



# Background Information on Human Trafficking in India

A Supplement to the *“Human Trafficking in India:  
Dynamics, Current Efforts, and Intervention Opportunities  
for The Asia Foundation”* Report

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## TABLE OF CONTENTS

<b>1. INTRODUCTION</b>	<b>3</b>
<b>2. LEGAL FRAMEWORK ANALYSIS</b>	<b>4</b>
2.1. INTRODUCTION	4
2.2. STATUTES & CONVENTIONS: OVERVIEW & KEY CHALLENGES	4
2.3. INSTITUTIONS: ROLES AND CHALLENGES	17
2.4. PROCEDURES & PROCESS	22
2.5. STRENGTHS & CHALLENGES OF THE PROCEDURES & PROCESS	27
<b>3. BACKGROUND ON TRAFFICKING INTERVENTIONS</b>	<b>34</b>
3.1. PREVENTION	34
3.2. PROTECTION	34
3.3. PROSECUTION	35
<b>4. DETAILED STATE PROFILES</b>	<b>37</b>
4.1. ANDHRA PRADESH	37
4.2. BIHAR	39
4.3. CHHATTISGARH	43
4.4. DELHI	48
4.5. GOA	49
4.6. JHARKHAND	50
4.7. ORISSA (ODISHA)	53
4.8 TAMIL NADU	56
4.9 WEST BENGAL	58
<b>5. NGO SUMMARY TABLES</b>	<b>61</b>
<b>6. REFERENCES</b>	<b>69</b>

## LIST OF TABLES

TABLE 1: RELEVANT INTERNATIONAL STATUTES FOR TIP IN INDIA .....	5
TABLE 2: RELEVANT REGIONAL STATUTES FOR TIP IN INDIA .....	8
TABLE 3: RELEVANT NATIONAL STATUTES FOR TIP IN INDIA.....	10
TABLE 4: RELEVANT STATE STATUTES FOR TIP IN INDIA.....	16
TABLE 5: ROLES, RESPONSIBILITIES, AND CHALLENGES OF INSTITUTIONS SUPPORTING THE LEGAL FRAMEWORK.....	17
TABLE 6: CONVICTIONS AS A PERCENT OF PROSECUTIONS UNDER ITPA (2003-2006).....	29
TABLE 7: POVERTY INCIDENCE IN BIHAR VERSUS THE REST OF INDIA .....	41
TABLE 8: NGO/DONOR SUMMARY TABLE 1 .....	62
TABLE 9: NGO/DONOR SUMMARY TABLE 2 .....	63
TABLE 10: NGO/DONOR SUMMARY TABLE 3 .....	64
TABLE 11: NGO/DONOR SUMMARY TABLE 4 .....	65
TABLE 12: NGO/DONOR SUMMARY TABLE 5 .....	66
TABLE 13: NGO/DONOR SUMMARY TABLE 6 .....	67
TABLE 14: NGO/DONOR SUMMARY TABLE 7 .....	68

## 1. INTRODUCTION

This document contains research that was conducted as background for the *Stanford/TAF Human Trafficking in India: Dynamics, Current Efforts, and Intervention Opportunities for The Asia Foundation* report.

Primarily, in Section 2, it contains a detailed legal framework analysis that informs the summary discussion in the main report. We feel that this legal framework analysis will be valuable to TAF going forward since it explains and evaluates the statutes, institutions, and process under which trafficking should be prosecuted.

When forming the recommendations for TAF's interventions in TIP, a clear understanding of the various types of interventions falling within prevention, protection, prosecution and capacity building was required. Thus, explanations of these various types of trafficking interventions are provided in Section 3.

The choice to narrow the geographic scope of the study allowed for in depth analysis of the dynamics of trafficking within the 9 selected states/territories. Section 4 contains state/territory profiles that evaluate the dynamics of human trafficking at a sub-national level.

In the mapping of current efforts, over 50 NGOs and donor agencies were profiled. The summary of this profiling exercise is found in Section 5. The tables offer an overview of NGOs' activities, in addition to information on their collaboration and contact details.

## 2. LEGAL FRAMEWORK ANALYSIS

### 2.1. INTRODUCTION

Although India has a number of laws and provisions prohibiting activities associated with trafficking, trafficking continues to fester year after year and be seemingly unabated. This section provides a broad overview of the statutes, institutions, and process that embodies India's legal framework. Beyond identifying the existing legal framework, it also identifies its strengths and weaknesses. While the Indian legal framework with respect to trafficking is found to not be very effective in protecting victims and punishing offenders, there have been several recent actions on the part of government, the NGO community, and the judiciary to rectify these outages.

Finally, special attention will be paid to the emerging issue of victim compensation from court cases. This issue has been identified as particularly important for TAF in the region. A few key stakeholders have been interviewed for the purposes of this analysis.

The approach behind the analysis of the legal framework included the following actions;

- A thorough reading of India's major statutes relating to human trafficking, namely the Immoral Trafficking (Prevention) Act of 1956.
- The use of accounts from the NGO interviews that were completed.
- The use of information from the literature review on trafficking in India.
- The use of official documents from the government's various departments, namely the Ministry of Women and Child Development's Plan of Action.
- The use of NGO-authored documents, namely that of the UNODC and the Lawyers Collective.
- A thorough reading of the PM Nair's UNODC Handbook for Law Enforcement in India.
- A review of grey literature found via internet searches using the following key phrases; India human trafficking law, ITPA issues, ITPA controversy, gaps in India's trafficking laws, corruption in India's courts, accounts of corruption in Indian police departments, revision of the ITPA, use of law in fighting trafficking, compensation in India for victims of trafficking, and compensation law in India.
- A review of scholarly literature in peer-reviewed journals and India legal websites has also completed.

### 2.2. STATUTES & CONVENTIONS: OVERVIEW & KEY CHALLENGES

#### 2.2.1. INTERNATIONAL LAW STANDARDS RELATING TO HUMAN TRAFFICKING

A number of international instruments have a bearing on human trafficking. They are under categories of UN Conventions in general and international Labor Organization Conventions. In India, the Constitution states that the State shall endeavor to foster respect for international law

and treaty obligations.<sup>1</sup> However, unlike the United States where, if the government ratifies any convention, the provisions become enforceable immediately, in India, the mode of legislative ratification must be followed. This means that where the Government of India has ratified any Convention, all attempts are made to ensure that the provisions of that Convention are enshrined in domestic legislation that should be passed.<sup>2</sup> Since India is under a ‘dualist’ regime, obligations are not directly binding unless there is an explicit measure, through enactment of a statute, to internalize these obligations.<sup>3</sup>

Therefore, in India, the international conventions and laws are not very effective unless they have been translated into domestic laws, regardless of them having been signed and ratified by the Indian central government. Despite of this limitation, it is useful to look at the international law regime that exists because law enforcement agencies should make reference to these provisions where they deal with trafficking across borders. In addition, based on the international laws and conventions, NGOs and other civil society can push forward more feasible law enactment when they engage directly with law enforcement and the judiciary.

There is a wide range of conventions and treaties that are relevant to trafficking, yet some of their applicability for law enforcement officials is limited. It would be impossible and insensible to go into each of them. Therefore, we will briefly discuss those that have direct bearing on the issue of trafficking (see Table 1).

**Table 1: Relevant International Statutes for TIP in India**

<i>Relevant International Statutes for TIP in India</i>	
<b><i>The Forced Labor Convention of the International Labor Organization, 1930<sup>4</sup></i></b>	<p>This Convention defines the suppression of “forced or compulsory work” in all its forms.<sup>5</sup></p> <p>Forced labor is defined as ‘all work or service which is exacted from any person under the menace of any penalty and for which they said person has not offered him voluntarily.’</p> <p>India ratified the convention in 1954 and has incorporated many of its definitions into its national labor laws.</p>
<b><i>Convention for the Suppression of the Traffic in</i></b>	The Convention declares that the enslavement of women and children subjected to commercial sexual exploitation is incompatible with the

<sup>1</sup> Article 51(c).

<sup>2</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.136).

<sup>3</sup> National Law School of India University. (2000). *Handbook on Human Rights for Judicial Officers, NIHR* (p. 4). National Law School of India University, Bangalore.

<sup>4</sup> Entered into force on May 1, 1932, Articles: 2, 11. Retrieved January 28, 2010, from <http://www.unhchr.ch/html/menu3/b/31.htm>.

<sup>5</sup> ILO. (1930). *ILO Forced Labor Convention C29*.

<b><i>Persons and of the Exploitation of the Prostitution of Others, 1949</i></b> <sup>6</sup>	dignity and fundamental rights of the human person. <sup>7</sup> The states that signed and ratified this convention should prevent prostitution by education and improvement of the role of women in the society, and should curb the pornography industry and its trade through criminalization and punishment of all kinds of procurement.
<b><i>Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery, 1956</i></b> <sup>8</sup>	This convention resulted in an update of the 1926 Convention to Suppress the Slave Trade and Slavery preceded it.  The updated document included the criminalization of debt bondage, serfdom, servile marriage, and child servitude. <sup>9</sup>
<b><i>The International Covenant for Civil and Political Rights (ICCPR), 1966</i></b> <sup>10</sup>	The Covenant recognizes the all people' self-determination and includes Articles focusing on rights to physical integrity, liberty and security of persons, protection measures for children. It also bans on slavery and slave trade.
<b><i>The International Covenant for Economic, Social, and Cultural Rights, (ICESCR), 1966</i></b> <sup>11</sup>	The International Covenant on Economic, Social, and Cultural rights makes up the international Bill of Human Rights, by recognizing that the ideal of human beings to be free can be achieved only if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social, and cultural rights. <sup>12</sup>  Article 10.3 states that “special measures of protection and assistance should be taken on behalf of all children and young person without any discrimination for reasons of parentage or other conditions.  Children and young person should be protected from economic and social exploitation. Their employment in work harmful to their morals or health, or dangerous to life, or likely to hamper their normal development should be punishable by law.

<sup>6</sup> Entered into force on July 25, 1951, Articles 1, 2, 4, 16, 17 and 20. Retrieved January 29, 2010, from [http://www.unicri.it/www/trafficking/minors/docs\\_ilr/1949\\_Convention\\_Suppression\\_traffic.pdf](http://www.unicri.it/www/trafficking/minors/docs_ilr/1949_Convention_Suppression_traffic.pdf).

<sup>7</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.137).

<sup>8</sup> Entered into force on April 30, 1957 Articles: 1, 3, 6, 7. Retrieved January 29, 2010, from [http://www.unicri.it/www/trafficking/minors/docs\\_ilr/supplementary\\_convention\\_on\\_the\\_abolition\\_of\\_slavery.pdf](http://www.unicri.it/www/trafficking/minors/docs_ilr/supplementary_convention_on_the_abolition_of_slavery.pdf).

<sup>9</sup> (1956). *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*.

<sup>10</sup> Entered into force on March 23, 1976. Articles 8, 24. Retrieved January 29, 2010, from [http://www.unicri.it/www/trafficking/minors/docs\\_ilr/international\\_covenant\\_on\\_civil\\_and\\_political\\_rights.pdf](http://www.unicri.it/www/trafficking/minors/docs_ilr/international_covenant_on_civil_and_political_rights.pdf).

<sup>11</sup> Entered into force on January 3, 1976. Article 10.3 Retrieved January 29, 2010 from [http://www.unicri.it/www/trafficking/minors/docs\\_ilr/international\\_covenant\\_on\\_economic.pdf](http://www.unicri.it/www/trafficking/minors/docs_ilr/international_covenant_on_economic.pdf).

<sup>12</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.138).

States should also set age limits below which the paid employment of child labor should be prohibited and punishable by law.”

***The Convention on Elimination of all Forms of Discrimination against Women (CEDAW). 1979***<sup>13</sup>

The Convention is often described as the international bill of women’s rights.

<sup>14</sup>The Convention provides “the basis for realizing equality between women and men through ensuring women’s equal access to, and equal opportunities in, political and public life – including the right to vote and to stand for election – as well as education, health and employment.<sup>15</sup> States that have ratified or acceded to the Convention are legally bound to put its provisions into practice.

***The Convention on the Rights of the Child, 1989***<sup>16</sup>

The Convention provides rights to protect children from “neglect, exploitation and abuse.”<sup>17</sup>

Prior to or shortly after ratifying the Convention on the Rights of the Child, States are required to bring their national legislation into line with its provisions except where the national standards are already higher.<sup>18</sup> India agreed to “progressively” promote the banning of child labor over time.<sup>19</sup>

***The Optional Protocol to the Convention on the Right of the Child on the Sale of Children, Child Prostitution, and Child Pornography, 2000***

This recent protocol criminalizes specific acts relating to the sale of children, child prostitution and child pornography, including attempt and complicity.

It lays down minimum standards for protecting child victims in criminal justice processes and recognizes the right of victims to seek compensation.<sup>20</sup>

<sup>13</sup> Entered into force on September 3, 1981. Articles: 1, 3, 5, 6, 10, 11. Retrieved January 29, 2010, from [http://www.unicri.it/www/trafficking/minors/docs\\_ilr/1979\\_cedaw.pdf](http://www.unicri.it/www/trafficking/minors/docs_ilr/1979_cedaw.pdf).

<sup>14</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.138).

<sup>15</sup> Division for the Advancement of Women, Department of Social & Economic Affairs (United Nations). (2009). Retrieved January 29, 2010, from <http://www.un.org/womenwatch/daw/cedaw/>.

<sup>16</sup> Entered into force on September 2, 1990. Articles: 1, 11, 19, 32.1, 34, 35, 36. Ratified by all UN countries except Somalia and the United States of America. Retrieved October 11, 2009, from [http://www.unicri.it/www/trafficking/minors/docs\\_ilr/convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf](http://www.unicri.it/www/trafficking/minors/docs_ilr/convention_on_the_rights_of_the_child.pdf).

<sup>17</sup> UNICEF (2008). *Understanding the Convention on the Rights of the Child*. Retrieved October 11, 2009, from [http://www.unicef.org/crc/index\\_understanding.html](http://www.unicef.org/crc/index_understanding.html).

<sup>18</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.139).

<sup>19</sup> Government of India (1989). *Convention on the Rights of the Child*. Retrieved October 11, 2009, from <http://www.icrc.org/ihl.nsf/NORM/89344A93B401671EC1256402003F7C18?OpenDocument>.

<sup>20</sup> UNICEF (2009). *Handbook on the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography*. Retrieved October 11, 2009 from [http://www.unicef-irc.org/publications/pdf/optional\\_protocol\\_eng.pdf](http://www.unicef-irc.org/publications/pdf/optional_protocol_eng.pdf).

<b><i>U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Person, Especially Women and Children (Palermo), 2000</i></b>	<p>This is more commonly referred to as the “Palermo Protocol,” as it was signed there.</p> <p>It provides the most internationally accepted definition of trafficking in persons and calls upon states to implement legislation to fight trafficking and protect its victims.<sup>21</sup></p>
<b><i>The U.S. Trafficking Victims Protection Act, 2000</i></b>	<p>This law sets out minimum standards governments must follow to fight trafficking.</p> <p>While sanctions form part of the retaliation against underperformers, political considerations have prevented sanctions from being applied to India.<sup>22</sup></p>

**2.2.2. REGIONAL LAW STANDARDS RELATING TO HUMAN TRAFFICKING**

India ratified SAARC (South Asian Association for Regional Cooperation) Conventions in 2002, two of which are relevant for the present study on human trafficking (see Table 21).

**Table 2: Relevant Regional Statutes for TIP in India**

<b><i>Relevant Regional Statutes for TIP in India</i></b>	
<b><i>South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002</i></b>	<p>The scope of the first Convention is the further strengthening of existing arrangements on the protection of the rights of women and children in South Asia, and bringing to an end the illegal smuggling of women and children and commercial sexual exploitation in this region, to promote cooperation amongst Member States to effectively deal with various aspects of prevention, interdiction, and suppression of trafficking in women and children, repatriation and rehabilitation of victims of trafficking, and preventing the use of women and children in international commercial sexual exploitation networks, particularly where the SAARC Member Countries are the countries of origin, transit, and destination.<sup>23</sup></p> <p>However, this convention is limited only to trafficking of women and children for commercial sexual exploitation and not covers the other forms of trafficking or trafficking of men.</p>
<b><i>South Asian Association for</i></b>	The Convention focuses on child priority in national and regional

<sup>21</sup> United Nations. (2000).

<sup>22</sup> Skinner, B. (2008). *A Crime So Monstrous: Face to Face with Modern Day Slavery*. New York: Free Press.

<sup>23</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.140).

**Regional Cooperation  
(SAARC) Convention on  
Regional Arrangements for  
the Promotion of Child  
Welfare in South Asia, 2002**

programs of SAARC member states.

The Convention also aims to instigate regional cooperation on facilitating the safe development of children by understanding the rights of the South Asian child and creating appropriate arrangements for protecting them.<sup>24</sup>

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### 2.2.3. NATIONAL LAW STANDARDS RELATING TO HUMAN TRAFFICKING

The national provisions related to TIP are primarily from the Indian Penal Code (IPC) of 1860, the Indian Constitution of 1950, and the Immoral Traffic Prevention Act of 1956. The Indian Penal Code contains more than 20 provisions dealing with trafficking issues and imposes criminal penalties for offenders. The Constitution of India forbids trafficking in persons and reflects in various law/legislation and policy documents of the Government of India.<sup>25</sup> The Immoral Traffic Prevention Act (ITPA) acts as the main legislative tool for prevention and combating trafficking in India.

Besides, provisions such as the Bonded labor (Abolition) Act of 1976, the Child Labor (Prohibition and Regulation) Act of 1986, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989, the provisions of the Juvenile Justice Act of 2000, the Transplantation of Human Organs Act of 1994, Immigration (Carrier's Liability) Act of 2000, and the Prohibition of Child Marriage Act, 2006 also handle the relevant matters in human trafficking.

While many of the Indian government's acts criminalize the clients and profiteers of the trade, several do not define 'trafficking' per se in human beings.<sup>26</sup> Therefore, there is no established national guideline or standard for intervention or law enforcement in preventing human trafficking from occurring. Moreover, these laws are ineffectively enforced, and their prescribed penalties—on average, a maximum of three years in prison—are not sufficiently stringent.<sup>27</sup> There has been "little progress in addressing bonded labor" through existing statutes.<sup>28</sup>

Additionally, the fact that the issue of trafficking is captured by over 15 various statutes increases the frequency of confusion amongst an already overwhelmed law enforcement sector, and means that there is spotty implementation of the laws since various law enforcement officials have differing knowledge bases.

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<sup>24</sup> Ibid.

<sup>25</sup> Episcopal Life. (2009). *Human Trafficking: India in Focus*. Retrieved February 3, 2010, from [http://www.episcopal-life.org/documents/Country\\_Report\\_India.pdf](http://www.episcopal-life.org/documents/Country_Report_India.pdf).

<sup>26</sup> Ibid.

<sup>27</sup> US Department of State. (2009). *Trafficking in Persons Report: India*. Retrieved February 4, 2010, from <http://www.unhcr.org/refworld/publisher,USDOS,,IND,4a4214b4c,0.html>.

<sup>28</sup> Ibid.

As identified by the 2009 Trafficking in Persons Report, “most of the provisions of the law remain unenforced and unimplemented.”<sup>29</sup> Lastly, gendered-acts of violence against women are under-prioritized in India.

