for best interest of child	33(7)
Compensation to child victim	33(8)
Evidence of child to recorded within 30 days of cognizance	35
Trial to be completed in a year	
Child to not be exposed to the accused. Video conferencing or single visibility mirrors may be used	36
In-camera trial	37
Translator may be appointed or special educator	38

## II. PREVENTION

### 1) **INTELLIGENCE GATHERING FOR PREVENTING HUMAN TRAFFICKING**

*Derived from-*

*SOP on Investigating Crimes of Trafficking for Commercial Sexual Exploitation (2007)*

[Can be accessed here –

[https://www.unodc.org/documents/human-trafficking/India\\_Training\\_material/SOP\\_on\\_Investigation\\_of\\_Crimes\\_of\\_Trafficking\\_for\\_Commercial.pdf](https://www.unodc.org/documents/human-trafficking/India_Training_material/SOP_on_Investigation_of_Crimes_of_Trafficking_for_Commercial.pdf) ]

*SOP on Investigation of Crimes of Trafficking for Forced Labor (2008)*

[Can be accessed here - [https://www.unodc.org/pdf/india/SOP\\_Investigation\\_Forced\\_Labour.pdf](https://www.unodc.org/pdf/india/SOP_Investigation_Forced_Labour.pdf)]

- Provide to the AHTU, any intelligence that one may come across during interviews of victims/survivors or any interaction with the community.
- Assist the Police in gathering supplementary information.

### 2) **PUBLIC AWAKENING**

*Derived from-*

*Policy for Combating Trafficking of Women and Children for Commercial Sexual Exploitation notified vide G.O.M No. 1 dated 3<sup>rd</sup> January, 2003*

- Create public awareness in all sections of the society on human trafficking with the help of grassroot frontline workers such as SHGs, Anganwadi Workers etc.
- Conduct targeted programs for school and college going students on how to safeguard against trafficking and also on mobile and online

safety.

- Generating awareness for all modes of communication such as radio, television, newspaper, mobile phones etc. against the perils of persons who could dupe them with the promises of better life.
- Community awareness programmes on issue of missing children and its links with human trafficking.

### 3) **Entry/Exit Strategy**

*Derived from-*

*Guidebook for creating a Child Friendly and protective environment for Children in contact with Railways*

[Can be accessed here - [https://indianrailways.gov.in/railwayboard/uploads/directorate/Transformation\\_Cell/Circulars/Care\\_Protection\\_040618.pdf](https://indianrailways.gov.in/railwayboard/uploads/directorate/Transformation_Cell/Circulars/Care_Protection_040618.pdf)]

- Reach out to the Ministry of Women and Child Development, Government of India, showing willingness to work for the protection of children found on railways.
- Facilitate the safety and security of children found at the Railways by providing necessary help to the Station Master/Station Superintendent (Point 4, Page 7 of the Guidebook).
- Collaborate with Railway Officials to create a child friendly atmosphere at the Station.
- Conduct awareness events, at the Railway Station, regarding Childline/ Helpline numbers for reporting children found on railway premises as well as the Contact Point/Child Help Desk at the station.
- Support the Railway Officials in setting up and running a Child Help Desk 24\*7, so as to:
  - a. keep a vigil at the railway station
  - b. coordinate with all the concerned departments



- c. provide immediate care and support to children identified at station
- d. assist people who refer or want to share information about any lost and found child
- e. raise awareness in public, and
- f. keep and maintain registers and IEC materials (Point 6 of the Guidebook)

#### **a. Vigilance at Bus Stops/Railway Station**

- In collaboration with the local police, set up vigilance squads to support any woman/young girl who is a run-away or has been abandoned by her family and connect her to local Sakhi Centre or Childline for first response support.

#### **b. Community Vigilance**

- Set up community vigilance groups in villages and slums who will monitor the movement of any person attempting to spot vulnerable families and offering them job, marriage or any other option for better life.
- In collaboration with the Panchayat, develop a village safety plan to safeguard the community from traffickers.

### **4) DEMAND REDUCTION**

- In collaboration with Resident Welfare Associations (RWAs), Employer's Association, Brick Kiln Associations, Trade Unions/Associations etc., start campaigns to stop employing children.
- In collaboration with the police, design interventions to engage with male sex buyers and provide them behavioral change modification sessions.

### **5) EDUCATION FOR SECOND GENERATION PREVENTION**

- In collaboration with Department of Education set up bridge schools and open schools for children of victims so as to prevent them from being exploited.

#### 1) STATE LEVEL MECHANISMS

##### a) *State Level Monitoring Committee*

- Coordinate with the State Level Monitoring Committee for the elimination of Bonded Labour and for implementation of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016, which has been reconstituted vide G.O.M. No. 19 dated 4<sup>th</sup> April 2018 issued by the Labour Employment Training and Factories (Labour) Department, Government of Telangana.

##### b) *State Resource Centre*

- Coordinate with the State Resource Centre that has been established for the implementation and monitoring of the NCLP Scheme in Telangana. G.O.M. No. 246 dated 26<sup>th</sup> May 2018 issued by the Labour Employment Training and Factories (Labour) Department. **[Refer - Relevant Policy XXI]**

##### c) *State Headquarter Level Anti Human Trafficking Bureau*

- Coordinate with the State Headquarter Level Anti-Human Trafficking Bureau, which has been setup to oversee and coordinate all human trafficking issues within the State. The Anti-Human Trafficking Bureau has been setup vide Notification No. 15011/46/2020-ATC titled "Institutional Mechanisms for preventing and countering human trafficking at State Level" dated 1<sup>st</sup> December, 2020. **[Refer - Relevant Policy XXII]**

#### 2) DISTRICT LEVEL MECHANISMS

##### a) *In the case of Missing Children:*

In case of missing children, take the following steps-

- Coordinate with the police officials/District Missing Children Unit (DCMU)/Missing Persons Bureau for setting up a centralized database on children lodged in various shelter homes (including those run by CSO) with a mechanism for updating data on a regular basis.

- Ensure that the police officials/District Missing Children Unit (DCMU)/Missing Persons Bureau send the data along with photos of the children to the NCRB.

### **b) District Level Committee**

*Derived from-*

*Policy for Combating Trafficking of Women and Children for Commercial Sexual Exploitation notified vide G.O.M No. 1 dated 3<sup>rd</sup> January, 2003.*

Being a member of the District Level Committee take action on the following steps-

- Submit proposals to co-manage transit homes having facilities for trauma counseling, victim care, vocational guidance and re-integration under centrally sponsored scheme Swadhar or Ujjwala.
- Prepare Panchayat Level and Mandal level Action Plan.
- Start mental health services and counselling institutions.
- Establish Residential Transit Schools for victims.

### **c) District Vigilance & Monitoring Committee and Sub-Divisional Vigilance & Monitoring Committee.**

- Coordinate and collaborate with the District Vigilance and Monitoring Committee and Sub-Divisional Vigilance and Monitoring Committee for the identification, release and rehabilitation of Bonded Labour which has been constituted vide G.O.M. No. 20 dated 4<sup>th</sup> April, 2018 issued by the Labour Employment Training and Factories (Labour) Department, Government of Telangana.
- Collaborate in the rescue efforts facilitated by the District and Sub-Divisional Vigilance and Monitoring Committee, along with the Police, district/labour officials, lawyers, legal aid members etc.

#### **d) District Level Anti Human Trafficking Unit**

- Facilitate setting up of the District Level Anti Human Trafficking Unit to deal with all human trafficking issues within the District. The Anti-Human Trafficking Unit has been setup vide Notification No. 15011/46/2020-ATC titled “Institutional Mechanisms for preventing and countering human trafficking at State Level” dated 1<sup>st</sup> December, 2020.

#### **e) Women Help Desks and AHTUs**

*Derived from-*

*MHA Advisory No. 15011/46/2020-ATC dated 1<sup>st</sup> December 2020*

*Advisory No. 24013/4/2020-ATC dated 6<sup>th</sup> July 2020, issued by the Ministry of Home Affairs, Government of India to States on preventing and combating human trafficking especially during the period of COVID-19 pandemic. [Refer - **Relevant Policy XXIII**]*

- Facilitate the setting up of Women Help Desks and the AHTUs in the designated police stations.

#### **f) For Labour Trafficking:**

Ensure that following GOs issued by Telangana Labour Department are acted upon:

- Ensure that the DM of every district in Telangana has created a Bonded Labour Rehabilitation Fund with a permanent corpus of Rs. 10 lakhs as per Letter No. J4/6793/2017.
- Ensure that Collectors and Magistrates submit half yearly reports and questionnaires regarding bonded labourers as per D.O.Lr. No. J4/2477/2015. [Refer - **Relevant Policy XXIV**]

### 3) **NATIONAL LEVEL POLICY AND MECHANISMS**

- Ensure the functioning and implementation of the following policies issued by various departments of the Central Government by requesting the relevant authorities:

#### **a) MHA, GoI**

- i. Advisory No. 15011/31/2019-ATC dated 27<sup>th</sup> December 2019 issued by the MHA, GoI to States, disseminating Rs. 100 crores from Nirbhaya Fund for setting up of AHTUs in each district. **[Refer - Relevant Policy XXV]**
- ii. Advisory F. No. 15011/190/2020—SC/ST-W dated 9<sup>th</sup> October 2020, mandating FIR to be recorded in crimes against women including trafficking cases. **[Refer - Relevant Policy XXVI]**

to access the complete pdf visit - [https://www.mha.gov.in/sites/default/files/Womensafety\\_10102020\\_0.pdf](https://www.mha.gov.in/sites/default/files/Womensafety_10102020_0.pdf)

#### **b) NALSA Schemes Related to Human Trafficking**

- i. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.
  - Coordinating with DLSA/SLSA for creating a team of panel lawyers and social workers for creating welfare schemes for the government.
  - Providing legal aid and assistance.
- ii. NALSA (Legal Services to Workers in Unorganized Sector) Scheme, 2015.
- iii. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.

#### **c) Ministry of Women and Child Development**

##### **i. Mahila Shakti Kendra Scheme**

Addendum to this Scheme (MSK/28/2018) dated 20<sup>th</sup> December, 2018 includes victims of trafficking.

## ii. One Stop Centre Scheme

- For one stop centers in every district.

## iii. Ujjwala- A Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for Commercial Sexual Exploitation.

- CSOs may apply for funding under this Scheme.
- States and Districts have funding for rehabilitation under the scheme.

### d) Ministry of Labour and Employment

#### i. SOP for the Enforcement of the Child and Adolescent (Prohibition and Regulation) Act, 1986

[Can be accessed here - <https://www.childlineindia.org/a/knowledgecenter>]

#### ii. Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016, F. No. S-11012/01/20L5-BL

#### iii. SOP for Identification and Rescue of Bonded Labourer and Prosecution of Offender, F. No. S-11012/01/2015-BL

- **National Level Mechanism for dealing with child victims of trafficking found at railway stations**

*Derived from-*

*Guidebook for creating a Child Friendly and protective environment for Children in contact with Railways*

[Can be accessed here - [https://indianrailways.gov.in/railwayboard/uploads/directorate/Transformation\\_Cell/Circulars/Care\\_Protection\\_040618.pdf](https://indianrailways.gov.in/railwayboard/uploads/directorate/Transformation_Cell/Circulars/Care_Protection_040618.pdf) ]

Take the following steps in cases of child trafficking at railways stations-

- As a member of the Child Help Group (CHG) of the railway station,

facilitate the care and protection of children coming in contact with the Railways by coordinating with the other members of the CHG i.e., Station Master (SM)/Station Superintendent (SS), Inspector-RPF, Station House Officer (SHO)-GRP and Chief Ticket Inspector (CTI). (Point 5)

- Collaborate and support RPF Training Institute for the purpose of periodic capacity building trainings to enhance knowledge of the concerned members for the purpose of creating child friendly atmosphere at the concerned railway station. (Point 8)





# **RELEVANT POLICIES AND SCHEMES**

# INDEX

## RELEVANT POLICY I

Standard Operating Procedure for Cases of Missing Children, issued on 23<sup>rd</sup> November, 2016 by the Ministry of Women and Child Development, Government of India

## RELEVANT POLICY II

Guidebook for creating a Child Friendly and protective environment for Children in contact with Railways, released by the National Commission for the Protection of Child Rights in collaboration with Railway Children India in 2018

## RELEVANT POLICY III

SOP on Investigating Crimes of Trafficking for Commercial Sexual Exploitation (2007), released by the UNODC and the Government of India

## RELEVANT POLICY IV

SOP on Investigation of Crimes of Trafficking for Forced Labor (2008), released by the UNODC and Government of India.

## RELEVANT POLICY V

SOP for Identification and Rescue of Bonded Labourer and Prosecution of Offender, F. No. S-11012/01/2015-BL issued by Ministry of Labour and Employment, Government of India on 17<sup>th</sup> August, 2017.

## RELEVANT POLICY VI

Standard Operating Procedure for the Enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 issued by the Ministry of Labour and Employment, Government of India in September 2017.

## RELEVANT POLICY VII

G.O.M No. 165 dated 25<sup>th</sup> June, 2011 issued by Home Department, Govt. Of Andhra Pradesh.

## RELEVANT POLICY VIII

Telangana Victim Compensation Scheme, 2015, G.O.MS. No. 9 dated 7/03/2015 issued by Government of Telangana.

## RELEVANT POLICY IX

NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

### **RELEVANT POLICY X**

Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016, F. No. S-11012/01/2015-BL, issued by Ministry of Labour and Employment, Government of India on 18<sup>th</sup> May, 2016.

### **RELEVANT POLICY XI**

G.O.M. No. 16, dated 24<sup>th</sup> April 2010 issued by the Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh.

### **RELEVANT POLICY XII**

G.O.M No. 14 dated 23<sup>rd</sup> May 2008 issued by Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh.

### **RELEVANT POLICY XIII**

G.O.M No. 47 dated 31<sup>st</sup> August 2010 issued by Department of Women Development, Child Welfare and Disabled Welfare of the Government of Andhra Pradesh.

### **RELEVANT POLICY XIV**

G.O.M No. 1 dated 3<sup>rd</sup> January 2003, issued by the Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh

### **RELEVANT POLICY XV**

G.O.M No. 28 dated 15<sup>th</sup> October 2012 issued by the Department of Women Development and Child Welfare, Govt. of Andhra Pradesh

### **RELEVANT POLICY XVI**

Letter No. J4/6793/2017 dated 23.10.2018 issued by the Labour Employment Training and Factories (Labour) Department, Government of Telangana for creation of Rehabilitation Fund.

### **RELEVANT POLICY XVII**

G.O.M. No. 20 dated 4<sup>th</sup> April, 2018 issued by the Labour Employment Training and Factories (Labour) Department, Government of Telangana.

### **RELEVANT POLICY XVIII**

G.O.Ms. No. 19 dated 4<sup>th</sup> April 2018 issued by the Labour Employment Training and Factories (Labour) Department, Government of Telangana.

### **RELEVANT POLICY XIX**

Office Memorandum No. 14051/14/2011-F. V1 dated 1<sup>st</sup> May 2012, issued by the MHA, Gol.

### **RELEVANT POLICY XX**

Memo.No.2323/WP.A2/2011 dated 2<sup>nd</sup> April, 2014, issued by the Department for Women, Children, Disabled & Senior Citizens, and Government of Andhra Pradesh.

### **RELEVANT POLICY XXI**

G.O.M. No. 246 dated 26<sup>th</sup> May 2018 issued by the Labour Employment Training and Factories (Labour) Department.

### **RELEVANT POLICY XXII**

Notification No. 15011/46/2020-ATC titled “Institutional Mechanisms for preventing and countering human trafficking at State Level” dated 1<sup>st</sup> December, 2020.

### **RELEVANT POLICY XXIII**

Advisory No. 24013/4/2020-ATC dated 6<sup>th</sup> July 2020, issued by the Ministry of Home Affairs, Government of India to States on preventing and combating human trafficking especially during the period of COVID-19 pandemic.

### **RELEVANT POLICY XXIV**

D.O. Lr. No. J4/2477/2015, instructions on bonded labour issued by Labour Commissioner, Government of Telangana.

### **RELEVANT POLICY XXV**

Advisory No. 15011/31/2019-ATC dated 27<sup>th</sup> December 2019 issued by the MHA, Gol to States, disseminating Rs. 100 crores from Nirbhaya Fund for setting up of AHTUs in each district.

### **RELEVANT POLICY XXVI**

Advisory F. No. 15011/190/2020—SC/ST-W dated 9<sup>th</sup> October 2020, mandating FIR to be recorded in crimes against women including trafficking cases.



# STANDARD OPERATING PROCEDURE FOR CASES OF **MISSING CHILDREN**



Date of issue: 23.11.2016



## Background

The Hon'ble Supreme Court of India in *Bachpan Bachao Andolan vs. Union of India* (WP (Civil) 75 of 2012) on 10<sup>th</sup> May 2013 had directed formulation of a **Standard Operating Procedure for cases of Missing Children**. The Juvenile Justice (Care and Protection of Children) Act, 2015 under section 2 (14) (vii) includes a 'Missing Child' as a child in need of care of protection and in Rule 92 of the "Juvenile Justice (Care and Protection of Children) Model Rules, 2016", a procedure of inquiry regarding a missing child has been laid down.

## Objective

This Standard Operating Procedure (SOP) envisages to assist Police, Child Welfare Committee and Juvenile Justice Board in dealing with the cases of missing and found or recovered children. The Objective of the SOP is to put in place guidelines while dealing with cases of missing children and to work in coordination with stakeholders and respond with urgency to issues of missing child. Ensure expeditious and effective law enforcement including prosecution. Create mechanism and systems to prevent further victimization of missing children. Ensure that appropriate and timely protection/care/attention is provided to victims/witnesses.



## Dimensions to understanding the concept of "missing child"

Generally stating, missing children are usually children who are separated from the parents/family/guardian. However, this SOP also includes within its purview procedures set out in relation to those children who may have been found/traced by the Police, CWC, Childline or any other organization and/or individual till their parents/family/guardian is traced and the child is restored. Some of such children may have been subsequently residing in Child Care Institutions ("CCI").

Thus, for the purposes of the procedures set out here under this SOP:

a 'missing child' may be one who is lost (separated from family), has left home on his/her own without a notice or has been abducted or kidnapped or trafficked or abandoned. Usually, parents/ family/ guardian will file a missing complaint in such cases.

a 'traced child' will be a child who is traced by the police on the basis of a missing child report/ FIR.

a 'found child' is a child found by the Police on the streets/ in a market place/ at railway platforms/ at bus stops/ in trains/ at a port/ at airports/ on a bus or other public transport/ in a hospital/ during rescue operations or at any public place and/or is brought before/referred to the Police by Juvenile Justice Board ("JJB") / Child Welfare Committees ("CWC") / Childline/ any other NGO or any individual.

Generally stating, missing children are children who are separated from the family/guardian and may include:

- ✓ Traced Children
- ✓ Found Children
- ✓ Run away children
- ✓ Abandoned children
- ✓ Kidnapped Children
- ✓ Lost children
- ✓ Trafficked Children
- ✓ Children missing/lost/found due to accidents, disaster, calamity, and other miscellaneous reasons.
- ✓ Children missing from CCIs



## I. DEFINITION:

Rule 92 (1) of the Juvenile Justice (Care and Protection of Children)

Model Rules 2016 defines a missing child as - 'a child whose whereabouts are not known to the parents, legal guardian or any other person or institution legally entrusted with the custody of the child, whatever may be the circumstances or causes of disappearance, and shall be considered missing and in need of care and protection until located or his safety and well-being established.'



## II. WHO MAY FILE THE COMPLAINT?

1. A parent
2. A legal guardian
3. A relative
4. Child Welfare Committee
5. ChildLine 1098
6. NGOs
7. Police
8. Public Servant
9. Any person concerned with the safety and well being of the child
10. Any person who has knowledge about the incident

## III. WHERE / HOW TO REPORT A MISSING CHILD?

### 1. Where?

- i. At the police station/AHTU/SJPU;
- ii. The PCR number: dial 100;
- iii. Any other emergency helpline number of the police;
- iv. Child Line 1098;
- v. After reporting to police, the information of missing child can be entered by any individual after logging onto [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) and photograph be uploaded in the citizen's corner to assist all the stakeholders to track the missing child.



### 2. How?

In addition to all the regular means of filing a complaint i.e. in person, over the phone, over the e-mail, or other communications, a missing child's complaint may be filed through SMS to the authorities. The police should record all such information on the General Diary (GD), conduct a preliminary verification of the caller and get the FIR registered.



## IV. ROLES AND RESPONSIBILITIES OF STAKE HOLDERS

### When the Child goes missing:

#### Police

- a) As per the directions of the Hon'ble Supreme Court of India in Bachpan Bachao Andolan vs. Union of India (WP (Civil) 75 of 2012) on 10<sup>th</sup> May 2013, - 'upon receipt of a complaint regarding a missing child, an FIR should be registered forthwith as a case of trafficking or abduction'.
- b) Inform the Child Welfare Police Officer and forward the FIR to the Special Juvenile Police Unit for immediate action for tracing the child. Refer Annexure –I.
- c) The police shall also:
  - i. Collect a recent photograph of the missing child and make copies for District Missing Persons Unit, Missing Persons Squad, National Crime Records Bureau/Media etc.;
  - ii. Fill the form "M" on the designated portal [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) Refer Annexure –II.
  - iii. Fill the specific designated 'Missing Persons Information Form' and immediately send to Missing Persons



Squad, District Missing Persons Unit, National Crimes Records Bureau, State Crimes Records Bureau, Central Bureau of Investigation, PCRs, Railway Police and other related institutions;

- iv. Send the copy of the FIR by post/email to the office of nearest Legal Services Authority along with addresses and contact phone numbers of parents and legal guardians of the missing child or the child care institution, after uploading the relevant information onto the designated portal;
- v. Prepare sufficient number of Hue and Cry notice containing photograph and physical description of the missing child to be sent for publication;
- vi. Give wide publicity by publishing or telecasting the photographs and the description of missing child, as feasible in
  - (a) leading newspapers
  - (b) Television/electronic media,
  - (c) local cable television network and
  - (d) social media and thereafter submit for ratification by the Board or the Committee or the Children's Court, as the case maybe;
- vii. Give wide publicity in the surrounding area through the use of loud speakers and the distribution and affixture of Hue and Cry notice at prominent places. Social networking portals, short message service alerts and slides in cinema halls can be used to reach out to the masses;
- viii. Distribute Hue and Cry notice at all the outlets of the city or town, that is, railway stations, bus stands,





- airports, regional passport offices, and other prominent places.
- ix. Search areas and spots of interest such as movie theatres, shopping malls, parks, game parlours and areas where missing or runaway children should be identified and watched;
  - x. Scan the recordings of the Close Circuit Television Cameras installed in the vicinity of the area from where the child was reported missing and on all possible routes, transit and destinations.
  - xi. Inquire from under construction sites, unused buildings, hospitals and clinics, child line services and other local outreach workers, railway police and other places;
  - xii. Details of missing children should be sent to the District Crime Records Bureau of the neighboring States and Station House Officers (SHOs) of the bordering police stations including in-charge of all police posts in their jurisdiction and shall conduct regular interaction with the concerned so that follow up action is ensured.
- d) Invoke the services of District Legal Services Authorities through empanelled lawyers and the paralegal volunteer (PLV) appointed at the police station or the district authority.
  - e) Upload information on the [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) portal. In case the information is already uploaded, match the complaint with case details uploaded on the portal.
  - f) Assess the level of threat or danger to the child, or his/her family and take immediate steps to ensure their protection.
  - g) Also inform immigration authorities, Border Security Force (BSF), Railways and other transport authorities, provincial/territorial and municipal agencies, and any NGOs involved in service delivery for spotting and recovering/rescuing the missing children.

### Risk Assessment

As per the check list at Annexure III, taking into consideration various parameters with respect to the missing child, risk assessment should be done and the "Risk Assessment Form" be filled out by the SHO/ Officer in charge to determine the:

- i. The urgency of investigation
- ii. Areas of inquiry
- iii. Types of specialist knowledge that might be needed
- iv. The supervision that may be required
- v. Agencies who may be first alerted



### Organized Crime Perspective

1. Where a child cannot be traced within a period of four months, the investigation of the case shall be transferred to the Anti Human Trafficking Unit in the district which shall make reports every three months to the District Legal Services Authority regarding the progress made in the investigation.



2. If trafficking or any other element of organized crime is suspected, a specialized team shall be instituted for investigation headed by the SHO.
3. Ensure the compliance of investigation as per the check list in Annexure-IV.

**Steps to be taken when a child is found or recovered:**

**1. Police**

1. After recovery, produce the child before CWC/JJB/Childre n' s Court, as the case may be, for appropriate directions. Refer Annexure – V.
2. The child should be examined by a team of medical experts, including psycho-social experts.
3. Proper home verification be carried out before the child is reunited with Parents/ legal guardians through the CWC.
4. The recovery form "R" on the TrackChild portal must be filled and data be updated in [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in). Refer Annexure –VI.
5. Send a report to the District Legal Services Authority which shall provide counselling and support services to the child and the family.
6. Conduct an enquiry whether the child has been subjected to any offence under the Act or any other law and if so, proceed accordingly.



**2. Supervising officer (Role of Supervising Officer overseeing the investigation)**

1. Supervisory Officer should ensure that SOPs issued in this regard are strictly followed. She/he should also follow the illustrative (not exhaustive) checklist provided in Annexure-IV.
2. Supervisory Officers should closely monitor and facilitate the investigation of each case of missing child, periodically review the status of each case and ensure quality of the investigation conducted.
3. Once the child is found, the Supervisory Officer should ensure that proper follow up actions are taken by the police.
4. The Supervisory Officer should ensure reward / punishment systems are in place.
5. The Supervisory Officer must ensure that full cooperation is given to the Para legal volunteers at the Police Stations and also to the District Legal Services Authorities and all grievances or issues are ironed out and addressed.

**3. Child Welfare Committee**

- a) When a missing child is found or recovered and/or a child in conflict with law is found

to be a missing child by the JJB or the Police, he shall also be produced before the Committee, as the case may be, for appropriate direction.



- b) In case FIR is not registered in a case of missing/trafficked child, immediately forward the complaint/case to JJB, who shall direct the police for registration of FIR for such child and also for offences committed against such children in need of care and protection.
- c) Any three members of the Committee together, may take suo moto cognizance of any case of missing child, report to the police, or the AHTU immediately and initiate process of providing care and protection to the child.
- d) Assess the needs of the child and pass orders with respect to repatriating the child or placing the child in a fit facility or with a fit person, or declare free for adoption or foster care, or any other arrangement by following due process of law, keeping in mind the best interest of the child.
- e) Engage services of the DCPU/District Legal Services Authority in the source district of the found/traced child, to facilitate smooth and effective rehabilitation of the child, and for any other legal support. Ensure that the case of the child has been linked to the District Legal Services Authority.
- f) Ascertain if the child is in need of any medical care, and pass direction to link the child to the appropriate medical institution.
- g) In the absence of adequate proof of age, pass directions for age determination test of the child. The report of the test should be obtained immediately after the test results have been concluded. In the meantime, the child may be placed in a fit facility.
- h) Pass orders for recovery of back-wages of the child, in case the found or recovered child was trafficked for forced or/and bonded labour.
- i) Direct PO/ Police/ CWO/ Childline / DCPU/ Other organization for necessary action and follow up.
- j) Perform all duties specified under Section 30 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules therein, and send regular updates and report to the appropriate agency at the District /State level.

#### 4. Juvenile Justice Board (JJB)

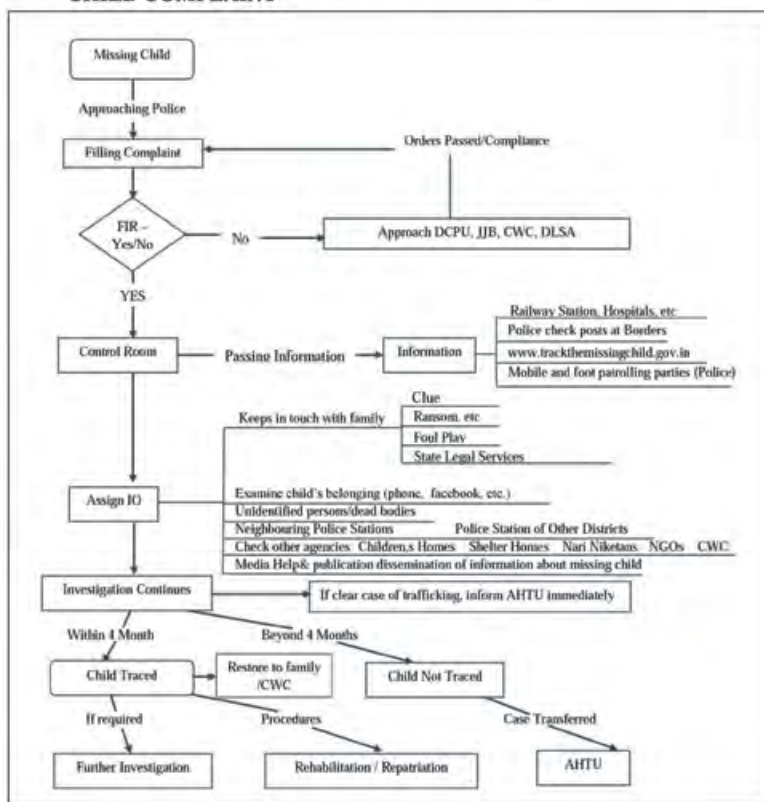
- a) If any found/traced child is produced before the Juvenile Justice Board as a child in conflict with law, such a child should immediately be redirected to the relevant Child Welfare Committee after due enquiry, for initiating the process of rehabilitation.
- b) In case FIR is not registered in a case of missing/trafficked child, immediately direct the police for registration of FIR for offences committed against children in need of care and protection.
- c) Ensure availability of free legal aid for the child through the District Legal Services Authority.
- d) Create an individual care plan as per the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Rules therein, for each child's including follow up by the Probation Officer the District Child Protection Unit or a member of a non-governmental organisation, as it may be required as per Section 8 (3) (h) or Section 19 (2) of the Juvenile Justice (Care and Protection of Children) Act, 2015.



# ANNEXURES



# ANNEXURE 1: PROCESS TO BE FOLLOWED UPON RECEIPT OF A MISSING CHILD COMPLAINT



## ANNEXURE –II: FORM ‘M’



### MISSING CHILDREN TRACKING PORTAL -- FORM “M” (For Missing)



[To be filled up English Block Capitals Only]

A. PERSONAL DETAILS			
	First	Middle	Last
1. Missing Child's Name*:			
	First	Middle	Last
2. Child's Nick Names:			
Nick Name 1:			
	First	Middle	Last
Nick Name 2:			
	First	Middle	Last
Nick Name 3:			
3. Gender*:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other		
4. Date of Birth*:	<input type="text"/> / <input type="text"/> / <input type="text"/>		Age: <input type="text"/>
5. Education:	(Please fill us as per Annexure – I)		
	First	Middle	Last
6. Father's Name:			
	First	Middle	Last
7. Father's Alias Name:			
	First	Middle	Last
8. Mother's Name:			
	First	Middle	Last
9. Mother's Alias Name:			
	First	Middle	Last
10. Spouse's Name:			
	First	Middle	Last
11. Spouse's Alias Name:			

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12. No. of Siblings:
13. Name(s) of Siblings:
14. Name of Local Guardian:  First  Middle  Last
15. Relationship with Local Guardian: ☐ Father ☐ Mother ☐ Husband ☐ Other
16. Nationality\*:
17. Religion: \_\_\_\_\_ (Please fill up as per Annexure – II)
17. Mother Tongue: \_\_\_\_\_ (Please fill up as per Annexure – III)
18. Aadhaar No: \_\_\_\_\_

#### B. CONTACT DETAILS

1. House No.:
2. Road/Other:
3. Gram Panchayat:
4. Block:
5. Post Office:
6. Police Station\*:
7. Town:
8. Sub District:
9. District\*:
10. State\*:
11. Pin:
12. Phone No.:





13. Mobile: 14. Email: 

## C. MISSING EVENT DETAILS

1. Missing Place Name(s)\*: 2. Village: 3. State\*: 4. District\*: 5. Police Station\*: 6. Date of Missing\*: 7. Time of Missing: 8. Cause of Missing: 9. Missing Event Information: 10. Type of Person\*: ☐ DESERTED ☐ ESCAPEE ☐ KIDNAPPED ☐ MISSING ☐ WANTED

## D. POLICE COMPLAINT DETAILS

1. Case Started\*: ☐ YES ☐ NO2. GDE No.\*: 3. GDE Date\*: *(If YES : Case Started (FIR No. and Date is Mandatory)*3. FIR No\*: 4. FIR Date: 5. Act1:  6. Section1: 



7. Act2:  8. Section2: 8. Act3:  10. Section3: 

## E. INFORMANT'S DETAILS

1. Informant's Name:  First  Middle  Last

2. Address:

3. State:

4. District:

5. Police Station:

6. Pin:

7. Contact No.:

8. Email:

9. Informants Relation:

10. Probable Places1:

10. a. State:

10. b. District:

10. c. Police Station:

11. Probable Places2:

11. a. State:

11. b. District:

11. c. Police Station:

12. Probable Places3:

12. a. State:



12. b. District: 12. c. Police Station: **F. SUSPECTS***[If suspect type is minor, don't fill up the rest portion of suspect details]*1. Suspect Type: ☐ Minor (Age less than 18 years) ☐ Adult (Age greater than equal 18 years)

First

Middle

Last

2. Suspect's Name: 3. Suspect's Alias Name: 4. Gender: ☐ Male ☐ Female ☐ Other5. Age: 6. Suspect's Details: 7. House No.: 8. Road/Others: 8. Village: 9. Post Office: 10. Police Station: 11. District: 12. State: 13. Pin: 14. Phone No.: 15. Mobile: 16. Email: 



### C. PHYSICAL FEATURES

1. **Complexion:** ☐ Dark ☐ Whitish ☐ Fair ☐ Very Fair ☐ Sallow
2. **Build:** ☐ Fat (stout/strong) ☐ Normal (muscular) ☐ Thin(lanky) ☐ Stocky
3. **Eye:** \_\_\_\_\_ (Please fill p as per Annexure – IV)
4. **Hair:** \_\_\_\_\_ (Please fill p as per Annexure – V)
5. **Teeth Feature:** \_\_\_\_\_ (Please fill p as per Annexure – VI)
- 6.a) **Height \*** ☐ Height (in Feet and Inch) OR ☐ Height (in cm)
- (If Height (in Feet and Inch) OR (If Height (in cm)
- Height\*:** ☐ Ft ☐ Inch **Height\*:** ☐ cm
6. b) **Weight\*:** ☐ kg, ☐ gms.
7. **Wearing Apparel (Upper):**
8. **Wearing Apparel (Lower):**
9. **Blood Group:** ☐ A+ ☐ A- ☐ B+ ☐ O+ ☐ O- ☐ AB+ ☐ AB- ☐ Other



**H. SPECIAL IDENTIFICATION MARKS****1. Burn Marks / Tattoos / Leucoderma / Mole / Scar (You may select multiple identification marks):**

(Please fill up as per Annexure – VII) \_\_\_\_\_

**2. Face:** \_\_\_\_\_ (Please fill up as per Annexure – VIII)**3. Nose:** \_\_\_\_\_ (Please fill up as per Annexure – IX)**4. Speech / Voice:** \_\_\_\_\_ (Please fill up as per Annexure – X)**I. PECULIARITIES & DISABILITIES****1. Head / Face:** \_\_\_\_\_ (Please fill up as per Annexure – XI)**2. Other Parts of Body:** \_\_\_\_\_ (Please fill up as per Annexure – XII)**3. Disabilities:** \_\_\_\_\_ (Please fill up as per Annexure – XIII)**4. Habits:** \_\_\_\_\_ (Please fill up as per Annexure – XIV)**J. LANDMARK INFORMATION**

1. Mandir/Masjid:	<input type="text"/>
2. Bus Stand:	<input type="text"/>
3. Railway Station:	<input type="text"/>
4. School:	<input type="text"/>
5. Market Place:	<input type="text"/>
6. Fair:	<input type="text"/>
	<input type="text"/>

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## STANDARD OPERATING PROCEDURE FOR CASES OF MISSING CHILDREN



### 7. Missing Event Details:

8. Nearby River:

[illegible]

9. Panchayat Member Name:

[illegible]

10. Other Information:

[illegible]

**Declaration:** I would like/not like police to publish the photograph of my [ ]  
in various media for wide publicity.

Date: 

		/			/			
--	--	---	--	--	---	--	--	--

Signature of information provider

Signature of the receiving officer

Name: \_\_\_\_\_

Designation:

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Figure M<sub>2</sub> shows S-4. Reprinted from HA 34 (2016). (Copyright Wiley, Ltd.)





## -:ANNEXURES:-

**Annexure - I**

- |                                                     |                                         |                                               |                                                  |
|-----------------------------------------------------|-----------------------------------------|-----------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> DIPLOMA HOLDERS            | <input type="checkbox"/> DOCTORATE      | <input type="checkbox"/> GRADUATE             | <input type="checkbox"/> HIGHER/SENIOR SECONDARY |
| <input type="checkbox"/> ILLITERATE                 | <input type="checkbox"/> MATRICULATE    | <input type="checkbox"/> MIDDLE SCHOOL        | <input type="checkbox"/> M. PHIL                 |
| <input type="checkbox"/> POST GRADUATE              | <input type="checkbox"/> PRIMARY SCHOOL | <input type="checkbox"/> PROFESSIONAL DIPLOMA | <input type="checkbox"/> PROFESSIONAL GRADUATES  |
| <input type="checkbox"/> PROFESSIONAL POST GRADUATE | <input type="checkbox"/> PUC/PLUS 2     | <input type="checkbox"/> SECONDARY            | <input type="checkbox"/> SECONDARY SCHOOL        |
| <input type="checkbox"/> OTHER                      |                                         |                                               |                                                  |

**Annexure - II**

- |                                   |                                    |                                   |                                 |                                 |
|-----------------------------------|------------------------------------|-----------------------------------|---------------------------------|---------------------------------|
| <input type="checkbox"/> BUDDHIST | <input type="checkbox"/> CHRISTIAN | <input type="checkbox"/> HINDUISM | <input type="checkbox"/> ISLAM  | <input type="checkbox"/> JAIN   |
| <input type="checkbox"/> JEWS     | <input type="checkbox"/> PARSI     | <input type="checkbox"/> SIKH     | <input type="checkbox"/> YEHUDI | <input type="checkbox"/> OTHERS |

**Annexure - III**

- |                                    |                                     |                                               |                                       |                                      |
|------------------------------------|-------------------------------------|-----------------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> ADI       | <input type="checkbox"/> AKA        | <input type="checkbox"/> APATANI              | <input type="checkbox"/> ASSAMESE     | <input type="checkbox"/> AWADHI      |
| <input type="checkbox"/> BADAGA    | <input type="checkbox"/> BAGRI      | <input type="checkbox"/> BAGRI                | <input type="checkbox"/> BENGALI      | <input type="checkbox"/> BHOJPURI    |
| <input type="checkbox"/> BODO      | <input type="checkbox"/> BRIJ       | <input type="checkbox"/> BUNDELKHANDI         | <input type="checkbox"/> CHHATISGARHI | <input type="checkbox"/> DEORI       |
| <input type="checkbox"/> DHUNDHADI | <input type="checkbox"/> DOGARI     | <input type="checkbox"/> ENGLISH              | <input type="checkbox"/> GARHWALI     | <input type="checkbox"/> GUJARATI    |
| <input type="checkbox"/> HARO      | <input type="checkbox"/> HARYANVI   | <input type="checkbox"/> HILL MIRI            | <input type="checkbox"/> HINDI        | <input type="checkbox"/> KAKBARAK    |
| <input type="checkbox"/> KANNADA   | <input type="checkbox"/> KASHMIRI   | <input type="checkbox"/> KHAMTI               | <input type="checkbox"/> KHASI        | <input type="checkbox"/> KHOWA       |
| <input type="checkbox"/> KONKANI   | <input type="checkbox"/> KOTHA      | <input type="checkbox"/> KUCHHI               | <input type="checkbox"/> KUI          | <input type="checkbox"/> KUMAYNI     |
| <input type="checkbox"/> LADAKHI   | <input type="checkbox"/> MAITHILI   | <input type="checkbox"/> MALAYALAM            | <input type="checkbox"/> MALWI        | <input type="checkbox"/> MANIPURI    |
| <input type="checkbox"/> MARATHI   | <input type="checkbox"/> MARVARI    | <input type="checkbox"/> MEERUN AND BULLANDAS | <input type="checkbox"/> MEITEI       | <input type="checkbox"/> MEITEILON   |
| <input type="checkbox"/> MEMBA     | <input type="checkbox"/> MIJI       | <input type="checkbox"/> MISHIMI              | <input type="checkbox"/> MISHIMI IDU  | <input type="checkbox"/> MISHIMI MUJ |
| <input type="checkbox"/> MISHING   | <input type="checkbox"/> MIZO       | <input type="checkbox"/> MOIMONSHINGH I       | <input type="checkbox"/> MONPA        | <input type="checkbox"/> NAGAMESE    |
| <input type="checkbox"/> NEPALI    | <input type="checkbox"/> NISHI      | <input type="checkbox"/> NOCTE                | <input type="checkbox"/> ORIYA        | <input type="checkbox"/> PAHADI      |
| <input type="checkbox"/> PUNJABI   | <input type="checkbox"/> RAJASTHANI | <input type="checkbox"/> REANG                | <input type="checkbox"/> REWAPARI     | <input type="checkbox"/> SADRI       |
| <input type="checkbox"/> SANTHALI  | <input type="checkbox"/> SHERDUPKEN | <input type="checkbox"/> SINDHI               | <input type="checkbox"/> SINGPHO      | <input type="checkbox"/> SOLUNG      |
| <input type="checkbox"/> TAGIN     | <input type="checkbox"/> TAMIL      | <input type="checkbox"/> TANGSA               | <input type="checkbox"/> TELUGU       | <input type="checkbox"/> TODA        |





☐ TULU ☐ URDU ☐ VARADI ☐ WANGCHU ☐ YOBIN

**Annexure - IV**

- |                                                  |                                               |                                                  |                                                   |
|--------------------------------------------------|-----------------------------------------------|--------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Eye blue                | <input type="checkbox"/> Eye brown            | <input type="checkbox"/> Eye reddish             | <input type="checkbox"/> Eye markedly close set   |
| <input type="checkbox"/> Eye normal              | <input type="checkbox"/> Eye protruding       | <input type="checkbox"/> Eye sunken              | <input type="checkbox"/> Eye slit                 |
| <input type="checkbox"/> Eye artificial left     | <input type="checkbox"/> Eye artificial right | <input type="checkbox"/> Eye-brows - artificial  | <input type="checkbox"/> Eye-brows-clearly united |
| <input type="checkbox"/> Eye-brows - oblique     | <input type="checkbox"/> Eye-brows - straight | <input type="checkbox"/> Eye-brows - thin        | <input type="checkbox"/> Eye-brows - widely       |
| <input type="checkbox"/> Using Spec              | <input type="checkbox"/> Eye artificial       | <input type="checkbox"/> Eye left squint         | <input type="checkbox"/> Eye right squint         |
| <input type="checkbox"/> Eye conspicuously small | <input type="checkbox"/> Eye cats             | <input type="checkbox"/> Eye green               | <input type="checkbox"/> Eye markedly wide set    |
| <input type="checkbox"/> Eye-brows-arched/curved | <input type="checkbox"/> Eye-brows - thick    | <input type="checkbox"/> Eye conspicuously large | <input type="checkbox"/> Eye dark                 |
| <input type="checkbox"/> Eye freckled            | <input type="checkbox"/> Eye light            |                                                  |                                                   |

**Annexure - V**

- |                                                |                                             |                                          |                                                  |
|------------------------------------------------|---------------------------------------------|------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Bald full             | <input type="checkbox"/> Bald partial       | <input type="checkbox"/> Brown           | <input type="checkbox"/> Curly - black           |
| <input type="checkbox"/> Curly - black & grey  | <input type="checkbox"/> Curly - grey       | <input type="checkbox"/> Long            | <input type="checkbox"/> Normal - black          |
| <input type="checkbox"/> Normal - black & grey | <input type="checkbox"/> Normal - grey      | <input type="checkbox"/> Wig use of      | <input type="checkbox"/> White hair              |
| <input type="checkbox"/> Straight hair         | <input type="checkbox"/> Hair bleached/dyed | <input type="checkbox"/> Hair curly/wavy | <input type="checkbox"/> Hair gray/white patched |
| <input type="checkbox"/> Side burns            | <input type="checkbox"/> Bald partial       |                                          |                                                  |

**Annexure - VI**

- |                                                     |                                              |                                       |
|-----------------------------------------------------|----------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Broken                     | <input type="checkbox"/> Gaps in teeth       | <input type="checkbox"/> Metal teeth  |
| <input type="checkbox"/> Metal tooth gold (capping) | <input type="checkbox"/> Missing tooth/teeth | <input type="checkbox"/> Normal(even) |





- ☐ Overlapping teeth      ☐ Stained

**Annexure - VII**

- |                                                |                                                |                                              |                                               |
|------------------------------------------------|------------------------------------------------|----------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Back left side        | <input type="checkbox"/> Cheek left            | <input type="checkbox"/> Back right side     | <input type="checkbox"/> Cheek right          |
| <input type="checkbox"/> Chest middle          | <input type="checkbox"/> Chest left side       | <input type="checkbox"/> Chest right side    | <input type="checkbox"/> Chin                 |
| <input type="checkbox"/> Ear left              | <input type="checkbox"/> Ear right             | <input type="checkbox"/> Eye brow left       | <input type="checkbox"/> Eye brow right       |
| <input type="checkbox"/> Face                  | <input type="checkbox"/> Foot left             | <input type="checkbox"/> Foot right          | <input type="checkbox"/> Forehead             |
| <input type="checkbox"/> Hand left             | <input type="checkbox"/> Hand left-letter      | <input type="checkbox"/> Hand left-figure    | <input type="checkbox"/> Hand right           |
| <input type="checkbox"/> Forearm right- figure | <input type="checkbox"/> Forearm right- letter | <input type="checkbox"/> Head                | <input type="checkbox"/> Leg left             |
| <input type="checkbox"/> Leg right             | <input type="checkbox"/> Lip lower             | <input type="checkbox"/> Lip upper           | <input type="checkbox"/> Neck                 |
| <input type="checkbox"/> Nose                  | <input type="checkbox"/> Shoulder left         | <input type="checkbox"/> Shoulder right      | <input type="checkbox"/> Stomach              |
| <input type="checkbox"/> Thigh left            | <input type="checkbox"/> Thigh right           | <input type="checkbox"/> Palm right          | <input type="checkbox"/> Palm left            |
| <input type="checkbox"/> Finger(s) left hand   | <input type="checkbox"/> Finger(s) right hand  | <input type="checkbox"/> Finger(s) left foot | <input type="checkbox"/> Finger(s) right foot |

**Annexure - VIII**

- |                                            |                                           |                                      |                                          |
|--------------------------------------------|-------------------------------------------|--------------------------------------|------------------------------------------|
| <input type="checkbox"/> Dimpled Cheek     | <input type="checkbox"/> Dimpled Chin     | <input type="checkbox"/> Double Chin | <input type="checkbox"/> Forehead broad  |
| <input type="checkbox"/> Forehead narrow   | <input type="checkbox"/> Prominent cheek  | <input type="checkbox"/> Round       | <input type="checkbox"/> Sunken cheek    |
| <input type="checkbox"/> Wrinkled          | <input type="checkbox"/> Oval             | <input type="checkbox"/> Pox pitted  | <input type="checkbox"/> Protruding chin |
| <input type="checkbox"/> Receding forehead | <input type="checkbox"/> Square/heavy Jaw | <input type="checkbox"/> High cheek  | <input type="checkbox"/> Long            |

**Annexure - IX**

- |                                                            |                                  |                               |                                  |
|------------------------------------------------------------|----------------------------------|-------------------------------|----------------------------------|
| <input type="checkbox"/> Broad nostrils (markedly dilated) | <input type="checkbox"/> Bulbous | <input type="checkbox"/> Long | <input type="checkbox"/> Pointed |
|------------------------------------------------------------|----------------------------------|-------------------------------|----------------------------------|

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- ☐ Hooked (parrot type)      ☐ Pierced      ☐ Snub/pug      ☐ Turned up nostrils

**Annexure – X**

- ☐ Deep/heavy/ guttural      ☐ Fast      ☐ Feminine      ☐ Nasal  
☐ Loud Spoken      ☐ Speech-Stagony      ☐ Slow      ☐ Soft spoken  
☐ Stammering

**Annexure – XI**

- ☐ Deaf      ☐ Ear deformed - both      ☐ Ear deformed - left      ☐ Ear deformed - right  
☐ Ear missing right      ☐ Eyes blind one      ☐ Eyes squint      ☐ Hare tips  
☐ Lobes pierced      ☐ Nose peculiar      ☐ One eyed      ☐ Protruding face  
☐ Ear missing both      ☐ Ear markedly large      ☐ Ear missing left      ☐ Lob less ear  
☐ Ear markedly small

**Annexure – XII**

- ☐ Toe(s) extra - left      ☐ Arm missing - right      ☐ Bow legged - left      ☐ Eunuch  
☐ Finger(s) extra - left      ☐ Finger (s) extra - right      ☐ Finger (s) missing - left      ☐ Finger (s) missing - right  
☐ Goiter      ☐ Knee knocked      ☐ Left foot missing      ☐ Left hand missing  
☐ Leg- elephantiasis      ☐ Leg limping      ☐ Leg missing - left      ☐ Leg missing - right  
☐ Leprosy      ☐ Right foot missing      ☐ Right hand missing      ☐ Stooping / hunch back  
☐ Elephantiasis left leg      ☐ Toe (s) missing - left      ☐ One leg missing      ☐ Right leg limping  
☐ Finger extra      ☐ Bow legged      ☐ Stopping      ☐ Toe (s) Extra  
☐ Left leg limping      ☐ Elephantiasis right leg      ☐ Toe (s) extra - right      ☐ Toe (s) missing





- ☐ One arm missing    ☐ Finger missing    ☐ Toe (s) missing - right    ☐ Lamé  
☐ Right hand limping    ☐ Left hand limping

**Annexure – XIII**

- ☐ Hearing impaired    ☐ Locomotors disabilities    ☐ Mentally ill    ☐ Leprosy cured  
☐ Autism    ☐ Cerebral palsy    ☐ Multiple disabilities    ☐ Mentally retired  
☐ Visually handicapped

**Annexure – XIV**

- ☐ Bragging    ☐ Chews betel/pan    ☐ Chews pan masala    ☐ Chews supari  
☐ Chews tobacco    ☐ Cinema crazy    ☐ Drinks liquor    ☐ Drug addict  
☐ Eyes blinking    ☐ Eyes shifting    ☐ Gambler    ☐ Homosexual  
☐ Lip biting    ☐ Lottery player    ☐ Moustache twisting    ☐ Nail biting  
☐ Prostitute monger    ☐ Race-goer    ☐ Smoker    ☐ Snuff taker  
☐ Stretching



### ANNEXURE III: RISK ASSESSMENT

The following form should be filled out by the SHO in charge to structure inquiries and to assist the level of risk posed to the missing child

NO.	INVESTIGATIVE CONSIDERATIONS	DETAILS AND CIRCUMSTANCES	PERSONS GIVING THAT INFORMATION
1.	Whether the child is under the age of 14 years		
2.	If the missing person is a girl child		
3.	If the child comes from the Economically Weaker Section (EWS)		
4.	If the missing child has been a subject of prior missing persons reports; or previously disappeared and suffered or was exposed to harm whilst missing		
5.	If the missing child has previously been a victim/witness in any criminal investigation		
6.	If the missing child suffers from a mental or physical impairment or serious illness; or requires essential medication or treatment not readily available to them e.g. asthma inhalers or insulin?		



NO.	INVESTIGATIVE CONSIDERATIONS	DETAILS AND CIRCUMSTANCES	PERSONS GIVING THAT INFORMATION
7.	If the child is known to associate with adults or children who present risk of harm e.g. sexual offenders, drug peddlers etc.		
8.	If the child had been associated with any known criminals		
9.	If the child had been interacting with adults on the internet		
10.	If the child was subject to drugs and alcohol dependency		
11.	If the complainants have reason to believe that the missing child has been abducted or kidnapped for ransom		
12.	If there are suspicions of suicide or self-harm		
13.	If the child was involved in violent incidents prior to crime		
14.	If the child has had a history of abuse at home		
15.	If the child is being compelled/manipulated into a situation of bonded or exploitative child labour with or without		



No.	INVESTIGATIVE CONSIDERATIONS	DETAILS AND CIRCUMSTANCES	PERSONS GIVING THAT INFORMATION
	knowledge of the parents/family/ legal guardian;		
16.	If there is a high likelihood that the child may get lured into trafficking;		
17.	If the child is being threatened by related or non-related adults to take up inappropriate work;		
18.	If there is a likelihood that the child may get 'sold' by related or not related persons.		
19.	Inclement weather conditions where exposure would seriously increase the risk to health		



## ANNEXURE IV

This checklist is meant to provide a framework of actions, consideration and activities that may assist in performing competent, productive and thorough investigation in cases of missing/abducted children.

Checklist for IOs/Eos

No.	INVESTIGATIVE CONSIDERATIONS	YES	NO
1.	Whether the police officer dealing in missing children case is in plain clothes?		
2.	Whether the police officer dealing in missing children case is part of SJPU? If not has SJPU/District head of SJPU been informed?		
3.	Whether the parent(s)/ legal guardian(s)/persons who made the initial report were interviewed and their statements recorded?		
4.	Whether the fact of missing was confirmed?		
5.	Whether information regarding the missing child has been uploaded in Form 'M' on <a href="http://www.trackthemissingchild.gov.in">www.trackthemissingchild.gov.in</a>		
6.	Whether the LSA and the para legal volunteers have been immediately involved and their inputs in relation to case details have been duly considered?		
7.	Whether the circumstances of the disappearance were identified?		
8.	Whether the individuals who last had contact with the child were interviewed?		
9.	Whether a detailed description was obtained of the missing child, abductor, and any vehicle involved?		
10.	Whether the photograph/videotapes of the missing child/abductor were secured?		

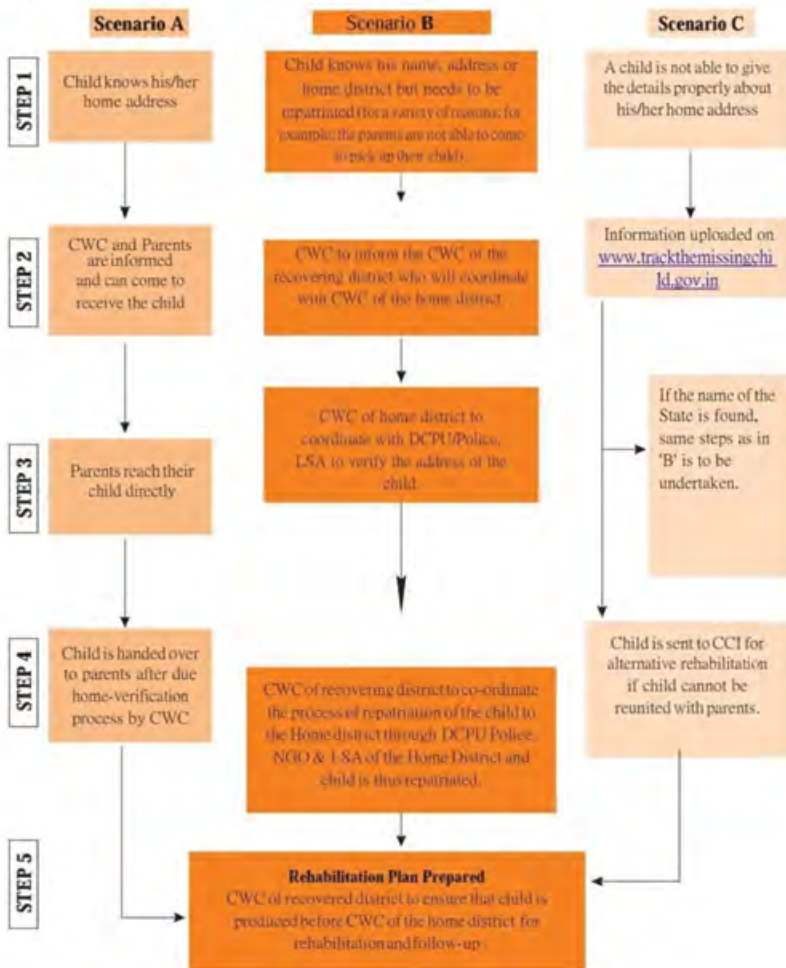


NO.	INVESTIGATIVE CONSIDERATIONS	YES	NO
11.	Whether FIR is lodged immediately?		
12.	Whether all the steps required to be taken on a missing report as per SOP were initiated?		
13.	Whether the complainant was suitably guided when he/she calls up subsequently about progress of the case?		
14.	Whether names/ addresses/ telephone numbers of the child's friends/teachers/associates and other relatives and friends of the family obtained?		
15.	Whether the scene and area of the child's home sealed/protected?		
16.	Whether the fact that child has a cellular telephone or other electronic communication device or access to internet was ascertained?		
17.	Whether the search was extended to surrounding areas including vehicles and other places of concealment or amusement or open drains/pits etc.?		
18.	Whether the area where the child was last seen was investigated for CCTV or other such equipment?		



## ANNEXURE V: PROCESSES TO BE FOLLOWED FOR FOUND/TRACED CHILD BY POLICE/CWC/JJB

[All details to be uploaded on 'TrackChild' in form "R"]





## ANNEXURE VI: FORM 'R'



## MISSING CHILDREN TRACKING PORTAL - FORM "R"

(for "Recovered")



[To be filled up English Block Capitals Only]

## A. PERSONAL DETAILS

	First	Middle	Last
1. Recovered Child/Person's Name*:			
2. Child/Person's Nick Name:			
Nick Name 1:			
Nick Name 2:			
Nick Name 3:			
3. Gender*:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other		
4. Date of Birth*:	<div> <div>DD</div> <div>MM</div> <div>YY</div> </div>		OR Age: <div><div></div><div></div></div>
5. Education:	<div> <div>Grade</div> <div>Subject</div> </div> (Please fill up as per Annexure I)		
6. Father's Name:			
7. Father's Alias Name:			
8. Mother's Name:			
9. Mother's Alias Name:			
10. Spouse's Name:			
11. Spouse's Alias Name:			
12. No. of Siblings:		13. Name (s) of Siblings:	
14. Name of Local Guardian:			
15. Relationship with Local Guardian:	<input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Husband <input type="checkbox"/> Other		
16. Nationality*:			
17. Religion:	(Please fill up as per Annexure II)		
18. Mother Tongue:	(Please fill up as per Annexure III)		
19. Aadhaar No.:			



**B. CONTACT DETAILS**

1. House No:	<input type="text"/>	2. Road / Street:	<input type="text"/>
3. Gram Panchayat:	<input type="text"/>	4. Block:	<input type="text"/>
5. Post Office:	<input type="text"/>	6. Police Station*:	<input type="text"/>
7. Town/Vill:	<input type="text"/>	8. Sub District:	<input type="text"/>
9. District*:	<input type="text"/>	10. State*:	<input type="text"/>
11. PIN:	<input type="text"/>	12. Phone No.:	<input type="text"/>
13. Mobile:	+91 <input type="text"/>	14. Email:	<input type="text"/>

**C. RECOVERY DETAILS**

1. Tracked Place Name(s)*:	<input type="text"/>	2. Village:	<input type="text"/>
3. Block:	<input type="text"/>	4. State*:	<input type="text"/>
5. District*:	<input type="text"/>	6. Police Station*:	<input type="text"/>
7. Date of Tracing*:	<input type="text"/>	8. Time of Tracing*:	<input type="text"/> Hrs
9. Dead/Alive*: <input type="checkbox"/> Alive <input type="checkbox"/> Death due to crime <input type="checkbox"/> Accidental death <input type="checkbox"/> Death due to other			
10. Present where about: <input type="text"/>			
11. Police complaint details: <input type="text"/>			
12. Type of person*: <input type="checkbox"/> Arrested <input type="checkbox"/> Proclaimed Offender <input type="checkbox"/> Traced/Found <input type="checkbox"/> UN-ID Body <input type="checkbox"/> UN-ID Person			

**Event Recovery Situation (If Traced/Found, Arrested, Proclaimed Offender, Traced/Found and UN-ID Person)\***

- |                                                             |                                                                       |
|-------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> Rescued from Sexual exploitation   | <input type="checkbox"/> Traced out from Child labour / Bonded labour |
| <input type="checkbox"/> Traced out from domestic servitude | <input type="checkbox"/> Traced out as victims of forced marriage     |
| <input type="checkbox"/> Police custody                     | <input type="checkbox"/> Beggary/Maiming                              |
| <input type="checkbox"/> Shelter homes, Juvenile homes      | <input type="checkbox"/> Hospitals                                    |
| <input type="checkbox"/> Jail custody                       | <input type="checkbox"/> Asylum                                       |
| <input type="checkbox"/> Other                              |                                                                       |

13. Case Started\*: ☐ Yes ☐ No

**If Case Started\***

14. Case No.\*:

15. Case Date.\*:

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Act 1: [ ] [ ] [ ] [ ] [ ] [ ] Section 1: [ ] [ ] [ ] [ ] [ ] [ ]  
Act 2: [ ] [ ] [ ] [ ] [ ] [ ] Section 2: [ ] [ ] [ ] [ ] [ ] [ ]  
Act 3: [ ] [ ] [ ] [ ] [ ] [ ] Section 3: [ ] [ ] [ ] [ ] [ ] [ ]

17. GDE No.\*: [ ] [ ] [ ] [ ] [ ] [ ] 16. GDE Date,\*: [ ] [ ] / [ ] [ ] / [ ] [ ] [ ] [ ]

#### D. CHILD HANDOVER DETAILS

1. Child Handover to<sup>a</sup>: ☐ CCI ☐ CWC ☐ JJB ☐ Family ☐ Other Organization

***If Child Handover to CCL/CWC/LJB:***

[illegible]

### *If Child Handover to Family:*

**Child Handover to Family.**

	First	Middle	Last
Person's Name*:	<input type="text"/>	<input type="text"/>	<input type="text"/>
House No.:	<input type="text"/>		
Road/Street:	<input type="text"/>		
Village/City:	<input type="text"/>		
State*:	<input type="text"/>		
District*:	<input type="text"/>		
Police Station*:	<input type="text"/>		
PIN:	<input type="text"/>	Mobile:	+91 <input type="text"/>
Handover Date*:	<input type="text"/>		

***If Child Handover to Other Organization:***

Handed Over to (i.e Hospital, Nursing Home etc)\*:

Organization's Name\*:

State\*:

District\*:

Police Station:  House No.:

Village/Road:  Handover Date\*:  /  /



**1.** Information related to Missing Event: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

**2.** Date of Missing: [ ] [ ] / [ ] [ ] / [ ] [ ] [ ] [ ]      **3.** Time of Missing: [ ] : [ ] Hrs

**4.** Place of Missing: [ ] [ ] / [ ] [ ] M / [ ] [ ] [ ] [ ]

**4.** Cause of Missing: ☐ Runway ☐ Lost ☐ Trafficked ☐ Kidnapped ☐ Other \_\_\_\_\_

	First	Middle	Last
1. Informant's Name:			
2. Informant's Address:			
3. Contact No.:			
4. Email:			
5. Relationship with Recovered Child:			

1. Complexion:   ☐ Dark   ☐ Whitish   ☐ Fair   ☐ Very Fair   ☐ Sallow

2. Build:         ☐ Fat (stout/strong)   ☐ Normal (muscular)   ☐ Thin (lanky)           ☐ Stocky

3. Eye:           (Please fill up as per Annexure IV)

4. Hair:          (Please fill up as per Annexure V)

5. Teeth:         (Please fill up as per Annexure VI)

6. Height:      ft   inch OR   cm       7. Weight: kg   gm

7. Wearing Apparel (Upper):

8. Wearing Apparel (Lower):

9. Blood Group: ☐ A+   ☐ A-   ☐ B+   ☐ B-   ☐ O+   ☐ O-   ☐ AB+   ☐ AB-   ☐ Other

1. Burn Marks / Tattoos / Leucoderma / Mole / Scar (Multiple identification marks may be chosen):  
 (Please fill up as per Annexure VII)

2. Face:  (Please fill up as per Annexure VIII)

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3. Nose:  (Please fill up as per Annexure IX)

4. Speech/Voice:  (Please fill up as per Annexure X)

#### I. PECULIARITIES & DISABILITIES

1. Head/Face:  (Please fill up as per Annexure XI)

2. Other Parts of Body:  (Please fill up as per Annexure XII)

3. Disabilities:  (Please fill up as per Annexure XIII)

4. Habits:  (Please fill up as per Annexure XIV)

#### J. LANDMARK INFORMATION

1. Mandir / Masjid:  2. Bus Stand:

3. Railway Station:  4. School:

5. Market Place:  6. Fair:

7. Event description when recovered:

8. Nearby River:

9. Panchayat Member Name:  First  Middle  Last

10. Other Information:

Date: \_\_\_/\_\_\_/\_\_\_

Signature of information provider

Signature of the receiving officer

Name: \_\_\_\_\_

Designation: \_\_\_\_\_



**:-ANNEXURES:-****Annexure - I**

- |                                                     |                                         |                                               |                                                  |
|-----------------------------------------------------|-----------------------------------------|-----------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> DIPLOMA HOLDERS            | <input type="checkbox"/> DOCTORATE      | <input type="checkbox"/> GRADUATE             | <input type="checkbox"/> HIGHER/SENIOR SECONDARY |
| <input type="checkbox"/> ILLITERATE                 | <input type="checkbox"/> MATRICULATE    | <input type="checkbox"/> MIDDLE SCHOOL        | <input type="checkbox"/> M.Phil.                 |
| <input type="checkbox"/> POST GRADUATE              | <input type="checkbox"/> PRIMARY SCHOOL | <input type="checkbox"/> PROFESSIONAL DIPLOMA | <input type="checkbox"/> PROFESSIONAL GRADUATES  |
| <input type="checkbox"/> PROFESSIONAL POST GRADUATE | <input type="checkbox"/> PUC/PLUS 2     | <input type="checkbox"/> SECONDARY            | <input type="checkbox"/> SECONDARY SCHOOL        |
| <input type="checkbox"/> OTHER                      |                                         |                                               |                                                  |

**Annexure - II**

- |                                   |                                    |                                   |                                 |                               |
|-----------------------------------|------------------------------------|-----------------------------------|---------------------------------|-------------------------------|
| <input type="checkbox"/> BUDDHIST | <input type="checkbox"/> CHRISTIAN | <input type="checkbox"/> HINDUISM | <input type="checkbox"/> ISLAM  | <input type="checkbox"/> JAIN |
| <input type="checkbox"/> JEWS     | <input type="checkbox"/> PARSİ     | <input type="checkbox"/> SIKH     | <input type="checkbox"/> YEHUDI |                               |

**Annexure - III**

- |                                    |                                     |                                              |                                     |                                      |
|------------------------------------|-------------------------------------|----------------------------------------------|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> ADI       | <input type="checkbox"/> AKA        | <input type="checkbox"/> APATANI             | <input type="checkbox"/> ASSAMESE   | <input type="checkbox"/> AWADHI      |
| <input type="checkbox"/> BADAGA    | <input type="checkbox"/> BAGNE      | <input type="checkbox"/> BAGRI               | <input type="checkbox"/> BENGALI    | <input type="checkbox"/> BHOPURI     |
| <input type="checkbox"/> BODO      | <input type="checkbox"/> BRJ        | <input type="checkbox"/> BUNDELRHANDI        | <input type="checkbox"/> CHHATSCATH | <input type="checkbox"/> DHORI       |
| <input type="checkbox"/> DHUNDHADI | <input type="checkbox"/> DOGARI     | <input type="checkbox"/> ENGLISH             | <input type="checkbox"/> GARHWALI   | <input type="checkbox"/> GUJARATI    |
| <input type="checkbox"/> HARO      | <input type="checkbox"/> HARYANVI   | <input type="checkbox"/> HILL MIRI           | <input type="checkbox"/> HINDI      | <input type="checkbox"/> KAKHARAK    |
| <input type="checkbox"/> KANNADA   | <input type="checkbox"/> KASHMIRI   | <input type="checkbox"/> KHAMTI              | <input type="checkbox"/> KHASI      | <input type="checkbox"/> KHOWA       |
| <input type="checkbox"/> KONKANI   | <input type="checkbox"/> KOTHA      | <input type="checkbox"/> KUCHI               | <input type="checkbox"/> KUI        | <input type="checkbox"/> KUMAYNI     |
| <input type="checkbox"/> LADAKHI   | <input type="checkbox"/> MAITHILI   | <input type="checkbox"/> MALAYALAM           | <input type="checkbox"/> MALWI      | <input type="checkbox"/> MANIPURI    |
| <input type="checkbox"/> MARATHI   | <input type="checkbox"/> MARVARI    | <input type="checkbox"/> MEERUT AND BULANDAS | <input type="checkbox"/> MEITEI     | <input type="checkbox"/> MEITELO     |
| <input type="checkbox"/> MEMBA     | <input type="checkbox"/> MIJ        | <input type="checkbox"/> MISHMI              | <input type="checkbox"/> MISHMI IDU | <input type="checkbox"/> MISHMI MIJU |
| <input type="checkbox"/> MISHING   | <input type="checkbox"/> MIZO       | <input type="checkbox"/> MOHOMOSHINGH        | <input type="checkbox"/> MONPA      | <input type="checkbox"/> NAGAMESE    |
| <input type="checkbox"/> NEPALI    | <input type="checkbox"/> NISHI      | <input type="checkbox"/> NOCTE               | <input type="checkbox"/> ORIYA      | <input type="checkbox"/> PAHADI      |
| <input type="checkbox"/> PUNJABI   | <input type="checkbox"/> RAJASTHANI | <input type="checkbox"/> REANG               | <input type="checkbox"/> REWAPARI   | <input type="checkbox"/> SADRI       |
| <input type="checkbox"/> SANTHALI  | <input type="checkbox"/> SHEERDUPEN | <input type="checkbox"/> SINDHI              | <input type="checkbox"/> SINGPHO    | <input type="checkbox"/> SOILING     |
| <input type="checkbox"/> TAGIN     | <input type="checkbox"/> TAMIL      | <input type="checkbox"/> TANGSA              | <input type="checkbox"/> TELUGU     | <input type="checkbox"/> TODA        |
| <input type="checkbox"/> TULU      | <input type="checkbox"/> URDU       | <input type="checkbox"/> VARADI              | <input type="checkbox"/> WANGCIRI   | <input type="checkbox"/> YORIN       |

**Annexure - IV**

- |                                                    |                                               |                                                  |                                                  |
|----------------------------------------------------|-----------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> EYE BLUE                  | <input type="checkbox"/> EYE BROWN            | <input type="checkbox"/> EYE REDDISH             | <input type="checkbox"/> EYE MARKEDLY CLOSE SET  |
| <input type="checkbox"/> EYE NORMAL                | <input type="checkbox"/> EYE PROTRUDING       | <input type="checkbox"/> EYE SUNKEN              | <input type="checkbox"/> EYE SLIT                |
| <input type="checkbox"/> EYE ARTIFICIAL LEFT       | <input type="checkbox"/> EYE ARTIFICIAL RIGHT | <input type="checkbox"/> EYE BROWS - ARTIFICIAL  | <input type="checkbox"/> EYE BROWS CLEARLY UNITE |
| <input type="checkbox"/> EYE BROWS - OBLIQUE       | <input type="checkbox"/> EYE BROWS - STRAIGHT | <input type="checkbox"/> EYE BROWS - THIN        | <input type="checkbox"/> EYE BROWS - WIDELY      |
| <input type="checkbox"/> USING SPEC                | <input type="checkbox"/> EYE ARTIFICIAL       | <input type="checkbox"/> EYE LEFT SQUINT         | <input type="checkbox"/> EYE RIGHT SQUINT        |
| <input type="checkbox"/> EYE CONSPICUOUSLY SMALL   | <input type="checkbox"/> EYE CATS             | <input type="checkbox"/> EYE GREEN               | <input type="checkbox"/> EYE MARKEDLY WIDE SET   |
| <input type="checkbox"/> EYE BROWS - ARCHED/CURVED | <input type="checkbox"/> EYE BROWS - THICK    | <input type="checkbox"/> EYE CONSPICUOUSLY LARGE | <input type="checkbox"/> EYE DARK                |
| <input type="checkbox"/> EYE FRECKLED              | <input type="checkbox"/> EYE LIGHT            |                                                  |                                                  |

**Annexure - V**

- |                                                |                                        |                                     |                                         |
|------------------------------------------------|----------------------------------------|-------------------------------------|-----------------------------------------|
| <input type="checkbox"/> BALD FULL             | <input type="checkbox"/> BALD PARTIAL  | <input type="checkbox"/> BROWN      | <input type="checkbox"/> CURLY - BLACK  |
| <input type="checkbox"/> CURLY - BLACK & GREY  | <input type="checkbox"/> CURLY - GREY  | <input type="checkbox"/> LONG       | <input type="checkbox"/> NORMAL - BLACK |
| <input type="checkbox"/> NORMAL - BLACK & GREY | <input type="checkbox"/> NORMAL - GREY | <input type="checkbox"/> WIG USE OF | <input type="checkbox"/> WHITE HAIR     |

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- ☐ STRAIGHT HAIR      ☐ HAIR BLEACHED/DYED      ☐ HAIR CURLY/WAVY      ☐ HAIR GRAY/WHITE PATCHED  
☐ SIDE BURNS

**Annexure – VI**

- ☐ BROKEN      ☐ FALSE TOOTH/TEETH      ☐ GAPS IN TEETH      ☐ METAL TEETH  
☐ METAL TOOTH GOLD (CAPPING)      ☐ METAL TOOTH SILVER (CAPPING)      ☐ MISSING TOOTH/TEETH      ☐ NORMAL/EVEN  
☐ OVERLAPPING TEETH      ☐ PROTRUDING      ☐ STAINED

**Annexure – VII**

- ☐ BACK LEFT SIDE      ☐ CHEEK LEFT      ☐ BACK RIGHT SIDE      ☐ CHEEK RIGHT  
☐ CHEST MIDDLE      ☐ CHEST LEFT SIDE      ☐ CHEST RIGHT SIDE      ☐ CHIN  
☐ EAR LEFT      ☐ EAR RIGHT      ☐ EYE BROW LEFT      ☐ EYE BROW RIGHT  
☐ FACE      ☐ FOOT LEFT      ☐ FOOT RIGHT      ☐ FOREHEAD  
☐ HAND LEFT      ☐ HAND LEFT-LETTER      ☐ HAND LEFT-FIGURE      ☐ HAND RIGHT  
☐ FOREARM RIGHT- FIGURE      ☐ FOREARM RIGHT- LETTER      ☐ HEAD      ☐ LEG LEFT  
☐ LEG RIGHT      ☐ LIP LOWER      ☐ LIP UPPER      ☐ NECK  
☐ NOSE      ☐ SHOULDER LEFT      ☐ SHOULDER RIGHT      ☐ STOMACH  
☐ THIGH LEFT      ☐ THIGH RIGHT      ☐ PALM RIGHT      ☐ PALM LEFT  
☐ FINGER(S) LEFT HAND      ☐ FINGER(S) RIGHT HAND      ☐ FINGER(S) LEFT FOOT      ☐ FINGER(S) RIGHT FOOT

**Annexure – VIII**

- ☐ DIMPLED CHEEK      ☐ DIMPLED CHIN      ☐ DOUBLE CHIN      ☐ FOREHEAD BROAD  
☐ FOREHEAD NARROW      ☐ PROMINENT CHEEK      ☐ ROUND      ☐ SUNKEN CHEEK  
☐ WRINKLED      ☐ OVAL      ☐ POKY PITTED      ☐ PROTRUDING CHIN  
☐ RECEDING FOREHEAD      ☐ SQUARE/HEAVY JAW      ☐ HIGH CHEEK      ☐ LONG

**Annexure – IX**

- ☐ BROAD NOSTRILS (MARKEDLY DILATED)      ☐ BULBOUS      ☐ LONG      ☐ PRINTED  
☐ HOOKED (PARROT TYPE)      ☐ PIERCED      ☐ SNUB/PUG      ☐ TURNED UP NOSTRILS

**Annexure – X**

- ☐ DEEP/HEAVY CULTURAL      ☐ FAST      ☐ FEMININE      ☐ NASAL  
☐ LOUD SPOKEN      ☐ SPEECH STAGGONY      ☐ SLOW      ☐ SOFT SPOKEN  
☐ STAMMERING

**Annexure – XI**

- ☐ DEAF      ☐ EAR DEFORMED - BOTH      ☐ EAR DEFORMED - LEFT      ☐ EAR DEFORMED - RIGHT  
☐ EAR MISSING RIGHT      ☐ EYES BLIND ONE      ☐ EYES SQUINT      ☐ HARE LIPS  
☐ LOBES PIERCED      ☐ NOSE PECULIAR      ☐ ONE EYED      ☐ PROTRUDING FACE  
☐ EAR MISSING BOTH      ☐ EAR MARKEDLY LARGE      ☐ EAR MISSING LEFT      ☐ LOBES EAR  
☐ EAR MARKEDLY SMALL



**Annexure – XII**

- |                                                 |                                                   |                                                    |                                                     |
|-------------------------------------------------|---------------------------------------------------|----------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> TOE(S) EXTRA - LEFT    | <input type="checkbox"/> ARM MISSING - RIGHT      | <input type="checkbox"/> BOW LEGGED - LEFT         | <input type="checkbox"/> EUNUCH                     |
| <input type="checkbox"/> FINGER(S) EXTRA - LEFT | <input type="checkbox"/> FINGER (S) EXTRA - RIGHT | <input type="checkbox"/> FINGER (S) MISSING - LEFT | <input type="checkbox"/> FINGER (S) MISSING - RIGHT |
| <input type="checkbox"/> GUTTER                 | <input type="checkbox"/> KNEE KNOCKED             | <input type="checkbox"/> LEFT FOOT MISSING         | <input type="checkbox"/> LEFT HAND MISSING          |
| <input type="checkbox"/> LEG - ELEPHANTIASIS    | <input type="checkbox"/> LEG LIMPING              | <input type="checkbox"/> LEG MISSING - LEFT        | <input type="checkbox"/> LEG MISSING - RIGHT        |
| <input type="checkbox"/> LEPROSY                | <input type="checkbox"/> RIGHT FOOT MISSING       | <input type="checkbox"/> RIGHT HAND MISSING        | <input type="checkbox"/> STOOPING / HUNCH BACK      |
| <input type="checkbox"/> ELEPHANTIASIS LEFT LEG | <input type="checkbox"/> TOE (S) MISSING - LEFT   | <input type="checkbox"/> ONE LEG MISSING           | <input type="checkbox"/> RIGHT LEG LIMPING          |
| <input type="checkbox"/> FINGER EXTRA           | <input type="checkbox"/> BOW LEGGED               | <input type="checkbox"/> STOPPING                  | <input type="checkbox"/> TOE (S) EXTRA              |
| <input type="checkbox"/> LEFT LEG LIMPING       | <input type="checkbox"/> ELEPHANTIASIS RIGHT LEG  | <input type="checkbox"/> TOE (S) EXTRA - RIGHT     | <input type="checkbox"/> TOE (S) MISSING            |
| <input type="checkbox"/> ONE ARM MISSING        | <input type="checkbox"/> FINGER MISSING           | <input type="checkbox"/> TOE (S) MISSING - RIGHT   | <input type="checkbox"/> LAME                       |
| <input type="checkbox"/> RIGHT HAND LIMPING     | <input type="checkbox"/> LEFT HAND LIMPING        |                                                    |                                                     |

**Annexure – XIII**

- |                                               |                                                 |                                                |                                          |
|-----------------------------------------------|-------------------------------------------------|------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> HEARING IMPAIRED     | <input type="checkbox"/> LOCOMOTOR DISABILITIES | <input type="checkbox"/> MENTALLY ILL          | <input type="checkbox"/> LEPROSY CURED   |
| <input type="checkbox"/> AUTISM               | <input type="checkbox"/> CEREBRAL PALSY         | <input type="checkbox"/> MULTIPLE DISABILITIES | <input type="checkbox"/> MENTALLY RETURD |
| <input type="checkbox"/> VISUALLY HANDICAPPED |                                                 |                                                |                                          |

**Annexure – XIV**

- |                                            |                                          |                                             |                                       |
|--------------------------------------------|------------------------------------------|---------------------------------------------|---------------------------------------|
| <input type="checkbox"/> BRAGGING          | <input type="checkbox"/> CHEWS BETAL/PAN | <input type="checkbox"/> CHEWS PAN MASALA   | <input type="checkbox"/> CHEWS SUPARI |
| <input type="checkbox"/> CHEWS TOBACCO     | <input type="checkbox"/> CINEMA CRAZY    | <input type="checkbox"/> DRINKS LIQUOR      | <input type="checkbox"/> DRUG ADDICT  |
| <input type="checkbox"/> EYES BLINKING     | <input type="checkbox"/> EYES SHIFTING   | <input type="checkbox"/> GAMBLER            | <input type="checkbox"/> HOMOSEXUAL   |
| <input type="checkbox"/> LIP BITING        | <input type="checkbox"/> LOTTERY PLAYER  | <input type="checkbox"/> MOUSTACHE TWISTING | <input type="checkbox"/> NAIL BITING  |
| <input type="checkbox"/> PROSTITUTE MONGER | <input type="checkbox"/> RACE-GOER       | <input type="checkbox"/> SMOKER             | <input type="checkbox"/> SNUFF TAKER  |
| <input type="checkbox"/> STRETCHING        |                                          |                                             |                                       |





**अश्वनी लोहानी**  
**ASHWANI LOHANI**



अध्यक्ष, रेलवे बोर्ड  
एवं  
पदेन प्रमुख सचिव, भारत सरकार  
रेल मंत्रालय  
**CHAIRMAN, RAILWAY BOARD**  
&  
**EX-OFFICIO PRINCIPAL SECRETARY**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF RAILWAYS**

DO No. 2018/Trans.Cell/E/Child Protection

04 JUN 2018

**My dear GMs & DRMs,**

**Subject: Care and protection of children in contact with Railways.**

A large number of vulnerable children come in contact with Railways as passengers or abandoned, trafficked, run away children separated from their family. These children are occasionally noticed travelling in trains or living on the platforms and in and around the railway stations.