“Despite several steps being taken by the State Governments, the picture still is very grim and disappointing. Complaints are still being received regarding non-registration of FIRs and unsympathetic attitude of police personnel towards rape victims and victims of violence. The reports of the inquiries conducted by the [National] Commission [for Women] in specific incidents indicate that the level of sensitiveness and care with which crime against women should be handled is not up to the desired level.”<sup>30</sup>

**Table 3: Relevant National Statutes for TIP in India**

<i>Relevant National Statutes for TIP in India</i>	
<b><i>Indian Penal Code (IPC), 1860</i></b>	<p>Under the Penal Code, there are at least 20 provisions that link to trafficking. As aforementioned, law enforcement often does not effectively employ all of the relevant provisions, reducing the likelihood that traffickers will be prosecuted, convicted, and sentenced appropriately.</p> <p>“As a typical example, under the Indian Penal Code, a trafficked girl child has been subjected to a multitude of violations. She has been:</p> <ul style="list-style-type: none"> <li>○ Displaced from her community, which is tantamount to kidnapping/abduction (Sections 361, 362, 365, 366 IPC may apply).</li> <li>○ Procured illegally (S.366 A IPC).</li> <li>○ Sold by somebody (S.372 IPC).</li> <li>○ Bought by somebody (S.373 IPC).</li> <li>○ Imported from a foreign country (if she hails from a foreign country, or even from J &amp; K State, and is under 21 years of age (S.366 B IPC).</li> <li>○ Wrongfully restrained (S.339 IPC).</li> <li>○ Wrongfully confined (S 340 IPC).</li> <li>○ Physically tortured/injured (S.327, 329 IPC).</li> <li>○ Subjected to criminal force (S. 350 IPC).</li> <li>○ Mentally tortured/harassed/assaulted (S. 351 IPC).</li> <li>○ Criminally intimidated (S.506 IPC).</li> <li>○ Outraged of her modesty (S 354 IPC).</li> <li>○ Raped/gang raped/repeatedly raped (S 375 IPC).</li> <li>○ Subjected to perverse sexual exploitation (‘unnatural offences’) (S.377 IPC).</li> <li>○ Defamed (S 499 IPC).</li> </ul>

<sup>29</sup> Ibid.

<sup>30</sup> Press Information Bureau: Government of India. (2009). *Drive against Human Trafficking and Crime against Women to be intensified: Ajay Maken/ MHA issues Advisories in this regard to States/UTs*. Retrieved February 6, 2010, from <http://pib.nic.in/release/release.asp?relid=52750&kwd=>

- Subjected to unlawful compulsory labor (S.374 IPC).
- Victim of criminal conspiracy (S 120 B IPC).

This list is only illustrative and not exhaustive. Undoubtedly, in every case, the trafficked person is a victim of at least one or more of the violations listed above.<sup>31</sup>

***The Indian Constitution, 1950***

The Constitution of India prohibits trafficking under Article 23. Specifically, it prohibits “traffic in human beings and beggar and other similar forms of forced labor.”<sup>32</sup>

While its inclusion in the Constitution can be viewed as progressive, there are several anti-trafficking advocates that claim that the “prohibitionist model” further victimizes the victims of trafficking, especially for those engaged in commercial sexual exploitation.

“The prohibitionist model has failed to protect sex workers, who are driven underground by clients wanting to avoid the police. Sex workers are known to have experienced loss of control over their working conditions and, as a result, have become vulnerable to violence, exploitation by pimps and to sexually transmitted diseases and HIV infection.”<sup>33</sup>

***The Immoral Traffic Prevention Act, 1956***

The main outrage of the ITPA is that it allows for the arrest of those engaging in acts of prostitution (“seducing or soliciting for the purpose of prostitution”) under Sec. 8.

- “Studies reveal that...most of the cases registered have been against women under Section 8 dealing with “seducing or soliciting for the purpose of prostitution”. The consequence is that victims of trafficking, rather than traffickers, constitute the largest number of arrestees. The usage of the law’s provisions against traffickers or brothel owners, landlords and clients has been minimal by comparison...While several major cities, including New Delhi, Mumbai, Hyderabad and Chennai have developed and are enforcing “no Section 8 arrest policies”, women and children victims of trafficking continue to be re-victimised by Section 8 ITPA arrests in other parts of India.”<sup>34</sup>

<sup>31</sup> Nair, P.M. (2007). *Handbook for Law Enforcement Agencies in India*. Retrieved February 3, 2010 from <http://www.apneaap.org/policy-work/our-resources/best-practices/handbook-law-enforcement-agencies-india-drpm-m-nair> (p. 6).

<sup>32</sup> Article 23, Constitution of India.

<sup>33</sup> Bahuguna, N. (2005). *From Frying Pan to Fire*. Retrieved February 2, 2010, from <http://boloji.com/wfs5/wfs517.htm>.

<sup>34</sup> UNODC. (2005). *Project Summary: Strengthening the law enforcement response in India against trafficking in persons and sex tourism in key states and cities through training and capacity building*. Retrieved February 6, 2010, from [http://www.unodc.org/india/ind\\_s16.html](http://www.unodc.org/india/ind_s16.html).

- Moreover, sex workers have been found to get the maximum number of arrests and convictions under the ITPA, since they “have very little social or legal protection.”<sup>35</sup>

Additionally, there is no role for Department of Women and Child Development, or any other departments, to monitor the enforcement of the ITPA.

While trafficking crimes under the ITPA are cognizable (i.e. officers can make arrests without obtaining a warrant), only certain police officers (“Special Police Officers”, under Sec. 13) (SPOs) can do this and there must be female officers and witnesses present. The concept of “Special Police Officers” adds another level of bureaucracy to the anti-trafficking struggle and increases the likelihood of lost opportunities to arrest traffickers since SPOs are not always available or present in patrols.

The ITPA also allows for special courts to be set up for the purpose of trafficking cases. “To date, none of these provisions have been enacted either by the state or central governments. This makes the trial process in trafficking cases unnecessarily lengthy, and the end result is low conviction rates.”<sup>36</sup>

According to the Lawyers Collective, the “ITPA has created conditions that are antithetical to effective AIDS prevention programs in sex work. Fear of arrest and intrusion by police make it difficult for transactors to negotiate condom use and safer sex. Attempts to close down brothels in some cities have disrupted delivery of HIV prevention services thereby endangering public health. To illustrate, in 2003 in Surat, Gujarat, the Police Commissioner invoked ITPA and other supplementing legislations to evict 600 sex workers from the Chakla Bazar red light area. As a result of police raids, the government run HIV prevention program among sex workers witnessed a decline in delivery of condoms and a concomitant rise in prevalence of sexually transmitted infections.”<sup>37</sup>

In 2005/2006, the government did make a strong push to change the ITPA. Specifically, it introduced the “The Immoral Traffic Prevention Amendment Bill” of 2006.” The bill included the removal of Sec. 8 and the new inclusion of a Sec. 5C “that penalizes persons visiting brothels.”<sup>38</sup> These amendments, surprisingly for government, were criticized by some elements of the anti-trafficking community and from

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<sup>35</sup> Lawyer’s Collective. (2003). *Traffic in persons for commercial sexual exploitation: Legislation, role and effectiveness of the law enforcement and law adjudication machinery*. Retrieved January 29, 2010, from <http://www.unifem.org.in/antitafficking.html>.

<sup>36</sup> Human Rights Law Network. (2007). *PRERANA vs. Union of India & others*. Retrieved February 6, 2010, from [http://www.hrln.org/hrln/index.php?option=com\\_content&view=article&id=551:prerana-vs-union-of-india-a-others-&catid=142:pils-a-cases-&Itemid=169](http://www.hrln.org/hrln/index.php?option=com_content&view=article&id=551:prerana-vs-union-of-india-a-others-&catid=142:pils-a-cases-&Itemid=169).

<sup>37</sup> Lawyer’s Collective. (2003). *Traffic in persons for commercial sexual exploitation: Legislation, role and effectiveness of the law enforcement and law adjudication machinery*. Retrieved January 29, 2010, from <http://www.unifem.org.in/antitafficking.html>.

<sup>38</sup> *Ibid.*

supporters of sex workers' rights.

Sex workers argued that the introduction of Sec. 5C compromised their ability to make a living to provide for their families. Moreover, the Lawyers Collective argued that increased arrests of clients would drive the industry further underground, amplifying existing issues with HIV/AIDS prevention and treatment.

The secretary of HELP also pointed out that this Act does not make mandatory provisions for setting up of special institutions (such as special courts, special police or special home). It also does not properly handle varied and complex issues in the context of trafficking, which need to be tackled effectively; commercial sexual exploitation today is not purely brothel based; it is based spreading everywhere-residential areas, hotels, clubs, and so on.

Moreover, with the advancement of newer technologies and changing global scenario, sex trade has emerged in diverse forms. Menace of HIV/AIDS and increasing number of young girls/children being trafficked or sex in trade, cross-border trafficking, and so on, are some of the compelling issues that have necessitated the amendment to ITTPA.<sup>39</sup>

***The Bonded Labor (Abolition) Act, 1976***

The Act prohibits anyone from making any advance or compelling any person to render any bonded labor, and states further that any agreement or custom requiring any person to do work as a bonded laborer is void and provides for punishment for anyone who compels any person to render bonded labor or even advance any bonded debt.<sup>40</sup> Punishment in both cases of enforcing bonded labor and advancing bonded debt is imprisonment up to three years and fine up to two thousand rupees.

The bonded laborers are to be treated as victims and not offenders.

***The Child Labor (Prohibition and Regulation) Act, 1986***

The Child Labor Act defines a 'child' to be a person who is under 14 years of age and lays down the industries in which children should not be employed apart from laying down a few safety measures and other requirements which shall be met irrespective of what is stated in the other labor legislations.<sup>41</sup>

However, this Act does not apply to any employment that is undertaken with the help of family members in one's own residence.<sup>42</sup> Any person, police officer, or (Labor) Inspector may file a complaint of the

<sup>39</sup> Taken from the interview with Ramamohan NVS. from HELP

<sup>40</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking (p.99)*.

<sup>41</sup> Ibid, pg 98.

<sup>42</sup> Section 3 Provision.

commission of an offence under this Act in a court not lower than Metropolitan Magistrate or a Magistrate of the First Class<sup>43</sup>.

The trafficked children are to be treated as victims and to be protected under the Juvenile Justice Act, 2000. The Act provides for penalties to the employer if children are proved to be employed in prohibited employments.

***The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989***

Many victims are from the marginalized groups because traffickers are targeting on vulnerable people in socially and economically.

This Act provides an additional tool to safeguard women and young girls belongs to Scheduled Caste and Scheduled Tribes and also to create a greater burden on the Trafficker/offender to prove his lack of complicity in the matter.<sup>44</sup>

This can be effective if the offender know the status of victims. It specifically covers certain forms of trafficking; forced or bonded labor (clause vi) and sexual exploitation of women (clause xi, xii).

A minimum punishment of six months is provided and that could be extend up to five years in any offence covered Sec. 3.

***Transplantation of Human Organs Act, 1994***

This Act deals with criminal responsibility in cases of harvesting of organs and trafficking of persons for this purpose includes traffickers, procurers, brokers, intermediaries, hospital/ nursing staff and medical laboratory technicians involved in the illegal transplant procedure.<sup>45</sup>

Sec 11 declares prohibition of removal or transplantation of human organs for any purpose other than therapeutic purposes, and Sec 19 clarifies that it punishes those who seek willing people or offer to supply organs; it should be punishable with imprisonment for a term which should not be less than two years but which may extend to seven years, and should be liable to fine which should not be less than ten thousand rupees but may extend to twenty thousand rupees.

***The Juvenile Justice Act, 2000***

A juvenile or child means a person who is under eighteenth years of old. It prohibits the exploitation of Juvenile or child employee; no person must procure a Juvenile or child for the purpose of any hazardous employment by any means. It includes any forms of forced labor and sexual exploitation. The provision can be used against people who traffic children for the purpose of labor and against those who employ such

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<sup>43</sup> Section 16(l).

<sup>44</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.19).

<sup>45</sup> Ibid pg 125.

trafficked children.<sup>46</sup>

Chapter Three of the Act deals with children requiring care and protection. It is essential that law enforcement agencies should ensure that victimized children must not be accused nor be arrested and they must be produced before the Child Welfare Committee (CWC).<sup>47</sup>

A minimum imprisonment for a term is provided for the offender which may extend to six months, or fine, or with both.

***Immigration (Carrier's Liability) Act, 2000***

Immigration Act can be used to prosecute the persons who are involved in the illegal transport of human being from other countries.

In its definition, 'Carrier' means a person who is engaged in the business of transporting passengers by water or air and includes any association of persons, whether incorporated or not, by whom the aircraft or the ship is owned or chartered. This Act applies only to carriers by air or by sea.

The carrier may be punished by the competent authority under the Passport Act by imposing a penalty of one hundred thousand rupees.

***The Prohibition of Child Marriage Act, 2006***

This Act declares that marriage of a minor child to be void in certain circumstances; Sec 12 defines that marriage where the minor has been taken out of lawful guardianship, or been by force compelled, or been by any deceitful means induced to go from any place should be prohibited, and any marriage after the minor is sold or trafficked, or used for immoral purposes should be also null and void.

Child Marriage Prohibition Officers are notified by the State Government and such Officers have the duty of preventing child marriages as well as collection of evidence for prosecution (Sec 16)

However, there is no specific section for the punishment.

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#### 2.2.4. STATE LAW STANDARDS RELATING TO HUMAN TRAFFICKING

There are two state laws that deal with human trafficking; Maharashtra Control of Organized Crime Act, 1999 and the Goa Children's Act, 2003. Both handle a specific focus amongst trafficking forms; therefore, they have shortcomings that cover limited areas in human trafficking. As the national laws, the law enforcement is not sufficiently stringent.

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<sup>46</sup> Ibid pg 20.

<sup>47</sup> Ibid.

**Table 4: Relevant State Statutes for TIP in India**

<i>Relevant State Statutes for TIP in India</i>	
<b><i>Maharashtra Control of Organized Crime Act, 1999</i></b>	<p>Trafficking is a crime that involves a number of traffickers; they generally operate as a network; therefore, it is imperative to perceive trafficking as an organized Crime.</p> <p>The State of Maharashtra enacted the special state law in 1999 to prevent this organized crime.</p> <p>‘Organized crime’ is defined in Section 2(e) of the Maharashtra Control of Organized Crime Act 1999(MCOCA): “Any continuing unlawful activity by an individual singly or jointly, either as a member of an organized crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any other person or promoting insurgency”.</p> <p>This is very broad definition and includes all illegal activity by an organized crime and from the Sec 3, any person who is a member of an organized crime syndicate shall be punishable with imprisonment for a term at a minimum which may extend to imprisonment for life and shall also be liable to a fine, subject to minimum fine of five hundred thousand rupees.</p> <p>In India, currently, they do not have specific central legislation that deals with organized crime. Two relevant law dealing with organized crime— Prevention of Terrorism Act, 2002 and Terrorist and Disruptive Activities (Prevention) Act, 1987— were repealed; therefore, they are no longer applicable. Other provisions in law that can be invoked to deal with organized crime fall under the Indian Penal Code and the Prevention of Corruption Act, 1988.<sup>48</sup></p>
<b><i>The Goa Children’s Act, 2003</i></b> <sup>49</sup>	<p>The Goa Children’s Act was “established to promote and preserve the best interest of Children in Goa and to create a child friendly society that is proud to be child friendly.” It declares that the State of Goa shall prohibited any forms of child abuse, child labor, child’s sexual exploitation and child’s organ trading (Sec 7,8,9,10,11,12).</p>

<sup>48</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.21);

<sup>49</sup> Government of Goa. (2003). *Goa Children’s Act*. Retrieved February 5, 2010, from [goagovt.nic.in/documents/goachildact2003.pdf](http://goagovt.nic.in/documents/goachildact2003.pdf).

It also contains provisions with respect to the custom of dedication.<sup>50</sup> The State should create the Children’s Fund for raising and coordinating resources for achieving the purposes of this Act (Sec 13).

The Competent Authority should have the power to impose penalties for any violation ranging from Rs. 100/- to Rs. 50,000/- on every occasion. And specifically, a person responsible for the dedication shall be punished with a maximum of 3 years imprisonment and fine of Rs. 2000/- (Sec. 9 (7)).

Penalties are enhanced under the Act, if the dedication is made by a parent, guardian or relative of the child (Sec. 9 (8) - Imprisonment of not less than 2 years and extendable to 5 years and fine between Rs. 2000/- up to Rs. 5000/-).

### 2.3. INSTITUTIONS: ROLES AND CHALLENGES

The following table outlines the various roles of key institutions and reviews the challenges facing each component with respect to prosecution of trafficking.

**Table 5: Roles, Responsibilities, and Challenges of Institutions Supporting the Legal Framework**

<i>Roles, Responsibilities, and Challenges of Institutions Supporting the Legal Framework</i>		
<b><i>Institution</i></b>	<b><i>Role</i></b>	<b><i>Challenges</i></b>
<b><i>Central Government</i></b>	<ul style="list-style-type: none"> <li>▪ The India central government is in charge of ratifying the international, regional and national laws relating to human trafficking issues and conducts information and education campaigns against human trafficking.</li> <li>▪ In late 2008 the central government completed its 18-month long consultation process with the Ministry of Women and Child Development, Ministry of Home Affairs, National Human Rights Commission and National Commission for Women have decided to work in unison and draw up an Integrated Plan of Action to Prevent and Combat Human Trafficking with Special</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Central government does not have direct responsibility for law enforcement. “States under the Indian Constitution have the primary responsibility for law enforcement and state-level authorities are limited in their abilities to effectively confront interstate and transnational trafficking crimes.”<sup>53</sup></li> <li>▪ There is a certain level of fragmentation of efforts at the central government level because of the many ministries that have a vested interest in trafficking (i.e. Ministry of Women and Child Development, the Ministry of Labor, the Ministry of Home Affairs, Ministry of Health and Family Welfare, and the Ministry of Tourism). In addition to a multitude of separate anti-trafficking programs are several separate anti-trafficking plans of action documents from the various ministries.</li> </ul>

<sup>50</sup> UNODC, Government of India. (2008). *Resource Book on the Legal Framework on Anti Human Trafficking* (p.70).

<sup>53</sup> US Department of State. (2009). *Trafficking in Persons Report: India*. Retrieved February 4, 2010, from <http://www.unhcr.org/refworld/publisher,USDOS,,IND,4a4214b4c,0.html>.

Focus on Children and Women, and in January 2009, the central government approved a nationwide model that merges its national educational and poverty alleviation programs together to combat child labor.<sup>51</sup>

- The central government has also allocated \$18 million to the Ministry of Home Affairs to create 297 anti-human trafficking units across the nation to train and sensitize law enforcement officials.<sup>52</sup>

- While there are several programs being led by the central government, their resource allocations place the efficacy of such programs in question. For instance, the “September 2006, the Indian government responded to the trafficking issue by creating a central anti-trafficking law enforcement “nodal cell.” The nodal cell is a federal *two-person department* responsible for collecting and performing analysis of data related to trafficking, identifying the causes of the problem, monitoring action taken by state governments, and holding meetings with state-level law enforcement.”<sup>54</sup>
- The national government provides far too many policy prescriptions for state governments. In an August 2009 meeting of nodal officers, more than 34 recommendations were passed onto states to curb crimes against women and trafficking. With such an abundance of recommendations, priority areas/action steps may be unclear to state governments.<sup>55</sup>
- Government-run/government-supported shelters are notoriously under resourced and not victim-friendly. According to a 2003 study from the Lawyers Collective, many victims erroneously thought they were being kept in the shelters because “cases had been lodged against them during the course of the raids...Most inmates were unaware of the fact that they were being detained to nab the people who had trafficked them.”<sup>56</sup>
- The government's monitoring and evaluation of trafficking is still in its nascent stages.
- “The central government’s National Crime

<sup>51</sup> Episcopal Life. (2009). *Human Trafficking: India in Focus*. Retrieved February 3, 2010, from [http://www.episcopal-life.org/documents/Country\\_Report\\_India.pdf](http://www.episcopal-life.org/documents/Country_Report_India.pdf).

<sup>52</sup> Episcopal Life. (2009). *Human Trafficking: India in Focus*. Retrieved February 3, 2010, from [http://www.episcopal-life.org/documents/Country\\_Report\\_India.pdf](http://www.episcopal-life.org/documents/Country_Report_India.pdf).