2 Whenever a distressed child is found at the railway station, there is need to take care of the child and make sure that the child does not fall in wrong hands.

3. To address the issue of protection of such children The Standard Operating Procedure (SOP) for Railways to ensure Care and Protection of Children in Contact with Railways' was launched in March, 2015 by Indian Railway with support of Ministry of Women and Child Development (MWCD) and National Commission for Protection of Child Rights (NCPCR). I am told that this SOP is being implemented successfully at 88 Railway Stations.

4. There is a need to spread awareness across the entire railway system to sensitize all the railway officials, passengers and other stakeholders on this important issue. NCPCR has developed a **"Guidebook for Creating a Child Friendly and Protective Environment for Children in contact with Railways"**. A Copy of the Guidebook is enclosed.

5. I would like all GMs and DRMs to give wide publicity to this **Guidebook**. A large-scale awareness campaign may be launched across all Railway Stations ASAP. NCPCR will provide technical/Information Education and Communication (IEC) support for this. Capacity building and sensitisation workshops for key railway personnel like Station Master/Station Superintendent, TTE/TC, RPF, GRP, and other commercial and technical railway staff may also be organized. Support of secondary stakeholders like coolie/porters, vendors at stations, passengers etc will also be very useful.

Room No. 236, Rail Bhawan, New Delhi-110 001.  
Tel.: 011-23384010, Fax : 011-23381453, E-mail : crb@rb.railnet.gov.in

I would like you to provide strong leadership to this **noble cause**. Feedback may be compiled at the zonal level and I may be kept apprised of the success of the programme.

Yours sincerely

  
(Ashwani Lohani)

**General Managers & DRMs**

All Zonal Railways & All Divisions

Enclosure: Guidebook for Creating a Child Friendly and Protective Environment for Children in Contact with Railways.

Copy to:

FC, ME, MRS, MS, MT, MTR

DG/P, DG/RHS, DG/RPF, DG/S&T, DG/RS

PS to MR for kind information of Hon'ble MR.



# GUIDEBOOK FOR CREATING A CHILD FRIENDLY AND PROTECTIVE ENVIRONMENT FOR CHILDREN IN CONTACT WITH RAILWAYS



NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
in association with  
RAILWAY CHILDREN INDIA

2018

# PROTECTION OF CHILDREN IN CONTACT WITH RAILWAYS

## The Problem

Every 5 minutes a child arrives alone at the major railway stations in India<sup>1</sup>. Indian Railways is one of the largest railway network in the world<sup>2</sup>. It runs 12,000 passenger trains per day connecting about 8,000 stations spread across the sub-continent<sup>3</sup>. On any given day around 2.3 crore people travel through the railways and another significant number of people access railway stations for various purposes. In this population, children are often found travelling alone in the trains, or engaged in vending, begging, rag picking and living at the station premises. Most of these children are run-away from their homes and generally those who live in difficult circumstances, belong to dysfunctional families, poverty-stricken families, broken family, overcrowding, abusive conditions at their homes, use railway network being the most easily accessible transport to get to the cities with the hope to find a better life. Thousands of children arrive at vast, chaotic railway stations and find themselves lost, alone and scared, with no idea where to go or what to do. Such children are un-accompanied, without the means of sustenance and basic amenities, are vulnerable and at risk of law-breaking or coming in conflict with law. On the other hand, traffickers use means of railways for trafficking\* of children from remote parts of the country for the purpose of labour or for sexual exploitations, and so on, and are always in lookout for such vulnerable children travelling alone to meet their self-motives.

## Trafficking in India

Child trafficking may be defined as 'any person under 18 who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside a country.'

Trafficking is an organised global crime that violates the basic human rights. It is one of the most serious issues plaguing India. National Crime Records Bureau (NCRB) records as many as 8,132 cases of human trafficking in India in the year 2016. Out of the 15,379-people trafficked, 58.7 percent were children, exposing them to violence, abuse, and exploitation.

There are legal provisions to combat trafficking in India such as Immoral Traffic (Prevention) Act, 1956 (ITPA), Section 370A of Criminal Law (Amendment) Act 2013, Protection of Children from Sexual offences (POCSO) Act, 2012.

In 2017, to address the issue of trafficking from the point of view of prevention, rescue and rehabilitation, a comprehensive Bill called the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2017 has been introduced by the government of India.

1. Data source: Survey by Railway Children, an Organisation working with children in contact with Railways since 1996 in India.

2. <http://pib.nic.in/infonug/infyr98/inf1198/1011981.html>

3. [http://www.indianrailways.gov.in/railwayboard/uploads/directorate/finance\\_budget/Budget\\_2015-16/White\\_Paper\\_English.pdf](http://www.indianrailways.gov.in/railwayboard/uploads/directorate/finance_budget/Budget_2015-16/White_Paper_English.pdf)

Acknowledging the seriousness of the issue and following the directions of the High Court of Delhi, Ministry of Railways with the support of Ministry of Women and Child Development and National Commission for Protection of Child Rights (NCPCR) prepared and issued '**Standard Operating Procedure (SOP) for Railways to ensure Care and Protection of Children in Contact with Railways**'<sup>4</sup> in accordance with the Juvenile Justice (Care & Protection of Children) Act and the related Rules for better care & protection of the children in contact with Railways. This SOP is presently being implemented at 35 major stations of the country in a phased manner with the support of CHILDLINE India Foundation (CIF)/NGOs nominated by Ministry of Women & Child Development.

The JJ Act creates a legal framework for the perception of the rights of all children whether alleged or found to be in conflict with law or children in need of care and protection. Child is defined as a person who has not completed 18 years age.

Ministry of Railways intends to implement SOP at all major stations of the country in a phased manner, it would, however, take time to provide such network at each of the railway stations.

The problem is wide spread across all the railway stations in the country and there is a need to provide safety and security to the children coming in contact with railways. There are already significant number of NGOs working at railway stations or in nearby areas for protection of such vulnerable children. *Keeping the best interest of the child, the railway machinery functioning at the railway stations with the support of the willing NGOs working at the railway stations, along-with other stakeholders may voluntarily provide protection and security to the children within the wider purview of SOP.*

**Best interest of child** means the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development (Section 2(9) of JJ Act)

## I. Objective behind Preparing this Document

To ensure every child at risk, travelling or arriving alone or travelling in groups with an adult using railways should be attended and taken care of by the Government or Non-Government stakeholders present at the railway stations.

## II. Who all can Support in Creating a Protective Environment for Children at the Railway Station?

In a railway station the key stakeholders to ensure protection for children are those who all are entrusted for operationalizing the railway station in an effective manner; i.e. Station Master/ Station Superintendent TTE/TC, other commercial and technical railway staff,

4. SOP for Railways is available at the Website of NCPCR ([www.ncpcr.gov.in](http://www.ncpcr.gov.in)).



Railway Protection Force (RPF), Government Railway Police (GRP), and so on. There are secondary stakeholders who are equally important in creating protective environment for children which includes:

- ✓ Coolie/porters
- ✓ Vendors at the station
- ✓ Cleaning staffs
- ✓ Passenger/ commuters
- ✓ Escort/s of passengers
- ✓ Taxi, auto rickshaw and cycle rickshaw drivers
- ✓ Public spirited citizens

In addition to these stakeholders there are NGOs who are already working at different railway stations and nearby areas to address the issue.

Identifying and reaching out to every child in contact with Railways is the need of the hour. Thus, any NGO already working at the station and willing to offer its services at the railway premises for the protection of children may be encouraged. This will enable in identifying, rescuing and rehabilitating more number of children coming in contact with Railways for various purposes.

**Study on 'Child Reunification Processes in India'** conducted by Railway Children, an NGO has revealed that almost half of the children left their home due to fear of punishment, feeling neglected or lonely and without having perceived goal or destination. Such children use Railway as travel mode and become vulnerable and are in need of care and protection. Timely rescue of these children save their future.

### **III. How the Protection of Children in Contact with Railways can be ensured?**

Ministry of Railways has circulated the '**Standard Operating Procedure for Railways to ensure care and protection of children in contact with Railways**' (herewith SOP) based on the provisions of JJ Act and directions of the Delhi High Court. A collaborative effort from Railway Officials operating at the Station with NGO functioning at Railway Station or in nearby area for the cause of children along with other stakeholders can enable a child friendly environment at the railway station. Convergent approach between all the stakeholders can identify and provide care and protection to every child at risk arriving alone or passing through the station.

### **IV. What could be the Mechanism to Safeguard Children's Rights at the Station Premises?**

SOP circulated by the Ministry of Railways clearly defines the mechanism to ensure care and protection for the children in contact with railways, and that is already being implemented in selected stations. As the issue is widespread, Railway officials functioning

at the non-SOP stations may volunteer to enable a protective environment for children by involving different stakeholders and adopting the following strategies at the station;

### 1. Creating Awareness and Sensitisation at Station

The public-address system at the Railway Station may inbuilt messages towards safety and security of children. The announcements about CHILDLINE/helpline numbers and contact point/Child Help Desk at the station may be inbuilt in the regular announcements of trains at the Station.

Announcements on lost and found children along with the message on how passengers and other people accessing station can voluntarily provide support to a child in need of care and protection can also be built into the system.

The information in regard to Child Help Desk/Child Helpline may also be displayed through electronic boards/posters/banners at the identified locations. NGOs may also conduct awareness events at the station.

### 2. Maintenance of Record of the Children Found at the Station

Station Master/Station Superintendent or his/her authorised representative may maintain a register to record the details of the child found. Whenever a child is found at the railway premises, s/he may be handed over to RPF/GRP or voluntary organisation operating at the station who would make the child comfortable and record/facilitate to record particulars of the child in the register maintained with the station master as per the format in SOP (Form I). RPF/GRP as per their official procedure shall also ensure a Daily Diary/General Diary entry.

#### Mandatory Reporting of found child

Under Section 32 of JJ Act, it is mandatory for any individual/police officer/functionary of any organisation to give information to nearest Childline/police station/CWC/DCPU within twenty-four hours or hand over the child to a child care institution

Not reporting under Section 32 within 24 hours shall be an offence.

### 3. Referral of Found Children under the Care and Protection Processes (JJ Act)

As per JJ act whenever a child is found at the railway premises, s/he is required to be produced before Child Welfare Committee (CWC) for which procedure has been detailed in Section V of the document.

A per Section 27 of JJ Act, 2015. CWC is constituted for every district for exercising the power in relation to children in need of care and protection. CWC shall consist of a chairperson and four other members of whom at least one shall be a woman and another, an expert on the matters concerning children.

#### 4. Operation of an NGO at the Station

As per SOP, at the stations approved for implementation of SOP, Ministry of Women & Child Development is responsible to identify and nominate an NGO who will facilitate all matters pertaining to the child in contact with the railways. At non-SOP stations, pending implementation of SOP, Station Master/Station Superintendent may consider facilitating safety and security to children at the station with the help of RPF/GRP or NGO already functioning at the station/nearby area or willing to work at station.

#### 5. Station Master/Station Superintendent can form a Child Help Group (CHG)

To ensure protection of every child coming in contact with Railways, Station Master/Station Superintendent can form a child help group (CHG) comprising Station Master (SM)/Station Superintendent (SS), Inspector-RPF, Station House Officer (SHO)-GRP and Chief Ticket Inspector (CTI) for well-coordinated work on child protection at the station. The group may also have a representative from voluntary organisation/ NGO as a regular member to facilitate care and protection of children. Station master as nodal officer may play the key role and take support of SSE (Works), Medical Official or any other official depending upon the need and requirement.

#### 6. Child Help Desk (CHD)

A Child Help Desk with approximate space of 6'x6' may be set up at the platform which can be operational for 24 hrs. with the support of RPF/GRP or any willing/identified NGO working at the Railway Station. The objective of operating Child Help Desk shall be to;

- keep a vigil at the railway station
- coordinate with all the concerned departments
- provide immediate care and support to children identified at station
- assist people who refers or wants to share information about any lost and found child
- raise awareness in public, and
- keep and maintain registers and IEC materials

#### 7. Creating and Maintaining a Contact Directory

For safety and security of children found at the stations a contact diary of the following may be maintained/displayed at the Railway station and GRP/RPF station.

- a. Name, address and phone numbers of the Child Welfare Committee(s) and Juvenile Justice Board (JJB).

As per Section 4 of the JJ Act, 2015, JJB is constituted for every district for exercising powers relating to children in conflict with law. JJB shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class (Principal Magistrate) and two social workers of whom at least one shall be woman.



- b. List of NGOs, CHILDLINE and Institutions for children, nearest hospital with paediatric department, nearest State Government children's home with their address and Contact numbers.
- c. Name of the police officer or Special Juvenile Police Unit (SJPV) or a designated police officer notified as per Juvenile Justice (Care and Protection of Children) Act, 2015.
- d. Emergency contact no. of Child Welfare Committee, JJB with the jurisdiction over the station, Child Welfare Officer of the GRP/Local Police/RPF.
- e. Contact details of District Child Protection Unit (DCPU).

SJPV is a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under Section 107-Section 55 of the JJ Act, 2015.

DCPU is a child protection unit for a District established by the state government as a focal point for child protection services in the district as per Section 26 of JJ Act, 2015

## 8. Capacity building trainings for RPF/GRP and Child Protection Committee members

Trainings may be conducted with the support of RPF training institute in collaboration or support from expert NGOs who are willing to offer their service. Periodic capacity building trainings would enhance knowledge of the concerned members which will contribute in creating a child friendly atmosphere at the railway station.

## V. Procedure to be Followed to Provide Care and Protection to the Child found at Railway Stations and Trains in Context of SOP

### A. Steps to protect a child found at Railway Station:

1. The Child will be brought to the Station Superintendent (SS)/Station Master(SM) by RPF or GRP or by voluntary organisations/or any person.
2. The SS/SM shall ensure that Child's details are recorded in register maintained by Station Superintendent/Station master and place photograph of the child in the register with assistance from GRP, RPF or NGO in the system.

### Production before CWC

As per (Sec 31 of JJ Act), Any child in need of care and protection may be produced before CWC without any loss of time but within 24 hours by any of the following:

- Police Officer/ SJPV/DCPU/Child Welfare Police Officer
- Officer of DCPU/Inspector under Labour law
- Public Servant
- Child Welfare Officer/Probation Officer
- Childline Service or NGO
- Social worker /public-spirited citizen/nurse, doctor, management of any medical institute
- Child himself

3. The SS/SM shall ensure the details of the rescued child is conveyed to RPF/GRP who will in turn ensure that details of the child is conveyed to,
  - (i) local police station in which the parents/guardian of the child live and,
  - (ii) RPF Help Line.
4. After recording the details of the child, child would be handed over to the RPF/GRP who in turn will take necessary action.
5. Meanwhile, periodic announcements over the Public Address System regarding the child may be made.
6. RPF/GRP will ensure the Daily Diary (DD) entry of the child before handing over the child to NGO/CHILDLINE/Child Help Desk (CHD) at the station or Child Welfare Committee.
7. Child then can be produced before Child Welfare Committee (CWC) by NGO/CHILDLINE or directly by RPF/GRP without any delay.
8. In case the rescued child is girl, she should be provided shelter in waiting room and a woman constable of RPF may provide security. In the absence of Women RPF constable, RPF can take the help of women GRP constable or a Railway women employee.

#### ***B. Steps for Taking care of the Child found in Train***

1. GRP/RPF shall consult with the TTE on board and take necessary action to protect the child/children.
2. TTE/TC/GRP/RPF shall provide temporary transit<sup>5</sup> care and protection to the child till the next scheduled major station.
3. GRP/RPF to facilitate immediate need like drinking water, food or first aid to the child, if required during transit care in the train.
4. GRP/RPF will try to establish rapport with the child/children by interacting with him/her in a child friendly manner.
5. GRP/RPF will record details of the child/children.
6. Inform the SS/SM, GRP & RPF of the next major station in which train halts about such child/children on board through security help line/Security Control Room for taking action to receive the child/children at the station on arrival of the train.
7. After reaching at the railway station, the rest of the procedures shall be followed as detailed under Section V(A).

5. Temporary transit care and protection for the child means making child feel comfortable by providing safe space/seat in the running train, separated from the accompanied by any suspected adult/peers, if any

## **VI. Role & Responsibility of Primary Stakeholders at the Station**

### ***A. Station Superintendent/Station Master***

The Station Superintendent (SS) or Station Master (SM) is the head of the Station and is responsible for all matters pertaining to the Railway Station. S/he ensures smooth running of trains, issue of tickets, goods handling, parcel handling and accounting of station earnings along with the passenger safety and protection. Thus SS/SM being the key person is also responsible for safety and security of children in railway premises. SS/SM being the convenor of Child Help Group (CHG), may ensure:

1. Convening of meetings of the CHG as and when required.
2. Involve with the Child Welfare Committee, CHILDLINE (1098 service) and reputed NGOs for protection of children as per law.
3. Establish/facilitate documentation system to record details of each child mentioned in the Section IV (2) above.
4. After proper documentation of the child, to ensure that child is produced before Child Welfare Committee and proper procedure is followed as detailed in Section V (A).
5. If the rescued child is a girl, provide Railway's woman employee in the absence of women constable of RPF and GRP to ensure the safety of the girl child.
6. Facilitate periodic announcements over the public address system regarding any missing/ trafficked child, whenever required.
7. As the convenor of the CHG, SS/SM may facilitate awareness events at the station level with help of NGOs.

### ***B. Inspector-Railway Protection Force (RPF) and Station House Officer (SHO)-Government Railway Police (GRP)***

1. The Inspector of RPF and SHO of GRP are entrusted with a key role to create a child protection mechanism at the railway station. They would ensure:
  - a) Meeting immediate needs of the child.
  - b) Child to be brought to SS/SM.
  - c) Daily Diary (DD) entry.
  - d) In case of girl child, a female constable to be deputed to accompany with the outreached/rescued girl child.
2. The child found/ rescued is in safe custody of NGO at Child Help Desk at the station (if existing) till the time the child is produced before CWC.
3. The information of child found/rescued/outreached child is conveyed to the RPF Help Line and the local Police station where the parents/guardians/relative of the child live in.

4. Keep unobtrusive surveillance on suspected child/group of children travelling with or without any adult member on routine basis by RPF/GRP train escorting staff.
5. Provide access to operating NGO to view the CCTV surveillance network for monitoring/identifying child at the Station/Platform, yard etc.
6. SHO-GRP discharge the role as mandated in the Juvenile Justice (Care and Protection of Children) Act-2015 for Special Juvenile Police Unit (SJPU).
7. Briefing of RPF/GRP personnel on child protection issues during routine meetings, at the stations.
8. Create awareness on child protection among stakeholders, such as, porters, vendors, passengers, TTEs, TCs and cleaning staff. This could include organizing orientation/sensitization sessions for these groups at the railway premises etc.

### **C. Train Ticket Examiner (TTE) and Ticket Collector (TC)**

1. The TTE and the TC are officials of the railways who can identify children in need of care and protection in the trains. S/he shall remain vigilant with respect to the following situations that may indicate the need for an intervention:
  - a. Whenever a group of children board train.
  - b. Whenever there are more than four to five children accompanied by one or two adults.
  - c. Whenever there is /are unaccompanied child/children.
  - d. Whenever there are children without ticket and do not have proper information about the destination or whenever children give contradictory information about their destinations.
  - e. Whenever children are being frequently shifted from one compartment to other.
  - f. Whenever children are not allowed to talk to each other or to any other person.
2. In such situation, the TTE/TC shall take following action:
  - a. Approach the child/children and ask him/her/them about their address and destination in a child friendly manner without intimidation and threat.
  - b. Ascertain if the child/children need help and assistance, provide transit care and protection to the child till the next scheduled major stations.
  - c. Inform the GRP/RPF as the case may be to ensure that in case it is suspected that child/children is/are runaway or is/are abandoned or is/are being trafficked.
  - d. Hand over the child to RPF/GRP personnel, then RPF/GRP shall take necessary actions to protect the child/children and follow procedures as mentioned in Section V.

#### ***D. Duties of Railway Protection Force (RPF), Government Railway Police (GRP) train escorting Staff***

Keep unobtrusive surveillance on suspected child/group of children travelling with or without any adult member. If found to be trafficked/abused/destitute/abandoned/lost or exploited children, following action may be taken:

1. Immediately consult with TTE/TC on board and take necessary action to protect the child/children and follow procedures as mentioned in Section 5(B).
2. Communication with the child/children in child friendly manner and record the important details of the child/ children i.e. name, age, details of parents/guardians/ relatives and their contact phone numbers, station where boarded, destination station, details of tickets etc.
3. Take necessary actions to protect the child/children and follow procedures as mentioned in Section 5(B).

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UNITED NATIONS  
*Office on Drugs and Crime*

Government of India



## **Standard Operating Procedures (SOP)**

### **On Investigating Crimes of Trafficking for Commercial Sexual Exploitation**

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## PREFACE

Trafficking of women and children is one of the grave organized crimes, extending beyond boundaries and jurisdictions. Combating and preventing human trafficking requires holistic approach by all stakeholders and integrated actions on prosecution, prevention and protection. Keeping this philosophy in mind, Project IND/S16 of the United Nations Office on Drugs and Crime, which is a joint initiative of UNODC and the Government of India, was launched in April 2006 in India. This project is focused on “Strengthening the law enforcement response in India against trafficking in persons, through training and capacity building”. The major activities in the project are training of police officials and prosecutors, setting up Integrated Anti Human Trafficking Units, establishing networks among law enforcement agencies and civil society partners as well as developing appropriate tools including Protocols, Manuals, Standard Operating Procedures (SOP) and other training aids.

Successful conviction of offenders, redressal of grievances of victims and consequent prevention of crimes of human trafficking is possible when the first responders, i.e., the police agencies, perform their tasks diligently. In this process, investigation of crimes assumes an important role. The task includes collection of intelligence about crimes, registering crimes in the police station, prompt action in investigation and prosecution and also ensuring all legal and administrative follow-up measures.

Appropriate tools, no doubt, are essential to empower the officials to carry out these tasks in the best professional manner. In this context this SOP is a tool for the law enforcement agencies to address the crimes of commercial sexual exploitation (UNODC has developed another SOP exclusively for addressing issues of investigation of crimes of trafficking for forced labour). This SOP has been developed based on the regular feedback from the police officers and prosecutors who have undergone training facilitated by UNODC, the prosecutors and judicial officers who have conducted the trial of these crimes as well as the feedback from the civil society partners and the victims of trafficking. The available literature on trafficking has also been taken into consideration in the various segments. The SOP has been prepared in a user-friendly and simple style with Do's and Don'ts and checklists.

## 1. INTRODUCTION

Irrefutable is the fact that trafficking in human beings is one of the largest organized crimes across the world, along with trafficking in drugs and arms. And, undoubtedly, it is as much a commercial activity as an organized crime.

The Constitution of India vide Article 23, prohibits both trafficking in human beings and forced labour. Substantive laws like the Indian Penal Code 1860, special legislations like the Immoral Traffic (Prevention) Act 1956, the Bonded Labour System (Abolition) Act 1976, etc. and local laws like the Goa Children's Act 2003, provide the legal regime to combat and prevent Human Trafficking (HT). In addition, judgments by the Supreme Court and various High Courts have provided further legal strength to the law enforcement agencies. However, research<sup>1</sup> shows that the existing response to human trafficking is uneven and requires immediate attention especially in areas of Knowledge, Skills, Attitude and Resources (KSAR). In this context, the *Standard Operating Procedures (SOP) on Investigation* is a powerful tool for investigators, support and supervisory officials who handle trafficking crimes of various dimensions in India.

Based on a human rights paradigm, the SOP underscores the following principles in the response to HT:

- **Human rights approach**

Trafficking in human beings is a grave violation of human rights, one that deprives and demolishes the dignity of the trafficked person. Therefore, it is critical that response systems are rights-based and human rights oriented. The officials who deal with the victims should be empathetic and understand the concerns from the victim's perspective. Decision making about the victim should emanate from and be based on the 'best interest of the victim'. Victims have a right to be protected, consulted and informed of all actions being taken on their behalf.

- **Victim friendly procedures**

Any action initiated by the law enforcement agencies should ensure that the victim is the pivotal/focal point. This requires that the victim of trafficking is:

- Not treated as an offender
- Not 're-victimised'
- Not branded 'as a soliciting person'
- Not arrested
- Not stigmatized
- Extended all help and assistance as a matter of right.

A victim-friendly procedure ensures that harm to the victim is validated.

- **Multi-disciplinary approach**

A comprehensive knowledge of trafficking requires it to be understood from a process-centric perspective. HT entails several acts of commission and/ or omission involving multiple offenders. Accordingly, the response to trafficking requires simultaneous attention by various agencies mandated to carry out different tasks, viz. police agencies, other government departments (like welfare, women and child development, etc.) prosecutors, counselors, NGOs, etc. all of whom perform several functions in the process of Anti Human Trafficking (AHT). Therefore, the law enforcement agencies need to coordinate with these stakeholders to develop a synergy and partnership with them.

- **Gender issues**

Though the victim could be any person, research<sup>2</sup> shows that the majority of victims of commercial sexual exploitation (CSE) are females. An inadequate response to the trafficked victim by various

<sup>1</sup> *Trafficking in Women and Children in India*, National Human Rights Commission, Orient Longman, 2005

<sup>2</sup> NHRC, 2005. op. cit 1

agencies, further exacerbates gender discriminations and gender violations that already exist in society. Hence, gender sensitivity is an essential requirement in addressing HT. The procedures and steps undertaken by the responders should conform to gender rights.

- **Child rights issues**

Research<sup>3</sup> has shown that there exists a high demand for children for purposes of CSE. Being more vulnerable, children are subjected to extreme violations during and after trafficking and an improper response aggravates the harm already inflicted on them. Therefore, the law enforcement response has to be specifically oriented to their specific rights.

- **Organized crime approach**

Trafficking is an organized crime extending beyond national and state boundaries. It is multi-dimensional because:

- It involves the elements of several crimes, like selling, buying, sexual abuse and exploitation, criminal confinement, abduction, etc.
- The scenes of crime extend from the Source area through the Transit area to the Destination area.
- It entails multiple abuses and abusers, who are networked and organized.
- It is a 'continuing offence', starting with recruitment/ procurement and continues till the victim is rescued.
- By 'trading' in human beings, offenders make 'profits' at various levels of their activity.



<sup>3</sup> Ibid

## 2. OBJECTIVE AND STRUCTURE OF SOP

### 2.1 Objective

The SOP is designed to help the investigator conduct a professional investigation that strives towards:

- Expeditious and effective law enforcement
- Conviction of the offenders
- Initiating post-conviction steps against the offenders
- Non-victimization of victims
- Ensuring that appropriate protection/ care/ attention is provided to victims/ witnesses
- Taking appropriate steps for prevention of trafficking and re-trafficking.

### 2.2 Who is SOP for?

The SOP aims to empower investigators in responding to and preventing crimes of human trafficking for commercial sexual exploitation. It helps to ensure that supervisory officials take appropriate and prompt action when dealing with trafficking crimes. As a comprehensive resource book for all stakeholders including government agencies, NGOs, media and members of civil society, it helps to clarify and list out the legal procedures and practices that support and strengthen the process of AHT. In addition, it is a useful tool to inform and empower victims about their specific rights.

### 2.3 Structure of SOP

SOP provides a step-by-step approach in investigating crimes of human trafficking. References have been made to legal provisions and court rulings wherever appropriate<sup>4</sup>.

This important resource document has been developed on the bench mark that investigating officials have a basic knowledge and experience in the application of the provisions of substantive and procedural laws, like IPC, Cr. PC, the Evidence Act, etc., and are also aware of the procedures used in the investigation of crimes. Therefore, the SOP does not go into a detailed discussion of these laws and procedures but is confined to specific areas of professional work. It has been divided under the following segments for complete clarity and ease of communication:

- Concepts of Trafficking
- Activities before Registration of First Information Report (FIR)
- Pre Rescue Planning
- Rescue before Registration of FIR
- Registering FIR on HT Crimes
- Investigation
- Rescue after Registration of FIR
- Post Rescue Activities
- Charge Sheet
- Prosecuting Crimes
- Referral Mechanisms
- Post Conviction Steps in AHT
- Prevention
- Role of Supervisory officers

<sup>4</sup> For detailed discussions on the law, the reader is advised to refer to the document on Legal Framework by UNODC. Procedures relating to Inter-State Rescue and Post-Rescue Activities have been addressed in another Protocol exclusively on this subject.

### 3. CONCEPTS OF TRAFFICKING

#### 3.1 Demystifying myths

Several myths shroud the understanding of human trafficking; for instance, terms like 'human smuggling' or 'voluntary illegal migration' are, often, wrongly perceived to be similar to 'human trafficking'. Another common myth that human trafficking takes place only for prostitution, is completely false, as trafficking is perpetrated for several purposes beyond prostitution, such as forced labour, marriage, etc. The following pages clarify the concepts from a human rights perspective, so that the law enforcement official is rightly informed about the general, legal and procedural issues related to trafficking crimes. For a detailed chart on myths versus realities see Appendix 1<sup>5</sup>.

#### 3.2 What is trafficking?

The Constitution of India vide Article 23 prohibits trafficking in human beings for any type of exploitation. The UN Protocol, 2000<sup>6</sup> and the Goa Children's Act, 2003 define trafficking, clearly. The Immoral Traffic (Prevention) Act (ITPA), 1956 mentions the activities which constitute a working definition of trafficking for the purpose of prostitution. All these are detailed below.

A) The UN Protocol, 2000<sup>7</sup> defines trafficking on the basis of the following constituents:

TABLE 1		
ACTIVITIES (any of these)	MEANS/METHODS (any of these)	PURPOSE/INTENTION (any of these)
Recruitment	Threat	For the purpose of exploitation <sup>8</sup> -
Transportation	Force	Prostitution of others
Transfer	Other forms of coercion	Other forms of sexual exploitation
Harbouring	Abduction	Forced labour or services
Receipt ... of persons	Fraud	Slavery or practices similar to slavery
	Deception	Servitude
	Abuse of: Power Position of vulnerability	Removal of organs
	Giving or receiving of payments or benefits	
The 'consent' of a victim of trafficking shall be irrelevant where any of the means set forth above have been used. 'Consent' is irrelevant in case of children even if this does not involve any of the means set forth above.		

Note, that in cases of adult victims all three elements have to be present to establish an offence of trafficking. If one of the elements is missing, it is not trafficking, although it may be another offence.

In cases of child trafficking, only the elements of act and purpose have to be present to establish an offence of trafficking. In other words, the 'means' are irrelevant if the victim is a person under the age of 18 years.

<sup>5</sup> Page 45

<sup>6</sup> United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime, 2000

<sup>7</sup> For definition see Appendix 2 at Page 47

<sup>8</sup> The Annotated Guide (2002) to the Complete UN Trafficking Protocol consisting of The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children provides a definition of "exploitation". See Appendix 2 at Page 47



**B) The Constitution of India - The Constitution under Article 23<sup>9</sup> -**

- Guarantees rights against exploitation, and
- Prohibits traffic in human beings,
- For any purpose whatsoever (which includes trafficking for CSE, exploitative labour or any other form of exploitation)

**C) The Immoral Traffic (Prevention) Act, 1956** defines 'prostitution' u/s. 2 (f) and provides a working definition of trafficking for CSE u/s. 5<sup>10</sup>.

As per S. 5, ITPA trafficking for CSE is –

- Procuring a person for prostitution, or
- Inducing a person to go from any place to become an inmate of a brothel for prostitution, or
- Inducing a person to go from any place to frequent a brothel, or
- Taking a person from one place to another for prostitution, or
- Causing a person to be taken for prostitution, or
- Causing or inducing a person to carry on prostitution, or
- Attempting to procure or induce or take a person for prostitution

**D) The Goa Children's Act, 2003**, vide S. 2 (z) defines "child trafficking"<sup>11</sup>.

**TABLE 2**

ACTIVITIES (any of these)	MEANS/METHODS (any of these)	PURPOSE/INTENTION (any of these)
Procurement	Threat	To achieve the consent of a person having control over another person
Recruitment	Force	
Transportation	Other forms of coercion	
Transfer	Abduction	
Harbouring	Fraud	For monetary gain or otherwise
Receipt ...of persons	Deception	
	Abuse of: Power Position of vulnerability	
	Giving or receiving of payments or benefits	

**3.3 Who is a 'victim' of trafficking for CSE?**

- Any trafficked person.
- Persons above the age of 18 who through force or threat of force, coercion, abuse of power, etc. were/ are required to perform sexual acts without their consent, by any person(s).
- "Children" who have not completed the age of 16 years and "minors" who have completed the age of 16 years but have not completed the age of 18 years, who are found in places of CSE [u/s. 2 (aa) and (cb) ITPA] .

Any trafficked person, irrespective of nationality, age, sex is a victim.

<sup>9</sup> See full text of Article 23 in Appendix 2 at Page 47

<sup>10</sup> See Appendix 2 at Page 47

<sup>11</sup> See Appendix 2 at Page 47



Victims of CSE

- Any child likely to be trafficked is a "child in need of care and protection" under S. 2 (d) of the JJ Act and is therefore, a victim who should be rescued.
- Anybody who has been recruited, harboured, transported, detained, obtained, or procured for CSE.
- Any person who has been detained in a brothel, with or without consent [S. 6 (1) (a) ITPA].
- Any person who has been detained in any premises with the intent of CSE [S. 6 (1) (b) ITPA].
- Any person found in a brothel, or any place of CSE, whose jewellery, wearing apparel, money, property, etc. has been withheld [S. 6 (3) (a) ITPA].
- Any person who has been seduced for prostitution by any person having custody/ charge/ care of/ or a position of authority over that person [S. 9 ITPA].
- A person whose trafficking has been attempted by someone [S. 5 ITPA].

**NOTE:** The list above is illustrative and not exhaustive. There may be other similar situations wherein a person becomes a victim of trafficking. For example, the child of a victim of CSE living with the mother in a brothel, could be lured/ deceived/ coerced by the brothel owner for CSE. In such a situation, trafficking, though not apparent, has been committed<sup>12</sup>.

#### REMEMBER

- All children and minors are victims.
- All trafficked persons are victims, irrespective of proclaimed/ apparent voluntariness.
- Any person who is made to have sex with another person for profit/ gain of a third person is a victim.

#### NOTE

- In borderline cases, where there is doubt regarding age, presume that the person is a child or a minor.
- When persons are rescued from any place of CSE, there is a high probability that such persons may have been trafficked.

<sup>12</sup> For detailed discussion see Nair, P.M. (Dr.), *Trafficking Women and Children for Sexual Exploitation, Handbook for Law Enforcement Agencies in India*. Second Edition, UNODC, 2007. P. 2

### 3.4 How to identify victims of trafficking

Since trafficking in persons is usually an “underground” crime, law enforcement personnel may find it difficult to readily identify a trafficked victim and/or a trafficking scenario. Trafficking crimes may come to notice when:

- Victims manage to escape and report their situation directly to the police or NGO. This happens very rarely.
- When, during a routine police activity not directly related to trafficking, people are stopped and vehicles checked for documents at border crossings, etc.
- Proactive action is taken by the police on receiving intelligence and source information, or by surveillance or conducting targeted raids on suspected places, etc.
- Proactive action is taken by NGOs or any other agency/ person leading to identification of victims.

The police can also identify victims of trafficking for purposes of CSE using the following indicators:

- Age – the young age of the person increases vulnerability to trafficking for CSE
- Gender – women and young girls are more susceptible than men to trafficking for CSE
- Source – persons from vulnerable places are more prone to trafficking due to a combination of factors such as, economic deprivation, discrimination, lack of opportunity to pursue viable economic options, etc.
- Prevalence of extreme security precautions at the place of exploitation (especially brothels), such as barred windows, locked doors, etc.
- Indication of abuse – signs of rape/ sexual abuse, presence of sexually transmitted diseases, marks of physical injury, etc.
- Psychological trauma – demolition of the individual, acceptance of destiny, demotivation, distressed look, lack of trust for others, etc.
- Suspicious activities in establishments operating under the guise of massage parlours, escort services, friendship clubs, placement agencies, etc.
- Poor living conditions, lack of hygiene, health care, etc.
- Retention of earnings by someone else.

### 3.5 Who is a trafficker/ offender in crimes of trafficking?

This includes all persons:

- Involved in any act in the process of trafficking
- Who gain/ make profit/ exploit:
  - as the trafficked person passes through a chain,
  - from the point of source area through the transit area to the point of final destination, and
  - from any act involved in the process of exploitation of the trafficked persons.

According to Article 1 (4) of the SAARC Convention<sup>13</sup> “Trafficker” means persons, agencies or institutions engaged in any form of trafficking.

The persons, who constitute the “offenders list” in a crime of HT, are mentioned below. This list is illustrative and not exhaustive; the Investigating Officer (IO) has to scrutinize the process of trafficking to understand who else may have been involved, such as:

- Recruiter
- Agents of recruiter
- Seller of trafficked person
- Buyer of trafficked person
- Transporter
- Conspirator
- Abettor
- ‘Customer’/ clientele

13 SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002



- Pimp
- Brothel madam
- Brothel managers
- Financier
- Parent (s)/ Guardian (s) who knowingly sell/ cause to sell/ traffic their children/ ward
- Any other person who is knowingly involved in any act of commission and/ or willful omission in the process of human trafficking

### 3.6 What is a brothel/ place of CSE?

"Brothel" u/s. 2 (a) ITPA includes:

- House,
- Room,
- Conveyance (vehicle)/ place/ portion of any house or room, which is used for sexual exploitation or abuse, and for the gain of another person.

Even if it is a private property, it is sufficient that the place is accessible to the public<sup>14</sup>.

U/s. 2 (h) ITPA, "Public place" means any place intended for use by, accessible to, the public and includes any public conveyance.

### 3.7 Where is the 'Scene of Crime' in trafficking for CSE?

Scenes of crime are not restricted to the brothel or places of exploitation, but also include:

- The source point
- The transit point, including places of halt, transfer, etc.
- The destination point
- The vehicles used for transfer at any place (Source – Transit – Destination, or thereafter)
- Place where the trafficked person is sexually exploited under the façade of other business/ vocations (such as massage parlours, friendship clubs, placement agencies, escort services, etc.)
- Place where the victim has been sent by the offender for making or recording pornography, etc. and the place where pornographic material has been transported, stored, sold, purchased, used, etc<sup>15</sup>.

<sup>14</sup> Gaurav Jain v/s Union of India & Ors - AIR 1997 SC 3021

<sup>15</sup> Nair, 2007. op.cit. 12 p. 30

## 4. ACTIVITIES BEFORE REGISTRATION OF FIR

### 4.1 Intelligence collection and sharing

Being an organized crime, intelligence on victims and offenders is the sum bonum of professional investigation and an essential attribute for combating and preventing human trafficking.

**TABLE 3**

STEPS TO BE TAKEN	POINTS TO NOTE
1. Collect intelligence on traffickers and other offenders. Interrogation of suspects needs to be thorough.	Trafficking in persons is an organized crime with multiple abusers and offenders. Hence, intelligence on one can lead to intelligence on another.
2. Collect intelligence on the process of HT. Thorough interrogation of suspects and interview of victims/ sources can provide this intelligence.	HT is an organized crime involving several acts. Follow up on one can lead to information on another.
3. Collect intelligence about the victims. Interview of the rescued persons, follow up of missing persons, interrogation of suspects, watch on transit places, decoy operations, follow up of phone calls of suspects, analysis of advertisements on sexual services, etc. are some important steps.	Police and NGOs often use decoy operations. NGOs can be a good source of intelligence.
4. Collect intelligence about the likely victim: interviewing a rescued victim and interrogating suspects can lead to victims who are likely to fall into the trap. Keeping watch on vulnerable places and communities can provide intelligence on likely victims.	Preventing vulnerable victims from being trafficked is as important as rescuing trafficked persons.
5. Intelligence collection from source areas: Interview of victims/ survivors/ source persons, interrogation of suspects, monitoring telephone calls of suspects, identifying vulnerable areas where HT crimes have been reported and missing persons are reported etc. are some of the steps.	Intelligence at the source area is the best tool to prevent crimes. Once the sources are identified, steps can be taken to address vulnerability by involving other government agencies (eg. departments of women and child development, health etc., NGOs working on empowerment programmes.)
6. Intelligence collection from transit areas: depute spotter/ watcher/ spy/ source, etc. at these places to look for both victims and offenders in transit.	Intervention at transit points also facilitates rescue before the victim is exploited, though it is possible that the victim could have already been sexually assaulted.
7. Intelligence collection from destination areas: study demand patterns, trends, keep watch on those who demand (clientele, etc.), those who perpetuate demand (sex tourism operators/ hoteliers/ transporters etc.), and places where CSE is committed under the garb of massage parlours, etc.	Demand control is a major activity in combating and preventing HT.
8. Develop database on traffickers (including recruiters, financiers, 'customers', etc.), and vulnerable communities and share it with all stakeholders.	This database should be updated and disseminated without delay so that concerned agencies can use it at the right time. Though it may be data for one person, it could be critical intelligence for another.

## 4.2 Source information

Source information is a major area of intelligence collection in India, in discovering crimes of trafficking and rescuing victims. Hence, efforts in this direction need to be streamlined for best results.

### Remember:

- To *involve* NGOs, crime stoppers, help lines, police control rooms, etc, as the source could be **anybody**. Take the informed consent of survivors before using them as sources.
- To *develop* partnerships with NGOs as they are important sources of information.
- To *obtain* full details of the information, names, phone numbers, place, etc. before operations.
- To *cross check / verify* information before any rescue operation takes place.
- To *take steps* to prevent leakage of information. Share it with only those who need to know.
- To *maintain* confidentiality of the source at all costs.

### CASE STUDY

#### INFORMATION FROM AN ANONYMOUS SOURCE

Based on information from an anonymous letter, a 30 minute late-night operation, followed by a raid, helped the sleuths of Integrated Anti Human Trafficking Unit (IAHTU), Hyderabad, to bust a sex racket at Krishna Nagar, in Banjara Hills, in March 2007. A 24-year-old 'mistress' was arrested and six victims were rescued. Six mobile phones and two motorcycles were seized from the premises. Five persons found negotiating with the 'mistress' were also taken into custody.

This is an example of the involvement of civil society in the fight against human trafficking. An important source of information could, thus, be anybody from the public at large.

### CASE STUDY

#### WEBSITE AS SOURCE OF INFORMATION\*

During early 2007, while conducting an enquiry about trafficking and soliciting via the internet, IAHTU Hyderabad came across this web site: [www.hyderabadnight.com](http://www.hyderabadnight.com). The site displayed semi nude photographs of young women and mobile phone numbers of the contact person, i.e., the organizer (a lady, which later turned out to be a fake name). On a tip off given by IAHTU Hyderabad to the Task Force of the Hyderabad city police, a Delhi based girl, who was trapped and was being exploited, was rescued and two exploiters (middle men) were arrested. The investigation revealed that the organizers were sending young women to premium hotels under the guise of "escorts". They were highly organized and were running the business in several places, in all the metros, and were also linked to international web sites, quoting minimum charges of \$100 per hour. Most of the "escort service" web sites had their servers in foreign countries. The investigation showed that such advertisements could be a good source of intelligence collection on trafficking.

\*Source: Mr. Mahesh Bhagwat

Sources from where/ whom information can be obtained and intelligence collected, are listed below. (This list is illustrative, not exhaustive.)

- |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Travel agents, authorized and unauthorized</li> <li>• Tour operators</li> <li>• Immigration agents</li> <li>• Marriage bureaus</li> <li>• Hotels</li> <li>• Beauty parlours</li> <li>• Massage parlours</li> <li>• Escort services</li> </ul> | <ul style="list-style-type: none"> <li>• Emails, SMS, MMS, etc.</li> <li>• Illegal drug dealers</li> <li>• Dealers in legal/ illegal liquor trade</li> <li>• Destination/ transit points like:               <ul style="list-style-type: none"> <li>* Bus stops      * Railway stations</li> <li>* Airports      * Tourist spots</li> <li>* Pilgrimage surroundings</li> <li>* Immigration offices at borders</li> <li>* Custom offices at borders</li> </ul> </li> </ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- Friendship clubs
- Social networking advertisements
- Websites
- Illegal abortion clinics
- Help lines/ help desks run by government/ NGOs
- Media reports:
  - \* Print and electronic
  - \* Advertisement
- Internet sites

### 4.3 Decoy Operations

#### STEPS TO BE TAKEN

- Conduct decoy operations, wherever possible, to collect intelligence.
- Take precautions for the personal safety of the decoy.
- Decoy can operate as a 'customer', 'trafficker', 'pimp', etc.
- Brief the decoy, especially about the vulnerability of the trafficked person so that the victim is not traumatized further.
- Decoy operations for intelligence collection may end as rescue operations. Hence, all personnel/ organisations concerned should be fully prepared and geared up for rescue.

#### POINTS TO NOTE

- Maintain confidentiality of the source and information.
- Exercise care and caution in selecting the decoy.
- Avoid involving people with malafide intention. Decoy could be:
  - Police official
  - NGO representative
  - Any person willing to be a decoy
- The decoy should be sensitized regarding the helplessness of the victim and the risks involved for the victim in conducting such operations.

## 5. PRE-RESCUE PLANNING

The steps<sup>16</sup> involved at this stage have to be carefully planned as they have a bearing on all the activities that follow.

#### Do's and Dont's:

- Take prompt action on the information.
- Do discuss with the informant in detail, to verify the genuineness of the information. Cross check with other sources, wherever possible. Beware of malafide, vested and motivated sources.
- Understand all dimensions of operations to be conducted: when, where and how, the persons to be associated including from the police department, other departments, civil society, etc; how many are likely to be rescued, what would be the configuration of gender and age, and how many are likely to be arrested, etc.
- Ensure appropriate legal and administrative sanction wherever required.
- Think about logistics including transport, food, clothes, medicines, money, etc. that may be required.
- Be aware of the challenges and threats, including physical threats, legal and administrative issues and the possible responses.
- Think about a contingency plan in case of unforeseen challenges. For instance, if the rescue gets delayed till late at night and there are no Shelter Homes available, check if there are any appropriate hotels, in the vicinity, where the victims can be lodged.
- Consider how the confidentiality of the operations and persons involved can be maintained.

16 See Check List for Pre Rescue Planning at Appendix 3

## 6. RESCUE BEFORE REGISTRATION OF FIR

*(Note: Rescue is possible anytime and anywhere. It can also be conducted without registration of the FIR. This segment discusses steps in a rescue before the FIR is lodged and Segment 9 discusses the steps, in a rescue, undertaken after a crime is registered in a police station.)*

**Rescue should NEVER wait or be delayed on any count - even for filing of the FIR.**

As an FIR is *not* a pre-requisite for rescue, whenever the police receives information regarding victims/ activities relating to CSE and/ or trafficking, the rescue should be carried out **IMMEDIATELY**.

Two sections of ITPA, s. 15 and s. 16 authorize rescue of victims/ search of premises where CSE is perpetrated.

Rescue and preventive action is possible even before FIR is registered:

- u/s. 15 ITPA
- u/s. 16 ITPA
- u/s. 149 & 150 Cr. PC

### (A) Under s. 15 ITPA

If a Special Police Officer (SPO) who is notified by the State government, or Central (Anti) Trafficking Police Officer (CTPO) who is notified by the Central government...

- has reasonable grounds for believing that an offence u/ITPA has or is being committed,
- in respect of any person living in any premises, and
- search of the premises with a warrant cannot be made without undue delay,
- the officer *can* enter and search such premises **without a warrant**,
- and remove from there all persons found therein (this includes rescue of victims and arrest of suspects).

### (B) Under s. 16 ITPA

When a Magistrate<sup>17</sup> (Metropolitan Magistrate, Judicial Magistrate of the First Class, District Magistrate or Sub-Divisional Magistrate)...

- receives information from the police/ any other person (could be anyone authorized by State government or an NGO or any private person),
- about any person being exploited for CSE in a brothel,
- he may direct a police officer of, or above, the rank of SI to rescue the person and any other similar persons,
- the police officer can/ shall rescue all victims and also take into custody all suspects and produce them before the Magistrate who issued the order.

### WHO IS AN AUTHORIZED POLICE OFFICER?

A. Police officers authorized to investigate crimes under ITPA, 1956 are:

- Notified police officers u/s. 13 (1), (2) ITPA, or
- Subordinate police officers, authorized by the State Government u/s. 13 (3) (a)<sup>18</sup>, or
- Central (Anti) Trafficking Police Officers u/s. 13 (4)

B. Police officers authorized to arrest offenders:

- u/s. 14 (i) arrest without warrant can be done by a special police officer or anybody acting under his direction or guidance, or
- u/s. 14 (ii) arrest without warrant can be done by subordinate officer when authorized in writing by a special police officer
- u/s. 14 (iii) arrest even without a written order by the SPO can be done by any police official, provided he/ she:
  - a) is of the rank of SI or above
  - b) believes delay will lead to destruction/ concealment of evidence, or

<sup>17</sup> According to S. 2(c) read with Schedule appended to ITPA, 1956.

<sup>18</sup> In AP under GORT. No. 475 of 1991 issued by the Home Department, Andhra Pradesh, all Sub-Inspectors, ASI, Head Constables have been notified under S. 13 (3) (a) of ITPA

- c) the offender is likely to escape, or
- d) suspects that the person is stating a false name/ address, etc.

C. Police officers who can undertake rescue are:

- Any notified police officer as stated at (A) above.
- Any police officer authorized to arrest an offender as stated in (B) above, can rescue any victim while undertaking arrest of suspect.
- Any police officer of the rank of SI, and above, specially authorized by any competent Magistrate (MM, JM 1st class, DM or SDM) u/s. 16 ITPA.

### Step-by-step Rescue Procedure:

- 1: Enter source information in the General Diary (GD) of the Police Station (PS) in such a way that anonymity of the source/ victim/ location is not compromised.
- 2: Carry out a recce of the place to be searched. An official conversant with the local language should be sent incognito, to the place. Take the help of local officers/ NGOs and empowered survivors who are willing to co-operate.
- 3: Draw a sketch map of the area which can be used for briefing and assigning specific duties to both officials and witnesses involved in the rescue. This includes duties like cordoning, guarding entry and exit points, locating hide-outs, identifying a safe place to keep rescued persons till the rescue operation is completed, etc.
- 4: Wherever possible, obtain a search warrant from the jurisdictional Magistrate u/s. 166 Cr. PC and/ or u/s. 15/ 16 ITPA.
- 5: Ensure adequate composition of the rescue team:
  - The team should have two women officials of any rank (S. 15 (6 A) ITPA).
  - If rescued persons are to be interviewed, it **shall** be done by a woman police officer, if no woman police officer is available the interview should be done only in the presence of a lady member of a recognized welfare institution/ organization (NGO) (S. 15 (6 A) ITPA). Hence, do co-opt a lady police official or a female representative of an NGO.
  - Secure the help of NGOs to act as *panchas*/ mediators/ witnesses. Rescue activities require two witnesses; one of them shall be a woman (S. 15 (2) ITPA).
  - The team should have at least one police officer who is legally empowered to conduct a rescue [i.e. a SPO notified u/s. 13 (1) ITPA, or CTPO notified u/s. 13 (4) ITPA or any police officer above the rank of SI duly authorized by the Magistrate u/s. 16 (1) ITPA].
- 6: Arrange an adequate number of vehicles and escort for rescued persons so that victims are always kept segregated from the offenders.
- 7: Arrange materials and equipment required for documentation and evidence collection such as a writing pad, white paper, pen, pencil, box for transporting the exhibits, box for safe-keep of the

Did you know that a male police official, alone, *cannot* interview a rescued female victim. Interviewing has to be done by a female police official or conducted in the presence of a female representative of an NGO

Maintain a list of NGOs working on AHT in the area.

The woman witness does not necessarily have to be from the locality where the rescue is to be conducted [Proviso to S. 15 (2)].





- belongings of the rescued persons, camera, video and audio recording equipment, first aid kit, torch, hammers, cutters, rope for cordoning etc.
- 8: Inform appropriate authorities (including the Police Nodal Officer<sup>19</sup>) regarding the proposed activities including the places to be visited and time of operation, keeping in mind the need for confidentiality.
  - 9: Alert the authorities of the government or recognized Homes run by NGOs in the vicinity, regarding the approximate number of persons likely to be rescued and the time when they are likely to be brought there.
  - 10: Conduct the rescue promptly. If the situation demands that more places need to be searched without delay, go ahead and do it. The grounds for taking this step should be clearly recorded in the report.
  - 11: Inform rescued persons about the authority and purpose of the search and rescue. Assure them of the care and attention they will get.
  - 12: Identify children (those below 18) among the rescued, as they have to be produced before Child Welfare Committee (CWC).
  13. Ensure safety of all rescued persons.
  14. Do arrest the offenders if they are present. Keep them segregated from the victims.
  - 15: Collect documents and exhibits from the place of rescue. Do not postpone this task.
  - 16: Allow rescued persons to take their belongings with them.

19 For role of Police Nodal Officer, see Protocol on Inter State Rescue and Post Rescue Activities, UNODC, 2007

- 17: If the rescued persons have children with them, ensure they are also rescued.
- 18: If the rescued persons belong to another state(s), inform the Police Nodal Officer of the concerned states.
- 19: If the rescued person belongs to a foreign country, inform the Police Nodal Officer of the state and network with appropriate NGOs for necessary follow up.

**REMEMBER**

Identifying the victims of trafficking of CSE is a difficult task during rescue and at the 'Scene of Crime' of HT. The guidelines for identification of the victims have been listed out in segment 3 (para 3.3 and 3.4).

### 6.1 Crime scene photography/ videography<sup>20</sup>

After thoroughly looking at the scene of crime, the IO should:

- Brief the photographer/ videographer to record the minutest details.
- Ensure photography/ videography both inside and outside the premises.
- Get some pictures of the witnesses while recording the scene.
- Ensure that long distance, intermediate distance and close-up photographs of the scene of crime, are taken.
- Document the photographs/ videos with the date, place, etc. for the record and for use as evidence.

### 6.2 Working with victims (Pre FIR stage)

#### A) First response to victims<sup>21</sup>

The first response to the victim of a crime of trafficking is a psycho-social response that helps the victim cope with the traumatic impact of the crime. It treats the victim-survivor as a person, and with dignity. It ensures they are safe and not harmed further. It informs them about what is going to happen next. It provides for their immediate needs of food, shelter, clothing and any medical complaints. It is the duty of all those who come in contact with victims of trafficking, during the time of rescue, to coordinate and integrate all their activities so that none of their needs and concerns remain unaddressed. This kind of a well-coordinated first response ensures that the 'best interest' of the victim-survivor is protected.

#### INTERVIEWING VICTIMS<sup>22</sup>

The challenges that law enforcement officials confront:

- Victims come from different social, cultural and ethnic backgrounds, which may be different from those of the investigating officers.
- There may be a language barrier between the victim and the investigating officers.
- Victims may be completely unaware of their rights or may have been intentionally misinformed about them.
- The victims may fear not only for their own safety but also for that of their families.
- Since the victims are under trauma, they may not state the correct facts, which could even be misleading (eg. child victim stating her age to be above 18 years).
- Victims may not trust the police and may be unwilling to talk to them.
- Victim may be under the influence of drugs/ drinks (inflicted on them by the exploiters) and may display violent behaviour.

[The possible responses to such challenges have been discussed in subsequent paragraphs].

20 *Human Trafficking – Handbook for Investigators*, Bureau of Police Research & Development (Directorate of Training) Ministry of Home Affairs, Government of India, March 2007, p. 20

21 See Manual on Psychosocial Intervention, UNODC, 2007

22 *Toolkit to Combat Trafficking in Persons*, Global Programme Against Trafficking in Human Beings, United Nations Office on Drugs and Crime, 2006



B) The statement of the victim is recorded u/s. 161, Cr. PC, by the IO, after the FIR is registered. Therefore, in a pre-FIR rescue situation, the police officer could make his own notes about all relevant aspects, including:

- List of victims with details of names, address, age, identification particulars, etc.
- Details of the scene of crime, which have to be recorded in the Case Diary.
- List of witnesses whose statements are to be recorded.
- Any other relevant observations which can be of use, later.
- Since victims under threat/ trauma often give incorrect information at this stage, any statements they make, including those u/s. 161 Cr. PC, should be recorded only when they are willing, comfortable and fit to make their statement correctly.

### 6.3 Working with witnesses

- Statement of witness is recorded by the IO u/s. 161 Cr. PC after the FIR is registered. Therefore, in situations where pre-FIR rescue is undertaken, the police officer (PO) should take notes in his note book on the relevant aspects (as discussed in the para before) which will be useful for recording witnesses' statement. Further, the statements of the witnesses, in brief, should be incorporated in the 'mediators' report/ *panchnama* [S. 100 (4) (5) Cr. PC].
- The witnesses to be protected from unwanted exposure, threat, intimidation or harassment by the exploiter.
- The witnesses to be provided transportation, residential facilities, where ever possible and required.
- Since the detailed statements of the witnesses will be required u/s. 161 Cr. PC after the FIR is registered, ensure that the witnesses are informed about the time, place and requirement of their presence.
- Ensure the rights of witnesses are protected. Do not detain them if not required. Do thank them once the work is over.

### Do's and Don'ts in the rescue process

DO'S	DON'TS
<ul style="list-style-type: none"> <li>• Assurance Policing - inform the victims that they are not accused.</li> <li>• Treat victims with dignity.</li> <li>• Use the services of translator for victims speaking different languages.</li> <li>• Take complete precaution to ensure that the identity of the victim is not revealed and that anonymity is maintained.</li> <li>• Keep victims away from accused. Ensure compliance of provisions of S. 21 JJ Act and S. 228 A of IPC.</li> <li>• Do keep the victims informed of the various stages of the investigation.</li> <li>• Do remember that the victim's children/ wards are also rescued along with the victim.</li> <li>• Do remember that the victim's belongings are also taken along with the victim.</li> </ul>	<ul style="list-style-type: none"> <li>• NEVER treat any victim as an accused (calls for control on the abuse/ misuse of S. 8, ITPA).</li> <li>• Do not get offended if the victims, who are in trauma, use abusive language or do not cooperate.</li> <li>• Avoid insulting and humiliating language/ demeanour/ gestures, etc.</li> <li>• Do not allow media publicity of victims such that it reveals their identity. Do not allow media to take pictures of the rescued persons.</li> <li>• Do not keep the victims and offenders together after rescue.</li> <li>• Do not let the accused/ offender intimidate, threaten/ harm the victims.</li> <li>• Exploiters may try to hide the children of victims as a bait to ensure that the victim returns to the brothel – Do not allow this.</li> <li>• Exploiters may hide and/ or hold back victim's belongings – Do not allow this.</li> </ul>

## 7. REGISTERING FIR ON HT CRIMES

### 7.1 Where to register the FIR

Trafficking is an organized crime and a continuing offence. The provisions of IPC with reference to offences of abduction/ kidnapping provide for registration of FIR **at any place from the source to the destination area**. Similarly, as provided u/s. 5 (3) ITPA, the FIR could be registered at the place of demand/ destination area (mostly the place of rescue), or the place of transit, or at the place where the person was trafficked from (source area). However, in case of an emergency, vide S. 149 & 150 Cr. PC, the FIR can also be lodged after the rescue is carried out. (Pre FIR rescue u/s. 15 & 16 has been discussed earlier).

#### CASE STUDY

##### BHIWANDI OPERATION\*

On 05 Jan 2007, AP police officials visited Bhiwandi, in Maharashtra, to carry out a rescue operation and apprehend traffickers, in pursuance of the investigations in two crimes registered in AP, viz. Cr. No. 208/2006 U/s 366 – 'A' 372, 373, 376 (A) r/w 34 IPC and Sec 3, 4, 5 & 6 of I.T.P.A of Kadiri town P.S. of Anantpur District and in Cr. No. 34/2006 U/s 363,373 of IPC Sec. 3, 4, 5 & 6 of I.T.P.A. of Patnam P.S. of Anantpur District.

With the active involvement of the Bhiwandi police, ably assisted by the NGO Rescue Foundation of Mumbai, this interstate rescue operation was carried out by three teams at six places in Bhiwandi. Each of the teams included police officials of Maharashtra and AP as well as representatives of the local NGO.

These teams rescued 28 young women including five children and arrested four traffickers from Karnataka and Nepal. The Bhiwandi police also registered the crime in the city police station against the traffickers and arrested them u/s 372, 373 of I.P.C. & 3, 4, 5, 6 & 7 of I.T.P.A.

This case study shows that the AP police registered the FIR for the criminal acts of the offenders committed at the source area and the Bhiwandi police registered the FIR against the traffickers and other exploiters for the criminal acts committed in their jurisdiction.

\*Source: Mr. Mahesh Bhagwat

### 7.2 Who can be a complainant in registering FIR of a crime of HT

Anybody can be a complainant including:

- A police officer
- NGO
- CWC
- Parents/ relatives of victim/ primary care givers
- Any other person who has knowledge of the crime
- Victim

Of the total number of crimes registered by AP police during the first two quarters of 2007, 75% crimes were registered on the statements of the police officers.

### 7.3 Drafting the FIR

- Appropriate sections of ITPA to be used in the FIR. Note that most often S. 8 has been misused against the victim. **Hence, care be taken to avoid misuse of S. 8 ITPA to prevent victimization of victims.**
- In addition to the provisions of ITPA, wherever possible, IPC provisions (such as, S. 366 A, 366 B, 372, 373, 375, 376, 377, 120 A, 120 B, 416, 417, 339, 340, 341, 342, etc.) to be invoked.
- Other special legislations like JJ Act 2000, IT Act 2000 (S. 67), PMLA 2002, etc. to be invoked wherever appropriate.
- Local legislations like Goa Children's Act, 2003, the Maharashtra Control of Organized Crime Act, 1999 (MCOCA) be applied where ever applicable.

While investigating, it is important to keep in mind that the primary care givers may possibly be the accused, themselves.

**Who can be a complainant in registering FIR of a crime of HT**

- The FIR should be self contained, brief and should substantiate the offence of trafficking and the provisions of law under which it is registered. It is appropriate to include details of place of origin, transit and destination and the trafficking process involved in the crime.
- If additional offences are revealed during investigation, the IO can add the appropriate provisions and file additional Memos in court, thereby enhancing the scope of the case to include all possible laws and sections.

Trafficking is an organized crime. Maharashtra Control of Organized Crime Act, 1999 (MCOCA) may be invoked wherever it is applicable. Sections 3, 4, 18, 20, and 24 of MCOCA can be considered in dealing with crimes of HT for CSE.

**Checklist of information that an FIR on HT crime can/ may contain:**

- Essential ingredients of sections of the law referred to (ITPA, IPC, JJA, etc.) based on the facts of the case to support the offences.
- Details of source, transit, and destination.
- Telephone numbers, cell numbers, internet sites, 'cover addresses', etc. of the suspects.
- Brief description of 'Scene of Crime' and the 'Material Objects' seized.
- Authority of the police officer who conducts the operations or activities of rescue, and/ or investigation.
- Names of officers, NGOs, witnesses who accompanied the police party for the rescue (avoid abbreviations, use full names).
- Details of the physical injuries and trauma noticed on the victims.

**NOTE:**

- Do take care while mentioning the apparent age of the victim, as age is a crucial factor in deciding the course of action to be followed.
- If the rescued person is an adult, and she says that she was trafficked when she was a child, use the sections of law which would apply to child trafficking, such as S. 366A, 372, 373, and 376 of IPC (because trafficking is a continuing offence and had commenced when the person was a child).
- Designation and the name of the IO/ Registering Officer should be clearly written (they will be called in as a witness and illegible entries will create problems in deciphering the persons).
- Name of the Magistrate, designation and the date of the order, be recorded in the FIR.

**Victim complaint:**

If the IO records the FIR based on the statement of the victim, the following points must be kept in mind:

- 'Best interest of victim' is paramount in cases of trafficking. Don't force/ compel the victim to disclose painful details of the offences, in the first instance.
- Interview should be non-traumatic and non-threatening.
- Respect the dignity of the victim. Avoid unwarranted and lewd comments, an insulting demeanour, etc.
- Interview should be in the victim's own language. Use translator if required.
- Record statement in the language that the victim speaks. Translation, if required, can be done later. A police officer who knows the victim's language may record the FIR. If this is not possible, seek assistance from an NGO to help draft FIR in the victim's language.
- The IO and assisting persons should NOT be judgmental, biased or prejudiced against the victim.
- Any point that has been missed out by the victim can be recorded later u/s. 161 Cr. PC. Do not force the victim to narrate the complete story at the stage of the FIR, itself. Record statements whenever the victim is willing and prepared to speak.
- At this stage, do not put pressure on the victim to give details of the sexual trauma/ violence that she may have faced. Focus more on the process of trafficking and the role of the traffickers/ exploiters.



## 8. INVESTIGATION

### 8.1 Collection of 'Material Objects' (MO) from the scene of crime

#### A) What to Collect

Since trafficking is an organized and a continuing offence, collecting all MOs from the scene of crime and linking them through investigation to the offence of trafficking, should be prioritized. Some examples of MOs and their relevance for investigation are given below. These are only illustrative<sup>23</sup>.

**TABLE 4**

What to Collect	Relevance for Investigation
Diaries, notebooks, account books, registers, etc. in the brothel.	To prove existence of brothel, name of victims (already trafficked, likely to be trafficked), number of victims, details of payments, earnings, names of 'customers', accomplices, conspirators, abettors, traffickers and others.
Travel documents <sup>24</sup> like bus/ train/ air tickets, papers of travel agents, visiting cards of travel agents, etc.	To prove movement of persons during trafficking, to link source-transit-destination areas and to link the offenders in the process of the crime.
Rent agreements, rent receipts, house tax receipts, ration cards, passports, electricity/ telephone/ water/ mobile phone bills, voter IDs, driving licenses, registration papers of vehicles, insurance policies, investment details, bank pass books, money order receipts, etc.	To prove the existence and address of the brothel, the people who are managing it and their income and earnings.
Receipts and registers reflecting expenditure on medicines (including contraceptives, doctor's prescriptions, hospital records indicating termination of pregnancy of victims), cosmetics, pornography, etc.	To prove sexual exploitation of victims.
Photographs, albums, video cassettes, DVDs, CDs, letters, pornographic material, computers, hard discs, brochures, advertisements in media.	To prove the sexual exploitation of victims and the existence of an organized network of criminals.
Vehicles used for transporting victims.	To prove the transportation of victims from one place to another, linking up places of exploitation and thereby the exploiter's networks.
Visitor's list, 'tokens' issued to visitors/ clients, documents regarding clients, their classifications (as 'regulars', 'newcomers', etc.)	To investigate the 'demand' aspect and level of exploitation.
Documents relating to the income/ expenditure/ assets of inmates of the place, including the personal belongings, etc. of the victims concealed by the exploiters/ abusers.	To establish aspects of illegal detention, level of exploitation of the victims, the debt bondage of the victims and also to assess the illegal assets acquired by the exploiters.

<sup>23</sup> Nair, 2007. op. cit. 12. p. 65 - 69

<sup>24</sup> Bureau of Police Research and Development. op.cit. 20. p. 20

**B) When to collect MOs?**

MOs should be collected at the scene of crime, during rescue/ or immediately thereafter, under the *panchnama*. No time should be lost in collection and seizure, as the exploiter will try to destroy/ conceal them.

**C) Where to collect MOs from?**

- Search the accused person for documents and material exhibits (such as cell phones, travel documents, notebooks, etc. relevant to the crime).
- Look for documents/ materials/ exhibits at the scene of crime in the source- transit-destination areas.
- Search the vehicles of transportation.
- Search the places/ hotels/ *dhabas* etc. where the offenders/ victims may have halted, anytime, during the process of trafficking.
- Search the hideouts/ residence/ place of stay of the offenders and suspects.
- Search the bank lockers, bank accounts and other places/ agencies where the offenders may have made investments.
- Search the customers/ clientele whose names figure as exploiters and any other person whose name figures in the trafficking nexus.
- Search places where the data/ information is stored/ collated/ maintained regarding any activity relevant to HT. This would include "virtual storage areas", like electronic gadgets, e-mails, SMS, etc. and also other places where physical evidence may be available (for eg. a video library with pornographic material developed from the exploitation of the trafficked person).
- Any other relevant place.

**DOCUMENT HANDLING AND ANALYSIS: POINTS TO REMEMBER**

- Deposit the MOs with the Magistrate as per the State Rules.<sup>25</sup>
- A detailed scrutiny of MOs is required. Do prepare scrutiny reports and keep them in the Case Diary.
- Study the scrutiny report. Utilize the clues for further investigation/ and evidence.
- Ensure proper chain of custody (this may involve different police agencies, both inter and intra country).
- Connect crime to criminal (source and the destination may be in different places).
- Share intelligence derived from the document analysis with other police agencies, as it can help in preventing and combating trafficking.

**8.2 Interrogation of the suspects/ accused**

This is an essential requirement in prosecuting any crime. In HT crimes, the interrogator needs to focus on all aspects of the trafficking process and all activities of the offenders for the following purposes:

1. To uncover the entire organized linkage of trafficking (source-transit-destination).
2. To understand the entire process of HT: the dimensions, demand-supply patterns, 'push and pull factors', etc. which will not only help in locating evidence against the offenders but also provide intelligence in prevention of crimes of HT.
3. To explore contacts, sources and witnesses in the source-transit-destination areas.
4. To locate the means, routes and methods used for transportation of victims.
5. To discover the communication channels (cell phones, internet, etc.) used by traffickers.
6. To investigate the modus operandi of traffickers (all operational ways and means, strategies and tactics, such as, false marriage; promise of jobs; work in cinemas; industry, etc.; customary practices such as *devadasi*, *jogin*, *bhogini*; etc).
7. To ascertain the criminal antecedents of the offenders which can be used to investigate the various dimensions of organized crime, the nexus etc., for enhanced punishment after conviction and to locate and rescue victims trafficked earlier by the same offenders.

25 For e.g. - Form 66 of AP Police Manual - gives details of the procedure to be followed for depositing MOs before Magistrate

8. To get details of victims who have been trafficked earlier including their present destination, where they were sent/ sold (so they can be rescued).
9. To locate details of persons likely to be trafficked (vulnerable people) so it can be prevented.
10. To understand the motives/ intentions/ incentives of the traffickers.
11. To ascertain the financial transactions between the offenders.
12. To locate illegal assets and take steps accordingly.

**Note:** The offenders may include children. If so, they should be treated as "juvenile in conflict with law" under the JJ Act and referred to the Juvenile Justice Board (JJB). Care should be taken to provide all care and attention as required under the JJ Act.

**NOTE:** If during interrogation of an arrested person it transpires that the person is a victim, do accord this person the status of a victim and not that of an accused. Consider utilizing their services as witnesses. NEVER VICTIMIZE ANY VICTIM.

### 8.3 Interrogation strategies for suspects and accused

Considering the organized crime linkages in HT, it is advisable that simultaneous investigation is carried out on all the linkages of offenders. Therefore, the IO should consider:

1. Associating other agencies for interrogation:
  - Income tax department and other financial institutions where huge assets are disclosed/ likely to be disclosed.
  - Immigration department, when any of the accused are foreigners.
  - Different police agencies if the crime involves people/ places in different jurisdictions.
  - Labour department, if any issue of exploitative labour is noticed.
2. Use of scientific techniques/ methods which are useful in the process of interrogation (eg. polygraph).
3. Carrying out scientific interrogations.
4. Interviewing the accused before interrogation, to elicit themes/ ideas for interrogation. This is an essential requirement for scientific interrogation.
5. Using flow charts to show the movement of trafficked persons, mode of transportation and financial transactions. Use them as tools for interrogation as well as to present them in the Case Diaries.
6. Team interviews which have been found successful in the interrogation of organized criminals.
7. Using translators, if required, as interpreters not as interrogators.

**Remember the art of interrogation: 1st degree = interrogation & 2nd degree = confrontation**

### 8.4 Arrest of accused persons

1. Being an organized crime, the arrest of the accused should take place at an appropriate time without delay.
2. Follow up on communications, especially the cell phones used by the accused before and after arrest, as it can lead to intelligence of trafficking links and maybe more arrests.
3. If a woman offender is to be arrested do not fail to utilize:
  - the provisions of s. 46 (4) Cr. PC (no woman should be arrested after sunset and before sunrise, but in exceptional circumstances, the woman police officer shall obtain prior permission from the jurisdictional Judicial Magistrate First Class), and

**NOTE-** The arrested female offender should be searched only by a female police official u/S. 51 (2) and 100 (3) Cr. PC



- provision of s. 50 - A, Cr. PC (obligation of person making arrest to inform a nominated person about the arrest etc.).
4. Medical examination of an accused should be done as required under s. 53, 53 A and 54 of Cr. PC.

### 8.5 Collating evidence from other places:

- If it is an intra district trafficking crime, do collect evidence from the PS by visiting the concerned places.
- Inter district linkages can also be followed up by the same IO after getting administrative approval from the controlling official.
- When inter state crime linkages are discovered during investigation, follow up immediately with the concerned SHO as well as the SP/ DCP in the other states, so that simultaneous investigations can be carried out. This will also help in sharing further intelligence and data on crime and criminals. It would be better if the IO, after taking administrative clearance, visits the other concerned states and conducts investigation along with the local police agency<sup>26</sup>. Do keep the PNO informed during all interstate operations. Prompt action will help investigation into the entire trafficking linkages, at all sites, and build up a database of the offenders.

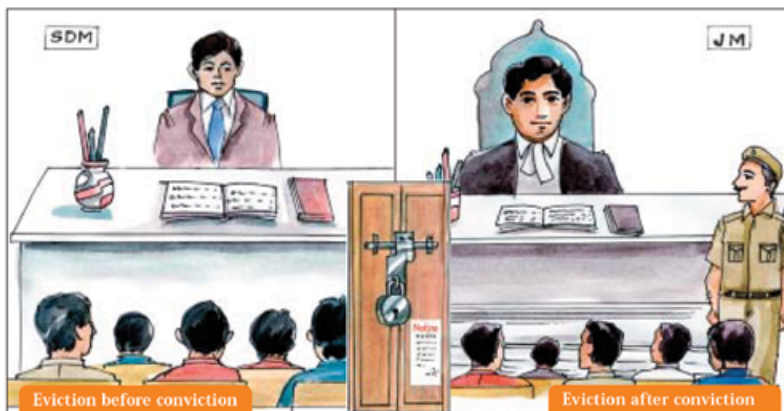
#### CASE STUDY

During the arrest of an accused in Guntur dist. of Andhra Pradesh in May 2007, a phone call was received on the cell phone of the accused. The investigator attended to the call pretending to be the offender. The information given by the caller led to the trafficker's linkages in another state. Prompt action by the investigator led to more arrests and rescue.

### 8.6 Eviction of offenders and closure of brothels/ place of exploitation:

#### A. Eviction before conviction

- U/s. 18 (1) ITPA power lies with a Magistrate (District Magistrate or Sub-Divisional Magistrate) to order eviction of places of CSE. This process can be initiated by the DM or SDM on receipt of information from the police, any other persons or otherwise. This eviction u/s. 18 (1) ITPA is possible even before conviction in the case and even without an FIR. Therefore, police officers must initiate reports and send them to the DM/ SDM even if case investigation is pending.



<sup>26</sup> For further details see the Inter State Protocol on Rescue and Post-Rescue Activities Relating to Trafficked Persons by UNODC, 2007



#### Who can move the Magistrate for eviction of offenders vide s. 18 (1) ITPA?

- Anybody
- Could be a police official of any rank. Even a constable can take such action.
- Could be an NGO

Note 1: Even before the offender is convicted, eviction u/s. 18 (1) is possible. Note 2: Even before FIR is registered eviction can be done.

#### Which Magistrate has powers to evict even before the FIR is registered by the police?

- The District Magistrate
- The Sub Divisional Magistrate
- Any official entrusted with the powers of SDM/ DM, eg. a notified DCP

Note: This is a quasi-judicial order which cannot be stayed, set aside or appealed

- **No appeal – a stringent provision in law:** Orders passed by the Magistrate/ court u/s. 18 (1) ITPA, for eviction of places of CSE shall not be subject to appeal and shall not be stayed or set aside by the order of any civil or criminal court (vide s. 18 (3) ITPA).
- **Preventive action:** U/s. 133 (1) (b) Cr. PC the District Magistrate/ SDM/ or any other Executive Magistrate has the power to pass a conditional order on any person who conducts any occupation which is injurious to the health or physical comfort of the community, to desist from carrying on such trade.

#### B. Eviction after conviction

U/s. 18 (2) ITPA, a court which convicts a person of an offence u/s. 3 (keeping a brothel or allowing premises to be used as a brothel) or u/s. 7 (prostitution in or in the vicinity of public places) of ITPA may pass orders to close the brothel and/ or evict offenders **without any notice** to any convicted person. Therefore, upon conviction of a person u/s. 3 or 7 ITPA, the IO should immediately move the court for an order of closure/ eviction u/s. 18 ITPA.

**Note:** The order passed by a judicial authority u/s. 18 (2) ITPA cannot be stayed or set aside or appealed against, vide s. 18 (3) ITPA.

#### C. Suspension/ cancellation of hotel licence

U/s. 7 (2) ITPA licence for carrying on business of a hotel (where CSE is being conducted) may be **suspended** for a period of 3 months to 1 year. If offences under this provision are committed against a 'child' or 'minor', licence of such hotel may also be **cancelled**.

### 8.7 Organized crime approach for investigation

Human trafficking is a "basket of crimes"<sup>27</sup>. Multiple abuses are committed by multiple abusers/ offenders located at different points of time and place. All these together constitute the organized crime of trafficking. Whilst investigating a crime of trafficking the following points need to be considered at all stages:

- Linkage of source-transit-destination must be made during investigation.
- Conspiracy angle to be investigated, since there are multiple offenders. Deciphering the communication linkages can prove meeting of minds.
- Sharing criminal intelligence with other police agencies (different police stations, districts, states, etc.) on traffickers and all other accomplices.
- Sharing crime data with other police agencies regarding vulnerable places and vulnerable people.
- Mapping the exploiters profit and follow up:
  - Confiscation of assets is possible under Criminal Law Amendment Ordinance 1944 when IPC Sections are invoked. Therefore, in such cases IO may invoke relevant IPC provisions along with ITPA.
  - Confiscation is possible under s. 105 A – L Cr. PC with respect to assets acquired by virtue of all crimes including ITPA.

<sup>27</sup> Nair, 2007. op. cit. 12. p. 3.

In a case of trafficking registered by the Social Services Branch of Mumbai police in December 2003, the investigation unearthed several cars used by the trafficker, in addition to 2 flats in Mumbai city where the trafficked women were kept confined. Utilizing the provisions of s. 105 C – 105 L of Cr. PC the investigating agency moved the court and ensured seizure, attachment and forfeiture of the movable and immovable properties arising out of the proceeds of the crime. Though the defence had contested the prosecution, they were unable to explain any other source of income for purchasing these assets.

- Collect intelligence on income, expenditure and assets (movable, immovable properties) from source-transit-destination and other areas.
- Link the assets with the crime (by assessment of brothel income, number of customers per day, expenditure, savings, etc.).
- Evaluation of the assets by Public Works Department (PWD)/ other competent agencies (eg. land survey department).
- Invoke provisions of all relevant laws which can be used to establish the organized crime perspective [eg. ITPA along with IPC, ITPA with MCOCA (wherever in force), ITPA with Goa Children's Act, 2003 (applicable in Goa) etc.]
- Action be initiated under the provisions of the Prevention of Money Laundering Act, 2002 for offences committed u/s. 5, 6, 8 and 9 of ITPA provided the total value involved in such offences is thirty lakh rupees or more<sup>28</sup>.

## 9. RESCUE AFTER REGISTRATION OF FIR

All principles discussed in segment 6, rescue before registration of FIR, will also be applicable here. Further, the following steps also need to be carried out:

- The IO needs to record the events in the Case Diary.
- Statements are to be recorded u/s. 161 Cr. PC.
- All Memos should bear the FIR number and date.
- Copies of the Memos have to be given to the court. In many states copies are also to be sent to supervisory officials. Hence, adequate copies must be made depending on the procedures in practice.
- If copies are to be given to CWC, adequate number of copies to be made accordingly.

<sup>28</sup> S. 2 (y) (ii) of Prevention of Money Laundering Act, 2002

## 10. POST RESCUE ACTIVITIES<sup>29</sup>

Post rescue care and attention of victims has been discussed in segment 6 dealing with rescue before FIR. All those principles also apply here. Besides these, the following aspects also need to be considered.

### 10.1 Recording statement u/s. 161 Cr. PC

While recording the statement of the victim in the Case Diary u/s. 161 Cr. PC the IO should consider:

- **Who will record:** Whenever a rescued girl/ woman needs to be interviewed, it shall be done by a woman police official, and if no woman police official is available the interview shall be done **only** in the presence of a female member of an NGO. This is a mandatory requirement u/s. 15(6A) ITPA.



Interview in the presence of a female member of an NGO

- **When to record:** Record statements when the victim is fit (ready and able) to make a statement. If the victim is not ready, make an entry to this effect in the Case Diary and do not compel the victim to give her statement.
- **Where to record:** Record the statement of the victim wherever she is comfortable. There is no need to take the victim to a PS for this purpose or to record subsequent statements. This can be accomplished at the Shelter/ Protective Home where she is lodged or any other place of safety where she is comfortable (u/s. 160 (1) of Cr. PC)
- **Counseling:** Remember that the victim usually becomes capable of giving a cogent statement after counseling by a mental health professional or a trained counselor. Utilize the services of appropriate counselors with government agencies or NGOs<sup>30</sup>.

<sup>29</sup> See Check List for Post Rescue Planning at Appendix 4

<sup>30</sup> See Manual on Psycho Social Intervention by UNODC

- **Additional statements:** Remember, that there can be more than one statement by the victim, as and when she is fit to speak. Any contradiction from the previous statement may be explained in the subsequent statement. (**Note:** Contradictions are possible because the victim is traumatized and may not be able to recall events properly).
- Record the statement in the **language** of the victim (use a trained/ appropriate translator to translate the statement into the court language, as and when required).
- **Counselor:** When recording the statement of a highly traumatized adult or child victim, it is advisable to use the continued services of a trained counselor to communicate with the person.
- If the victim is **unable to speak** (hearing and speech impaired or due to a traumatic and depressed state of mind) use alternative materials/ methods for communication (eg. a traumatized child may draw a picture suggestive of the violation on her).



Services of a counselor to communicate with victim

- **Repeated interviews** with rescued persons should be avoided as far as possible. If senior/ supervisory officials, who may be from different investigating agencies, want to interview the victim, they should consult the main IO and work as a team, so that multiple interviews can be avoided.
- **Mapping the harm done to the victim:** The IO records his observations in Part 1 of the CD (u/s. 172 Cr. PC). Though Part 1 is not shared with the accused, the court peruses this during trial. Therefore, the IO should record his observations of the physical, emotional and psychosocial harm to the victim in Part 1. The 'harm factor' can be aptly recorded u/s. 161 Cr. PC statement also, to the extent required. Further, in order to make it admissible as evidence (u/s. 14 of IEA) during trial, the victim has to be examined by an appropriate health professional, whose report will be attached to the CD and a copy made available to the defence, if cited as evidence.
- **Exclusion of parts of statement from public disclosure:** Many IOs do not record the 'harm factor' in the statement u/s. 161 Cr. PC, in case it is called in for perusal by the defence. Often, such a perusal by the defence, and subsequent questioning of the victim, can further traumatize the victim. In this context, the provisions of s. 173 (6) Cr. PC can be utilized. According to this provision, certain parts of the victim's statement can be excluded while furnishing copies to the accused. Therefore, statements recorded u/s. 161 Cr. PC can also incorporate the 'harm factor'.

Ensure that the victim is not called upon to relive the trauma, again and again. Avoid multiple interviews.

## 10.2 Recording statement u/s. 164 Cr. PC

This is a preferred option because of several reasons:

- a) Victims are likely to be restored/ repatriated to their place of origin and may not be available as and when required.
- b) Victims may be reluctant to come during recording of evidence because they may not want to relive the trauma.
- c) Some victims may be suffering from serious ailments, like AIDS, and health conditions may not permit them to come to courts located in distant places, for evidence.

The decision to record the statement u/s. 164 Cr. PC is to be taken as early as possible depending on the



victim's knowledge of the crime and readiness to speak. In this context the following aspects should be kept in mind:

- Provide counseling to the victim by a trained counselor, so that the victim is ready and willing to speak.
- The reflection period depends on the intensity of the trauma to the victim. Therefore, the IO should not be in a hurry to record her statement u/s.164 Cr. PC. Ensure that the victim gets adequate time before she is called to record her statement.
- If the victim's statement is required in more than one FIR, registered elsewhere for different offences which may be part of the same continuing transaction, it would be appropriate that her statement is recorded once and a certified copy is utilized for the other court.
- If the victim speaks a different language, do get her statement u/s. 164, Cr. PC recorded by a Magistrate who speaks her language. If it is not possible, the services of an appropriate translator (not in collusion with the accused) may be utilized. The IO should ensure and take the initiative in identifying the translator.
- Care may be taken to record the statement *in camera* and in a non-intimidating environment. The IO may make a prayer u/s. 327 (2) Cr. PC (read along with Supreme Court judgment in Sakshi v/s UOI<sup>31</sup>) to this effect.

### 10.3 Age assessment

Rescued victims mostly include women and children. It is important for the IO to do an on-the-spot preliminary age assessment of the persons to segregate child victims from adult victims. There may be persons looking like children and yet professing to be above 18 years of age. Such children may be under duress/ coercion/ compulsion by vested interests to declare themselves adults so that the offenders can get them released easily, citing their willingness for the same, and subsequently traffic them back to brothels/ other places of exploitation. The IO needs to exercise caution against such deceptions. Moreover, u/s. 15 (5A) ITPA, the IO may also move the Magistrate to have the victim examined by a registered medical practitioner to determine the age.

**TABLE 5**

S. 2 (aa) ITPA, "child" means a person who has not completed the age of sixteen years.	S. 2 (ca) ITPA, "major" means a person who has completed the age of eighteen years.	S. 2 (cb) ITPA, "minor" means a person who has completed the age of sixteen years but has not completed the age of eighteen years.
S. 2 (k) JJ Act, "child " means a person who has not completed eighteenth year of age.		

The process of investigation with regard to the victim's age, should consider that:

- The IO must try and obtain the date of birth certificate, school certificate, ration card, or any other relevant document which would be useful to determine the victim's age.
- The IO must send the victim for an age determination test, preferably to a forensic medicine department.
- The IO must also collect all possible circumstantial evidence regarding the age of the victim from the neighbours, locality, other rescued persons, etc.
- In case of doubt or dispute with respect to the age of the victim, the IO must refer the case to a Medical Board.

### 10.4 Production of the rescued person before the Magistrate/ CWC

- (a) A person rescued u/s.15 is to be produced before the appropriate Magistrate, vide s. 15 (5) ITPA. This means that adult victims be produced before a Judicial Magistrate and child victims before CWC (under JJ Act).

31 (2001) 10 SCC 732

**How to decide whether the person is an adult or a child?**

The police officer is called upon to take a decision on the spot whether to produce the rescued person before the Magistrate (under ITPA) or the CWC (under JJ Act) and therefore, this decision is crucial. The decision may be taken based on the following principles:

- Apparent look of the person.
- Consulting the rescued person, making him/ her understand the implications.
- Consulting the NGO partner participating in the rescue operation.
- Consulting a counselor if available.
- Checking available documents, if any.

When in doubt, treat the rescued person as a minor.

- (b) A person rescued u/s. 16 be produced before the Magistrate issuing the order (vide s. 16 (2) ITPA).
- (c) If the police officer is unable to produce the victim in front of the authority mentioned in (a) and (b) above, for whatever reasons, such persons be produced before the nearest Judicial Magistrate of any class (vide s. 17 ITPA).

In this context the following points be considered:

- Produce adult victims before magistrate u/s. 15 (5) or 16 (2) ITPA.
- Produce child victims before CWC u/s. 32 of JJ Act.
- If the rescue is held at night, the night duty Magistrate may be approached.
- If nobody is available (Magistrate/ CWC), send the rescued persons to a Government run or NGO run Home (notified under u/s. 21 ITPA or u/s. 37 of JJ Act).
- If a notified Home is not available in the vicinity, send the rescued persons to any reputed NGO Home.
- If none of the above are available, the police officer should take the initiative to arrange a place of safety such as a bona fide hotel, guest house, circuit house, etc. for the victims. In such situations, a female representative of the NGO and a lady police official should accompany the victims.
- **The rescued victims should never be:**
  - SENT BACK TO THE BROTHEL
  - DETAINED IN THE POLICE STATION
  - EXPOSED TO SITUATIONS OF FURTHER RISK

**CASE STUDY**

In 2007, a raid and rescue operation was conducted by the Delhi police along with the AP police in a certain brothel in Delhi. The rescued women and children were brought to the police station by late evening. The Delhi police official, citing non-availability of a safe place to stay sent the rescued persons back to the brothel. The rescued persons could not be traced the following morning, as the exploiters had got them removed and concealed.

**10.5 Medical care of victim and follow up**

- IO should ensure that appropriate medical care be extended to the victim immediately after rescue and without delay. Informed consent of the victim is mandatory before a medical examination.
- A lady police official should escort victim.
- The presence of a known NGO during the medical examination and medical care will provide relief and comfort to the victim.
- The IO should move the Magistrate through the Prosecutor, to have the victim examined by a registered medical practitioner to detect injuries resulting from sexual abuse or the presence of sexually transmitted diseases vide provisions of s. 15(5A) ITPA.
- According to s. 164A Cr. PC the IO may get the victim examined by a registered medical practitioner within 24 hours from the time he receives information of the commission of offence of rape or attempt to rape. Note that the victims of CSE can be safely presumed to be victims of rape as well,



as this presumption will be in the 'best interest' of the rescued person. If any rescued person is under 16 years of age, vide s. 375 Clause Sixthly, IPC, the offence of rape should be included in the FIR.

- Since the victims may be addicted to drugs, drinks, smoking, etc. the IO should take steps to refer them to appropriate de-addiction counseling services.

**Respecting the dignity of the victim during the medical examination:**

- If possible, the medical examination should be conducted by a female doctor u/s. 53 (2) Cr. PC.
- If no female doctor is available, the medical examination should be conducted in the presence of a female medical attendant, or a female representative of an NGO.
- The IO should inform the doctor to take all steps to respect the dignity of the victim.
- Any HIV test/ other medical test should be organized by the IO only after the informed consent of the victim<sup>32</sup>.

### 10.6 Shelter Homes/ CWC

IO should make interim arrangements to send the victim to a **place of safety** such as a Shelter Home (government/ NGO run)/ CWC/ drop-in-centre, etc. Avoid detaining the victim in the PS or other police outposts. PS should keep a list of agencies running such Homes, including their contact numbers and other details and network with them.

### 10.7 Home verification

- The police should make a report to the Magistrate requesting for Home Verification as provided u/s. 17 (2) ITPA. The IO may submit to the court that u/s. 17 (5) ITPA, the Magistrate has the power to summon a panel of five respectable persons, three of whom shall be women (wherever practicable) to assist him. A list of NGOs working on AHT be kept ready in the PS and provided to the Magistrate, if called for.
- U/s. 33 JJ Act, when a 'child in need of care and protection' is produced before the CWC, it may pass an order to send the child to the Children's Home for speedy inquiry by a social worker/child welfare officer. Such inquiry is to be completed within 4 months of the receipt of the order.
- The IO should move the Prosecutor to oppose any release of the rescued person (adult or child) to anybody before the Home Verification Report is received, to prevent re-trafficking of the victim.
- In the meantime, the IO should request the Magistrate/ CWC to send the victim (adult or child) to the appropriate Home for interim care u/s. 17 (4) ITPA and u/s. 33 (4) of JJ Act, respectively.
- Before the Magistrate/ CWC hands over the rescued person to the care of parents or guardians, the Magistrate/ CWC needs to be convinced of the capability and genuineness of the person u/s. 17 A ITPA. The IO should move the Magistrate through the Prosecutor to address this issue.

In case of children who are born in brothels, the report required to facilitate Home Verification should be prepared with care so that it does not violate their dignity. The IO should remember not to insist on writing the father's name in the report.

### 10.8 Restoration of victim

Considering the 'best interest' of the victim, police can play a proactive role in the victim's restoration by taking the initiative on several counts:

- Ensuring that victims are released to the appropriate person after receipt of the Home Verification report, by moving the Magistrate with a request to this effect u/s. 17 (2) & (4) ITPA.
- Moving the court not to release the victim to fake, 'self styled' or abusive parents/ guardians.

<sup>32</sup> [http://www.nacoonline.org/guidelines/guideline\\_10.pdf](http://www.nacoonline.org/guidelines/guideline_10.pdf)



- Liaising, supporting and facilitating the NGOs who are carrying out the Home Verification u/s. 17 (5) ITPA.
- Providing security to the victim/ accompanying person/ NGO during the transfer of the victim.
- Facilitating genuine and supportive parents/ guardians to take custody of the rescued victim by networking with the concerned authorities u/s. 17 A ITPA.

### 10.9 Interim relief to the victim

Some states have issued government orders/ circulars providing interim relief to the rescued person. According to WCD G.O. MS. 13 dated 21-04-06 of Andhra Pradesh, the victim is entitled to an interim relief of Rs. 10,000/- immediately after rescue. The rescued victim, irrespective of her native place, can be extended this relief. Similarly, the Government of Tamil Nadu has made provisions for victim support from the Social Defence Fund. The IO should send proposals to the concerned authority immediately after rescue, requesting that such benefits are extended to the rescued person, wherever applicable.

## 11. CHARGE SHEET

A correct and proper charge sheet is a sine-qua-non, an essential prerequisite, in securing conviction in any crime. IOs should be fully aware of this while preparing charge sheets for HT crimes.

- Present the CD with a Crime Map of the entire scene of the crime from source through transit to destination areas including other places of exploitation.
- As HT is an organized crime, there will be multiple crimes and multiple offenders. All these have to be included in the documents. Prepare a matrix of **crime-offender-evidence** and present it in the CD.
- **Legal opinion** of prosecutor to be utilized for drafting the charge sheet.
- Use provisions of s. 173 (6) Cr. PC wherever necessary, for ensuring **confidentiality** of the victim's statement.
- Collect all **expert opinions and reports** that are admissible u/s. 45 IEA. In a trafficking crime these reports and opinions include:
  1. Medical report of physical injury to the victim.
  2. Medical report of sexual abuse perpetrated on the victim.
  3. Medical report of sexually transmitted diseases.
  4. Relevant medical history of victim (eg. medical termination of pregnancies, miscarriages, etc) to prove earlier violations on her.
  5. Report of age verification/ determination.
  6. Expert opinion on psychosocial trauma ('the harm factor').
  7. Medical report of the accused in case of rape/ sexual assault.
  8. Report of DNA finger printing if there is any issue of establishing identity of the persons.
  9. Any other relevant forensic reports to prove/ substantiate the crime or the role of the offenders (eg. viscera report in a case where the victim was drugged before she was abused).
  10. Copies of statements recorded u/s. 164, Cr. PC in the same case, or in any other case, which are relevant to this case.

11. Copies of statements of accused recorded u/s. 25 IEA (extra judicial confessional statements of the accused), if any.
12. Test Identification Parade report, if any, u/s. 54 (A) of Cr. PC.
13. Reports and prosecution sanctions, if any, under NDPS Act, Excise Act, Immigration Act, Prevention of Corruption Act, etc.

### 11.1 Additional Case Diary for CWC/ JJB

When the rescued persons include adults and children, the simultaneous role of the competent court and the CWC come into operation. Normally, the CD prepared by the IO is meant for the court and extra diaries are prepared only for supervisory officials, depending on the Police Manuals/ regulations. Sometimes CWC also calls for the CD. Therefore, it would be appropriate that whenever the rescued persons include children, the IO prepares an additional copy of the CD and sends it to CWC.

Similarly, when the list of offenders includes any children, JJB plays an important part. JJB would also require a copy of the CD. Therefore, in such situations additional CD be prepared.

### 11.2 Further investigation after the charge sheet

Being a borderless crime with ramifications in different places, it is possible that new linkages of the crime emerge long after the charge sheet is filed.

In such situations, after filing the charge sheet, it would be appropriate to carry out further investigation to expose the entire linkages of the crime. The IO, on receipt of any further information and fresh material, can initiate further investigation u/s. 173 (8) Cr. PC and file a supplementary charge sheet.

For example, rescue in one case led to intelligence on another crime which had already been disposed off from the police records. This intelligence showed the involvement of some traffickers who had not been charged or investigated earlier.

## 12. PROSECUTING CRIMES

Police can play an important role even at the stage of prosecution. Therefore, the IO should:

- Brief the Prosecutor not only on the facts of the case, but also on its special features, viz. the victim's trauma, organized crime linkages, the need to provide care and attention to the victims, how decisions can be taken in the 'best interest of the victim', etc.
- Prepare the victim for testimony in court, with the assistance of counselors or NGOs.
- Prepare the witnesses (getting witnesses on time, briefing and debriefing them, thanking them promptly, etc.).

Ensure that victims are NEVER convicted u/ s. 8 of ITPA.



Prosecuting crimes

### CASE STUDY

In a case of rescue in Mumbai, in 2002, the rescued children were released from the court by the same lawyer who had earlier appeared for the accused and had got them bailed out. Later, it transpired that the rescued children were re-trafficked by the same person. The matter came to the notice of the High Court and the court referred it to the Bar Council of Maharashtra. (Prerana v/s State of Maharashtra)

- Ensure victim/ witness protection<sup>33</sup> during the trial and in post-trial situations<sup>34</sup>.
- Keep watch on the bailers and sureties. Since the bailers could also be offenders it is critical to ensure that they are not allowed to re-traffic the victims under the garb of taking care of them after release.

Ensure that the provisions of s. 437 (3) Cr. PC are invoked against the accused who violates the provisions of the bail. The IO should move this application to the court through the Prosecutor.

- Through the Prosecutor, the IO should ensure that the surety who stands for the accused furnishes a declaration, to the court, regarding the number of persons for whom he has earlier stood surety, including traffickers (s. 441 A Cr. PC).
  - In case the IO comes to know that the accused trafficker or other exploiters have threatened a victim/ witness, he should file an FIR u/s. 195 A IPC and take up investigation. This will have a detrimental effect on traffickers.
- Fast track mechanisms for expeditious trial of HT crimes to be invoked u/s. 22A and 22AA ITPA. This will facilitate justice delivery with celerity.
  - If the case is discharged/ acquitted and it is observed that there is merit in appeal, the IO, after observing the existing administrative and procedural requirements, should move the prosecutor to file an appeal in the appropriate court.

<sup>33</sup> See Standard Operating Procedure on Prosecution of Crimes of Trafficking

<sup>34</sup> For further guidelines, see Nair, 2007. op. cit. 12. p. 43

### 13. REFERRAL MECHANISMS

The 'referral mechanism approach' recognizes that all stakeholders, including law enforcement agencies must co-operate and work in synergy to develop a truly effective and comprehensive protection structure for trafficked persons. The objective is to rehabilitate trafficked persons and implement sustainable structures that will provide them with support. The police can play an active role as facilitators in several ways:



Legal Counselling



NGO Counselling



Medical Care

- **Referral to a counselor:** Rescued trafficked persons to be referred to an appropriate NGO for holistic counseling, especially for relief and rehabilitation.
- **Referral for health care:** When the victim needs immediate medical attention it should be attended to on priority. Suggest a lady medical officer/ medical attendant if the victim is a female. If the service providers are males, ensure that female representatives of an NGO are present. The District Medical Officer/ Civil Surgeon to be contacted.
- **Referral for psychosocial intervention:** The rescued person is often extremely traumatized and needs to be handled sensitively and in a humane manner. The police must make all efforts to facilitate psychosocial help and intervention through the services of a skilled counselor to reduce the person's trauma and distress. Assistance should be taken from the staff of the government/ NGO run Shelter/ Children's Home.
- **Referral for legal representation:** Though the state is duty bound to take up the legal representation of the victim, private lawyers are often required to intervene, particularly when the victim knows and has trust in the lawyer. Police officials should promote such legal representation. The District Legal Services Authority should be consulted for any assistance required.
- **Referral for compensation:** Children/ women who are rescued from CSE require immediate sustenance for their survival. The IO should contact the concerned district administration officials for incidental expenses such as travel, clothing, medicine and other immediate necessities. The District Collector and the District Social Welfare Officer to be consulted.
- **Referral for rehabilitation:** Though this appears to be a *non-police* job, it is clear that a victim who is not properly rehabilitated can, and more often is, re-trafficked. Preventing re-trafficking is a police mandate; therefore, the police officer should deem it essential to take all steps for proper rehabilitation of the victim. Refer the victim to the government/ NGO run Homes; link up with appropriate rehabilitative agencies, including corporates and other bodies who could provide support.

## 14. POST CONVICTION STEPS IN AHT

Even after the conviction of the accused, the police have a significant function to perform. There are many provisions in the ITPA dealing with post conviction. The IO should liaise with the prosecutor to pray to the court for:

- **Enhanced punishment** in cases of subsequent conviction and offences committed against children. Refer to the table below for details.

**TABLE 6**

Sections of ITPA, 1956	Offence	Punishment upon First Conviction	Punishment upon Subsequent Conviction	Punishment when the offences are committed in respect of a child/ minor
Sec. 3	Punishment for keeping a brothel or allowing premises to be used as a brothel	RI for not less than 1 year and not more than 3 years AND fine which may extend to two thousand rupees	Rigorous imprisonment (RI) for not less than two years and not more than five years AND with a fine which may extend to two thousand rupees	
Sec. 4	Punishment for living on the earnings of prostitution	Imprisonment for a term which may extend to two years OR with a fine which may extend to one thousand rupees or both		Imprisonment for not less than seven years and not more than 10 years
Sec. 5	Procuring, inducing or taking a person for the sake of prostitution	RI for not less than three years and not more than seven years AND with a fine which may extend to two thousand rupees		Child - RI for not less than seven years but may extend to life. Minor – RI for not less than seven years and not more than 14 years
Sec. 6	Detaining a person in premises where prostitution is carried on	Imprisonment for not less than seven years but which may be for life OR imprisonment up to 10 years AND fine		
Sec. 7	Prostitution in or in the vicinity of public places	Imprisonment which may extend to three months		Imprisonment for not less than seven years but which may be for life OR imprisonment up to 10 years AND fine
Sec. 9	Seduction of a person in custody	Imprisonment for not less than seven years but which may be for life OR imprisonment up to 10 years AND fine		

- **Mandatory fine:** ITPA demands **mandatory** fine for various offences, eg. u/s. 3 (1) ITPA for keeping a brothel or allowing premises to be used as a brothel. Other provisions where mandatory fine is awarded, are listed in Table 5.
- **Eviction from the place of exploitation after conviction** u/s. 18 (2), ITPA (see details in para 8.6).
- **Suspension/ Cancellation of licence of hotels** u/s. 7 ITPA – refer to para 8.6.
- **Notifying the residence/ absence of offenders:** According to s. 11 ITPA, any person who has been convicted earlier, under ITPA, or relevant sections of IPC (s. 363, 365, 366, 366 A, 366 B, 367, 368, 370, 371, 372, or 373), and who is again convicted under ITPA for a period of two years or more, may be subjected by the court to notify - according to the rules made by the State Government in this regard - any change of his residence or any absence from such residence after release, for a period up to five years. This is a potent weapon for law enforcement agencies to keep surveillance on the movement/ activity of the convicted person, so they can prevent the commission of any such crime in the future.
- **Externment:** To prevent convicted traffickers from indulging in further crime, externment proceedings, under the relevant State laws, may be utilized; eg. MCOCA, 1999 in Maharashtra and Delhi, AP Goonda Act, Crime Control Act in Bihar etc.
- **History sheets/ suspect sheets:** Police should prepare dossiers and keep watch on the activities of convicted persons/ suspects, as per the rules and procedures in the state.
- **Naming and shaming:** It would be advisable to give wide publicity to convicted traffickers, so that:
  - a) It creates adequate impact on the convicted person and on other offenders
  - b) The public gets alerted to the activities of such offenders
  - c) Vulnerable persons are forewarned against such persons and, thereby, trafficking is curtailed.



## 15. PREVENTION<sup>35</sup>

Prevention is the sine-qua-non of any anti crime activity and police officers have an important role in the prevention of trafficking crimes. IOs can actively involve themselves in:

- Prevention through aggressive law enforcement. If the convicted offender is behind bars, the trafficking crimes, which he would have otherwise committed, are curtailed.
- Prevention through proper rehabilitation prevents re-trafficking.

**Prevention of 2nd Generation Prostitution:** In Yadgirgutta district of Andhra Pradesh, culturally sanctioned practices were pushing new children into prostitution. A Bridge School supported by the Indian Red Cross society and the local government was established, where 21 children of CSE victims, who had never attended school, were enrolled along with 43 children from other families. The local panchayat also helped to facilitate the enrollment. After spending a year in this residential school, the children of CSE victims were successfully integrated into regular schools for further education. This police initiative resulted in breaking the outdated culturally sanctioned practices.

Source: Mr. Mahesh Bhagwat

- Prevention at the source area by identifying vulnerable victims, empowering them through public awareness campaigns, involving concerned agencies to undertake empowerment programs, etc.
- Prevention at the transit area, such as railway junctions, bus stops, etc. by appropriate intervention.
- Empowering survivors by facilitating them to be watchdogs and whistle blowers against crimes and criminals, and facilitating survivor networks to work with crime stoppers, etc.

**Manav Seva Sansthan, Gorakhpur,** started an innovative experiment in 2002, by opening a 'Human Rights Awareness Centre' at Sanauli nearing the Indo Nepal border. The NGO counseled the migrants coming from Nepal to India with awareness of trafficking issues, safe migration, human rights, women and child rights with the help of brochures etc. The counseling done during a period of 9 months witnessed some revealing facts. Out of 3535 persons counseled, 65 turned out to be victims of trafficking and 35 were suspected to be traffickers. The former were rehabilitated through an NGO Maiti Nepal and the suspected offenders were handed over to the police. This initiative showed that intervention at the transit places can prevent HT.

- Prevention in the demand area by understanding/ addressing new forms of demand (eg. sex tourism, CSE under the facade of massage parlours, cyber pornography, etc.)
- Keeping vigil at locations prone to trafficking and monitoring the movements of strangers in these places.
- Ensuring effective patrolling, especially at highways, *dhabas*, railway stations and bus stations where a special 'vigil' needs to be maintained to check movement of traffickers accompanied with victims.

A study of truck drivers on the highway showed that in certain places trafficking of women and children for CSE, was well organized. Victims were picked up at selected places, violated inside the truck while the truck was moving and then dropped at another spot to be picked up by another truck. It was clear that exploitation in moving vehicles was well organized. Intervention at select places successfully curtailed exploitation and trafficking.

- Ensuring close checks on transporters to prevent physical transportation of trafficked persons.
- Informing adolescents and "vulnerable" persons, who can be lured/ misled/ or go astray to become "customers and clientele", on principles of human rights, gender rights, child rights, HIV etc.

35 For details see the Standard Operating Procedures on Prevention of Human Trafficking by UNODC

## 16. ROLE OF SUPERVISORY OFFICERS

Existing response systems, in India, provide a prominent role for supervisory officials in addressing HT through Prevention, Protection and Prosecution. Some tasks for police managers are listed here:

- Networking with officials in other districts and other states: The Director General of Police (DGP) has nominated Police Nodal Officers (PNOs) in all states, for this purpose. Since trafficking is a borderless crime it requires borderless policing that can be facilitated through *police manager networks*.
- Developing and sharing a comprehensive database of traffickers/ exploiters. This has to originate from the police station, move to the district and then to the state database, and eventually be amalgamated into a master database just like the national database of the National Crime Record Bureau. Data has to be updated on a monthly basis, at all levels, and disseminated to all concerned without delay.
- Developing and sharing intelligence regularly, on traffickers/ exploiters/ victims.
- According adequate priority to law enforcement on AHT. There are several activities that can be undertaken, eg. the crime data board displayed in all PS does not show HT data separately. This should be added as a separate head and updated regularly.
- Regular review of AHT activities in the monthly crime meetings with the SP/ DCP and other officers, to ensure that HT crimes are investigated thoroughly and professionally and progress of work is reviewed constantly.
- Taking law enforcement activity beyond the realm of rescue and looking at it from an organized crime perspective.
- Providing NGO networks to police officers by developing partnerships with NGOs.
- Developing synergy of police with other government departments, thereby ensuring and facilitating appropriate responses by these departments.
- Liaising with the District Level Monitoring Committee or any such body/ lobby to ensure expeditious disposal of HT crimes. Providing adequate support to ensure speedy trial.
- Taking all steps for prevention of HT (details in the segment 15 ).
- Ensuring a victim-centric approach and perspective in law enforcement.
- Shortlisting and mapping target/ vulnerable/ geographic areas and situations to ensure concerted action.
- Empowering police officers of all ranks with proper training focussed on Knowledge, Skills, Attitude, and Resources.
- Providing stability of tenure to trained and functional officers handling AHT activities.
- Ensuring accountability of officers with respect to the 3 Ps - Prevention, Protection and Prosecution - in their jurisdiction.
- Rewarding and commending officers doing good work on AHT.
- Documenting and disseminating good practices and providing a forum for wider discussion and emulation.



## APPENDIX 1

## MYTHS VERSUS REALITY OF TRAFFICKING

SR. NO.	MYTHS	REALITY/ TRUTHS
1.	Trafficking in human beings is only done for prostitution.	Prostitution is only one of the reasons for trafficking. Trafficking is done for various purposes, such as begging, forced labour, debt bondage, illicit adoption, marriage, organ transplant, camel jockeying, for performance in circus, for child sex – tourism, and for use of adults and children in pornography.
2.	'Human smuggling' or 'voluntary illegal migration' is the same as trafficking in human beings.	<b>Human smuggling</b> - is the facilitation, transportation, attempted transportation or illegal entry of a person(s) across an international border, in violation of one or more countries' laws, either clandestinely or through deception, such as the use of fraudulent documents. <b>Human trafficking</b> - unlike smuggling, which is often a criminal commercial transaction between two willing parties who go their separate ways once their business is complete, trafficking specifically targets the trafficked person as an object of criminal exploitation. The purpose from the beginning of the trafficking enterprise is to profit from the exploitation of the victim. It follows that fraud, force or coercion all play a major role in trafficking.
3.	In trafficking for prostitution, the brothel manager / madam is the main accused in a trafficking crime.	Brothel manager / madam is only the visible face of the exploiter and trafficker is the main culprit.
4.	Brothel is the only scene of crime in trafficking.	The scene of crime in trafficking involves all places in Source, Transit and Destination. It includes places where exploitation takes place under the facade of other enterprises, such as beauty and massage parlours, friendship clubs, small hotels, exclusive clubs, under the guise of call centres, friendship clubs, and along national highways, etc.
5.	The law to address trafficking is only ITPA.	Trafficking for CSE has to be addressed by invoking not only ITPA but relevant provisions of IPC (ex. 366 A, 366 B, 372, 373, 375, 376, etc.).
6.	All women seen to be soliciting are accused persons under ITPA.	Case studies and research shows that most of these women are made to solicit by the exploiters; there is no <i>mens rea</i> and these women are victims.
7.	Customer is not an accused under ITPA.	Customer is culpable under S. 5 (1) (d) and 7 (1) ITPA and related IPC offences.

SR. NO.	MYTHS	REALITY/ TRUTHS
8.	Only a Special Police Officer can arrest a trafficking accused.	Any officer of the rank of SI and above can be authorized under ITPA by a Special Police officer, in writing (S. 14 (ii)) or otherwise (S. 14 (iii)). However, any person committing or likely to commit a cognizable offence can be arrested by any police officer, including a constable. (S. 41 Cr. PC)
9.	Without FIR no arrest or rescue is possible.	Trafficking being a cognizable offence, any police officer can cause arrest or rescue even without FIR to prevent crime (S. 41 Cr. PC). Moreover a Magistrate can authorize any police officer of the rank of SI and above for carrying out rescue (S. 16 (1) of ITPA)
10.	A PO can register a case of trafficking only after rescue.	Rescue normally takes place at the point of final destination, whereas trafficking offences commence at the source itself and continues through transit to the destination point and even thereafter. If PO gets information about any person having been transferred from source point or being trafficked through transit place, the PO of those areas should register FIR for the offence of trafficking u/S. 5 (3) of ITPA.

## APPENDIX 2

## Definitions on Trafficking

1. Article 3 of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime, 2000, states:

For the purposes of this Protocol:

- (a) **"Trafficking in persons"** shall mean 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 this article shall be irrelevant where any of the means set forth in subparagraph (a) 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 this article;
  - (d) "Child" shall mean any person under eighteen years of age.
2. The Annotated Guide (2002) to the Complete UN Trafficking Protocol consisting of The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children –

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by any means, for forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

"Sexual exploitation" means the participation by a person in prostitution, sexual servitude, or the production of pornographic materials as a result of being subjected to a threat, coercion, abduction, force, abuse of authority, debt bondage or fraud.

"Exploitation of the prostitution of others" means the obtaining by a person of any financial or other benefit from the sexual exploitation of another person.

3. Constitution of India - Article 23(1). Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
4. Article 1 (3), SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002, states:

"Trafficking means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking."

5. Section 2 (f) ITPA – “prostitution” – means the sexual exploitation or abuse of persons for commercial purposes, and the expression “prostitute” shall be construed accordingly.

Section 5, ITPA – 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 consent, for the purpose of prostitution; or
  - (b) induces a person to go from any place, with the intent that he 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 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 sub-section, –

(i) 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; and

(ii) is a minor; the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years and not more than fourteen years.

(2) \*\*\*\*\* deleted

(3) An offence under this section shall be triable, –

(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 he may have gone as a result of the inducement or to which he is taken or caused to be taken or an attempt to take him is made.

6. Section 2 (z) Goa Children's Act, 2003 –

‘Child trafficking’ means the procurement, recruitment, transportation, transfer, harbouring or receipt of persons, legally or illegally, within or across borders, 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 giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise.

7. Article 1 (4) of the SAARC Convention defines “Traffickers” as:

“Traffickers” means persons, agencies or institutions engaged in any form of trafficking.

## APPENDIX 3

## CHECK LIST FOR PRE-RESCUE PLANNING

Sr. No.	Check Points	Done
1.	Are you legally empowered to conduct rescue under the ITPA? • Notified under Section 13 ITPA • Authorized under Section 16 ITPA • Obtained warrant under Cr. PC	
2.	If not, do you have at least a police officer legally empowered under ITPA to conduct rescue?	
3.	Have you obtained a search warrant from the jurisdictional Magistrate?	
4.	Have you verified source information?	
5.	Have you entered source information and the steps taken therein, in the GD?	
6.	Have you carried out recce of the place to be searched for rescue?	
7.	Have you informed the Police Nodal Officer?	
8.	Do you have at least two women police officers in the rescue team?	
9.	Have you got at least two witnesses to be present during rescue?	
10.	Have you got at least one woman witness to be present during rescue?	
11.	Have you involved the local NGO in the rescue operation?	
12.	If a decoy has been involved in the rescue, has he been briefed properly about his expected role and the safety of the victim?	
13.	Have you taken a photographer/ videographer in the team?	
14.	Have you briefed every team member of their respective functions during the rescue operations?	
15.	Have you made adequate logistical arrangements such as vehicles, food, clothes, medicine kit, etc for the rescued persons?	
16.	Have you taken things required for documentation and evidence collection?	
17.	Have you notified the government or NGO run Shelter Homes of the expected number of rescued persons and the expected time of arrival?	
18.	Have you taken steps to ensure confidentiality of the rescue operation?	
19.	Have you taken steps to ensure confidentiality of the rescued persons?	

## APPENDIX 4

## CHECK LIST FOR POST-RESCUE PLANNING

Sr. No.	Check Points	Done
1	Have you segregated the rescued persons from the suspects/ accused?	
2	Have you ensured that the rescued person is immediately provided food, clothing, medical care, etc.?	
3	Have you ensured that the rescued person is counseled by a mental health professional/ trained counselor?	
4	Have you conducted an age assessment of the rescued persons so as to separate the children from the adults?	
5	Have you ensured that the interview of the rescued woman/ girl is done only by a woman police official/ only in the presence of a female member of an NGO?	
6	Have you ensured that the statement of the rescued person is recorded only when she is ready and able to make a statement?	
7	Have you ensured that the statement of the victim is recorded in her own language, with the help of a translator, if required?	
8	Have you recorded the harm (physical, emotional, mental, etc.) done to the victim?	
9	Have you ensured proper collection of all Material Objects from the scene of crime?	
10	Have you ensured proper recording of the statement of the witnesses?	
11	Have you produced the adult rescued persons before the appropriate jurisdictional Magistrate?	
12	Have you sent the rescued children/ minors to the Child Welfare Committee?	
13	If the Magistrate/ CWC are not available, have you ensured that the rescued persons are sent to a place of safety, such as government/ NGO run Shelter Homes?	
14	If Shelter Homes are not available in the vicinity have you arranged for sending rescued persons to some other places of safety, such as a hotel, guest house, circuit house, etc.?	
15	Have you ensured that the rescued persons avail of the interim compensation provided by your state orders?	

## ACRONYMS

AHT	Anti Human Trafficking
AP	Andhra Pradesh
CD	Case Diary
Cr. PC	Criminal Procedure Code/ Code of Criminal Procedure, 1973
CSE	Commercial Sexual Exploitation
CWC	Child Welfare Committee
DCP	Deputy Commissioner of Police
DGP	Director General of Police
DM	District Magistrate
DWCD	Department of Women and Child Development
FIR	First Information Report
GD	General Diary
HT	Human Trafficking
IAHTU	Integrated Anti Human Trafficking Unit
IEA	Indian Evidence Act, 1872
IO	Investigating Officer
IPC	Indian Penal Code, 1860
ITPA	Immoral Traffic (Prevention) Act, 1956
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2000
JJB	Juvenile Justice Board
JM	Judicial Magistrate
MCOCA	Maharashtra Control of Organized Crime Act, 1999
MM	Metropolitan Magistrate
MWCD	Ministry of Women and Child Development
NCRB	National Crime Records Bureau
NDPS Act	Narcotic Drugs and Psychotropic Substances Act, 1985
PMLA	Prevention of Money Laundering Act, 2002
PNO	Police Nodal Officer
PO	Police Officer
PS	Police Station
PWD	Public Works Department
RI	Rigorous Imprisonment
S	Section
SDM	Sub Divisional Magistrate
SI	Sub Inspector
SOP	Standard Operating Procedure
SP	Superintendent of Police
SPO	Special Police Officer
u/s	Under section
UNODC	United Nations Office on Drugs and Crime



UNITED NATIONS  
*Office on Drugs and Crime*

Government of India



## **Standard Operating Procedures (sop)**

**on Investigation of Crimes of  
Trafficking for Forced Labour**



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## PREFACE

Trafficking of women and children is one of the gravest organized crimes and violations of human rights, extending beyond boundaries and jurisdictions. Preventing and combating of human trafficking requires all stakeholders to integrate their responses on prosecution, prevention and protection. Keeping this philosophy in mind, Project IND/S16 of the United Nations Office on Drugs and Crime, which is a joint initiative of UNODC and Government of India, with support from the US Government, has undertaken several initiatives since its launch in April 2006 in India. This project is focused on “Strengthening the law enforcement response in India against trafficking in persons, through training and capacity building”. The major activities in the project are training of police officials and prosecutors, setting up Integrated Anti Human Trafficking Units, establishing networks among law enforcement agencies and civil society partners as well as developing appropriate tools including Protocols, Manuals, Standard Operating Procedures (SOPs), Compendiums and other training aids.

Successful conviction of offenders, redressal of grievances of victims and consequent prevention of crimes of human trafficking is possible when the first responders, i.e., the police agencies, perform their tasks diligently. In this process, investigation of crimes assumes an important role. The task includes collection of intelligence about crimes, registering crimes in the police station, prompt action in investigation and prosecution and also ensuring all legal and administrative follow-up measures that are based on a victim-centric approach.

Appropriate tools, no doubt, are essential to empower the officials to carry out these tasks in the best professional manner. In this context this SOP is a tool for the law enforcement agencies to address the crimes of trafficking for forced labour (UNODC has brought out another SOP on Investigation of Crimes of Trafficking for Commercial Sexual Exploitation). This SOP, prepared in a user-friendly and simple style has been developed based on the regular feedback from the end users. The available literature on trafficking and the experience gained from the responders as well as victims of trafficking has also been taken into consideration in the various segments.

# 1 INTRODUCTION

Trafficking for forced labour constitutes a major form of human trafficking. In fact, the history of exploitation, forced labour and slavery is also the history of trafficking. From slaves being trafficked from Africa centuries ago to child labourers being trafficked now in different parts of the world for domestic labour or camel jockeying, trafficking has resulted in slavery. Preventing and combating this scourge calls upon the law to be strongly enforced such that it acts as a deterrent against the entire process of trafficking that leads to exploitation.

In India, the existing legal framework to combat the vice of human trafficking for forced labour is provided in:

- The Constitution of India - All Fundamental Rights provide protection against trafficking specifically, Article 23 prohibits traffic in human beings, *begar* and all similar forms of forced labour
- The Indian Penal Code, 1860
- The Bonded Labour System (Abolition) Act, 1976
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Local Laws, e.g., Goa Children's Act, 2003
- Supreme Court and High Court Judgments

Such elaborate legal framework must also be assisted with a Human Rights approach that caters to the physical, psychological as well as social needs and 'best interest of the victim'.

**Human rights approach:** Trafficking in human beings is a grave violation of human rights, which requires a 'rights based approach' to ensure that victims are assisted and perpetrators are punished. The officials who deal with the victims should be empathetic and understand the issues from the perspective of the victim. Decision making on and about the victim should be from the paradigm of the 'best interest of the victim'. The victim has a right to be protected, consulted and informed of all actions being taken on her/ his behalf.

**Victim friendly procedures:** Response to trafficking needs to be victim - centric. Any action being initiated by the law enforcement agencies should keep the victim as the focal point. This requires that:

- Victim is aware that she/ he is a victim of a crime and is being assisted by law enforcement.
- Victim is not arrested and the exposure to police and stay at police station is minimal.
- Victim is extended all help and assistance.

**Multi-disciplinary approach:** Response to trafficking requires simultaneous attention by various agencies mandated to carry out the diverse tasks. Therefore, law enforcement agencies such as police, Executive Magistrates and labour department officials need to coordinate amongst themselves along with other stakeholders such as prosecutors, counselors, Non Governmental Organizations, Juvenile Justice Board, Child Welfare Committee, National and State Human Rights Commission, National Commission for Protection of Child Rights, local media, local government hospitals and others. However, the legal response to the offences of trafficking for forced labour has to be primarily led by the police, labour department and the Executive Magistrates.

**Child rights issues:** Though the victim could be any person, large number of victims trafficked for forced labour are children. Children are more vulnerable and therefore, subject to extreme violations during and after trafficking. Improper response can aggravate the harm caused to them. Therefore, law enforcement response has to be child rights oriented.



**Gender Issues:** Girls, particularly in informal sectors, such as domestic labour, agriculture and circuses or occupations where they are required to stay for longer hours, especially nights, need special care and protection. After their rescue, an inadequate response to the trafficked victims by various agencies further exacerbates gender discriminations and gender violations that already exist in society. Hence, gender sensitivity is an essential requirement in addressing Human Trafficking (HT). The procedures and steps undertaken by the responders should conform to gender rights.

**Organized crime approach:** Trafficking is an organized crime extending beyond boundaries and is multi-dimensional in nature, because:

- It involves in itself the elements of several crimes, such as selling, buying, physical and sexual abuse, harassment, wrongful confinement, kidnapping and abduction, assault, threat, bonded labour, child labour, cruelty to children, etc.
- The scene of crime extends through the source, transit and destination areas and is thus a continuing offence, starting with recruitment and procurement and continuing until the victim is rescued.
- It involves multiple abuses and abusers, who are networked and organized.



**OBJECTIVE:**

The Standard Operating Procedures (SOP) is meant to help the investigator in carrying out professional investigation so as to ensure:

- Planning a proper rescue operation with the assistance of other stakeholders
- Victim assistance during rescue and repatriation
- Subsequent compensation and rehabilitation
- Conviction of the offenders (traffickers as well as employers)
- Expeditious, effective and timely law enforcement
- Non-harassment and non-victimization of victims
- Appropriate protection, care and attention be provided to victims and witnesses
- Post conviction steps are initiated against the offenders (such as closure of places of exploitation)
- Appropriate steps are taken for prevention of trafficking and re-trafficking.

The SOP may also be referred to by NGOs who are stakeholders in the pre and post rescue procedures related to victim care, protection, counseling, rehabilitation and or repatriation.

**STRUCTURE:**

The SOP provides a step by step guide to the police and other response agencies in addressing the issues of human trafficking for forced labour. This SOP is meant for a user who has basic knowledge and experience in the application of the provisions of the substantive and procedural laws, such as Indian Penal Code (IPC), Criminal Procedure Code (Cr. PC) and Indian Evidence Act as well as the basic procedures in the investigation of crimes. Therefore, the SOP does not go into a detailed discussion of these laws and procedures but is confined to specific areas of professional work. It has been divided under the following segments for complete clarity and ease of communication:

- Concepts of Trafficking
- Pre Registration of Crime
- Rescue
- Registering Crime
- Investigation
- Post Rescue
- Charge Sheet
- Prosecuting Crimes
- Post Conviction
- Prevention
- Referral Mechanisms
- Role of Supervisory Officers
- Human Trafficking: Responsibilities of the Police



## 2

## CONCEPTS OF TRAFFICKING

**2.1 Definition of Trafficking**

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2002 (hereinafter referred to as the UN Protocol 2002) supplementing the UN Convention Against Transnational Organized Crime, 2000 provides specific clauses defining trafficking.

**A) Trafficking as defined under Article 3 of the UN Protocol, 2002**

"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".

ACTIVITIES (any of these)	MEANS/METHODS (any of these)	PURPOSE/INTENTION (any of these)
Recruitment	Threat	For the purpose of exploitation <sup>1</sup> -
Transportation	Force	Prostitution of others
Transfer	Other forms of coercion	Other forms of sexual exploitation
Harbouring	Abduction	Forced labour or services
Receipt	Fraud	Slavery or practices similar to slavery
... of persons	Deception	Servitude
	Abuse of: Power Position of vulnerability	Removal of organs
	Giving or receiving of payments or benefits	
The 'consent' of a victim of trafficking shall be irrelevant where any of the means set forth above have been used. 'Consent' is irrelevant in case of children even if this does not involve any of the means set forth above.		

**B) Prohibition on trafficking under the Constitution of India**

The Constitution of India guarantees rights of equality, freedom, protection of life and liberty, as well as the rights against exploitation. Specifically, Article 23 of the Constitution states that traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

International Labour Organization (ILO) CONVENTION 29 (Forced Labour Convention (No. 29) Concerning Forced Labour) defines FORCED OR COMPULSORY LABOUR as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered herself/ himself voluntarily [Article 2 (1)].

Further, a SERVICE is any economic activity that does not result in ownership. And penalty is disadvantage or painful consequences resulting from an action or condition.

<sup>1</sup> The Annotated Guide (2002) to the Complete UN Trafficking Protocol consisting of The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children provides a definition of "exploitation".

### FORCED LABOUR vs. BONDED LABOUR

The Supreme Court has ruled in:

#### 1. People's Union for Democratic Rights (PUDR) vs. Union of India [(1982) 3 SCC 235]

"...Any factor, which deprives a person of choice of alternatives and compels him to adopt one particular course of action may properly be regarded as 'force' and any labour or service which is compelled as a result of such 'force', it would be 'forced labour'..."

"...Where a person provides labour or service to another for remuneration which is less than minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the word 'forced labour'... as described in Article 23 of the Indian Constitution".

#### 2. Bandhua Mukti Morcha vs. Union of India [1982 (2) SCC 253]

"...Whenever it is shown that a labour is made to provide forced labour, the court would raise a presumption that he is required to do so in consideration of an advance or other economic considerations received by him and is, therefore, a bonded labour..."

Thus in India, forced labour/ bonded labour/ unlawful compulsory labour denote similar working conditions.

Under the Bonded Labour Act, Sec 15 - Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.

Thus, as Supreme Court has ruled in PUDR vs. Union of India [1982 3 SCC 235] that in any situation where a trafficking victim is not getting minimum wages, the presumption shall be that the victim is a bonded labourer, regardless of age. The onus of disproving this presumption is on the employer/ trafficker.

## 2.2 Myths and Misconceptions of Human Trafficking

- The victim or victims' family knew what they were getting into
- The victim was paid for services/ labour
- The victim had freedom of movement
- There were opportunities to escape but the victim did not
- Trafficking involves crossing of borders
- If trafficker is related to the victim, there is no trafficking



### Human Smuggling vs. Trafficking

Human smuggling and voluntary illegal migration are illegal transport of a person, in particular across a border. This differs from trafficking because it does not necessarily include the elements of force, fraud, deceit resulting in any/ many forms of exploitation.

#### Why are people trafficked?

It is easy to exploit a trafficked person because she/ he is vulnerable. This is due to: -

- Unfamiliar environment
- Different language
- Distance from her/ his support system (family, friends and well wishers)
- Separation from the sphere of influence
- In case of children, cheap/ free labour
- Various other reasons...



### 2.3 Who is a 'victim' of trafficking for forced/ bonded labour?

- Any trafficked person is a victim, irrespective of nationality, age or sex.
- Children who have not completed the age of 18 years and are engaged in hazardous processes or occupations and/ or for less than minimum wages which are mandatory under The Minimum Wages Act, 1948.
- Any person, regardless of age, who has been trafficked in consideration of an advance (money or benefit) and/ or is now working for less than minimum wages.
- Any child likely to be trafficked is a "child in need of care and protection" under S. 2 (d) of JJ Act and therefore, is a victim who should be rescued.
- Anybody who has been recruited, harboured, transported, detained, obtained or procured for forced labour.
- A person whose fundamental rights are being violated.

**NOTE:** The above list is illustrative and not exhaustive. There may be other similar situations where in a person becomes a victim of trafficking.

**REMEMBER** All children/ minors are victims. All trafficked persons are victims, irrespective of proclaimed or apparent voluntariness.

**NOTE:** In borderline cases, where there is doubt regarding age, presume that the person is a child/ minor.

#### CASE STUDY

Some circuses have emerged as one of the covert mechanisms for cross - border trafficking, especially of children from Nepal. Girls are recruited by forced or often by the enticement of a grand lifestyle. Most of these girls end up in prostitution and for those who are employed in circuses, they are often kept in conditions of slavery.

In 2004, while rescuing girls from a circus in the state of Uttar Pradesh, human rights activists were attacked by the Circus owner and his trafficking partners.



The girls were hidden and upon a judicial order on a Habeas Corpus Petition, when the girls were found, they had horrifying tales to narrate. The girls could not run away even if they wanted to, they were physically/ sexually abused and even supplied to others as favours. Yet, even after their rescue they could not decide whether they wanted to go back home or not. This was due to the trauma that made the girls apprehensive and scared of the outside world. Traffickers often use various control tactics to ensure that the victims remain in their physical and mental control.

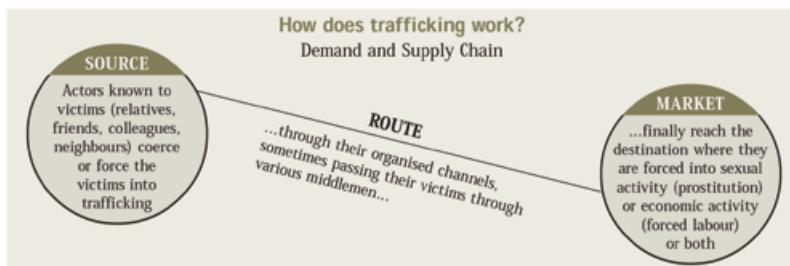
### 2.4 Who is a trafficker?

A trafficker is any person, who is -

- Involved in any act in the process of trafficking
- Who gains/ makes profit/ exploits
  - as the trafficked person passes through a chain,
  - from the point of source area to the point of final destination and
  - thereafter, throughout the process of exploitation.

The list of traffickers given below is only illustrative and not exhaustive. A trafficker could be any of the following person(s) involved in the process of trafficking:

- Recruiters
- Sellers of trafficked person
- Transporters
- Abettors
- Placement agencies
- Parent(s) and guardian(s) who knowingly sell/ cause to sell/ traffic their children/ ward
- People who keep custody of the victim during the act of trafficking
- Any other person who is involved in any act in the process of human trafficking
- Employers (contractors as well as principal employers)
- Agents of recruiters
- Buyers of trafficked person
- Conspirators
- Financiers



#### HUMAN TRAFFICKING: THE DYNAMICS OF CONTROL

(Modus operandi used by traffickers/ recruiters/ employers):

- Debt bondage, financial obligations or honour bound to satisfy debt. Debt bondage commonly includes the initial transportation fee, charges for food, housing, clothing, medical expenses or fines for failing to meet daily quota of production, services and is recurring and multiplying - increasing with time. The victim can never get out.
- Isolation from family, members of own (ethnic/ religious) community, limiting/ monitoring contact with outsiders.
- Confiscating passports and/ or other identification documents.
- Use or threat of violence towards victims and/ or family members.
- Threat of shaming victims by exposing circumstances (physical, sexual abuse, etc.) to family and/ or public.
- Telling victims they will be imprisoned or deported if they contact authorities.
- Control of victims' money and other personal belongings.
- Victims are often moved from location to location, or traded from one establishment to another resulting in a situation where victims may not know which town/ city/ state they are in and are thus unable to seek help.
- Create a dependency using tactics of psychological and emotional abuse.

The rationale for using such techniques is to instill fear in victims. Victims' isolation is further exasperated because they do not know whom to contact for help.

**REMEMBER:** An individual need not be beaten or restrained physically to be a victim.



## 3

## PRE REGISTRATION OF CRIME

## 3.1 Intelligence collection and sharing

STEPS TO BE TAKEN	POINTS TO NOTE
<p>Collect intelligence on crime linkages of traffickers, all exploiters and their associates from source, transit and destination areas.</p> <p>Share intelligence on linkages of crime and criminals within jurisdiction with concerned Station House Officer (SHO)/ Superintendent of Police (SP).</p> <p>Share intelligence on inter-state/ international linkages with law enforcement of the state on Anti Human Trafficking (AHT).</p> <p><b>Decoy Operations:</b></p> <ul style="list-style-type: none"> <li>• When possible, conduct decoy operations to collect intelligence.</li> <li>• Take precautions for the personal safety of the decoy.</li> <li>• Decoy can operate as 'customer', 'trafficker', 'labour contractor', 'middleman', etc.</li> <li>• Brief the decoy, especially about the vulnerability of the trafficked person so that the victim is not traumatized further.</li> <li>• The decoy should not be in a position to take advantage of the situation.</li> </ul> <p>Develop intelligence on victims and likely victims (vulnerable persons, persons in difficult situations, vulnerable communities, vulnerable areas such as source areas, etc.)</p> <ul style="list-style-type: none"> <li>• Collect intelligence at transit points: depute watcher/ spy/ source, etc. at these places to look for both victims and offenders in transit.</li> <li>• Collect intelligence from the demand areas (on exploiters, on demand patterns, etc).</li> <li>• Media reporting (intelligence from media reports, advertisements, etc.).</li> </ul> <p>Develop database on traffickers (including recruiters, financiers, 'customers', etc.)</p>	<ul style="list-style-type: none"> <li>• Trafficking involves multiple abusers and multiple crimes.</li> <li>• Enquiry into missing persons can lead to intelligence on trafficking.</li> <li>• Enquiry into media reports or journalistic enquiries may provide valuable information</li> </ul> <p>Providing intelligence/ information to source, transit and destination area police will lead to simultaneous and concerted action.</p> <p>Trafficking networks may have inter-state and international ramifications and intelligence on one crime can lead to detection of other crimes.</p> <ul style="list-style-type: none"> <li>• Maintain confidentiality of the source and information.</li> <li>• Exercise care and caution in selecting decoy.</li> <li>• Decoy could be:             <ul style="list-style-type: none"> <li>• Police official</li> <li>• NGO representative</li> <li>• Any person willing to be a decoy</li> </ul> </li> <li>• The decoy must be sensitized regarding the helplessness of the victim and the risks involved for the victim in conducting such operations.</li> </ul> <p>Intelligence on traffickers may lead to other links in the chain. Intelligence on likely victims will help in easier identification of victims, especially during transportation.</p> <p>Trafficking is an organized network crime, involving multiple crimes and multiple offenders. Database should be updated and disseminated without delay so that the agencies concerned could use it at the right time.</p>

**Source Information** is a major area of intelligence collection in India in discovering crimes of trafficking and rescuing victims. Hence, efforts in this direction need to be streamlined for best results.