<sup>54</sup> US Department of State. (2007). *Trafficking in Persons Report: India*. Retrieved February 4, 2010, from <http://www.unhcr.org/refworld/publisher,USDOS,,IND,4a4214b4c,0.html>.

<sup>55</sup> Press Information Bureau: Government of India. (2009). *Drive against Human Trafficking and Crime against Women to be intensified: Ajay Maken/ MHA issues Advisories in this regard to States/UTs*. Retrieved February 6, 2010, from <http://pib.nic.in/release/release.asp?relid=52750&kwid=>

<sup>56</sup> Lawyer’s Collective. (2003). *Traffic in persons for commercial sexual exploitation: Legislation, role and effectiveness of the law enforcement and law adjudication machinery (p. 8)*. Retrieved January 29, 2010, from <http://www.unifem.org.in/antitafficking.html>.

	<p>Records Bureau provided limited comprehensive data, compiled from state and union territory governments, on actions taken against sex trafficking offenses in 2007. The 2007 data indicated that 4,087 cases were registered (investigations started), which likely includes sex trafficking cases referred to courts for prosecution as well as cases investigated and closed without such referrals. This data did not include reported prosecutions and convictions. Data for 2008 will not be available until 2010.”<sup>57</sup></p>	
<p><b>State Governments</b></p>	<ul style="list-style-type: none"> <li>▪ The Indian State governments are responsible for ratifying national laws relating to the human trafficking issues at the state level; moreover, they make their own state laws to prevent human trafficking in their states.</li> <li>▪ They are in charge of law enforcement.</li> <li>▪ The protection efforts of each state are varied from state to state. They are running the shelter homes with annual budgets in all major cities;</li> <li>▪ Mainly, the Ministry of Women and Child Development of each state works for the prevention, rescue, rehabilitation, and reintegrating of sex trafficking victims under Ujjawala program.</li> <li>▪ The state governments make efforts to combat human trafficking by running committee in collaboration with other key stakeholders such as NGOs, Police and Civil Society.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Given the state government's central role in prosecution and law enforcement regarding trafficking, their resources are not allocated appropriately. Generally, state governments were engaged in much more prevention and protection work than in improving the rates of prosecution. This sentiment was echoed by the Trafficking in Persons Report 2009: "State governments continued to demonstrate efforts to address forced child labor, but failed to punish most traffickers.”<sup>58</sup></li> <li>▪ State government have also failed to effectively utilize provisions under the ITPA that allow them to establish special courts for the sole purpose of trying trafficking cases.</li> <li>▪ State governments, with the exception of Andhra Pradesh, have failed to establish compensation schemes for victims of trafficking.</li> </ul>
<p><b>Police</b></p>	<ul style="list-style-type: none"> <li>▪ The police are centrally accountable for law enforcement in human trafficking and, often, are the first individuals victims come into contact with after being rescued.</li> <li>▪ They are obliged to protect victims until they are sent to their family or shelters.</li> <li>▪ The police’s willingness and</li> </ul>	<ul style="list-style-type: none"> <li>▪ Police do not prioritize trafficking as an offence. According to UNODC, in 2005, “an NHRC study on trafficking interviewed 852 police officers (117 senior and 735 investigating officers) and found that over 80 per cent attach either 'nil' or 'low' priority to the issue of trafficking. Forty per cent of officers surveyed had not even heard of the concept of trafficking while only 7 per cent had received any kind of</li> </ul>

<sup>57</sup> US Department of State. (2009). *Trafficking in Persons Report: India*. Retrieved February 4, 2010, from <http://www.unhcr.org/refworld/publisher,USDOS,,IND,4a4214b4c,0.html>.

<sup>58</sup> Ibid.

efforts to combat human trafficking are essential to solve human trafficking problems.

training on the subject.”<sup>59</sup>

- Typically, police officers do not utilize the many violations/statutes that traffickers can be charged under. If properly trained they could even use particular anti-trafficking laws that allow for substantive punishments. Under the Indian Penal Code alone there are 17 offences that are trafficking related.
- Even more egregious, lack of sensitivity to the plight of trafficking leads to police using the ITPA against the victims, not the traffickers. From 1997-2002, in the South Region of Mumbai (near red-light districts), 76.5 percent of all arrests fell under Sec. 8 of the ITPA, which criminalizes prostitution. While recent training programs have decreased the frequency of Sec. 8's use, it is still widely used.<sup>60</sup>
- Police, while making some gains in protection and capacity-building, are not doing an adequate job of registering cases and conducting thorough investigations, making the judicial process very easy for traffickers to evade or manipulate with the purpose of gaining an acquittal.
  - “In Andhra Pradesh, Bihar, Maharashtra, Goa, and West Bengal (with a combined population of 360 million people), government officials registered 964 sex trafficking cases, conducted 379 rescue operations, helped rescue 1,653 victims, arrested 1,970 traffickers (including 856 customers), **convicted [only] 30 sex traffickers**, helped rehabilitate 876 sex trafficking victims, and trained 13,490 police officers and prosecutors.” (emphasis added)<sup>61</sup>
  - In Mumbai, authorities prosecuted 10 sex trafficking

<sup>59</sup> UNODC. (2005). *Project Summary: Strengthening the law enforcement response in India against trafficking in persons and sex tourism in key states and cities through training and capacity building*. Retrieved February 6, 2010, from [http://www.unodc.org/india/ind\\_s16.html](http://www.unodc.org/india/ind_s16.html).

<sup>60</sup> Lawyer's Collective. (2003). *Traffic in persons for commercial sexual exploitation: Legislation, role and effectiveness of the law enforcement and law adjudication machinery*. Retrieved January 29, 2010, from <http://www.unifem.org.in/antitafficking.html>.

<sup>61</sup> US Department of State. (2009). *Trafficking in Persons Report: India*. Retrieved February 4, 2010, from <http://www.unhcr.org/refworld/publisher,USDOS,,IND,4a4214b4c,0.html>.

		<p>cases but <b>obtained no convictions in 2008</b>. In Andhra Pradesh, courts convicted and sentenced eleven traffickers to imprisonment for 10 to 14 years.” (emphasis added)<sup>62</sup></p> <ul style="list-style-type: none"> <li>Police are widely known to be corrupt. In the Lawyers Collective’s 2003 report, 100 percent of respondents had “been victims of police corruption.” Corruption included the taking of bribes, even during raids, and even assisting in trafficking victims themselves.<sup>63</sup></li> </ul>
<p><b>Courts</b></p>	<ul style="list-style-type: none"> <li>Courts deal with the legal cases of human trafficking as major law enforcement actors.</li> <li>Courts are obliged to protect victims in collaboration with police during the trials.</li> </ul>	<ul style="list-style-type: none"> <li>Courts are overwhelmed with cases, allowing some trafficking cases to linger on for years, even decades. “As per the information available [in December 2009], 31,139,022 cases were pending in the courts in the country.”<sup>64</sup></li> <li>According to a 2005 study on corruption in the Indian judiciary, a Supreme Court judge felt that “six times more judges are needed for expediting the pending cases and supporting the present system.”<sup>65</sup></li> <li>79 percent of individuals in the same study felt that the judiciary was corrupt.<sup>66</sup></li> <li>The corruption of the judiciary is manifested in several ways: <ul style="list-style-type: none"> <li>“Inducements to court officials to lose files; delaying cases or assigning them to corrupt judges; lack of public access to court proceedings; unusual variations in sentence; delays in delivery of judgments; and prolonged service in a particular judicial station.”<sup>67</sup></li> </ul> </li> </ul>
<p><b>Non-governmental Organizations</b></p>	<ul style="list-style-type: none"> <li>NGOs work to help the victims of trafficking by providing protection, prevention, prosecution, rescue, and rehabilitation programs.</li> </ul>	<ul style="list-style-type: none"> <li>From several of the interviews, it was clear that it is nearly impossible for NGOs to take action on their own in the area of prosecution and rescues.</li> <li>Focusing an NGO’s resources specifically</li> </ul>

<sup>62</sup> Ibid.

<sup>63</sup> Lawyer’s Collective. (2003). *Traffic in persons for commercial sexual exploitation: Legislation, role and effectiveness of the law enforcement and law adjudication machinery*. Retrieved January 29, 2010, from <http://www.unifem.org.in/antitafficking.html>.

<sup>64</sup> ThaIndian.com. (2009). 31,139,022 cases pending in Indian courts. Retrieved January 28, 2010, from [http://www.thaindian.com/newsportal/uncategorized/31139022-cases-pending-in-indian-courts\\_100290788.html](http://www.thaindian.com/newsportal/uncategorized/31139022-cases-pending-in-indian-courts_100290788.html).

<sup>65</sup> Center for Media Studies. (2005). *India Corruption Study 200 to Improve Governance. Transparency International India*. Retrieved February 10, 2010, from [www.cmsindia.org/cms/events/judiciary.pdf](http://www.cmsindia.org/cms/events/judiciary.pdf).

<sup>66</sup> Ibid.

<sup>67</sup> Center for Media Studies. (2005). *India Corruption Study 200 to Improve Governance. Transparency International India*. Retrieved February 10, 2010, from [www.cmsindia.org/cms/events/judiciary.pdf](http://www.cmsindia.org/cms/events/judiciary.pdf).

**(NGOs)**

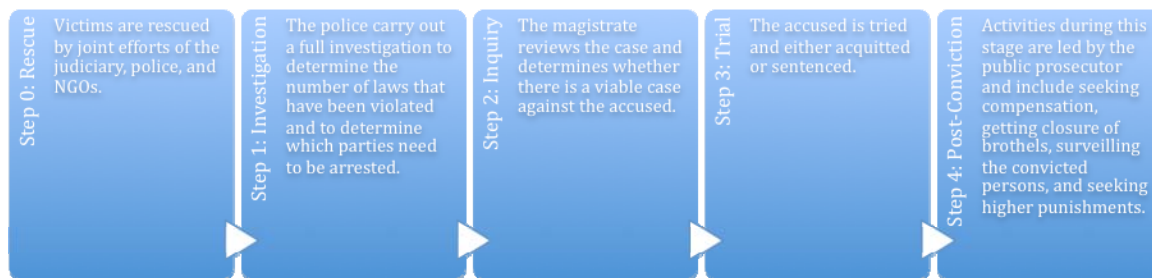
- NGOs collaborate with the state government, other NGOs and law enforcement players to combat trafficking.
- Some major International NGOs such as UNODC, UNIFEM and UNICEF fund the projects or programs of anti-trafficking to the Indian State government and other NGOs.
- Most NGOs in India have difficulty in working because of insufficient human resources, technical supports and fund raising.

towards prosecution is difficult since conviction rates are so low and cases so long in duration.

## 2.4. PROCEDURES & PROCESS

India's criminal procedure is informed by the Code of Criminal Procedure, 1973 (the CrPC). There are three main stages: investigation; inquiry, and trial.<sup>68</sup> In addition, because trafficking places victims in such a precarious situation, the legal framework allows for rescues to take place before a formal investigation is started. Moreover, once a judgment has been reached in a case, it is the job of the prosecutor to follow up on items like compensation, victim rehabilitation, and surveillance of the convicted person. Therefore, there are five identified stages in the judicial process (see Figure 1).

**Figure 1: Judicial Process for Trafficking Cases**



### 2.4.1. STEP 0: RESCUE

Law enforcement can be made aware of trafficking crimes and take action in two different ways.

- The ITPA (1956) authorizes both Judicial Magistrates (MM or JM) and Executive Magistrates (DM or SDM) to order rescues and subsequent investigations. In the event that a rescue is

<sup>68</sup> Asian Legal Resource Center. (2008). *Judicial Delays to Criminal Trials in Delhi. Article 2 of the International Covenant on Civil and Political Rights*. Vol 7:2, (p. 9).

ordered by a magistrate, any “experienced” police officer can orchestrate the rescue. Magistrates can take action based on information from any source, including police, NGOs, civilians, and government employees.

- It is also important to note that, under ITPA (1956), Special Police Officers are able to “search without warrant and carry out rescues.”<sup>69</sup> A Special Police Officer (SPO) is “a police officer appointed by or on behalf of the State Government to be in charge of police duties within a specified area for the purpose of [the ITPA].”<sup>70</sup>

During rescues, it is expected that police also confiscate all material evidence from the scene of the crime so that it is not destroyed later on by the offenders.

After a rescue, there are three immediate options:

1. If the rescue is concluded during daytime office hours, victims are to be taken to a Magistrate or the Child Welfare Committee (for minors, in accordance with the JJ Act). From there, victims will be placed in a protective home.
2. Otherwise, victims can be taken to a local police station. However, the victims cannot be kept with offenders, in a public area, or stay at the police station overnight. In the event that a Magistrate or Child Welfare Committee does not become available throughout the course of the day, the victim should be taken to a protective home.
3. Finally, in the event that the rescue concludes outside of working hours, the victims should be taken directly to a protection home. A victim can be kept at a home for a maximum period of 10 days after a rescue before he/she must be presented to a Magistrate or the Child Welfare Committee.<sup>71</sup>

In the event that a victim identifies their “original” home, the ITPA “calls for home verification to verify whether the original home of the rescued person is safe enough for them to return.”<sup>72</sup> In addition, victims must be provided legal representation by public prosecutors under Indian law (see *Delhi Domestic Working Women’s Forum vs UOI, 1995*). And, while victims can have private lawyers, these private services still must function under the advisement of the public prosecutor (the CrPC, Sec. 301(2)).<sup>73</sup>

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#### 2.4.2. STEP 1: INVESTIGATION

Investigations are started by the recording of a First Information Report (FIR) by a police officer. FIRs are the formal registering of the crime(s) that has been committed. It is encouraged that the FIR be based on a statement given by a trafficked victim; however, in the event that said victim is

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<sup>69</sup> Nair, P.M. (2007). *Handbook for Law Enforcement Agencies in India* (p. 14). Retrieved February 3, 2010, from <http://www.apneaap.org/policy-work/our-resources/best-practices/handbook-law-enforcement-agencies-india-drpm-m-nair>.

<sup>70</sup> ITPA, 1956, Sec. 1.

<sup>71</sup> Sec. 17 of the ITPA.

<sup>72</sup> Nair, P.M. (2007). *Handbook for Law Enforcement Agencies in India* (p. 47). Retrieved February 3, 2010, from <http://www.apneaap.org/policy-work/our-resources/best-practices/handbook-law-enforcement-agencies-india-drpm-m-nair>.

<sup>73</sup> Ibid pg 44.

unable to give a statement, the police officer can be the complainant. If it is clear that an offence has been committed and a rescue has not already taken place, then the officer in charge or the SPO must go to the referenced location in the FIR, investigate the situation, and make arrests and rescues where necessary. Private persons are also able to make arrests of traffickers according to the CrPC (Sec. 43).

Since trafficking is a dynamic process in that, often, the sourcing, transit, and destination of victims takes place in several jurisdictions, multiple FIRs can be registered. However, Dr. P.M Nair asserts, “the best situation would be to have the FIR at one of the two places and, thereafter, the investigation should cover the entire spectrum of the offences from its origin to the last part.”<sup>74</sup> When there are multiple FIRs, then the officers are expected to work together during the investigation process in order to avoid technical issues like double jeopardy.

Based on this investigation, the officer decides whether a crime has been committed and writes a formal charge-sheet if the evidence points to clear violations of law. Regardless of whether a charge-sheet is written or not, the officer is obliged to write a report on the incident that is then given to the magistrate to determine next steps.

According to the ITPA (1956), both rescues and subsequent interviews must be “carried out by a female police officer or in the presence of a female NGO worker.”<sup>75</sup> Interviews for FIR should be given in a “place of their choice” for female witnesses and/or victims.<sup>76</sup> Moreover, female witnesses cannot be summoned to police stations in any circumstances after sunset.

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#### 2.4.3. STEP 2: INQUIRY

In the typical process, the second stage of criminal procedure transfers accountability for the judicial process to the magistrate. However, cases can also bypass the police and go straight to the magistrate if a compliant is made directly to the magistrate. The magistrate assesses the facts from the police investigation or the complaint and determines whether or not there is a viable case. If not, the magistrate can discharge the accused. If the case was brought to the magistrate by a direct compliant, then the magistrate “hears the prosecution and takes the evidence.”<sup>77</sup> If the magistrate determines that the case against the accused is valid, then he/she frames the charge and the trial stage of the process begins. “Framing the charge” is simply the formal review/classification of the charges against the accused.

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<sup>74</sup> Ibid pg 12.

<sup>75</sup> 15 (6 A) ITPA.

<sup>76</sup> Nair, P.M. (2007). *Handbook for Law Enforcement Agencies in India* (p. 28). Retrieved February 3, 2010, from <http://www.apneaap.org/policy-work/our-resources/best-practices/handbook-law-enforcement-agencies-india-drpm-m-nair>.

<sup>77</sup> Asian Legal Resource Center. (2008). *Judicial Delays to Criminal Trials in Delhi* (p.10). Article 2 of the International Covenant on Civil and Political Rights. Vol 7:2.

Magistrates also are required to order medical examinations of all victims of trafficking. These examinations assess age, injuries, the presence of STDs, and evidence of sexual assault.<sup>78</sup> During this inquiry period, Magistrates/Child Welfare Committee is also responsible for finding a suitable home for the victim.

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#### 2.4.4. STEP 3: TRIAL

There are three types of criminal cases in India according to the CrPC: summary, summons, and warrant cases.

- Summary trials are trials that can be conducted by magistrates and call for punishments under three months.
- Summons cases refer to cases where the offences call for punishments under two years. If a magistrate feels that a summons case actually should be classified as a warrant case, then he/she can reclassify it.
- Finally, warrant cases are for “offences punishable with death, imprisonment for life, or imprisonment for a term exceeding two years.”<sup>79</sup>

At the beginning of the trial for warrant cases, judges go through the evidence once more and determine whether cases are valid or not. The burden of proof under Indian law is left to the prosecution. If the case is determined to be valid by the judge and the accused pleads not guilty, the trial proceeds as follows: the prosecution’s witnesses are called, cross-examination takes place, the accused must give a statement, the defense makes their case, final arguments are made, and the judge provides a final judgment. “If the accused is allowed to be withdrawn from prosecution prior to the framing of the charge, this is a discharge, while in cases where such withdrawal is allowed after the framing of the charge, it is acquittal.”<sup>80</sup>

For trafficking cases, it is recommended that all trials be recorded by video. For children in particular, in-camera trials are mandated (based on Supreme Court of India judgment for *Sakshi vs. Union of India*, 26 May 2004). Beyond video-taping trials, video conferencing is also recommended in order to avoid further victimization of the victim.

According to the ITPA (1956), the following types of offences must be tried by at least a Metropolitan Magistrate or a Judicial magistrate;

1. Keeping or managing (or assisting in keeping or managing) a brothel or allowing premises to be used as a brothel (including vehicles).
2. Living on the earnings of prostitutions (even partly).

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<sup>78</sup> Nair, P.M. (2007). “Handbook for Law Enforcement Agencies in India” Retrieved on 3 February 2010 from <http://www.apneaap.org/policy-work/our-resources/best-practices/handbook-law-enforcement-agencies-india-drpm-m-nair>, p. 24.

<sup>79</sup> Asian Legal Resource Center. (2008). *Judicial Delays to Criminal Trials in Delhi* (p.10). Article 2 of the International Covenant on Civil and Political Rights. Vol 7:2.

<sup>80</sup> Asian Legal Resource Center. (2008). *Judicial Delays to Criminal Trials in Delhi* (p. 12). Article 2 of the International Covenant on Civil and Political Rights. Vol 7:2.