#### REMEMBER

- Source could be anybody.
- Involve NGOs, crime stoppers, help lines, police control room, etc.
- Use previously rescued survivors as sources; informed consent must be taken.
- Develop partnerships with NGOs as they are important sources of information.
- Obtain full details of the information, names, phone numbers, place, etc. before rescue operations.
- Cross checking/ verification of information should be done before rescue operation.
- Steps are taken to prevent leakage of information. Share information with only those who need to know.
- Media reports may be a valuable source of information.
- Confidentiality of the source is maintained at all costs.

An illustrative list of where source information can be obtained is listed below. Note that this list is not exhaustive:

Illegal and legal factories	Travel agents, authorized and unauthorized
Tourist operators	Immigration agents
Hotels	Placement agencies
Abortion clinics	Help Lines/ helpdesks run by government/ NGOs
Illegal drug dealers	Dealers in legal/ illegal liquor trade
Known source areas	Officials of other departments, e.g. Labour Department

#### Transit points:

Bus stops	Railway stations
Airports	Tourist destinations
Immigration offices at borders	Custom offices at borders

#### Media reports:

Print and electronic	Advertisement in newspapers etc. about placement agencies, massage parlours, etc.
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## 4

## RESCUE

## 4.1 Steps to be taken for rescue procedure:

## RESPONSE HAS TO BE QUICK AND EFFECTIVE

- Step 1: Enter source information in the General Diary (GD) of the Police Station (PS) in such a way that anonymity of the source/ victim/ location is not compromised.
- Step 2: Any rescue operation should be so designed as to include details of location, entry and exit points, ways and means of removing victims securely and preventing the disappearance of traffickers. All entry and exit points must be secured. Carry out a recce of the place to be searched. An official conversant with the local language be sent to the place incognito. The help of local officers/ NGOs be taken, provided the information remains confidential. Empowered survivors, who are willing to co-operate, could be useful in recce. After recce, draw a sketch map of the area which could be used for briefing and for assigning specific duties to the officials who will participate in the rescue. This includes duties such as cordoning, guarding entry and exit points, locating the hide-outs, identifying safe place to keep the rescued persons till completion of the rescue operation, etc.
- Step 3: Rescue team should, where ever possible, be accompanied by a Sub Divisional Magistrate (SDM), who is the implementing authority under the Bonded Labour System (Abolition) Act, 1976 and officers of the labour department, so that the Child Labour (Prohibition and Regulation) Act, 1986 may also be utilized wherever applicable.
- Step 4: Rescue team should, where ever possible, obtain a search warrant from the jurisdictional Magistrate u/s. 166 Cr. PC if SDM is not accompanying. Since the SDM is the implementing authority under the Bonded Labour Act, any complainant including an NGO can approach the SDM for rescue/ identification.
- Step 5: Ensure adequate number of officials for rescue.  
If rescued persons are to be interviewed, it shall be done by a police officer and not in the presence of the employer or any of his agents. If possible, the interview should be done by a member of a recognized welfare institution or organization (NGO) or a qualified social worker<sup>1</sup>.
- Secure help of NGOs to act as witnesses.
  - Team should have at least one officer who is legally empowered to conduct rescue ie. a labour department officer authorized by the court or duly authorized by the Magistrate.
  - Maintain a list of officials of labour department and NGOs working on Anti Human Trafficking in the area. If no NGO is available, the services of any Government employee/ panchayat representatives, etc. may be utilized.
- Step 6: Arrange materials and equipment required for documentation and evidence collection (such as writing pad, white paper, pen, pencil, box for transporting the exhibits, box for belongings of the rescued persons, camera, videography, audio recording equipment, first aid kit, torch lights, hammers, cutters, etc.) Drinking water, snacks, etc. may also be arranged well in advance before a rescue.

1 Neeraja Chaudhary vs. State of Madhya Pradesh (3 SCC 243 1984, para 255).



- Step 7: Inform the appropriate authorities regarding the proposed activities, including the places to be visited/ searched and the proposed time.
- Step 8: Alert the authorities of the Government run Homes or recognized homes run by NGOs at the place of rescue regarding the approximate number of persons likely to be rescued and the time when they are likely to be brought to the Home.
- Step 9: Arrange adequate number of vehicles and escort for the rescued persons so that the victims are always kept segregated from the offenders.
- Step 10: Identifying the victims during rescue; age is immaterial. No victim should be left behind.
- Step 11: Talk to the victim. Try and make the victim comfortable as soon as possible.
- Step 12: Immediate efforts should be made to win the confidence of the victim. Remember, most victims, especially children are scared of the police and many victims are often threatened by the employers that if they don't work harder, police will arrest them.
- Step 13: If the rescued persons belong to another state(s), inform the Nodal Police Officer of the concerned state(s).

#### 4.2 Working with victims<sup>2</sup>

First response to victims: Victim must be informed immediately as to what is happening/ why the police and others have come and why s/he is being rescued.

##### INTERVIEWING VICTIMS - LOOK BENEATH THE SURFACE

The following points illustrate a number of challenges that law enforcement officials confront when having to interview victims of trafficking:

- Victims come from different social, cultural and ethnic backgrounds, which may be different from that of the investigating officers; so the investigating officer should be a trained person to handle the situation and seek the information gently and correctly.
- There may be a language barrier between the victim and the investigating officer. As far as possible, the recce should reveal the language predominantly spoken by the victims and suitable translator(s) should be taken along for the rescue operation and the subsequent investigation.
- Victims may be completely unaware of their rights or may have been intentionally misinformed about their rights. A briefing with the victims ought to be done to inform them about what is happening with them, what their rights are, what would eventually be the process of repatriation and rehabilitation.
- The victims may fear not only for their own safety but also for that of their families. All such fears must be listened to and addressed with utmost care and compassion. If the suspicions are found valid, necessary actions must also be taken.

Statement of victim is recorded u/S. 161 Cr. PC by the Investigating Officer (IO). However, this happens only after the First Information Report (FIR) is registered. Therefore, in such situations where pre-FIR rescue is undertaken, the police officer, the labour department, the SDM can all make notes of the relevant aspects including -

- The list of victims with details of names, address, age, identification particulars, etc.
- The details of the Scene of Crime, which have to be recorded in the Case Diary.

<sup>2</sup> For details, see *Journey to Justice: A Manual on Psychosocial Intervention*, UNODC, 2008.

- The list of witnesses whose statements are to be recorded.
- Any other relevant observation which can be of use later.
- It is possible and common that the victims who are under threat/ trauma give wrong information at this stage. Therefore, any statement of the victim, including statement u/S. 161 Cr. PC, should be recorded only when the victim is willing, comfortable and fit for statement.
- Statement to be recorded after assuring her/ him that whatever is being done is in her/ his best interest.

DOs	DONTs
1. Assurance Policing: Inform the victims that they are not accused.	1. NEVER treat any victim as accused in cases where a victim has been coerced/ forced to traffic others.
2. Do treat victims with dignity.	2. Do not get offended if the victims, who are in trauma, use abusive language or do not cooperate.
3. Do use the services of translator for victims speaking different languages.	3. Avoid insulting and humiliating language/ demeanour/ gestures, etc.
4. Do take complete precaution to ensure that the identity of the victim is not revealed and anonymity is maintained.	4. Do not allow media publicity of victims such that it reveals their identity.
5. Keep victims away from accused. Ensure compliance of provisions of S. 21 JJ Act and S. 228 A of IPC (at the time of rescue, sexual exploitation may not be known).	5. Do not allow media to take pictures of the rescued persons.
6. Do keep the victims informed of the various stages of the investigation.	6. Do not let the accused/ offender intimidate, threaten, or harm the victims.
7. See that the victim's children/ wards (if any) are also rescued along with the victim.	7. Exploiters may try to hide the children (if any) of victims as a bait to ensure that the victim returns. Do not allow this.
8. See that the victim's belongings are also taken along with the victim.	8. Exploiters may hide and/ or hold back victim's belongings, including earnings of the victim. Do not allow this.

#### CASE STUDY

Bai Ram, a bonded labourer in a stone quarry in Haryana was told by his employer that the only way his daughter would not be raped was if he would bring 2 other children to work in his daughter's place. He was thus forced to become a trafficker even though he was a victim.

#### 4.3 Working with witnesses/ informer/ complainant:

1. The witnesses/ informer/ complainant should be protected from unwanted exposure, threat, intimidation or harassment by the trafficker, employer, or any other offender and her/ his people.
2. S/he should be provided transportation, residential facilities, where ever possible and required.
3. Rights of witnesses should be ensured. Do not detain them if not required.

### 5.1 Where to register FIR

Trafficking is a continuing offence. The provisions of IPC with respect to offences of abduction/ kidnapping provide for registration of FIR at any place from the source to the destination<sup>1</sup>. Similarly, FIR could be registered at the place of demand/ destination area/ place of employment (mostly the place of rescue) or the place of transit, or at the place where the person was trafficked from (source area).

#### Frequently asked questions

1. Can Police register an FIR without complaint/ direction from labour department or SDM?

Ans.: YES. Police can register an FIR without a complaint from anybody or without directions from District Magistrate (DM)/ SDM under the provisions of IPC. Police can investigate the matter and rescue the victim as well.

2. Can Police rescue without Labour Department/ SDM?

Ans.: YES.

3. What is the role of the labour department?

Ans.: Labour department can act under the provisions of Child Labour (Prohibition and Regulation) Act, 1986 in the case of a child under 14 years as well as under other safety and welfare legislations.

4. Is order of SDM an essential requirement before rescue?

Ans.: NO. Rescue can be done by the police without orders of SDM. SDM is however, the implementing authority under the Bonded Labour Act and provides for the rehabilitation package to the victim upon rescue under the Act.

5. What is a rescue? Can NGO rescue a victim?

Ans.: A rescue is a legal process that involves release/ liberation and assistance to the victim and legal action against the trafficker/ employer. An NGO or any person cannot conduct a rescue by themselves. They need help/ assistance from the law enforcement agencies.

### 5.2 Who can be the complainant in registering FIR of a crime of human trafficking?

A complainant could be anybody including:

- SDM (who can order the concerned police station after identification/ rescue of bonded labour)
- Labour department
- Police officer
- NGO
- Parents/ relatives of victim/ primary care givers
- Child Welfare Committee (CWC)
- Victim
- Any other person who has knowledge of the crime

### 5.3 Drafting FIR

- Appropriate sections of Bonded Labour Act, Child Labour Act and Juvenile Justice Act should be used in FIR along with the Indian Penal Code.
- Where ever possible, IPC provisions (such as, S. 367, 372, 373, 374, 376, 377, 120 A, 120 B, 416, 417, 339, 340, 341, 342, 506, 511, etc.) be invoked.

1 For details, see Resource Book on Legal Framework on Trafficking, UNODC, 2008



- Local legislations like Goa Children's Act, 2003, the Maharashtra Control of Organized Crime Act, 1999 (MCOCA) can be utilized, where ever applicable.

**FIR may contain:**

- Essential ingredients of the sections of the law referred to.
- Details of Source, Transit and Destination.
- Telephone numbers, cell numbers, internet sites, 'cover addresses', inter and intra state sites, etc.
- Brief description of 'Scene of Crime' and the 'Material Objects' seized.
- Description of the living and working conditions of the victim, for e.g., age of the victim, wages, hours of work, nature of employment, etc.
- Authority of the police officer who conducts the operations or activities of rescue, investigation, i.e. in one or more of the following situations -
  - Investigation by a police officer, or
  - Investigation by a sub-ordinate police officer, authorized by the State Government, or
  - Investigation by a sub-ordinate police officer, authorized by the relevant Magistrate (Metropolitan Magistrate, Judicial Magistrate of the First Class, District Magistrate, or Sub-Divisional Magistrate) under Child Labour, Juvenile Justice Act and/ or Bonded Labour Act.
  - Names of officers, NGOs, witnesses who accompanied the police party for the rescue.
  - Details of the physical injuries and trauma.

**NOTE:**

- Do take care that mentioning the apparent age of the victim is a crucial factor in deciding the course of action to be followed.
- When the rescued person is an adult and s/he says that s/he was trafficked when s/he was a child, use the sections of law, which would apply to child trafficking, such as Sec. 367, 372 (Whoever sells, ... any person under the age of eighteen years ... for any unlawful and immoral purpose ...), 373 (Whoever buys, ... any person under the age of eighteen years ... for any unlawful and immoral purpose ...) of IPC.
- Name of the IO/ Registering officer should be clearly written along with designation in the FIR.
- Name of the Magistrate, designate and date of the order of the authorizing person, if any, be recorded legibly in the FIR.

### 6.1 Collection of 'Material Objects' (MO) from the Scene of Crime

A) **What to Collect:** Since trafficking is an organized and continuous offence, do not miss out in collecting all the 'Material Objects' from the scene of crime and linking them through investigation, to the offence of trafficking. Given below are some examples of MO and their relevance for investigation.

What to Collect	Relevance for Investigation
<ul style="list-style-type: none"> <li>Diaries, notebooks, account books, registers in the place of work and work orders.</li> <li>Material being produced, in case the victims being rescued are working at a factory/ production unit/ sweatshop etc.</li> <li>Travel documents, bus/ train/ air tickets, papers of travel agents, visiting cards of travel agents, etc.</li> <li>Rent agreement, rent receipts, house tax receipts, ration cards, passports, electricity/ telephone/ water/ mobile phone bills, voter identity cards, driving licenses, registration papers of vehicles, insurance policies, investment details, bank books, money order receipts, etc.</li> <li>Photographs, albums, videos, letters, pornographic material, computers, hard discs, Compact Discs (CDs), brochures, advertisements in media.</li> </ul>	<ul style="list-style-type: none"> <li>To prove existence of workplace; name of victims (already trafficked, likely to be trafficked); number of victims; details of payments, wages; earnings; accomplice; conspirators; abettors; traffickers and others; to prove hazardous employment, bonded labour, age of victims, etc.</li> <li>To prove movement of persons during trafficking; to link source, transit, destination areas; to link the offenders in the process of the crime.</li> <li>To prove the existence and address of the workplace and people who are managing it.</li> <li>To prove the existence of an organized network of criminals and possible sexual abuse.</li> </ul>

#### B) When to collect MOs:

MOs should be collected at the scene of crime, during rescue/ or immediately thereafter, under panchnama. No time should be lost in seizure, as the exploiter/ offender will try to destroy/ conceal them.

#### C) From where to collect MOs:

- Search the person of the accused for documents and material exhibits (such as cell phones, travel documents, note books, etc., relevant to the crime).
- Look for documents/ materials/ exhibits at the scene of crime in the source, transit and destination areas.
- Search the vehicles of transportation.
- Search the places/ hotels, etc. where the offenders and victims may have halted anytime during the process of trafficking.
- Search the hideouts/ residence/ place of stay of the offenders and suspects.
- Search the bank lockers and other places/ agencies where the offenders have made investments.
- Search the customers/ clientele/ end product user (company/ business house for which production was being done) if victims have been rescued from a factory/ place of production of goods or services whose names figure prominently as exploiters.

**REMEMBER TO DO THE FOLLOWING:**

- Detailed scrutiny of MOs
- Deposit the MOs with Magistrate as per the State Rules
- Scrutinize and analyze the FIR with respect to the MO seized
- Ensure proper chain of custody (this may involve different police agencies, both inter and intra country)
- Connect crime to criminal (source and the destination may be in different States)

**6.2 Interrogation of the suspects/ accused:**

This is an essential requirement in any crime. In crimes of human trafficking, interrogation should be focused on the following:

1. To know the entire organized linkage (Source - Transit - Destination) of trafficking and its dimensions.
2. To know the entire process of human trafficking, the dimensions, the demand and supply patterns, the 'push and pull factors', etc. which will not only help locating evidence against the offenders but also provide intelligence in prevention of such crimes.
3. To explore contacts in the Source - Transit - Destination areas.
4. To find the means, routes, methods used for transportation of victims.
5. To know the communication channels (land line phones, cell phones, internet, etc.) of traffickers.
6. To understand the details of procurement, i.e. advance paid to parents of victim, advance paid to the victim and force used, if any.
7. To know whether others were trafficked with the victim.
8. To investigate the modus operandi of traffickers (all operational ways and means, such as, placement agencies, false marriage, jobs, work in cinemas, etc.).
9. To know the criminal antecedents, investigating the various dimensions of organized crime, nexus etc.
10. To know the details of the victims who have been trafficked earlier and/ or are likely to be trafficked (vulnerable sections).
11. To understand the motive/ intentions/ incentive of the traffickers.
12. In case trafficked victims are involved in production of goods and services, to find out the entire chain of demand and supply in order to prove vicarious liability.
13. To ascertain the financial transactions between the offenders.
14. To locate the illegal assets and take steps accordingly.
15. To ascertain the extent of harm done to the victim.

Considering the organized crime linkages in human trafficking, it is advisable that simultaneous investigations are carried out into all linkages of the offenders by:

1. Associating other agencies for interrogation such as
  - The income tax department and financial institutions where huge assets are disclosed or likely to be disclosed.
  - The immigration department, when foreign accused are involved.
2. Using scientific techniques/ methods in interrogation.
3. Carrying out scientific interrogation (1st degree = interrogation and 2nd degree = confrontation)
4. Interviewing the accused before interrogation, etc. to elicit themes and ideas for interrogation.
5. Using flow charts to depict the movement of persons trafficked, the mode of transportation and financial transactions.
6. Team interview has been found successful in interrogating organized criminals.

**6.3 Arrest of accused persons**

1. Being an organized crime, the arrest of the accused should be done at an appropriate time and without any delay.

2. Follow up on communications, especially the cell phones used by the accused before and after arrest, as it can lead to intelligence of trafficking links and maybe more arrests.
3. Medical examination of the accused may be done as required under S. 53, 53 A and 54 of Cr. PC.
4. If a woman offender is to be arrested do not fail to utilize:
  - the provisions of s. 46 (4) Cr. PC (no woman should be arrested after sunset and before sunrise, but in exceptional circumstances, the woman police officer shall obtain prior permission from the jurisdictional Judicial Magistrate First Class), and
  - provision of s. 50 - A, Cr. PC (obligation of person making arrest to inform a nominated person about the arrest etc.).

NOTE- The arrested female offender should be searched only by a female police official u/S. 51 (2) and 100 (3) Cr. PC

#### 6.4 Collating evidence from other places

- If the trafficking is intra-district, collect evidence from the concerned PS.
- Inter-district linkages (but not inter-state) can also be attended to by the same IO after following administrative approval of the controlling official.
- When inter-state crime linkages are found during investigation, immediately take it up with the concerned PS in the other states so that no time is lost in simultaneous investigation. This will also help in sharing further intelligence and data on crime and criminals. Do keep the Police Nodal Officer informed during all interstate operations. This will ensure simultaneous investigations and sharing of crime data of offenders. Prompt action will help investigation into the entire trafficking linkages, at all sites, and build up a database of the offenders.

#### 6.5 Closure or sealing of factories, etc. u/S. 105 A-L of Cr. PC

The Investigating Police Officer can move an application to the District Magistrate through Superintendent of Police to order detailed inspection of the place of exploitation to record the existing conditions in order to close that place under the provisions of the Criminal Procedure Code or the Criminal Law Amendment Ordinance, 1944. The Labour Department can move an application to the Magistrate to order closure of the illegal factories and cancellation of registration of legal factories/ places of work under Interstate Migrant Workmen (Regulation of Employment & Conditions of Service) Act 1979, The Factories Act 1948, Shops and Commercial Establishments Act and various other safety and welfare legislations. Unlawfully acquired property can be identified (S. 105 D Cr. PC), seized or attached (S. 105 E, Cr. PC).

#### 6.6 Confiscation of assets of traffickers

Investigation should be caused into the assets from the crime acquired by the traffickers and other offenders in accordance with the procedure in S. 105 A – L of Cr. PC. The Criminal Law Amendment Ordinance 1944, the Prevention of Money Laundering Act, 2002, etc. should be utilized as and when applicable. The Competent Authority of the Ministry of Finance, dealing with Narcotic Drugs and Psychotropic Substances Act, 1985 and The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 has brought out protocols and check-list that can be considered by the Investigating Officers in other crimes also for purposes of carrying out investigation.

#### 6.7 Organized crime approach for investigation

Human trafficking is a "basket of crimes"<sup>1</sup>. Multiple abuses are committed by multiple abusers/ offenders who are located at different points of time and place. All together constitute the organized crime of trafficking. The following points need to be considered at all stages of investigation:

- Linkage of Source-Transit-Destination must be made during investigation.

<sup>1</sup> For detailed discussion see Nair, P.M. (Dr.), *Trafficking Women and Children for Sexual Exploitation, Handbook for Law Enforcement Agencies in India*, Second Edition, UNODC, 2007.

- Conspiracy angle to be investigated, since there are multiple offenders.
- Sharing criminal intelligence with other police agencies on traffickers and other accomplices.
- Sharing crime data with other police agencies on vulnerable areas and vulnerable people for trafficking.
- Accumulation of assets/ mapping the exploiters profit.
- Confiscation of assets is possible under Criminal Law Amendment Ordinance 1944 when IPC Sections are invoked. Therefore, IO may invoke relevant IPC provisions.
- Confiscation is possible under S. 105 A-L Cr. PC with respect to assets acquired as a result of trafficking and related crimes.
- Collect intelligence on income, expenditure & assets (movable, immovable property) from Source-Transit-Destination and other areas.
- Link the assets with the crime.
- Evaluation of the assets by Public Works Department/ other competent agencies (for ex. land survey department).
- Invoke provisions of all relevant laws which can be used to establish the organized crime perspective. In trafficking cases, Bonded Labour Act, Child Labour Act and the Juvenile Justice Act need to be used along with relevant sections of IPC, MCOCA, Goa Children's Act, etc.

#### A MODEL CASE

- On 4 May 2007, a complaint was filed by Bachpan Bachao Andolan (BBA) with the Sub Divisional Magistrate (SDM), Karol Bagh, New Delhi for release of bonded labourers engaged in making jewelry articles, under the Bonded Labour System (Abolition) Act, 1976.
- On 19 May 2007, 93 children were rescued in a joint operation by SDM, police, labour department officials and activists of BBA from jewelry units of New Delhi. All the children had been trafficked from West Bengal to New Delhi. The rescued children were immediately taken to a short stay home where the SDM recorded their statements.
- On 19 May 2007, the SDM also directed that FIR be registered against all employers u/ S. 367, 374 of IPC and Sec. 16 of Bonded Labour Act. The labour department initiated action under the Child Labour (Prohibition and Regulation) Act, 1986 against the employers.
- On 25 May 2007, the Resident Commissioner of West Bengal was approached for repatriating the victims back to West Bengal.
- In the first week of June all the victims were repatriated to their families.
- Based on the statements of these 93 victims and the modus operandi of their traffickers, the Police in West Bengal was approached and investigation against all traffickers was commenced by the West Bengal Police.
- A Public Interest Litigation was filed in the High Court of Delhi against child labour in jewelry units to put an end to all trafficking and forced labour in jewelry units and on orders of the Court many more trafficked children were rescued from the area.
- On 29 May 2007, all the children were provided with a Release Certificate under the Bonded Labour Act which entitled the victims to a rehabilitation package of Rupees 20,000/- and many other social welfare benefits totaling to more than Rupees 20 lakh.
- As a result of all the actions taken by BBA, on 31 May 2007, the employers first attacked the rehabilitation home to forcibly take away the children. When they were not successful, they brought the parents over from West Bengal to move applications for handing over custody to the parents without holding any inquiry. However, the SDM counseled the parents himself and repatriated the children through the correct legal process.

This is a model case where the legal processes were simultaneously set in motion at the entire demand and supply chain and action taken against both the traffickers as well as end users that is the employers. Thus, the law was effectively utilized at the source of the problem as well as the destination.



## 7 POST RESCUE

### 7.1 Recording statement u/S. 161 and 164 Cr. PC

While recording the statement of the victim in the Case Diary u/S. 161 Cr. PC the IO should consider the following:

- Record statements when the victim is fit (ready and able) to make a statement.
- Remember that there can be more than one statement by the victim, as and when s/he is fit to speak. Any contradiction from the previous statement may be explained in the following statement (it is possible that contradictions come in because the victim is traumatized and may not be able to recall events properly).
- Remember that the victim is fit to give a cogent statement after counseling. Utilize the services of appropriate NGOs<sup>1</sup>.
- Record the statement in the language of the victim (use a trained / appropriate translator for translating the statement into the court language, as and when required).
- When recording the statement of a highly traumatized adult or child victim, it would be advisable to use the services of a trained counselor to communicate with the person.
- Let the victim select the place of interview and record statement of the victim. There is no need for taking the victim to a PS for this purpose or for subsequent statements. This could well be accomplished at the Shelter/ Children's Home where s/he is lodged or any other place of safety where s/he is comfortable (u/S. 160 (1) of Cr. PC).
- Mapping the harm done to the victim: The IO records his observations, in Part 1 of the Case Diary (CD) (u/S. 172 Cr. PC). Though Part 1 is not shared with the accused, the court peruses this during trial. Therefore, the IO should record his observations of the harm to the victim (physical, emotional and psycho social) in Part 1 of the CD. The 'harm factor' can be aptly recorded u/S. 161 Cr. PC also, to the extent required. Further, in order to make it admissible as evidence (u/S. 14 of Indian Evidence Act, 1872) during trial, the victim has to be examined by an appropriate health professional, whose report will be attached to the CD and a copy of this is made available to the defence, if cited as evidence.
- In case of sexual exploitation as well, care may be taken to record the statement in camera and in a non-intimidating environment. The IO may make a prayer u/S. 327 (2) Cr. PC (read along with Supreme Court judgment in *Sakshi vs. Union of India*<sup>2</sup>) to this effect.

### 7.2 Age assessment

Rescued victims often include men, women and children. It is important for the IO to do an on-the-spot age assessment of the children who appear to be below 18 years of age but who profess to be over 18 years of age. Such children may be under duress/ coercion/ compulsion by vested interests to declare themselves adults so that the offenders can get them released easily, citing their willingness for the same, and subsequently traffic them back for forced labour. The IO needs to exercise caution against such deceptions. Under Sec. 10 of the Child Labour Act, the labour inspector may also refer the matter to the prescribed medical authority in the absence of a certificate ascertaining the age of the child. In case of trafficking for forced labour, under the Bonded Labour Act the age of the victim is immaterial in order to rescue or provide rehabilitation to the victim. Therefore, at the time of rescue, no decision should be taken to leave any person on the basis of age pending investigation under the Bonded Labour Act.

- The IO must try and obtain date of birth certificate, school certificate, ration card, or any other government document, where ever possible to determine age of victim.
- The IO must send the victim for age determination test, preferably to forensic medicine department, wherever available.

<sup>1</sup> See *Journey to Justice: A Manual on Psychosocial Intervention*, UNODC, 2008

<sup>2</sup> (2004) 5 SCC 518

- The IO must also collect all possible circumstantial evidence regarding the age of the victim from the neighbours, locality, from other rescued persons, etc.
- In case of doubt or dispute with respect to the age of the victim, the IO must refer the case to a Medical Board.

### 7.3 Production of the rescued person before Magistrate/ Child Welfare Committee (CWC)

#### How to decide whether the person is an adult or a child?

The police officer is called upon to take a decision on the spot whether to produce the rescued person before the Magistrate or the CWC (under JJ Act) and therefore, this decision is crucial. The decision may be taken based on the following principles:

- Apparent look of the person.
- Consulting the rescued person, making him/ her understand the implications.
- Consulting the NGO partner participating in the rescue operation.
- Consulting a counselor if available.
- Checking available documents, if any.

#### When in doubt, treat the rescued person as a minor.

- Produce adult victims before District Magistrate (DM) under the Bonded Labour Act, if the DM/ SDM was not accompanying the rescue team.
- Produce child victims before CWC u/S. 32 of JJ Act (if the Bonded Labour Act is not applicable).
- If the rescue is held at night, the night duty Magistrate may be approached.
- If nobody is available, send the rescued children to a Government/ NGO run Home (notified under u/S. 37 of JJ Act).
- If a notified Home is not available in the vicinity, the rescued children should be sent to any reputed NGO Home.
- If none of the above is available, the police officer should take initiative in arranging a place of safety for stay like, hotel, guest house, circuit house, etc. for the victims who should be accompanied with a female representative of the NGO (if the rescued victims include girls) and a police official.

#### The rescued victims should never be -

- SENT BACK TO THE WORKPLACE
- DETAINED IN THE POLICE STATION
- EXPOSED TO SITUATIONS OF FURTHER RISK

### 7.4 Medical care of victim and follow up

- IO should ensure that appropriate medical care should be extended to the victim without any delay and immediately after rescue. Informed consent of the victim is mandatory before medical examination (made under the suitable provisions of law).
- Female victims should be escorted by a lady police official.
- An NGO should also be associated in the process of medical examination and care.

1. If victim is female, medical examination be conducted by or under the supervision of a female doctor u/S. 53 (2) Cr. PC.
2. If no female doctor is available, medical examination be conducted in presence of a female official or a female representative of an NGO.
3. The IO should communicate to the doctor to take all steps for respecting dignity of the victim.

### 7.5 Shelter Homes/ Child Welfare Committee (CWC)

The IO should make interim arrangements for sending victim to place of safety such as, Shelter Homes (Government/ NGO run)/ CWC/drop-in-centres, etc. Avoid detaining the victim in the PS or other police outposts. PS should keep a list of agencies running such Homes, including their contact numbers and other details and network with them.

### 7.6 Home verification

- Under Sec. 33 of the JJ Act, when a 'child in need of care and protection' is produced before the CWC, the CWC may pass an order to send the child to the children's home for speedy inquiry by a social worker/ child welfare officer. Such inquiry is to be completed within 4 months of the receipt of the order.
- The IO should move the Prosecutor to oppose any release of the rescued person to anybody before Home Verification Report is received.
- In the meantime, the IO can request the Magistrate/ CWC to send the victims for interim care to the appropriate Home u/S. 34 of JJ Act respectively.
- Before the Magistrate/ CWC hands over the victims in the care of parents/ guardians, the Magistrate/ CWC should satisfy itself of the capability and genuineness of the person. The IO should move the Magistrate through the Prosecutor to ensure this and help to avoid any decision otherwise.

### 7.7 Restoration of victim

Considering the 'best interest' of the victim, police can play a proactive role in the restoration of the victim by taking initiative on several counts, including the following:

- Ensuring that the victims are released to the appropriate person after due Home Verification report by moving the Magistrate with a report to this effect.
- Moving the Magistrate not to release the victim to fake or 'self styled' or abusive parents/ guardians.
- Liaising, supporting and facilitating the NGOs which are carrying out the Home Verification.
- Providing security to the victim/ accompanying person/ NGO during transfer of victim.
- Facilitating the genuine parents/ guardians to take custody of the rescued victim by networking with the concerned authorities.

### 7.8 Interim relief to the victim<sup>1</sup>

Under the Bonded Labour Act, there is a provision for an interim relief of Rs. 1000/- before the legal formalities are completed (the Release Certificate (sample at Annexure 4) would entitle the victim a monetary compensation of Rs. 20,000/-). The IO should send proposals to the concerned authority (District Magistrate) immediately after rescue for extending such benefits to the rescued person, wherever applicable.

### 7.9 Rehabilitation

Rehabilitation of bonded labour has two distinct components:

1. Psychological rehabilitation: The released bonded labour needs to be assured that s/he is a human being, entitled to earn an economic livelihood and have a decent living. Unless s/he is psychologically assured that debt need not regulate her/ his destiny, there is every possibility of him/ her being vulnerable to the vicious circle of trafficking and bondage.
2. Physical and economic rehabilitation has the components of -
  - Protection of civil rights
  - Allotment of house site and agricultural land
  - Land development (including irrigation of lands already in their possession and irrigation of lands allotted)

1 Para 7.6.4 of the Abolition of Bonded Labour System: A Manual on Identification Release and Rehabilitation of Bonded Labour, Government of India, Ministry of Labour, New Delhi, February 2004



- Provision of low cost dwelling units
- Agriculture, animal husbandry, dairy, poultry, fodder cultivation, etc.
- Training for acquiring new skills or developing existing skills
- Traditional art and craft
- Wage employment, enforcement of minimum wages, etc.
- Collection and processing of minor forest produce
- Health, medical care, sanitation, etc.
- Education of children of released bonded labourers

Moreover, according to the Centrally Sponsored Scheme<sup>2</sup> for rehabilitation of bonded labour (as modified in May, 2000) each released bonded labour (after rescue and issuance of Release Certificate by DM) will get a rehabilitation grant of Rs. 20000/-, out of which Rs. 1000/- would be paid immediately on release as subsistence allowance.

2 Abolition of Bonded Labour System: A Manual on Identification Release and Rehabilitation of Bonded Labour, Government of India, Ministry of Labour, New Delhi, February 2004

A correct and proper charge sheet is an essential prerequisite in securing conviction in cases of crimes of trafficking. IOs should bear the following points in mind when preparing charge sheets in human trafficking crimes.

1. Present the Case Diary with a Crime Map of the entire Scene of Crime from source through transit to destination areas and other places of exploitation.
2. As trafficking is an organized crime, there will be multiple crimes and multiple offenders. All these have to be presented in the documents. Prepare a matrix of crime - offender - evidence and present the same in the CD.
3. Take legal opinion of prosecutor for drafting charge sheet.
4. Use provisions of S. 173 (6), Cr. PC wherever necessary, for ensuring confidentiality of the statement of the victim.
5. Collect all expert opinions and reports that are admissible u/S. 45, Indian Evidence Act. In a trafficking crime the reports and opinions will include:
  - Medical report of physical injury of the victim.
  - Medical report of sexual abuse of the victim.
  - Medical report of Sexually Transmitted Diseases.
  - Medical history of victim to prove earlier violations on him/ her.
  - Report of age verification/ determination.
  - Expert opinion on psycho social trauma ('the harm factor').
  - Medical report of the accused in cases of sexual assault.
  - Any other relevant forensic reports to show the victim's exploitation, identity of the accused persons, etc.
  - Copies of statements recorded u/S. 164 Cr. PC in the same case or in any other case, which are relevant.
  - Copies of statements recorded u/S. 25 Indian Evidence Act, 1872 (extra judicial confessional statements of the accused), if any.
  - Test Identification Parade report, if any u/S. 54 (A) of Cr. PC.
6. The charge sheet should include the details of terms of employment, the living and working conditions, details of wage or other payments, how did the victim end up in the situation of exploitation, details of subsequent exploitation, etc.

### 8.1 Further investigation after charge sheet

It has often been noticed that rescue in one case leads to intelligence on another crime which may have already been disposed off from the police records. In such situations, after filing charge sheet, it would be appropriate to carry out further investigation, so as to bring out the entire linkages of the organized crime. The IO on receipt of any further information and fresh evidence can cause further investigation u/S. 173 (8) Cr. PC and can file supplementary charge sheet.

## 9

PROSECUTING CRIMES<sup>1</sup>

The police can play an important role even at the stage of prosecution. The IO should:

- Brief the Prosecutor not only on the facts of the case, but also on the special features of the crime, viz. the trauma of the victim, the organized crime linkages, the need for care and attention of the victims, decisions that can be taken from the 'best interest of the victim', etc.
  - Prepare the victim with the assistance of counselors or NGOs for testimony in court and/ or in front of the Executive Magistrate (Bonded Labour Act).
  - Prepare the witnesses (getting witnesses on time, briefing and debriefing them, thanking them promptly, etc.)
  - Travel allowance to victims and witnesses from their homes to the court or place of inquiry whenever called for should be ensured.
  - Ensure victim/ witness protection during the trial and post-trial situations.
  - Watch on the bailers and sureties.
  - Summary trial under Bonded Labour Act can be ordered by the DM/ SDM.
  - If the case is discharged/ acquitted and the IO feels that there is merit in appeal, the IO should move the prosecutor to file an appeal in the appropriate court.
- The IO should ensure that the provisions of S. 437 (3) Cr. PC are invoked against the accused who violates the provisions of bail. The IO should move application for this to the court through the Prosecutor.
  - IO should ensure that the surety who stands for the accused furnishes a declaration to the court regarding the number of persons for whom he has earlier stood surety including traffickers (S. 441 A Cr. PC).
  - In case the IO comes to know that the accused trafficker or other exploiters have threatened a victim/ witness, he can file an FIR u/s. 195 A and 506 IPC and take up investigation.

<sup>1</sup> For details, see Standard Operating Procedures on Prosecution of Crimes of Trafficking, UNODC, 2008

## 10 POST CONVICTION

The police have a significant function to perform even after conviction of the accused. The IO should move the Prosecutor to apply to the court:

- For an enhanced punishment in cases of subsequent conviction and in cases of offences committed against children.
- For recovery of fine up to Rs. 20,000/- under the Child Labour Act in the case of children.
- Ensure the payment of minimum wages to the victim for the period of work by taking note of the victim's statement and ensuring proper legal recourse.
- The attachment and forfeiture of unlawfully acquired property u/S. 105 Cr. PC.
- Externment: the convicted traffickers need to be prevented from indulging in further crime. Externment proceedings under the relevant laws in the States may be utilised. For eg. MCOCA, 1999 in Maharashtra and Delhi, AP Goonda Act, Crime Control Act in Bihar etc. Orders of externment may also be passed against habitual traffickers involved in multiple crimes in a particular place.
- History sheets/ suspect sheets: Police should open dossiers and keep watch on the activities of convicted persons and suspects.
- Naming and shaming: Wide publicity be given on the convicted traffickers so that:
  - a) It creates adequate impact on the convicted person and on other offenders
  - b) Public gets alerted to the activities of such offenders
  - c) Vulnerable persons are thus forewarned and thereby, trafficking is curtailed.

## 11 PREVENTION

Law acts as a deterrent against any crime and in crimes relating to trafficking, aggressive law enforcement is the best solution. Police officers have an important part to perform in the prevention of crimes of trafficking. IOs may involve themselves in matters pertaining to prevention, such as -

- Convicted offender being behind bars means curtailment of trafficking crimes which he would have otherwise indulged in.
- Prevention through proper rehabilitation and reintegration to prevent re-trafficking.
- Prevention at the source area by identifying vulnerable victims, empowering them through public awareness campaigns, involving concerned agencies for undertaking empowerment programmes, etc.
- Prevention at the transit area, such as railway junctions and bus stops.
- Empowering survivors by facilitating watch dog groups, being whistle blowers, manning borders, picketing, working with those who prevent crime, etc.
- Prevention at the demand area by understanding/ addressing new forms of demand. For example, placement agencies providing domestic child labourers.
- Prevention through coordination and cooperation with other agencies, including NGOs.
- Keeping vigil at locations prone to trafficking and monitoring the movements of strangers in the villages.
- Ensuring that effective patrolling is carried out, by looking out for suspicious movement of victims at places such as highways, dhabas, railway stations and bus stations.
- By ensuring check on transporters to prevent physical transportation of the trafficked persons.

**REMEMBER THE BEST WAY OF PREVENTION IS TO HIT THE ECONOMICS. TRY TO HAVE THE PROPERTY ATTACHED, ENSURE PAYMENT OF BACK WAGES IN ACCORDANCE WITH MINIMUM WAGES ACT, 1948/ COMPENSATION.**

**FOLLOW THE MONEY TRAIL AND YOU WILL FIND ALL TRAFFICKING SYNDICATES.**

## 12 REFERRAL MECHANISM

The 'referral mechanism approach' recognizes that all stakeholders, including law enforcement agencies must co-operate and work in synergy to develop a truly effective and comprehensive protection structure for trafficked persons. The objective is to rehabilitate trafficked persons and implement sustainable structures that will provide them with support. The police can play an active role as facilitators in several ways:

- **Referral to a counselor:** Rescued trafficked persons to be referred to an appropriate NGO for holistic counseling, especially for relief and rehabilitation.
- **Referral for health care:** When the victim needs immediate medical attention it should be attended to on priority. Suggest a lady medical officer/ medical attendant if the victim is a female. If the service providers are males, ensure that female representatives of an NGO are present. The District Medical Officer/ Civil Surgeon to be contacted.
- **Referral for psychosocial intervention:** The rescued person is often extremely traumatized and needs to be handled sensitively and in a humane manner. The police must make all efforts to facilitate psychosocial help and intervention through the services of a skilled counselor to reduce the person's trauma and distress. Assistance should be taken from the staff of the government/ NGO run Shelter/ Children's Home.
- **Referral for legal representation:** Though the state is duty bound to take up the legal representation of the victim, private lawyers are often required to intervene, particularly when the victim knows and has trust in the lawyer. Police officials should promote such legal representation. The District Legal Services Authority should be consulted for any assistance required.
- **Referral for compensation:** Men, women and children who are rescued from situations of forced labour require immediate sustenance for their survival. The IO should contact the concerned district administration officials for incidental expenses such as travel, clothing, medicine and other immediate necessities. The District Collector and the District Social Welfare Officer to be consulted. The mandatory compensation under the government schemes should be obtained for the rescued persons.
- **Referral for rehabilitation:** Though this appears to be a non-police job, it is clear that a victim who is not properly rehabilitated can, and more often is, re-trafficked. Preventing re-trafficking is a police mandate; therefore, the police officer should deem it essential to take all steps for proper rehabilitation of the victim. Refer the victim to the government/ NGO run Homes; link up with appropriate rehabilitative agencies, including corporates and other bodies who could provide support.





## 13 ROLE OF SUPERVISORY OFFICERS

Existing response systems in India provide a prominent role for supervisory officials in addressing human trafficking through Prevention, Protection and Prosecution. Some tasks for police managers are listed here:

- Networking with officials in other districts and other states: The Director General of Police (DGP) has nominated Police Nodal Officers (PNOs) in all states, for this purpose. Since trafficking is a borderless crime it requires borderless policing that can be facilitated through police manager networks.
- Developing and sharing a comprehensive database of traffickers/ exploiters. This has to originate from the police station, move to the district and then to the state database, and eventually be amalgamated into a master database at the national database of the National Crime Records Bureau. Data has to be updated on a monthly basis, at all levels and disseminated to all concerned without delay.
- Developing and sharing intelligence regularly, on traffickers/ exploiters/ victims.
- According adequate priority to law enforcement on Anti Human Trafficking (AHT). There are several activities that can be under taken, e.g. the crime data board displayed in all PS does not show human trafficking data separately. This should be added as a separate head and updated regularly.
- Regular review of AHT activities in the monthly crime meetings with the Superintendent of Police/ Deputy Commissioner of Police and other officers, to ensure that human trafficking crimes are investigated thoroughly and professionally and progress of work is reviewed constantly.
- Taking law enforcement activity beyond the realm of rescue and looking at it from an organized crime perspective.
- Providing NGO networks to police officers by developing partnerships with NGOs.
- Developing synergy of police with other government departments, especially labour officials, thereby ensuring and facilitating appropriate responses by these departments.
- Providing adequate support to ensure speedy trial.
- Taking all steps for prevention of human trafficking.
- Ensuring a victim-centric approach and perspective in law enforcement.
- Short listing and mapping target/ vulnerable/ geographic areas and situations to ensure concerted action.
- Empowering police officers of all ranks with proper training focused on Knowledge, Skills, Attitude and Resources.
- Providing stability of tenure to trained and functional officers handling AHT activities.
- Ensuring accountability of officers with respect to the 3 Ps - Prevention, Protection and Prosecution - in their jurisdiction.
- Rewarding and commending officers doing good work on AHT.
- Documenting and disseminating good practices and providing a forum for wider discussion and emulation.

**Police has responsibilities relating to:**

- The identification of victims
- The protection of victims and support workers
- The protection of life
- Investigation, intelligence gathering and surveillance, including liaison with national and international enforcement agencies
- Gathering all evidence, both scientific and material, to ensure there is a fair trial (this includes the disclosure to the defence of any evidence that may assist the accused)
- The recording of crime (this includes rape and assault, abduction etc) and,
- Identification and support of vulnerable or intimidated witnesses.

**Children**

With regard to child victims of trafficking, police responsibilities include:

- Identification of children at risk, (e.g. following raids on off-street sites, responding to referrals from other agencies or members of the public, following up reports of missing children)
- Report instances of children in need of protection to relevant child protection agencies
- Contributing to the development of victim profiling with other agencies
- Undertaking joint interviews with social workers of children identified as victims or potential victims to assess risk and assist in the development of protection plans
- Carry out checks on sponsors and 'uncles' and 'aunts' who claim to be the relatives of children already identified as being at risk of trafficking
- Receiving and seeking intelligence, undertaking investigations with immigration officials and any other appropriate parties
- Participating in local child protection networks with related organizations (immigration, social services, NGOs, health, education) to develop joint approaches to the issue at local level and contribute to wider forums as appropriate
- Responding to media enquiries and utilizing publicity as appropriate to raise awareness and hence improve the quality of intelligence and investigations
- Log intelligence material as specified and ensure links with other forces and national/ international policing organizations
- If children disappear, initiate missing persons procedures, investigate circumstances and circulate information/ undertake investigations, linking with other agencies as required
- Use and contribution to the development of investigation toolkits for trafficking work.

**Adults**

With regard to adult victims of trafficking, police responsibilities include:

- Contributing to the development of victim and offender profiles on an inter-agency basis
- Identification of adults at risk (e.g. following raids on off-street sites, responding to referrals from other agencies, members of the public, etc.)
- Informing victims/ potential victims of their rights (for example, to obtain legal advice)
- Informing victims/ potential victims who are not Indian citizens or permanent residents of their options with regard to immigration status
  - Identifying support services and referring victims/ potential victims to specialist NGO's and safe accommodation, where these are available and arranging safe transport

<sup>1</sup> This segment is borrowed from the Model Screening Tool provided by the Department of Justice, Canada in Human Trafficking: *Human Trafficking Reference Guide for Canadian Law Enforcement* – 2005 (amended for Indian law enforcement officials)

- Undertaking interviews, receiving and seeking intelligence, undertaking investigations with immigration officials and any other appropriate parties, logging intelligence material and ensuring links are made with other forces and national/ international policing organizations
- Providing protection to victims and staff supporting them, involving the appropriate Witness Protection norms
  - Making referral to Victim Services for witness preparation and court familiarization
- Language support (translation services)
- If adults who have been identified as victims/ potential victims disappear, initiate missing persons' procedures, investigating circumstances and circulating information/ undertake investigations, linking with other agencies as required.

#### **Collaboration**

- Police should work closely with Immigration authorities, Border Security Force (BSF), Railways and other transport authorities, provincial/ territorial and municipal agencies, with Social Services, child welfare authorities and with any NGOs involved in service delivery to provide protection to the children
- Police need to utilize existing liaison structures with authorities in the states/ countries of origin
- Currently, there are no organizations with the sole responsibility of protecting and providing support to trafficked victims; therefore, many agencies need to work together
- Although this may reasonably be considered to be the role of an NGO, police may need to provide some specific services, including protection to a trafficked victim during their court case
- Police need to provide front-line information/ intelligence to local intelligence offices and data banks
- Police should work with other agencies trying to ensure that those who are removed or who choose to return are not re-trafficked; this should include a risk assessment of the danger to returning victims (child care authorities would prepare risk assessment for children).

## COMMON QUESTIONS ABOUT VICTIMS OF TRAFFICKING AND CHILD LABOUR

Q. Who is a child?

Ans. A child is a person who has not completed 18 years of age.

Q. I see a child being exploited at work. What can I do?

Ans. Call the police. The police is mandated to take action against the employer who employs a child or a juvenile in any hazardous occupation, or keeps him/ her in bondage, or withholds his/ her earnings u/S. 26 Juvenile Justice Act, 2000. Also, Sec. 23 provides for punishment in case of cruelty to the child. The offences under both Bonded Labour Act and Juvenile Justice Act are cognizable offences.

Call the labour department. They can act under the Child Labour (Prohibition and Regulation) Act, 1986 and impose a fine on the employer (Minimum fine of Rs. 10,000/- and a maximum fine of Rs. 20,000/-).

Both Police and Labour Department can rescue a child labourer under Child Labour Act on orders of a magistrate.

Call 1098, the Child Line telephone number, if available in your city.

**Best option:** If you can, a complaint may be filed before a Sub Divisional Magistrate to rescue the child under the Bonded Labour Act. This would also enable the child to be rescued and also be statutorily rehabilitated. Under the Bonded Labour Act, the SDM may grant an immediate relief of Rs. 1000/- upon rescue and also issue a Release Certificate that would entitle the victim to get a rehabilitation package of Rs. 20,000/-.

Ideally, the government can and should impose all these laws simultaneously. The rescue of the child is done under the Bonded Labour Act. Prosecution is done under the Sec. 16 of the Bonded Labour Act, provisions of IPC like Sec. 367, 372, 373, 374, Sec. 23, 26 of the JJ Act & Sec. 14 of the Child Labour Act. Immediately upon rescue, the child is taken to a shelter home under the JJ Act. The child is then repatriated in accordance with the JJ Act and the Bonded Labour Act.

Q. The child is above 14 yrs. old and is allowed to work under the Child Labour (Prohibition and Regulation) Act. What do I do now?

Ans. First, verify the nature and extent of work/ exploitation. In case of forced labour, under Bonded Labour Act, age is not a relevant factor. Moreover, the Juvenile Justice Act (Sec. 26) applies to any person under 18 yrs. of age. Ask employer how he has got the verification of age done. Is there a birth certificate or any other legal proof of age determination. In the absence of proof, the police has to refer the child for age determination.

Q. The medical examination ascertains the age to be 16 yrs. I think child is 12-13 yrs. What do I do now?

Ans. Doctor says that age is 16 yrs but it is approximate calculation. There is a margin of 2 yrs. in the bone density ossification test normally conducted for age determination. Thus, presumption has to be in favour of the victim. Even if there is a dispute as to age, if the victim is not getting minimum wages (e.g., Rs.133/- per day in Delhi for unskilled worker), the police can use the provisions of the Bonded Labour Act. Under Supreme Court guidelines in PUDR vs. Union of India, (1982) 3 SCC 235, paragraphs 259-260, "...Where a person provides labour or service to another for remuneration which is less than minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the word 'forced labour'..." as described in Article 23 of the Indian Constitution. The onus is on the employer who has to rebut the presumption.

In case of a difference of opinion, the child may once again be referred to a Medical Board for a re-examination.

- Q. The employer says that the child came to me asking for work. S/he has consented to work for the wages that s/he has been offered.
- Ans. The child (in law) does not have the right of contract. Thus, a child's consent is no consent. Moreover, even if the parents have consented, such consent is a misinformed consent where the gullible parents are also not aware of their rights. If the wages are below the minimum wages, the provisions of the Bonded Labour Act may be invoked and the employer should prove the non-existence of bondage.
- Q. The employer says that the parents of this child are very poor. They asked me to take care of the child. The child is just like our own child and we take full care of the child. S/he will starve if we don't keep the child.
- Ans. Ask if they really feel so much for the poor parents, why don't they keep the parent as a worker or pay the child the required minimum wages, send the child (working) to the same school as their own child, or let her/ him use the same bathrooms.
- A child labourer is rarely given minimum wages and are kept only for the benefit of the employer as the child is the cheapest source of labour and may be exploited easily. It is a myth that children are engaged in child labour because they are from poor families.
- Looking from a different perspective, figures available from various sources indicate that India may have around 6 crore child labourers. Say, each child labourer earns Rs. 10/- per day, i.e. a total of Rs. 60 crore is earned by children every day. Instead, consider a scenario where the 6 crore children are replaced by unemployed adults who are paid minimum wages. The same earning shoots up by 6-8 times thus increasing the total money in circulation, the total purchasing power of families by 6-8 times, thereby eliminating poverty of the families. Not only would there be employment for adults, but the children would be able to study and thus lead to both literacy and reduction of poverty.
- Q. What if the employer says, 'We pay full wages to the child'?
- Ans. Ask the employer for pay receipts of the payments made to the child. Ask if the child is going to school apart from working (in rare cases where children are in non-hazardous conditions of work). Ask if child has sent money (or if the employer has sent money) home, ask for the money order receipts. Ask for bank account details. Ask tough questions.
- Q. The child labourer has been rescued. What happens now?
- Ans. The child's statement is recorded by the police and SDM. Care should be taken that the statement is not taken in the presence of the employer as children are often quite shaken up by the proceedings and may get intimidated or threatened by the employer's presence. Care should also be taken that the child does not spend a lot of time in the Police Station. Now, the child may be handed over directly to the parents (if they are present) or repatriated back to the parents as soon as possible. In the meantime the rescued child could be sent to a Government/ NGO run Shelter Home.
- Q. The parents of the child are not present. What do I do now?
- Ans. If the rescue has been done by the SDM, s/he has the power to order the child's custody to any person or institution until s/he may be repatriated back to the parents. Alternatively, the child may be produced before a member of the Child Welfare Committee for being placed in safe custody or otherwise, when the Committee is not in session.
- Q. What happens if the child's parents' whereabouts are not known?
- Ans. The child may be ordered to be sent to a Shelter Home for urgent support till the parents are

found. Restoration of the child has to be the primary objective. The Child Welfare Committee may order the child to be restored to a guardian or even a fit person or fit institution as it deems.

Q. Sometimes the children have been kidnapped or moved after allurements to them or their families but the kidnappers are not the employers. Can something be done about that?

Ans. These children have been victimised by the crime of trafficking and the traffickers need to be punished as much as the employer. The various provisions of law that may be applied have been provided in Annexure 2.

Q. What is the process of rehabilitation of the child labourer?

Ans. Rehabilitation may be statutory through monetary compensation or organization based.

Immediately upon rescue, if it has been done under the Bonded Labour Act, a Release Certificate may be issued and an interim relief of Rs. 1000/- may be given. The Release Certificate issued by the DM/ SDM shall entitle the child (or even adult) victim to a rehabilitation package of Rs. 20,000/-. The SDM shall write to the Resident Commissioner of the state to which the child belongs for the safe repatriation of the child or shall order a law enforcement authority to repatriate the child back to the parents safely.

If rescue has been done under Juvenile Justice Act or any other legal provision, the rescued child may be sent to a Shelter Home and/ or to Children's Home in accordance with the JJ Act for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation. The rehabilitation and social reintegration of a child shall begin during the stay of the child in a Children's Home or Special Home and the rehabilitation and social reintegration of children shall be carried out alternatively by (i) adoption, (ii) foster care, (iii) sponsorship or (iv) sending the child to an after-care organization.

However, the child shall remain in the Children's Home till s/he attains the age of 18 or till suitable rehabilitation is found.

Q. The child may be rescued and repatriated, but how can a child be reintegrated back in mainstream society?

Ans. Once a rescued child from worst forms of child labour has been repatriated back and is reunited with her/ his parents, efforts may be made by parents/ NGOs, government agencies to reintegrate the child in mainstream society through formal education. This may be done through combination of policies and efforts available under, e.g., The National Policy on Child Labour - 1987, NCLP - 1994 (National Child Labour Project), the INDUS Child Labour Project<sup>1</sup>, Sarva Shiksha Abhiyan, National Charter for Children 2003, National Plan of Action 2005, etc. or directly in formal schooling, if possible.

<sup>1</sup> The INDUS Child Labour Project is implemented by the International Labour Organization, which is funded jointly by the United States Department of Labour and the Government of India.



## LEGAL PROVISIONS WITH RESPECT TO TRAFFICKING FOR FORCED LABOUR

## THE INDIAN PENAL CODE, 1860

Section	Provision	Punishment	Classification of Offences	Explanation
340	Wrongful confinement			To limit a person from movement by restricting him at one place
342	Punishment for wrongful confinement	Imprisonment for a term of up to 1 year, a fine of Rs. 1000 or both	Bailable, Cognizable	
343	Wrongful confinement for 3 or more days	Imprisonment for a term of up to 2 years, a fine or both	Bailable, Cognizable	
344	Wrongful confinement for 10 or more days	Imprisonment for a term of up to 3 years, and a fine	Bailable, Cognizable	
346	Wrongful confinement in secret	Imprisonment for a term of up to 2 years and any punishment he is liable to for such wrongful confinement	Bailable, Cognizable	Confine a person in a way that anyone interested can not discover
361	Kidnapping from lawful guardianship	Taking or <b>enticing</b> of a minor (male under 16 years or female under 18 years)	Bailable, Cognizable	Children are made false promises as allurement
362	Abduction	Compel by force or by deceitful means, to take a person to another place is abduction	Bailable, Cognizable	Living and working conditions are never as promised
366	Kidnapping, abducting or inducing woman to compel her marriage, etc.	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable	Kidnap or abduct a woman to marry or to force or seduce to illicit intercourse
366A	Procurer of minor girl	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable	Procure a girl of under 18 years to force or seduce to illicit intercourse
366B	Importation of girl from foreign country	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable	Import a girl into India from other country to force or seduce to illicit intercourse with another person
367	Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.	Kidnap or abducts in order to cause grievous hurt or slavery or unnatural lust of a person; Imprisonment for a term of up to 10 years and fine	Non Bailable, Cognizable	In trafficking, all movement is either through force or deceit. The victim almost never gets minimum wage, thus maybe termed forced labour (PUDR case)
368	Wrongfully concealing or keeping in confinement, kidnapped or abducted person	Same punishment as for kidnapping or abduction	Non Bailable, Cognizable	Concealing the information about a kidnapped or abducted person is punishable
370	Buying or disposing of any person as a slave	Imprisonment for a term of up to 7 years and shall also be liable to a fine	Bailable, Non-Cognizable	To Import, export, remove, buy, sell or dispose of any person as a slave, or accept, receive or detain against his will any person as a slave
371	Habitual dealing in Slaves.	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable	Habitually import, export, remove, buy, sell, traffic or deal in slaves
372	Selling minor for purposes of prostitution, etc.	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable	Sells, lets to hire a person under 18 years for prostitution or illicit intercourse or for unlawful or immoral purpose



Section	Provision	Punishment	Classification of Offences	Explanation
373	Buying minor for purposes of prostitution, etc.	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable	Buys, hires or obtains possession of a person under 18 years for prostitution or illicit intercourse or for unlawful or immoral purpose
376	Punishment for rape	Rape of a woman not his wife - imprisonment for Min-7 years. Max- life term; or up to 10 years and a fine	Non Bailable, Cognizable	
377	Unnatural offences	Imprisonment for life term; or for a term of 10 years and shall also be liable to a fine	Non Bailable, Cognizable	Voluntarily have carnal intercourse against the order of nature with a man, woman or animal
374	Unlawful compulsory labour	Unlawfully compel a person to labour against the will of the person; imprisonment of a max of 1 year or fine or both	Bailable, Cognizable	
406	Punishment for criminal breach of trust	Disonestly misappropriating or converting to one's own use any entrusted property; imprisonment for a term of up to three years or with fine or with both	Non Bailable, Cognizable	A trafficked person very often entrusts property to the employer or trafficker
417	Punishment for Cheating	Deceiving any person; imprisonment for a term of up to one year or with fine or with both	Bailable, Non Cognizable	In trafficking, often there is deceit, dishonest concealment of facts, which constitutes cheating, such that it causes damage or harm to a person in body mind, reputation or property
506	Punishment for criminal intimidation	Imprisonment for a term which may extend to 2 years, or fine or with both	Bailable, Non-Cognizable	Criminal intimidation is to threaten a person with injury to his person, reputation or property or to the person or property of whom the person is interested, with the intent to cause alarm

### THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

Section	Provision	Punishment	Classification of Offences
2	Definition of bonded labour: "bonded labour" is when a person pledges to offer his or his family's services in lieu of the debt that he has taken from the debtor		
16 - 23	Penal provisions		Bailable, Cognizable
16	Punishment for enforcement of bonded labour	Imprisonment for a term which may extend up to 3 years and a fine of up to Rs. 2000/-	
17	Punishment for advancement of bonded debt	Imprisonment for a term which may extend up to 3 years and a fine of up to Rs. 2000/-	
18	Punishment for extracting bonded labour under the bonded labour system	Imprisonment for a term of up to 3 years and a fine of up to Rs. 2000/-	
19	Punishment for omission or failure to restore possession of property to bonded labourers	Imprisonment for a term of up to 1 year or fine of up to Rs.1000 or both	
20	Abetment to be an offence	Whoever abets any of the punishable offences in this act is liable for the same punishment	
23	Offences by companies	Where an offence is committed by a company, the person in charge will be guilty of offence	

**THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986**

Section	Provision	Punishment	Classification of Offences
3	Prohibits the employment of children in certain occupations and processes set forth in Part A and Part B respectively		
14	Employing a child or permitting any child to work in contravention of provisions of Section 3	Imprisonment: Min-3 months, Max-1 year; Fine: Min- Rs. 10,000, Max- Rs. 20,000. For repeated offence, imprisonment of at least 6 months and max of 2 years	Bailable, Non-cognizable

**THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000**

Section	Provision	Punishment	Classification of Offence
23	Punishment for cruelty to a juvenile or child	Imprisonment up to 6 months or fine or both	Cognizable
24	Employment of juvenile or child for begging	Imprisonment for a term of maximum 3 years and also fine	Cognizable
26	Exploitation of a juvenile or child employee	Imprisonment for a term of maximum 3 years and also fine	Cognizable

**THE INTERSTATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979**

Section	Provision	Punishment	Classification of Offences
2 (e)	Definition of an "Interstate migrant workman" - Any person who is recruited by or through a contractor in one State under an agreement or other arrangement for employment in an establishment in another State whether with or without the knowledge of the principal employer		
4	Registration of certain establishments employing 5 or more workmen		Non Cognizable
6	Prohibition against employment of inter-State migrant workmen without registration		Non Cognizable
25	Contravention of provisions regarding employment of Inter-State migrant workmen	Imprisonment of up to 1 year or fine of Rs. 1,000/- or both	Non Cognizable

**REMEMBER THIS LIST IS NOT EXHAUSTIVE - USE LAWS RELATING TO:**

Criminal conspiracy,

Confiscation/ seizure of property,

Extradition

International cooperation mechanisms, and as many as possible

## SCREENING TOOL TO HELP IDENTIFY A POTENTIAL VICTIM OF HUMAN TRAFFICKING<sup>1</sup>

The questions set out below are merely guidelines. There is no substitute for the judgement and intuition of the interviewer in determining whether an individual is a victim of trafficking. The critical concepts to be discerned are those of exploitation and loss or severe limitation of liberty.

- Collaborative Materials: In relation to all key points, ask if there are any witnesses; police; any documentation or travel tickets; reports of any medical treatment provided in respect of injuries prior to referral; documents showing victim acting in a nominee role (i.e. beneficial owner is really the trafficker); copies of bogus employment contracts or copies of the original advertisement; materials produced by the victim during exploitation or diary entries, letters, etc. written by the victim.
- None of the answers to any of the questions will on their own resolve the issue.
- They must all be considered collectively together with the indicators highlighted above.

### A. General Information

Victim's name, age, nationality, professional and educational background

### B. Recruitment

1. What is the victim's native place?
2. What location was the victim last residing in?
3. How long was the victim residing at that location?
4. How old was the victim when he/ she left the native community?
5. Do members of the family know the victim's whereabouts?
6. Was the victim forcibly transported to another location in his/her native place? If yes, how?
7. Who recruited the victim?
8. What was the purpose of the recruitment?
9. Was initial contact with recruiter voluntary or not?
10. If not, was the victim forcibly transported out of his/her place of origin? If so, how?

### C. Use of Force or Threat

11. If force was used in the recruitment please respond to the following questions:
12. Was the victim abducted or kidnapped?
13. Was the victim threatened with harm to his or her self or family?
14. Was the victim sold? By whom?
15. What were the circumstances of the forcible removal?
16. Who initiated the contact? How?
17. What was the method of recruitment (e.g. by advertising, acquaintance, family, study, training, etc.)?

### D. Employment

18. If the recruitment was for employment, please answer the following questions:
19. What kind of work was offered to the victim or what activities did the victim believe she/he would be engaged in following arrival at the new location?
20. How much money was promised to the victim and by whom?
21. Did the victim sign a contract? (e.g. an employment contract)

<sup>1</sup> This screening tool has been adapted from Human Trafficking Reference Guide for Canadian Law Enforcement, 2005

22. If so, what are the terms of the contract? Does the victim know them (e.g. was the contract in a language the victim understood)?
23. Does the victim possess a copy of the contract?
24. Was the victim coerced into signing the contract? How?
25. Was anyone paid a fee for recruiting the victim for work?

#### **E. Travel and Identity Documents**

26. Does the person have a passport?
27. If so, is it their own legitimate passport or is it a fraudulent passport?
28. How did they acquire this passport?
29. Was it provided to them by the trafficker?
30. What kind of employment authorization was promised to the victim and by whom?
31. Was the victim promised permanent residency upon arrival in India/ another state in India or after a certain period? By whom?

#### **F. Movement**

32. Was the victim coerced into moving? How?
33. If any travel costs were incurred before departure, who paid them?
34. Did the victim pay money in advance or agree to pay the costs or remainder of costs upon arrival?
35. Did the victim sign a loan contract? If so, does the victim have a copy?
36. What means of transport was used?
37. Was the vehicle stopped at any check-point?
38. Was the vehicle examined by check-point officials?
39. Did the victim change handlers during migration?
40. Was a fee paid for organizing the victim's transportation? By whom and to whom?
41. Was the victim threatened, sexually or physically assaulted or confined during transportation?

#### **G. Working Conditions (Exploitation)**

42. Does the victim believe that she/ he is subject to some form of debt bondage? (Debt bondage refers to the status of a debtor arising from a pledge by the debtor for his/ her services or of those of a person under his control as a security for debt)
43. Does the victim believe that she/ he owes money to recruiters/ transporters/ exploiters?
44. Was the victim paid and at what rate?
45. Who has the possession of these earnings now?
46. How many hours a day did the victim work?
47. Was the victim allowed any time off? Allowed to rest if sick?

#### **H. Restriction of Freedom**

48. Was the victim unable to quit working for the employer and get a job somewhere else?
49. Was the victim's movement restricted? How? (e.g. did the victim have a key of the house)
50. Was the victim allowed to communicate with family members? Other workers?
51. Was the victim living and working at the same place?
52. Was the victim chaperoned, guarded, incarcerated?
53. When did the victim realize that he/ she was not free?

#### **I. Living Conditions**

54. What were the living conditions of the victim? (e.g. no. of rooms, no. of people living together)
55. Did the victim have friends?
56. Did the victim have money? Could the victim buy his/ her own belongings?

**J. Physical Coercion**

57. Was the victim subject to physical assaults or torture? (pinching, hitting, slapping, punching, kicking, shaking, burning, branding, chained, etc.)
58. Was the victim subject to sexual assaults? (forced sexual contact, rape, forced prostitution etc.)
59. Was the victim forcibly confined or isolated?
60. Was the victim denied essential medical care?
61. Was the victim denied food/ clothes and other basic necessities including ability to maintain basic hygiene?

**K. Psychological Coercion**

62. Was the victim threatened with violence, harm or retaliation against victim or the victim's family members (or friends)?
63. Were there threats to report the victim to authorities?
64. Did the victim view or hear others being physically or sexually assaulted?
65. Was the victim deceived regarding the employment, activities or basic conditions of his or her employment?
66. Was the victim subject to verbal abuse, name calling, degrading remarks about victim's ethnicity/ social group?
67. Was the victim photographed and filmed while being physically or sexually assaulted, humiliated or degraded?
68. If so, did the traffickers threaten to use the images against the victim?
69. Was the victim threatened with confinement or isolation?

**L. Risk Assessment**

70. Do the traffickers know the victim's home/ work address or contact details?
71. Is the victim married? Does the victim have any children?
72. Do the traffickers have any details about the victim's family or loved ones?
73. Do the traffickers claim to know these things?

**RELEASE CERTIFICATE**

Sl. No.....

Court of the Deputy Commissioner/SDM .....

(Under Section 6, 7, 8 and 9 of the Bonded Labour System (Abolition) Act, 1976)

**ORDER**

On verification under the provisions of the Bonded Labour System (Abolition) Act 1976 Shri .....aged about.....years S/o Shri.....  
 caste.....R/o Village.....P.S.....  
 Tehsil.....District.....State.....is certified as a  
 bonded labour. According to the statement of aforesaid Shri.....S/o  
 .....dated.....a sum of Rs.....was taken as advance at the rate  
 of.....% annual interest/ other financial obligations of the employer Shri.....R/o  
 .....Delhi, the aforesaid bonded labour was forced to work in  
 similar manner in lieu of the advance/ financial obligation by him. Besides providing him his labour at  
 nominal wage, he is not free to move or work elsewhere.

As such under the provisions of the Bonded Labour System (Abolition) Act 1976, power bestowed upon  
 me, Shri.....aged.....S/o Shri.....  
 R/o village.....P.S.....PO.....  
 Tehsil.....Dist.....State.....is being  
 released from bondage and all the debts are declared to be extinguished. The said money lender /  
 employer is being informed herewith that he is no more entitled to get back any of the aforesaid debt /  
 financial obligation from the above mentioned released bonded labour Shri.....  
 S/o Shri.....R/o village..... The aforesaid employer /  
 money lender should not conspire for realisation of the aforesaid debt / financial obligations and force  
 him for bonded labour or displace him from the house provided to him during the course of employment  
 and return all his belongings to him immediately kept as mortgaged by the money lender / employer in  
 its original form, otherwise, he will be liable for punishment under the provisions of the Bonded Labour  
 System (Abolition) Act 1976, Sahukari Act 1976 and Minimum Wage Act 1948.

Releasing Officer / SDM .....

Delhi

**Copy for information and necessary action to:**

1. Released Bonded Labour Shri .....
2. Employer / Money lender Shri .....
3. D.M. ....
4. SHO ....
5. General Secretary, BBA (NGO), L-6, Kalkaji, ND-19

Releasing Officer / SDM .....

Delhi



## ACRONYMS

AHT	Anti Human Trafficking
BBA	Bachpan Bachao Andolan
Bonded Labour Act	Bonded Labour System (Abolition) Act, 1976
CD	Case Diary
Cr. PC	Criminal Procedure Code
DM	District Magistrate
FIR	First Information Report
GD	General Diary
HT	Human Trafficking
ILO	International Labour Organization
IO	Investigating Officer
IPC	Indian Penal Code
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2000
MO	Material Objects
NGO	Non Governmental Organization
PUDR	People's Union for Democratic Rights
PS	Police Station
S.	Section
SCC	Supreme Court Cases
SDM	Sub Divisional Magistrate
SHO	Station House Officer
vs.	Versus
u/s.	Under section



F.No. S-11012/01/2015-BL (Pt.)  
GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
DIRECTOR GENERAL LABOUR WELFARE

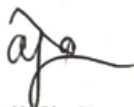
*Jaisalmer House, 26, Mansingh Road*  
NEW DELHI,  
Dated the 17<sup>th</sup> Aug, 2017

**Office Memorandum**

**Sub: Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender**

The undersigned is directed to forward herewith a brief handout containing Standard Operating Procedures (SOP) for Identification and Rescue of Bonded Labourer and Prosecution of Offenders which has been developed to help implementing agencies in implementation of the BLSA Act and the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016.

It is requested to kindly ensure that SOP may be made available to all District Magistrates/Collectors/Sub-Divisional Magistrates in the State/Union Territory.

  
(A.K. Singh)

Under Secretary to the Govt. of India

Chief Secretary (all State Governments)

Administrator (all UT Administrations)

**Copy to:**

Ministries of Home Affairs, Law & Justice, SJ&E, W&CD, Finance, External Affairs,  
Comptroller & Auditor General of India, National Human Rights Commission.

## STANDARD OPERATING PROCEDURES

### 1. Complaint

- 1.1 The DM, SDM or police on receipt of a complaint, whether oral or written, by any person or facts constituting the commission of an offence under the Act, shall reduce it to writing and record, in writing, the time and date of receipt of such a complaint.
- 1.2 The DM, SDM or police shall issue a receipt to the complainant acknowledging that the complaint was recorded.
- 1.3 The DM, SDM or police shall ensure that there is no tip-off or leak of information regarding the rescue, informant or complainant at any stage.

### 2. Rescue

- 2.1 The DM, SDM or police shall rescue the labourer as soon as possible within 24 hours from the time of complaint received.
- 2.2 The DM, SDM or police shall ensure that the Rescue Team shall be multi-disciplinary and shall be comprised of the following members,
  - a) one representative of the District Magistrate (DM) having jurisdiction not below the rank of Tehsildar to enable such representative to fulfil such duties as provided under BLSA and Central Sector Scheme for Rehabilitation of Bonded Labour – 2016;
  - b) one police officer nominated by the Superintendent of Police;
  - c) the Labour Officer(LO) having jurisdiction to inquire into, enforce and compensate under various labour laws including Minimum Wages;
  - d) adequate number of police officers to secure the premises;
  - e) two or more women officers;
  - f) one police photographer;
  - g) two independent witnesses, at least one of whom should be a woman;
  - h) the complainant;
  - i) members of a civil society organisation or social workers for rescued labourer support including counselling and other roles; and
  - j) any other necessary person.
- 2.3 If the DM, SDM or police has reason to believe that it is necessary to conduct the search and rescue operation without delay for any reason, including danger to the rescued labourer and likelihood of interference with potential evidence, notwithstanding that any member of the rescue team may be unavailable, the DM or SDM shall carry out the search and rescue operation, and intimate any missing member without delay.
- 2.4 The DM or SDM in coordination with the police shall ensure that the rescue location is secured, and separate and protect the labourer from the offender and his associates.
- 2.5 The DM or SDM shall ask brief questions to the labourer in the absence of the offender and in the presence of a member of a civil society organisation or a social

worker to determine whether there are indications of bonded labour. Such brief questions should include questions regarding nature of the advance or other obligation, wage payments and ability of the labourer to leave or work elsewhere.

- 2.6 The DM or SDM shall ensure that the all relevant evidence, such as phone books (directories with the numbers of other traffickers or accomplices), mobile phones, travel tickets and documents, accommodation receipts, bank statements, wage receipts slips and registers, muster rolls, ledger books, bond agreements, notebooks, cash, weapons, locks, ownership documents, lease, license are photographed and seized by the police, and the offender is arrested as per the Code of Criminal Procedure, 1973("CRPC").
- 2.7 The DM or SDM shall ensure that the police prepare a seizure list and rescue memo detailing the identities of the rescued labourer and his contact details, and cause it to be signed by independent and local witnesses.
- 2.8 All police officers and Executive Magistrates shall be competent to make arrest without warrant in accordance with Section 41 and 44 of the Code of Criminal Procedure, 1973 ("CrPC").
- 2.9 The DM or SDM shall ensure that the labourer are removed from the rescue location, are separated and given adequate protection from the offender and his associates, and are brought to a safe location. The DM or SDM shall also ensure that no bonded labourer is left behind.

### 3. Inquiry

- 3.1 The DM or SDM shall provide the labourer with immediate assistance, including food, shelter and protection;
- 3.2 The DM or SDM shall ensure that the labour officer initiates proceedings under the Minimum Wages Act, 1948 and the Payment of Wages Act, 1936 where applicable.
- 3.3 In order to issue a release certificate, the DM or SDM shall conduct an inquiry in a free and fair environment, in respect of each labourer separately or with his family, in the absence of the offender and in the presence of a member of a civil society organisation or a social worker as soon as possible but definitely within 24 hours of the rescue. The questions to be asked the labourer should include questions regarding advance or other obligations, wage payments, freedom to travel, seek alternative employment, and sell or purchase goods at market value, and questions regarding other offences against schedule castes or tribes, offenses against children, etc. It shall not be necessary to question the offender or any of his associates. Such an inquiry is not an adversarial inquiry, and the procedures for criminal trials do not apply to such an inquiry.
- 3.4 The DM or SDM shall issue immediately and definitely within 24 hours, a release Certificate to each rescued labourer, including children, found to be bonded labourer even if they are accompanied by families.

- 3.5 The DM or SDM shall provide each rescued labourer, including children, found to be bonded labourer even if they are accompanied by families, with immediate cash assistance.
- 3.6 The DM or SDM shall take necessary action for the medical examination of the victim by a registered medical practitioner for the purposes of determination of age, injury or disease incidental to the exploitation and occupational health hazards.

#### **4. First Information Report**

- 4.1 If the DM or SDM prima facie finds that offences under laws other than the BLSA have also been committed, he shall ensure that a complaint is made to the police for the registration of a First Information Report ("FIR"), under all relevant sections and laws for the time being in force, including relevant sections under the BLSA, within 24 hours of the date of rescue.
- 4.2 A complaint to the police alleging offences under the BLSA and other laws for the time being in force may be made by any person, including but not limited to the DM or SDM, the victim, family of the victim, NGO or any other person. Further, on receipt of such a complaint, Section 154 CrPC to apply.
- 4.3 Upon a complaint being made to the police, the DM or SDM shall ensure that all relevant documents in his custody, including the Inquiry Form, Release Certificate and Medical Examination Reports, are supplied to the police at the earliest for effective investigation.
- 4.4 The DM or SDM shall ensure that the police complete all the necessary procedure under the CrPC, the BLSA and herein in relation to the labourer, such as taking of statements under Section 161 CrPC, if applicable, as soon as possible, and before the labourer are repatriated / moved beyond the jurisdiction of the said police.

#### **5. Prosecution of Offences**

- 5.1 The DM or SDM shall communicate any judgement and sentence along with certified copies of the same to the relevant officials of the DA, including the DM, of the rescue location and rehabilitation location.

#### **6. Summary Trial**

- 6.1 The procedure for Summary Trial of Offences under the BLSA is clarified as under:
- (i) Executive Magistrates conferred by the State Government with the powers of a Judicial Magistrate of the first class to try offences under the BLSA under Section 21(1) of the BLSA ("Designated Magistrate") are empowered to try offences under the BLSA summarily [S. 21(2)].
  - (ii) The commencement of Summary Trial of offences under the BLSA shall be not later than 24 hours from the date of identification or rescue, whichever is later. In neither case shall the commencement of Summary Trial be delayed for want of registration of an FIR.



- (iii) If at any stage during the Summary Proceedings, it appears to the Designated Magistrate that the accused is also chargeable for offences under some other law for the time being in force, other than the BLSA, the Designated Magistrate shall proceed in accordance with the provisions of Section 322 or 323 CrPC, as the case may be.
- (iv) If upon police report, it appears to the Designated Magistrate that the accused is also chargeable for offences under some other law for the time being in force, other than the BLSA, the Designated Magistrate shall commit the entire case along with the case records to the competent court.

The procedure specified in CrPC shall be followed except as stated otherwise in the BLSA.

- 6.2 The Designated Magistrate should conclude the Summary Trial within three months.

## **7. Trial Proceedings**

- 7.1 The Designated Magistrate shall ensure that the victim, labourer or any witness to the commission of any offence under the BLSA shall be provided with protection during the pendency of the trial.
- 7.2 Any complaints raised by the labourer, victim or witness in relation to harassment by the accused or his associates shall be acted upon urgently and the Designated Magistrate shall make orders for the protection of the labourer, victim or witness, such as cancellation of bail, or other appropriate orders.
- 7.3 In case the accused is absconding from trial, proclamation and attachment of property may be initiated.
- 7.4 Copies of case documents shall be made available on application.

## **8. Evidence**

- 8.1 In all proceedings herein, the Designated Magistrate shall record the substance of evidence and particulars as per Section 262(1) CrPC. Such evidence may include documentary evidence, and when necessary, oral evidence.
- 8.2 The Designated Magistrate must make the record of the case in the appropriate form as per Section 263 CrPC.

## **9. Judgment and Sentence in Summary Trial**

- 9.1 The Designated Magistrate shall record a judgement including a brief statement of the reasons for the finding.
- 9.2 Punishment under this procedure shall be as per S. 9, 16-20 of the BLSA.
- 9.3 Essential elements of a judgment upon Summary Trial under the BLSA shall be the following:
  - (a) Serial number of the case;
  - (b) Date of the commission of the offence;
  - (c) Date of the report or complaint;
  - (d) Name of the complainant (if any);

- (e) Name, parentage and residence of the accused;
  - (f) The offence complained of and the offence (if any) proved;
  - (g) Plea of the accused and his/her examination (if any);
  - (h) The finding with reasoning;
  - (i) Sentence or other final order with reasons (Sec 9, 16-20 of the BLSA);
  - (j) Amount of debt extinguished (if any) (Sec. 6 of BLSA)
  - (k) Extent of mortgage freed (if any) (Sec.7 of BLSA)
  - (l) Date on which proceedings concluded/terminated.
  - (m) Order of committal (if any)
- 9.4 Proceedings shall be in addition to other civil and criminal proceedings, such as but not limited to proceedings under Minimum Wages Act.
- 9.5 In addition, the DM or SDM shall ensure that the rescued labourers are provided with other benefits and are repatriated as stated below:

## 10. Benefits to Labourer

- 10.1 The DM or SDM shall coordinate with relevant authorities to expedite provision of existing benefits due to the labourer such as benefits under central or state schemes including issuance of the following to the labourer,
- a) Aadhar Card,
  - b) Ration Card,
  - c) Caste Certificate,
  - d) Voter ID,
  - e) MNREGA Card
  - f) Land patta
  - g) Government Health Insurance and
  - h) Any other relevant or required document.
- 10.2 Release Certificates shall be considered as Identity Proof for the labourer.
- 10.3 The DM or SDM shall provide the labourer or their representative with receipt of any application for provision of any benefit due to the labourer including benefits not included under the BLSA, herein or benefits that are specific to bonded labourer.
- 10.4 The DM or SDM shall ensure that the local primary health centre of the rehabilitation location medically screens the labourer.

## 11. Repatriation

- 11.1 Repatriation shall be subject to the consent of the labourer. The rescuing DM or SDM shall be responsible for repatriation, which must be done at the earliest possible time and in any case, no later than 24 hours from the date of rescue.
- 11.2 The DM or SDM shall coordinate with both rehabilitation and rescue location's police and District Administration ("DA") for quick and safe transfer, protection and rehabilitation, including,
- a) fooding, shelter, transport and protection,

- b) sending a written request to the local police of the rehabilitation location for protection of the rescued labourer against possible harassment and intimidation by the offender or his associates, and
  - c) sending a written request for rehabilitation of the rescued labourer to the relevant officials of the DA, including the DM, of the rehabilitation location, including,
    - name(s), final address(s), contact detail(s) of the labourer(s),
    - name(s) of the offender(s), if available
    - certified copies of the Identification Form(s) and Release Certificate(s),
    - identity card(s) of the labourer(s), and
    - receipt(s) of any rehabilitation given to the labourer(s).
- 11.3 DM or SDM shall ensure that his representative along with the police accompanies the labourer during such repatriation. At all times, the DM or SDM shall ensure that the offender is not allowed to come into contact with the labourer.
- 11.4 The pendency of investigation or trial in relation to commission of offences under the BLSA shall not stand in the way of repatriation of the labourer and / or his family at any stage.
- 11.5 Where a labourer has been repatriated but, in the opinion of the Designated Magistrate, is later required to be summoned for evidence, the Designated Magistrate should ensure that any expenses incurred by the labourer or witness in this regard are met and that such labourer or witness is given adequate protection during and post trial.
- 11.6 For offences under laws other than BLSA, where statements under Section 161 CrPC are required to be recorded, the DM or SDM shall ensure that the same is done at the earliest, prior to repatriation.



# Towards Child Labour Free India



**Standard Operating Procedure for Enforcement of The Child and  
Adolescent Labour (Prohibition and Regulation) Act, 1986**



Government of India  
Ministry of Labour and Employment  
September 2017



#### Intended Users:

- Law enforcement officers from central or state governments
  - Parents/ guardians of Child or Adolescent Labourers
  - Parents/ guardians of Child Artists
  - Organisers of children's entertainment programmes
  - Social workers/ community members
  - Employers
  - Outreach workers
  - Labour inspectors
  - District Administration
  - District Nodal Officer at the Labour Department
  - Trade Unions/Employers' Associations
- .....

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## Section 1: Introduction

Child Labour is the system of employing a child to provide labour or service by the child to any person, for any payment or benefit to the child, or any other person exercising control over the said child. . International Labour Organisation (ILO) uses the term 'child labour' to cover all economic activities carried out by persons less than fifteen years of age, regardless of their occupational status (wage earners, own- account workers, unpaid family workers etc) but not household work performed by them in their parents' home, except where such work can be assimilated to an economic activity as for example, when a child must devote his or her entire time to the work so that his or her parents can be employed outside the home, and is, therefore, deprived of the possibility of going to school.

Child labour includes children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunities that could open up for them a better future.

India has always stood for constitutional, statutory and developmental measures that are required to eliminate child labour in India. Realising the multifaceted nature of this problem, Government has embarked on a holistic and multi-pronged approach to eliminate child labour from the country. On the one hand, it provides for legal action for enforcement purposes and on the other, focuses on general development programmes for the economic empowerment of the families of children as well as project based action in areas of high concentration of child labour.

### 1.1 Vision and Objectives

**Vision:** Complete elimination of child labour in all work and adolescent labour in hazardous work, and regulation of adolescent labour.

**Objectives:** The SOP is conceived as a working tool on law enforcement for practitioners and specialists of governmental, non-governmental and civil society organisations at different stages of intervention. To achieve the stated vision through the SOP, following objectives are laid down:

- 
- (a) Develop effective action plan from the village to the national level for prevention of child labour and adolescent labour in hazardous work;
  - (b) Create mechanisms for identification, rescue and rehabilitation of child labour and adolescent labour in hazardous work;
  - (c) Establish mechanisms for regulation of children working in entertainment industries and sports activities;
  - (d) Ensure strong investigation of all cases of child labour and adolescent labour in hazardous work leading to strengthening the prosecution against offenders;
  - (e) Ensure coordinated and convergent action of stakeholders through clear definition of roles and responsibilities and thereby ensure standardisation of response to violation of child labour throughout the country;
  - (f) Develop monitoring and accountability mechanisms at the district, state and central level.

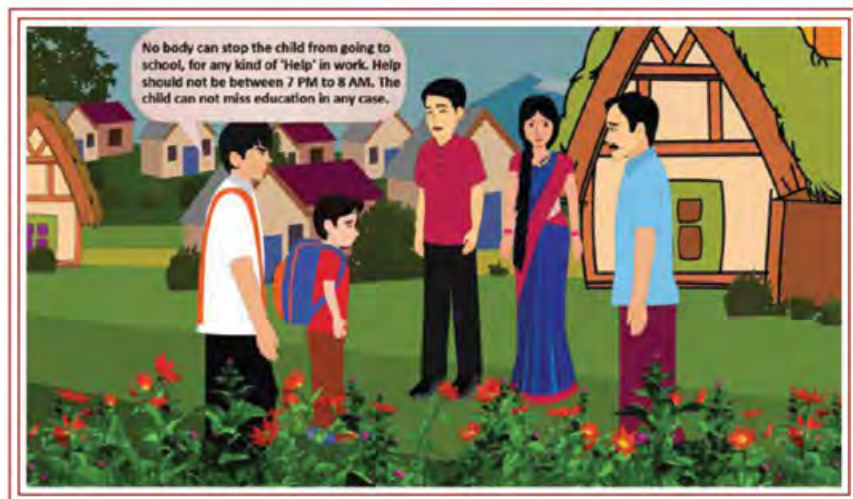
## 1.2 Need of Standard Operating Procedure

Effective enforcement and implementation of the provisions of the various legislations, convergence of resources of Government both horizontally and vertically, coordination between various stakeholders and active involvement of the community is the key to attaining the ambitious goal of a child labour free society. It has been observed that in spite of presence of plethora of protective legislations, the stakeholders are not very clear about the action to be taken when a child or adolescent labour is identified. Specific information is required on steps to be taken for rescue of the child/ adolescent and subsequent rehabilitative measures to be taken. Sometime the language of legislation is not understood by common people restricting the enforcement of the provisions. In this backdrop, it is necessary that a simple step by step SoP is provided to ensure enforcement of the provisions of the protective legislation.

## Section 2: Understanding Legal Framework- Who is Child and Adolescent Labour?

### 2.1 WHO IS A CHILD LABOUR?

A child below 14 years if found employed or working in any occupation or processes is a child labour. Employment of children below 14 years in any form in any occupation and process is prohibited and attracts the penalty provisions under Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.



“Our Aim - Child Labour Free India”



## 2.2 What are the Exceptions to the Legislation?

Table of Exceptions			
	Situation	Definition of the situation	Subject to the following conditions
a.	Child helps his family or family enterprise	<p>i. Family- child's</p> <ul style="list-style-type: none"> <li>- Mother</li> <li>- Father</li> <li>- Brother or Sister</li> <li>- Mother's biological brother or sister</li> <li>- Father's biological brother or sister</li> </ul> <p><b>OR</b></p> <p>ii. Family Enterprise –</p> <ul style="list-style-type: none"> <li>- Work</li> <li>- Profession</li> <li>- Manufacture or</li> <li>- Business</li> </ul> <p><i>performed by members of the child's family</i></p> <p><b>AND</b></p> <p>iii. <b>Help means:</b> Aid or Assist family only in such a manner <b><u>that is not incidental to</u></b> –</p> <ul style="list-style-type: none"> <li>- Any occupation, work, profession,</li> </ul>	<p>i. The help done <b>is not in a hazardous occupation or process</b> listed in Part A or Part B of the Schedule of the Act</p> <p>ii. Shall not include any activity that is remunerative for the child or his family or the family enterprise</p> <p>iii. Shall not include any activity where he substitutes an adult or adolescent</p> <p>iv. Shall not be in contravention of any law for the time being in force</p> <p><u>'Help' provided by the child, in addition to the above, shall be further subject to,</u></p> <p>v. Child's Family must be the occupier of the family enterprise</p> <p>vi. Task must not be performed during school hours or between 7pm and 8 am</p>

		<p>manufacture or business</p> <ul style="list-style-type: none"> <li>- Or for any payment or benefit to the child or any person having control over the child</li> <li>- And which is not detrimental to the growth, education and overall development of the child</li> </ul>	<p>vii. Provided sufficient rest and shall not work continuously for more than 3 hours at a stretch</p> <p>viii. Shall not interfere or affect the child's</p> <ul style="list-style-type: none"> <li>- Right to education</li> <li>- School attendance</li> <li>- Education or related activities such as homework or extra-curricular activities</li> </ul>
b.	<p><b>Working as an artist in an audio-visual entertainment industry, including but not restricted to:</b></p> <ul style="list-style-type: none"> <li>- Advertisements</li> <li>- Films</li> <li>- Television</li> <li>- Serials</li> <li>- Any other such entertainment or sports activities</li> </ul>	<p>i. <b><u>Shall not include circuses or street performances for monetary gain</u></b></p> <p>ii. Shall include other activities where child him/her self is participating in:</p> <ul style="list-style-type: none"> <li>- Sports competition or event or training for such competition or event</li> <li>- Cinema, documentary, shows on television such as quiz, reality show, talent show or radio program</li> <li>- Drama serials</li> <li>- Anchor of a show or event</li> <li>- Other artistic performances that the Central Government</li> </ul>	<p>i. <b>Hours of work:</b> 5 hours a day; not more than three hours without rest.</p> <p>ii. <b>Permission in Form C:</b></p> <ul style="list-style-type: none"> <li>- Valid for 6 months from date of issue</li> <li>- Shall state provisions made available for             <ul style="list-style-type: none"> <li>▪ One responsible person per maximum of 5 children for each production</li> <li>▪ Education</li> <li>▪ Safety</li> <li>▪ Protection from sexual offence and mechanism for reporting any such offence against a child</li> <li>▪ Physical and mental health of the child</li> <li>▪ Nutritional diet</li> <li>▪ Safe, clean shelter</li> <li>▪ Child shall not consecutively work for more than 27 days.</li> </ul> </li> </ul> <p>iii. 20% of the child's earning shall be deposited in a nationalised bank in the</p>

		permits on individual case	name of the child and shall be credited on attaining majority
		iii. Producer of audio visual production house or manager of any commercial event including children must take permission from the District Magistrate in Form C provided with the Central Government Rules	iv. All audio-visual entertainment involving children shall issue a disclaimer at the beginning stating, 'that due permission was obtained for involvement of children, and their protection from abuse, neglect and exploitation was ensured in line with the laws of India'

Further, if a child receiving education in a school remains absent for thirty consecutive working days without intimation to the Principal or Head Master of such school, the Principal or Head Master shall report the same to the District Nodal Officer nominated for curbing child labour in the District.

### 2.3 What is Prohibited Employment for An Adolescent Labourer?

Any adolescent in the age group of 14 to 18 years is prohibited to work or employed in any occupation or process set forth in Part A of the Schedule of Hazardous Occupations and Processes in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

### 2.4 What are the Conditions Which Apply if Adolescent is Permitted to be Employed in Non-hazardous Occupations and Processes?

In all occupations or processes other than those set forth in Part A of the Schedule of the Act, the following conditions shall apply:

Element of work	Conditions applicable
Hours of work	<ol style="list-style-type: none"> <li>1. Cannot work for more hours than prescribed for that establishment or class of establishments</li> <li>2. No period of work shall be fixed as stated in point 1 above but no adolescent shall work consecutively for over three hours; hence no adolescent shall work for more than 3 hours without rest</li> <li>3. No period of work shall be more than six hours a day</li> <li>4. Timing of work cannot be between 7 pm and 8 am</li> <li>5. They cannot work overtime</li> <li>6. Cannot work at an establishment on the same day as he has been working in another establishment</li> </ol>
Weekly Holiday	<ol style="list-style-type: none"> <li>1. Every Adolescent shall be allowed one whole day holiday every week</li> <li>2. The specific day of such holiday shall be evidently displayed in the organisation</li> <li>3. Such day shall not be altered more than once in every three months</li> </ol>
Notice to Inspector	<ol style="list-style-type: none"> <li>1. Every establishment employing an adolescent has to send the following information to labour inspector within local limits about their establishment: <ul style="list-style-type: none"> <li>- Name and the situation of the establishment</li> <li>- Name of the persons in actual management of the establishment</li> <li>- Address to which related communication to be sent</li> <li>- Nature of the occupation or process carried on in the establishment</li> </ul> </li> <li>2. This should be sent within 30 days from the starting of the employment of the adolescent in the establishment</li> </ol>

Regulation regarding age	<ol style="list-style-type: none"> <li>1. During a labour inspection, the inspector shall in every instance where he is unsure if the employed person is a child below 14 years or an adolescent who is employed in a hazardous occupation shall ask for a certificate of age granted by the prescribed medical authority.</li> <li>2. In case such record does not exist, the inspector may refer to prescribed medical authority for decision regarding age of concerned child or adolescent</li> </ol>
Maintenance of Register	All establishments where adolescents are employed or permitted to work shall maintain a register as prescribed in the Rules.
Health and Safety	The health and safety of the adolescents shall be ensured with respect to points given in Section 13 sub-section (2) of the C & AL (P&R) Act.



## Section 3- Prevention of Child Labour and Adolescent Labour in Hazardous Employment

The Child Labour (Prohibition & Regulation) Amendment Act, 2016 and the amended Central Rules look to prohibit child labour and adolescent labour in hazardous employment. An important aspect of such prohibition is prevention of child labour and adolescent labour in hazardous employment. This will require consistent and proactive investigation on the part of law enforcement agencies for early detection of crime and collection of evidence to stop child labour before the crime takes place or when the crime is detected in transit. The prevention strategy for an area has to be developed looking into the community resources, forming networks for intelligence collection, analysis of existing data and consistent collection of information of identified key vulnerability indicators.

**Prevention activities to be undertaken may be categorized as follows:**

**3.1 Creation of Awareness:** Specific action has been identified as necessary to create awareness among general public and vulnerable communities for prevention, and ensuring that children have access to free and compulsory education as per section 2A of the Rules . This includes:

- Launching of public awareness campaigns targeted to the general public, consumers, vulnerable communities, employers etc. using folk, traditional media, mass media such as television and / or radio etc.
- Awareness campaigns to encourage reporting by facilitating access to the number of the police, child line and local district nodal office in the labour department.
- Create and display in an easily understandable manner salient provisions of the Act and the Rules in public places.
- Empower and enable the public and community resources like Panchayat, Women's groups, children's groups, schools, teachers etc. to generate intelligence regarding any violation. Awareness among children and adolescents can be undertaken at the school – level or through mid-media activities such street plays, competitive activities and folklore activities etc.

- Aid and assist different training institutes for senior government officials, judicial training institutes, business schools, law schools etc to include information on legal implication of child and adolescent labour.
- Conduct sensitization programs for the employers/ officials of industries or institutions to generate legal awareness and their role in eliminating child labour by district administration.

**3.2 Building Capacity of Institutions:** Creating prescribed institutional mechanisms and building capacity of institutions to carry out tasks assigned to them is also one of the prerequisites to prevent child labour and adolescent labour in hazardous employment.

- Formation of a District Task Force (DTF) in every district with the District Magistrate as its chairperson, with members as prescribed under Rule 17 C (iii) of the Child and Adolescent Labour (Prohibition and Regulation) Rules, 1988. The task force shall meet once a month and shall identify areas in the district vulnerable to child labour (NCLP survey, survey as per the Bonded Labour Rehabilitation Scheme and/ or information from the local CWC etc maybe used). The task force shall coordinate such activities as necessary at the local level for awareness generation, monitoring and stopping child labour and adolescent labour in hazardous employment.
- The labour department/DM shall appoint a District Nodal Officer (DNO) who shall track the cases of child labour on PENCIL Portal and recommend necessary activities in the monthly DTF meetings for prevention of child labour and adolescent labour in hazardous employment.
- Consistent tracking of complaints of child labour and adolescent labour in hazardous employment through the online portal 'PENCIL'. The District Nodal Officer to fill and bring all the complaints from other sources to 'PENCIL'. Child Tracking System under PENCIL would ensure prevention through checking their re-entry into the labour market and their regularity in school.



**3.3 Coordination and Convergence among Agencies:** An important step towards prevention is coordination among various child protection agencies at the District, State and Center.

- Coordination with Ministry of Women and Child Development – sharing of information from child helpline, surveys or portals of Mo WCD for identification of child labour.
- Coordination with Department of School Education & Literacy- At the school level reporting of children who have been consistently absent from school for 30 days and ensuring enrolment and retention of all children; and at the State and Central level inclusion of information about child labour in the syllabus and education material is key in ensuring prevention of child labour.
- Consistent coordination and work with other agencies at the district level such as District Child Protection Unit (DCPU), Special Juvenile Police Unit (SJPU), Child Line, District Magistrate/ Sub-District Magistrate , Child Welfare Committee, National Child Labour Project, Village-level Child Protection Committee under ICPS, District-level Vigilance Committee under ITPA Act, 1986, Schools and Panchayat through the District Task Force (DTF).
- Coordination and convergence with local level skill development department can ensure skill training of young persons to protect them from being employed in hazardous labour.

**3.4 Knowledge Management:** Managing existing knowledge and ensuring availability of sufficient information for data driven planning to prevent child labour is key.

- Information from surveys such as the NCLP survey and the survey under the Central Sector Scheme for Rehabilitation of Bonded Labourers can ensure identification and mapping of vulnerability towards child labour and adolescent labour in hazardous employment.
- Ensuring the above stated information as well as information from CWCs is fed into 'PENCIL' and then analyzed to map vulnerable geographical areas, areas of employment etc to plan prevention programs as well as to identify new forms of hazardous labour for adolescents or hazardous work where children should not help also leads to prevention.

- Analysing information collected from the database of missing children.
- Information received from previously rescued survivors can also help to receive information about potential violations.
- Forming a strong network with stakeholders and law enforcement agencies engaged in transit points and destination areas will ensure data collection and prevention.

An illustrative list of places where awareness generation against child labour and provisions of Child and Adolescent labour (P&R) Act, 1986 may be undertaken. Note that this list is not exhaustive:

- i. Railway coaches and at railway stations
- ii. Major bus stations
- iii. Toll plazas
- iv. Ports and port authorities
- v. Airports
- vi. Public places including shopping centers, markets, cinema halls, hotels, hospitals
- vii. Panchayat offices, police stations, resident welfare association offices, industrial areas
- viii. Schools, educational institutions,
- ix. Court complexes, and offices of all authorities authorised under the Act

## Section 4: Identification and Reporting of Child Labour and Adolescent Labour in Hazardous Employment

- Identification is the first step of a process that allows presumed child labour victims to access to proper and safe assistance and protection measures and eventually to be officially identified as victims of child labour.

### 4.1 How to Identify a Victim?

Information can be obtained from following sources for identification of child labour and adolescent labour employed in hazardous occupations and processes:

Survey	<ul style="list-style-type: none"> <li>● National Child Labour Project</li> <li>● Bonded Labour Scheme</li> <li>● Out of School children- HRD</li> <li>● Need Assessment of District Child Protection Units and State Child Protection Units</li> </ul>
Proactive Investigation	<ul style="list-style-type: none"> <li>● District Task Force</li> <li>● Officials of District Labour Department</li> <li>● District Magistrate</li> <li>● District Nodal Officer</li> <li>● Police</li> </ul>
Institutional Complaint	<ul style="list-style-type: none"> <li>● on PENCIL - <a href="http://www.pencil.gov.in">www.pencil.gov.in</a></li> <li>● on Childline- 1098</li> <li>● by NCLP Project Society</li> <li>● by District Nodal Officer</li> <li>● From NCPCR, SCPCR, NHRC,SHRC, NALSA, SLSA, DLSA, CWC</li> </ul>
Complaint from Other Sources	<ul style="list-style-type: none"> <li>● from employer associations and trade unions</li> <li>● from NGO's</li> <li>● from parents and relatives</li> <li>● from teachers &amp; Principal on absence of 30 days self reported by Victim</li> <li>● Any person</li> </ul>

## 4.2 Who Can Report?

Any person, member of civil society, institutions or organizations can report through PENCIL Portal of Ministry of Labour and Employment, phone, letter, written complaint, e-mail, helpline, in person, or any other means can report an incident of child labour, or, adolescent labour in hazardous employment.

## 4.3 Where to Report a Complaint?

Anyone having any information about a child labour, may contact the following agencies.

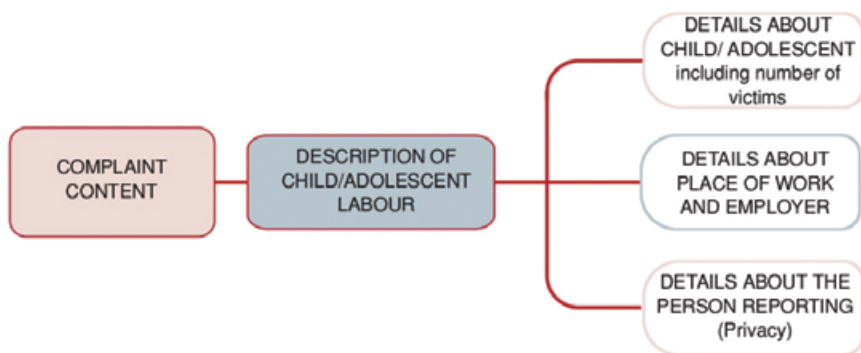
Reporting Agencies					
Complaint Corner at PENCIL Portal	Any Police Station/ SJPU	District Task Force under DM	State Labour Dept./ Labour Insp.	Child Line (1098)	District Nodal Officer

These agencies will verify the complaint, either through direct site visits or through resources identified by the District Task Force within 24 hours of the receipt of the complaint. If the complaint is found to be genuine, all agencies are to report the complaint to the police department who may begin the process for rescue.

The procedure to make a complaint on PENCIL is at Annexure. An updated list of District Nodal Officers along with contact numbers is available at PENCIL Portal

## 4.4 What Should the Complaint Contain?

The written complaint should contain a description about the place where the child/ adolescent is working, details of place and address of working place, name of employer, suspected child/ adolescent labour, probable age of child/ adolescent, if possible picture of the child/ adolescent.



#### 4.5 How to Register a Complaint?

On receipt of the complaint the police proceeds to identify the relevant laws to include when a complaint is registered, including the following provisions of the Child and Adolescent Labour (Regulation and Prohibition) Act, 1986.

Section 14	Offence	Punishment
(1)	Employing a child or permitting a child to work	Imprisonment for a term that shall not be less than 6 months but which may extend to 2 years or with fine which shall not be less than Rs. 20,000 but which may extend to Rs. 50,000 or with both. <u>(Parents or guardians may not be punished under this section)</u>
(1A)	Employing an adolescent or permitting an adolescent to work in a hazardous occupation or process listed in Part A of the Schedule	Imprisonment for a term that shall not be less than 6 months but which may extend to 2 years or with fine which shall not be less than Rs. 20,000 but which may extend to Rs. 50,000 or with both. <u>(Parents or guardians may not be punished under this section)</u>
(2)	A repeat offence of the above stated sections	Imprisonment for a term which shall not be less than 1 year but which may extend to 3 years.

(2A)	Parents who commit a repeat offence	Fine which may extend to 10000 rupees.
(3)	Violations of any other section of the Act including conditions for adolescents to work	Imprisonment for a month or with fine of 10000 rupees or with both.

## Provisions in other Legislations

For a case of child labour the following sections in various laws may also be considered for trafficking, crimes against a child during employment and bonded labour	IPC Sec 370, 370A, 342, 343, 344, 363A, 374
	JJ Act 2015 Sec 74-88, 80-85, 87, 42, 33-34 (in case of children)
	BLSA 1976 Sec 16-23
	SC/ST ACT S. 3(h), 3(2)(v)
If there is a case of sexual exploitation then the following sections may also be considered	POCSO 2012 Sec 3-18 (in case of children) IPC 342, 343, 344, 346, 354A, 354B, 354C, 354D, 366A, 366B, 509



## Section 5: Pre- Rescue

For every verified complaint:

- Assess the vulnerability of the situation.
- If there is a risk to life, liberty or safety of the child or if there is a risk of the child being moved conduct immediately; FIR can be filed simultaneously.
- The District Task Force may create a schedule every month for a stand by team of stakeholders who may be called upon for immediate rescue. These may be shared with all stakeholders involved.

### 5.1 Constitution of Rescue Teams

A comprehensive rescue team consisting of a spectrum of stakeholders shall be constituted for the rescue of child labourer or adolescent labourer in hazardous employment. Given below is a suggestive list of law enforcement agencies, independent witnesses and other persons with valuable skill sets to be included in a rescue team.

- a) Police/ Special Juvenile Police Unit;
- b) District Nodal Officer or Labour Inspectors;
- c) District Magistrate or the Sub- Divisional Magistrate or Nominee of the DM (A case of child labour could also be a case of Bonded Labour);
- d) CWCs/ DCPO/ Members of village level child protection committees;
- e) Representative of District Legal Services Authority;
- f) Women police officer;
- g) NGOs, representative of child helpline services; and
- h) Translators, counsellors etc.



★ Remember: Safety of the victim is of primary importance, hence while the above stated list is a comprehensive list for a rescue team and maybe used by the DTF to develop and maintain a schedule for availability of above stated stakeholders, a rescue may be conducted on emergency basis by the police personnel.

## 5.2 Preparation for Rescue:

- a) Logistical Support: The rescue team needs to ensure that adequate logistical support is available with them in terms of
- food
  - water
  - clothes, blankets
  - Medical kit with first aid (provide for all basic toiletry needs such as sanitary napkins etc.)
  - translator, if required
  - Map the nearest hospital and availability of professional medical help in case of emergencies. Have an ambulance on stand by.
  - Inform nearest child care institution, or fit person, fit facility as approved by the district DCPU or CWC of the rescue for immediate shelter. Ensure that this information is at the disposal of DTF for immediate and planned rescue.
- b) Prepare for adequate number of vehicles to transport the all victims and accused separately. This can be supported by the ICPS, the police or the State Resource Center constituted under the NCLP scheme.
- c) Collection of Evidence: Ensure preparation for all evidence to be collected from the place of rescue. Coordinate with the rescue team to ensure that team assigned for evidence collection is aware of the structure of the place of rescue before the rescue. Arrange for a sensitive videographer/ photographer to support evidence collection
- d) Arranging for adequate medical support: Identify the nearest Government hospital and availability of professional medical help in case of emergencies. Have an ambulance on stand-by. Ensure the availability of an authorised medical practitioner to address the immediate as well as long term medical needs of the victim. Identify resources to provide psychological support to the victim of trafficking as soon as possible after rescue.

- e) **Victim Protection Mechanisms:** The members of the rescue team assigned to the victim should ensure that a plan is made for separating the victim from offender as soon as the rescue is conducted to protect the victim and safe guard evidence. If possible, arrange for the victim to be taken to a neutral place for her/ his statement. Care should also be taken that all relevant departments, officers of all relevant departments including police, SDM, Labour Inspector are present at the same time so as to ensure that the victim does not have to give her statement again and again.
- f) **Information to Place for Immediate Care and Protection:** The rescue team should notify the government, or NGO run Short Stay Home/ Child Care Institutions (CCIs), or any fit place, or fit institution, or fit person of the expected number of rescued persons and the expected time of arrival at such place. The Child Welfare Committee should also be duly notified.
- g) **Ensuring Confidentiality for Victim:** The rescue team should ensure confidentiality of the rescue operation and the persons rescued. The police officer shall ensure that the identity of the victim is protected from the public media, unless directed otherwise by a competent law enforcement authority.
- h) **Presence of Witnesses:** At least two witnesses should be present during rescue, at least one of whom is a woman.
- i) **Ensuring Access to Legal Aid:** Arrange for a lawyer/ paralegal assigned by the DLSA/ SLSA to accompany the rescue team and ensure that appropriate legal counsel is given in collecting evidence, registering sections of law for the FIR and immediate legal aid is provided for the victim and her/ his family.



## Section 6: Rescue

### 6.1. Steps to be Taken for Rescue:

★ **Remember:** Each rescue should be dealt with on a case to case basis. The rescue team should be alert and each action must be guided towards rescuing all victims, ensuring protection of the victims and collecting evidence for investigation.

1. Make a General Diary Entry when leaving the police station that ensures that the information with respect to source/ victim/ location is not compromised.
2. Ensure thorough search of the place so that no child or adolescent is left behind. Look for false doors, roof, hiding out areas etc. Protecting the anonymity of the victim has to be ensured.
3. Explain the situation to the child. Use the help of the translator and the NGO representative or the representative of the DLSA for the same. Remember to use child friendly language.
4. Collect evidence of work done by the victim, food bills, tickets, documents of vehicles/ property owned, computers, phones, any other electronic items, records/ identity cards of each victim, identity cards of the accused etc. Make a seizure memo.
5. Make a site map of the area. Denote what was recovered from which place, where was the accused, where was the victim etc. Take photos/ videos to support this.
6. Develop a disclosure memo.
7. Sec 74 of the JJ Act, 2015, mandates ensuring the anonymity of a rescued child (here a child means a person below the age of 18 years). Contravention of this provision is punishable with imprisonment of 6 months. Ensure anonymity of the rescued child and adolescent.
8. Seal the premises.

### 6.2 Age Verification

Age Verification in case of dispute between the employer and Labour Inspector regarding age of the child/ children: In case of conflict regarding the age of the victim, the following procedure may be followed for age determination by seeking evidence by obtaining :

- i. the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned Examination Board, Aadhaar card, if available; and in the absence thereof;
- ii. the birth certificate given by a corporation or a municipal authority or a panchayat;
- iii. and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Court.

### 6.3 Immediate Aid to the Victim

As soon as a victim of child labour is rescued, the following needs should be met:

1. Separate the victims from the offender and if possible, move the victims to another location.
2. Provide food, water and necessary clothing.
3. Make available the access to a bathroom/ toilet facilities.
4. Immediate medical aid using the previously accessed medical kit. If needed move the victim to the identified place for further medical attention.
5. If needed ensure that a translator is made available.
6. Explain to the victim in a sensitive and child friendly manner about the situation at hand and what to expect in the immediate future. This can be done best with the aid of the social worker or psychologist.
7. Assess if the victim has any immediate medical (physical or psychological) needs and provide for if necessary.
8. Provide for legal counseling and legal aid to explain the situation to the victim in a sensitive manner.
9. Make a list of services that need to be immediately made available to the victim and ensure their availability.

- 10 Rescued children should be placed in Child Care Institutions or with fit person or fit facility as per the instruction of Child Welfare Committee. Or in cases where the complaint is given by the parent, the child's custody can be given to the parent after production in front of the CWC.

★ Remember: Children rescued have to be produced in front of the CWC or where that is not possible in front of one member within 24 hours from the time of rescue, excluding the time of travel.



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## Section 7: Post Rescue

### 7.1 Protection of Victim

● The basic needs of the rescued child must be met immediately after rescue and the child should be provided with sufficient information regarding the situation and reassured of her/ his safety, It is the first and one of the most important steps in building trust with the child and adolescent labourer.

★ Remember: A victim should never be treated as an offender, kept in a lock up or made to interact with the offender. All interaction with the victim should be in child friendly language. Attention should be paid to ensure that the victim does not meet the accused or her/his representative.

- i. Registration of FIR: The police should ensure that FIR is registered including relevant provisions of all laws. Additional to child labour or adolescent labour in hazardous employment, the child could also be a victim of trafficking, crimes against the child, kidnapping, sexual exploitation etc. Refer to 4.5 of the SOP for relevant sections. In case of trafficking also remember to include economic offences under Maharashtra Control of Organized Crime Act, 1999 and Prevention of Money Laundering Act, 2002.
- ii. Production in front of the CWC: All children must be produced in front of the CWC who shall then order inquiry which may include medical examination, determination of age, intermediary care and protection, tracing parents or if the CWC deems fit sending the child with parents, home verification etc. The social investigation report to be filed within 15 days. At this stage or the end of the inquiry, CWC may recommend inclusion of additional sections in the FIR through the Juvenile Justice Board as per the JJ Act, 2015.
- iii. Counseling of victim: Counseling should be provided to victims by trained counselor, community social worker or NGOs or DLSA so that the victim is well informed. An assessment of mental trauma caused to the victim and support required should be determined and such information provided to the CWC so that they may pass suitable orders for the same. All information s/he possess is obtained for the investigation and her/ his needs are heard at all stages of prosecution and rehabilitation.
- iv. Legal Aid: Legal aid is to be provided to the victim at the police station and at the place of safety wherever necessary by empanelled lawyers of the DLSA/ SLSA and NGOs. Legal Counseling and advice to the parents of the child must be provided.

- v. **Recording of Statement of Victim:** Victim statement should be recorded as per Section 164 Cr.PC by metropolitan/judicial magistrate only after due psycho social counseling but within a 14 days. The period maybe extended only after such permission is issued from the CWC or Court for reasons recorded in writing.
- vi. **Victim- Witness Protection:** All victims and /or witnesses are entitled to protection on submitting a request to the police or to the concerned Court by himself/herself or parent/ guardian. This protection can be extended to any other person with custody of the child. The police on its own or the Court on its own motion at any stage may decide to extend this assistance.
- vii. **Orders:** All orders and proceedings relating to victim/ witness protection should be maintained with utmost secrecy and in perpetuity.
- viii. **Victim-Witness Deposition:** The local District Legal Services Authority must consistently follow up on witness depositions to ensure that the witness is able to safely depose. Ensure that the victim/ witness has sufficient travel allowance and safe shelter. Use in camera trial and video conferencing where ever applicable and deemed necessary.

## 7.2 Strengthening Prosecution/ Investigation:

- i. **Rescued children are granted access to justice and fair treatment through the support of the competent authorities and assisting stakeholders.** The victim has a right to receive compensation for the physical and psychological harm suffered and wages lost through criminal proceedings, civil action and administrative systems. The District Nodal Officer has the responsibility to prepare a Status report on legal action taken and upload on the PENCIL Portal. The police must finish investigation as diligently as possible in a time bound manner. As per section 173 (1A) of CrPC the same must be completed in 3 months and trial must be completed in a year wherever possible in a case where an offence under POCSO is registered. Charge sheet must be filed as soon as possible and public prosecutor briefed to the full extent.
- ii. **Assessment of Appropriate Sections of Law:** All relevant sections as per the facts of the case must be mentioned in the FIR and in the charge sheet based on the evidence collected during investigation. The police may avail the services of the public prosecutor, the empanelled lawyer from DLSA or with the aid of the paralegal designated to the police station for the same.



- iii. **Medical Examination of the Accused:** Medical examination of the accused may be done as required under Section. 53, 53 A and 54 of Cr. PC.
- iv. **Speedy Trial:**
  - As far as possible trial must be completed in a time -bound manner.
  - Summary Trial wherever applicable: Provision of summary trial as per BLSA. Victim friendly court procedures to be followed at all times.
  - Monitor Status of bail: Denial or cancellation of bail for the accused is possible and maybe applied for where further investigation is required or there is evidence for that the accused on bail will hamper with the investigation.
  - Victim Friendly time bound trial: The trial should be conducted in a victim friendly manner and all efforts should be made to ensure that it is time bound.

## Section 8: Rehabilitation

Rehabilitation of all child labourers and adolescent labourers who have been rescued may be done through coordinated and convergent action by a series of stakeholders. The District Nodal Officer has the responsibility to prepare an Index card and decide on rehabilitative method.

### 8.1 Social Rehabilitation:

Home Verification and Repatriation:

All persons below 18 years who have been rescued have to be produced in front of the CWC. The CWC must conduct an inquiry which includes a home verification process and a social investigation report. Based on the same the CWC may pass orders for:

- If home verification is approved: the victim should be sent back to her/his community/home and the CWC may pass an order for repatriation. The CWC can order and provide for the necessary monetary support required for repatriation. For safe repatriation within the state and between States the CWC will inform the concerned authorities in the receiving area, such as the local CWC. The CWC may also order an NGO or the SJPU to accompany the child.
- If home verification is not approved: arrangement should be made for the victim in long term rehabilitation a child in need of institutional support may be send by the CWC to,
  - Children's home
  - Fit facility
  - Fit person
  - Foster Care

till he/she attains 18 years of age, with periodic monitoring of the CWC through the individual care plan.

- The CWC will issue rehabilitation card for each child to monitor the progress made on their individual care plan. CWC to make an individual care plan (with information on health and nutrition needs, special needs, educational, training, emotional, psychological, restoration, follow up, social mainstreaming, life skills, protection from all kinds of exploitation and abuse). This has to be reviewed after three months and modified as per progress.

## 8.2 Educational Rehabilitation:

Children who are rescued from labour or adolescents who are rescued from hazardous employment shall be linked to suitable education facilities by National Child Labour Project (NCLP) in following steps:

- If the child is between 5- 8 years she/ he will be directly linked to the Sarva Shiksha Abhiyan to access their Right to Education.
- A child between 9- 14 years will attend two year bridge education in the NCLP Special Training Centers and then will be mainstreamed to the schools under Sarva Shiksha Abhiyan program.
- To ensure quality of educational rehabilitation, the index card prepared under PENCIL portal of Ministry of Labour and Employment would be updated regularly by the District Project Society under NCLP.
- An adolescent between 14 – 18 years will be linked to a skill development program run by the Government of India or the particular State Government.
- The data of rescued adolescents would be shared with Ministry of Skill Development through PENCIL Portal.

## 8.3 Economic Rehabilitation:

- Back wages: All rescued child labourer and adolescent labourers in hazardous employment shall be paid back wages at a rate not less than minimum wages for their period of employment.
- Immediate financial assistance of Rs 20000 under the Central Sector Scheme for Rehabilitation of Bonded Labourer 2016 if the child/ adolescent are a bonded labour. Additional compensation up to Rs. 3,00,000 is available on issuing of release certificate by the District Magistrate.

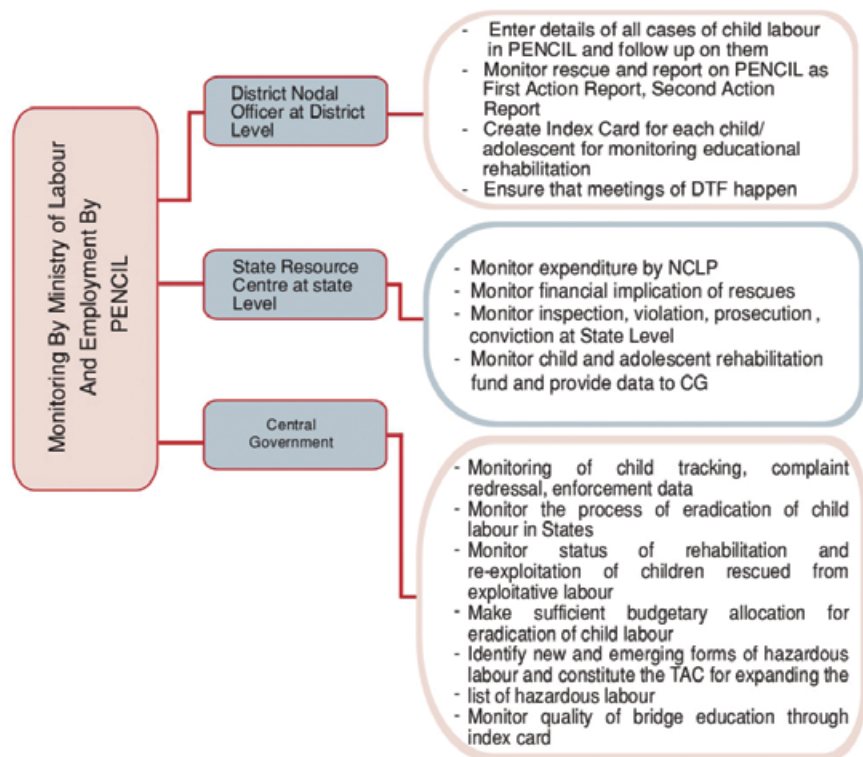
- ❖ As per CrPC Section 357A victim compensation scheme, whenever a recommendation is made by the Court for compensation, the District Legal Services Authority (DLSA) or State Legal Services Authority (SLSA) as the case may be shall decide the quantum of compensation to be awarded under this scheme.
- ❖ Economic Compensation: As per MC Mehta vs. State of Tamil Nadu and Ors. AIR 1997 SCC 699 judgment-
  - Rs 20000 per child are to be paid by the employer to a "Child Labour Rehabilitation-cum-Welfare Fund" to be used only for the benefit of that child.
  - In addition, the Government is to provide employment to an adult family member of the child or contribute Rs 5000 per child to this fund.
- ❖ As per Section 14(B) of C&AL (P&R) Act 1986, a Child and Adolescent Labour Rehabilitation Fund is to be formed by appropriate government in every district or for two or more districts. The amount of Fine and an additional amount of Rs 15000 is to be credited by the Government for each child or adolescent in such fund. The amount deposited and income accrued shall be given to the child as per Child and Adolescent Labour (Prohibition and Regulation) Central Rules.



## Section 9: Monitoring

Enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Rules made therein are to be monitored both by an elaborate monitoring mechanism within the Ministry of Labour and Employment as well as by external independent agencies, thereby assuring robust enforcement of the law.

### 9.1. Monitoring Mechanism of Ministry of Labour and Employment: PENCIL Portal



## 9.2. Monitoring Mechanisms at the District, State and Central Level:

Commissions formed at the center, state and district level have the mandate to monitor the implementation of child labour

- ❖ National Human Rights Commission along with its counterpart at the state are to look into any violation of human rights not addressed, including child labour and adolescent labour in hazardous industries.
- ❖ The National Commission for Protection of Child Rights and its counterpart at the State levels as well as those at the District Child Protection Unit at the district level have a mandate to monitor the protection systems for children all over the country. While the NCPCR and SCPCR reviews policy implementation, the DCPU regulates and monitors institutions on the field such as the children's homes, community level monitoring committees etc.
- ❖ NALSA, SLISA and DLISA have the mandate to monitor coordination among agencies, and convergent implementation of laws and schemes for the eradication of child labour. They also have the mandate to monitor access to justice of every child.





## Section 10: Roles and Responsibilities of Enforcing Agencies and Other Stakeholders at different Stages



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## A. District Nodal Officer

S.No:	Action
<b>PREVENTION</b>	
1.	Ensure monthly meeting of the District Task Force (DTF)
2.	Present progress of prevention activities in the district for monthly meeting
3.	Share details of prevention activities in the district with State Resource Centre through PENCIL
<b>IDENTIFICATION</b>	
1.	Upload all complaints received by other means to the PENCIL portal immediately (e.g: Through telephone calls, emails, child line, from schools on drop outs etc.)
2.	Conduct regular inspections as per Rule 17 D of the Child and Adolescent Labour(Prohibition and Regulation) Rules
3.	Monitor adherence to norms stated in the Act and Rules and reiterated in this SoP for employment of adolescents on non - hazardous work
4.	Verify complaints received through various resources and identify if <ul style="list-style-type: none"> <li>• child is employed or,</li> <li>• adolescent is employed in hazardous work or,</li> <li>• regulation for employment of adolescent is not met</li> </ul>
5.	Register verified complaint of child labour, or adolescent labour in hazardous employment with local police station/ SJPU
6.	Take action and upload First Action Report (FAR) on the PENCIL within 48 hours of receipt of all complaint
7.	Coordinate with various agencies through DTF for survey and identification of child labourers in the district and to develops action plans accordingly
8.	Upload action plan and minutes of the DTF meeting to State Resource Centre
<b>PREPARATION BEFORE RESCUE</b>	
1.	Ensure FIR is filed in all complaints registered with the police. If there is a threat to life or liberty of the victim, ensure their immediate rescue in coordination with the police
2.	Facilitate resources needed for each rescue of child labourers are made available including logistical resource, transportation, members of the rescue team, information to children's home etc as per this SoP

3. Coordinate with various stakeholders for rescue

#### RESCUE

1. Ensure that rescue is conducted on all verified complaints or as per DTF action plan
2. Ensure that during the rescue protection is given to the victims including transportation facilities, separation from accused, translator, counselling, medical attention etc.
3. Collect details of the company, factory etc such as registration, licence number etc for further action
4. Ensure that no victim is left behind

#### POST RESCUE

1. If FIR was not registered before rescue, ensure registration of FIR
2. Produce rescued child or adolescent before the CWC within 24 hours of rescue
3. Arrange for shelter home, immediate medical care etc wherever necessary

#### REHABILITATION

1. Facilitate repatriation of the child or adolescent victim as per the order of the CWC, in coordination with the DTF where ever required
2. Create a bank account for each child and adolescent and ensure transfer of interest accrued on the amount collected in the name of the child to such bank account once in every six months. Further ensure transfer of principle amount to such bank account when such child or adolescent reaches 18 years
3. Ensure issuing of index card and inclusion of the child or adolescent victim to the child tracking system
4. Coordinate with the CWC, SSA/NCLP project, DM's office, Department of Social Justice and Empowerment, District Legal Services Authority etc for social, educational and economic compensation for the victim as elaborated in Section 8 of the SoP
5. Upload the Second Action Report (SAR) on the PENCIL portal within 21 days of receipt of first complaint including details of rescue, rehabilitation and issuing of index card

#### FOLLOW-UP

1. Ensure that all children rescued as re-integrated to school or skill development program
2. Follow up with individual child on receipt of declared compensations, social rehabilitation schemes etc.
3. Follow up on the progress of each trial
4. Upload the Legal Action Report on the PENCIL portal including status of prosecution

## B. Police/ Special Juvenile Police Officer

S.No:	Action
<b>PREVENTION</b>	
1.	Special Juvenile Police Unit to attend the monthly meeting of a District Task Force
2.	SJPU to participate in prevention of child labour activities in your district along with the labour department and DTF
<b>IDENTIFICATION</b>	
1.	Conduct proactive investigation to collect intelligence on cases of child labour, and adolescent labour in hazardous work or violation of any other child protection laws in your area
2.	To identify potential crimes related to child labour, create a database on Traffickers, Pimps, agents, Informants etc.
3.	Analyse information collected from the database of missing children
4.	Forming a strong network with stakeholders and law enforcement agencies engaged in trans points and destination areas
5.	Form action plan along with other members of DTF for elimination of child labour in your district. Monitor the monthly progress of the action plan in coordination with the DNO
6.	Register complaints received from the DNO, Child line and other sources
<b>PRE- RESCUE PLANNING</b>	
1.	Ensure registration of FIR for the complaints related to child labour. <u>If there is a threat to life or liberty of the victim, ensure their immediate rescue in coordination with the DNO</u>
2.	Constitute a comprehensive rescue team, under coordination with DNO.
3.	Ensure resources to overcome language barrier of the victims (reach out to DNO, DCPU or DLSA for a translator), immediate food, clothing, toilet, first aid kit, fire extinguisher, vehicles etc. in coordination with DNO.
4.	Ensure preparation for all evidence to be collected from the place of rescue and engage photographer/videographer.
5.	Ensure secrecy of the rescue operation
<b>RESCUE</b>	
1.	Ensure presence of the owner/manager responsible for running the place
2.	Ensured that the victim is not arrested and that the victim and accused are immediately separated
3.	Ensure thorough search of the place so that no child or adolescent is left behind

4. Collect evidences with proper documentation
5. Identify the relevant laws to include and ensure that an FIR is lodged immediately

#### POST RESCUE

1. Explain the situation to the victim
2. Ensure that the Legal Services Authority and the paralegal volunteers are immediately involved.
3. Ensure that the victim's statement is recorded as per provisions of Cr.PC after due psychosocial counselling.
4. Produce the child before the CWC within 24 hours and if required, before the DM for ascertaining a case under BLSA, 1976
5. Ensure that the rescued children or adolescents are placed in a CCI or with fit person or fit institution as per the instruction of CWC
6. Provide required protection to the victim(s) and witnesses.

#### INVESTIGATION

1. Register an FIR and apply sections for continuing offences wherever relevant.
2. Ensure protection for all victims and/or witnesses
3. Ensure that the investigation is carried out in a time-bound manner and charge sheet is filed as soon as possible.
4. Brief and aid the public prosecutor or representing lawyer



## C. District Magistrate

S.No:	Action
<b>PREVENTION</b>	
1.	Ensure formation and monthly meeting of the District Task Force (DTF). Coordinate with the DNO for the same
2.	Develop a plan for prevention activities in the district and track its progress in monthly DTF meeting
3.	Authorise child artists and children working in other entertainment. Such permission to have validity only for 6 months and to be authorised based on section 2.2 b of this SoP and other guidelines issued by the Central Government on the same from time to time
4.	Ensure that 20% of the earnings of the child artist is transferred into a bank account in the name of the child, accessible to the child only after s/he turns 18 years
<b>IDENTIFICATION</b>	
1.	Ensure coordination with various agencies through DTF for survey and identification of child labourers, and adolescent labour in hazardous employment in the district
2.	Based on the identification ensure that the DTF develops action plan for elimination of child labour
<b>PREPARATION BEFORE RESCUE</b>	
1.	If there is a threat to life or liberty of the victim as per complaint, ensure their immediate rescue in coordination with the police and DNO
2.	Ensure resources needed for each rescue of child labourers are made available including logistical resource, transportation, members of the rescue team, information to children's home etc as per this SoP
<b>RESCUE</b>	
1.	Ensure that rescue is conducted on all verified complaints or as per DTF action plan
2.	Ensure that during the rescue protection is given to the victims and no victim is left behind

## POST RESCUE

1. Monitor registration of FIR for all cases of child labour, or adolescent labour in hazardous employment under all relevant child protection laws
2. Ensure that all rescued child or adolescent before the CWC within 24 hours of rescue
3. Monitor and ensure all cases for -
  - Immediate medical care etc wherever necessary
  - Immediate separation of the victim and accused
  - No child or adolescent is kept in the police station overnight
  - Shelter home, fit person or fit facility is available for immediate care as well as long term care and rehabilitation of children
  - Children who require long term medical care – (both physical and psychological) is provided the same
4. Conduct timely summary trial as well as issue release certificate to access other forms of compensation under the BLSA, 1976
5. Monitor progress of investigation of all cases of child and adolescent labour in hazardous employment through DTF
6. Ensure coordination with labour inspectors for compounding of offences

## REHABILITATION

1. Facilitate repatriation of the child or adolescent victim as per the order of the CWC, in coordination with the DTF wherever required
2. Monitor receipt of rehabilitation services with respect to social, educational and economic compensation for the victim including those elaborated Section 8 of the SoP

## D. Project Director- National Child Labour Project Society

S.No:	Action
<b>PREVENTION</b>	
1.	Coordinate with the DNO for the progress of the work of the DTF
2.	Develop a plan for child labour and adolescent labour in hazardous employment prevention activities in the district
3.	Conduct capacity building for key community level stakeholders such as teachers, PRIs etc for elimination of child labour and adolescent labour in hazardous employment
<b>IDENTIFICATION</b>	
1.	Conduct NCLP Survey in a timely manner for identification of child labourers
2.	Based on the identification ensure that the DTF develops action plan for elimination of child labour
3.	Register complaint, where complaint has not been registered, with the police for child labourers or adolescent labourers in hazardous employment enlisted in the NCLP program
<b>ASSISTANCE IN RESCUE</b>	
	Provide requisite support to DNO, police to conduct rescue of child labourers or adolescent labourers in hazardous employment
<b>REHABILITATION</b>	
1.	Facilitate repatriation of the child or adolescent victim as per the order of the CWC, in coordination with the DTF where ever required.
2.	Prepare index card for child enrolled in the NCLP bridge schools if it is not prepared by the DNO.
3.	Facilitate enrolment of rescued child victims into the NCLP program or the adolescent victims in the skill development program
4.	Monitor receipt of rehabilitation services with respect to social, educational and economic compensation for the victim including those elaborated Section 8 of the SoP
<b>FOLLOW-UP</b>	
1.	Monitor progress rescued child victims in NCLP program for the following year on the index card
2.	Monitor the receipt of various economic, social and educational national and state level schemes and compensations through the index card



## E. State Resource Centre – State Labour Department

S.No:	Action
<b>PREVENTION</b>	
1.	Implement prevention activities at the state level
2.	Monitor prevention activities in each district and utilisation of allocated funds for prevention allocated to NCLP Society and DNO
3.	Upload information of prevention on the PENCIL portal
4.	Build capacity of NCLP staff, labour inspectors and other district level implementation officers for the implementation of this SoP
<b>IDENTIFICATION</b>	
1.	Monitor timely action by DNO on complaints received ( DNO to take action within 48 hours of receipt of complaint ) and take appropriate action
2.	Monitor child labour survey in the State
3.	Create plan for, and monitor implementation of inspections by labour inspectors on the issue
4.	Monitor Second Action Report (SAR) by DNO
<b>ASSISTANCE IN RESCUE</b>	
	Provide requisite support to DNO, police to conduct rescue of child labourers or adolescent labourers in hazardous employment in the form of funds for logistic support, vehicles etc
<b>REHABILITATION</b>	
1.	Monitor Second Action Report (SAR) by DNO
2.	Ensure creation of Child and Adolescent Labour Fund in every district or a group of districts
3.	Report on the Child and Adolescent Labour Fund formed on the PENCIL portal
<b>FOLLOW-UP</b>	
1.	Monitor progress rescued child victims in NCLP program
2.	Monitor the receipt of various economic, social and educational national and state level schemes and compensations provided under labour laws as well as other applicable central and state laws and schemes
3.	Suggest changes to Central Government towards elimination of child labour based on the data collected at the State level

## F. STATE OR DISTRICT LEGAL SERVICES AUTHORITY

S.No:	Action
<b>PREVENTION</b>	
1.	Participate in the monthly DTF meetings and inform other stakeholders of challenges for prosecution of offenders
2.	Aid prevention activities through spreading legal awareness on protection of children as a part of prevention activities
3.	Aid State Resource Centre and NCLP in conducting legal awareness on protection of children as a part of the capacity building initiative including stakeholders of the DTF
<b>ASSISTANCE IN RESCUE</b>	
1.	Ensure that a lawyer or paralegal is a part of the rescue team in all cases of child labour and adolescent labour in hazardous employment
2.	Assist in filing of FIR in cases of child labour and adolescent labour in hazardous employment
3.	Provide legal aid and legal counsel to cases of child labour and adolescent labour in hazardous employment
<b>PROSECUTION</b>	
1.	Provide legal representation to cases of child labour and adolescent labour in hazardous employment
2.	Aid DNO to prepare Legal Action Report (LAR) on progress of the trial

## G. Child Welfare Committee

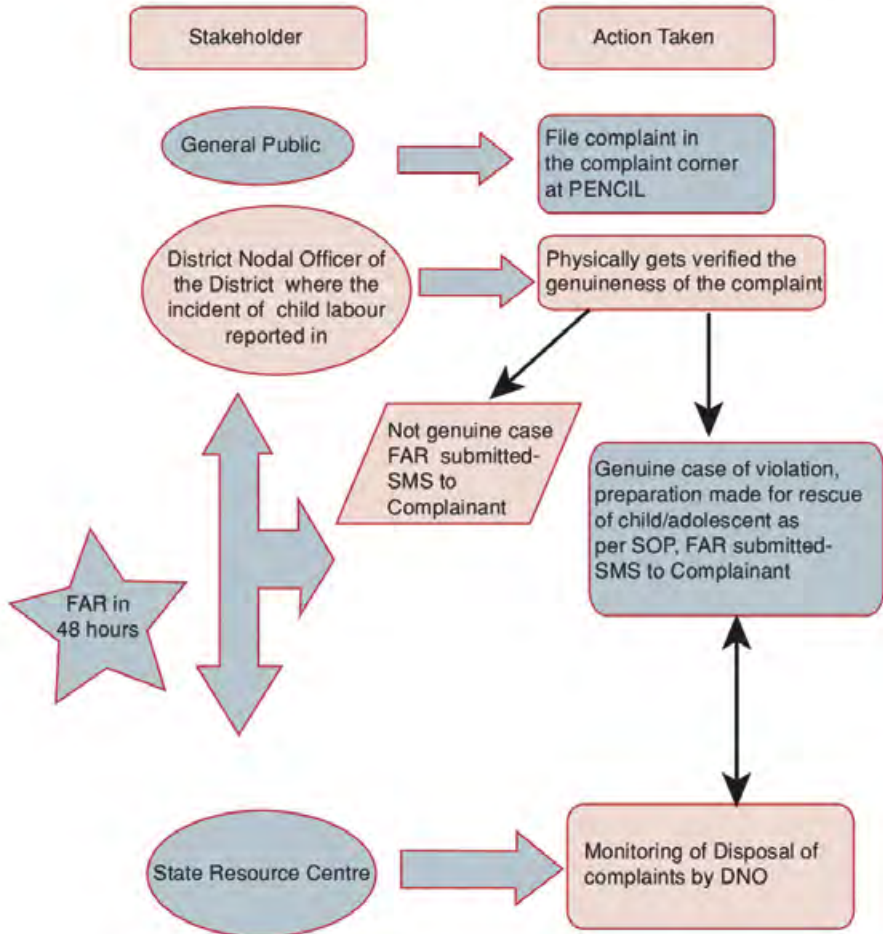
S.No:	Action
<b>RESCUE</b>	
1.	Participate in monthly DTF meetings and aid in implementation of the action plan developed to eliminate child labour and adolescent labour in hazardous employment
2.	Ensure that one member joins the rescue team for child labour and adolescent labour in hazardous employment
3.	Ensure immediate care for child labour and adolescent labour in hazardous employment is produced in front of the committee within 24 hours as per Juvenile Justice (Care and Protection) Act, 2015
<b>REHABILITATION</b>	
	Share information with DNO on rehabilitation provided to all victims of child labour and adolescent labour in hazardous employment

## H. Department of Education and Schools

S.No:	Action
<b>PREVENTION</b>	
1.	Ensure 100% enrolment of all children in schools
2.	Include information about child labour and child rights in school curriculum
3.	Train teachers to understand the issue of child labour, adolescent labour and create awareness regarding Child and Adolescent Labour Act and Rules and institutional mechanism for child protection
4.	District Education Officer to participate in monthly DTF meetings and contribute to implementation of action plan against child labour
<b>IDENTIFICATION</b>	
	Teacher to report drop out of children for consecutive 30 days and child artists who are being employed without notifying district administration
<b>REHABILITATION</b>	
	Ensure enrolment or reintegration of child labourers into Sarva Shiksha Abhiyan

## Annexure

Path of the flow of Complaint on child Labour and action taken on PENCIL Portal



## List of Abbreviations

1. BLSA- The Bonded Labour System (Abolition) Act, 1976
2. C&AL(P&R) Act- Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
3. CCI- Child Care Institutions
4. CWC- Child Welfare Committee
5. DCPO- District Child Protection Officer
6. DCPU- District Child Protection Unit
7. DM – District Magistrate
8. DTF- District Task Force
9. DLSA – District Legal Services Authority
10. IPC- Indian Penal Code
11. ICPS- The Integrated Child Protection Scheme
12. ILO- International Labour Organization
13. ITPA - Immoral Traffic (Prevention) Act
14. JJ Act- Juvenile Justice Act, 2015
15. MOWCD- Ministry of Women and Child Development
16. NALSA- National Legal Services Authority
17. NCLP- National Child Labour Project
18. NCPCR- The National Commission for Protection of Child Rights
19. NGO- Non Governmental Organization,
20. NHRC- National Human Rights Commission
21. POCSO- The Protection of Children from Sexual Offences Act
22. SCPCR- State Commission for Protection of Child Rights
23. SDG- Sustainable Development Goals
24. SHRC- State Human Rights Commission
25. SJPU- Special Juvenile Police Unit
26. SLSA- State Legal Services Authority
27. SMC- School Management Committee
28. TAC- Technical Advisory Committee





**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Setting up of Anti Human Trafficking Units (AHTUS) in four districts of A.P. at Eluru (West Godavari Dist), Guntur (Guntur Dist), Anantapur (Anantapur Dist), Karimnagar (Karimnagar Dist) and at Women Protection Cell, CID, Hyderabad - for preventing and combating crime of trafficking in persons - and to bring traffickers to justice and to rescue victims - Designating Addl. D.G.P., CID as AP State level AHT Nodal Officer to supervise the AHT work across the State and to co-ordinate intra-state and inter-state AHT operations - Orders - Issued

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**Home (PS & C.A2) Department**

**G.O.Ms.No. 165**

**Dated: 25<sup>th</sup> June 2011**

Read the following :-

1. D.O letter of Sri Gopal K.Pillai, Home Secretary, MHA, GOI, North Block, New Delhi vide D.O.Lr.No.15020/ 08/2007-ATC dt.16.6.2010 addressed to Chief Secretary to Govt of AP.
2. Video conference held on 17-03-2011 by Addl. Secretary MHA, New Delhi with all State Nodal Officers across the country to formulate a comprehensive scheme for formation of Anti- Human Trafficking Units by issuance of G.O. to start Anti-Human Trafficking Units.
3. Govt. (Home) Memo No.18875/PSC/A2/2010 dt.30.6.2010 of Spl. Secretary to Govt. Home (PSC) Dept. AP Secretariat, Hyderabad addressed to DGP, AP.
4. Letter of DGP, AP in C.No.5012/C14/WPC/CID/2010 dt.6.8.2010 addressed to Home Department.
5. Govt. (Home) Memo No.18875/PSC/A2/2010 dt.20.11.2010 of the Prl. Secretary to Govt. Home (PSC) Dept. AP Secretariat, Hyderabad addressed to DGP, AP.
6. Letter of DGP, AP in C.No.5012/C14/WPC/CID/2010 dated: 10.04.2011 addressed to Home Department.

**ORDER :**

The Secretary to Government of India, Ministry of Home Affairs, New Delhi vide reference 1st cited has requested the Chief Secretaries of all State Governments for formulating a comprehensive scheme for strengthening law enforcement in India, by setting up dedicated Anti Human Trafficking Units (with a strength of 1-



Inspector, 2- SIs, 2-HCs, 2- PCs in each Unit) in certain affected police districts to prevent and combat trafficking in persons, comprising of a group of trained sensitive officials of the Police Department, with the assistance of members from Women and Child Welfare Department of the State and also the members of reputed local NGOs as and when required.

2. The Addl. Secretary (CS), MHA, New Delhi vide reference 2nd cited has recommended the State Government to formulate a Comprehensive Scheme through a Government Order to start Anti Human Trafficking Units at five (5) places in Andhra Pradesh for the current year i.e., at Eluru (West Godavari Dist), Guntur (Guntur Dist), Anantapur (Anantapur Dist), Karimnagar (Karimnagar Dist) and at Women Protection Cell, CID, Hyderabad. The Addl. Secretary, MHA also recommended for formulating victim compensation scheme as per Sec. 357-A Cr.P.C.