3. Procuring, inducing, trafficking, or taking persons for the sake of prostitution.
4. Any person who commits trafficking in persons.
5. Any person who attempts to commit, or abets trafficking in persons.
6. Any person who visits or is found in a brothel for the purpose of sexual exploitation of any victim of trafficking in persons.
7. Detaining a person in any premises (brothel or any other) where prostitution is carried out.
8. Anybody who carries on prostitution, or anybody with whom such prostitution is carried on, in the vicinity of public places (which includes hotels, vehicles, etc.).

Finally, the ITPA (1956) also gives state governments and central government the power to create “special courts” to encourage speedy trials for trafficking cases that fall under the ITPA.

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#### 2.4.5. STEP 4: POST-CONVICTION

As above-mentioned, once a judgment has been reached in a case, it is the job of the prosecutor to follow up on items like compensation, victim rehabilitation, and surveillance of the convicted person.

As indicated by The Asia Foundation, compensation in particular has recently come to the forefront of TIP intervention discussions.

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#### 2.4.6. ON COMPENSATION

The courts’ ability to order compensation and the victim’s entitlement to receive compensation is outlined in the CrPC, Sec. 357: “When a court imposes a sentence, of which fine does not form a part, the court may, when passing judgment order the accused person to pay, by way of compensation such amount as may be specified in the order to the person who has suffered any loss or injury reason of the act for which the accused person his been so sentenced.”<sup>81</sup>

In a Supreme Court case, *Bodhi Sattwa Gautam vs Subra Chakrobty* (1996), judges ruled that compensation can be awarded regardless of whether a fine formed part of the sentence or not.<sup>82</sup> Moreover, in Supreme Court case, *Delhi Domestic Working Women’s Forum vs UOI* (1995), it was determined that “compensation can be awarded to the victim even without conviction and even during pendency of trial.”<sup>83</sup>

Beyond the existing legal framework, the government has recently taken action to improve the opportunities for victims to receive compensation. In 2008, the Sec. 357 of the CrPC was amended to include the following provision, calling for states to set up compensation schemes. “Every State Government in coordination with the Central Government shall prepare a scheme for providing

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<sup>81</sup> CrPC, Sec 357 (1973).

<sup>82</sup> Nair, P.M. (2007). *Handbook for Law Enforcement Agencies in India* (p.44). Retrieved February 3, 2010, from <http://www.apneaap.org/policy-work/our-resources/best-practices/handbook-law-enforcement-agencies-india-drpm-m-nair>.

<sup>83</sup> Ibid pg 45.

funds for the purpose of compensation to the victim or his dependants who have suffered loss or injury as a result of the crime and require rehabilitation.”<sup>84</sup>

This amendment was inspired largely by the efforts of Andhra Pradesh who, in 2006, set up the “Relief and Rehabilitation Fund” for victims of rape, trafficking, abduction, dowry deaths, and other related crimes. Grants are awarded to victims in amounts ranging from Rs. 5,000 to Rs 10,000. The monies are meant to be spent by trafficking victims “for the purpose of travel, clothing, medicine, and other immediate necessities.”<sup>85</sup>

At the time of this research, Andhra Pradesh and Tamil Nadu were the only state governments to have set up and implemented such a compensation scheme.

## 2.5. STRENGTHS & CHALLENGES OF THE PROCEDURES & PROCESS

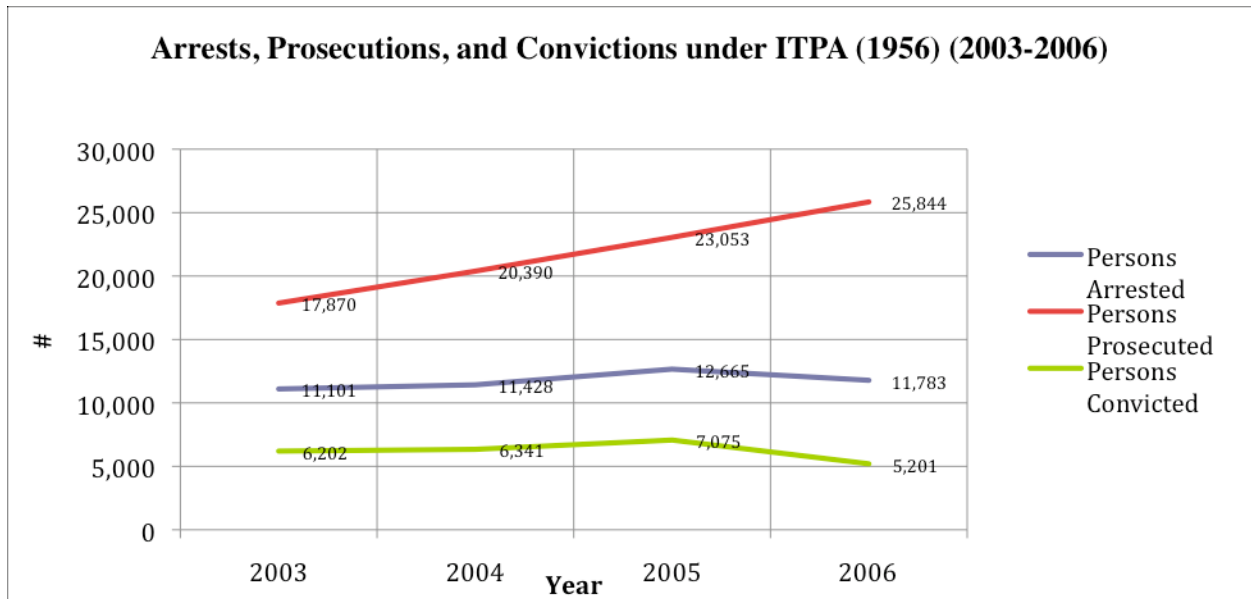
While the process appears rather straightforward, well designed, and victim-friendly, a cursory look at the data indicates that something is awry. Arrests under the ITPA (1956) have averaged just under 12,000 per year from 2003-2006, with a 7 percent drop from 2005 to 2006. While prosecutions have been increasing in absolute terms, they are growing at a diminishing rate of 1 percent less each year from 2003 to 2006 (see Figure 2 and Figure 3). Additionally, trafficking is estimated to be increasing not decreasing, so the number of prosecutions may be dropping as a percentage of the total population of those trafficked. Finally convictions, already considerably less than the number of prosecutions, fell a dramatic 31 percent from 2005 to 2006. This took the amount of convictions as a percentage of prosecutions from 31 percent to 20 percent. While indications of trends cannot be gleaned from a single data point, it is clear that there are several gaps and challenges in the legal process that point towards why there are such low levels of arrests, prosecutions, and convictions.

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<sup>84</sup> Kant, R. *Victim Compensation in India*. Retrieved February 13, 2010, from <http://lawreports.wordpress.com/2009/06/23/victim-compensation-in-india/>.

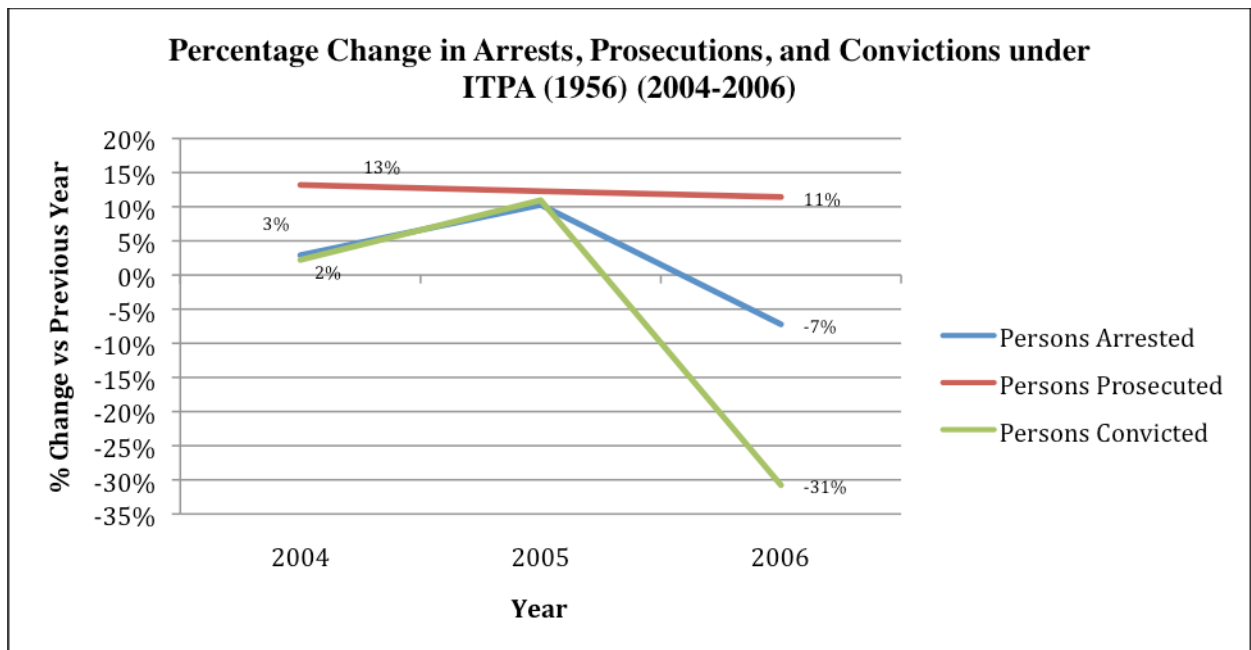
<sup>85</sup> (2006). Government of Andhra Pradesh Abstract. *Relief and Rehabilitation Fund*.

Figure 2: Arrests, Prosecutions, and Convictions under ITPA, 1956 (2003-2006)



Source: National Crime Records Bureau/UNODC Global Report on Trafficking 2009

Figure 3: Percentage Change in Arrests, Prosecutions, and Convictions under ITPA, 1956 (2004-2006)



Source: National Crime Records Bureau/UNODC Global Report on Trafficking 2009

**Table 6: Convictions as a Percent of Prosecutions under ITPA (2003-2006)**

<i>Convictions/Prosecutions under ITPA (2003-2006)</i>	
2003	35%
2004	31%
2005	31%
2006	20%

Source: National Crime Records Bureau/UNODC Global Report on Trafficking 2009

There are several concerns that these numbers raise. Based on 2007 estimates from the Department of Women and Child Development, the number of individuals trafficked specifically for commercial sexual exploitation in India is roughly 2.8 million, so the level of arrests and prosecutions is very low compared to the number of individuals violating the law.<sup>86</sup> The almost stagnant level of arrests coupled with the increase in prosecution in absolute terms may point to an improvement in the filing of FIRs and charge-sheets at the investigation stage (potentially because of successful police training programs). However, the disappointing drop in convictions may, in turn, point to the failure to get cases past the second level of scrutiny in front of the magistrates. The fact that arrest levels are plateauing may be indicative of a few possible narratives. It could be that traffickers, in the face of increasing government and NGO attention to the issue have begun to go underground, making it harder to find and arrest them. Alternatively, it may be that police are making arrests based on a given quota, be it internal or not. It is also important to note that most arrests under the ITPA in the early 2000s were of victims themselves and not offenders. Therefore, in the event that this trend has persisted, the drop in arrests and convictions may be a positive signal that police are becoming more sensitized to the victims' needs. Finally, this could be representative of certain "outlier" districts that focus on trafficking and are arresting at high levels while others have little to no focus meaning that the numbers would stay rather constant over time if those that are engaged are already engaged fully in the anti-TIP struggle.

To be sure, the judicial process surrounding trafficking from rescue to post-conviction has a number of both strengths and weaknesses. The particularly stark strengths and weaknesses at each stage in the judicial process are outlined below. Rescue may seem an unusual stage to include; however, in India, the rescuing of victims is a legal procedure that must involve law enforcement.

<sup>86</sup> Mukherji KK, Muherjee S. (2007). *Girls and women in prostitution in India*. Department of Women and Child Development, New Delhi, India.

## Stage 0: Rescue

### Strengths

- SPOs are able to carry out rescues without warrants.
- By law, police must be accompanied by at least two women police officers or NGO/social workers during the rescue process (ITPA, Sec 15(6A). In addition, there must be a female witness present during searches (ITPA, Sec 15 (2))
- Victims are quickly placed within protective homes or returned to their original homes if deemed "safe".
- NGOs are involved early on in the process of rehabilitation of the victim.
- By law, victims are given immediate medical relief. (ITPA, Sec. 15(5A)
- By law, victim anonymity is protected.

### Weaknesses

- Victims are often treated as criminals by unsensitized police officers that still employ Sec. 8 of the ITPA.
- When decoys are used by poices in trafficking "sting" operations, there have been reported incidents where decoys, who are only asked to make fake deals with traffickers, are found in "semi-dressed" states with the trafficking victims, who too are in semi-dressed states, indicating that further abuse may be taking place in the process of a rescue (Lawyers Collective, p. 7).
- Often female witnesses are not present during rescues/raids (Lawyers Collective, p. 11).
- Many shelter homes, state-run or otherwise, fail to have appropriate care and standards of living, leading victims to feel as if they have been placed in jail, not in protective custody (Lawyers Collective, p. 9).
- Rescues depend on knowledge of the trafficking taking place. More recently, with the increased attention trafficking has had in the country, many brothels and trafficking rings have gone "underground" making it harder for cases to be identified.

## Stage 1: Investigation

### Strengths

- Several FIRs can be completed without there being procedural issues as long as the correct statutes are employed (i.e. completed at source, transit, and destination locations).
- By law, female witnesses can not be summoned to the police station at night.
- A charge-sheet can be written up for offences under multiple laws (i.e. ITPA, JJ Act, Bonded Labour System (Abolition Act)).
- Statements are recorded in the victim's language.

### Weaknesses

- According to a study conducted in 2003 by the Lawyers Collective in high trafficking areas in Delhi and Mumbai from 1997 to 2001, in one area 57 percent of cases were registered under Sec. 8 of the ITPA, which treats trafficking victims as criminals. Moreover, in these Sec. 8 cases, the conviction rate was 90 percent (typically the victims were given fines of Rs. 500 and imprisonment for 5 days (Lawyers Collective, p 25).
- Often the source and transit traffickers are not identified, only the destination trafficker (Lawyers Collective, p. 33)
- Investigations for non-Sec. 8 ITPA offences go very long. Out of a sample of 51 cases in one area, almost 40% of cases took 3-6 months to investigate (Lawyers Collective, p. 34).
- Many FIRs or charge-sheets had significant errors in them. Additionally, many cases had an unknown status because "police files were not maintained meticulously." (Lawyers Collective, p. 34).
- Police often fail to follow the "provisions [and procedures] under the ITPA and CrPC." (Lawyers Collective, p 16).

## Step 2 & 3: Inquiry and Trial

### Strengths

- By law, special courts can be set up to try trafficking cases by the state or central government (ITPA, Sec. 22).
- Video conferencing can be used so that victims and witnesses do not have to face the accused in court, helping protect anonymity.
- Upon the basis of two supreme court cases, it has been established that a defective investigation "is no ground to deny justice to the victim." (*Karnal Singh vs MP (1995) and Zahira Habibullah vs Gujarat (2004)*)
- The victim is not required to testify in the event that there is "evidence otherwise available proving the criminal act of the accused." (PM Nair, p 45).
- A victim's character or history has no "bearing or relevance...and can never serve either as mitigating or extenuating circumstance....'After all it is the accused and not the victim of sex crime who is on trial in the court.'" (*Haryana vs Prem Chandel and others (1990) SCC 249, Maharashtra vs Madhukar Narayen Marvikar (1991) AIR SC 207; in PM Nair, p 45*).

### Weaknesses

- In practice, the ability of states and central government to launch special courts for trafficking has yet to be used.
- "22 per cent of traffickers are not prosecuted due to their political backing." (National Commission for Women, 2009)
- Trials for non-ITPA, Sec. 8 offences sometimes take years, during which the victims and witnesses can be intimidated by traffickers or by their own families/communities. Moreover, if the accused has been released on bail, he/she can leave the area. (Source: [http://www.thaindian.com/newsportal/uncategorized/india-has-failed-to-implement-human-trafficking-laws-activists\\_100206032.html](http://www.thaindian.com/newsportal/uncategorized/india-has-failed-to-implement-human-trafficking-laws-activists_100206032.html))
- "The public prosecutor may not even know whose case he is fighting, let alone understand the girl's trauma."
- "Parents can come in the way of justice, says Indubhushan Das, a senior public prosecutor. They may have sold their daughter to the traffickers, who are known to them. 'Can a girl always turn on her mother in the courtroom?' asks Das." (Source: [http://www.telegraphindia.com/1090913/jsp/calcutta/story\\_11488035.jsp](http://www.telegraphindia.com/1090913/jsp/calcutta/story_11488035.jsp))
- "The government does not actively encourage victims to participate in cases against their traffickers." (Source: [www.episcopal-life.org/documents/Country\\_Report\\_India.pdf](http://www.episcopal-life.org/documents/Country_Report_India.pdf))
- The judiciary has shown in the past that it is more than willing to victimize trafficking victims under ITPA Sec. 8. In one area in Delhi, the conviction rate under Sec. 8 was 90 percent, while non-Sec. 8 offences had a conviction rate of 0 percent (Lawyers Collective, p. 35).
- Exploiters "involved in the crime may appear before Court/CWC and claim to be parents/guardians/well-wishers of the rescued persons and seek their release." (UNODC, Protocol on Rescue Operations)
- Often, when victims are repatriated to their original homes, they do not return to "attend to their cases or court hearings. The absence of the prosecutrix was the main cause for the failure of cases prior to 2001 [in one area of Delhi]." (Lawyers Collective, p 15.)

## Step 4: Post-Conviction

### Strengths

- Through collaboration with NGOs throughout the country, the judiciary has the ability to provide victims access to "government programmes, ...medical and psychosocial support, shelter, education and training, and rehabilitation." (Global Trafficking Report: India, 2009).
- By law, compensation should be provided to the victims of trafficking from the accused and/or the state.

### Weaknesses

- The judiciary's ability to provide the above-mentioned services depends on their knowledge of the work of NGOs in the area. In areas like Delhi and Goa, there are robust networks of engaged NGOs that work with police. However, in areas like Chhattisgarh there is less direct collaboration with police.
- Government-run shelter homes are notoriously below basic standards and often lack the resources to provide holistic care to trafficking victims as per their mandate.
- There are also not enough shelters for the number of trafficking victims.
- The Criminal Injuries Compensation Board that was to be set up following the 1995 SCC *Delhi Domestic Working Women's Forum vs UOI* has still not been set up. (Dube, D., *Compensating Victims - The Need for Legislative Intervention* (April 10, 2007). Available at SSRN: <http://ssrn.com/abstract=979453>)
- "Inordinate delay in the conclusion of proceedings and the relatively low capacity of the average accused person, it is preposterous to say that a victim compensation scheme really operates in administration of justice in India today." (Source: [www.indlawnews.com/Newsdisplay.aspx?uid=6e3ee83e-b4d0-47cc-bde9-6e503a218386&type=1](http://www.indlawnews.com/Newsdisplay.aspx?uid=6e3ee83e-b4d0-47cc-bde9-6e503a218386&type=1))
- Prosecutors lead the post-conviction process on behalf of victims in regards to seeking compensation, closing brothels, getting harsher punishments for repeat offenders, etc. Given the heavy work load of public prosecutors, these crucial steps often do not get the attention they need.
- There are no legal statutes that call for witness or victim protection before or after trials. (Source: [www.indlawnews.com/Newsdisplay.aspx?uid=6e3ee83e-b4d0-47cc-bde9-6e503a218386&type=1](http://www.indlawnews.com/Newsdisplay.aspx?uid=6e3ee83e-b4d0-47cc-bde9-6e503a218386&type=1))

### 3. BACKGROUND ON TRAFFICKING INTERVENTIONS

Capacity building supports the other three approaches; therefore it is not discussed in this section.

#### 3.1. PREVENTION

Prevention measures rely on a deep understanding of the root causes of trafficking that have been outlined in this study. Formal schooling and life skills education are indispensable ingredients of preventive approaches. Informing people about the risks of exploitation and abuse aim at empowering them to make careful choices and protect themselves. Media has a great impact in influencing people. The engagement of the private sector is also vital because it possesses resources with which to support anti-trafficking efforts.