3. Accordingly, the Director General of Police vide reference 4th and 6th cited has identified five places in A.P for setting up dedicated Anti Human Trafficking Units to apprehend the traffickers of all hues, to rescue victims with the role and responsibilities of AHTUs.

4. The Government, after careful consideration of the proposal of the Director General of Police read in conjunction with the advisory of the Government of India, MHA, have decided to establish Anti Human Trafficking Units at following places of Andhra Pradesh and to designate the Addl. DGP, CID, Hyderabad as AP State level Anti Human Trafficking (AHT) Nodal Officer :

- 1) Eluru (West Godavari Dist)
- 2) Guntur (Guntur Dist)
- 3) Anantapur (Anantapur Dist)
- 4) Karimnagar (Karimnagar Dist)
- 5) Women Protection Cell, CID, Hyderabad.

5. Accordingly the following notification will be published in the next Extraordinary issue of the Andhra Pradesh Gazette:

### **NOTIFICATION**

(I) The Government of Andhra Pradesh hereby notifies establishment of Anti Human Trafficking Units at the following places under the direct control and supervision of the respective Superintendents of Police who will review the progress on a monthly basis and submit report to the State Anti Human Trafficking (AHT) Nodal Officer.

- 1) Eluru (West Godavari Dist)
- 2) Guntur (Guntur Dist)

- 3) Anantapur (Anantapur Dist)
- 4) Karimnagar (Karimnagar Dist)
- 5) Women Protection Cell, CID, Hyderabad under the control and supervision of Superintendent of Police, Women Protection Cell, CID.

(II) And that the Addl. DGP, CID, AP, Hyderabad will be the State level Anti Human Trafficking Nodal Officer. He will supervise the Anti Human Trafficking work across the State, co-ordinate intra-state and inter-state operations to bring traffickers of all hues to justice, to rescue victims and to take up measures for rehabilitation of victims in consultation with WCD and other Departments. The Government also notifies the respective Superintendents of Police of all the Districts in Andhra Pradesh and the Commissioners of Police of all Commissionerates duly designating them as Nodal Officers for Anti Human Trafficking in their respective Units.

(III) The charter of duties to be performed by the Anti Human Trafficking Units (AHTUs) is listed below:

A. Dealing with offences of human trafficking (HT) and providing multi disciplinary approach and ensuring a joint response by all stakeholders.

B. Dealing with HT as an 'organized crime' with 'basket of crimes concept' (involving offences of wrongful restraint, wrongful confinement, selling and buying minors for the purpose of prostitution, begging, bonded labour, gang rape, subjecting women and children to commercial sexual exploitation etc). Ensuring application of all Acts such as Immoral Traffic Prevention Act-1956 (I.T.P.A), Criminal Procedure Code (Cr.P.C), Juvenile Justice (care and protection of children) Act-2000 (J.J Act), Bonded labour system (Abolition Act-1976) and relevant penal provisions of Indian Penal Code-(I.P.C) i.e., Sec.366-A, 366-B, 370, 371, 372, 373, 374, 376(2)(g), 509, 341, 342, 365 IPC etc with the help of Director of Prosecution, AP, Hyderabad.

C. Bringing about 'inter-departmental collaboration' among the police and all other Government agencies and departments, such as women, Children, Disabled & Senior Citizens Dept, Labour, Health, Sarva Siksha Abhayan etc.

D. Conducting rescue operations with the assistance of NGOs, Women & Child Dept. Labour Welfare Dept whenever they receive information about trafficking activities either from police sources, or NGOs or from civil society.

E. Ensuring registration of cases from the perspective of trafficking as a 'continuous crime concept' i.e, from the source to the destination.

F. Providing 'victim witness support' till the end of the trial.

G. Guiding and mentoring NGOs from the prosecution perspective inter alia evidence collection, victim preparation for trial etc.

H. Ensuring 'a victim-centric approach' which ensures the best interest of the victim / survivor and preventing secondary victimization / re-victimization of the victim as well

as ensuring a gender sensitive and child rights sensitive approach in dealing with trafficked victims.

I. Functioning as the 'grass roots unit' for collection and development of an exhaustive database on all law enforcement aspects of the crime, including information on traffickers secret networks and trafficking gangs, which they will convey to the District and State Crime Records Bureau for further transmission to the National Crime Records Bureau. AHTUs will facilitate availability of comprehensive national level data on this criminal activity.

J. The AHTU will attend to all the three aspects of trafficking viz., prevention, protection and prosecution. The AHTU will thus be the 'field level functional unit' to address human trafficking in a holistic manner.

K. The AHTUs will work closely with the District Administration and with Project Directors of Department for Women, Children, Disabled, Senior Citizens. They will ensure access to timely relief to victim as per Government policy GO Ms.No.1 of WD, CW & DW (Progs) Dept dt.03.01.2003, sanction of Interim Relief fund and other relief as per GO Ms.No.28 of Department for Women, Children, Disabled & Senior Citizens dtd: 13.06.2011 to the victims and send monthly returns to AP State Nodal Officer, ADGP, CID.

(IV) The Addl. Director General of Police, CID being the State Level AHT Nodal Officer shall coordinate and review the work of all AHTUs from time to time.

(V) The Director General of Police, Andhra Pradesh shall take measures to setup the five (5) Anti Human Trafficking Units as mentioned above with a strength of one (1) Inspector, two (2) Sub Inspectors, two (2) Head Constables and two (2) Police Constables in each Unit under the supervision and control of the respective Superintendents of Police. The Director General of Police, Andhra Pradesh, Hyderabad may provide the strength in the ranks of Inspectors and Sub-Inspectors of Police from out of the Vacancy Reserved strength sanctioned to the concerned unit. The Director General of Police, Andhra Pradesh, Hyderabad, will arrange for the Head Constables and Police Constables by way of attachment from the concerned district strength. He may also provide infrastructure facilities and take up adequate training of police personnel for effective implementation of the scheme. He shall also formulate an implementable scheme for victim compensation as envisaged in Sec. 357-A Cr.P.C.

**(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)**

**P. GAUTAM KUMAR**

Principal Secretary to Government.

To

The Director General of Police, A.P., Hyderabad.

The Addl. Director General of Police, CID, Hyderabad.

The Superintendents of Police West Godavari, Guntur, Anantapur and Karimnagar

The Superintendent of Police, Women Protection Cell, CID, Hyderabad.

The Director of Prosecution (DOP), AP, DGP Office Complex, Hyderabad  
 Copy to  
 The Addl. Director General of Police, Training,, AP, Hyderabad.  
 The Addl. Director General of Police, L & O, AP, Hyderabad.  
 The Addl. Director General of Police, Organisation, AP, Hyderabad.  
 The Commissioners of Police, Hyderabad City, Cyberabad, Vijayawada and  
 Visakhapatnam City and All Superintendents of Police of the Districts in A.P.  
 Director, Andhra Pradesh Police Academy, Hyderabad.  
 All Regional Inspectors General of Police, AP, Hyderabad and IGP,Guntur Range.  
 All Deputy Inspectors General of Police of Ranges, AP, Hyderabad.  
 The Inspector General of Police, Protection of Civil Rights Cell, CID, Hyderabad.  
 The Commissioner, Women Development & Child Welfare Dept, Hyderabad.  
 The Secretary to Law (LA & J) Department, AP, Hyderabad.  
 The Director /Commissioner, Juvenile Welfare and Correctional Services Dept, Hyd.  
 The Director / Commissioner, Sarvasiksha Abhyas, AP, (Opp: LB Stadium), Hyd.  
 The Special Chief Secretary to Government, Department for Women, Children,  
 Disabled & Senior Citizens, L-Block, Secretariat, Hyderabad.  
 The Principal Secretary, School Education Department, Secretariat, Hyderabad.  
 The Principal Accountant General (Audit-I) Hyderabad.  
 The Accountant General (Audit-II), Hyderabad.  
 Director of Treasuries and Accountants, Hyderabad.  
 Pay and Accounts Officer, A.P., Hyderabad.  
 Secretary to Government of India, Ministry of Women & Child Welfare Dept, Sastri  
 Bhavan, New Delhi.  
 Secretary, Ministry of Home Affairs, North Block, New Delhi-1.  
 Addl. Secretary (CS), MHA, North Block, New Delhi-1.  
 Secretary to Chief Minister, AP, Hyderabad.  
 Personal Secretary to Home Minister, AP, Hyderabad.  
 Personal Secretary to Women & Child Welfare Department, AP, Hyderabad.  
 Secretary, A.P. Public Service Commission, Hyderabad.  
 Secretary, Finance (EBS.XII) Department.  
 The Commissioner, Information and Public Relations Department, Hyderabad.  
 Prajwala, Ankuram, Bhumika, Oxfam, IOM, UNICEF of Hyderabad, Sthree and REDS  
 of Kadiri, Anantapur, HELP, Ongole through ADGP, CID, AP, Hyderabad.  
 S.F./S.C.

//FORWARDED:: BY ORDER//

Sd/-  
**SECTION OFFICER**



**GOVERNMENT OF TELANGANA  
ABSTRACT**

The Code of Criminal Procedure, 1973 – The Telangana Victim Compensation Scheme, 2015 under section 357A of the Code – Notification - Orders - Issued.

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**LAW (LA, LA&J-HOME-COURTS.B) DEPARTMENT**

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G.O.MS.No. 9

Dated: 07.03.2015

Read the following :-

1. The Andhra Pradesh Re-organisation Act, 2014.
2. From the Inspector General of Police (FAC), Addl. DGP, CID, Telangana, Hyderabad, letters dated, 24.10.2014 and 07.01.2015.

**ORDER:**

Whereas, according to section 357A of the Code of Criminal Procedure, 1973 inserted by Criminal Procedure Code (Amendment) Act, 2008, every State Government is required to prepare a Scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, in co-ordination with the Central Government;

And whereas, the Ministry of Home Affairs, Government of India has been requesting the State Governments for preparation of the Scheme as required under section 357A of the Code of Criminal Procedure, 1973 and intimation of the same to them, so as to appraise the same to the Hon'ble Supreme Court of India in compliance with the directions issued by the Hon'ble Supreme Court of India.

And whereas, in pursuance of the Central Act first read above the State of Telangana has come to be formed w.e.f. 02.06.2014;

And whereas, the Inspector General of Police (FAC) in the letters second read above having taken into consideration the number of cases registered within the ten



districts of the Telangana State during the last three years and for the reasons stated therein, submitted the proposals for the Victim Compensation Scheme;

After careful examination, the Government have decided to frame a Scheme namely the Telangana Victim Compensation Scheme as contemplated under section 357A of the Code of Criminal Procedure, 1973 and in compliance with the directions and the orders of the Hon'ble Supreme Court of India;

Accordingly the following notification will be published in an Extra-ordinary Issue of the Telangana State Gazette.

### **NOTIFICATION**

In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Telangana hereby frames the following Scheme for providing funds for the purpose of compensation to the victims or their dependents who have suffered loss or injury as a result of the crime and who require rehabilitation :-

#### **1. Short title, extent and commencement :-**

- (1) This Scheme may be called the Telangana Victim Compensation Scheme, 2015.
- (2) It extends to the whole of the State of Telangana.
- (3) It shall come into force with effect from 01.04.2015.

#### **2. Definitions :-**

In this Scheme, unless the context otherwise requires,

- (a) "*Applicant*" means a victim or the dependent of a victim who applies for compensation;
- (b) "*Act*" means the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);
- (c) "*Crime*" means illegal act of commission or omission or an offence committed against the human body of the victim;
- (d) "*Dependent*" includes wife, husband, father, mother, unmarried daughter and minor children of victim as determined by the authority empowered to issue dependency certificate or any other authority authorized by the Government in this regard and found fully dependent on the victim by the District Legal Services Authority;

- (e) *"Family"* means parents, children and includes all blood relations living in the same household;
- (f) *"Fund"* means the Victim Compensation Fund constituted under paragraph-3;
- (g) *"Government"* means the State Government of Telangana;
- (h) *"Legal Services Authority"* means the State Legal Services Authority or the District Legal Services Authority in the State;
- (i) *"Schedule"* means Schedule appended to this Scheme;
- (j) *"State"* means the State of Telangana;
- (k) *"Victim"* means a person who has suffered any loss or injury caused by reason of the act or omission on the part of the accused and who requires rehabilitation under this Scheme and includes the guardian or legal heir of such person.

### **3. Victim Compensation Fund :-**

- (1) There shall be constituted a Fund in the State by the Government namely the Victim Compensation Fund, under a separate Head of Account.
- (2) There shall be credited to the Fund,-
  - (a) the separate budget allotment made by the Government every year, for the purpose of the Scheme duly taking into account the expenses incurred during the previous year or the probable expenditure requested by the State Legal Services Authority;
  - (b) all grants, subventions, donations, gifts, contributions made by the State / Central Government, any local authority, Charitable Institutions, Organisations, National or International Philanthropists, or individuals.
  - (c) all other sums received by or on behalf of the Victim Compensation Fund from any other source whatsoever.
- (3) Except or otherwise directed by the Government all the moneys credited to the Victim Compensation Fund shall be invested in any Scheduled Bank.

### **4. Operation, Audit etc., of the Victim Compensation Fund :-**

- (1) The Victim Compensation Fund shall be applied in carrying out the purposes of the Scheme.
- (2) The Victim Compensation Fund shall be operated by the Member Secretary, State Legal Services Authority.



(3) The State Legal Services Authority shall in respect of the Victim Compensation Fund be accountable for its functions, furnishing of periodical returns to the Government.

(4) The accounts etc. of the Victim Compensation Fund shall be got audited every year and a report shall be sent to the Government.

#### **5. Application of the Scheme:-**

(1) The crime on account of which the compensation which is to be paid under the Scheme should have occurred within the State of Telangana.

(2) The crime should have been reported by the victim or his dependants to the officer incharge of the Police Station or any senior police officer or Executive Magistrate or Judicial Magistrate of the area within 48 hours of the occurrence of crime:

Provided that the Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone any delay in reporting the crime.

(3) The Scheme shall be applicable to family whose income does not exceed Rs.4.50 lakhs per annum.

(4) The employees of State / Central Government, Boards, Corporations and Public Undertakings and Income Tax Payees shall not be eligible under this Scheme.

#### **6. Eligibility for compensation under the Scheme, shall be,-**

(a) on a recommendation made by the Court under sub-section (2) of section 357A of the Code;

(b) on a recommendation by the trial Court under sub-section (3) of section 357A of the Act for compensation at the conclusion of the trial, on satisfaction, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated;

(c) on an application made by the victim or his dependents to the Legal Services Authority for award of compensation under sub-section (4) of section 357A of the Act, where the offender is not traced or identified, and where no trial takes place;

(d) the victim or his dependents shall co-operate with the police and prosecution during the investigation and trial of the case.

## **7. Procedure for grant of compensation :-**

- (1) Whenever a recommendation is made by the Court under sub-section (2); or a recommendation is made by the court under sub-section (3); or an application is made by any victim or his dependent under sub-section(4), of section 357-A of the Act to the District Legal Services Authority, the District Legal Services Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness of the claim. After verifying the claim and by conducting due enquiry, the District Legal Services Authority shall award compensation within two months, in accordance with provisions of this Scheme.
- (2) The District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or his dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses etc. The compensation may vary from case to case depending on facts of each cases.
- (3) While granting compensation under this Scheme an undertaking from the victim or the claimants shall be obtained to the effect that in case of granting subsequent compensation by the Court under sub-section (3) of section 357 of the Act or under any other law, he shall remit the excess amount received as compensation under section 357(A) of the Act.
- (4) Compensation received by the victim from the State in relation to the crime in question, namely, insurance, ex-gratia and/or payment received under this Scheme or G.Os. passed to this effect shall be considered as part of the compensation amount under this Scheme. The victim/claimant who has received compensation amount from collateral sources mentioned above shall be deemed to be compensated under this Scheme and shall not be entitled to separate compensation under this Scheme. If the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount only shall be paid out of the Fund.
- (5) The State/District Legal Services Authority shall take into consideration the trauma undergone by a Victim of Commercial Sexual Exploitation and Trafficking (VOCSET) and the aspects of rehabilitation, reintegration and restoration of the VOCSET.
- (6) The cases covered under Motor Vehicles Act, 1988 (59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, and cases covered under existing GOs and G.Os. issued by the Government from time to time shall not be covered under this Scheme.
- (7) The District Legal Services Authority, to alleviate the suffering of the victim, may order for immediate first aid facility or medical benefits to be made available free of cost on the certificate of the police officer now below the rank of the officer-in-

charge of the police station or Magistrate of the area concerned, or any other interim relief, as it may deem fit.

(8) The amount of compensation decided and awarded / granted under this Scheme shall be as per the Schedule and shall be disbursed to the victim or his dependants from the Fund.

(9) The District Legal Services Authority shall, while making payment of amount towards compensation, ensure that all the provisions of this Scheme are strictly complied with.

#### **8. Disbursement of compensation :-**

(1) Disbursement of compensation shall be through a Scheduled Bank.

(2) In the case of a victim who is a minor, the amount of compensation awarded shall be deposited in the account of the minor as fixed deposit, to be withdrawn only on attainment of his majority:

Provided that the amount of compensation kept in fixed deposits in exceptional cases may be withdrawn for educational or medical needs of the beneficiary by the competent person as decided by the District Legal Services Authority/Appellate Authorities.

#### **9. Recovery From the wrong-doer :-**

(1) The District Legal Services Authority may, if it consider proper, institute proceeding before the competent court of law for recovery of the compensation granted and paid to the victim or his dependants from the person responsible for obtaining an order sanctioning compensation under this Scheme based on false, vexatious, fabricated complaint which is so held by the court, and the compensation paid shall be recovered with 12% interest per annum.

(2) The District Collector shall implement the said order/award and collect the amount as arrears of land revenue and credit the same to the Victim Compensation Fund account of the respective District Legal Services Authority.

#### **10. Dependency Certificate :-**

The Tahsildar concerned or the Authority designated as competent authority by the Government in this behalf, from time to time, shall issue dependency certificate within a period of fifteen days from the date of application.

#### **11. Order to be placed on record :-**

(1) A Copy of the order of compensation passed under this Scheme shall be placed on record of the concerned Court to enable the court to pass an order of compensation under sub-section (3) of section 357 of the Act in the event of awarding compensation even before disposal of criminal case.

- (2) Copy of order of compensation shall be placed on the record of the concerned court even after passing of final order.
- (3) The State/District Legal Services Authority shall maintain the record as well as the copies of the awards passed, year wise, for the purpose of future verification and auditing.

#### **12. Limitation :-**

No claim made by the victim or his dependents under sub-section (4) of section 357-A of the Act shall be entertained after a period of twelve months of the crime:

Provided that the District Legal Services Authority is satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

#### **13. Appeal :-**

- (a) Any victim aggrieved of the denial of compensation/ insufficiency of the award by the District Legal Services Authority may file an appeal before the State Legal Services Authority within a period of ninety days from the date of award:

Provided that the State Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

- (b) The State Legal Services Authority shall dispose of the appeal within a period of 90 days after the service of notices to the parties.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

A.SANTHOSH REDDY  
SECRETARY TO GOVERNMENT  
LEGAL AFFAIRS, LEGISLATIVE AFFAIRS AND JUSTICE

To

The Registrar (General), High Court of Judicature at Hyderabad.  
The Member Secretary, Telangana State Legal Services Authority.  
The Secretary, Home Department, Telangana Secretariat, Hyderabad.  
All the Principal Secretaries / Secretaries in the Secretariat.  
The Director General of Police, Telangana, Hyderabad.  
The Accountant General, Telangana, Hyderabad.  
All the District Collectors in the State of Telangana.  
All the District Judges, concerned.  
The Addl. Director General of Police, CID, Telangana, Hyderabad.  
The Deputy Inspector General of Police in State.  
The Superintendent of Police, in the State.  
The Commissioner of Police, concerned.  
The Pay & Account Officer, Telangana, Hyderabad.  
The District treasury Officers, concerned.  
The Joint Secretary (CS), Ministry of Home Affairs, Government of India, New Delhi.  
The Advocate-on-Record, New Delhi.

P.T.O

**Copy to:**

The Commissioner of Printing Stationery &  
Stores Purchase (Ptg.Wing) Department.

P.S to Chief Minister, Government of Telangana, Hyderabad.

P.S to Minister for Home, Government of Telangana, Hyderabad.

P.S to Minister for Law, Government of Telangana, Hyderabad.

P.S to Chief Secretary, Government of Telangana, Hyderabad.

P.S to Secretary Law, Government of Telangana, Hyderabad.

Law (C) Department.

SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

**SCHEDULE**  
**[Para 7 (8)]**

**COMPENSATION TO VICTIMS FOR LOSS OR INJURY**

S.No.	Description of Loss or Injury	Maximum limit of compensation		
1.	Loss of life (including dowry deaths)	a.	Age 40 years or below 40 years	Rs. 3 lakhs
		b.	Age above 40 years and up to 60 years	Rs. 2 lakhs
		c.	Age above 60 years	Rs. 1 lakh
2.	Permanent disability (80% or more)	a.	Age 40 years or below 40 years	Rs. 2 lakhs
		b.	Age above 40 years and up to 60 years.	Rs. 1 lakh
		c.	Age above 60 years.	Rs.50,000/-
3.	Partial disability (Upto to 80%)	a.	Age 40 years or below 40 years.	Rs. 1 lakh
		b.	Age above 40 years and up to 60 years.	Rs. 50,000/-
		c.	Age above 60 years.	Rs. 25,000/-
4.	Loss of any limb or part of the body due to acid attacks irrespective of age.  Out of Rs.3 lakhs, a sum of Rs.1 lakh shall be paid within 15 days of registration of crime and balance amount shall be paid within two months thereafter, as per the directions of the Hon'ble Apex Court in Laxmi (Minor) Vs. Union of India, dated: July 18, 2013 (W.P.(Crl.) No.129 of 2006).			Rs. 3 lakhs
5.	Rape			Rs.2 lakhs
6.	Loss or injury causing severe mental agony to women and child victims in cases like Human Trafficking, Kidnapping and Molestation etc.			Rs.50,000/-

A.SANTHOSH REDDY  
SECRETARY TO GOVERNMENT  
LEGAL AFFAIRS, LEGISLATIVE AFFAIRS AND JUSTICE



## NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

### BACKGROUND

Under Section 4 (b) of the Legal Services Authorities Act, 1987, the “Central Authority”, i.e. the National Legal Services Authority, has been obligated to “frame the most effective and economical schemes for the purpose of making legal services available under the provisions” of the Act. The Preamble of the Legal Services Authorities Act, 1987, underscores that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

There can be no doubt that victims of commercial sexual exploitation, whether trafficked or voluntary sex workers are by far a highly marginalised group. Their rights are forgotten; their conditions of life and living are not anybody's concern; what happens to them and their children interest no-one. Yet they are all entitled to benefits of the various schemes of the government by the mere fact of who they are. By their much marginalised existence they are entitled to all benefits that accrue to them as are available to other marginalised sections of the society.

Victims of trafficking for commercial sexual exploitation face a great deal of trauma not just following such trafficking but also after their rescue. They need to be protected against the traffickers who would want them to come back or not pursue their case. There are also livelihood issues and if a viable alternative is not given, chances of being re-trafficked are high.

In the case filed by PRAJWALA, being Writ Petition (C) No.56 of 2004 the NALSA has given a report in the Supreme Court to take the following actions in respect of victims of trafficking for commercial Sexual Exploitation and sex workers:



"The role of the legal services authorities as set out in the preliminary report is reiterated as follows:

- (a) Provide legal assistance to the victims of trafficking and sexual exploitation at the time of rescue and thereafter during trial.
- (b) Facilitate the accessing of the District Legal Services Authorities(DLSAs) for award of victim compensation under Section 357ACr.P.C
- (c) To monitor and act as social auditors of the existing facilities available for rehabilitation of rescued victims of sexual exploitation and trafficking.
- (d) DLSAs can spread awareness in the community through the panel lawyers and para-legal volunteers about the issues of trafficking particularly in vulnerable areas and among vulnerable groups.
- (e) The DLSAs can act as converging nodes to ensure that the government schemes meant for the marginalized actually reach them as such access to the government support does have a positive impact in preventing trafficking and falling prey to traffickers.
- (f) Initiate steps to sensitize the corporate world to support rehabilitation measures for trafficked victims including skill building and employment under the head of CSR.
- (g) SLSAs can also assist in the training and sensitization of stakeholders, like police, lawyers including legal services lawyers, prosecutors, government servants and the judiciary.
- (h) SLSAs may also collaborate with the local educational institutions and civil society organisations and NGOs working in this field."

The NALSA believes that it is necessary to draw up a scheme to give a framework for the legal services authorities at different levels to put into

action the undertaking given to the Supreme Court. To that end the present Scheme has been drawn up. It is expected that the Legal services authorities at all levels would be able to render legal services effectively to these vulnerable people by following the present scheme.

## **NAME OF THE SCHEME**

The Scheme shall be called "**NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015**".

The objective of the Scheme is to provide legal services to address the concerns of victims of trafficking including women of all age groups and at every stage: ie prevention, rescue and rehabilitation.

The thrust of the scheme is to provide economic and social pathways for these marginalised groups so that they are socially included and thus get all social protections available to an ordinary citizen. The interventions of the legal services authorities should be to ensure the protection of the dignity of the victims which is as much their fundamental right to a life as of any other citizen.

In order that the already marginalised voluntary sex workers are not excluded from the assistance of the legal services authorities, they are also considered victims of commercial sexual exploitation, apart from those children and adults who are trafficked for the purpose.

## **STRATEGY FOR LEGAL SERVICES TO THE VICTIMS**

The strategy of the legal services must be guided by a 360 degree approach. Thus, children, young adults of whatever sex, adolescent girls, young women and older women should all be included in the action plan. The legal services authorities must also develop an action plan for prevention, rescue and rehabilitation and not merely for one of these aspects. Further the legal services authorities must document each case and carry out a follow up at least for three years so that reintegration of the victim into the society is complete.

## **Enabling trafficked women to get their entitlements by completing all due diligence processes**

The action plan must be to use the existing welfare schemes of the Government, both Central as well as the State, with a life-cycle approach to strengthen social security, social development and welfare in order to cover prevention of trafficking and rehabilitation of the victims. DLSA can request NGOs/CBOs to use tools such as micro planning and surveys to ascertain the demand for schemes and thereafter set up Help Desks across the district to facilitate registration for the schemes. Simultaneously the victims/community members could be motivated and educated about how to apply for schemes they wish to enroll or register for.

The DLSA, with the support of the concerned department could facilitate the applicant to fulfil the procedures stipulated under each scheme and comply with all the due diligence processes. This would include enabling the applicant to get the supportive documents that are required to be furnished in order to establish eligibility for the benefits under a scheme, such as getting proof of residence, age certificate, nativity certificate, income certificate, etc. Once all the due diligence is over and the scheme sanctioned, DLSA should provide support to the community till the scheme gets delivered or the benefit reaches the beneficiary.

### **The Available Schemes**

- 1. ICDS or Childcare development ---0-6 years, pregnant women and lactating mothers (as care givers)**
- 2. Food security or ration cards**
- 3. Social security or Pension for the elderly women**
- 4. Educational schemes including midday meal, bridge schools, residential schools of Sarva Shiksha Abhiyan, Sabala; scholarships for the primary, secondary and higher education**

**from Social Welfare Department for adolescents and specifically girls**

- 5. Livelihood- Skill Development, Financial Inclusion, Micro Enterprise -from SC/ST/BC/Minority and Women's Development Corporation and CSR funds from government and public sector undertakings**
- 6. Housing or Subsidy for Construction and Land Pattas from Urban Development, Housing Corporation**
- 7. Universal entitlements-Jan Dhan, Aadhar, Voter Card, SHG membership**
- 8. Legal aid Schemes- Legal Literacy, Para Legal Volunteers, Legal services clinics to ensure free legal aid and protection**

### **Role of LSAs**

The most important role of the SLSAs/DLSAs is to maintain convergence oversight. While the administrative convergence for all the schemes no doubt will be under the District Collector, the protection convergence will have to be overseen by the SLSAs and the DLSAs. To converge social and legal protection for marginalized women SLSAs and DLSAs will provide the oversight on the process of convergence by bringing together the administrative convergence provided by the District Collector and those generated by the structures or community organizations that are facilitating the process on the ground and are rooted in the community and its realities and have played significant roles in preventing HIV, trafficking and violence against women and girls. In this background, the role of the SLSAs/DLSAs would be in:

**Bridging the Gap-** between all departments and trafficked women, women in sex work and those vulnerable to trafficking and extreme violence

**Enhancing Engagement-** Scheme Education Drive Organized by DLSA bringing together Community organizations and its members and government-department-district and sub-district administration



**Facilitating Participation and Ownership**-Led by DLSA in collaboration with community organizations through community meetings and camps

**Sensitization**- Enabling all departments and institutions to learn about dynamics of community, remove misconceptions

**Strengthening Accountability** –Through an MIS capturing all processes from identifying entitlement holder to scheme delivery.

**Forging Partnerships** –At the more micro level the collaborations will be with Community Organizations and NGOs working with sex workers and victims of trafficking and sexual exploitation. They will facilitate the process of reaching out to the many hidden members of the community and shape the process of community mobilization.

At the meso level, the partnership should be with and between district administrative mechanisms such as Department of Women and Child Development (especially Child Protection/Welfare Committees and Anti Human Trafficking Units) and the DLSA. This will highlight initiatives at the ground level with the community or beneficiaries.

The third level of partnership will be at the macro level with the Department of Women and Child which implements many schemes for victims of trafficking and also runs shelter homes for those rescued; Ministry of Home Affairs, Ministry of Social Justice and Empowerment and Rural Livelihood Mission which also has the mandate of prevention of human trafficking and will be vital partner to strengthen protection and safety nets to the beneficiaries.

## Action Plan

The first step that the DLSA should take is to reach out to the Non Governmental Organisations and Community Based Organisations (CBOs) working in the field. To do this, the SLSAs must contact the UNICEF or UNODC. State Agencies such as Department of Women and Child, Rural Livelihood Missions . They must also seek the assistance of the National Aids Control Organisation (NACO) and the State and District

Aids Control Societies (SACS & DACS). Thus the SLSAs/DLSAs would be able to obtain information about trafficking as well as sex workers.

The second step would be to catalyse inter departmental convergence both at the State and further down to the district level so that an all inclusive and comprehensive response from all concerned departments and stakeholders emerges and essential inter-sectoral linkages, processes and mechanisms get established.

**Trafficking:** As regards trafficking, from the Anti Human Trafficking units in the State and with the help of the NGOs/CBOs, the DLSA should map out the vulnerable areas and the vulnerable populations within its jurisdiction. Then preventive strategies can be put into motion. These would be spreading information about schemes and connecting the vulnerable people to such schemes so that they benefit from them. This would also include spreading awareness about the law and about the dangers posed by prospective traffickers. The children and adolescent children could be made aware of the dangers of strangers befriending them and the parents cautioned about the falsity of promises made to them of better education for their children in cities. Young adults could similarly be warned about false promises of jobs and better lives.

The SLSAs/DLSAs should create a team of panel lawyers and social workers to spread awareness about the welfare schemes of the government. The PLVs should be used to ensure that all the due diligence processes including eligibility documents and proofs are collected to enable the vulnerable communities to access the various schemes. The DLSA should use their PLVs and their offices wherever necessary to interact with the Administrative heads such as the District Collector or Chief Secretary to ensure the final realisation of the scheme.

The PLVs attached to or assigned to a police station in compliance of the orders of the Supreme Court of India to handle cases of missing children should be given special training by the SLSAs /DLSAs to sensitise them on children's issues as well as trafficking issues, so that



they are responsive. These PLVs must inform the SLSAs/DLSAs whenever such a case of trafficking is reported or arrest of a sex worker occurs at the police station.

**Sex Workers:** One method of understanding community needs is to organise meetings between the Member Secretary SLSA or Full Time Secretary DLSA and the community leaders where the community leaders can explain the difficulties they face in accessing social entitlements especially the social security schemes such as widow and old age pension schemes even though they fall under eligible category.

The other method is to organize public hearings where community members would “depose”, or in other words relate their experience with governance at all levels. The “jury” should be made up of DLSA Chairperson and /or Full time secretary , other judicial officers wherever possible, high government functionaries such as DC, Principal secretaries or Chief Secretaries, police officers and protection officers. The SLSAs/DLSAs should also involve senior advocates and panel lawyers in such programmes.

After the deposition the Member Secretary /Secretary as the case maybe or the panel advocate should explain to the community about the legal services available in the Legal Services Authority and encourage them to file complaints and seek free legal aid whenever their rights are infringed or they have a legal problem such inheritance etc. The Legal Services Authority can enable the target groups to redress the violence and harassment they face in their day to day life. In cases of violence from partners or husbands, the DLSA along with Protection Officers can provide legal aid and counselling services.

The DLSAs can accredit Para legal volunteers drawn from the community and train them as per the NALSA module. These PLVs can then act as the front line workers of the Authority as far as the community is concerned. The effort must be to ensure “saturation coverage” by having representation from all the blocks of the district and ultimately the entire State.

Once again, the DLSAs should assess the need for schemes in the community and facilitate the access of the community to the various welfare schemes of the government in the manner as mentioned hereinbefore.

**Prevention:** While ensuring the implementation of government welfare schemes, the SLSAs/DLSAs should pay attention to the structure already available under the Integrated Child Protection Scheme, particularly the setting up of the Village Level Child Protection Committees (VLCPC). These Committees are made up of Panchayat members, school teachers, students and parents from the community. Special awareness programmes should be organized for the VLCPC to keep a watch on the children in the village. The teachers should be sensitized to keep a watch for children missing from school and report them, so that further enquiries about their well being are promptly made.

A similar awareness and sensitization programme should be organized for the Anganwadi and Health workers for younger children and adolescent girls. Again, the SLSAs/DLSAs must ensure that children remaining absent are followed up and reported immediately.

PLVs drawn from the VLCPCs and Anganwadis as well as teachers should be trained with special emphasis on the issues of trafficking and sexual exploitation. The work of these PLVs must be closely monitored. At the same time these PLVs must be given effective mentors and support so that any incident reported is given full and complete attention by the SLSA/DLSA concerned.

Student Legal Literacy Clubs should be encouraged to write about and talk and discuss about trafficking issues. These clubs could play the role of peer educators about the dangers of growing up and how to keep oneself safe.

The SLSAs/DLSAs should strengthen groups who are working to prevent child marriages and empowerment of women. Many times, child and forced marriages are a prelude to trafficking for sexual exploitation. Apart from spreading awareness student groups should be formed in

vulnerable areas and communities to report on child marriages and initiate preventive action.

While dealing with women already in sex work, the SLSAs/DLSAs should focus on the livelihood alternatives to help these women come out of the profession and prevent their children entering it. Women could be encouraged to save money and channelize the money into entrepreneurship which would ensure their social recognition and assimilation. The SLSAs/DLSAs should help the women to protect themselves from domestic violence and provide legal assistance to follow up court cases. They should help these women access all government schemes as mentioned above.

Strategies of prevention and protection of victims of trafficking implemented by the Rural Livelihood Missions should also be understood and explored so as to replicate some of the successful methods and establish collaborative efforts.

**Rescue and Rehabilitation:** The protocol for the One Stop Crisis Centre would no doubt be available for the rescued victims of trafficking. Apart from ensuring compliance of the directions of the Supreme Court in Prajwala's case, the SLSAs/DLSAs must also follow up with the rehabilitation of the victim chiefly through access to government schemes to provide a stable alternate livelihood for the victims. The DLSAs should ensure that panel lawyers and PLVs help the victims to get their FIR registered and are present during remand proceedings to oppose bail etc. The Panel lawyers should obtain court orders for protection of witnesses wherever necessary and to counsel the victims before deposition and be present during trial including recording of the statement of the victim. The panel lawyers and PLVs should also help the victim to apply to the DLSAs for release of compensation under the Victims Compensation Scheme and also to access other welfare schemes of the Govt. meant for the rehabilitation of such victims.

**Management Information Systems:** The SLSAs and DLSAs will have to develop a sound MIS so that every activity under this scheme is recorded,

followed up and assessed. Similarly, the assistance of the PLVs and the Panel lawyers given to the victims will have to be recorded and monitored closely by the Secretary DLSA. Where the DLSA has facilitated the rehabilitation, there must be a tracking of the person for at least three years so that the rehabilitation is complete and there is no danger of retrafficking.

**Transgenders:** The provisions of this scheme will be applicable to all Transgenders as well.

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## RELEVANT POLICY X

F. No.S-11012/01/2015-BL  
Government of India  
Ministry of Labour & Employment  
\*\*\*\*\*

Jaisalmer House,  
26 Man Singh Road,  
New Delhi-110011.

May 18, 2016

### OFFICE MEMORANDUM

**Sub: Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016**

The Centrally Sponsored Scheme for Rehabilitation of Bonded Labourers 1978 was last revised in May 2000. In an evaluation of the performance of the scheme and consultation with stakeholders, it was realised that the scheme was not effective in elimination of Bonded Labour System and a revamp was necessary in the larger public interest. A draft scheme was accordingly prepared by the Ministry and circulated to all State Governments, NHRC, various concerned Ministries of Government of India and the same was also published in the official website of the Ministry for eliciting comments and suggestions from the public and other concerned citizens. Based on the suggestions and inputs received from all quarters including the Social Partners, Central Government has approved the revamped Scheme w.e.f. 17.05.2016. Copy of the revamped Scheme is appended hereto.

2. The revamped scheme shall henceforth be known as a Central Sector Scheme which does not entail State share in the cash component of the rehabilitation package. The non-cash component of the erstwhile CSP scheme will continue as it is, with minor modifications to suit the changing needs of the time.

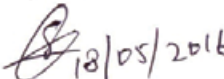
3. I am directed to convey the approval of Central Government of the said scheme for implementation by the State Governments/UT Administrations through their District Magistrates/Collectors/Sub-Divisional Magistrates.

Encl.: As above.

Chief Secretary (all State Governments)  
Administrator (all UT Administrations)  
District Magistrate/Collector (All)

#### Copy to:

Principal Secretary to the Prime Minister  
Ministries of Home Affairs, Law & Justice, SJ&E, W&CD, Finance, External Affairs,  
Comptroller & Auditor General of India  
National Human Rights Commission

 18/05/2016

(J.S. Sidhu)

Deputy Secretary to the Government of India

जे. एस. सिन्हा/J. S. SIDHU  
उप सचिव/Deputy Secretary  
श्रम एवं रोजगार मंत्रालय  
Ministry of Labour & Employment  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

**Central Sector Scheme**  
**for**  
**Rehabilitation of Bonded Labourer - 2016**

**1. INTRODUCTION**

1.1 Bonded Labour System in India is characterized by a long-term relationship between employer and employee, which is usually solidified through a loan or social obligation, and is embedded intricately in India's socio-economic culture marked by class/caste relations. Bonded labour contracts are not purely economic; in India, they are reinforced by custom or coercion in many sectors. The Constitution of India which was adopted by the Constituent Assembly on 26<sup>th</sup> November 1949 as the Magna Carta of Civil liberties, enshrines under dedicated Article 23, a specific provision declaring traffic in human beings, *begar* and similar forms of forced labour to be punishable offence.

1.2 The Government of India has ratified the ILO Convention C029 on 30<sup>th</sup> November 1954 which *inter alia* defines forced labour as "all work or service which is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily"

1.3 The traditional form of bondage or forced labour in India are known as Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-Galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti. However, with the passage of time, new dimensions of bondage have crept in under different names. The system is much more intricate than mere economic or labour relations; it reflects the stratified social structure where one or more social groups work without consideration of minimum wages or other right-based labour standards just for the sake of honouring social custom or for fear of possible reprisal in case of non-conformity, which more often than not are characterised by physical violence, ostracisation, etc.

1.4 Emerging forms of forced labour and traffic in human beings, especially of children and other disadvantaged sections of society, require a holistic approach for law enforcement as well as comprehensive rehabilitation mechanism for social, psychological, educational and economic rehabilitation.

**2. EVOLUTION OF THE SCHEME**

2.1 The issue of 'bonded labour' came to the list of national priority when it was included in the old 20-Point Programme in 1975. The Bonded Labour System (Abolition) Ordinance was promulgated on 25th October, 1975. This was later on replaced by the Bonded Labour System (Abolition) Act, 1976 (hereinafter referred to as the Act). This Act provides for the abolition of the system of bonded labour with simultaneous liquidation of their debts. Since the subject is included in the Concurrent List, the Union Government stepped in to assist the State Governments in their task of rehabilitation of released bonded labourers. Accordingly, Ministry of

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.S-11012/01/2015-BL)

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जे. एस. सिद्धु / J. S. SIDHU  
उप सचिव / Deputy Secretary  
बन एवं रोजगार मंत्रालय  
Ministry of Labour & Employment  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi



Labour & Employment launched a Centrally Sponsored Scheme for rehabilitation of bonded labourers in May, 1978.

2.2 Originally the Scheme provided for rehabilitation assistance up to a ceiling limit of Rs. 4000/- per bonded labour to be equally shared by Central Government and State Governments on (50:50) basis. This amount was raised to Rs.6250/- w.e.f 1.2.86; and to Rs.10,000/- w.e.f. 1.4.95. Out of this, Rs.1000/- was to be given as subsistence allowance to meet travel expenses etc. to the state of origin, in case the released bonded labour was to be repatriated to his or her native place/ State or for their subsistence until they are rehabilitated. With effect from 1.4.1999, only Rehabilitation assistance was enhanced to Rs. 20,000/-. The scheme was last revised in May 2000 wherein survey component, awareness generation activities and evaluation studies were included as additional items in the existing scheme.

### 3. OVERVIEW OF PERFORMANCE OF THE SCHEME AND NEED FOR REVISION

3.1 From the year 1978 to 2014-15, the Central Government has released ₹81.826 crores towards its share of rehabilitation assistance in respect of 280213 released bonded labourers in the entire country. The State Governments have contributed equal amount i.e. ₹81.826 crores thus taking the total amount to about ₹ 164 crores. The annual average expenditure has thus remained at the level of ₹2.21 crore. It has become a regular feature to surrender money under this scheme in the absence of adequate proposals from the States and operation of the scheme remained restricted to only 18 states.

3.2 Evaluation studies and other field level inputs indicate certain shortcomings in the existing scheme which *inter alia* includes: (i) Lack of regular monitoring; (ii) No mechanism to monitor court cases and convictions; (iii) Inadequate and unattractive rehabilitation package; (iv) Lack of flexibility of the scheme to address the needs of special category beneficiaries such as children including orphans, differently abled, trans-genders, people rescued from organised and forced begging rings and women and children rescued from trafficking and sexual exploitation including prostitution; (v) Lack of institutionalized mechanism to keep an account of the other major benefits listed in the existing scheme such as agricultural land, dwelling unit, skill training, education etc.; and (vi) Ineffectiveness of awareness generation camps. Hence, there was a strong need to update the scheme for making it more effective.

### 4. CONSULTATION WITH STAKEHOLDERS & REVISION

4.1 Accordingly, Ministry of Labour & Employment conducted an in-depth study of all the operational limitations as listed above. Important stakeholders such as National Human Rights Commission, International Labour Organization, NGOs and activists working for bonded labours, UNESCO and other intellectuals were consulted for charting out the broad contours of the revised scheme. The draft scheme with approval of the competent authority was circulated for Inter-Ministerial and stakeholder consultation and copy of the same was also made available on the Ministry's website for eliciting views of the public. The draft was also circulated to all

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जे. एस. सिद्धु/J. S. SIDHU  
उप सचिव/Deputy Secretary  
प्रम एवं रोजगार मंत्रालय  
Ministry of Labour & Employment  
नारत, सरकार/Govt. of India  
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State Governments and Union Territories. The draft scheme duly incorporating the views of stakeholders was considered by the Standing Finance Committee (SFC) for consideration and approval. The SFC memorandum was appraised by the Ministry including the IFD by circulation and approved by the Hon'ble LEM as per norms of delegation of financial powers.

4.2 The revised scheme incorporates all relevant inputs and comments of stakeholders and addresses all the operational issues of the existing scheme in a holistic manner. Hereafter, Ministry of Labour & Employment and State Governments will follow the below mentioned guidelines for administration of the Bonded Labour Rehabilitation Scheme:

## 5. REVISED SCHEME AND GUIDELINES

(i) The revised Scheme shall be a Central Sector Scheme and shall come into effect from 17<sup>th</sup> May, 2016. The State Governments shall not be required to pay any matching contribution for the purpose of cash rehabilitation assistance.

(ii) The Rehabilitation package shall be Rs.1,00,000/- per adult male beneficiary. Beneficiary shall have the option to either deposit it in an annuity scheme or receive cash grant. The District Administration will assess the cash requirement of the beneficiary and exercise its best judgement in the matter and put the money under annuity scheme with the consent of the said adult male.

(iii) For special category beneficiaries such as children including orphans or those rescued from organised and forced begging rings or other forms of forced child labour, and women, the amount of rehabilitation assistance shall be ₹2 lakhs out of which at least ₹1,25,000/- shall be deposited in an annuity scheme in the name of each beneficiary and the balance amount shall be transferred to the beneficiary account through ECS.

(iv) In cases of bonded or forced labour involving extreme cases of deprivation or marginalization such as trans-genders, or women or children rescued from ostensible sexual exploitation such as brothels, massage parlours, placement agencies etc., or trafficking, or in cases of differently abled persons, or in situations where the District Magistrate deems fit, the rehabilitation assistance shall be ₹3 lakhs, out of which at least ₹2 lakhs shall be deposited in an annuity scheme in the name of each beneficiary and ₹1 lakh shall be transferred to the beneficiary account through ECS.

(v) The above benefits would be additional to other land and housing elements, etc. of the original scheme as mentioned below:

- (1) Allotment of house-site and agricultural land;
- (2) Land development;
- (3) Provision of low cost dwelling units;
- (4) Animal husbandry, dairy, poultry, piggery etc.;
- (5) Wage employment, enforcement of minimum wages etc.;

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उप सचिव/Deputy Secretary  
श्रम एवं रोजगार मंत्रालय  
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- (6) Collection and processing of minor forest products;
- (7) Supply of essential commodities under targeted public distribution system; and
- (8) Education for children.

(vi) In cases where, on the conclusion of the summary trial, the District Magistrate(DM)/Sub-Divisional Magistrate (SDM) concludes that the alleged bonded labourer is, in fact, not in a condition of bondage, but requires socio-economic assistance, the DM/SDM, may provide state assistance under any other scheme administered by them.

(vii) In cases where, the DM/SDM find that immediate assistance is necessary for care and protection of the rescued persons during the pendency of the summary trial, such assistance including fooding, lodging, medical assistance, legal aid, provisions for victim's or witness' protection, etc., shall be provided under any other law or scheme forthwith, notwithstanding the entitlements prescribed under this scheme.

(viii) State Governments/UTAs shall be required to concentrate their efforts on the following activities:

(a) The District Administration in a convergence approach shall undertake measures for providing safe and secure environment for the capacity building of child bonded labourers in coordination with all relevant Government departments. Accordingly, facilities for, ensuring their proper education, psycho social counselling short stay home till education upto class 12th, skill development shall be an integral component of the rehabilitation package.

(b) For addressing the special needs of female freed bonded labourers, State Government shall also provide financial and other assistance for marriage, apart from other capacity building measures mentioned at sub para (a).

(c) For addressing the needs of the disabled persons, special care should be made available by the State as per national policy for disabled people apart from other capacity building measures mentioned at sub para (a) and (b).

(d) For adult bonded labour who do not come under any of the above categories, employable skill development training shall be a compulsory element of rehabilitation.

(ix) The benefits prescribed hereinbefore shall be, in addition to, other cash or non-cash benefits which a beneficiary under this scheme is entitled to, by or under any other scheme or law applicable for the time being in force.

(x) The amount of assistance for survey of bonded labourers shall be ₹4.50 lakh per district. This amount can be utilised to finance the NGO efforts for identification of bonded labour as per State Government norms. Central Government will

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जे. एस. सिधु / J. S. SIDHU  
उप सचिव / Deputy Secretary  
श्रम एवं रोजगार मंत्रालय  
Ministry of Labour & Employment  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi



reimburse this amount upon satisfactory performance in each identification project. The component of assistance shall be as per the following table:

S.No.	Cost involved in survey	Funds Permissible
1.	Cost of printing of questionnaire (average 2000 questionnaires @ ₹5 each)	₹10,000
2.	Costing of imparting training to investigators/field staff for collecting information (payment to 10 investigator/field staff @ ₹500/- per day to each for 5 days (₹5000 x 5)	₹25,000
3.	Cost of collecting primary data from field (payment to 10 investigators/field staff @ ₹500/- per day to each for 2 months (₹5000 x 60 days)	₹3,00,000
4.	Cost of editing, tabulation and analysis of primary data (payment to 2 Research Assistant @ ₹20000/- per month to each for 2 months (₹40000 x 2 months)	₹80,000
5.	Cost of computerisation of data/information	₹35,000
	<b>Total</b>	<b>₹4,50,000</b>

(xi) The expenditure on awareness generation shall be reimbursed on case by case basis subject to maximum limit of ₹10 lakh per State per annum, as per the following components:

S.No.	Cost components	Funds Permissible
1.	Cost of campaigning and telecast of various audio visual inputs through AIR, Doordarshan, Song and Drama Division, etc.	₹7 lakh
2.	Campaigns through local newspapers	₹1 lakh
3.	Cost of performance by folk cultural troupes including cost of travelling	₹2 lakh
	<b>Total</b>	<b>₹10 lakh</b>

(xii) The existing norms of grants of ₹1 lakh for evaluatory studies shall be maintained as such.

S.No.	Cost components	Funds Permissible
1.	Formulation and printing of questionnaire for collecting information from various Departments & who are providing grants/loans for the purpose of effective	₹8,000.00

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जे. एस. सिद्धु/J. S. SIDHU  
उप सचिव/Deputy Secretary  
कर्म एवं रोजगार मंत्रालय  
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	rehabilitation of bonded labourers including cost of mailing of questionnaire	
2.	Analysis of data by 2 Research Assistants-cum-computer operator (payment @ ₹9,000/- per month for 2 months) (18,000 x 2 months)	₹36,000.00
3.	Writing of reports by one Research Officer (payment @ ₹18000/- per month for 2 months) (18,000 x 2 months)	₹36,000.00
4.	Printing and binding of the report (20 original copies)	₹10,000.00
5.	Misc. expenses including travelling expenses	₹10,000.00
	<b>Total</b>	<b>₹1,00,000.00</b>

(xiii) A Bonded Labour Rehabilitation Fund shall be created at the District level by each State with a permanent corpus of at least Rs.10 lakhs at the disposal of the District Magistrate which should be renewable. This fund will be utilised for extending immediate help to the released bonded labourers. The entire penalties recovered from the perpetrators of the bonded labour upon conviction, may be deposited in this special fund.

(xiv) Immediate assistance of at least ₹5,000/- shall be provided by the District Administration to the rescued person out of the District Bonded Labour Rehabilitation Fund at the disposal of the District Magistrate. Where the DM is satisfied that a particular rescued person requires more than Rs.5,000, he or she may disburse such higher amount as deemed fit, but limited to the maximum entitlement prescribed under this scheme. Any such advance amount shall be deducted from the Central cash assistance amount.

## 6. SUBMISSION OF PROPOSAL TO THE CENTRAL GOVERNMENT

6.1 The District Magistrate shall submit claims to the District NCLP (National Child Labour Project) Society, set up under the revised guidelines of the NCLP Scheme 2016, in the prescribed proforma, along with documents as specified in the check list (Annexure I and II).

6.2 Each such proposal shall have (i) details of cash and non-cash assistance and rehabilitation facilities provided by the State Government (Annexure-III); and (ii) the quantum of penalty/imprisonment awarded to the accused in the Summary Trial as provided under the Act.

6.3 In cases where the Summary Trial under Sec 21 of the Act has not been concluded as per Rules, but the DM/SDM has arrived at a prima facie finding and proof of bondage, then the proposal for cash assistance shall not be stopped for want of details of conviction. However, final disbursement of case assistance shall be made upon proof of bondage and other legal consequences as per judicial process.

6.4 Upon receipt of claims, the District NCLP Society will then scrutinise all documents and submit its proposals, from time to time, to the Central Government, i.e. Ministry of Labour and Employment.(MoLE). The claims shall be furnished under the Major Head 2230/2552 as the case may be.

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.S-11012/01/2015-BL)

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उप सचिव/Deputy Secretary  
मन एवं रोजगार मंत्रालय  
Ministry of Labour & Employment  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

## 7. Release of Funds

7.1 As per modalities of release of funds approved by the Ministry of Finance, admissible reimbursement under the revised scheme, will be released by MoLE, directly to the District NCLP (National Child Labour Project) Society, and the District Project Society in turn will release the fund including the interest, to the implementing agencies which shall include the district administration, for the purpose of the Bonded Labourer Rehabilitation Scheme forthwith.

7.2 The account of District NCLP Society in respect of the BLR Scheme shall be subject to the same audit norms as applicable to the NCLP scheme. Any future alterations in release of fund and accounting procedures by Central government for the NCLP scheme shall be equally applicable *mutatis mutandis* to the BLR Scheme.

7.3 Wherever the District NCLP society does not exist, the Ministry shall immediately, but not later than 30 calendar days reckoned from the date of notification of this scheme, notify a new NCLP society under the NCLP scheme.

## 8. Implementation and Monitoring

8.1 The implementation and monitoring of the BLR scheme shall be carried out by the Central Monitoring Committee, prescribed under the NCLP scheme, but with JS/DG(LW) as member-convenor for the purpose of BLR Scheme.

8.2 At the State level, the same implementation machinery for NCLP scheme shall also be responsible for implementation of the revised BLR Scheme.

8.3 At the district and sub-divisional level the same implementation machinery for NCLP scheme shall also be responsible for implementation of the revised BLR Scheme assisted by the Vigilance Committees, as prescribed under the Act and Rules.





**Central Sector Scheme for Rehabilitation of Bonded Labourer -2016****Revised performa for details of Bonded Labour****I. IDENTIFICATION PARTICULARS**

- i. Name :
- ii. Father/Mother's Name :
- iii. Gender: Male/ Female/ Other
- iv. Age :
- v. Whether special/ other category\* : Y/N
- vi. Whether physically disabled : Y/N
- vii. If yes, details thereof :
- viii. Village :
- ix. Taluk :
- x. Block :
- xi. District :
- xii. State :
- xiii. Aadhar and UWIN (NSS) No. (if available) :  
*\*Special/ Other category as specified at para 5 (iii) and 5 (iv) of this Scheme*

**II. PARTICULARS OF FAMILY MEMBERS:**

Sl. No.	Name	Relation to Respondent	Age	Sex	Education	Occupation	Remarks

**III. PARTICULARS OF OCCUPATION:**

- i. Nature of Occupation
- ii. Duration of the Occupation
- iii. Whether free to work elsewhere or to quit the job with present employer : Y/N
- iv. If no, specify the reasons

**IV. WORKING CONDITIONS:**

- i. Wages agreed upon by the Employer
- ii. Wages paid in kind (per day/week/month/year)
- iii. Wages paid in cash (per day/week/month/year)
- iv. Any other non-cash/kind benefit received from the employer
- v. Details of the Punishment for absence or slackness in work
- vi. Daily hours of work

**V. NATURE OF BONDAGE [ in lieu of advance/ debt]**

- i. Amount of loan/Advance received (cash/kind):

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 उप सचिव / Deputy Secretary  
 श्रम एवं रोजगार मंत्रालय  
 Ministry of Labour & Employment  
 भारत सरकार / Govt. of India  
 नई दिल्ली / New Delhi

- ii. Rate of Interest:
- iii. Purpose of borrowings:
- iv. Who has taken the loan and his relation with the Respondent:
- v. Mode of repayment:
- vi. Number of year working for the loan taken
- vii. When will the loan get repaid along with interest
- viii. Is any other member of the family also bonded: Yes /No

If yes, please indicate his/her:

Name	Age	Duration of Work	Loan Taken	Interest, if any	Hours of work	Wages paid

#### VI. PARTICULARS OF ASSETS [of the Bonded Labour]:

- i. Land owned :
- ii. Milch animals/bullocks/sheep/goat/poultry :
- iii. Does he/she live in own homestead or in employer's land :
- iv. House owned or rented :
- v. Education Level :

#### VII. PARTICULARS OF EMPLOYERS

- i. Name & Address :
- ii. Father/Mother's Name :
- iii. Occupation :
- iv. No. of bonded labourers under the same employer :
- v. Aadhar No. :
- vi. Any instance of beating/commission of atrocity/violence by the employer as reported to the Vigilance Committee (please specify) :

#### VIII. RELEASE AND REHABILITATION

- i. Whether the respondent is aware of the provision of the BLS(Abolition) Act :
- ii. Whether the respondent is aware of the scheme for rehabilitation of bonded labour :
- iii. Whether the respondent was released in the past under the BLS (Abolition) Act and Rules:
- iv. Whether the respondent has received the benefit under the BLS (Abolition) Act and Rules:

#### VERIFICATION

It is certified that the facts stated in the above questionnaire are true to the information provided by the respondent which has been read over and explained to him in his mother tongue.

Date :

Place :

Signature of the Surveyor  
(Name)

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.S-11012/01/2015-BL)

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### Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

#### Proposal for Release of Central Assistance for Rehabilitation of Bonded Labourers:

- i. Number of the labourers required to be rehabilitated :  
(Release certificate should be attached for every bonded labour rehabilitated)
- ii. Category wise break-up of Beneficiaries as General, OBC, SCs and STs and Special Categories wise break-up of beneficiaries as adult male, women, transgenders, differently abled persons, minor boys, minor girls, persons released from special categories in the below mentioned table:

S.No.	Gender	Special Category	Number
1.	Male	Adult	
		Boys below 18	
		Total	
2.	Female	Adult	
		Girls below 18	
		Total	
3.	Special/ Other Category as specified in para 5 (iii) and 5(iv)	Adult male	
		Adult female	
		Children below 18	
		Differently-abled persons	
		Trans-gender	
		Total	

\* "Person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority, medical authority is Hospital funded by Central or State Government. The medical certificate issued by medical authority should be provided with the proposal.

iii. Total amount of Central Assistance Required:

S. No.	Category	Total Number	Prescribed limit as per the bonded labour scheme ( in Rs.) (in 000')	Total Amount
1	Adult male member		100	
2	Adult Female/ Minor boys and Girls		200	
3	Special/ Other		300	

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.S-11012/01/2015-BL)

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	category as specified at para 5 (iii) and 5 (iv) of this Scheme			
	<b>Total</b>			
	Balance available at Bonded Labour Rehabilitation Fund*			

\* Bonded Labour Rehabilitation Fund will be used to provide immediate financial assistance to the rehabilitate bonded labour with at least Rs.10.00 lakh as a corpus for this fund.

- iv. Name of the District (s) where these bonded labourers (category wise) have been identified :

S.No.	Name of the District (s)	Name of the State	Number of bonded labour		
			Identified	Released	Rehabilitated
1					
2,3...					
<b>Total</b>					

- v. Mode of identification :

- vi. Whether the rehabilitation scheme has been formulated and approved by the competent authority? :

*(copy of the scheme must be attached)*

- vi. The detailed statement of assistance provided by State Government/UT (abstract with detailed names of bonded labour to be provided):

- vii. Whether any utilization certificate for Central Assistance released in the preceding years are pending : Yes/No

If yes indicate the details of pending utilization certificates :

Name of the State/UT						
Sl. No.	Component for Central Assistance received	Name of the District (s)	Year in which funds released	Amount of Central Assistance (Rs.)	Amount for which Utilization certificates is submitted (Rs.)	Reasons for non-submission of utilization certificates
1						
2,3, so on						
<b>Total</b>	<b>Name of the State/UT</b>					

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.5-11012/01/2015-BL)

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उप सचिव / Deputy Secretary  
मन एवं रोजगार मंत्रालय  
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भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

## Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

**Format for Release Certificate** BL Case NO.....  
(Order of the JMFC/JMSC under Section 12 of the Bonded Labour System  
(Abolition) Act, 1976)

A Colour passport  
signed photograph  
of the bonded  
labour released  
should be passed in  
this box

1. Name :
2. Father/Mother's Name :
3. Age :
4. Whether special category\* : Y/N
5. If yes, details thereof :
6. Whether physically disabled# : Y/N
7. If yes, details thereof :
8. Address where bonded labour is identified :
9. Male/Female/trans-gender:
10. Aadhar/UWIN(NSS) No. (if available) :
11. Jan Dhan A/c No with IFSC code:
12. Address of Bonded Labour
13. Name of the Captor/Bonder :
14. Aadhar Card no. of Captor/Bonder :
15. Address of Captor/Bonder :
16. Date of conviction & Release Order :
17. Quantum of Punishment under Chapter VI:
18. Amount of Debt Extinguished u/s 6:
19. Extent and nature of property freed u/s 7:

*\* Special/ Other category as specified at para 5 (iii) and 5 (iv) of this Scheme*

*# "Person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority, medical authority is Hospital funded by Central or State Government.*

Given under my hand and seal on date \_\_\_\_\_

Signature

Name

District Magistrate/ Sub- Divisional Magistrate

District....., State.....,

Seal

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.S-11012/01/2015-BL)

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**Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016**  
**Proposal for Release of Central Assistance for Conducting Survey of Bonded Labourers:**


- i. Name of District (s) where survey will be conducted :
- ii. Duration of Survey with timelines for its completion :
- iii. Whether any survey was conducted in the past, in the district (s) : (Y/N)
  - (a) if yes indicate year and month of the survey:
  - (b) if no, the reasons :
- iv. Name of the agency (ies) which conducted survey in the past:
- v. Name of the agency (ies) which will be conducting survey:
- vi. Item wise breakup of the cost of the proposed survey per sensitive district :

S. no.	Item	Cost involved
1	Cost of printing of questionnaire (average 2000 @ ₹5 each = ₹10,000)	
2	Costing of imparting training to investigators/field staff for information (payment to 10 investigator/field staff @ ₹500/- per day to each for 5 days (₹5000 x 5 = ₹25000))	
3	Cost of collecting primary data from field (payment to 10 investigators / field staff @ ₹500/- per day to each for 2 months (₹5000 x 60 days = ₹3,00,000))	
4	Cost of editing, tabulation and analysis of primary data (payment to 2 Research Assistant @ ₹20000/- per month to each for 2 months (₹40000 x 2 months = ₹80,000))	
5	Costing of imparting training to investigators/field staff (₹35,000)	
	<b>Total</b>	

- vii. Whether previous survey, if conducted any, have been done within one year of releasing Central assistance: (Y/N)
- viii. If yes, then details of findings, recommendations to be provided
- ix. Whether reports of the survey conducted in the past have been sent to Ministry of Labour & Employment, Government of India: (Y/N)
  - (a) If yes, details thereof
  - (b) If no, reasons thereof
- x. Whether any utilization certificate for Central Assistance released in the preceding years are pending : Yes/No
  - (a) If yes indicate the details of pending utilization certificates :

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 Ministry of Labour & Employment  
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## Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

### Proposal for Availing Central Assistance for Awareness Generation Activities:


- i. List of activities proposed to be undertaken for awareness generation:
- ii. Name of the agencies which will undertake awareness generation activities. Whether it is Government or Private:
- iii. Item-wise break-up of the cost involving in awareness generation activities.

S. no.	Item	Cost involved (in ₹)
1	Cost of Campaigning and telecast of various audio visual inputs through AIR, Doordarshan, Song and Drama Division, etc. (max. fund permissible is ₹7 lakh)	
2	Campaigns through local newspapers (max. fund permissible is ₹1 lakh)	
3	Cost of performance by folk cultural troupes including cost of travelling (max. fund permissible is ₹2 lakh)	
	Total	

- iv. Whether awareness generation activities have been done within 6 months of releasing Central assistance in preceding years. (Y/N)
- v. Whether reports of the awareness generation activities conducted in the past have been sent to Ministry of Labour & Employment, Government of India: (Y/N)
  - (c) If yes, details thereof
  - (d) If no, reasons thereof
- vi. Whether any utilization certificate for Central Assistance released in the preceding years are pending : Yes/No
  - (b) If yes indicate the details of pending utilization certificates :

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 उप सचिव/Deputy Secretary  
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 Ministry of Labour & Employment  
 भारत सरकार/Govt. of India  
 नई दिल्ली/New Delhi

## Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

### Proposal for Availing Central Assistance for Evaluation Studies:

- i. List of activities proposed to be undertaken for Evaluation Studies;
- ii. Name of the agencies which will undertake the evaluation. Whether it is Government or Private;
- iii. Item-wise break-up of the cost involving in evaluation studies:

S.No.	Cost components	Cost involved
1.	Formulation and printing of questionnaire for collecting information from various Departments & who are providing grants/loans for the purpose of effective rehabilitation of bonded labourers including cost of mailing of questionnaire (Rs.8,000)	
2.	Analysis of data by 2 Research Assistants-cum-computer operator (payment @ ₹9,000/- per month for 2 months) (18,000 x 2 months= Rs.36,000)	
3.	Writing of reports by one Research Officer (payment @ ₹18000/- per month for 2 months) (18,000 x 2 months= Rs.36,00)	
4.	Printing and binding of the report (20 original copies) (Rs. 10,000)	
5.	Misc. expenses including travelling expenses (Rs.10,000)	
	<b>Total</b>	

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उप सचिव / Deputy Secretary  
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Ministry of Labour & Employment  
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नई दिल्ली / New Delhi

## Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

### Form of Utilisation Certificate

#### Form 19-A of GFR

Sl. No.	Letter No. and Date (attach copy)	Amount
1.		
2,3,...		
	Total	

Certified that out of Rs. .... of grant-in-aid sanctioned during the year \_\_\_\_\_ in favour of \_\_\_\_\_ Under the Ministry of Labour and Employment letter no \_\_\_\_\_ dated the \_\_\_\_\_ given in the margin, a sum of Rs. \_\_\_\_\_ has been utilized for the purpose of Central Sector Scheme for Rehabilitation of Bonded Labour for which it was sanctioned and the balance of Rs. \_\_\_\_\_ remaining unutilized at the end of the year has been surrendered to the Ministry of Labour and Employment, Government of India vide letter no. \_\_\_\_\_ dated the \_\_\_\_\_/will be adjusted towards the grants-in-aid payable during the next year \_\_\_\_\_.

2. Certified that I have satisfied myself that the conditions on which the grants-in-aids were sanctioned have been duly fulfilled/are being fulfilled and that I have exercised the following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kinds of Checks exercised.\*

- 1.
- 2.

Signature of the Chairperson of District NCLP Society .....

Designation.....

State Govt./UT Administration

Date .....

Seal

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.S-11012/01/2015-BL)

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उप सचिव / Deputy Secretary  
श्रम एवं रोजगार मंत्रालय  
Ministry of Labour & Employment  
नारत सचकर / Govt. of India  
नई दिल्ली / New Delhi

### Annexure-III

#### Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

<b>Detailed Abstract of Assistance provided by State/District Administration to Released Bonded Labourers</b>											
Ministry of Labour and Employment sanctioned letter No. _____ dated _____ Amount of _____											
S. No.	Name of the freed Bonded Labour	No. and Date of BL case as per release Certificate	Quantum of punishment to the Convict/ Accused	Benefits provided by State Government (in kind) and its monetary value and cash component in case of educational assistance							Immediate Cash Assistance provided out of District BLR Fund
				House/ site	Agri. land	Land Development	AH/Dairy/ Poultry etc.	Minor forest products	Ration	Edu. Asst.	
1											
2											
3											
<b>Total</b>											

Signature of the Chairperson of District NCLP Society .....

Designation.....


State Govt./UT Administration

Date \_\_\_\_\_

Seal

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 उप सचिव / Deputy Secretary  
 श्रम एवं रोजगार मंत्रालय  
 Ministry of Labour & Employment  
 भारत सरकार / Govt. of India  
 नई दिल्ली / New Delhi

**F.No. S-11012/01/2015-BL (Pt.)**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF LABOUR AND EMPLOYMENT**  
**Director General Labour Welfare**

Jaisalmer House, 26, Mansingh Road  
**NEW DELHI,**

Dated June 23, 2017

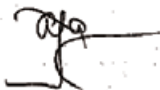
**To**

The Chief Secretary (all State Governments)  
 The Administrator (all UT Administrations)  
 The District Magistrate/The Collector (All)

**Subject: - Modifications In the Central Sector Scheme for the Rehabilitation of Bonded Labour, 2016 – regarding.**

On the basis of feedbacks received from various stakeholders and with the approval of the Competent Authority, certain modifications have been made in the Central Sector Scheme for the Rehabilitation of Bonded Labour, 2016, as mentioned below:

Sl. No.	Gist of existing provisions	Amended provisions
1.	Central Government will reimburse the expenditure made by the States on Survey, Awareness Generation and Evaluatory Studies up to the financial limits prescribed in the Scheme [Para 5(x, xl, xli) of the 2016 Scheme].	Central Government will give 50% of the amount required for conducting Survey, Awareness Generation and Evaluatory Studies in advance. A State may conduct survey once in every three years per sensitive district. A State may conduct five Evaluatory Studies per year.
2.	District Magistrate will submit financial claim to the district NCLP Society which in turn will submit the demand to the Central Government. The Central Government will release funds to the District NCLP Society for onward release to the District Administration. [Para 6 & 7 of the 2016 Scheme]	The fund release architecture in operation prior to 2016 Scheme will be followed and the existing NCLP route has been done away with in view of the fact that many of the districts of a State do not have NCLP Society. The District Administration will send the financial demand to the State's concerned Ministry/ Department dealing with the BLR scheme and the State Ministry/ Department will send the proposal to the Central Government. Routing of proposals and release of fund



		through the State's Ministry/Department will be helpful both for the Centre and the State in monitoring the implementation of the Scheme.
3.	Immediate assistance of Rs. 20,000/- (increased from 5 thousand to 20 thousand w.e.f. 17.01.2017) to be provided by the District Administration to the rescued person out of the District Bonded Labour Rehabilitation Fund linked to conviction of the accused. <b>[Para 5(xiv)]</b>	Immediate assistance upto Rs. 20,000/- may be provided to the rescued bonded labour by the District Administration irrespective of the status of conviction proceedings.
4(i).	The <b>Format for Release Certificate</b> appended to the 2016 Scheme does not capture the caste category of the rescued bonded labourer	The entry at S. No. 1 of the Format for Release Certificate shall be substituted with the following expression: <b>"1. Name and Caste Category of the rescued bonded labourer:"</b> (It is necessary as the budget has separate provision for SC and ST)
4(ii)	The Release Certificate requires date of conviction and release order ( <i>meaning thereby that a Release Certificate is to be issued after the conviction proceeding has concluded</i> ).	So as to enable issuance of Release Certificate at the time of release of rescued bonded laborer prior to conclusion of conviction proceedings, it has been decided to do away with replace the existing entries at <b>S. no. 16 to 19</b> in the <b>Format for Release Certificate</b> .

2. It is requested to ensure that the modification in the 2016 Scheme as mentioned above are circulated among all concerned.

  
(23.6.17)

(A.K. Singh)

Under Secretary to the Govt. of India  
E-mail: ajoy.kumar67@nic.in

**Copy for information to:**

- (i) Principal Secretary to the Prime Minister
- (ii) Ministries of Home Affairs, Law & Justice, Social Justice & Empowerment, Women & Child Development, Finance, External Affairs
- (iii) National Human Rights Commission
- (iv) Comptroller & Auditor General of India





**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

WD, CW & DW Deptt. - Adoption of Minimum Standards of Care by Institutions & Service providers providing protective and rehabilitative facilities to victims of commercial sexual exploitation / sex trafficking - Orders - Issued.

WOMEN DEV. CHILD WELFARE & DISABLED WELFARE (WP) DEPARTMENT

**G.O.Ms.No. 16**

**Dated: 24<sup>th</sup> April, 2010**

Read the following :-

1. G.O.Ms.No. 661, EM & SW (H1) Deptt., Dt : 28.08.74
2. G.O.Ms.No. 1, WD CW & DW (Prog) Dept., Dt : 31-01-2003.

\*\*\*\*\*

**ORDER:**

Government of Andhra Pradesh acknowledges that human trafficking particularly for commercial sexual exploitation is among the worst forms of human rights violation, destroying the lives of thousands of women and children. All available reports and testimonies of trafficked survivors reveal that a victim when trafficked is subjected to in human torture, threat and intimidation leaving deep psychological scars. Lack of holistic care and support for rescued victims, can have serious repercussions for the society, as these victims could be further re-trafficked and the crime of trafficking can go on unabated.