In addition to that from government and NGOs, the contribution from the community should be well-integrated into prevention interventions. In this regard, regional anti-human trafficking networks established in vulnerable districts exemplify the integration of community efforts. Women and adolescent girls – and sometimes men – participate in anti-trafficking surveillance activities, reporting suspicious behavior to the relevant authorities.

It appears that both low levels and high levels of economic development can encourage increased levels of trafficking; states may transition from being sources to destinations as they develop economically. This finding raises concerns with regards to development-focused frameworks for combating trafficking.

#### 3.2. PROTECTION

Protection involves the steps that help a victim to survive, rehabilitate, and become self-sufficient. Protections should be guaranteed before, during and after any legal proceedings. These involve measures such as providing shelter & counseling for the victim, maintaining the confidentiality of legal proceedings, providing information about progress, and strengthening collaboration of experts with prosecutors.

Unfortunately, in India, most of the protection systems serve as the mechanisms for the relief of the past abuse rather than for empowering the survivor. The life of the survivor can only be changed by continuously monitoring the protection process. Poor victim protection may discourage victims from looking for assistance from law enforcement due to threats of mistreatment or danger.<sup>87</sup>

The Department of Women and Child Development under the Ministry of Human Resource Development is the main central government body for protection policy in India. The Government of India has established protective homes and has a network of more than 350 short-stay homes.

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<sup>87</sup> *Model Law Against Trafficking in Persons*. (2009). Retrieved February 3, 2010, from <http://www.unhcr.org/refworld/publisher/UNODC.html>.

Government shelters exist in all major cities but they suffer from low quality/poor resources. Hence, victims do not have comprehensive protection services in these shelters. Protection for victims of labour trafficking remains particularly scarce.

In some areas, the government has initiated projects for building centers, but this is still far beyond adequate. Studies show that there is a lack of cooperation between these centers and the police. For example, in Delhi, officials of a rescue center were not prepared to accept a large number of rescued victims since they were not provided with early notice. There are, however, several examples of initiatives by communities that aim at protecting victims' rights effectively.<sup>88</sup>

## REHABILITATION

Rehabilitation is mainly the process of sending the victims to shelters until the victims' cases are heard or they are sent back home. However, these shelters are not free from deficiencies such as corruption, inadequate infrastructure, and ineffective counseling. They are, in fact, regarded as the places where violation of human rights are likely to occur. These shelters end up being overcrowded and, sometimes, do not serve even basic primary needs.

Taking into account the fact that the conditions which lead to the exploitation vary, the rehabilitation measures are expected to be tailored in a way to address these variations. However, studies show that this awareness does not exist in the current structure of rehabilitation mechanisms. Typically, a survivor is rescued from the brothel and sent to a local NGO. The process of assessments and interventions are realized without giving attention to the survivor's needs. As a result, the victim is not prepared to become a productive person for the community. This deficiency in turn leads to the re-entry of the exploiter to the survivor's life.

For this reason, trained and experienced social activists should play a role in this process. In addition, the police should be trained on the counselling techniques. Ideal rehabilitation requires the integration of psychological, social and economic empowerment. It is also necessary that rehabilitation programmes be offered to those still in oppressive situations, not solely rescued victims.<sup>89</sup>

### 3.3. PROSECUTION

Prosecution involves all the interventions that identify traffickers, arrest them, confiscate their illegal revenues, make the traffickers responsible for the damage they create and ensure that they refrain from repeating similar actions.

Prevention efforts that lack protection for the rights of the trafficked victim, or prosecution efforts followed by punishment of the victims, are far from effective. In India, there is a need for a clear distinction between the exploited and the exploiters. If a person is made to solicit, any factors such

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<sup>88</sup> *Trafficking in Women and Children in India (2002-2003)*. Retrieved January 20, 2010, from <http://nhrc.nic.in/Documents/ReportonTrafficking.pdf>.

<sup>89</sup> *Combating Trafficking in Persons*. (2009). Retrieved February 5, 2010, from [http://www.unodc.org/documents/human-trafficking/UN\\_Handbook\\_engl\\_core\\_low.pdf](http://www.unodc.org/documents/human-trafficking/UN_Handbook_engl_core_low.pdf).

as deceit, coercion and force leading to this soliciting should be investigated. This will in turn lead to protection for victims' rights and will prevent their further victimization. In order to bring a shift in the delivery of justice, the police and judiciary should be sensitized on gender discrimination and violation of human rights. The prosecutor must allow the victim to present his/her views and concerns during the judicial proceedings. Strengthening prosecution requires strengthening of the channels of communication between authorities.

Unfortunately, neither the Organized Crime nor the Trafficking in Persons Protocol involves an explicit obligation to refrain from criminalizing the victims. Only non-binding guidelines, such as the ones recommended by the UN High Commissioner for Human Rights, and resolutions, such as the General Assembly resolutions 55/67 and S-23/3, envision the protection of the victims from prosecution. The UN Office on Drugs and Crime is implementing Project IND/S16 on Strengthening Law Enforcement Response to Human Trafficking. The goal of this project is to improve the capacity of law enforcement personnel in Andhra Pradesh, Bihar, Goa, Maharashtra and West Bengal.<sup>90</sup>

A lot of research and documentation is available on child labor, but it is not within the framework of trafficking. In Goa, the Directorate of Social Welfare set up an advisory committee in Goa and in the committee NGO's were issued identity cards by the police. Likewise, UNIFEM has initiated a regional campaign to strengthen the information exchange between prevention and prosecution programs. The funding of this program will be used for training of police, prosecutors and judges in Calcutta and New Delhi.

India's central government confronts severe challenges in enforcing the law against human trafficking. State level ministries have limited abilities to effectively combat interstate and transnational crimes and courts are overburdened. Unfortunately, about 22% of traffickers are not subjected to prosecution because of their backing from the politics. Corruption of law enforcement officers leads to the protection of brothels and traffickers.<sup>91</sup>

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<sup>90</sup> *Synergy in Action*. (2007). Retrieved January 22, 2010, from <http://www.ungift.org/ungift/en/knowledge/regions.html>.

<sup>91</sup> *Human Trafficking- India in Focus*. Retrieved February 2, 2010, from [http://www.episcopal-life.org/documents/Country\\_Report\\_India.pdf](http://www.episcopal-life.org/documents/Country_Report_India.pdf).

## 4. DETAILED STATE PROFILES

The following collection of state profiles represents case studies of each state's trafficking problem and its engagement the anti-TIP movement.

### 4.1. ANDHRA PRADESH

#### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE STATE

Andhra Pradesh is one of the top sources of trafficking of females. A survey<sup>92</sup> reveals that a high proportion of females in the age group 12 to 35 years are from Andhra Pradesh in the red-light areas of Delhi (45 percent), Mumbai (28 percent), Kolkata (3 percent) and Goa (80 percent).<sup>93</sup>

Among victims, over 50 percent belong to the Scheduled Castes (SC) category while up to 30 percent belong to Other Backward Castes category.<sup>94</sup> In the absence of social safety nets, and because of cultural reasons, women and children remain the most socially disadvantaged and vulnerable, making them easy prey for traffickers.

The traditional practice of dedicating girls to gods and goddesses (the Devadasi tradition) is essentially a social acceptance of prostitution, with the exception that it is under the guise of religious practice. The Devadasi system allows an upper caste male to purchase the right to a girl's virginity, giving religious sanction to prostitution and hence to trafficking.<sup>95</sup> Despite being outlawed, these traditions persist and provide a rich supply of women and children to the flesh trade and trafficking.<sup>96</sup>

Another significant source, particularly relevant in Andhra Pradesh, is families that have existed in economic and social bondage for generations.<sup>97</sup> In these circumstances also, women and children are easy prey for trafficking. They are sold to meet exorbitant interest payments that the men of the family cannot meet. It is more acceptable to them to sell their women and children, as they would prove less of a loss of long-term livelihood. In yet further cases, women and children are lured away with promises of compensation in order to free themselves from bondage.

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<sup>92</sup> Jafri, S. (2002, September 19). *Andhra tops in trafficking in females: Survey*. Retrieved November 7, 2009, from <http://us.rediff.com/news/2002/sep/19jafri.htm>.

<sup>93</sup> Vetticattil, J., & Krishnan, S. (2002). *The Shattered Innocence* (p. 82). Catholic Relief Services (CRS).

<sup>94</sup> Ibid pg 5.

<sup>95</sup> Ibid pg 5.

<sup>96</sup> Ibid pg 5.

<sup>97</sup> Ibid pg 6.

Most of these victims have been trafficked with promises of jobs and better career prospects, while some are lured with fake marriages and contract marriages. Kidnapping and forced marriages are relatively more rare in Andhra Pradesh than Bihar.<sup>98</sup>

The high rate of trafficking in women and children from Andhra Pradesh also can be seen in the context of the economic situation, and significantly, in terms of being a disaster-prone area; more than 80 percent of victims come from socially and economically disadvantaged families, and about 70 percent of the victims come from frequent drought –prone areas.<sup>99</sup> High infant mortality, low birth registration, low literacy rate, early marriages, a high prevalence of child and bonded labor, and very poor records of land reforms increase vulnerability to trafficking.<sup>100</sup>

## STATE INITIATIVES AND THEIR RESULTS

Andhra Pradesh has put a significant effort towards prevention of traditional forms of prostitution in the Andhra Pradesh Devadasis (Prohibition of Dedication) Act, 1988.<sup>101</sup>

Following intense lobbying and pressure, in 1988 the state government evacuated the red-light area in Hyderabad and supported a home for HIV/AIDS victims and prostitutes. Due to various factors, the home was shut down in 1999; however, the state government has actively collaborated with the district administration and has supported initiatives of NGOs, including providing housing for rehabilitated women and girls who had been trafficked. The state government is also taking an active role in the AIDS awareness program for high-risk groups and supports the Sexual Health Project run by NGOs for those groups.<sup>102</sup>

The state government has also accepted the need to improve the conditions of the state-run Juvenile Homes for children to prevent the trafficking of these vulnerable children for commercial sexual exploitation. For example, for the first time, Andhra Pradesh has introduced on a pilot basis the co-management of all the four government-run Juvenile and Observation Homes in April 2001, although there is no special home yet for rescued victims.<sup>103</sup>

After much consultation with NGOs and other groups, the government has principally agreed to draft a comprehensive policy to combat trafficking of women and children for commercial sexual exploitation. At the moment though, there is no program or structured process that is led by the state whereby victims can go through a rehabilitation process.<sup>104</sup>

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<sup>98</sup> Vetticattil, J., & Krishnan, S. (2002). *The Shattered Innocence* (p. 82). Catholic Relief Services (CRS).

<sup>99</sup> Ibid pg 7.

<sup>100</sup> Ibid pg 7.

<sup>101</sup> Ibid pg 75.

<sup>102</sup> Ibid pg 76.

<sup>103</sup> Ibid pg 76.

<sup>104</sup> Ibid pg 77.

## 4.2. BIHAR

### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE STATE

Bihar faces chronic problems with regard to TIP. Mostly, it serves as a source of trafficking, but it also experiences large intra-state trafficking. Secondary sources available on trafficking patterns in Bihar point to women and children as the main source, mostly for sexual exploitation, domestic servitude, coerced marriages, begging and bonded labor. Where people are trafficked for labor purposes, areas within both the formal and the informal economy have been identified as the main economic causes. These include the sari weaving industry, carpet industry, quarries, brick kilns, and various other activities.<sup>105</sup> In some cases, trafficking is done publicly; for example, children were sold for labor purposes in an organized ring at the annual Sonepur cattle fair in Bihar.<sup>106</sup>

Hundreds of young girls from Bihar are being sold in cities like Chandigarh, Agra and Meerut to work as maids. Thousands of poor and illiterate Bihari villagers are forced to work as bonded laborers in the countryside of Punjab. Girls are sold by their fathers to agents, and women are duped into selling their boys for better employment opportunities in big cities. Increasing evidence shows that girls from Bihar are being sold and sent forcibly to Punjab and Delhi.

Cultural factors also play a dominant role in Bihar. Of the total trafficking in India, it is estimated that 72 percent is for commercial sex purposes, and of this, 80 percent originates from Bihar, although as mentioned before, such trafficking data is unreliable. Shakti Vahini estimates that over 50 percent of Bihar's trafficking is due to cultural reasons or family traditions. Families are often hesitant to have their daughter marry men who have migrated to different states. This is endemic in many states and Bihar serves as a source where poverty leads to fathers selling their daughters as wives. In other cases, where girls are sold for marriage purposes, they end up in domestic servitude or brothels. Save the Children India identifies Bihar as one of the largest states with intra-state and inter-district trafficking. In terms of labor, urban households with hired help often have unwittingly hired trafficked workers. Bihar again has been identified as a major source for such trafficking. Trafficking from Bihar to Rajasthan for child labor is also common. Save the Children also identifies Bihar as a major source for trafficked brides and child brides for Haryana, which suffers from a gender imbalance. The highest number of girls trafficked from Bihar into coerced marriage and forced prostitution come from border districts of Katihar, Purnea, Araria, Kishanganj and Bhagalpur, although this is also prevalent in the districts of Champaran, Gopalganj, Mujjaffarpur, Siwan, Buxar, Jhanabad, Patna and Gaya.<sup>107</sup>

Identifying such high-risk areas helps to narrow the study focus further. These will prove a starting point for the analysis on Bihar with regard to the NGOs working there, the nature of their

<sup>105</sup> Bhatt, K. (2005, August). *Conference on human trafficking and bonded labour*. Retrieved November 3, 2009, from <http://www.pucl.org/Topics/Industries-envirn-resettlement/2005/human-trafficking.htm>.

<sup>106</sup> Bureau of Democracy, Human Rights, and Labor. (2000). *1999 Country Reports on Human Rights Practices*.

<sup>107</sup> Vahini. S. Shakti Vahini. Retrieved November 3, 2009, from <http://www.shaktivahini.org/?p=500>.

operations and their outreach. This will help identify for TAF possible interventions in the most high-risk areas of Bihar.

Understanding the socio-economic background in Bihar may help decipher some of the reasons why such high levels of trafficking occur there. Bihar is mainly an agricultural economy and also one of India's poorest states. Its rankings with regard to socio-economic indicators are near the bottom when compared with all other states. The Indian economic boom has bypassed Bihar, which remains disconnected from the world economy. It also remains one of the slowest growing states. Table 7 below gives an indication of the socio-economic status of the state.

**Table 7: Poverty Incidence in Bihar versus the Rest of India<sup>108</sup>**

<b>Sector</b>	<b>Year</b>	<b>Bihar % Below the Poverty Line</b>	<b>India % Below the Poverty Line</b>
<b>Rural</b>	1983-84	64.4	45.7
	1987-88	52.6	39.1
	1993-94	58.2	27.2
	1999-00	44.3	27.1
	2004-05	42.1	28.3
<b>Urban</b>	1983-84	47.3	40.8
	1987-88	48.7	38.2
	1993-94	34.5	32.4
	1999-00	32.9	23.6
	2004-05	34.6	25.7
<b>Rural &amp; Urban (combined)</b>	1983-84	62.2	44.5
	1987-88	52.1	38.9
	1993-94	55.0	36.0
	1999-00	42.6	26.1
	2004-05	41.4	27.5

Table 11 shows that over time till now Bihar has consistently fared worse than the rest of India with reference to poverty incidence. The gender ratio in Bihar at 919 females per thousand males is

<sup>108</sup> *Economic Survey 2008-09* (2009, February). Retrieved November 5, 2009, from <http://www.indiaenvironmentportal.org.in/files/ESR-2008-09-EN.pdf>.

slightly lower than the national ratio at 933, but the child sex ratio in Bihar is higher than the national average at 942. With a gender ratio of 919, women in Bihar are disadvantaged socially with respect to literacy, education and work participation. This is due to a multitude of factors: cultural, ethnic, caste based, economic, lack of state government intervention etc. Bihar is also one of the states that faces the most divisive caste-based politics. The total share of SC (Schedules class) in the population is 15.7 percent. Bihar has a Work Participation Ratio (WPR) of 32.9 percent. Surprisingly, the WPR of the SC and ST is higher at 38.2 percent and 45.2 percent respectively. However, the gender gap is stark with females at 18.4 percent and males at 46.3 percent. This gender gap, again surprisingly, is less stark in the SC with female WPR at 28.2 percent while the male WPR is at 47.5 percent. For STs, the gap is even less at 36.9 and 52.9 percent respectively.

However, literacy statistics from the most recent economic survey show that out of the 22 scheduled castes in Bihar, 20 are acutely deprived in terms of educational, economic, socio-cultural and political status. While the total literacy rate of Bihar is 47 percent, and that for all scheduled castes is 28.5 percent, it is only 16.7 percent in case of *Mahadalits*. Despite efforts by both the Central and the State government, populations belonging to these castes have not benefited from affirmative action meant exclusively for Scheduled Castes.<sup>109</sup>

Bihar is also prone to natural disasters. The floods affecting the Kosi region in 2008 resulted in increased levels of human trafficking according to officials in the Social Welfare Department. These officials also reported that human trafficking was on the rise, *despite the introduction of the Human Trafficking Prevention Programme launched in 2007*. The areas where the most cases were reported from were Kishanganj, Purnia, Araria, Katihar, Sitamarhi, Madhubani and Saharsa.<sup>110</sup> 86.48 percent of Bihar's districts are affected by human trafficking in India, according to a recent study conducted by the National Commission for Women. Bihar has consistently ranked as one of the top states facing the problem of selling and procurement of girls.

Bihar shares a border with both Nepal and West Bengal. A report by Shakti Vahini<sup>111</sup> shows that Bihar is the main transit state in India through which trafficked women and children pass. The main entry points are Raxaoul, Bairgania, Motihari, Sitamarhi, Narkatraganj, Madhuvani, Sonbarsha, Jogbani, and Kakarbita. Bihar also serves as a destination state for trafficking of women from Nepal. Similarly, Bihar is also a transit and destination point for trafficking from Bangladesh. Eleven districts have been identified as being major trafficking districts in Bihar: Kishanganj, Kathihar, Purnia, Araria, Saharsa, Supaul, Madhepura, Khagaria, Madhubani, Darbhanga and Begusarai. On a smaller scale, the report also found evidence of girls being trafficked through Bihar from Orissa and Assam.

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<sup>109</sup> *Economic Survey 2008-09* (2009, February). Retrieved November 5, 2009, from <http://www.indiaenvironmentportal.org.in/files/ESR-2008-09-EN.pdf>

<sup>110</sup> *Law fails to check human trafficking in Bihar* (2009, July 31). Retrieved November 2, 2009, from <http://igovernment.in/site/Law-fails-to-check-human-trafficking-in-Bihar/>.

<sup>111</sup> Vahini. S. Shakti Vahini. Retrieved November 3, 2009, from <http://www.shaktivahini.org/?p=500>.

## STATE INITIATIVES AND THEIR RESULTS

The 2009 U.S. Trafficking in Persons Report identifies Bihar as one state where the government has made significant efforts to reduce trafficking. However, all reports available on trafficking and Bihar state that this is not very credible. The state government of Bihar introduced the Human Trafficking Prevention Programme in 2007, but no information is available about this program through Internet resources. It is hoped that future interviews with various stakeholders such as NGOs and district governments will shed more light on this. From the analysis in the section above, both trafficking for sexual exploitation and for labor purposes are common in Bihar. To date, the state government has solely focused on commercial sex purposes.

Interestingly though, the state government is keen to introduce laws to curb TIP through both supply and demand channels. Bihar is holding a conference with state representatives of West Bengal, Maharashtra and Delhi in December 2009 to discuss the way forward for implementation of a Bill pending in the Lok Sabha (House of People) which would allow greater prosecution and penalties for people buying prostitutes and traffickers. Leading NGOs have identified that the approaches to date have not been comprehensive, concentrating mostly on commercial sex-place raids (with most traffickers getting away) as opposed to systematic targeting of prevention, protection and prosecution. Furthermore, of those few who are rescued, efforts for reparation, rehabilitation and reintegration of survivors remain scant.

### 4.3. CHHATTISGARH

#### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE STATE

In 2002, Chhattisgarh's trafficking cases represented 41.4 percent of all cases in India reported in violation of the Immoral Trafficking Prevention Act (1956). This represented the highest rate amongst all states at the time with victims accounting for "21.9 per 1,00,000 population, compared to 1.1 at the national level."<sup>112</sup> While only speculative, it is believed that as many as 12,000 to 15,000 children are trafficked from the state each year.<sup>113</sup> Like other states, perpetrators often lure victims, predominantly girl children, by promise of employment opportunities in the major metropolitan areas, only to find themselves being sexually exploited. There are also very high levels of scheduled castes (SC) and tribes (ST) in Chhattisgarh, with 11.61 percent and 31.80 percent, respectively in 2001 (relative to 8.2 percent nationally, based on the 2001 census).<sup>114</sup> Obviously, the levels of SCs & STs coupled with high levels of poverty, place the state in a vulnerable position for would-be traffickers.

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<sup>112</sup> *Trafficking: National Women's Resource Council for India*. Retrieved October 26, 2009, from <http://nrcw.nic.in/index2.asp?sublinkid=308>.

<sup>113</sup> *Angry voters lay precondition for candidates in Chhattisgarh*. Retrieved October 30, 2009, from <http://newshopper.sulekha.com/news/angry-voters-lay-precondition-for-candidates-in-chhattisgarh.htm>.

<sup>114</sup> *Chhattisgarh: A Profile*. Retrieved November 4, 2009, from [data.undp.org.in/shdr/chhattisgarh/Chhattisgarh\\_AProfile.pdf](http://data.undp.org.in/shdr/chhattisgarh/Chhattisgarh_AProfile.pdf).

The state is unique, in that, extreme patriarchal oppression, one of the typically cited underlying causes of trafficking, does not accurately characterize the vulnerabilities faced by women there, especially in rural areas. Victims in Chhattisgarh challenge this contention in that women have a relatively *privileged* position. Local traditions and culture play a large role in elevating women's position to a near equal status with men. The sex ratio in Chhattisgarh is very high for India with there being 990 women per 1000 men, based on the 2001 census. In rural areas there are actually more women than men—the ratio is 1,004 women per 1,000 men.<sup>115</sup> This is significantly higher than the national average (933) and places the state amongst the ranks of the top three in the country with regard to this statistic.<sup>116</sup>

Culturally, “the women of Chhattisgarh are allowed and encouraged by society to marry [based on their own choices] and get separated [based on their own] decisions. Women power is worshipped and this is evident in the various female deities like Sabari Mata, Danteshwari Devi and Mahamaya that are worshipped with great zeal [in the state].<sup>117</sup> In addition, many in the state believe in witchcraft, with some citing it as the reason that women maintain such power in the state when compared to elsewhere.<sup>118</sup>

Economically, too, women are valued. “Women are the major agricultural workers.”<sup>119</sup> Taking part in every step of food production, some women in areas like Abujhmarand Sihawa also use the plough, “a function that is taboo and prohibited for them in almost all other parts of the country, indeed the world.”<sup>120</sup> This fact also holds true for the urban economic sector and migrant labor employment, with women from Chhattisgarh being major contributors to the construction industry nationwide.

Still, despite the state's observed success in maintaining better gender equality relative to the rest of the country, attempts to force women into subservient positions in society are well-documented. Witch-hunts associated with their belief in witchcraft are illustrative of this, as well as high levels of domestic violence based on government estimates.<sup>121</sup> As the National Council for Women adeptly posits, “women in Chhattisgarh are today at the crossroads of history. They have a strong presence in the traditional economic life of the state, but the question is will this presence be maintained in the years to come?”<sup>122</sup>

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<sup>115</sup> *Chhattisgarh: A Profile*. Retrieved November 4, 2009, from [data.undp.org.in/shdr/chhattisgarh/Chhattisgarh\\_AProfile.pdf](http://data.undp.org.in/shdr/chhattisgarh/Chhattisgarh_AProfile.pdf).

<sup>116</sup> *Profile of the Chhattisgarh*. Retrieved November 9, 2009, from <http://www.mohfw.nic.in/NRHM/State%20Files/chhattisgarh.htm>.

<sup>117</sup> *Status of Women in Chhattisgarh*. Retrieved November 5, 2009, from <http://www.mapsofindia.com/chhattisgarh/people-culture-festivals/status-of-women.html>.

<sup>118</sup> Chhattisgarh. Retrieved November 12, 2009, from <http://www.indianetzone.com/3/chhattisgarh.htm>.

<sup>119</sup> Profile: Chhattisgarh. Retrieved November 4, 2009, from <http://ncw.nic.in/pdfreports/Gender%20Profile-Chhattisgarh.pdf>.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*

Moreover, despite women's success in Chhattisgarh society, it has clearly not been enough to make them invulnerable to trafficking. In this case, the state is similar to others in India. Like Jharkhand, Chhattisgarh also contends with an ever-strengthening Naxalite movement. Naxalites are Maoist rebels that engage in guerilla-like warfare with local authorities. As recently as July 2009, 36 police officers were killed in attacks from Naxalites.<sup>123</sup> This constant unrest serves as a distraction for authorities from issues like trafficking. Moreover, international literature repeatedly argues that trafficking increases in times of conflict and disasters. Special attention must be paid to this in Chhattisgarh.

Also, with 80 percent of the population living in rural areas, there is a need to keep rural communities economically self-sustaining. This has to be accomplished in the face of low literacy rates amongst women--51.9 percent, compared to the national average of 53.7 percent.<sup>124</sup> Men are at 77.86 percent.<sup>125</sup> The low literacy rates point to the fragility of women's empowerment in the state and the fact that, despite performing better than other states, Chhattisgarh still has work to do in the realm of gender equality. Overall, 38.91 percent of the population lives below the poverty line, with a disproportionate amount of women falling within this group.<sup>126</sup> This places it amongst other states that are characteristically poor—Jharkhand, Bihar, and Orissa.

## STATE INITIATIVES AND THEIR RESULTS

The state government is fully aware of the vulnerabilities and problems its citizens face with regards to human trafficking and, more generally, gender-based violence. The government of Chhattisgarh adopted a "State Policy for Women" in recent years that includes directives geared towards equality under the law, improved social welfare, capacity building, and provision of economic opportunities. This progressive document is introduced as follows:

"The Constitution of India not only grants equality to women but also empowers the State to adopt measures and frame policies of positive discrimination in favor of women. Therefore, this policy aims to create an environment, which enables women to effectively contribute in the process of economic and social transformation and not be merely a passive beneficiary. Accordingly, the objectives of this policy are to:

- Facilitate a conducive environment to enable women to realize their full potential and promote self reliance
- Achieve equality in access to economic resources including forests, common property, land and other means of production

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<sup>123</sup> Das, K. (2009, July 13). *36 cops killed in Naxal attacks in Chhattisgarh*. Retrieved November 2, 2009, from <http://www.business-standard.com/india/news/36-cops-killed-in-naxal-attacks-in-chhattisgarh/363748/>.

<sup>124</sup> *Profile of the Chhattisgarh*. Retrieved November 9, 2009, from <http://www.mohfw.nic.in/NRHM/State%20Files/chhattisgarh.htm>.

<sup>125</sup> Profile: Chhattisgarh. Retrieved November 4, 2009, from <http://ncw.nic.in/pdfreports/Gender%20Profile-Chhattisgarh.pdf>.

<sup>126</sup> *Chhattisgarh 2010*. Retrieved November 1, 2009, from <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN011832.pdf>.

- Ensure participation of women in social, political and economic life of the state
- Encourage NGOs and Women Groups to effectively participate in the developmental process

To meet these objectives, the State has identified specific initiatives, which include:

- Creating a responsive statutory and institutional mechanism
- Integrating Gender perspective in Economic development
- Creating an enabling environment for Social Development of women.”<sup>127</sup>

Of course, nationally and regionally, laws and policies are adopted all the time but often lead to no or only marginal successes. In Chhattisgarh, however, state leaders are forced to account for their lack of action or focus on the issue of trafficking. In late July of 2009, in a move that made international news,

“The opposition Congress staged a walkout in the Chhattisgarh assembly, accusing the state’s Bharatiya Janata Party (BJP) government of doing little to prevent trafficking of thousands of youth, mainly girls, from poor families to metros. The house witnessed a heated debate when the government replied in the assembly it was doing its best to trace out an estimated 7,000 people missing in the state for many years...Giving statistics of the past nine years, the government informed the house that 39,549 out of a total 46,860 missing persons were traced out and restored to their families by police, but some 7,000 people, including several girls, were still missing. Accusing government of doing nothing for stopping thousands of poverty-hit families minor girls being smuggled to metros and even outside the country, the Congress walked out of the house.”<sup>128</sup>

Still, despite lawmakers’ apparent desire to curb trafficking activities, there is considerable room for improvement among the authorities (e.g. police and courts). According to reports, police “rarely take action as the agents give them a share of their earnings.”<sup>129</sup> There is also a sense, even among those who are not engaged in corrupt activities, that the victims are leaving of their own volition. “Surguja district superintendent of police S.K.Rathor said: ‘Girls migrate to bigger cities in search of employment voluntarily. It’s not the job of the police to keep track of every families’ girls.’”<sup>130</sup> This leads to severe underreporting of trafficking crimes. NGOs in the area estimate “that only 10 percent of kidnappings are registered with the police. As most complainants in tribal areas are illiterate, they cannot differentiate between lodging a complaint and a First Information Report (FIR). [A FIR is a formal document detailing a cognizable complaint that is registered with the

<sup>127</sup> Chhattisgarh. Retrieved November 13, 2009, from <http://chhattisgarh.nic.in/>.

<sup>128</sup> *Congress walkout over Chhattisgarh girls’ trafficking* (2009, July 28). Retrieved November 2, 2009, from <http://blog.taragana.com/n/congress-walkout-over-chhattisgarh-girls-trafficking-123149/>.

<sup>129</sup> *Trafficking of tribal girls unabated in Chhattisgarh* (2009, July 28). Retrieved October 2, 2009, from <http://www.indiaenews.com/pdf/57532.pdf>.

<sup>130</sup> *Ibid.*

police, whereas a lodged complaint is not always documented and/or registered.] All that the police do is make a daily diary entry and issue the complainants non-cognizable receipts, telling them that a 'case' has been registered."<sup>131</sup> Moreover, "there is no Chhattisgarh Police cell to deal with cases of missing children. The Chhattisgarh Police [Division] claims that its priority is the Naxal menace and child recovery isn't high on their to-do list."<sup>132</sup> Like Jharkhand, the presence of a Naxalite movement serves as an ongoing excuse for lack of serious attention paid to the issue of human trafficking.

In the face of a frustrating response from authorities, the states' policymakers have found alternative routes to countering traffickers in the form of prevention. Chhattisgarh is one of many states that has implemented the Central Government's National Rural Employment Guarantee (NREGS) Act. This act ensures 100 days of employment (e.g. building roads) for rural people each year.<sup>133</sup> While seemingly low, this provides just enough employment to keep villagers from having to uproot their families during the dry season due to lack of economic opportunities. Migration continues to place families, especially young girls, in the direct path of perpetrators looking to exploit peoples' hardships. "Where migrants have less control of their migration, they become more vulnerable to opportunists, smugglers and traffickers. Districts like Surguja, Jashpur, Koriya, Raigarh, Durg- Bhilai, Rajnandgaon Raipur, and Korba have emerged as source areas for human trafficking."<sup>134</sup>

In addition to employment schemes, there are other services provided by the government including family counseling services and some rehabilitation support (i.e. women's homes in Raipur, Sarguja, and Dantewada). There are also district levels "Committees for Prevention of Atrocities against Women and Trafficking" in all 16 Districts of the State.<sup>135</sup> Results from these state-led actions have yet to be reported broadly.

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<sup>131</sup> Mahajan, N. (2007, February 15). *With Naxalites around, cops here have no time to track missing kids*. Retrieved October 29, 2009, from <http://www.indianexpress.com/news/with-naxalites-around-cops-here-have-no-time-to-track-missing-kids/23390/0>.

<sup>132</sup> Ibid.

<sup>133</sup> *Chhattisgarh villagers benefit from rural employment scheme* (2009, May 5). Retrieved October 31, 2009, from [http://www.khabarexpress.com/05/05/2009/Chhattisgarh-villagers-benefit-from-rural-employment-scheme-news\\_81610.html](http://www.khabarexpress.com/05/05/2009/Chhattisgarh-villagers-benefit-from-rural-employment-scheme-news_81610.html).

<sup>134</sup> Ghosh, R. *Trafficking in Chhattisgarh*. Retrieved November 6, 2009, from <http://prtyancha.com/humantrafficking.php>.

<sup>135</sup> UNODC. (2008). *India Country Report*. Retrieved November 11, 2009, from [www.unodc.org/pdf/india/.../India%20Country%20Report.pdf](http://www.unodc.org/pdf/india/.../India%20Country%20Report.pdf).

## 4.4. DELHI

### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE TERRITORY

Delhi is defined as a union territory or National Capital Territory. This territory comprises Delhi only and unlike other states does not have different cities and villages within it. It has been part of the recent economic boom that India is undergoing. For this reason, increasing migration has been witnessed from other areas of India into Delhi, particularly people from rural areas seeking employment. With this huge influx, it is not hard to imagine Delhi being a major destination for trafficking, as the natural migration would mask any trafficking occurring. Delhi, along with Mumbai, is the main transit point for international movement. Delhi is also a major destination for trafficking from Bangladesh, Nepal and other states of India, and is in fact cited the most as a destination for labor and sexual purposes. ‘Flying Prostitutes’ are those that hold other employment and turn to prostitution because they cannot make ends meet, remain outside the brothel system though remain under a pimp, and hence have less negotiating powers. Flying prostitutes have lent to greater trafficking problems. Such women are outside the purview of the regular brothel system and are harder to track making it easier to hide evidence of trafficking.

Understanding the background of Delhi will help the group understand why Delhi is such a vital destination for trafficking. The sex ratio is 821 females per 1000 males—very low when compared with the national average. The literacy rate is 81.82 percent with the male literacy rate, 87.37 percent, and female literacy rate, about 75 percent. This is quite high as compared to the all-India literacy rate. The percentage of people below the poverty line has fallen from approximately 49 percent in 1972 to under 8.2 percent in 2000.

Seeing improving socio-economic indicators in Delhi leads to the question of how increasing standards of living and wealth resulting from the economic boom may be resulting in changing dynamics of trafficking; or in fact, whether it is lending to increased trafficking through greater demand coupled with greater affordability for household help and sex industry services.

The crime rate in Delhi is very high in comparison to other cities in India. This is particularly so with respect to crimes against women and children. In the year 2001, about 42 percent of child victims of kidnapping and abduction belonged to Delhi.

### TERRITORY INITIATIVES AND THEIR RESULTS

Delhi as the capital is the seat of all national legislation and lawmaking on anti-trafficking in India. The legal framework is developed in Delhi. As this is covered elsewhere in this report, it is not repeated here.

Delhi has fewer initiatives for trafficking that are specific to Delhi itself. As mentioned earlier, it is a union territory and does not have the vast geographic area that other states do. That said, there are limited programs attacking human trafficking. The Delhi Police have an initiative (“Parivartan”) that

seeks to increase gender equality and improve police treatment of women's issues. This was created in response to Delhi being coined the "rape capital of India" by national media.<sup>136</sup> It is not focused on trafficking, but represents an opportunity to integrate human trafficking with it. Moreover, Delhi as the capital is also the seat for national legislation and central government initiatives for abolishing TIP.

## 4.5. GOA

### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE STATE

Located on the west coast of India, Goa is a popular tourist destination for foreigners. Goa has the highest proportion of urban population (49.76 percent) in India. The sex ratio is 960 females to 1000 males. The percentage of people below the poverty line in Goa is 4.40 percent, which is the second lowest in the country after Jammu and Kashmir. Despite this low percentage, unemployment is high; 11.1 percent in rural areas and 8.7 percent in urban areas.

With higher literacy rates (about 82 percent) than the national average, 66 percent, and a relatively strong economy, women enjoy a better social status as compared to other states in India. However, Goa still has high levels of trafficking of women and children. In this regard, inclusion of this state in this study provides an opportunity to study a different dynamic of TIP in India: globalization and growth and their effects on human trafficking.

Though inter-state trafficking is high, the intra-state trafficking is minimal at only 0.6 percent. Thus, like Delhi, it is mainly a destination for trafficked persons.<sup>137</sup> Unfortunately, the beaches of Goa are among the main destinations for those seeking child prostitutes.

### STATE INITIATIVES AND THEIR RESULTS

Goa's Children Act, which is specific to the state of Goa, is the only Indian law at state level that gives a legal definition of trafficking. It refers to many issues of child sex exploitation in an integrated manner.

Enforcement, however, including cooperation between law enforcement agencies, government institutions and civil society, is crucial for effective implementation. However, there have been difficulties in that implementation, primarily because of the low level of awareness of the seriousness of trafficking as a crime and low prioritization accorded by law enforcement to the problem of trafficking.<sup>138</sup> Since most people are trafficked into Goa from other states, there is little that can be done on the supply side. However, greater penalties for people requesting such services

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<sup>136</sup> Parivartan: Delhi Police. Retrieved November 6, 2009, from <http://www.delhipolice.nic.in/parivartan/parivartan.htm>.

<sup>137</sup> Souza, P., & Nair, P. (2006). *Goa*. Retrieved November 8, 2009, from <http://www.freewebs.com/venupreetu/stuckintraffic.htm>.

<sup>138</sup> UNODC: *Regional Office for India Project Summary*. (2007). Retrieved November 2, 2009, from [http://www.unodc.org/india/ind\\_s16.html](http://www.unodc.org/india/ind_s16.html).

can be implemented on the demand side. The sex industry, which is highly developed in Goa, is attractive to tourists.

Law enforcement, in most places and including in Goa, violates the rights of victims as the common practice is to arrest, charge-sheet, prosecute and convict the trafficked victims. Although the law is very clear that those who commercialize prostitution and those who benefit from the earnings are criminals, trafficked victims are arrested but no pimps, transport agents, lodge owners, hotel owners, or taxi owners are arrested.<sup>139</sup>

An “Integrated Anti Human Trafficking Unit” was set up by the United Nations Office on Drugs and Crime (UNODC) in Goa. It is one of the concrete outcomes of the efforts supported by the UNODC in five states in India. The unit aims to address significant human trafficking problems by improving the law enforcement response and by targeting traffickers. In Goa, 329 police officers, 40 prosecutors and 20 magistrates have undergone extensive training by the UNODC for months together.<sup>140</sup>

The program involves rescue operations which are followed up by rehabilitation activities such as counseling. The aims of this project are fourfold: empowering police officers and prosecutors in the project states; setting up Anti Human Trafficking Units; developing Standard Operating Procedures/Protocols on Anti-Human Trafficking; and improving law enforcement and civil society liaison.<sup>141</sup>

## 4.6. JHARKHAND

### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE STATE

Jharkhand is also said to be among the top source states for human trafficking in India.<sup>142</sup> Victims are typically young women from tribal areas who are illiterate and impoverished.<sup>143</sup> Women from the state are not trafficked exclusively for sexual exploitation; primarily, they are trafficked for labor (e.g. as domestic workers) and the organ trade.<sup>144</sup> Additionally, there have been reports of women from Jharkhand being trafficked for the purpose of forced marriage.<sup>145</sup>

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<sup>139</sup> Souza, P., & Nair, P. Retrieved November 8, 2009, from <http://www.freewebs.com/venupreetu/stuckintraffic.htm>.