2. Government of Andhra Pradesh is firmly committed to combat trafficking and provide all care and support required for a victim so that she can eventually be re-integrated into the mainstream society to lead dignified and independent life. PRAJWALA - a voluntary organization committed to the cause of anti-human trafficking has furnished "Minimum Standards of Care", in consultation with all stake holders including Government officials concerned, NGOs, victims of trafficking etc.,
3. The Government after due consideration, with a view to ensure holistic care and support for all rescued victims of commercial sexual exploitation / sex

trafficking, hereby direct that the minimum standards of care as detailed in Annexure shall be adopted and adhered to by all institutions and service providers providing protective and rehabilitative facilities to victims of sex trafficking/commercial sexual exploitation. Any non-adherence, deviation or violation of the minimum standards of care shall entail cancellation of license/registration/recognition/grant-in-aid as the case may be, apart from other appropriate action.

4. Further, no institution providing such shelter shall be considered for license/registration/recognition or grant-in-aid unless the Minimum Standards of Care as prescribed are provided and fully adhered to by the institution/service provider.

5. Finally, all such institutions and service providers shall also adopt and put in place the computerized tracking system with effect from 01-06-2010 as per the software to be made available to them by the Director, W.D. & C.W. Dept.

6. This order issues with the concurrence of Finance Department vide their UO Note. 3253/69/Expr. WD/2010, Dated : 19-03-2010.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**M. CHAYA RATAN**

PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Additional Director General of Police - CID.

The Director, Women Development & Child Welfare Department.

All District Collectors.

All Superintendents of Police.

All Regional Deputy Directors of Women Development & Child Welfare Department.

All Swadhar homes & Service providers concerned through Director, Women Development & Child Welfare.

Copy to :

The Principal Secretary to Government Home Department, A.P. Secretariat, Hyderabad.

The P.S. to Chief Secretary, A.P. Secretariat, Hyderabad.

The P.S. to Chief Minister Government of Andhra Pradesh, Hyd.

The Commissioner Information & Public Relation.

All District Medical & Health Officers through Commissioner, Family Welfare Vidiya Vidhan Parishat, Hyderabad.

All Project Directors DRDA / Indra Kranti Padam through CEO. IKP.

All District Legal Service Authorities through A.P. State Legal Service Authority.  
All District Aids and Leprosy through Project Director, Aids Control  
All Child Welfare Committees through Director Juvenile Welfare, Correctional  
Services & Welfare of Street Children.  
The Managing Director of Housing, A.P. Hyderabad.  
All District Supply Officers through Commissioner Civil Supplies Department, Hyd.  
The Principal Secretary to Government Housing.  
The Commissioner Family Welfare, A.P. Hyderabad.  
The Director, Medical & Health Services, Hyderabad.  
The Principal Secretary to Government Civil Supplies Department.  
The Principal Secretary to Government Education Department.  
The Principal Secretary to Government Rajiv Vidya Mission.  
The Principal Secretary to Government Higher Education Department.  
S.F./S.C.

// Forwarded :: by Order //

SECTION OFFICER

## **ANNEXURE**

### **MINIMUM STANDARDS OF CARE In Homes for Victims of Trafficking**

#### **Introduction**

Anti trafficking measures comprises of prevention, protection and prosecution. It has been seen throughout the country that protection measures is the most important link to effective prevention and successful prosecution. But it is matter of serious concern that protection measures in the form of shelters have not fulfilled their objectives and poor rehabilitation measures have ended up in re-trafficking of victims.

With the aim to improve the conditions of shelter homes minimum standards of care is introduced. These standards for shelters for victims of commercial sexual exploitation / survivors of sex trafficking are those non-negotiable care components that should be integrated in any home managed either by the government or the civil society to ensure facilities for rehabilitation is in place as a matter of right of the victim. These standards will ensure that the safety, dignity and the well being of each victim are provided for.

The minimum standards of care will be reviewed every two years for relevance and changed according to the contemporary information available about care and protection of victims of trafficking.

The guiding principles of these standards are:

**Rights Based :** All standards will ensure that the basic human rights of the victim is upheld and respected. Additionally the following rights will be a integral part of each care process:

- Right to dignity
- Right non to be re-traumatized and re-victimized
- Right to informed choices and confidentiality
- Right to self-determination and participation

**Individualized and Comprehensive :** The care components should be inclusive and be able to address the needs of each individual through a continuum of care opportunities for all life domains of survivors.

**Equitable :** The program should ensure that all services are accessible to all victims. The services are designed in a manner that facilitates people who may be

facing more vulnerability or impact to have an equal access to services.

**Gender sensitive :** The program should be child friendly and focused on the psychological recovery of the victim. The programs will recognize the gender based vulnerabilities and risks, will be developmentally appropriate and ensure that the recovery of the victim is paramount.

**Accountable :** All the programs will be accountable and will be subject to mandatory external standardized care process audits.

## STANDARDS OF CARE

### Standard I : Location

1. Any home/shelter meant for victims of commercial sexual exploitation should be located in a residential area and should be maintained and integrated in the local scenario. The name board of the home should not reveal either the purpose or the kind of benefit it provides. The home meant for 50 residents should not be less than 5500 sq. ft, which includes, different types of spaces required.
2. The location of the home should minimize risk to the residents and should have a favorable ambience (not close to a red light area, wine shop, slums or shanties and the homes should be far away from auto stands, bus stations, railway stations, road side stalls) with adequate privacy for the residents.
3. The home/shelter should be well connected with other amenities such as water, electricity, sanitation, approach road, etc. Care should be taken to ensure that the physical infra-structure allows no undesirable outside contact.

### Standard II : Security

1. The home should have 24 hrs security arrangements. Without appearing custodial in nature the home should ensure adequate security to the residents. The security persons should be free of any addictions and they need to be trained.
2. All inflammatory or hazardous substances such as kerosene, petrol, pesticide, phenol, medicines, acid, bleaching power, soaps, rat killers, especially sedatives etc., should be kept securely, out of the residents. Field security plan should be in place (fire exit marketing). There should be a regular fire drill. Basements should not be used for residential purposes. Stock register of all the above mentioned hazardous substances should be maintained and regular stock taking (monthly) should be monitored.

3. For residents who are suffering from psychological disturbances any task with sharp/hazardous instruments/substances such as knives,, screw drivers, ropes and wires should be avoided to extent possible and if unavoidable to be done under proper supervision.
4. All doors (bathroom, toilets, kitchen, storage, bedrooms) should have provision for opening from outside in cases of emergency.
5. No visitors for residents should be allowed in the home without requisite vetting and permission. The home should have a visitors policy which should include arrangements to screen and interact with visitors away from residential area within the campus. The best interest of the resident should be the guiding principle. All visits should be documented in a well maintained visitors book that will record all details such name, designation, organization/institution, address etc Proper check of staff at entry and exit should be done and CCTV cameras may be installed in visitor's room.
6. No resident should have access to mobile phones and any phone call made should be under supervision.

#### Standard III : Legal Custody and Arrangements for Leave from home

1. Legal custody of residents must be under the supervision of the Child Welfare Committee (if minors) or the Service providing Organization or any other competent authority dealing with the issues of women and/or children of the area as the case maybe.
2. A social worker must accompany the residents (who are at risk to coercion and exploitation) whenever she leaves the place of safety. The home should have protocol for different circumstances when the resident may leave the home unaccompanied by staff. Such protocol should be evolved by a risk assessment and risk reduction information.

#### Standard IV : Confidentiality

1. The resident should not be exposed to the medial and complete confidentiality should be maintained about the facial and other personal identity of the resident. This is valid at all stages from rescue to prosecution and social reintegration and thereafter. All case records especially medical records should be maintained with utmost confidentiality.
2. No information about a resident will be given to any outsider without the permission of the authorized person and the informed consent of the resident.



#### Standard V : Basic Infrastructure Facilities :

1. The home should be well ventilated, with adequate space (approximately @50-60 sft per resident, toilets and bathrooms at a proportion of 1:5.)
2. The home should have well ventilated kitchen, a common hall, counseling room, medical room, dining hall, bedrooms, quarantine room, storage facility and staff quarters and no basements should be used for residential purposes.
3. The home should have open space for recreation, washing/drying arrangements which ensures privacy.
4. The residents of the home should have access to public facilities such as garden, playground and recreational facility etc.
5. Each resident should be provided with individual cot, bedding, 2 bed sheets, 1 blanket and pillow, mosquito nets per year.
6. Universal care processes should be established which enables the home to provide for the special care needs of HIV positives, disabled, pregnant and lactating mothers and severely sick residents without any stigmatization or isolation.

#### Standard VI : Staff recruitment /Training :

1. Staff should be recruited only after adequate screening about their past record and assessment of their skills and attitude. Special care should be taken to ascertain any indications of past criminal record or association, psychological disorders, addictions (alcohol, tobacco, gutkha, drugs etc).
2. All staff irrespective of the post should be given induction training and adequately sensitized on aspects of trafficking, needs of trafficked residents, trauma care, first aid and counseling.
3. Standardized training module has to be developed with regular updates.
4. One head of the home with a postgraduate degree, Two Trained counselors one with MSW and other with MA psychology with special training on trauma care should be recruited on a fulltime basis, and where one counselor is to be a resident and other may be a non-resident for better functioning. The home may also choose to use primary level peer counselors who are present in the home all the time and supported by secondary level professional counselors as mentioned above.

5. The home should have the following human resources for better operations for a average of 50 residents with.
  - a. 1 fulltime resident Warden/Superintendent who should be at least a graduate.
  - b. 2 resident Cooks
  - c. 4 caretakers with a minimum SSC education
  - d. 1 Accountant cum Documentation personnel
  - e. 2 Security personnel with a reading and writing skills
  - f. Part time life skill trainer
  - g. A Panel of Medical practitioners (both government and private) should be identified to attend to the needs of the residents at any time of requirement and appropriate budget should be extended for medical kits, transport and honorarium.
  - h. For legal assistance it should be converged with existing free legal aid service. If such services are not easily available a budget may be provide for legal support and assistance till such a time mainstream services can be accessed.

#### Standard VII : Home Management

1. The residents should be directly involved in the day to day management of the home. All residents should be part of the general body in running the home. On democratic lines committees should be chosen from the general body which will support in the management of the home on different aspects.
2. The committee should be reconstituted every 3 months and every resident in the home should be given a chance to be an active committee member.
3. All process of the committee meetings, staff meetings, general body should be well documented.

#### Standard VIII : Induction of the residents :

1. As soon as a resident enters a home she should be received with a welcome kit which will consists of two pairs of cloths, towel, toiletry (tooth brush, tooth paste, soap, sanitary napkins, powder, shampoo sached, hair oil, comb etc)
2. In the first on hour the new resident should be allowed to take bath and fresh in

up. A light snack with water should be provided as the initial formalities are completed.

3. Older residents trained, as barefoot counselors should be given the task of receiving a new resident and introducing her to the other residents. As a part of the reception a tour of the home should be given.
4. If the resident is brought during the night she should be allowed to rest and personal profile and other documentation formalities should be taken only the next day after the resident is feeling rested.
5. Develop and establish moral support with the newcomer.

#### Standard IX : Induction and Orientation

1. The preliminary assessment report of the new resident should be recorded on the prescribed format. The profile of the resident will be updated periodically. A photograph of the victim should be taken at the earliest suitable time.
2. As a part of the personal profile care must be taken to establish the true identity of the resident such as her real name, whereabouts of family members, community members, relatives, next of kin, address etc. Updating can be done in a phased manner and computerized.
3. The resident should be provided all information regarding the procedures, rules and facilities in the home. She should be also informed about her legal and civic rights. A grievance/ redress mechanism should be created.
4. The resident should be informed about all the benefits she is entitled from the government such as immediate relief of Rs. 10,000/- and all other rehabilitation package such as livelihood skill, livelihood options, education for her children etc as per the GOMS No. 1 dated 3-01-2003.
5. The resident should also be informed and counseled about the routine medical tests and examinations she will be asked to undergo and also the tests for which she has to provide informed consent. The resident's consent for HIV test is necessary. The resident should be told why the test is being taken and the importance.
6. Only after the resident is well oriented (may take a minimum of two weeks) an undertaking should be taken by the resident on her choice to rehabilitate/reintegrate.

#### Standard X : Recording and Documentation

1. As soon as the resident is admitted her personal profile should be recorded in a specified format (annexed). The said profile should be updated regularly.

The profile to be recorded only when the resident is mentally prepared for the same. The persons responsible for recording/documenting the profile should be trained mainly on communication and documentation. He/She needs to be patient with the residents and ensure authenticity.

2. There should be separate files maintained for each resident which should include a profile consisting of personal details, informed consent and referral records with a medical file consisting of medical reports, treatment plan and prescriptions. Confidentiality to be well maintained especially in the case of residents being HIV positive.
3. Separate registers should be maintained for attendance, visitors, incoming/outgoing and restoration/reintegration.
4. There should be a victim care plan which should take into consideration the educational background and interests/talents/skills of the victim (to be recorded in a prescribed format for all residents and kept in the personal profile). Individual care plans should be made based on this and appropriate training to be imparted taking into consideration the emerging areas of human resource requirements. This care plan should be updated from time to time for each resident even after repatriation and follow up.

#### Standard XI : Tracking Systems

1. Homes should maintain all relevant details on the resident after the rescue process (FIR copy, remand dairy). A complete record of the resident's contact information (names of relatives, address, phone number etc.) should be maintained in the resident's confidential file. Authenticity of the resident's information should be ensured. A recent/latest passport size photo of the resident should also be kept in the confidential folder. Profiles of the close associates to be secured & maintained. All relevant information should be comprehensive and form a part of the initial assessments.

#### Standard XII : Health and Medical Support

1. Immediately after a resident is admitted she should be provide immediate medical support (check up, treatment for immediate ailment etc). Pediatric support should be given for children accompanied and a check up by a

gynecologist if the woman is pregnant.

2. Medical Tests for HIV/AIDS should be done only after the resident gives her informed consent.
3. Each home should have facilities for health check-ups by a registered medical practitioner, gynecologist, pediatrician, referral to external medical experts, hospitals, and facilities for hospitalization, on an as-needed basis.
4. Home should have trained caretakers to provide appropriate care and support for HIV positive residents for early management of opportunistic symptoms. All staff in the Home must be trained in HIV care and support.
5. Home should have referral networks with mental health professionals (psychologist, psychiatrist, psycho-therapist etc) and mental health institutions for immediate and timely support for psychologically disturbed residents.
6. Home should have referral network with de-addiction centers for those residents who have a problem of substance abuse/alcohol addiction.
7. Each home should have a first aid box with basic medicines and equipments such as thermometer and updated medical record of each resident. It should be replenished on a regular basis and medicines should be checked regularly for their expiry date.
8. Home should have arrangement for caretakers who will escort residents during hospitalization and also facilities for transportation of a sick resident.
9. Home should maintain proper registration of births and deaths.
10. Home should have a corpus fund for health related emergencies such as special health conditions, funeral rites.
11. At each Home, safe drinking water, sufficient number of bathrooms and toilets, fans and proper ventilation, mosquito nets and proper drainage systems should be in place to ensure the health of all residents.
12. Residents should be provided a nutritious diet. Care should be taken to cater to special needs of residents who are HIV Positive, lactating mothers as per the diet chart. The menu for the week should be a part of the home committee decisions.

#### Standard XIII : Counseling and Therapeutic Support

1. There should be both professional and peer counselors-preferably female in a home who would provide immediate trauma care and long term counseling for



the residents.

2. The ambience of the home should be therapeutic in terms of non-judgmental attitude of the staff, along with avenues for relaxation, recreation and spiritual growth and activities for executing responsibilities and to gain confidence and control. Illustrated activities include indoor & outdoor sports, physical exercise, cultural activities, workshops, study material, magazines, music, meditation, yoga, gardening etc.
3. There should be both individual and group counseling for the residents. Peer counseling including group discussions should also be promoted.
4. Residents showing symptoms of psychiatric disorders should be immediately referred to professional psychiatrist.

#### Standard XIV : Life Skills

1. There should be daily classes for residents on life skills such as grooming, socialization, communication, conflict management, stress management and leadership. Both formal and informal processes, including mentoring and exposure visits should be used.
2. Innovative and creative tools of teaching life skills should be used such as art/craft etc which will restore a sense of well being and dignity.

#### Standard IV : Education

1. Residents who have no formal education should be helped to obtain education through Akshara Jyothi, Vidya program or any other adult education program.
2. Residents who have basic literacy and have an aptitude for further education should be helped to enroll in NFE programs including open school/university for continuum of educational process.
3. Take all measure to mainstream minor residents in normal schools on priority basis.
4. Children of residents should be admitted to either residential hostels or in schools. If in private schools, join through sponsorship preferably from Government. If in Government School the Government should take care of all the expenses for education.

Any decision to send the resident from the shelter to any outside place should be taken only after security concerns are satisfactory.



#### Standard XVI : Diet & Nutrition

1. Home committee should prepare weekly diet chart for the home in consultation with the Superintendent/Warden. Care should be taken to ensure the needs of the residents are incorporated as much as possible.
2. Special diet chart should be prepared for lactating mothers, infants, and pregnant residents, residents with special conditions such as HIV/AIDS, diabetes etc and sick/bedridden residents.

#### Standard XVII : Livelihood Training

1. Residents should be admitted to livelihood training within two months after admission to shelter/home.
2. In collaboration with reputed technical training institutes (Mahila Pranganam, SETWIN, ITI, Community Polytechnic) viable, sustainable and job oriented trades should be taught to the residents. The residents must be allowed to appear for certificate exams or diploma by government or reputed certified agencies such Intermediate Board, State Board for Technical Education for better employability.
3. It should be ensured that all livelihood training should lead to job placement after the stay in the home.
4. Corporate tie up should be explored for developing livelihood training which increases the employability of the resident.

#### Standard XVIII : Livelihood Option/Economic Empowerment

Economic Rehabilitation Plan for each resident should be developed Formation of SHG must be encouraged to access micro-credit finance, start placement services for open employment, support for starting small businesses etc.

#### Standard XIX : Legal Aid / Assistance

1. The home should have a part time professional legal advisor (reputed advocate) who could provide legal aid/assistance to the residents.
2. Tie up should be made with enforcement agencies to recover all properties of the victim from the place of exploitation.
3. The residents should be provide all assistance if she is a witness in a case and if need be additional protection as a part of victim witness protection. Care must be taken to take complete consent of the resident for her to become a witness.

4. The legal advisor should provide the residents preparation for trial (through mock trial or any other role play/discussion method).

Legal assistance shall be provided unconditionally, that is it shall not be conditional upon the victim/survivor's willingness to serve as a witness. Use existing legal aid/assistance structures fully, and in case of non-availability of Govt. legal aid cell, services of an advocate may be used.

#### Standard XX : Civic Benefits

1. A requisition on behalf of the resident in the prescribed format should be submitted to the District Collector through the Project Director, Women Development Child Welfare for allocation of housing, ration card, voters ID and other civic benefits entitled as rehabilitation package for the resident. Care should be taken that these benefits reach the resident within a stipulated period of 6 months after being rescued. It should be further ensured that these benefits do not stigmatize the resident but instead mainstream the benefits with the family/community. It should also provide benefits for the second generation taking care to see that it reaches the male child also.

#### Standard XXI : Restoration and Repatriation

1. Any formalities for the restoration/repatriation process should begin only after getting the informed consent of the resident.
2. Restoration/repatriation plan for a resident should be undertaken only after a complete home investigation (format enclosed) is done. The home investigation should include and assessment of the family (are they involved in trafficking), family and community's willingness to accept the girl and the family's environment.
3. Before a resident is restored/repatriated a detailed discussion should be held with the resident and the restoration team on what explanation should be given to the family on her absence from her village/slum/community. The resident's version should be adopted as the final version.
4. Proper record and documentation (photos, undertaking from parent/guardian) should be maintained for all restoration undertaken.
5. No rescued victim shall be sent back to the family without adequate assessment and without ensuring social acceptance and family support. State will ensure that repatriation is carried out depending on how safe and nurturing the family environment is for the victim. If and when the victim chooses to return to an

abusive family situation, the state would need to intervene and repatriate the victim to an institution which can protect and care for the individual. Repatriation will be done after the stay in a shelter.

6. States shall work out the details of the repatriation procedures and structure and mainstream them in order to facilitate the smooth and efficient repatriation of the victims and their dependent minors.
7. The members of the professional and (preferably) voluntary sector organizations who have had some helping interaction with the victim shall be represented in the process of repatriation.
8. No rescued victim shall be sent back to the family without fully ensuring that the victim shall not be re-trafficked.
9. The victim being repatriated should be counseled and prepared to return to the country origin after providing her with adequate medical and psycho-social care as well as after empowering her through basic life - skills so that she can be reintegrated in main steam life.
10. Adequate financial assistance should be provided for meeting the needs of rescued victims during travel while repatriating them to their families or institutions in source areas,
11. Adequate provision for dearness allowance for police escort or any other authorized escort during such travel should be made by the government.
12. It should be ensured that the legal formalities should be completed for the residents before being restored or repatriated.

#### Standard XXII : Follow Up

1. For the first six months after the restoration is done monthly follow-up should be done. Thereafter the follow up could be done once a quarter for the next one year.

Follow up program should ensure the following :

- Protection against re-trafficking and against commercial sexual exploitation
- Protection against Stigma and Discrimination.
- Protection against any other exploitation.
- Optional link with a variety of professional support systems.

- Confidentiality
  - Reorientation.
  - Restoration/ensuring/exercising of full citizen ship rights.
  - Livelihood option.
  - mental health
  - Restoration/ensuring/exercising of rights over parental ancestral and community property and entitlements.
  - Survivor friendly.
2. Monthly follow - up should be provided for the first six-months and thereafter whenever required, to ensure that the victim receives adequate support and does not get re-trafficked. Adequate follow-up of the victim supervised by the Child Welfare Committee or any other competent authority dealing with women / children along with the close cooperation of other recognized organizations should be mandatory for a period of three years after the victim has been repatriated.

#### XXIII : Social Reintegration

1. Those residents whose families do not accept them and for those whose families are not conducive space for restoration (for example parent's involved in trafficking) special efforts should be made to support the resident to stand on their feet and slowly in a phased manner supported to live in the society independently.
2. It should be ensured that no rescued victim is sent back to the family without ensuring social acceptance and family support to the victim in order to prevent re-trafficking and further commercial sexual exploitation.
3. Collaborations with appropriate government or non-governmental organizations should be made to provide employment services/ entrepreneurship development training, which will include skills, knowledge, and resources, marketing skills and micro-credit at the district where the resident is reintegrated.
4. The Home shall conduct outreach / support activities, or shall oversee the delegation of those activities to other organizations or individuals in accordance with the Reintegration Plan. Outreach support activities shall be

conducted only with the consent of the victims.

5. In trafficking cases where the entry of the victim in the Rescue Home is very late (e.g. the Home is meant for residents / victims up to the age of 18 and the victim enters at the age of 17) there is a need to extend the protective cover of residential services for a longer period. Some protective cover for the rescued person shall continue even after reintegration through Drop-in Centers, and After-Care Homes.

#### Standard XXIV : Accountability

1. All homes run for the purposes of trafficked victims should be directly accountable to the Department of Women Development Child Welfare. The minimum standards prescribed should be adopted irrespective of whether it is government funded or private funded.

All home should have certification of implementing standards.

#### Standard XXV : Monitoring

1. The convener of the Anti Trafficking District Co-ordination Committee (Assisted by the Empowered Committee including NGO, Government & Civil Society) Who is also the Project Director, Women Development Children Welfare with the support of other members should monitor the homes every two months. The monitoring and review report should be submitted to the Secretary, Women Development Child Welfare through the Director, Women Development Child Welfare.
2. Within the home there should be staff meeting fortnightly to implement the minimum standards. There should also be monthly meetings with the residents to review minimum standards.
3. Feedback on the minimum standards should be used to improve on the management of the home. Once in a month management meeting on the improvement of the standards.
4. Monitoring should be participatory (Survivors, NGO and Govt. Officials) with the aim to strengthen the standards.
5. Half yearly self audits and external social audit should be done annually apart from ensuring total transparency in matters relating to receipt of funds, expenditure.

//Forwarded :: by Order //

**SECTION OFFICER**





**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

**Women Development, Child Welfare & Disabled Welfare Department -**  
Reservation of seats to Orphans and Destitutes in the three year diploma courses at  
"Durgabai Desmukh Women Technical Training Institute" Hyderabad - Orders -  
Issued.

-----  
WOMEN DEV. CHILD WELFARE & DISABLED WELFARE (ICDS. A2) DEPARTMENT

**G.O.Ms.No. 14**

**Dated: 23rd May, 2008**

Read the following :-

- 1) G.O. Ms No. 77, WD, CW & DW Dept., Dated : 26-8-1997
- 2) From the Director, WD & CW Hyderabad, Letter No. 7353/A1/2004,  
Dated : 15-03-2008.
- 3) From the Commissioner, Technical Education Hyderabad, Letter No.  
B1/249/20/1996 Volume-3, dated : 01-05-2008
- 4) Principal WTTTI, Letter No 39/B1/WTTI/2006, Dt: 16-05-2008

-oOo-

**ORDER:**

The high incidence of destitution arising from domestic violence, increasing incidents of trafficking etc., leading to abject helplessness of these adolescent girls which is further aggravated by poverty, is resulting in the exclusion of socially marginalized adolescent girls thereby eroding the vision of an equitable society. Their marginalization on the one hand and aspirations of many dispensation for them. There is therefore an urgent need to provide access to Technical Education to these young girls to enhance their employability.

2. Government taking into consideration the above, hereby issue the following orders providing a special dispensation for such girls for their effective rehabilitation and reintegration :-



- (i) 70% of the seats in each of the diploma courses in WTTI shall be reserved for complete orphans, destitutes including trafficked victims etc, and other destitutes in that order, in the "Smt. Durgabai Desmukh Women Technical Training Institute", Hyderabad (WTTI)
- (ii) The candidates shall be exempted from appearing for CEEP exam but should have however passed the minimum Tenth (10th) Class
- (iii) The rule of reservation shall be followed to the extent of availability of applicants belonging to the categories concerned. 3% reservation for Physically handicapped shall be maintained
- (iv) The remaining 30% shall be filled by the Technical Education Dept., as per their prescribed procedure
- (v) The fees for the students belonging to BCs, Scs, & Minorities from out of that 70% category shall be got reimbursed by the concerned welfare departments. In respect OCs & complete orphans whose caste status is not known, the fees shall be reimbursed by the Women Development & Child Welfare Department.
- (vi) The head institutions concerned that is Children home, State home / Service home etc, shall be personally responsible to verify the background of the applicant and shall issue a certificate in the format as enclosed Annexure - I He / She shall satisfy himself / herself before issuing the certificate. Any wrong certification without verification of facts shall entail stringent action and prosecution of the concerned staff.
- (vii) The applications of the eligible girls shall be forwarded by the Head of the institution concerned to the Project Director, Women Development & Child Welfare who shall cause verification and submit the same to Director. Women Development & Child Welfare Department
- (viii) A committee headed by Director, Women Development & Child Welfare, the Principal WTTI and one of the RDDs nominated by the Govt. shall screen the applications received and finalize the list of eligible candidates for admissions. The list of eligible candidates shall be placed on the website / on the notice board of the Project Directors and the institutions concerned for receiving representation if any. The representations, shall be disposed of by the committee, if required by causing verification and the final selection list declared by the Director, Women Development & Child Welfare Department. The Director,

Women Development & Child Welfare shall in consultation with the Director, Technical Education / Principal WTTI draw up a schedule every year accordingly.

3. This order is issued with the concurrence of the Higher Education Department  
**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**M. CHAYA RATAN**

PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director, Women Development & Child Welfare, Hyderabad

The Commissioner, Technical Education Andhra Pradesh Hyderabad

The Accountant General, Andhra Pradesh Hyderabad

The Education (TE.I) Department, Hyderabad

The Pay and Accounts Officer, Hyderabad

The Education (Technical Education) Department

The General Administration (AR&T) Department

The Finance and Planning (BG) Department

The Principal, Smt. Durgabai Deshmukh Government Women's Technical Training Institute, Hyderabad through Director, Women Development & Child Welfare, Hyderabad.

Copy to:-

P.S. to Chief Secretary

P.S. to Joint Secretary to Chief Minister.

P.S. to Minister (WD, CW & DW)

All section in Women Development & Child Welfare Dept.

The Commissioner, Information and Public Relation, Hyderabad.

SF/SC.

//FORWARDED BY ORDER//

**SECTION OFFICER**

(PTO for Annexures..)

**ANNEXURE - I**  
**APPLICATION FORM**  
 (G.O. MS No.14, Dated : 23.05.2008)

Passport size  
Photo to be  
attested Head  
of the  
Institution

1. Name of Student :
2. Date of Birth :
3. Particulars of parents :

Name	Occupation	Annual income
i. Father :		
ii. Mother :		

4. Name and designation of Guardian :
5. Permanent Address, (H.No, Road, Village / Mandal / District etc.) :
6. Birth Place (Enclose certified copy of birth certificate issued by competent authority) :
- a) Whether applicant belong to SC/ST/BC/Minority/PH :
- b) Category of the girl child orphan, destitute, differently abled, others (Certified copy of disability certificate to be enclosed) :
7. Particulars of Applicant since birth :

Period	Place of Stay / Name of the Institution where resided	Classes Studied	Name of the School & Address

- a) Signature of Applicant :
- b) Place :
- c) Date :

**Undertaking of Head of Institution**

I hereby certify that the above information furnished is correct. In case any information is found to be incorrect at any date, I understand I am liable for necessary action / prosecution etc.

- a) Name :
- b) Signature :
- c) Designation :
- d) Status :

## GOVERNMENT OF ANDHRA PRADESH ABSTRACT

Reservation for Orphan/destitute children in Residential Institutions of Tribal Welfare, Social Welfare, B.C. Welfare, Minorities Welfare and A.P. Residential Educational Institutional Society – Orders-Issued.

WOMEN DEVELOPMENT, CHILD WELFARE & DISABLED WELFARE (JJ) DEPARTMENT

G.O.Ms.No.47,

Dated:31-08-2010.

Read :

G.O.Ms.No.34, WD, CW & DW (DW) Department, Dated: 27.09-2008.

\* \* \* \*

### ORDER:-

In the G.O. read above, orders were issued for extension of the benefits of scholarships and reimbursement of fees etc., on par with Scheduled Caste students to orphans whose caste status is not known, duly treating them as casteless.

2. Government taking into consideration, various representations received for extending the benefit of reservation to orphans and destitutes in the Residential Educational Institutions, as was also discussed in the first general body meeting of the "A.P. Society for Protection and Empowerment of Women and Children" held on 11-08-2010, hereby issue the following orders:

- i. Upto 3% of the seats are earmarked for orphans/ destitutes in the age appropriate class in Residential schools, Residential Junior Colleges, and Residential Degree Colleges run by Welfare Departments and Education Department. In case of excess applications, if any such student cannot be adjusted within a particular district, they may be given out of turn admission increasing the strength not exceeding 2 (two) in a class.
- ii. The children who will qualify to be treated as Orphans or destitutes shall be:-
  - a. Orphans i.e., children who do not have both parents or whose parents may have deserted them and such children who do not have any other guardian to take proper care of them.
  - b. Child who has one parent and who is not in a position to look after the child and the child has been grossly neglected or such parent is mentally ill /severely disabled or terminally ill with HIV/AIDS.
  - c. Child victims of trafficking who are rejected by their families or have unsafe families (parents or family involved in trafficking themselves).
- iii. The orphan/destitute children who belong to Muslim community, if they so desire, shall be given preference for admission in the institutions run by minorities welfare department.

(P.T.O.)

- iv. With regard to Orphans or destitutes from Government Institutions such as children homes, juvenile homes etc, the Head of the Institution concerned will give an application and certificate in the proforma enclosed (Annexure-I).
- v. (a) Head of the NGO institution who wish to admit the orphan/destitute children of their institutions, in the Residential institution concerned, must similarly make an application in the prescribed proforma (Annexure-I), to the Child Development Project Officer concerned.
  - (b) The Child Development Project Officer, Tahsildar and Mandal Parishad Development Officer shall enquire and issue Certificate of eligibility in the proforma annexed to this order (Annexure-II). They shall issue the certificate only if either of the conditions as at 2 (II) above are fulfilled. Each of them shall be responsible for ensuring that the certificate is issued after proper verification, only in favour of eligible children from such NGO institutions.
  - (c) All such applications received from NGO institutions, shall be either rejected or certificate issued as case may be, within 20 days of receipt of application.
- vi. All NGOs and Government institutions established for providing shelter to "children in need of care & protection" should obtain license under Section 3 r/w Section 10 of "The Women & Children Institutions (Licensing) Act, 1956" from the Department of Women Development & Child Welfare.
- vii. False claims by the head of the NGO Institution/Govt. Institution/Officers concerned shall entail disciplinary action / cancellation of license and prosecution.
- viii. a) All applications with appropriate enclosures, including certification by the designated officers as at 2 (v) above, shall be verified and admission accorded by the Principal of the Institution to whom such applications are made. The admission or refusal with grounds for refusal as case may be shall be given by the Principal within 15 days of receipt of application.
  - b) The Principal or the head of the institution concerned shall enter the details of all such children, who are admitted or whose admission is rejected at the specially provided window **"ORPHAN CHILD PROTECTION"** at **website:** <http://wcdsc.ap.nic.in>. This information will have restricted viewing by concerned officials only.
- ix. One of the Residential Institutions having the best facilities in every district shall be identified/notified by the District Collector as a vacation institution. All orphan and destitute children who do not have relatives or family members providing a safe and conducive environment shall be accommodated in such institution during all long vacations. The District Collector or the officer entrusted shall co-ordinate and ensure posting of selectively identified staff from the Residential Institutions to the vacation institution during vacations.

(Contd...3)

Counsellors, trainers, coaches etc. from other institutions including Residential institutions could also be drafted during such vacations. All such staff shall be adequately compensated by allowing alternate leave without affecting completion of syllabus under their charge. A child friendly schedule to include sports, games, vocational training, encouraging pursuit of hobbies etc, should be followed during such vacations.

- x. Reputed NGOs having required resources, facilities and skills may be selectively identified and involved for providing requisite facilities.

3. The District Collectors and the Secretaries of the Residential School Societies concerned shall monitor closely and ensure effective implementation and protection of all such children.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.V.PRASAD,  
CHIEF SECRETARY TO GOVERNMENT.**

To

The Spl. Chief Secretary to Govt., WD, CW & DW Department, A.P. Secretariat, Hyderabad.  
The Spl. Chief Secretary to Govt., Tribal Welfare Department, A.P. Secretariat, Hyderabad.  
The Pri. Secretary to Govt., Social Welfare Department, A.P. Secretariat, Hyderabad.  
The Pri. Secretary to Govt., B.C. Welfare Department, A.P. Secretariat, Hyderabad.  
The Pri. Secretary to Govt., Minority Welfare Department, A.P. Secretariat, Hyderabad.  
The Pri. Secretary to Govt., Higher Education Department, A.P. Secretariat, Hyderabad.  
The Pri. Secretary to Govt., Rural Development Department, A.P. Secretariat, Hyderabad.  
The Pri. Secretary to Govt., School Education Department, A.P. Secretariat, Hyderabad.  
The State Project Director, Rajiv Vidya Mission (SSA), Hyderabad.  
The Commissioner, Disabled Welfare Department, Hyderabad.  
The Director, Women Development & Child Welfare Department, Hyderabad.  
The Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyd.  
The Secretary, A.P. Residential Educational Institutions Society, Hyderabad.  
The Secretary, A.P. Social Welfare Residential Education Institutions Society, Hyderabad.  
The Secretary, A.P. Tribal Welfare Residential Education Institutions Society, Hyderabad.  
The Secretary, A.P. Minority Welfare Residential Education Institutions Society, Hyderabad.  
All District Collectors.  
All Project Directors through Regional Deputy Directors concerned.  
All Mandal Revenue Officers through the Dist. Collectors concerned.  
All Mandal Parishad Development Officers  
through the Chief Executive Officer, Zilla Parishads concerned.  
All Principals of all Residential Schools, Junior Colleges, Degree Colleges  
through concerned Secretaries of respective Societies.  
All the NGOs who are members of the "A.P. Society for Empowerment and Protection of Women and Children".

**Copy to:-**

The PS to Pri. Secretary to CM.  
The PS to Chief Secretary.  
The PS to Minister, Higher Education Department.  
The PS to Minister, School Education Department.  
The PS to Minister, Tribal Welfare Department.  
The PS to Minister, B.C. Welfare Department.  
The PS to Minister, Minority Welfare Department.  
SF/SC.

// FORWARDED :: BY :: ORDER //

SECTION OFFICER.



**ANNEXURE-I****APPLICATION FORM**

Passport size  
Photo duly  
attested by  
Parent/  
Guardian/  
Head of the  
Institution

- Name of Child :
- Date of Birth :  
(as per the certificate by Medical Officer OR Competent Authority)
- Particulars of Parents/Guardian :-

	Name	Whether surviving	Occupation	Annual income
Father :				
Mother :				
iii. Guardian :				

- Address ( Mention complete address ) :

5.	a) Place of Birth (if not known, the place where the child was found may be written)	b) Caste (ST/SC/BC/Minority/Others/ Casteless):

- Particulars of Applicant since birth till date:-

RESIDENCE PARTICULARS		EDUCATION PARTICULARS		
Place of Stay/ Name and address of the Institutions where resided	Period of Stay	Classes studied	Period from ----to----	Name of the School & address

- Present status of education :

- License particulars :

Place :

Date :

Signature of the child/applicant

Name of Guardian

Signature of the Guardian

**CERTIFICATE****CERTIFICATE BY THE CONCERNED HEAD OF INSTITUTION**

I hereby certify that the information furnished by me is correct. In case the information furnished is found to be incorrect, I understand I am liable for necessary action / prosecution etc.

a) Name :

b) Designation :

c) Signature :

Seal & Address of Institution:

Address of Head of Institution:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ANNEXURE – II**

Ref: Application No:\_\_\_\_\_ dated \_\_\_\_\_ of Sri/Smt. \_\_\_\_\_  
Principal / Head of Institution \_\_\_\_\_  
Village/Town \_\_\_\_\_ Mandal \_\_\_\_\_  
District/Address \_\_\_\_\_ forwarding Kum/  
Master \_\_\_\_\_'s application for admission into  
class \_\_\_\_\_ of Residential School/ Junior College/ Degree  
College at \_\_\_\_\_.

---

**Certificate No.**

**CERTIFICATE OF ELIGIBILITY**

This is to certify that Kum/Master \_\_\_\_\_ D/o,  
S/o \_\_\_\_\_ aged \_\_\_\_\_ of Village/Town \_\_\_\_\_ Mandal  
\_\_\_\_\_ District \_\_\_\_\_ is inmate of \_\_\_\_\_  
NGO institution vide admission No. \_\_\_\_\_. He/She was admitted on \_\_\_\_\_.

This is to certify that the mother/father/both parents of the above child have  
expired/abandoned/ whereabouts not known since \_\_\_\_\_.

**Certified by CDPO (WD&CW)**

Date :	Signature :
Place:	Name :
	Place :
	Office Seal:

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**Certified by MPDO.**

Date :	Signature :
Place:	Name :
	Place:
	Office Seal:

---

**Certified by Tahsildar.**

Date :	Signature :
Place:	Name :
	Place:
	Office Seal



**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

WD & CW Dept - Policy for combating trafficking of women and children for commercial sexual exploitation - Orders Issued.

Women Development, Child Welfare & Disabled Welfare (Progs) Dept.

**G.O.Ms.No. 1**

**Dated: 03-01-2003**

**ORDER:**

The problem of trafficking of women and children for the purpose of sexual exploitation has assumed alarming proportions in recent years. Trafficking is prevalent at various levels- local, inter-District, Inter-State and Cross-Border. Commercial exploitation of women and children takes place in various forms including brothel based prostitution, sex tourism entertainment industry and pornography in print and electronic media. There are major obstacles in assessing the exact magnitude of the problem of trafficking. However, various reports have highlighted the fact that a high percent age of victims of trafficking are from the State of Andhra Pradesh alone. Similarly, while there are no precise estimates, the available data indicate that nearly 50% of the victims belong to Scheduled Caste and up to 30% belong to the other Backward Classes.

2. Trafficking is a multi-dimensional problem encompassing a whole range of economical, social and cultural issues, which are varied and highly complex. Most of the victims have been trafficked with promises of Jobs, better career prospects and marriage. Some are inducted forcibly through abduction. Poverty and Deprivation, secondary status accorded to women in society, prejudice against the girl child, weakening of the family structure, changing public attitudes towards sex and morality, the caste structure, urbanization and migration are other factors, which have contributed to the commercial sexual exploitation of women and children. Apart from trafficking, certain traditional forms of prostitution are prevalent, e.g. Jogins, Marthammas, Dommaras, Basavis.
3. Trafficking and commercial sexual exploitation of women and children have resulted not only in violation of rights but also in very adverse physical, psychological and moral consequences for the victims, which are serious, life-long, and also life-threatening. About 60-70% victims suffer from more than one

disease including sexually transmitted diseases such as HIV/AIDS. The rescued victims are invariably penniless, physically ill and psychologically broken.

4. Taking into consideration the above, a comprehensive policy and action plan covering various aspects such as prevention, trafficking, rescue, repatriation, economic empowerment, health care, education, housing, legal reforms and creation of corpus fund is necessary for addressing the problem of trafficking. There is also need for planning and coordination both at the district level and the state level for addressing the deep rooted and underlying causes of trafficking and also taking adequate measures for psychological support, economic empowerment and integration so that the victims do not get drawn into the trade again on account of non availability of other options for livelihood.
5. As most of the components of the Action Plan have to be implemented at the District level, Government have decided to constitute District-level Committees with the following composition for taking up activities for prevention, rescue and rehabilitation of victims:

District Collector Chairman

Superintendent of Police Member

District Education Officer Member

District Medical & Health Officer Member

PD, District Rural Development Authority Member

Representatives of the SC/ST/BC

Women Finance Corporations Members

NGOs / prominent Social Workers working to be nominated

in related areas by Dist. Collector

Project Director, Women Development & Child Welfare Agency Member-Convener.

6. Government have also decided that the following activities shall be taken up by the District Level Committees: -

### **PREVENTION:**

Prevention of Trafficking in women and children can be achieved only by addressing the root causes. Poverty and illiteracy have been identified as two primary causes of trafficking. It is, therefore, necessary to ensure that the various Schemes for eradication of poverty are focused at benefitting families in which women and children are vulnerable or are at high risk of being trafficked for sexual

exploitation and commercial purposes.

- The District Committee shall, therefore, among other measures, take the following preventive action:
- -Create a reliable and relevant database with the help of NGOs on the high supply areas, routes, destinations, causes of trafficking, exploitation and the magnitude of the problem.
- Create public awareness and motivate public resistance to trafficking through programmes in educational institutions, Self-Help Groups (SHGs), Women Groups, youth groups using print and visual media extensively.
- Adopt a campaign approach / mode to combat the evils of trafficking and sexual exploitation with the help of Local Bodies, Educational Institutions, NGOs, etc.
- Organize social boycott of the persons indulging in trafficking.
- Prepare Panchayat level and Mandal level Action Plans by establishing similar committees at the Mandal and Panchayat levels.
- Set up Community Vigilant Groups in every Panchayat especially in high-risk areas to monitor, report and take action if necessary against persons involved in trafficking.
- Establish and run care homes in all high supply areas for high-risk groups like street children, neglected children, etc. so as to prevent exploitation of their vulnerability.
- Create a proper convergence of various benefit schemes for women and girl children to empower high-risk groups.

### **ANTI-TRAFFICKING MEASURES:**

The District Committee shall set up an Anti-Trafficking Squad in every District headed by an officer not below the rank of Deputy Superintendent of Police. The Anti-Trafficking Squad shall be supported by the Project Director of Women Development & Child Welfare, Probation Officers, Social Workers and other NGOs who are specially sensitized and trained for rescue and rehabilitation.

#### **The Anti-Trafficking Squad shall:**

- Be vigilant at all entry and transit points within its control area and act quickly on any report from the Community Vigilant groups or from any concerned citizen on cases of trafficking.
- Establish Contact Centres at major transit points like Bus Stops/ Railway Stations to monitor migration of women and children.

- Establish Helplines, Help-booths and support centres under the jurisdiction of each Police Station and assist the victims in getting immediate help.
- Conduct rescues with sensitivity, confidentiality and care for the victims.
- Book cases only against the traffickers and not against the victims of trafficking.
- Enforce strictly the law against pornography including possession, production, sale and exhibition of any kind of pornographic material.

## **RESCUE:**

### **The District Committee shall:**

- Immediately arrange for shelter facility for rescued victims,
- Submit proposals for establishment of Transit Homes with facilities for trauma counselling, victim care, vocational guidance, re-integration which will be co-managed with credible NGOs. under Centrally Sponsored Scheme SWADHAR.
- Arrange for foster care of child victims or children of victims of trafficking wherever possible.

## **ECONOMIC EMPOWERMENT:**

### **The District Committee shall:**

- Formulate special schemes, which will converge with existing schemes to economically empower a victim.
- Provide guidance and assistance through Self-Help Groups (SHGs) of victims for micro credit facility and income generating facilities.
- Provide special assistance schemes under Women's SC/ST/BC Finance Corporations for training and employment or self-employment on priority basis.
- Establish livelihood training programmes and training-cum-production centres for victims with collaboration and support of private institutions.
- Establish adequate marketing tie-ups.
- Make it mandatory for NGOs supported by the Government to employ victims who will form 50% of the total staff strength.



## **HEALTH CARE SERVICES:**

### **The District Committee Shall :**

- Provide Health Cards to women and child victims ensuring free medical treatment, adequate drugs and medications in all Government Hospitals.
- Provide care and support for HIV + ve victims of trafficking so as to ensure holistic and non-discriminatory un-biased access to Health Services.
- Establish Homes or support reputed NGOs to establish Homes wherever required for terminally sick victims by utilizing existing infrastructure under various Departments / Agencies.
- Start mental Health Intervention Centres or Counselling services for victims for effective reintegration back to the mainstream society.

## **EDUCATION AND CHILD CARE:**

### **The District Committee shall:**

- Establish Residential Transit Schools with proper counselling facilities in all Mandals so as to prevent second generation trafficking.
- Make it mandatory to admit all Child victims and children' of victims of trafficking in mainstream schooling.
- Admit Child victims or children of victims of trafficking in Residential Schools over and above the sanctioned strength.
- Provide free and compulsory education with support services like Scholarships, Supplementary Nutrition, Tuition so as to prevent Dropouts.
- Establish Vocational Training Centres with adequate marketing links so as to provide livelihood skills for mainstream reintegration.
- Declare the children of trafficked women as Orphans and provide benefits in SC/ST/BC Residential Institutions / Hostels / Homes.

## **HOUSING AND CIVIC AMENITIES:**

### **The District Committee shall:**

- Arrange to provide victims of trafficking with electoral photo identity cards, if they are registered electors of the relevant constituency.
- Provide white ration cards as a separate eligible category as a special case adopting existing income criteria.

- Provide allocation of house sites to rescued persons on priority.

## **7. LEGAL REFORMS:**

Government has also decided that necessary legal reforms shall be introduced for ensuring effective and speedy justice by:

- Working on amendments of criminal procedures to ensure gender and child sensitive application of judicial processes and efficient, tight and stringent prosecution of traffickers including summary disposal of such cases ensuring proper and quick justice.
- Making provisions in the Law for confiscation of assets of exploiters and for compensation to the victims.
- Setting up Night Courts so as to prevent the holding of victims in Police custody at night.
- Enacting a Law for imposing fine on the Traffickers and crediting the amounts to the Rehabilitation Fund for the victims of trafficking.

## **8. REHABILITATION AND RELIEF FUND:**

The Government has also decided to utilize the existing rehabilitation and relief fund for providing relief to victims of trafficking. The Fund shall be utilized for:

- Facilitating the repatriation of victims rescued from brothels and other places of trafficking to their homes.
- Providing immediate and timely relief to the victims of trafficking.
- Meeting expenditure towards travel, clothing and other immediate necessities, urgent medical care and other contingencies for victims of trafficking or their children.
- Supporting and Networking with NGOs who are engaged in rescue and rehabilitation.

9. For reviewing the activities of the District Committees and achieving the required inter-departmental/multi-sectoral coordination a STATE LEVEL COORDINATION COMMITTEE under the Chairmanship of the Chief Secretary to Government is set up with the following composition:

Chief Secretary to Government Chairman Principal Secretary to Government, Home Dept. Member Principal Secretary to Government, Medical, Health & Family Welfare Dept. Member

Principal Secretary to Government, Social Welfare Dept. Member

Secretary to Government, School Education Dept. Member

Secretary to Government, Law Dept. Member

Commissioner, Juvenile Welfare, Correctional Services & Welfare of Street Children Dept., Member

Project Coordinator, A.P. State Aids Control Society Member

Director, Women Development & Child Welfare Dept. Member

Two Non-Governmental Organizations (NGOs) /Social

Workers to be nominated by the Government Members

Principal Secretary to Government, Women Development,

Child Welfare & Disabled Welfare Dept. Member-Convener.

10. The State Level Coordination Committee will meet once in three months to review the situation relating to trafficking and the implementation of measures for rescue, rehabilitation, reintegration and main streaming of the victims of trafficking.

11. All the concerned Departments are requested to take further action and issue detailed guidelines for the proper implementation of the policy. The Collectors and District Magistrates are also requested to constitute the District level Committees and take up vigorous Campaigns against trafficking as well as implement the various measures envisaged for the rehabilitation of the victims of trafficking.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**SATHI NAIR**

CHIEF SECRETARY TO GOVERNMENT

To

Special Chief Secretary to Govt., PR & RD Dept.

Principal Secretary to Govt., Home Dept.

Principal Secretary to Govt., Medical, Health & Family Welfare Dept.

Principal Secretary to Govt., Social Welfare Dept.

Secretary to Govt., School Education Dept.

Secretary to Govt., Law Department

Commissioner, Juvenile Welfare, Correctional Services &  
Welfare of Street Children,

Project Coordinator, A.P. State Aids Control Society, Hyderabad

Director, Women Development & Child Welfare Dept.  
Commissioner of P.R. Dept.  
Commissioner of R.D. Dept.  
Commissioner of Women Empowerment & Self-Employment  
Director for School Education, Hyderabad  
Director, Medical, Health & Family Welfare, Hyderabad  
All Collectors & District Magistrates (in name cover)  
Copy to:  
Secretary to Govt. of India, Ministry of HRD, Dept. of W & CD,  
Shastri Bhavan, New Delhi - 110 001.  
Commissioner, Social Welfare  
Commissioner, Tribal Welfare  
Commissioner, B.C. Welfare  
Members of State Coordination Committee.  
Dr. Sunitha Krishnan, Gen. Secy. Prajwala, Hyderabad.  
Sri. N.V.S. Ram Mohan, HELP, Ongole.  
The Registrar, A. P. High Court, Hyderabad.  
P.S. to Spl. Secy. to Chief Minister.  
P.S. to Minister (WD & CW)  
General Admn (Cabinet) Dept.  
P.S. to Chief Secretary to Government.  
P.S. to Prl. Secy. to Govt. WD, CW & DW Dept.  
P.S. to Addl. Secy. to Govt., WD, CW & DW Dept.  
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER.



**ABSTRACT**

Provision of immediate relief to trafficked victims - Enhancement of immediate relief from Rs.10,000/- to Rs.20,000/- to the Children/Women who are rescued from trafficking - Orders - Issued.

\*\*\*\*\*

DEPT. FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (WP).

G.O.Ms.No. 28

Dated:15-10-2012.

Read the following:-

1. G.O.Ms.No.47, WDCW&DW(Prog) Dept., dt.12-7-1999.
2. G.O.Ms.No.1, WDCW&DW(Prog) Dept., dt.3-1-2003.
3. G.O.Ms.No.28, WDCW&DW(Prog) Dept., dt.4-7-2003.
4. G.O.Ms.No.13, WDCW&DW(WP) Dept., dt.21-4-2006.
5. From the Director, WD & CW, Hyderabad, Lr.No.4205/ATC/2006, dt:05-05-2012.

\*\*\*

**ORDER:-**

In the G.O. 1<sup>st</sup> read above, a Relief and Rehabilitation fund was set up for providing relief to women who become unfortunate victims of atrocities, like rape, molestation, kidnapping, abduction of women and girls, dowry deaths, etc.

2. In the G.O. 2<sup>nd</sup> and 3<sup>rd</sup> read above, Government have issued orders on the policy for combating trafficking of women and children for commercial sexual exploitation and Government have also decided to utilize the existing rehabilitation and relief fund for providing relief to victims of trafficking. The Government have also ordered that an amount of Rs.5,000/- or actuals, whichever is lower, be paid either by the Director, Women Development & Child Welfare or the District Collectors to the children/women who are rescued from trafficking as immediate relief for the purpose of travel, clothing, medicine and other immediate necessities for the women and children rescued from trafficking.

3. In the G.O. 4<sup>th</sup> read above, Govt. have issued orders enhancing the immediate relief to women and children who are rescued from trafficking from Rs.5,000/- to Rs.10,000/-.

4. In the 8<sup>th</sup> meeting of the State Level Coordination Committee on Policy for Combating Trafficking of Women and Children for commercial sexual exploitation headed by the Chief Secretary, held on 07-12-2011, it was decided to increase the immediate relief to women and children rescued from trafficking from Rs.10,000/- to Rs.20,000/- and to draw the amount without budget control to provide immediate relief to trafficked victims as a similar provision was provided for SC atrocity victims. The Director, WD & CW Dept vide his letter dt.05-05-2012 has also requested the Government to issue necessary instructions in this regard.

5. After careful examination of the matter, Government hereby order that the immediate relief to women and children who are rescued from trafficking be enhanced from Rs.10,000/- to Rs.20,000/- (Rupees Twenty Thousand Only) and draw the amount without budget control.

**P.T.O.**

: : 2 : :

6. The procedure laid down in the G.O. 3<sup>rd</sup> read above for claiming relief and filing FIR remain unchanged and holds good.

7. This order issues with the concurrence of Finance Department vide their U.O.No.20707/144/Exp.WD/12, dt.23-8-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PUSHPA SUBRAHMANYAM,  
PRINCIPAL SECRETARY TO GOVERNMENT (I/c).

To

The Home Department.

The Commissioner, WD & CW Department, Hyderabad.

The Director General of Police, Hyderabad.

The Additional Director General of Police (CID), Hyderabad.

All District Collectors of Andhra Pradesh.

All Superintendents of Police of Andhra Pradesh.

The Accountant General, A.P., Hyderabad,

Copy to:-

The Pay and Accounts Officer, A.P., Hyderabad

The Director of Treasuries and Accounts, Hyderabad

The Special Secretary to Chief Minister.

Finance (Expr. WD, CW & DW) Department.

The Commissioner, Information and Public Relations Department,  
Hyderabad.

The P.S. to Minister (S.E.) Department

The File/SF/SC.

/ / FORWARDED : : BY ORDER / /

SECTION OFFICER



## RELEVANT POLICY XVI

**Most Urgent//**  
**Immediate**

Government of Telangana  
Labour Department

From  
Sri Ahmad Nadeem, IAS.,  
Commissioner of Labour(FAC),  
TAKS Bhavan, RTC "X" Roads,  
Telangana, Hyderabad – 20.

To  
All the Collectors & District Magistrate in  
the State of Telangana except Warangal  
Urban District.

Letter No. J4/6793/2017 dated.23.10.2018

Sub: The Bonded Labour System (Abolition) Act, 1976 – creation of the "Bonded Labour Rehabilitation Fund" at District Level with a permanent corpus fund of Rs.10 Lakhs at the disposal of District Magistrate in all (31) Districts of the Telangana State as per the provision 5(xiii) of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 – Orders Issued – District/PAO Budget Authorization issued - Reg.

Ref: 1.G.O.Ms.No.26 Dated:23.05.2018 of Principal Secretary to Govt., LET&F Department, T.S., Hyderabad.  
2. Note.No.B1/3214/2018 dated:01.06.2018 of B Section in H.O.,  
3. G.O.Rt.No.508 Finance(EBS.X) Department,Dated.17.05.20418.  
4.G.O.Rt.No.243 dated.23/05/2015 of Labour, Employment, Training Factories ( Labour) Department. T.S., Hyderabad.  
5. This office Letter No. J4/6793/2017 dated.02.06.2018 & 08.08.2018.  
6. Note.No.B1/3214/2018 dated:10.10.2018 of B Section in H.O., along with the District/PAO Budget Authorization copy Endt.No.C1/1503/2018-2019/2482/2963(TR), dated:06.10.2018 of Treasury and Accounts Department. Telangana.

<<<O>>>

I am to inform that, vide reference 6<sup>th</sup> cited(Copy enclosed), the Director of Treasury and Accounts Department, Telangana has issued District/PAO Budget Authorization to DTOs of 30 Districts except Warangal Urban District for an Amount of **Rs.3,00,00,000/- @ Rs 10,00,000/-** per each District and requested to take necessary action in the matter.

In view of the above all the Collectors & District Magistrates in the state, except Warangal Urban are requested to take necessary action to utilize the budget for creation of the "Bonded Labour Rehabilitation Fund" at District Level with a permanent corpus fund of Rs.10 Lakhs at the disposal of District Magistrate in all (30) Districts of the Telangana State as per the provision 5(xiii) of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 and submit the utilization certificate.

Encl: Copy of reference 6<sup>th</sup> cited.

Yours faithfully,  
Sd/- Ahmad Nadeem  
Commissioner of Labour

Joint Commissioner of Labour

23/10/2018

**Copies to :** All the Jt. Commissioners of Labour in the State are requested to direct their subordinate officers to take steps in creation of the "Bonded Labour Rehabilitation Fund" at District Level with a permanent corpus fund of Rs.10 Lakhs at the disposal of District Magistrate.

**Most Urgent//**  
**Immediate**

Government of Telangana  
Labour Department

From  
Sri Ahmad Nadeem, IAS.,  
Commissioner of Labour(FAC),  
TAKS Bhavan, RTC "X" Roads,  
Telangana, Hyderabad – 20.

To  
All the Collectors & District Magistrate in  
the State of Telangana.

Letter No. J4/6793/2017 dated.02.06.2018

Sub: The Bonded Labour System (Abolition) Act, 1976 – creation of the "Bonded Labour Rehabilitation Fund" at District Level with a permanent corpus fund of Rs.10 Lakhs at the disposal of District Magistrate in all (31) Districts of the Telangana State as per the provision 5(xiii) of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 – Orders Issued – DDO Codes Requested - Reg.

Ref: 1.G.O.Ms.No.26 Dated:23.05.2018 of Principal Secretary to Govt., LET&F Department, T.S., Hyderabad.  
2. Note.No.B1/3214/2018 dated:01.06.2018 of B Section in H.O.,  
3. G.O.Rt.No.508 Finance(EBS.X) Department,Dated.17.05.20418.  
4.G.O.Rt.No.243 dated.23/05/2015 of Labour, Employment, Training Factories (Labour) Department. T.S., Hyderabad.

<<<O>>>

I am to inform that, through the reference cited the Government in Labour Employment Training and Factories Department has issued orders creating the Bonded Labour Rehabilitation Fund at the District Level with a permanent corpus of Rs.10 Lakhs at the disposal of the District Magistrate in all (31) Districts of Telangana State as per the provision of 5(xiii) of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 in concurrence of the Finance (EBS.X) Department vide their U.O.No.046/56/A2/2018, dated:21.05.2018.

The Government vide reference 3rd & 4<sup>th</sup> cited have issued Budget Release Orders for an amount of Rs.3,10,00,000/- under "Bonded Labour Rehabilitation Fund" Scheme for the Budget Estimates 2018-2019 and authorized the concerned DDO to Draw the funds by the way of Grants-in Aid bill. For the purpose of distribution and authorization of Budget by the DTA, Telangana, Hyderabad the details of 31 District Magistrates such as Name of DDO, DDO Code and ATO/STO/DTO are desired

In view of the above, for distribution of the Bonded Labour Rehabilitation Fund at the District Level with a permanent corpus of Rs.10 Lakhs at the disposal of the District Magistrate all the District Collectors in the state are requested to furnish the details of DDO codes for disbursing/authorizing the same to the concerned DDO account for onwards creating the Bonded Labour Rehabilitation Fund. The following information may be submitted at the earliest for disbursing the fund:

SL.No	District Collector	DDD NAME	DDO Code	ATO/STO/DTO/ Names
(1)	(2)	(3)	(4)	(5)

Encl: Copies of references.

Yours faithfully,  
Sd/- Ahmad Nadeem  
Commissioner of Labour

**Copies to :** All the Jt. Commissioners of Labour in the State are requested to direct their subordinate officers to take steps in coordination with the officials of their respective collectorates to furnish the details of DDO codes for disbursing/authorizing the Bonded Labour Rehabilitation Fund immediately.

Joint Commissioner of Labour

GOVERNMENT OF TELANGANA  
ABSTRACT  
Budget Estimates 2018-19 - Labour, Employment Training and Factories  
Department - Budget Release Order to the Commissioner of Labour, Telangana,  
Hyderabad for an amount of Rs.3,10,00,000/- Scheme from the Budget Estimates  
Provision 2018-19 - Administrative Sanction - Orders - Issued.

**LABOUR EMPLOYMENT TRAINING & FACTORIES (LABOUR) DEPARTMENT**

G.O.Rt.No.243.

Dated: 23.05.2018.

Read the following:

1. From the Commissioner of Labour, Telangana, Hyderabad, Lr.No.J4/6793/2017-1, Dated: 20.11.2017.
2. G.O.Rt.No.508, Finance (EBS.X) Department, Dated: 17.05.2018.
3. G.O.Ms.No.26, LET&F (Lab) Department, Dated: 23.05.2018.

\*\*\*\*\*

**ORDER:-**

In the reference 1<sup>st</sup> read above, the Commissioner of Labour, Telangana, Hyderabad have submitted proposal to create "Bonded Labour Rehabilitation Fund" at District Level with a permanent corpus of Rs.10 Lakhs at the disposal of District Magistrate in all (31) Districts of the Telangana State as per the provision 5 (xiii) of the Central Sector Scheme of Rehabilitation of Bonded Labour, 2016 and also to provide Budget for an amount of Rs.3.1 Crores to the Labour Department as State plan scheme under the "Head of Account- GH25 State Sector Schemes".

2. In the G.O. 2<sup>nd</sup> read above, the Finance (EBS.X) Department have issued a Budget Release Order to the Commissioner of Labour, Telangana, Hyderabad for an amount of Rs.3,10,00,000/- (Rupees three crores ten lakhs only) Scheme from the Budget Estimates Provision 2018-19 towards meeting the expenditure under the following scheme in relaxation of Treasury Control Orders and Quarterly Regulation Orders pending provision of funds by way of obtaining supplementary grants at an appropriate time during the year 2018-19:-

**SCHEME**

(Rupees in Lakhs)

S. No.	Head of account	Charged / Voted	Provision in BE 2018-19	Additional amounts sanctioned	Amounts Reappropriated.	Total provisions in BE 2018-19	Amount already authorized	Amount authorized now	Balance amount available
<b>Scheme Name: Bonded Labour Rehabilitation Fund</b> <b>Procedure of Drawal of Funds: Grants-in-aid Bill</b> <b>Drawing Officer: Concerned DDO</b> <b>Remarks:</b>									
1	2230-01-112-25-08-310-312	V	--	3,10,00	--	3,10,00	--	3,10,00	--
<b>Total</b>			--	<b>3,10,00</b>	--	<b>3,10,00</b>	--	<b>3,10,00</b>	--

3. In the G.O. 3<sup>rd</sup> read above, Government have issued orders creating the Bonded Labour Rehabilitation Fund at the District level with a permanent corpus of Rs.10 Lakhs at the disposal of the District Magistrate in all (31) Districts of the Telangana State as per the provision 5 (xiii) of the Central Sector Scheme of Rehabilitation of Bonded Labour, 2016

Contd.....2

:: 2 ::

4. Government, hereby accord administrative sanction to the Commissioner of Labour, Telangana, Hyderabad for drawal of an amount of Rs.3,10,00,000/- (Rupees three crores ten lakhs only) and releasing the same to the District Magistrates in all (31) Districts of the Telangana State at the rate of Rs.10.00 lakhs each, as permanent Corpus Fund, as per the provision 5 (xiii) of the Central Sector Scheme of Rehabilitation of Bonded Labour, 2016, under the Head of Account as detailed in para-(2) above from the Budget Estimates Provision 2018-19 towards meeting the expenditure in relaxation of Treasury Control Orders and Quarterly Regulation Orders pending provision of funds by way of obtaining supplementary grants at an appropriate time during the year 2018-19.

5. The Commissioner of Labour, Telangana, Hyderabad shall send necessary Supplementary proposals for inclusion in Supplementary grant during the year 2018-19 at the appropriate time.

6. The Commissioner of Labour, Telangana, Hyderabad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. SHASHANK GOEL,  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
✓ The Commissioner of Labour, Telangana, Hyderabad  
The Director of Treasuries & Accounts, Telangana, Hyderabad  
The Pay & Accounts Officer, Hyderabad

Copy to:  
The Finance (EBS.X) Department.  
SF/SC

// FORWARDED :: BY ORDER //

B. h. s.  
SECTION OFFICER

**GOVERNMENT OF TELANGANA**  
**ABSTRACT**

Budget Estimates 2018-19 - Budget Release Order for Rs. 310,00,000/- to LABOUR, HOD Orders - Issued.

**FINANCE ( EBS.X ) DEPARTMENT**

**G.O.Rt.No.: 508**

**Dated: 17-05-2018**

**Read the following:-**

1. G.O.Ms.No.59, Finance (BG.I) Department, dt.30-03-2001

\*\*\*\*\*

**ORDER:**

In pursuance of the orders issued in references read above, the LABOUR, HOD is hereby issued a Budget Release Order for an amount of Rs. 310,00,000/- (Rupees Three Crores Ten Lakhs) Scheme from the BE provision 2018-19 towards meeting the expenditure under the following schemes in relaxation of treasury control orders and quarterly regulation orders pending provision of funds by way of obtaining supplementary grants at the appropriate time during the year 2018-19.

(Rs. in Lakhs)

S.No.	Head of Account	Charged/ Voted	Provision in BE 2018-19	Additional Amounts Sanctioned	Amounts Reappro- -priated	Total Provision in BE 2018-19	Amount Already Authorised	Amount Authorised Now	Balance Amount Available
Scheme Name: Bonded Labour Rehabilitational Fund Procedure of Drawal of Funds: Grants-in-aid Bill Drawing Officer: concerned DDO Remarks:									
1	2230-01-112-25-08-310-312	V	--	3,10.00	--	3,10.00	--	3,10.00	--
Total			--	3,10.00	--	3,10.00	--	3,10.00	--

The ( LABOUR AND EMPLOYMENT, SECRETARIAT DEPARTMENT ), Shall take necessary action for issue of administrative sanction as per instructions issued in U.O Note No. 29875-A/1283/A1/BG.I/2006, Finance (BG.I) Department, dt.25.11.2006.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

N. Siva Sankar  
Principal Secretary to Government

To  
LABOUR AND EMPLOYMENT, SECRETARIAT DEPARTMENT  
LABOUR, HOD  
The Director of Treasuries & Accounts, Hyd  
The Director Works and Accounts  
The Pay & Accounts Officer, Hyd  
The Accountant General, Hyd  
The Reins(Budget Computers)  
The Fin (BG) Dept

// FORWARDED BY ORDER //

  
SECTION OFFICER.

### GOVERNMENT OF TELANGANA ABSTRACT

Labour, Employment, Training & Factories Department – The Bonded Labour System (Abolition) Act, 1976 – Re-Constitution of the District Level and Sub-Divisional Level Vigilance and Monitoring Committee in all (31) Districts of the Telangana State for identification, release and rehabilitation of Bonded Labourers – Orders – Issued.

#### LABOUR EMPLOYMENT TRAINING & FACTORIES (LABOUR) DEPARTMENT

G.O.Ms.No.20,

Dated: 04.04.2018.

Read the following:-

1. Government Circular Memorandum No.3695/H2/97-1, Social Welfare (H2) Department, Dated: 09.06.1997.
2. G.O.Ms.No.127, General Administration (AR&T) Department, Dated: 19.05.2017.
3. From the Commissioner of Labour(FAC), Telangana, Hyderabad, Lr.No.J4/6793/2017, Dated: 23.02.2018.
4. G.O.Ms.No.19, LET&F (Lab) Department, Dated: 04.04.2018.

\*\*\*\*\*

#### ORDER:

In the Circular Memorandum 1<sup>st</sup> read above, the Social Welfare Department, Government of Andhra Pradesh issued orders re-constituting the District Level and Sub-Divisional Level Vigilance and Monitoring Committee in Andhra Pradesh.

2. In the G.O. 2<sup>nd</sup> read above, the General Administration (AR&T) Department issued orders transferring the subject matter "Scheme of Bonded Labour" from Scheduled Caste Development Department to "Labour, Employment, Training and Factories Department.

3. In the letter 3<sup>rd</sup> read above, the Commissioner of Labour, Telangana, Hyderabad has furnished proposal for re-constitution of the District Level and Sub-Divisional Level Vigilance and Monitoring Committee in all (31) Districts of the Telangana State for identification, release and rehabilitation of Bonded Labourers.

4. In the G.O. 4<sup>th</sup> read above, the Government have issued orders re-constituting the State Level Monitoring Committee for elimination of the Bonded Labour and for implementation of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 in Telangana State.

5. Government, after careful examination of the matter, has decided to re-constitute the District Level and Sub-Divisional Level Vigilance and Monitoring Committee in all (31) Districts of the Telangana State for identification, release and rehabilitation of Bonded Labourers under Sub-Sections (2) & (3) of Section-13 of the Bonded Labour System (Abolition) Act, 1976 (Central Act, 19 of 1976).

**Contd....2**



6. Accordingly, the following notification shall be published in an Extra-ordinary Issue of the Telangana Gazette, dated: 07.04.2018.

### NOTIFICATION

In exercise of the powers conferred under the provisions of sub-sections (2) & (3) of Section-13 of the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976), Government of Telangana hereby re-constitutes the District Level and Sub-Divisional Level Vigilance and Monitoring Committee in all (31) Districts of the Telangana State for identification, release and rehabilitation of Bonded Labourers with the following members:

District Vigilance and Monitoring Committee			Sub-Divisional Vigilance and Monitoring Committee		
1	District Magistrate & Collector	Chairman	1	Sub-Divisional Magistrate / Revenue Divisional Officer	Chairman
2	Joint Collector	Convenor	2	Deputy Superintendent of Police / Deputy Commissioner of Police	Member
3	Superintendent of Police / Commissioner of Police	Member	3	Assistant Labour Officer	Convenor
4	Deputy Commissioner of Labour / Assistant Commissioner of Labour	Member	4	(a) Assistant Social Welfare Officer (b) Assistant Tribal Welfare Officer	Member
5	(a) District Social Welfare Officer (b) District Tribal Welfare Officer	Member	5	Three persons belonging to the SCs or STs (to be nominated by the Chairman)	Member
6	One person to represent the financial and credit institutions (Banks) in the District (to be nominated by the District Magistrate)	Member	6	Two Social Workers (to be nominated by the Chairman)	Member
7	Three persons belonging to the SCs / STs (to be nominated by the District Magistrate)	Member	7	Three persons to represent official or non-official agencies in the sub-divisional connected with Rural Development (to be nominated by the District Magistrate)	Member
8	Two Social Workers (to be nominated by the District Magistrate)	Member	8	One person to represent the financial and credit institutions (Banks) in the sub-divisional (to be nominated by the Chairman)	Member
9	Three persons representing official or non-official agencies (Voluntary) in the District connected with Rural Development (to be nominated by the District Collector)	Member	9	One officer in the sub-division specified by the District Magistrate	Member
10	Representatives of District Legal Services Authority (District Level) (to be nominated by the District Magistrate)	Member	10	Representatives of District Legal Services Authority (Sub-Divisional Level) (to be nominated by the Chairman)	Member

**Contd.....3**

7. The above committees will discharge the following functions:-

- a) Advise the District Magistrate or any officer authorized by him as to the efforts made and action taken, to ensure that the provisions of this Act or of any rule made there under are properly implemented;
- b) Provide for the economic and social rehabilitation of the freed bonded labourers;
- c) Co-ordinate the function of rural banks and co-operative societies with a view to canalising adequate credit to the freed bonded labourers;
- d) Keep an eye on the number of offenses for which cognizance has been taken under this Act;
- e) Make a survey as to whether there is any offence of which cognizance ought to be taken under this Act;
- f) Defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.