<sup>140</sup> *Goa Becomes Second State to Have Anti-Humans Trade Unit*. Retrieved November 3, 2009, from <http://www.goablog.org/posts/goa-becomes-second-state-to-have-anti-human-trade-unit/>.

<sup>141</sup> *Andhra Pradesh acts against Human Traffickers*. Retrieved November 2, 2009, from [http://www.unodc.org/india/ht\\_units\\_hyderabad.ht](http://www.unodc.org/india/ht_units_hyderabad.ht).

<sup>142</sup> *Jharkhand, India*. Retrieved November 1, 2009, from <http://www.yuwa-india.org/Jharkhand/Jharkhand.html>.

<sup>143</sup> *Ibid*.

<sup>144</sup> Mukherjee, A. (2005, April 28). *Time to curb human trafficking*. Retrieved November 1, 2009, from [http://www.telegraphindia.com/1050428/asp/jamshedpur/story\\_4671252.asp](http://www.telegraphindia.com/1050428/asp/jamshedpur/story_4671252.asp).

<sup>145</sup> Dutta, S. (2009, January 19). *Human Trafficking: The Great Commodity Exchange*. Retrieved November 4, 2009, from <http://www.chowk.com/articles/15304>.

Formally part of Bihar, Jharkhand is a unique state in that it is one of the richest from a natural resources perspective and yet one of the poorest when it comes to the economic standing of its people. From a resource perspective, Jharkhand is the top producing state for iron ore, copper ore, mica, and kainite.<sup>146</sup> World-renowned companies like Tata Steel, Jindal Steel and Arcelor-Mittal all have corporate headquarters among Jharkhand's several industrialized cities.<sup>147</sup> Unfortunately, its high levels of industrialization have failed to translate into broad prosperity in the state. Based on the most recent data available, 44 percent of the population falls below the poverty line—this is twice the average for the country.<sup>148</sup> Typically impoverished, Jharkhand's scheduled tribes account for an estimated 28 percent of the population.<sup>149</sup>

As an indication of the socioeconomic status of men versus women, Jharkhand falls below the national average (61 percent),<sup>150</sup> with 54.13 percent literacy levels in 2001.<sup>151</sup> The inequality between women and men is apparent when disaggregating the literacy rates with 67.94 literacy amongst men and 39.38 literacy levels amongst women in the state.<sup>152</sup>

In addition to its economic hurdles, Jharkhand's authorities also battle with an ongoing Naxalite problem. Reportedly, Naxalites are active in 16 of the 22 districts in the state. "According to the estimate of Asian Centre for Human Rights (ACHR), 95 persons including 20 civilians, 41 security forces and 34 alleged Naxalites were killed in the Naxalite conflict in the State during 2006."<sup>153</sup> While the issue may appear limited given the massive population, authorities continuously cite the Naxalite issue as a reason why trafficking has not been prioritized from an enforcement perspective.

This is unfortunate given that there have been so many women and children trafficked to destination states & cities, like Delhi. According to one news report, "nearly every third house in the poorest districts in Jharkhand has a child who has left home in search of food and work. Now they are missing from their families...A majority of the children [are] later found in Delhi."<sup>154</sup> Jharkhand finds itself particularly vulnerable to trafficking because of its geographic location—neighboring

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<sup>146</sup> Retrieved November 3, 2009, from <http://www.jharkhandonline.in/Profile/Economy/>.

<sup>147</sup> Srivastava, A. (2009, September 27). *Jharkhand: Poverty amidst plenty*. Retrieved November 3, 2009, from <http://indiatoday.intoday.in/site/Story/63858/Web%20Exclusive/Jharkhand:+Poverty+amidst+plenty.html#at>.

<sup>148</sup> *Jharkhand, India*. Retrieved November 1, 2009, from <http://www.yuwa-india.org/Jharkhand/Jharkhand.html>.

<sup>149</sup> *About Jharkhand*. Retrieved November 1, 2009, from <http://jharkhand.nic.in/about.htm>.

<sup>150</sup> CIA World Factbook: India. Retrieved November 1, 2009, from <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>.

<sup>151</sup> *District-specific Literates and Literacy Rates, 2001*. Retrieved November 8, 2009, from <http://www.educationforallinindia.com/page157.html>.

<sup>152</sup> Ibid.

<sup>153</sup> *India Human Rights Report 2007*. Retrieved November 8, 2009, from <http://www.achrweb.org/reports/india/AR07/jharkhand.htm>.

<sup>154</sup> Arya, B. (2006, August 19). *Child trafficking prevalent in Jharkhand*. Retrieved November 2, 2009, from <http://n-cat.blogspot.com/2006/08/child-trafficking-prevalent-in.html>.

Bihar, Orissa, and West Bengal, all known to battle with the issue to trafficking as well as being significant transit points.

In 2005/2006, a survey was conducted in several of Jharkhand's most impoverished areas—Dumka, Hazaribagh, Ranchi, Gumla, Lohardaga, Simdega, Godda, and Pakur. Given that trafficking of women is primarily for the purpose of labor in the state, domestic workers were interviewed to establish who they are and their levels of exploitation.<sup>155</sup> Using domestic workers as a unit of analysis also allowed for the women to be interviewed without high levels of adverse reactions given that having a domestic laborer is “legal.” While not all respondents were “trafficked,” this study does give an indication as to the extent of the problem in the state. The results were as follows:

- 77 percent of respondents leaving Jharkhand were from scheduled tribes.
- 70 percent of respondents were women.
- 67 percent were under the age of 20.
- 65 percent were illiterate.
- Most left with someone whom they knew.
- The main reason cited by respondents for leaving was “unemployment.”
- 59 percent are making less than Rs. 1000 per month.
- Most go to Delhi.<sup>156</sup>

It should be noted that those reporting that they left with someone they knew were likely leaving with “known” middlemen or others in their village. From most reports on Jharkhand's struggle with trafficking, it is rare that a victim leaves with a family member and is subsequently trafficked.<sup>157</sup>

## STATE INITIATIVES AND THEIR RESULTS

Support from the state appears stunted at best. Given the state's preoccupation with the Naxalite problem, many issues have fallen to the wayside regarding all human rights abuses, not just trafficking. According to one report, “the [National Human Rights Commission] NHRC revealed in July 2007 that there were as many as 84,000 cases of human rights violations under consideration of the NHRC out of which 3,000 were from Jharkhand. This represented a disproportionate amount of cases compared to on Jharkhand's population as a percentage of India's total population (3.6 percent of cases versus 2.6 percent of India's population). However, Jharkhand government failed to establish a State Human Rights Commission.”<sup>158</sup>

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<sup>155</sup> *About BKS*. Retrieved November 2, 2009, from <http://www.atsecjharkhand.org/pubs/reports.pdf>.

<sup>156</sup> *Ibid*.

<sup>157</sup> Mukherjee, A. *Time to curb human trafficking*. Retrieved November 8, 2009, from [http://www.telegraphindia.com/1050428/asp/jamshedpur/story\\_4671252.asp](http://www.telegraphindia.com/1050428/asp/jamshedpur/story_4671252.asp).

<sup>158</sup> Swamy, S. *Jharkhand State seriously failing in protecting the Human Rights of its people*. Retrieved November 8, 2009, from <http://openspace.org.in/book/export/html/826>.

Even when it comes to the simple task of registering trafficking crimes, the state fails to show its commitment to anti-trafficking work. From reports, there also appear to be issues of corruption regarding the enforcement of national anti-trafficking laws. In Ranchi, Jharkhand's capital, a reporter revealed the extent of these problems in 2006: "the irony is that though trafficking of children is common in more than 11 districts of Jharkhand, few cases are registered at police stations. 'I am really scared of the police. They ask for money, which I don't have. I don't know what to do, I am all alone,' said Ranjana Lohar, a resident of Karak Village. As a result, a large number of working children are missing. A survey carried out by the state labor department has found that as many as 45,000 children in these 11 districts had left their homes in search of work. Nearly 80 percent of these children belong to tribal families."<sup>159</sup> In 2006, only 11 trafficking cases were reported by the authorities under the Immoral Trafficking Prevention Act of 1956.<sup>160</sup> Based on reports on missing children alone, it is clear this number represents only a tiny fraction of actual trafficking victims.

Jharkhand, like other key trafficking states, has a representative from each state's police authorities (a "nodal" officer) that serve as a link between national and state governments. In an August 2009 meeting, the nodal officer from Jharkhand indicated that the police have absolutely no funding for pre/post intervention in human trafficking.<sup>161</sup> Moreover, he lamented about the fact that there has been little to no interaction between the police and other government departments and ministries. As an example as to the extent of the issue, he admitted not knowing about the Ministry on Women & Child Development's Ujjawala program (a national anti-human trafficking initiative launched in 2007). Taking a solution-oriented approach, he recommended, "training material should be in Hindi," and, given that many from Jharkhand are trafficked as domestic laborers, that "data should be maintained in Metros to register them and verify for age and gender."<sup>162</sup> He went on to note that there is "also a need to integrate a data base of Unidentified Dead Bodies with that of missing persons and trafficked persons" and that "most of the individuals from Jharkhand are sent by trains so strict vigil is required at railway stations in Northern India."<sup>163</sup> Officials, like this nodal officer, counter the view that the state is not concerned with the problem; however, there did not appear to be any indicated actions adopted by the group based on his feedback and recommendations.

#### 4.7. ORISSA (ODISHA)

##### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE STATE

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<sup>159</sup> Arya, B. (2006, August 15). *Child trafficking prevalent in Jharkhand*. Retrieved November 8, 2009, from <http://n-cat.blogspot.com/2006/08/child-trafficking-prevalent-in.html>.

<sup>160</sup> Swamy, S. *Jharkhand State seriously failing in protecting the Human Rights of its people*. Retrieved November 8, 2009, from <http://openspace.org.in/book/export/html/826>.

<sup>161</sup> *Minutes of the Meeting of the State/UT Nodal Officers for Human Trafficking, Held by Joint Secretary* (2009, August 28). Retrieved November 4, 2009, from <http://mha.nic.in/pdfs/Minuts-on-HTrafficking-150909.pdf>.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

Orissa's economy has many contrasts. Despite vast land, forest, and mineral resources, it has not had significant development. Orissa is emerging as a player in the information technology (IT) outsourcing industry as well as some natural resource industries; however, about 75 percent of the total population still lives off farming and cultivation.

The proportion of people living below the poverty line in 1999-2000 was 47 percent, which is nearly double the all-India average of 26 percent. The literacy rate is 64 percent, with 76 percent of males and 51 percent of females being literate.<sup>164</sup>

Poverty level and illiteracy are important factors in Orissa's human trafficking. In spite of a high concentration of scheduled tribes in the state who, due to their marginalized status, are prone to exploitation, a relatively low number of trafficked women are from tribal populations. The majority come from poor and landless families. 80 percent of the victim families are landless; and 70 percent of those trafficked are illiterate.<sup>165</sup>

Increasing levels of human trafficking were reported in Orissa after the super-cyclone in 1999. An earlier study by the Tata Institute of Social Sciences (TISS), Mumbai, in 1999 estimated that Orissa had 115,333 commercial sex workers.<sup>166</sup> The United Nations Office on Drugs and Crime (UNODC) has listed Orissa as a major source of human trafficking. A large number of people in Orissa, especially girls and women, are trafficked metropolitan areas such as Delhi and Mumbai.<sup>167</sup>

A Task Force on Women and Violence (TFWV) study found that people living within the community are the first links in the trafficking chain because of their familiarity with local families. In particular, they can recognize those in economic distress.<sup>168</sup> Many girls are also fooled by false promises of marriage, followed by desertion after being sexually exploited. The TFWV study also found a clear involvement of police and politicians in trafficking.<sup>169</sup>

Another NGO, the Orissa State Commission for Women, found that five coastal districts had become vulnerable to trafficking and labor exploitation in general, especially with road and rail connections providing easy access into and out of the state. Following the cyclone, 21 of the 30 districts in Orissa have been sucked into this network, extending the geographic scope of trafficking within Orissa. The main sourcing districts, though, remain the coastal districts of Bhadrak, Jagatsinghpur, Cuttack

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<sup>164</sup> Ibid.

<sup>165</sup> Pandey, B., Jena, D., & Mohanty, S. (2002). *Trafficking in Women in Orissa*, Institute for Socio Economic Development (ISED). Retrieved November 9, 2009.

<sup>166</sup> Jena, M. (2003, April 26). *Trafficking in Overdrive*. Retrieved November 4, 2009, from <http://www.boloji.com/wfs/wfs160.htm>.

<sup>167</sup> Bahuguna, N. (2004, November 4). Human Trafficking Escalates. Retrieved November 4, 2009, from <http://www.boloji.com/wfs6/wfs1053.htm>.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

and Jajpur as well as tribal-dominated border districts of Koraput, Rayagada, Nuapada and Mayurbhanj.<sup>170</sup>

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<sup>170</sup> *Ibid.*

## STATE INITIATIVES AND THEIR RESULTS

Judiciary and law reform is necessary because “out of the handful of cases registered under [the Immoral Trafficking Prevention Act ], over 99 percent of cases have been pending trial for more than five years.”<sup>171</sup> State initiatives to combat TIP in Orissa have yet to be identified.

### 4.8 TAMIL NADU

#### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE STATE

In 2007, the National Crime Record Bureau cited 1199 violations of the Immoral Trafficking Prevention Act, representing one-third of all cases in India, by far the most for any state.<sup>172</sup> Other data suggest that Tamil Nadu leads India in trafficking of women and children and in the number of districts in which trafficking occurs.<sup>173</sup> While these data may be imperfect, it is clear that trafficking is a substantial problem in the state.

The study has yet to determine what is primarily responsible for Tamil Nadu’s high trafficking levels. Poverty is the first variable worth examining. The impoverished rural areas have as high as a 74.5 percent incidence of debt and provide a ready source for trafficked humans.<sup>174</sup> According to Just Trust, victims in Tamil Nadu are “generally from remote villages and are bound by customary obligations relating to marriage, dowry and marriage expenses.”<sup>175</sup> Chennai, the fifth largest city in India, provides a prime trafficking destination. Tamil Nadu is a destination for trafficking from Andhra Pradesh, Delhi, Karnataka, Kerala, Pondicherry, West Bengal, Madhya Pradesh, Rajasthan and Orissa, while it acts as a source for Andhra Pradesh, Delhi, Daman-Diu, Karnataka, Kerala, Maharashtra, Pondicherry, West Bengal, Goa and Uttar Pradesh.<sup>176</sup>

The difficulty with a poverty thesis for trafficking in the state is that Tamil Nadu’s socioeconomic status is quite high for India. It is the second most industrialized state, the second largest producer of rice, second in per capita income, and perhaps most importantly, has the third highest human

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<sup>171</sup> Kumar Das, P. *Trafficking goes unchecked* . Retrieved November 2, 2009, from <http://www.thehindu.com/2008/05/13/stories/2008051357310200.htm>.

<sup>172</sup> Shakti Vahini (2009, October 4). *Half the districts in India are affected by human trafficking: NCW*. Retrieved November 8, 2009, from [http://www.thaindian.com/newsportal/india-news/half-the-districts-in-india-are-affected-by-human-trafficking-ncw\\_100255954.html#ixzz0VJFzgwME](http://www.thaindian.com/newsportal/india-news/half-the-districts-in-india-are-affected-by-human-trafficking-ncw_100255954.html#ixzz0VJFzgwME).

<sup>173</sup> Ibid.

<sup>174</sup> *Smuggling of Migrants from India* (2009). Retrieved November 5, 2009, from [http://www.unodc.org/documents/human-trafficking/Smuggling\\_of\\_Migrants\\_from\\_India.pdf](http://www.unodc.org/documents/human-trafficking/Smuggling_of_Migrants_from_India.pdf).

<sup>175</sup> *UNODC Compendium of Best Practices on Anti Human Trafficking by Non Governmental Organizations* (2008). Retrieved November 5, 2009.

<sup>176</sup> Shakti Vahini (2005). *Trafficking and HIV*. Retrieved November 5, 2009, from <http://www.imicreation.com/sv/pdf/tamilnadu.pdf>.

development index (HDI).<sup>177</sup> The population growth is low<sup>178</sup> and the state does not show the levels of gender inequality typical for India; as of 2001, there were 986 females for every 1000 males, suggesting a low rate of female infanticide.<sup>179</sup> While female literacy is only 64.55 percent compared with 82.33 percent for males, it is nonetheless high by Indian standards.<sup>180</sup>

Lying at the southeast end of India, Tamil Nadu has many ties to Sri Lanka, and at times Tamil separatists have maintained bases there.<sup>181</sup> While some Naxalite activity has occurred as well, the level of insurgency has been minor in comparison with the insurgent-plagued states of the east coast such as Andhra Pradesh, Orissa, and Jharkhand.<sup>182</sup>

Despite its high HDI level, Tamil Nadu is beset by unusually high rates of AIDS for India, presently 0.34 percent for 2007.<sup>183</sup> As of 2005, the state may have accounted for around 46 percent of all Indian AIDS cases,<sup>184</sup> but it has shown a consistent decline in infection rate due to a proactive state AIDS prevention effort through the Tamil Nadu State AIDS Control Society (TNSACS).<sup>185</sup> Given that the state has had both high rates of AIDS and of trafficking, it may be useful to examine whether any causative link exists between these phenomena, and which direction the causality goes.

## STATE INITIATIVES AND THEIR RESULTS

As one of the more prosperous states in India, one might expect that Tamil Nadu would have more leeway to allocate resources toward combating trafficking. The government has indeed implemented counter-TIP programs. It has created a state-level action plan, formed an Advisory Committee for each district, and created village-level watchdog committees in nearly all villages. Guidelines and supervision for these committees fall to the state's Minister for Social Welfare. The Additional Director General of Police, Crime Branch - Criminal Investigation Department, Archana Ramasundaram, is the officer assigned to take all necessary action to combat trafficking. She focuses on women's rights, and in terms of the police feels that "fundamental changes are needed in concept, attitude, training and, above all, motivation to bridge the wide gap between enactment of

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<sup>177</sup> *Smuggling of Migrants from India* (2009). Retrieved November 5, 2009, from [http://www.unodc.org/documents/human-trafficking/Smuggling\\_of\\_Migrants\\_from\\_India.pdf](http://www.unodc.org/documents/human-trafficking/Smuggling_of_Migrants_from_India.pdf).

<sup>178</sup> Ibid.

<sup>179</sup> India Census 2001. (2001). Dubey, 2001.

<sup>180</sup> Ibid.

<sup>181</sup> *Countering Terrorism and Insurgency in the 21st Century: International Perspectives*, James J. F. Forest, Praeger Security International.

<sup>182</sup> *BSF Offers Counter-Insurgency Training to Commandos*. (2007). Retrieved November 2, 2009, from <http://www.india-defence.com/reports/2839>.

<sup>183</sup> UNAIDS (2008). *2007 AIDS Epidemic Update*. UNAIDS: Geneva. <http://www.unaids.org/en/KnowledgeCentre/HIVData/EpiUpdate/EpiUpdArchive/2007/>.

<sup>184</sup> Shakti Vahini (2005). *Trafficking and HIV*. Retrieved November 5, 2009, from <http://www.imicreation.com/sv/pdf/tamilnadu.pdf>.