Vigilance committee may authorize one of its member to defend a suit against a freed bonded labourer and the members authorized shall be deemed, for the purpose of such suits, to be authorized agent of the freed bonded labourer.

g) Ensure implementation of the provisions of the Act by taking steps to:-

- i) Identify bonded labourers and examine their conditions;
- ii) Re-negotiate wherever possible working conditions of bonded labourers with the employers on the basis of the employer's public undertaking to re-establish legal rights and clear dues provided that safety of the bonded labour can be guaranteed and the employer kept under watch to prevent re-lapse into bondage;
- iii) Receive information about locals who are held in bondage in other States, and report details to the Government for action;
- iv) Facilitate rescue efforts by involving the police, district and labour officials, legal – aid members or lawyers, NGO's both within the area or from other States with respect of labourers originating from the area;
- v) Assist the released bonded labourers in registering an FIR and obtaining the "release certificate" and where necessary follow up on the same;
- vi) Serve as reception and rehabilitation committee in respect of released bonded labourers originating from the area;
- vii) Ensuring that the immediate need for food, health, clothing, transportation and interim housing arrangement are taken care of;
- viii) Provide counseling and psychological support in trauma conditions through trained personnel and also assist the family unit to re-integrate in society;
- ix) Ensure that subsistence grant of Rs.20,000 per bonded labour, as required by the law, is paid immediately.

**Contd.....4**

- x) Ensure that the provisions of the Bonded Labour System (Abolition) Act, 1976 relating to extinguishment of bonded debt, non-ouster from homestead, restoration of property or release of property from mortgage, recovery of dues and compensation where applicable, are implemented;
- xi) Ensure that the release rehabilitation be a single composite step with long-term sustainable arrangements finalized within three months, as far as possible;
- xii) Consult the freed labourer on the method of his rehabilitation, considering his or her background, and specific needs and talents;
- xiii) Provide consumption loan or monthly sustenance, being a reasonable amount, in the Interregnum between release and rehabilitation or until suitable employment is found;
- xiv) Arrange alternative wage-employment through preferential treatment to the released individual.
- xv) Arrange or extend skill training or other adult education schemes utilizing the help of private or voluntary sector;
- xvi) Assist the freed labourer in obtaining financial assistance, subsidies through state funds or from nationalized banks.
- xvii) Endeavour to rehabilitate the individual in the same occupation. Co-operatives or collectives, wherever feasible, be encouraged for groups or released bonded labourers, on a preferential basis and all the complementary assistance such as training and managerial and marketing support be provided;
- xviii) Be vigilant against abuse or misappropriation of rehabilitation benefits by recommending stringent action against offenders;
- xix) Review rehabilitation efforts to assess if second dose or additional measures are necessary;
- xx) Recommend long-term measures through convergence of anti-poverty schemes, specific development programs and welfare measures including housing, cultivable land where bonded labourers receive preferential treatment;
- xxi) Assign rehabilitation package, in the name of the women of the household;
- xxii) Take all steps to prevent and preempt entrapment into bondage, through enforcement of the Bonded labour system (Abolition) Act, 1976;
- xxiii) Critically assess the socio-economic condition creating bondage and devise means of curbing them;
- xxiv) Study sensitive occupations known to employ bonded labour and employ specific measures;
- xxv) Review the functioning of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Contract Labour (Regulation and Abolition) Act, 1970 to prevent its abuse for employing bonded labour;
- xxvi) Maintain a list of employers of bonded labour, recruiters and agents and initiate criminal action against them and follow up diligently with prosecutions;

**Contd.....5**

xxvii) The principal employer will be liable for offenses under the Bonded Labour System (Abolition) Act, 1976;

xxviii) Step up enforcement of the Minimum Wages Act.

8. Further it is decided that one Vigilance and Monitoring Committee shall be constituted at District Level in every District and one Vigilance and Monitoring Committee each shall be constituted at Sub-Divisional Level in every Revenue Sub-Divisions in the State.

p

9. All the District Collectors are requested to constitute the Vigilance and Monitoring Committees at District and Sub-divisional level as above by notifying in the District Gazette and send the copies of the notification to the Commissioner of Labour for record.

10. The District Collectors are directed to ensure that meetings of Sub-divisional level committees are conducted every month. The District level Committee meetings shall be conducted for every quarter and proceedings of these meeting should be sent regularly to the Commissioner of Labour. The Commissioner of Labour shall review these reports and send quarterly progress report to the Government.

11. The District Collectors must send their monthly and quarterly progress reports in the already prescribed formats to the Commissioner of Labour, Telangana, Hyderabad.

12. The District and Sub-divisional level Vigilance and Monitoring committees shall maintain all the registers as prescribed in Section 7 of the Bonded Labour System (Abolition) Act, 1976.

13. The Commissioner of Labour, Telangana, Hyderabad shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. SHASHANK GOEL,  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Printing, Stationary and Stores Purchases (PW),  
Chanchalguda, Hyderabad.

All the District Collectors in the State.

All Sub-Divisional Police Officers / Revenue Divisional Officers /  
Sub-Collectors / Assistant Collectors.

All Superintendents of Police of the State.

The Commissioner of Labour, Telangana, Hyderabad.

The Commissioner of Scheduled Caste, Telangana, Hyderabad.

The Commissioner of Tribal Welfare, Telangana, Hyderabad.

Copy to:

The P.S. to Special Secretary to Chief Minister

The P.S. to Minister (Home & Labour)

The P.S. to Chief Secretary to Government

The Scheduled Caste Department

The Law (F) Department

SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

## RELEVANT POLICY XVIII

### GOVERNMENT OF TELANGANA ABSTRACT

Labour, Employment, Training & Factories Department – The Bonded Labour System (Abolition) Act, 1976 – Committees – Re-Constitution of the State Level Monitoring Committee for Elimination of the Bonded Labour – Implementation of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 in Telangana State – Orders – Issued.

#### LABOUR EMPLOYMENT TRAINING & FACTORIES (LABOUR) DEPARTMENT

G.O.Ms.No. 19

Dated: 04-04-2018.

Read the following:-

1. G.O.Ms.No.77, Social Welfare (H2) Department, Dated: 09.06.1997.
2. G.O.Ms.No.127, General Administration (AR&T) Department, Dated: 19.05.2017.
3. From the Commissioner of Labour, Telangana, Hyderabad, Lr.No.J4/6793/2017, Dated: 23.02.2018.

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#### ORDER:

In the G.O. 1<sup>st</sup> read above, Social Welfare Department, Government of Andhra Pradesh have issued order re-constituting the State Level Screening Committee in Andhra Pradesh.

2. In the G.O. 2<sup>nd</sup> read above, the General Administration (AR&T) Department has issued orders transferring the subject matter "Scheme of Bonded Labour" from Scheduled Caste Development Department to "Labour, Employment, Training and Factories Department.

3. In the letter 3<sup>rd</sup> read above, the Commissioner of Labour, Telangana, Hyderabad has furnished proposal for re-constitution of the State Level Monitoring Committee for elimination of the Bonded Labour and for implementation of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 in Telangana State.

4. Government, after careful examination of the matter, hereby re-constitutes the State Level Monitoring Committee for elimination of the Bonded Labour and for implementation of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 in Telangana State with the following members:

1	Chief Secretary to Government	Chairperson
2	Principal Secretary to Government, LET&F Department	Member / Convener
3	Principal Secretary to Government, Finance Department	Member
4	Special Chief Secretary / Principal Secretary to Government, Revenue Department	Member
5	Secretary to Government, Department for Women, Children, Disabled & Senior Citizen	Member
6	Secretary to Government, Law Department	Member
7	Principal Secretary to Government, Panchayat Raj & Rural Development Department	Member
8	Principal Secretary to Government, School Education Department	Member
9	Principal Secretary to Government, Health Medical & Family Welfare Department	Member

Contd.....2

10	Principal Secretary to Government, Home Department	Member
11	Principal Secretary to Government, Municipal Administration & Urban Development Department	Member
12	The Special Chief Secretary & Chief Commissioner of Land Administration Department	Member
13	The Director General of Police, Home Department	Member
14	The Commissioner of Labour, Telangana, Hyderabad	Member
15	The Commissioner & Director, School Education Department, Telangana, Hyderabad	Member
16	The Director, Agriculture Department, Telangana, Hyderabad	Member
17	The Director of Factories, Telangana, Hyderabad	Member
18	The Director of Skill Development Board, Telangana, Hyderabad	Member
19	Local Representative, United Nations Children's Fund (UNICEF)	Member
20	Representative, Corporate Social Responsibility (CSR) Unit of Telangana Confederation of Indian Industry (CII)	Member
21	Representative, Federation of Telangana and Andhra Pradesh Chambers of Commerce and Industry (FTAPCCI)	Member

5. The functions of the committee with respect to elimination of Bonded Labour in the State will be as follows:

- a) It shall review the functioning of District Level Vigilance and Monitoring Committees and the functions of various Departments with regard to the identification, release and rehabilitation of Bonded Labourers in the State.
- b) It shall also take the following measures:-
  - (i) Take all Steps to prevent and preempt entrapment into bondage, through enforcement of the Bonded Labour System (Abolition) Act, 1976.
  - (ii) Critically assess the socio-economic condition creating bondage and devise means of curbing them.
  - (iii) Study sensitive occupations known to employ bonded labour and take specific measures.
  - (iv) Ensure the setting up of rural credit facilities such as Grameena Banks, Co-Operatives etc., from which short-term interest loans can be availed without security.
  - (v) Review the functioning of the Inter-State Migrant Workmen (Regulation of Employment Conditions of Service) Act, 1979 and the Contract Labour (Regulation and Abolition) Act, 1970 to prevent its abuse for employing bonded labour.
  - (vi) Review the enforcement of Minimum Wages Act.

**Contd.....3**



6. The State Level Monitoring Committee should meet as frequently as required but at least once in six months.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. SHASHANK GOEL,  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Principal Secretary to Government, Finance Department.  
The Special Chief Secretary to Government, Revenue Department.  
The Secretary to Government,  
Department for Women, Children, Disabled & Senior Citizens.  
The Secretary to Government, Law Department.  
The Principal Secretary to Government,  
Panchayat Raj & Rural Development Department.  
The Principal Secretary to Government, School Education Department.  
The Principal Secretary to Government,  
Health Medical & Family Welfare Department.  
The Principal Secretary to Government,  
Municipal Administration & Urban Development Department.  
The Principal Secretary to Government, Home Department.  
The Special Chief Secretary &  
Chief Commissioner of Land Administration Department.  
The Commissioner of Labour, Telangana, Hyderabad.  
The Director General of Police, Telangana, Hyderabad.  
The Commissioner & Director, School Education, Telangana, Hyderabad.  
The Director, Agriculture Department, Telangana, Hyderabad.  
The Director of Factories, Telangana, Hyderabad.  
The Director, Skill Development Board, Telangana, Hyderabad.  
The Representative, UNICEF, Hyderabad.  
The Representative, Corporate Social Responsibility (CSR)  
unit of Telangana CII, Hyderabad.  
The Representative, Federation of Telangana and Andhra Pradesh  
Chambers of Commerce and Industry (FTAPCCI), Hyderabad.  
All District Collectors in the State.  
Copy to:  
The P.S. to Special Secretary to Chief Minister  
The P.S. to Minister (Home & Labour)  
The P.S. to Chief Secretary to Government  
The P.S. to Principal Secretary to Government, LET&F Department  
The Law (F) Department  
SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

**MOST IMMEDIATE**

No. 14051/14/2011-F.VI  
Government of India  
Ministry of Home Affairs  
(Foreigners Division)

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Dated 1<sup>st</sup> May, 2012

### **OFFICE MEMORANDUM**

Sub: Advisory on preventing and combating human trafficking in India - dealing with foreign nationals.

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The undersigned is directed to refer to this Ministry's Office Memorandum No. 15011/6/2009-ATC (Advisory) dated 09.09.2009 on the above mentioned subject (copy enclosed). It has come to the notice of this Ministry that foreign nationals are associated in some instances of human trafficking among women and children.

2. Further to the detailed procedure outlined in the above mentioned Office Memorandum, it has been decided with the approval of the competent authority that in cases of foreign nationals who are apprehended in connection with human trafficking, the State Governments / UT Administrations may follow the following procedure : -

- (i) Immediately after a foreign national is apprehended on charges of human trafficking, a detailed interrogation/investigation should be carried out to ascertain whether the person concerned is a victim or a trafficker.
- (ii) The victims and the persons actually involved in human trafficking should be treated differently by the police authorities. This is in line with the SAARC Convention which advocates a victim-centric approach.
- (iii) Missions/Posts in India may be informed of the arrest/detention of the foreign national by the concerned state or other authorities through CPV division in the Ministry of External Affairs(MEA) or the concerned territorial Division in MEA.

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- (iv) It is seen that in general, the foreign victims of human trafficking are found without valid passport or visa. If, after investigation, the woman or child is found to be a victim, she should not be prosecuted under the Foreigners Act. *If the investigation reveals that she did not come to India or did not indulge in crime out of her own free will, the State Government / UT Administration may not file a charge sheet against the victim. If the chargesheet has already been filed under the Foreigners Act and other relevant laws of the land, steps may be taken to withdraw the case from prosecution so far as the victim is concerned.* Immediate action may be taken to furnish the details of such victims to the Ministry of External Affairs (Consular Division), Patiala House, New Delhi so as to ensure that the person concerned is repatriated to the country of her origin through diplomatic channels.
- (v) During the interim period, pending repatriation, the victim may be taken care of in an appropriate children's home, or "Ujjawala" home or appropriate shelter home either of the State Government concerned or of any NGO aided by the Government of India / State Government.
- (vi) If the investigation reveals that the person is actually a trafficker, he/she may be charge-sheeted under the Immoral Trafficking Prevention Act and the Foreigners Act and due process of law should be followed in such cases.
- (vii) In order to ensure better conviction rates of perpetrators of the crime of trafficking, prosecution should be based on documentary, forensic and material evidence. State Governments are advised to encourage the law enforcement agencies to investigate the cases in a manner that they are able to build fool proof cases against the traffickers, so that convictions can be guaranteed. Use of fast-track courts and video conferencing to the extent possible also need to be ensured. Please refer to para 7 of the enclosed Advisory dated 9.9.2009.

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3. All other instructions contained in this Ministry's Advisory dated 09.09.2009 including reporting to the Anti Human Trafficking Nodal Cell in MHA will be applicable in the case of foreign nationals associated with human trafficking, whether they are women or children(children means both boys and girls upto 18 years of age).

4. You are requested to issue suitable directions to all concerned under intimation to this Ministry.

5. The receipt of this Office Memorandum may kindly be acknowledged.

(G.V.V. Sarma)

Joint Secretary to the Govt. of India

To

The Chief Secretaries/Principal Secretaries/ Secretary (Home) of all State Governments and Union Territory Administrations.

Copy for information and necessary action to:-

- (i) The DGs / IGs (In-charge of Prisons) /- All State Governments/ UTs
- (ii) Sri Sandeep Goel, Joint Commissioner(Crime), 3<sup>rd</sup> Floor, Police Station Kamla Market, Delhi.
- (iii) Ministry of Women and Child Development(Smt. Aditi Ray, Senior Economic Advisor), Shastri Bhavan, New Delhi.
- (iv) Secretary, Ministry of Labour, Shram Shakti Bhavan, New Delhi
- (v) Secretary, Ministry of Social Justice & Empowerment, Shastri Bhavan, New Delhi.
- (vi) Secretary, Ministry of Overseas Indian Affairs, Akbar Bhavan, New Delhi.
- (vii) Ministry of External Affairs:
  - (a) Addl. Secretary(PV)      (b) JS(Consular)      (c) JS(BSM)
- (viii) Chairperson, National Commission for Women, 4, Deen Dayal Upadhyaya Marg, New Delhi.
- (ix) Chairperson, National Commission for Protection of Child Rights, 5<sup>th</sup> Floor, Chandralok Building, Janpath, New Delhi.
- (x) Chairperson, National Human Rights Commission, Copernicus Marg, New Delhi.
- (xi) Director General, NCRB, R.K.Puram, New Delhi.
- (xii) Director General, BPR&D, New Delhi.
- (xiii) Director General, Border Security Force, New Delhi.
- (xiv) Director, CBI, New Delhi..
- (xv) AS(CS) / JS(CS) / JS(UT) / JS(NE) / JS(K), MHA, North Block, New Delhi.

(G.V.V. Sarma)  
Joint Secretary to the Govt. of India

**F.NO.15011/6/2009-ATC (Advisory)**  
**GOVERNMENT OF INDIA/BHARAT SARKAR**  
**MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA**  
**NORTH BLOCK NEW DELHI /CS DIVISION**

New Delhi, the 09.09.2009

**OFFICE MEMORANDUM**

**Subject:       Advisory on Preventing and Combating Human Trafficking in India**

**Introduction:**

The Trafficking in Human Beings (THB) is a crime committed in order to target, lead or drive a human being into an exploitative situation with the aim to make profits. Such exploitation may take many forms, for example commercial sexual exploitation, child labour, forced labour, bonded labour or illegal organ removal etc. The country is witnessing cross-border as well as internal (intra-country) trafficking.

**Human Trafficking and Indian Laws:**

Trafficking in Human Beings (THB) is prohibited under the Constitution of India under Article 23 (1). Following specific legislations deal with Trafficking in Human Beings (THB)

- Laws relating to trafficking in women and children being administered by the MWCD (wcd.nic.in)
  - i. Immoral Traffic (Prevention) Act, 1956,
  - ii. Prohibition of Child Marriage Act (PCMA), 2006.
- The “Bonded Labour System (Abolition) Act, 1976”, being administered by Ministry of Labour and Employment (labour.nic.in), provides for abolition of the system of bonded labour and the rehabilitation of released labourers. Child Labour (Prohibition and Regulation) Act, 1986 is also being administered by Ministry of Labour.
- Further, commercial dealing in human organs is a punishable offence under the Transplantation of Human Organs act, 1994, being administered by Ministry of Health and family Welfare (mohfw.nic.in). The appropriate authorities appointed under the Act are responsible and empowered to check the illegal activities of human organs traffickers.
- Specific Sections in the IPC, e.g., Sections 372 and 373 dealing with selling and buying of girls for the purposes of prostitution.

‘Public Order’ and ‘Police’ as per the 7th Schedule of the Constitution of India, are State subjects and, as such, detection, registration, investigation and prevention of crime is primarily the responsibility of the State Governments. However, Central Government supplements the efforts of the State Governments by providing policy guidelines, financial assistance for modernization of the State Police Forces in terms of weaponry, communication, equipment, mobility, training and other infrastructure under the Scheme of Modernization of State Police Forces.

A working Group comprising of Directors General of Police of some of the affected States was constituted in 2004 by MHA to study the issues relating to cross border trafficking. The recommendations of this group were sent to the State Governments and they were advised to



evolve a comprehensive strategy for effectively dealing with the problem of trafficking. Also an **“Integrated National Plan of Action to Prevent and Combat Trafficking in Human Beings Specially Women and Children”** ([nhrc.nic.in/planofaction.doc](http://nhrc.nic.in/planofaction.doc)), which has been worked out through a consultation process of all related Ministries and other stakeholders, has been adopted by Government of India in the Ministry of Women and Child Development. This plan deals with all aspects of prevention, rescue, registration of cases, investigations, prosecution, conviction, cross border trafficking issues, rehabilitation, repatriation and reintegration of victims etc. Based on these the recommendations of DGPs and the integrated action plan stated above the State Governments may evolve a holistic approach towards combating Trafficking in Human Beings (THB), encompassing all aspects of prevention, rescue and rehabilitation. Convergence should be adopted between various state departments and stakeholders for effective of handling of crime of Trafficking in Human Beings (THB).

Following key points of advice have been worked out in collaboration with the related Ministries of Women and Child Development, Labour and Employment, and Health and family Welfare where the assistance/ action by the State Government/ Police would be required for the effective implementation/ enforcement of laws relating to Trafficking in Human Beings (THB):

#### 1. Constitution of the State Advisory Committee for Preventing and Combating Trafficking of Women and Children for Commercial Sexual Exploitation.

According to the Supreme Court order dated 2/05/09 (Vishal Jeet Vs Union of India), every State Government should set-up a State Advisory Committee for Preventing and Combating Trafficking of Women and Children for Commercial Sexual Exploitation. Ministry of Women & Child Development (MWCD) has already issued an advisory in this regard to all the State Governments. .

#### 2. Implementation of Immoral Traffic (Prevention) Act (ITPA), 1956.

- 2.1. Since ITPA is the main Act that can be used to book trafficking for commercial sexual exploitation, its implementation is essential for counter-trafficking. Under Section 23, the State Government may, by notification in the Official Gazette, **make rules for carrying out the purposes of the Act.** Such rules may be formulated, notified and intimated to MWCD with a copy to MHA.
- 2.2. Under Section 13, the State Government may **appoint ‘Special Police Officers (SPOs)’** and the ‘Non-official advisory bodies’ to advise the SPOs for dealing with offences under the Act.
- 2.3. Under Section 21, the State Governments may set-up ‘Protective homes’ and ‘Corrective institutions’ for ensuring proper implementation of the provisions of the Act. **The information regarding these homes may be circulated to all Police Stations and officers dealing with the trafficking cases.**
- 2.4. Under Section 22-A, the State Government may, by notification in the Official Gazette, and **after consultation with the High Court, establish one or more Courts** for providing speedy trial of the offences under the Act.
- 2.5. It is generally noticed that sections 8 and 20 of ITPA, which focuses on the victims, are more often invoked as a result of which the victim is re-victimized and the exploiters are not punished. It is, therefore, advised that sections 3, 6 and 7 which pertains to pimps, brothel owners, clients who are actual perpetrators of the crimes need to be invoked rather than sections 8 and 20. **Law enforcement agencies need to adopt a victim centric approach in the investigations.**

3. **Implementation of Juvenile Justice Act (JJ Act), 2000:** Juvenile Justice Act provides comprehensive mechanism for care and protection of children including rehabilitation and social integration of children. Therefore, its implementation is essential to address trafficking of children. Following provisions of the Act are concerned with the Home Department/ Police and require action by the State Governments:
  - 3.1. Under Section 62-A, the State Government shall constitute 'Child Protection Units' for the State and districts to fulfill its responsibilities as stipulated under the Act.
  - 3.2. Under Section 63, in each police station, at least one police officer may be designated as the 'Juvenile or Child Welfare Officer' to handle a juvenile or child in coordination with the police.
  - 3.3. Under Section 68, the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.
4. **Implementation of Prohibition of Child Marriage Act (PCMA), 2006:** Prohibition of Child Marriage Act (PCMA) was enacted in 2006 repealing Child Marriage Restraint Act, 1929. It is reported that traffickers in some pockets in the country are exploiting evil custom of child marriage to target innocent girls for trafficking. Therefore, it is essential to implement the Act to address this modus operandi of traffickers.
  - 4.1. As per PCMA, State Governments under Section 19 (1), may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.
  - 4.2. Under Section 16, the State Government may appoint 'Child Marriage Prohibition Officers' to fulfill the mandate as stipulated in the Act. State Governments may intimate the MWCD about the status of appointment of Prohibition Officers and Rules.
  - 4.3. The State Governments are to maintain MIS and send quarterly information on number of cases registered under PCMA and convictions.
  - 4.4. On receiving a complaint about child marriage, police are required to follow the procedure laid down in the Code of Criminal Procedure, 1973, which include registering an FIR and carrying out investigation.
  - 4.5. The offences under PCMA are cognizable and non-bailable, hence, immediate arrest of offenders is necessary.
  - 4.6. Extra vigilance should be maintained during festivals such as 'Akshya Triatha' to ensure that no child marriage takes place.
5. **Capacity building of the State machinery:** Implementation of the legal provisions in relation to applicable Acts- CLPRA, BLSA, IPTA, JJA and IPC involves not only police but many other officials dealing with the Criminal Justice System - notably the executive magistrates, the labour officials, CWC members and in-charges of Homes. Therefore, the State government may initiate a time bound action plan to build the required capacity of the state investigation and prosecution machinery in this regard. Some of the key areas identified for capacity building are listed below.
  - 5.1. Identification of victims of trafficking for the purpose of commercial sexual exploitation, child/bonded/forced labour and for illegal organ removal.
  - 5.2. Recognition of all applicable legal provisions of the law to a case of trafficking (not just one Act or two) by law enforcement machinery.

- 5.3. Understanding of legal and administrative provisions for inter-state and cross border investigation.
- 5.4. Understanding of legal provisions for closure of places of exploitation.
- 5.5. Understanding of legal provisions for confiscation of proceeds of crime.
- 5.6. Understanding of the mechanism in place for victim support and assistance.
- 5.7. Integrated actions on prosecution, prevention and protection by building linkages with other Government departments and agencies, including NGOs.
- 5.8. For capacity building the Bureau of Police Research and Development (BPR&D) ([www.bprd.gov.in](http://www.bprd.gov.in)), at the behest of MHA, has prepared a **training manual on Human Trafficking Handbook for Investigators** and this has been circulated to the States for use in the police Training Institutes. All the training materials have also been uploaded on BPR&D website. BPR&D has already translated the training material in Hindi, Telugu and Marathi languages. 12 Resource Books on 'Training and Investigation on Anti-Human Trafficking' prepared as a result of pilot project between MHA and UNODC ([www.unodc.org/india/ind\\_s16.html](http://www.unodc.org/india/ind_s16.html)) have also been uploaded on BPR&D website. These resource materials should be used by State Governments for the capacity building of all agencies involved in prevention of human trafficking.
- 5.9. Also MWCD, in collaboration with National Institute of Public Co-operation and Child Development (NIPCCD) and UNICEF, has developed manuals for training of stakeholders such as 'Judicial Handbook 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', counseling services for Child survivors of trafficking', Counseling services for Child survivors of trafficking', Social workers.
- 5.10. States may organize training/workshops/awareness campaign to sensitize their SHOs/Dy. SP/ACP and other law enforcement agencies towards the crime, safety and security of women and children.
- 5.11. The **Compendium of Best Practices in handling cases of human trafficking** ([www.unodc.org/india/ind\\_s16.html](http://www.unodc.org/india/ind_s16.html)) **has already been circulated** to all the State Governments and UT Administrations for information and appropriate use.

## 6. Prevention of Trafficking:

- 6.1. It has been noticed that people, especially women and children are vulnerable to trafficking during 'distress migration' and from 'disaster prone areas'- such as during floods, earthquakes, crop failures, riots, terrorist activities etc. Therefore, it is important to establish extra vigilance in this regard around transit points and at borders- inter-district/inter-state and international.
- 6.2. Police should work closely with immigration authorities, Border Security Force (BSF), Railways and other transport authorities, provincial/ territorial and municipal agencies, with Social Services, child welfare authorities and with any NGOs involved in service delivery for spotting and rescuing the victims.
- 6.3. Effective patrolling and vigil at locations prone to trafficking such as highways, dhabas, railway stations and bus stations for suspicious movement of traffickers and victims and monitoring, through involvement of village community, the suspicious/unnecessary movements of strangers in the villages.

- 6.4. Pro-active policing through information exchange with representatives from the local Government, community, NGOs with a view to raise awareness and garner active support of the community.
- 6.5. Periodical checks on transporters to prevent physical transportation of the trafficked persons.
- 6.6. Prevention at the demand area by understanding/ addressing new forms of demand. For example, placement agencies providing domestic child labourers.
- 6.7. Facilitating inter-State collaboration by sharing data on missing children/ kidnappings and suspected offenders. Development of victim and offender profiles on an inter-agency basis.
- 6.8. Sensitization programmes/workshops for police officers/railway police force and prosecutors on various legislations mentioned above in relation to trafficking. State nodal officers may hold periodical meetings to review and monitor the efforts taken to prevent and combat the crime of trafficking.
- 6.9. In case of child trafficking, following provisions also need to be kept in view:-
  - 6.9.1. Identification of children at risk, (e.g. following raids on off-street sites, responding to referrals from other agencies, NGO or members of the public, following up reports of missing children).
  - 6.9.2. Report instances of children in need of protection to relevant child protection agencies. For this purpose the Police Stations could be sensitized.
  - 6.9.3. The development of victim profiling with other agencies.
  - 6.9.4. Undertaking joint interviews with social workers of children identified as victims or potential victims to assess risk and assist in the development of protection plans.
  - 6.9.5. Carry out checks on sponsors and people who claim to be the relatives of children identified as being at risk of trafficking.
  - 6.9.6. Participating in local child protection networks with related organizations (immigration, social services, NGOs, health, education) to develop joint approaches to the issue at local level and contribute to wider forums as appropriate.
  - 6.9.7. If children disappear, initiate missing person's procedures, investigate circumstances and circulate information/ undertake investigations, linking with other agencies as required.
  - 6.9.8. Ministry of Labour & Employment has developed a detailed protocol for prevention, rescue, repatriation, rehabilitation and reintegration of migrant and trafficked child labour. The protocol has been issued to all State Governments for implementation.

## **7. Investigation & Prosecution:**

- 7.1. Standard operating procedures for Investigation have been developed under the pilot project between MHA and UNODC as mention in para 5.8 above, which can be used for effective investigation in trafficking related crimes.
- 7.2. One of the effective means of securing better conviction rates of perpetrators of crime

of trafficking is to base the case on documentary, forensic and material evidence. At present, most of the time, the victim is being used as a witness and more often than not, he/she can easily be intimidated. State Governments are advised to encourage the law enforcement agencies to build full proof investigation against the traffickers, so that, convictions can be guaranteed.

7.3. Use of fast track courts and video conferencing to the extent possible.

## 8. Rescue and Rehabilitation

8.1. Police should work with other agencies and stakeholders to ensure that those who are rescued or who choose to return are not re-trafficked; this should include a risk assessment of the danger to returning victims (child care authorities would prepare risk assessment for children).

8.2. Identifying support services and referring victims/ potential victims to specialist NGO's and safe accommodation, where these are available. The Ministry of Women and Child Development runs short stay homes Swadhar shelter homes for women in difficult circumstances ([wcd.nic.in/Comscheme.doc](http://wcd.nic.in/Comscheme.doc)). These cater to trafficked women/girls rescued or runaway from brothels or victims of sexual crimes who are disowned by family or who do not want to go back to respective family for various reasons. The schemes provide for shelter, food, clothing for women and children below the age of 18 years, counseling, clinical, medical, legal and other support, training and economic rehabilitation and helpline facilities.

8.3. A new scheme - UJJAWALA ([wcd.nic.in/Comscheme.doc](http://wcd.nic.in/Comscheme.doc)) – a comprehensive scheme for prevention of trafficking, rescue, rehabilitation, reintegration and repatriation of the victims of commercial sexual exploitation has been launched on 04.12.2007 by the Ministry of women and Child Development which should be effectively used by the State Governments.

9. MHA has already established an Anti Trafficking Cell (ATC) under the Director (SR) which deals with the following major subject matters:

9.1. All matters pertaining to the criminal aspect of trafficking in human beings especially of women and children, which is the fastest growing organised crime and an area of concern.

9.2. To act as the Nodal cell for dealing with the criminal aspect of Human Trafficking in India, hold regular meetings of all States and UTs, communicating various decisions and follow up on action taken by the State Governments.

9.3. To interface with other Ministries like MWCD, MSJE, MEA, MOIA, MOLE, MOL, MOT and NCRB regarding the criminal aspect of human trafficking.

9.4. All matters relating to the UNODC, UNIFEM, their meetings, conferences, conventions, reports etc. in the context of the criminal aspect of Human Trafficking.

10. The Anti Trafficking Nodal Cell of MHA has developed an MIS proforma for the monitoring of the action taken by various State Governments regarding the criminal aspect of human trafficking as well as crime against women. The State Governments are requested to send quarterly information on 1<sup>st</sup> January, 1<sup>st</sup> April, 1<sup>st</sup> July and 1<sup>st</sup> October of the year in the prescribed proforma.

11. You are requested to issue suitable directions to all concerned under intimation to this Ministry. It is further requested that action taken in this regard may be regularly / periodically



reviewed by the State Governments and UT administrations and a report indicating the present status sent to this Ministry within a month.

12. This advisory is being issued in consultation with the Ministry of Women and Child Development and Ministry of Labour and Employment.

The receipt of this letter may kindly be acknowledged immediately.

Yours faithfully,

-Sd-

(Nirmaljeet Singh Kalsi)  
Joint Secretary to the Government of India  
Ministry of Home Affairs, North Block  
New Delhi - 110001  
Tel. No. 23092630

To,

**The Chief Secretaries &**

**The Principal Secretary / Secretary (Home)**

**All State Governments and Union Territory Administrations – for information and necessary action.**

**Copy for information and necessary action to:**

- i. The DGs / IGs (In-charge of Prisons)/ - All State Governments / UTs for information and necessary action.
- ii. Ministry of Women and Child Development (Mrs. Manjula Krishnan, Advisor & Joint Secretary, MWCD, Ms. P. Bolena, Joint Secretary) Shastri Bhawan, New Delhi.
- iii. Ministry of Labour (Shri S.K. Dev Verman, Jt. Secy.), Shram Shakti Bhavan, New Delhi.
- iv. Ministry of Social Justice and Empowerment (Sh. D.V.S. Ranga, Joint Secretary), Shastri Bhawan, New Delhi.
- v. Ministry of Overseas Indian Affairs (Shri G. Gurucharan, Jt. Secy.), New Delhi.
- vi. Ministry of External Affairs, (Joint Secretary SAARC and Joint Secretary UNES) South Block, New Delhi.
- vii. Chairperson, National Commission for Women, 4, Deen Dayal Upadhyaya Marg, New Delhi-110 002.
- viii. Chairperson, National Commission for Protection of Child Rights, 5<sup>th</sup> Floor, Chandralok Building, Janpath, New Delhi-110 001.
- ix. Chairperson, National Human Rights Commission, Copernicus Marg, New Delhi.
- x. Director General, NCRB, RK Puram, New Delhi.
- xi. Director General, BPR&D, New Delhi.
- xii. Director General Border Security Force, New Delhi
- xiii. Director, CBI, New Delhi.
- xiv. JS (UT)/ JS (NE) /JS (K), MHA, North Block, New Delhi.
- xv. Under Secretary (Parliament), MHA, North Block, New Delhi.

-Sd-

(Nirmaljeet Singh Kalsi)  
Joint Secretary to the Govt. of India



## RELEVANT POLICY XX

### GOVERNMENT OF ANDHRA PRADESH DEPT. FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (WP)

Memo.No.2323/WP.A2/2011

Dated:02-04-2014.

Sub:- Introduction of Video Conference to Record Evidence of Victim of Sex Trafficking - Accepted - In the premises of District Legal Service Authority in each district - Further action - Requested - Reg.

- Ref:- (1) From Dr. Sunitha Krishnan through Email, dt:16-3-2011.  
(2) From the Addl.DGP, CID, Hyderabad, C.No.156/C30/CID/2010, dt:27-01-2012.  
(3) From the Registrar General, APHC, ROC.No.934/SO/2012, dt:28-09-2013 addressed to the Secretary to Govt., (LA & J), Home (Courts.B) Dept., U.O.Note.No.10102/Courts.B3/2012-2, dt:25-11-2013.

\* \* \*

Copies of references cited are enclosed herewith.

2. With reference to the subject cited, it is to inform that the Hon'ble High Court of Andhra Pradesh has accepted the proposal made by the Government with regard to the facilities to be provided for recording Evidence through Video Conference of Victims of Sex Trafficking which can be arranged in the premises of District Legal Services Authority in each District.

3. Further, the Learned Registrar General, High Court of Andhra Pradesh has also addressed a letter to the Member Secretary, A.P.State Legal Services Authority in this behalf for taking necessary steps for arranging the facility of video conference to the victim of Sex Trafficking in the premises of the District Legal Services Authority in each District.

4. The Commissioner, Women Development & Child Welfare Department, Hyderabad and the Additional Director General of Police, A.P., CID, Hyderabad shall take further necessary action accordingly.

NILAM SAWHNEY,  
PRINCIPAL SECRETARY TO GOVERNMENT.

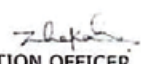
To

- (1) The Commissioner, Women Development & Child Welfare Department, Hyderabad.  
(2) The Addl.DGP, A.P., CID, Hyderabad.  
(3) The Law (LA & J) Department.

Copy to:-

- (1) Dr. Sunitha Krishnan, General Secretary, Prajwala, Hyd.,  
(2) The Home (Courts.B) Department, A.P.Secretariat, Hyderabad.  
(3) SF/SC.

// FORWARDED : : BY ORDER //

  
SECTION OFFICER

## RELEVANT POLICY XXI

### GOVERNMENT OF TELANGANA ABSTRACT

Labour Employment Training & Factories Department – Constitution of State Resource Centre Society for implementation and monitoring of the National Child Labour Project (NCLP) Scheme in the Telangana State – Orders – Issued.

#### LABOUR EMPLOYMENT TRAINING & FACTORIES (LABOUR) DEPARTMENT

G.O.Rt.No. 246

Dated: 26-05-2018

Read the Following:-

1. G.O.Rt.No.317, LET&F (Lab) Department, Dated: 05.05.2017.
2. From the Deputy Secretary to the Government of India, Ministry of Labour & Employment, New Delhi, Office Memorandum No.G-20013/1/2012-CL, Dated: 31.10.2017.
3. From the Commissioner of Labour, Telangana, Hyderabad, Lr.No.J1/516/2017, dated: 23.02.2018.

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#### ORDER:

In the G.O. 1<sup>st</sup> read above, Government have issued orders constituting a State Resource Centre (SRC) with certain members for coordinating all the activities / programmes for elimination of Child Labour in Telangana State as per the draft Telangana State Action Plan.

2. In the Office Memorandum 2<sup>nd</sup> read above, the Deputy Secretary to the Government of India, Ministry of Labour & Employment, New Delhi have modified the National Child Labour Project Scheme implemented by the Ministry of Labour & Employment for rehabilitation of child labourers in the Country.

3. In the letter 3<sup>rd</sup> read above, the Commissioner of Labour, Telangana, Hyderabad has submitted proposals for constitution of State Resource Centre Society for implementation and monitoring of the National Child Labour Project Scheme in Telangana State as per the instructions issued in the Office Memorandum 2<sup>nd</sup> read above.

4. Government, after careful examination of the matter hereby constitutes the State Resource Centre Society for implementation and monitoring of the National Child Labour Project (NCLP) Scheme in the Telangana State duly superseding the G.O. 1<sup>st</sup> read above:

#### (a) Members of the Society:

Sl. No.	Post and Address	Designation in the Society
1	Commissioner of Labour, Telangana, Hyderabad	Chairperson
2	Joint Commissioner of Labour (to be nominated by the Commissioner of Labour, Telangana, Hyderabad)	Member Secretary
3	Representative from Director General of Police	Member
4	Director of Factories, Telangana, Hyderabad	Member
5	Director, Sarva Shiksha Abhiyan or his representative	Member
6	Director of Employment & Training, Telangana, Hyderabad or his representative	Member
7	Representative of UNICEF	Member

Contd.....2

**(b) Functions of State Resource Centre (SRC):**

- i. Coordinate rescue of children and adolescents on complaint or information and report in PENCIL for information of Central Government.
- ii. Monitor enforcement of the Child and Adolescent Labour Act in the State and update the information in Online portal-PENCIL.
- iii. Coordinate inspection and monitoring of implementation of the NCLP in State and supervise the data of Project Societies on PENCIL.
- iv. Coordinate data on child tracking system with respect to child labour in State on PENCIL.
- v. Make Awareness Generation Plan for various stakeholders and implement it.
- vi. Be the Focal point for communication with the Central Government on enforcement on Child and Adolescent Labour Act and implementation of NCLP.
- vii. Would provide overall management and monitoring oversight to all child labour prevention projects in the State.
- viii. Will also function as the Secretariat for the State Level Monitoring Committee (SLMC) and assist the Commissioner of Labour, Telangana to coordinate with Departments concerned at State and District Level to strengthen convergence mechanisms and accelerate the implementation of the Project.
- ix. Will also be responsible for conducting and planning, training, capacity building and awareness programme on child and adolescent labour. It would be manned by officials of State Labour Department.

**(c) State Resource Centre would be State Government supported Society registered under Telangana Societies Registration Act, 2001:**

- (i) The State Resource Centre Society will maintain separate bank accounts to receive any financial assistance from Government of India.
  - (ii) The Utilization Certificates (UC) need to be submitted by the Commissioner of Labour, Telangana. Balance sheet of the Society is required to be regularly maintained and audited by Chartered Accountant and duly signed by the Labour Commissioner
5. The Commissioner of Labour, Telangana, Hyderabad shall take further action in the matter accordingly.
6. This orders issues with the concurrence of the Finance (EBS.X) Department vide their U.O.Note.No.19371/41/A2/EBS.X/2018, Dated: 25.04.2018.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. SHASHANK GOEL,  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Commissioner of Labour, Telangana, Hyderabad.  
The Officers concerned through the Commissioner of Labour.

**Copy to:**

The P.S. to Special Secretary to Chief Minister.  
The P.S. to Minister (Home & Labour).  
The P.S. to Chief Secretary.  
The Officer-in-charge, UNICEF Field Office for Telangana,  
317/A, MLA Colony, Road No.12, Banjara Hills, Hyderabad-500 034.

SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

## RELEVANT POLICY XXII

No. 15011/46/2020-ATC  
Government of India  
Ministry of Home Affairs  
\*\*\*

Women Safety Division, 2<sup>nd</sup> Floor,  
Major Dhyan Chand National Stadium,  
India Gate, New Delhi-110002  
December 1, 2020

To

1. Chief Secretaries of all State Governments and UT Administrations
2. Director General (Police) of all States and UTs

**Sub: Institutional mechanism for preventing and countering human trafficking at State level.**

Sir/Madam,

The Government of India has been taking various measures and initiatives in supplementing the efforts of the State Governments and UT Administrations in preventing and countering human trafficking on a continuous basis and has been making concerted efforts in combating the menace of trafficking in persons in a holistic manner.

2. You are aware that with a view to strengthening the law enforcement response against human trafficking, the Ministry of Home Affairs (MHA) had provided financial assistance to **State Governments from time to time for setting up Anti Human Trafficking Units (AHTUs)** in 50% Police Districts of all States. An amount of Rs.25.16 crore was released to States during the Financial Years 2010-11 to 2019-20, for setting up AHTUs in 332 Districts of States.

3. AHTUs are **integrated task force(s) to prevent and combat trafficking in persons**; and comprise of a group of trained sensitive officials of Police, Women and Child Welfare Department and other relevant Departments of the State. AHTUs function as coherent units to prevent and combat trafficking. The objectives and responsibilities of AHTUs include, taking up the crusade against all criminal aspects of the crime of human trafficking; ensuring focused attention in dealing with offences of human trafficking; conducting rescue operations whenever they receive information about trafficking activities either from police sources, NGOs or civil society; ensuring a victim-centric approach; functioning as the grass root unit for collection and development of an exhaustive database on all law enforcement aspects of the crime, including information on traffickers and trafficking gangs etc. While the Central Government has provided financial assistance for setting up physical infrastructure in these Units, it is the responsibility of States to depute suitable manpower to manage these Units.

4. MHA has further released an amount of Rs. 100 crore under Nirbhaya Fund to all States and UTs in March 2020 **for strengthening the existing AHTUs in States and establishing new AHTUs covering all Districts** of the States and UTs all over India and also in international border areas guarded by Border Security Force (BSF) and Sashastra Seema Bal (SSB). MHA has been pursuing the matter with all States and UTs and have requested them to make use of this financial assistance on urgent basis and upgrade the existing AHTUs



and also establish new AHTUs in the Districts where such AHTUs are not in existence at present.

5. MHA has also released a sum Rs. 100 crores under Nirbhaya Fund to all States and UTs for setting up **Women Help Desks in 10,000 Police Stations of the States**. These Desks are to be manned by trained police officials and shall have enlisted panel of experts like lawyers, psychologists and NGOs to facilitate legal aid, counseling, shelter, rehabilitation and training etc. **These Women Help Desks in Police Stations shall also attend to all matters relating to human trafficking.**

6. To address the issue of human trafficking at State level in a comprehensive and full-bodied manner, **the following scheme of handling human trafficking at State level is prescribed** for adoption by all States and UTs:

**Notifying State-level, District-level and Police Station-level Anti Human Trafficking Units by States and UTs:**

i) Each State shall notify a **State-Headquarter level** Anti Human Trafficking Bureau headed by an **Additional Director General of Police level officer** to oversee and coordinate all trafficking related issues within the State and for coordination with other States/UTs.

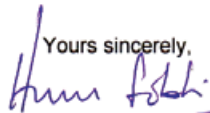
ii) States shall notify an Anti Human Trafficking Unit in every **District of the State**, which shall be responsible for all human trafficking related matters in each District and will report to the State-Headquarter level Anti Human Trafficking Bureau. Each District level AHTU shall function under the supervision of a Superintendent of Police/Deputy Superintendent of Police level officer and will be responsible for monitoring and coordinating all activities in the District.

iii) States shall notify a **Women Help Desk** in every Police Station of the State. The Women Help Desk shall *inter-alia* also be responsible to undertake matters of rescue, prevention, protection and support investigation of human trafficking cases of women of the respective jurisdiction and will coordinate activities with other Police Stations and will also perform such duties and responsibilities as directed by the District AHTU.

7. By establishing the above arrangement, each State will have a Unit for preventing and countering human trafficking at all levels of the State/UT – Headquarters of the State/UT, District level and Police Station level, thus dealing with the problem of human trafficking in a comprehensive manner.

8. **All States and UTs are requested to notify appropriate Units at all levels** as per the scheme indicated above and inform the Ministry of Home Affairs about notification of such Units at an early date.

Yours sincerely,



(Arun Sobti)

Deputy Secretary to the Govt. of India

Tele : 2307 5297

Email: [dspr.atc@mha.gov.in](mailto:dspr.atc@mha.gov.in)

**By Speed Post**

No. 24013/4/2020-ATC  
Government of India  
Ministry of Home Affairs  
\*\*\*

Women Safety Division, 2<sup>nd</sup> Floor,  
Major Dhyan Chand National Stadium,  
India Gate, New Delhi-110002

**July 6, 2020**

To

**The Chief Secretaries of all States and UTs  
The Director General of Police of all States and UTs**

Sub: Advisory on preventing and combating human trafficking especially during the period of COVID-19 pandemic.

Sir/Madam,

Trafficking in Persons is a serious crime affecting a large number of people across the globe. Human trafficking not only affects women and children but also men. Trafficking in persons can be both cross-border as well as within the country, from one State to another. Traffickers often exploit the vulnerabilities of people by making false promises of a new job, better income, better living conditions and support to their families etc. While such promises of perpetrators appear legitimate to people, unfortunately it makes many men, women, and children easy prey for exploitation.

2. Domestic violence, psychological or emotional abuse, neglect and other forms of trauma and violence makes a person vulnerable to human trafficking, who may be looking for a release from his present situation. Children and youth are more likely to be persuaded or tricked by criminals who take advantage of their emotional instability and missing support system. Once trafficked, the victims fall prey to many forms of unfair treatment such as forced prostitution, forced labour, forced begging, forced marriages etc.

3. The outbreak of COVID-19, starting about mid-March, has put the world under enormous strain and continues to affect the lives of a large number of people. The Government of India has taken various measures to flatten the infection curve. In close consultation and coordination with State/UT Governments, the Central Government has continuously endeavoured to provide guidance to States and UTs on a range of issues through various advisories issued from time to time.

4. For strengthening the law enforcement response against trafficking in persons, the Ministry of Home Affairs has released funds to State Governments from time to time for setting up Anti Human Trafficking Units



(AHTUs) in 50% Police Districts of States. An amount of Rs. 25.16 crore was released to States during the period 2010 to 2019 for setting up AHTUs in 332 Districts. **Recently, a decision was taken to establish AHTUs in all Districts of States and UTs** and also establish AHTUs under the border guarding forces such as BSF and SSB in border areas to check and curb transnational trafficking. Rs. 100 crore were allocated from Nirbhaya Fund for setting up new AHTUs and for strengthening existing AHTUs, covering all districts of States/UTs. Funds have been released to States and UTs in March, 2020. Guidelines for setting up new AHTUs and upgrading the existing AHTUs were also issued to all States and UTs. **It is expected that the States/UTs would have initiated necessary action to set up and upgrade AHTUs in all Districts of States/UTs.**

5. To recapitulate the scheme of AHTUs, it may be noted that AHTUs are integrated task forces to prevent and combat trafficking in persons and comprise of a group of trained sensitive officials of Police, Women and Child Welfare Department and other relevant Departments of the State. AHTUs function as coherent units to prevent and combat trafficking. The objectives and responsibilities of AHTUs include, taking up the crusade against all criminal aspects of the crime of human trafficking; ensuring focused attention in dealing with offences of human trafficking; conducting rescue operations whenever they receive information about trafficking activities either from police sources, NGOs or civil society; ensuring a victim-centric approach; functioning as the grass root unit for collection and development of an exhaustive database on all law enforcement aspects of the crime, including information on traffickers and trafficking gangs etc. While the Central Government has provided financial assistance for setting up physical infrastructure in these Units, it is the responsibility of States to depute suitable manpower to manage these Units.

6. **States/UTs are advised to immediately set up new AHTUs and upgrade the infrastructure of existing AHTUs** in all Districts of their State/UT with the financial assistance provided by the Central Government and **make these Units functional on most urgent basis.** Suitable officers of Police and other Departments of the State/UT, especially from Women and Child Welfare Department, Labour Department, Social Welfare Department, Health and any other Department or agency of the State, considered appropriate by the State/UT, may be nominated without delay. Immediate instructions are required to be issued to these AHTUs to take proactive action in preventing human trafficking. **Labour Department of States** need to play a significant role at the present juncture and needs to pool all its resources to address the situation of exploitation of vulnerable people.

7. The following measures may be followed in all States and UTs, in close coordination and cooperation with neighbouring State authorities as well, where considered necessary:

(i) **State Governments should immediately evolve a coordination mechanism** among various departments in the States and UTs (Home Department, Police, Labour Department Social Welfare Department, Women and Child Welfare Department, Juvenile Justice Boards, Child Welfare Committees, Health Department, Railways and border guarding agencies like BSF, SSB, etc.) to handle issues of human trafficking. **This mechanism may be monitored at the highest level in the State/UT.** Periodic reviews should be held with all stakeholders and appropriate guidelines may be issued to them.

(ii) **Generation of Awareness at all levels** is considered a very potent and effective weapon to fight the crime of human trafficking and exploitation of women and children. Therefore, special awareness generation campaigns may be organised by the District Administration to spread awareness at all levels, Panchayat, Taluka, Districts, every nook and corner of the State to protect vulnerable sections of society. **Making the community aware** of the perils of falling in the hands of unscrupulous persons who try to dupe them with promises of better life is of vital importance. Media plays a critical role in the spread of information. States and UTs may strengthen their digital and online channels and **generate awareness by all means of communication** viz. radio, television, newspapers, mobile phones and other publicity mediums. Ensure translation and audio-visualization of messaging and communication materials and other information into languages and formats commonly spoken and easily understood by all children and youth on the move.

(iii) **Community awareness programmes** on the issue of missing children and its links with human trafficking should be undertaken by the District Administration. Periodic interface should be organised with Public and Safety Awareness Campaign should be conducted in vulnerable areas, jointly by the district administration.

(iv) The law enforcement agencies may **engage with representatives of local Panchayats, community leaders, Village Watch and Ward, Municipal Committees/Neighbourhood Committees/ Resident Welfare Associations** etc. This will enable the community to get involved with the administration/police in identification, tracing and recovery of missing and trafficked persons.

(v) Because children can be transported on a large scale for wage labour, prostitution and trafficking, **Panchayats may be asked to maintain a register** of complete information about the persons living in the village and keep track of their movement.

(vi) Specific 'intelligence' and 'surveillance' mechanism to identify gangs, gather information about its history, affiliations, modus operandi to deceive people, activities of gang members, links with others, etc should be worked out by the Police Department. They may be appropriately sensitised about

this. Local police should keep a close watch on known criminals and traffickers.

(vii) Police Officers should be advised to undertake preventive steps such as identification of children in distress, watching out for suspicious persons, keeping special vigil at transit points, viz. Railway Stations, Bus Depots, Airports, Seaports, Border areas etc., and identify vulnerable population and susceptible pockets in the State etc.

(viii) Police personnel in outposts on borders should be trained to look-out for trafficked children on the borders. They should be sensitized to question and detect unaccompanied minors/children or accompanying adults with suspicious behaviours during checking of vehicles/public transport. Railway and Transport Department personnel may be associated with the crime meetings conducted by AHTUs from time to time as **keeping a watch on suspicious movement of people from one place to another can play a crucial role in checking this crime.**

(ix) Child helpline numbers, emergency response number 112 etc. should be displayed in public places to keep a check on human trafficking. Use of 112 Emergency Response Support System may be widely publicised to provide quick response.

(x) Police force should **make full use of CCTNS and CriMAC application** launched by the National Crime Records Bureau in March this year, which facilitates dissemination of information about significant crimes including human trafficking cases across the country on real time basis. These portals can help in locating and identifying the trafficked victims as also in prevention, detection and investigation of crimes. **Police officers at all levels may be sensitised about this.**

(xi) Police officers, especially those handling cases of human trafficking, **should be trained and sensitized at regular intervals.** It should focus on imparting knowledge of the substantial and procedural laws, court rulings, administrative procedures, skills in child friendly investigation, including interviewing, interrogation, scientific data collection, presentation in the court of law, networking with the prosecutors, facilitating victims/witness protection programmes etc.

(xii) It may be ensured that **shelters for destitute women and children in need remain open and additional facilities are made available** for women and girls; virtual and/or telephone counselling services should be provided and appropriate measures should be taken to ensure privacy for women and girls.

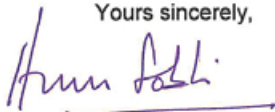
8. The aforementioned measures are indicative and illustrative in nature. States and UTs may devise, develop and implement further strategies to counter and curb the crime of trafficking in their jurisdictions and provide relief to such victims on top priority basis. Officials at all levels may be suitably



briefed and provided guidelines in their regional/local language for better understanding and implementation of the instructions. This Ministry may be kept informed of the measures introduced in respective jurisdictions which can be emulated and adopted by other States as well.

9. **States and UTs are requested to issue suitable instructions** to all concerned in the State and sensitise officers at all levels to combat this serious and deplorable crime of human trafficking and prevent victimisation of vulnerable persons, especially women, children and youth.

Yours sincerely,



(Arun Sobti)  
Deputy Secretary (PR & ATC)  
Tele: 2307 5297  
Email: [dspr.atc@mha.gov.in](mailto:dspr.atc@mha.gov.in)

**Copy, for information and action as necessary, to:**

1. Secretary, Ministry of Women and Child Development, Shastri Bhawan, New Delhi.
2. Secretary, Ministry of Labour & Employment, Shram Shakti Bhawan, New Delhi.
3. Ministry of External Affairs, Protector of Emigrants, Akbar Bhavan, New Delhi.
4. Director General, Border Security Force, BSF HQR, Block No. 10, CGO Complex, Lodhi Road, New Delhi.
5. Director General, SSB, Force Head Quarters, East Block-V, R.K. Puram, New Delhi-110066.
6. Chairman, Railway Board, Rail Bhawan, New Delhi.
7. Principal Secretary/Secretary (Home) of all State Governments and UTs.
8. Nodal Officers for Anti Human Trafficking Units in all States and UTs.

**Afmad Nadeem, IAS.,**

Commissioner of Labour, T. S.

అఫ్మాద్ నదీమ్, ఐ.ఎస్.ఎస్.

తాత్విక కమిషనర్, తెలంగాణ రాష్ట్రం



Tanguturi Anjaiah Karmika Samkshema Bhavan,

RTC 'X' Roads, Hyderabad - 500 020.

Ph : (Off) 27611437, Fax : 040 - 27636024

E-mail: col@telangana.gov.in

D.O.Letter No.J4/2477/2015, dated.01.11.2017

Dear

**Sub:** Bonded Labour – Implementation of Bonded Labour System (Abolition) Act, 1976 – furnishing of Half Yearly Reports I & II on identification, release and rehabilitation of Bonded Labourers and information on Questionnaire of NHRC on Bonded Labour for the period from 01.01.2016 to 30.06.2016 and 01.07.2016 to 31.12.2016 – Called for – Reg.

**Ref:** 1.Guidelines of Government of India, MOL&E, New Delhi on Central Sector Scheme of rehabilitation of Bonded Labour, 2016.  
2.G.O.Ms.No.127 of General Administration (AR&T) Dept, dated 19.05.2017.  
3. From the Director (Administration and Policy Research, NHRC, New Delhi D.O.No.2/6/2002 PRP&P dated: July, 2017.  
4.Government Memo No.2674/Lab.A2/2017, dated 15.06.2017 of LET&F Dept.  
5.Lr.No.G3/975/2016, dated 24.01.2017 of Director, S.C Development Dept, T.S., Hyd.  
6. Government Memo No.4187/Lab.A2/2017, dated 09.10.2017 of LET&F Dept.

<<<>>>

I am to inform that as per the orders of Hon'ble Supreme Court of India dated 05.05.2014 in W.P.C.No.3922 of 1985 all states / UTs are required to submit of half yearly feedback on identification, release and rehabilitation of Bonded Labour in prescribed format set by NHRC.

Through the reference 5<sup>th</sup> cited instructions were already issued from SC development department to submit half yearly reports in format –I (status of rehabilitation of bonded labourers) and format – II (status on cases registered for offences under Bonded Labour System (Abolition) Act, 1976 and also for the points 1 to 8 of questionnaire set by NHRC for the 01.01.2016 to 30.06.2016 and 01.07.2016 to 31.12.2016.

In this regard it is informed that a decision at Government level in GAD was taken to transfer the subject of "Bonded Labour" from SCD to LET&F Department. In the reference 6<sup>th</sup> cited instructions were issued by LET&F Department to furnish information on Bonded Labour.

It is also not out of place to inform that the non-submission of the reports is viewed very seriously by the NHRC and on some instances the Chief Secretary has been asked to attend meeting before the NHRC in the event of Non-Submission of the reports.

I would therefore request you to bestow personal attention to furnish the information in format – I and II and also as per the questionnaire of NHRC on Bonded Labour by 15.11.2017 so as to send compliance report to Government in the matter.

Encl: 1.Format –I & II  
2.Questionnaire of NHRC  
3.copy of 6<sup>th</sup> reference.

With

Yours sincerely

(Ahmad Nadeem)

To.  
All the District Collectors and District Magistrates in the state

✓ Copy to

1.All Nodal Officers of the Labour Department in the Districts they are instructed to follow up with District Collector for furnishing of data on bonded labour.





**Most Immediate**

**No. 15011/31/2019-ATC  
Government of India  
Ministry of Home Affairs**

\*\*\*  
Women Safety Division, 2<sup>nd</sup> Floor  
Major Dhyan Chand National Stadium  
India Gate, New Delhi-110002

**December 27, 2019**

**To**

**The Principal Secretary (Home) of all State Governments  
and Union Territories.**

**Sub: Setting up and strengthening Anti Human Trafficking Units in all  
Districts of States and UTs under 'Nirbhaya Fund'.**

Sir/Madam,

Trafficking in Persons, especially women and children, for sexual exploitation, prostitution, forced labour, forced marriage, domestic servitude, adoption, begging, organ transplant, drug peddling, etc is an organized crime that gravely violates basic human rights of individuals. The Government of India has been supplementing the efforts of State Governments/ UT Administrations to take effective action against this crime. For strengthening the law enforcement response against trafficking in persons, the Ministry of Home Affairs had provided assistance to States for setting up 332 Anti Human Trafficking Units (AHTUs) in 50% districts of States.

2. In order to strengthen AHTUs in **all districts of States and UTs** to enable them to effectively coordinate activities to check the crime of human trafficking, the Ministry of Home Affairs has approved a scheme for setting up and strengthening Anti Human Trafficking Units in **all Districts of States and UTs** under 'Nirbhaya Fund' with special focus on crime against women & children. Under the scheme, the Ministry of Home Affairs will provide financial assistance to all States, UTs and Border Guarding forces – BSF and SSB for setting up and upgrading AHTUs. A copy of the guidelines, which inter-alia, contains objectives of the scheme, funding pattern, monitoring etc. is attached for guidance of all concerned.

3. The following components are the permissible components under the scheme:

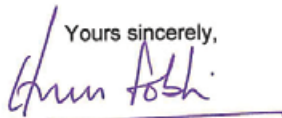
- (i) Office furniture (2 Office Tables and 10 Chairs)
- (ii) Almirahs for books and Records
- (iii) Three Mobile phone instruments (running expenses to be incurred by States)
- (iv) Digital Camera with memory stick for evidence collection and short video recordings

- (v) One Vehicle not to be diverted for other work for rescue of victims and their transportation etc. (Driver to be provided by the State Government)
- (vi) One/Two Motor Cycles, as per requirement, for patrolling, awareness generation etc.
- (vii) Landline Phone with broadband connection
- (viii) Two Desk-top/Laptop Computers/Tablets with latest configuration and accessories including internet connection/broadband
- (ix) Relevant legal & other Books
- (x) Publicity material for sensitizing people.

4. Funds for implementing the scheme will be released to States in next one or two months. The addressees are requested to remain in a state of readiness to make procurement of the items listed above and implement the scheme. You may like to issue suitable directions to the authorities concerned to work out the modalities required for implementation of the scheme.

Encl. as above.

Yours sincerely,



(Arun Sobti)  
Deputy Secretary (PR & ATC)  
Tele: 23075297  
Email: [dspr.atc@mha.gov.in](mailto:dspr.atc@mha.gov.in)

Copy, for similar action, to:

1. Director General, Border Security Force, BSF HQr, Block No. 10, CGO Complex, Lodhi Road, New Delhi with the request to issue necessary directions to the concerned officer to work out the modalities for setting up 15 Anti Human Trafficking Units in border areas patrolled by BSF.
2. The Director General, **Sashastra Seema Bal, Force Headquarters, East Block-V, R.K. Puram, New Delhi-110066** with the request to issue necessary directions to the concerned officer to work out the modalities for setting up 5 Anti Human Trafficking Units in border areas patrolled by SSB.

## **GUIDELINES FOR SETTING UP/ STRENGTHENING ANTI HUMAN TRAFFICKING UNITS IN ALL DISTRICTS OF STATES/ UTs**

### **1. Background**

Trafficking in Persons, especially women and children, for purposes such as sexual exploitation for prostitution, forced labour, forced marriage, domestic servitude, adoption, begging, organ transplant, drug peddling, etc is an organized crime that gravely violates basic human rights of individuals.

'Public Order' and 'Police' are State subjects as per Seventh Schedule of the Constitution of India. States/UTs concerned are competent to take steps to prevent and curb human trafficking. The Government of India has been supplementing the efforts of State Governments/ UTs through regular issue of advisories for agencies concerned to coordinate and take effective action against this crime.

For strengthening the law enforcement response against trafficking in persons, the Ministry of Home Affairs had provided assistance to States for setting up 332 Anti Human Trafficking Units (AHTUs) in various districts. These AHTUs have been able to coordinate action at the ground level to curb the menace of human trafficking. It is, therefore, considered necessary that AHTUs are established in all districts of States and UTs and existing AHTUs are further strengthened to enable wide-spread availability of AHTUs to effectively coordinate activities to check the crime of human trafficking at national level.

The Ministry of Home Affairs has taken up a project of setting up and strengthening Anti Human Trafficking Units in all Districts of States and UTs under 'Nirbhaya Fund' to address the crime of human trafficking and crime against women & children.

### **2. Objectives of the project**

- (i) Setting up dedicated Anti human trafficking Units in all districts of States and UTs under Police and strengthening the existing AHTUs.
- (ii) Each AHTU will be empowered to take action against human trafficking, particularly against women and children, by creating an institutional mechanism and working in coordination with other stakeholders i.e. prosecution, line departments, NGOs and experts in the field for:
  - (a) Coordinating action for rescue of victims of human trafficking, especially women and children.
  - (b) Provide suitable post rescue care and counseling to victims rescued, especially women and children.
  - (c) Regular visit of shelter homes housing victims of trafficking within the jurisdiction of districts concerned.
  - (d) Conducting regular training courses for sensitizing and capacity building of police & other officials concerned.

- (e) Maintaining data base of trafficking in human beings in the district.

### **3. Components of Anti Human Trafficking Unit:-**

AHTUs are nodal and integrated task forces Units with the mandate to prevent and combat trafficking in persons. The Unit shall be headed by trained officials of Police and shall comprise of officers from Women and Child Welfare Department in the District and/or other relevant line departments. It may also include reputed local NGOs and experts in the field of human trafficking. AHTUs may also engage the services of legal counselors or associate District/State Legal Service Authority for legal counseling of victims.

### **4. Outcomes of AHTU:-**

The AHTU will attend to all the three aspects of trafficking viz. prevention, protection and prosecution. They will also develop database of traffickers, network with all concerned agencies as and when required. AHTU will thus be the field level functional unit to address human trafficking in a holistic manner.

### **5. Implementation of Anti Human Trafficking Unit project:-**

The scheme will be implemented by the Home Department concerned in the State/UT. The States and UTs shall notify a Nodal Officer at State/UT level who will coordinate the implementation of the project on strengthening/setting up Anti Human Trafficking Units at district level.

### **6. Funding of Anti Human Trafficking Units Project**

Funding for AHTUs in districts shall be done on one-time basis in the manner indicated below:

- (a) New AHTUs will be funded @ Rs 15 lakh per unit
- (b) AHTUs funded during 2010-2015 shall be provided further grant of Rs 12 lakh per unit to upgrade the unit.
- (c) AHTUs funded during 2018-2019 shall be provided funding of Rs 8 lakh.
- (d) In addition to strengthening /setting up AHTUs at district level, financial support will be provided at the rate of Rs 15 lakh to SSB and BSF for setting up Special AHTUs in border areas for rescuing cross border victims of trafficking.

### **7. Funding under the project is to be utilized for following items:**

- (xi) Office furniture (2 Office Tables and 10 Chairs)
- (xii) Almirahs for books and Records
- (xiii) Three Mobile phone instruments (running expenses to be incurred by States)
- (xiv) Digital Camera with memory stick for evidence collection and short video recordings
- (xv) One Vehicle not to be diverted for other work for rescue of victims and their transportation etc. (Driver to be provided by the State Government)



- (xvi) One/Two Motor Cycles, as per requirement, for patrolling, awareness generation etc.
- (xvii) Landline Phone installation with broadband connection
- (xviii) Two Desk-top/Laptop Computers/Tablets with latest configuration and accessories including internet connection/broadband
- (xix) Relevant legal & other Books
- (xx) Publicity material for sensitizing people.

State Government agencies would bear all recurring costs including cost of manpower, police personnel and other officials from the departments concerned of the State deputed for manning and managing the AHTUs.

States/UTs shall ensure that all procurement shall be made, to the extent possible, from GeM portal. However, where the same is not possible, it may be procured in terms of codal formalities as required under GFR, 2017 or equivalent codal requirements as prescribed in the State/UT concerned.

## **8. Monitoring of Anti Human Trafficking Units**

Nodal Officer for Anti Human Trafficking Units at State/UT level will monitor the functioning of AHTUs set up at district level by holding meetings with District level AHTU officials on quarterly basis. Half yearly meeting will be convened by the Anti Trafficking Cell of the Ministry of Home Affairs with the Nodal Officers for Anti Human Trafficking Units of all States/UTs.

Home Department in the State/UT concerned shall furnish Utilization Certificate for the project fund received from the Central Grant in aid on an annual basis in format GFR-12-C in terms of Rule 239 of GFR 2017.

## **9. Audit**

The Accounting Records and related documents pertaining to the project may be subject to statutory audit by CAG as well as audits by the Internal Audit Party of MHA. State Government will provide all information and records for such audit, if necessary.

\*\*\*

## RELEVANT POLICY XXVI

F. No. 15011/190/2020-SC/ST-W

Government of India  
Ministry of Home Affairs  
(Women Safety Division)

2<sup>nd</sup> Floor, MDC National Stadium,  
New Delhi – 110001,

Date: 9<sup>th</sup> October, 2020.

To,

Chief Secretaries/ Advisors to Administrators  
(All States and UTs)

**Subject: Mandatory action by police in cases of crime against women - reg.**

- Reference:** (i) MHA advisory dated 16<sup>th</sup> May, 2019 on a "Failure to record information under sub-section (1) of Section 154 of Cr.P.C. punishable under Section 166A of IPC".
- (ii) MHA advisory dated 05<sup>th</sup> December, 2019 regarding timely and pro-active action by police in cases of crimes against women.
- (iii) Standard Operating Procedure (SOP) for Investigation and Prosecution of Rape against Women issued by BPR&D
- (iv) Distribution of Sexual Assault Evidence Collection Kits to States/UTs by BPRD, and MHA letter dated 5 October 2020

Sir/Madam,

I am directed to refer to the above mentioned subject and references and to state that Government of India has taken steps to strengthen legislative provisions to deal with incidents of sexual offences against women and girls. Government of India has also issued various advisories to the States/ Union Territories from time-to-time emphasizing the strict actions to be taken by the police in cases of crime against women, including in cases of sexual assault which includes registration of FIR, collection of evidence for forensic examination and use of Sexual Assault Evidence Collection (SAEC) Kit, completion of investigation in sexual assault cases in two months, use of National Database on Sexual Offenders for identifying and tracking repeat sexual offenders etc. Copies of these advisories are enclosed.

2. It is again brought to your attention that criminal laws relating to sexual offences against women provide, inter-alia, for the following actions to be taken by the Police in such cases:

- (i) Compulsory registration of FIR in case of cognizable offence under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973 (CrPC). The law also enables the police to register FIR or a "Zero FIR" (in case the crime is committed outside the jurisdiction of police station) in the event of receipt of



information on commission of a cognizable offence, which includes cases of sexual assault on women.

(ii) Section 166 A(c) of the Indian Penal Code 1860 (IPC) provides for punishment to a public servant for failure to record FIR in relation to cognizable offences punishable under section 326A, Section 326B, Section 354, Section 354B, Section 370, Section 370A, Section 376, Section 376A, Section 376AB, Section 376B, Section 376C, Section 376D, Section 376DA, Section 376DB, Section 376E or Section 509 in IPC.

(iii) Section 173 of CrPC provides for completion of police investigation in relation to rape in two months. In order to facilitate the State police to monitor compliance, in this regard MHA has provided an online portal called Investigation Tracking System for Sexual Offences (ITSSO) for monitoring the same. This is available exclusively to law enforcement officers.

(iv) Section 164-A of CrPC provides that in rape/sexual assault investigation the victim shall be got examined by a registered medical practitioner under consent within twenty-four hours from the time of receiving the information relating to the commission of such offence.

(v) Section 32 (1) of the Indian Evidence Act, 1872, provides that the statement, written or verbal, by a person who is dead shall be treated as relevant fact in the investigation when the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death. Hon'ble Supreme Court in its order dated 7<sup>th</sup> January 2020, in the matter of Criminal Appeal Nos. 194-195 of 2012 in the case of Purshottam Chopra & Anr. v. State (Govt. of NCT Delhi), directed that a particular statement, when being offered as dying declaration and satisfies all the requirements of judicial scrutiny, cannot be discarded merely because it has not been recorded by a Magistrate or that the police officer did not obtain attestation by any person present at the time of making of the statement.

(vi). The Directorate of Forensic Science Services (DFSS) under the MHA has issued Guidelines for collection, preservation & transportation of forensic evidence in sexual assault cases for Investigation Officers and Medical Officers. In order to facilitate the State Police, Bureau of Police Research and Development (BPR&D) has issued Sexual Assault Evidence Collection (SAEC) Kits to every State/UT. It is necessary to use these SAEC kits in every case of sexual assault reported. MHA advisory dated 5<sup>th</sup> October 2020 in this matter may be referred. BPR&D and LNJJN National Institute of Criminology and Forensic Sciences (NICFS) have been regularly conducting Training and Training of Trainers (ToT) programmes on procedure for collection, preservation and handling of forensic evidence for Police/Prosecutors and Medical Officers respectively.

3. However, even with stringent provisions in law and several capacity building measures undertaken, any failure of police to adhere to these mandatory

requirements may not augur well for the delivery of criminal justice in the country, especially in context of women safety. Such lapses, if noticed, need to be investigated into and stringent action taken immediately against the concerned officers responsible for the same.

4. It is requested that States/ UTs, may suitably issue instructions to all concerned to ensure strict compliance with the provisions in the law, as mentioned above. It is also requested to monitor the cases on ITSSO to ensure that suitable follow up action is taken for charge-sheet of the guilty in a timely manner as required in the law.

Encl: as above

Yours faithfully,



**(Pawan Mehta)**

**Deputy Secretary to the Govt. of India**

Tel: 011-23075293

Email: [pawan.mehta69@gov.in](mailto:pawan.mehta69@gov.in)

**Copy to:**

- 1. DsGP/IsGP (all States and UTs).**
- 2. Principal Secretary/ Secretary, Home Department (All States & UTs),**
- 3. Commissioner of Police, Delhi.**



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