<sup>185</sup> Tamil Nadu State AIDS Control Society (2009). *Department of Health and Family Welfare Policy Note, 2008-2009*. Government of Tamil Nadu Health and Family Welfare Department: Chennai.

laws and their implementation.”<sup>186</sup> She is former joint director of India’s Central Bureau of Investigation. The state also offers women’s help lines that connect to women-majority police stations in order to provide more sensitive and respectful responses to complaints. Freed slaves can receive 20,000 rupees from the government.<sup>187</sup>

Precedence for such state efforts was established when the state acted to fight the AIDS epidemic, creating the Tamil Nadu State AIDS Control Society in the early 1990s. This office provides technical and financial support to NGOs to, among other things, help promote safe sex, educate the population, track the epidemic, sensitize the police force, create community care centers, and provide counseling and testing, legal aid, and antiretroviral treatment.<sup>188</sup> Clearly, many of these steps are similar to those necessary for a comprehensive counter-TIP program. Since TNSACS has been successful combating AIDS in recent years, with a decline from 1.13 percent to 0.38 percent from 2001 to 2006, the government has a track record of success in a somewhat similar field to which it can point.

## 4.9 WEST BENGAL

### BACKGROUND ON THE TRAFFICKING PROBLEM IN THE STATE

Based on the data from the National Crime Records Bureau (NCRB), West Bengal ranks very high based on its number of trafficking cases. According to these data, West Bengal ranked second, coming after Bihar, in importation of girls in 2005. The number of incidences that involve buying and selling minor girls was the highest in West Bengal during 1998.

Keeping in mind that West Bengal does not have a robust legal framework, and coupled with the low rates of reported crimes, these figures mask the true extent of TIP. Interestingly, the overall incidence of crime in West Bengal has decreased while crimes against women have increased.<sup>189</sup>

West Bengal borders Bangladesh, Bhutan and Nepal. It is the most densely populated state in India. The literacy rate amounts to 69.22 percent and the gender ratio is 934 per 1000 males. Although agriculture is the leading occupation, the service sector contributes the most to the GDP of the state. West Bengal is attracting foreign direct investment, especially in the information technology industry. Thanks to this investment, West Bengal is the third-fastest growing economy in the country.

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<sup>186</sup> *Bringing a Women’s Rights Perspective to Law*. (2003). Retrieved October 31, 2009, from [http://www.zoominfo.com/people/Ramasundaram\\_Archana\\_271535070.aspx](http://www.zoominfo.com/people/Ramasundaram_Archana_271535070.aspx).

<sup>187</sup> *IJM Operation Frees Eight From Slavery* (2009, October 19). Retrieved November 2, 2009, from <http://www.ijm.org/newsfromthefield/ijmoperationfreeseightfromslavery>.

<sup>188</sup> *Ibid.*

<sup>189</sup> Sen, S. (2004). *A Report on Trafficking in Women and Children in India 2002-2003*. New Delhi: National Human Rights Commission, UNIFEM, Institute of Social Sciences.

A range of socio-economic factors, along with a weak rule of law and implementation, has led to increasing TIP in West Bengal. This is true for both cross-border trafficking and intra-state trafficking, particularly for women and children.

According to the comprehensive national survey on migration in 1993, currently 24.68 percent of the total population of the state represents migrant populations.<sup>190</sup> Around 2-3 million people are trafficked annually in and out of India. West Bengal represents a major source and transit for trafficking. Mostly people are trafficked via, or from, West Bengal to metropolitan cities like Delhi and Mumbai for labor or sexual exploitation.<sup>191</sup>

Around 27 percent of the population in West Bengal lives below the poverty line.<sup>192</sup> This has lasting negative results, which lead to a reinforcing cycle of poverty and human degradation. Low levels of education with associated low levels of literacy, poor health status and low labor productivity all lend to the vulnerability of marginalized groups to human trafficking.<sup>193</sup>

## STATE INITIATIVES AND THEIR RESULTS

West Bengal is the first state to create a Human Rights Commission of its own. Looking into the complaints under the Protection of Human Rights Act, the State Commission has all the authority of a civil court trying a suit under the Code of Civil Procedure, 1908. However, the role of the Human Rights Commission in combating human trafficking is not clearly defined.<sup>194</sup>

Apart from the Human Rights Commission, the West Bengal Government has formed a network to tackle the problem of human trafficking. According to this network, six departments—health, backward classes' welfare, self-help group and self-employment, panchayat and rural development—will interact with police, Criminal Investigation Department, NGOs and the State Women's Commission in order to combat human trafficking.<sup>195</sup> The network was launched following a report prepared by the Calcutta, North Bengal and Burdwan Universities that refer to the fact that human trafficking is on an alarming rise in the state.<sup>196</sup> While these state-level efforts do not follow an integrative and engaging approach, case studies on the involvement of panchayati

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<sup>190</sup> *What makes West Bengal vulnerable to HIV/AIDS*. Retrieved November 10, 2009, from [http://www.wbhealth.gov.in/wbsapcs/inner3.asp?param\\_page\\_id=3¶m\\_link\\_id=1¶m\\_text\\_inner\\_id=2](http://www.wbhealth.gov.in/wbsapcs/inner3.asp?param_page_id=3¶m_link_id=1¶m_text_inner_id=2).

<sup>191</sup> *India Among Top Human Trafficking Destinations*. Retrieved November 3, 2009, from [http://www.monstersandcritics.com/news/india/news/article\\_1362129.php/India\\_among\\_top\\_human\\_trafficking\\_destinations\\_UN](http://www.monstersandcritics.com/news/india/news/article_1362129.php/India_among_top_human_trafficking_destinations_UN).

<sup>192</sup> *India Budget 2001-2002 (2003)*. Retrieved November 5, 2009, from <http://indiabudget.nic.in/es2001-02/chapt2002/chap102.pdf/>.

<sup>193</sup> *What makes West Bengal vulnerable to HIV/AIDS*. Retrieved November 10, 2009, from [http://www.wbhealth.gov.in/wbsapcs/inner3.asp?param\\_page\\_id=3¶m\\_link\\_id=1¶m\\_text\\_inner\\_id=2](http://www.wbhealth.gov.in/wbsapcs/inner3.asp?param_page_id=3¶m_link_id=1¶m_text_inner_id=2).

<sup>194</sup> West Bengal Human Rights Commission. Retrieved November 2, 2009, from <http://wbhrc.nic.in/>.

<sup>195</sup> *Woman Trafficking on Rise in West Bengal* (2008, February 22). Retrieved November 2, 2009, from <http://www.articlesbase.com/women's-issues-articles/woman-trafficking-on-rise-in-west-bengal-339196.html>.

<sup>196</sup> *Ibid.*

raj institutions in West Bengal have signaled that the participation of the local elected leaders can lead to a marked difference in preventing trafficking,<sup>197</sup> which has positive connotations for future policies regarding the abolishment of TIP.

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<sup>197</sup> Sen, S. (2004). A Report on Trafficking in Women and Children in India 2002-2003. New Delhi: National Human Rights Commission, UNIFEM, Institute of Social Sciences.

## 5. NGO SUMMARY TABLES

The following tables summarize the efforts of the NGOs and donors investigated for this study. By no means is this information comprehensive, nor is it guaranteed to be accurate, but it provides a general idea of the areas in which some selected NGOs work.

**Table 8: NGO/Donor Summary Table 1**

Name of NGO	State/Territory	Primary Type of Anti-TIP Work	Primary Intervention	Secondary Type of Anti-TIP Work	Secondary Intervention	Other Types of Anti-TIP Work	Tertiary Interventions	Affiliation with Government & Authorities	Affiliation with Other NGOs/Int'l Orgs	Affiliation with Network	Website/Contact
<b>Anveshi Research Center for Women's Studies</b>	Andhra Pradesh	Capacity-Building	Research	N/A	N/A	N/A	N/A	Yes, National Institute of Nutrition	No	No	<a href="http://www.anveshi.org/">http://www.anveshi.org/</a>
<b>Andhra Pradesh Joginies Welfare Samikhya</b>	Andhra Pradesh	Protection	Shelter	Prevention	Awareness Programs	Capacity-Building	Training Programs	N/A	N/A	Yes	Nirmala Rapaka
<b>Prajwala</b>	Andhra Pradesh	Protection	Education of children of sex workers, social integration	Prosecution	Rescue victims and charge perpetrators	Prevention	Micro-Enterprises	Law enforcement	Yes	Yes	<a href="http://www.prajwalaindia.com/home.html">http://www.prajwalaindia.com/home.html</a>
<b>Help/Rise/Stree</b>	Andhra Pradesh	Protection	School facilities for children of sex workers	Protection	Social reintegration and rehabilitation programs	Prevention	Micro-enterprises	No	N/A	N/A	<a href="http://www.ashanet.org/projects/project-view.php?p=948">http://www.ashanet.org/projects/project-view.php?p=948</a>
<b>Sakhi</b>	Bihar	Prevention	Economic empowerment programs	Capacity-Building	Research	N/A	N/A	N/A	Yes, Adithi	N/A	<a href="http://www.sakhi.org/">http://www.sakhi.org/</a>
<b>Bhoomika Vihar</b>	Bihar	Prevention	Vigilance groups, Awareness & information centers	Capacity-building	Conducts surveys and studies	N/A	N/A	Yes	Yes	Campaign Against Child Trafficking, Campaign against Trafficking & Sexual Exploitation of Girls Child/Girls; Beti Bachao Aandolan	Mr. Arun Kumar Singh; bhoomikavihar@hotmail.com; <a href="http://bhoomikavihar.org.in/alp.html">http://bhoomikavihar.org.in/alp.html</a>
<b>Prayas Bharti Trust (PBT)</b>	Bihar	Prevention	Awareness Building	Prevention	Economic Empowerment Programs and Re-integration programs	Protection	24 hour helpline service, rescue center, soup kitchen	Ministry of Child and Women Development	Yes	Yes, National Network for Development	<a href="http://www.prayasbharti.org/">http://www.prayasbharti.org/</a>
<b>Action Against Trafficking and Sexual Exploitation of Children and Women (ATSEC)</b>	Bihar	Prevention	Vigilance groups, Awareness & information centers	Prosecution	Mobilize government officials	Protection	Counseling support	Government officials	Yes, UNIFEM	Yes, it is a network.	<a href="http://www.atsecbihar.org/">http://www.atsecbihar.org/</a>

**Table 9: NGO/Donor Summary Table 2**

Name of NGO	State/Territory	Primary Type of Anti-TIP Work	Primary Intervention	Secondary Type of Anti-TIP Work	Secondary Intervention	Other Types of Anti-TIP Work	Tertiary Interventions	Affiliation with Government & Authorities	Affiliation with Other NGOs/Int'l Orgs	Affiliation with Network	Website/Contact
<b>Action Against Trafficking and Sexual Exploitation of Children and Women (ATSEC)</b>	Bihar	Prevention	Vigilance groups, Awareness & information centers	Prosecution	Mobilize government officials	Protection	Counseling support	Government officials	Yes, UNIFEM	Yes, it is a network.	<a href="http://www.atsecbihar.org/">http://www.atsecbihar.org/</a>
<b>Jan Jagran Sansthan</b>	Bihar	Prevention	Education for religious leaders	Protection	Shelters	Capacity-Building	Training of state governments	Committees & Law Enforcement	Yes, UNIFEM	ATSEC	Y.K. Gautam; Jjs_nalanda@sisy.com /Jjs_nalanda@yahoo.com
<b>Bal Sakha, Patna</b>	Bihar	Prevention	Care for street children	Protection	Formal education and training for children as well as reintegration	Capacity-Building	Works to improve other NGOs, police, judiciary, community leaders on trafficking matters		N/A	N/A	Mr. Sanat Kumar Sinha; balsakha@yahoo.com; <a href="http://www.balsakha.org.in/">http://www.balsakha.org.in/</a>
<b>Sanlaap Bihar Office</b>	Bihar	Protection	District-Based Prevention and Protection Programme including unique Crisis Centres for at-risk children that provide education and vocational training.	Prevention	Awareness-building through police, judiciary, NGOs, and communities.	Capacity-Building	Sanjojan, which connects stakeholders, including survivors, Community Based Organizations, the police, health services, and training institutes to help trafficking survivors.				Ms. Indu Sinha; sanlaap.bihar@gmail.com; <a href="http://www.sanlaapindia.org/">http://www.sanlaapindia.org/</a>
<b>Adithi</b>	Bihar, Jharkhand, Tamil Nadu	Prevention	Economic empowerment programs	Protection	Shelters	Capacity-Building	Community organizing	Law Enforcement	Yes	Yes	<a href="http://www.adithi.net/firms.com/home.htm">http://www.adithi.net/firms.com/home.htm</a>
<b>Social Network Against Child Sexual Exploitation and Trafficking (SNATCH)</b>	Chhattisgarh	Capacity-Building	Enhanced coordination between NGOs in Chhattisgarh	Prevention	Awareness programs	N/A	N/A	N/A	Yes, this is a network of Chhattisgarh NGOs	Yes, it is a network.	N/A
<b>Bharat Gyan Vigyan Samiti</b>	Chhattisgarh	Prevention	Supports "continuing education"	Prevention	Opens "community owned" schools	N/A	N/A	Yes, National Council for Science and Technology Communication, Department of Science and Technology	No	No	<a href="http://www.bgvs.org/">http://www.bgvs.org/</a>

**Table 10: NGO/Donor Summary Table 3**

Name of NGO	State/ Territory	Primary Type of Anti-TIP Work	Primary Intervention	Secondary Type of Anti- TIP Work	Secondary Intervention	Other Types of Anti-TIP Work	Tertiary Interventions	Affiliation with Government & Authorities	Affiliation with Other NGOs/Int'l Orgs	Affiliation with Network	Website/Contact
<b>Institute for Social Sciences</b>	Delhi	Capacity-Building	Research	Capacity-building	Training programs on HIV/AIDS	Capacity-Building	Sensitization Workshops	Ministry of Child and Women Development	Yes, UNIFEM, UNDP, UNFPA, World Bank, WFP	Yes, it is over the Association of Local Governments	<a href="http://www.issin.org/">http://www.issin.org/</a>
<b>UNIFEM South Asia Office</b>	Delhi	Capacity-Building	Training police	Prevention	Awareness programs	Prosecution	Highlighting outages to the judiciary and police	Works with many ministries	Many affiliations	Many affiliations	Diya Nanda/Madhubala Nath; diyananda@gmail.com, madhubala.nath@unifem.org; <a href="http://www.unifem.org.in/">http://www.unifem.org.in/</a>
<b>HAQ Centre for Child Rights, Child Trafficking Unit</b>	Delhi	Capacity-Building	Research	Prosecution	Legal support/advocacy	Capacity-Building	Police training	Law Enforcement	UNODC	Yes	<a href="mailto:info@haqcr.org">info@haqcr.org</a> ; <a href="http://www.haqcr.org/">http://www.haqcr.org/</a>
<b>USAID</b>	Delhi	Capacity-Building	Strengthen government capacity	Protection	Shelters	Prevention	Education programs	Works with many ministries	Many affiliations	Many affiliations	Ms. Lalita Shankar; <a href="http://www.usaid.gov/in/">http://www.usaid.gov/in/</a>
<b>UNODC Regional Office for South Asia</b>	Delhi	Capacity-Building	Conducts large-scale projects among many stakeholders and funds a variety of programs.	Protection	Shelters	Prevention	Awareness campaigns	Works with many ministries	Many affiliations	Many affiliations	Dr. Suruchi Pant/Swasti Rana; suruchi.pant@unodc.org; <a href="http://www.unodc.org/india/index.html">http://www.unodc.org/india/index.html</a>
<b>Joint Women's Programme</b>	Delhi	Protection	Education of children of sex workers, social integration	Prevention	Awareness Programs	Capacity-building	Building networks	Law Enforcement	Yes	Yes	Dr. Jyotsna Chatterji
<b>Action Aid India Office</b>	Delhi	Protection	Rehabilitation programs	Prevention	Advocacy to get women access to land ("HungerFREE")	N/A	N/A	Ministry of Child and Women Development	Yes, UNAID	Yes	<a href="http://www.actionaid.org/india/index.aspx">http://www.actionaid.org/india/index.aspx</a>
<b>Stop Trafficking, Oppression, and Prostitution of Children and Women (STOP)</b>	Delhi	Protection	Rescue operations and Rehabilitation Homes	Prosecution	Legal protection, advocacy	Prevention	Promotes legal literacy programs/ community outreach	Law Enforcement	Yes	Yes, it is a network	<a href="http://www.stopindia.org/">http://www.stopindia.org/</a>

**Table 11: NGO/Donor Summary Table 4**

Name of NGO	State/Territory	Primary Type of Anti-TIP Work	Primary Intervention	Secondary Type of Anti-TIP Work	Secondary Intervention	Other Types of Anti-TIP Work	Tertiary Interventions	Affiliation with Government & Authorities	Affiliation with Other NGOs/Int'l Orgs	Affiliation with Network	Website/Contact
<b>Salaam Baalak Trust</b>	Delhi	Protection	Shelters, Education of children of sex workers, social integration	Protection	Helps with Childline	N/A	N/A	Ministry of Child and Women Development	UNIFEM, UNODCD, YMCA	Yes	<a href="http://www.salaambaal.akttrust.com/">http://www.salaambaal.akttrust.com/</a>
<b>Prayas</b>	Delhi	Protection	Rescue and rehabilitation of children trafficked via railways	Protection	Crisis Intervention Centre (CIC) for trafficked victims	Prevention	Economic Empowerment programs	Indian Railway Police, Railway Authorities	Yes	Yes	<a href="http://www.prayasonline.org/child_trafficking.html">http://www.prayasonline.org/child_trafficking.html</a>
<b>Children's Rights in Goa</b>	Goa	Prevention	Awareness Programs	Capacity-Building	Workshops with officials on improving procedures	Prosecution	Monitors and helps with cases against traffickers, specifically those dealing with children	Yes	Yes, UNIFEM	Yes	<a href="http://www.childrights.goa.org/">http://www.childrights.goa.org/</a>
<b>Bailancho Saad</b>	Goa	Prevention	Women's Day March/Festival	Prosecution	Legal Advocacy	Capacity-Building	Training Programs	Committees & Law Enforcement	Yes, UNIFEM	Yes, several	Albertina Almeida
<b>Sangath Family Guidance and Child Development Centre</b>	Goa	Protection	The Sangath Sahyog Project - Mental Health Intervention for Trafficked Women and Children	Capacity-building	Workshops on capacity building for NGO's and government officials on mental health intervention for survivors of human trafficking.	Prevention	Was involved in sensitization programs around 2001-2	N/A	Saarthak, UNIFEM, Save the Children Sweden	N/A	contactus@sangath.com; <a href="http://www.sangath.com/sangath/">http://www.sangath.com/sangath/</a>
<b>Jan Ugahi</b>	Goa	Protection	Shelter	Prevention	Awareness programs	Capacity-Building	Child Line Phone Line	Ministry of Child and Women Development	Yes, Save the Children	Yes, Children's Helpline Network	Gregory Dacosta; janugahi@sancharnet.in, janugahitrust@yahoo.com
<b>Asha Sadan</b>	Goa	Protection	Rehabilitation programs	Prevention	Empowerment Programs'	N/A	N/A	N/A	N/A	N/A	Sr. Ardrea
<b>Bailancho Manch</b>	Goa	Protection	Counseling	Prosecution	Legal Advocacy	N/A	N/A	Law Enforcement	Yes, UNODC	N/A	Caroline Colaco

**Table 12: NGO/Donor Summary Table 5**

Name of NGO	State/ Territory	Primary Type of Anti-TIP Work	Primary Intervention	Secondary Type of Anti- TIP Work	Secondary Intervention	Other Types of Anti-TIP Work	Tertiary Interventions	Affiliation with Government & Authorities	Affiliation with Other NGOs/Int'l Orgs	Affiliation with Network	Website/Contact
Arz	Goa	Protection	Rescue operations & Rehabilitation (Swift Wash)	Prosecution	Training Law Enforcement officers	Prevention	Awareness campaigns	Law Enforcement	Yes	Yes	<a href="http://www.arzindia.org/">http://www.arzindia.org/</a>
<b>Bharatiya Kisan Sangh (BKS)</b>	Jharkhand	Capacity- Building	Trains rural organizations at village level, sensitization training	Prevention	Supports educational programs	Protection	Shelter for trafficked girls, toll-free hotline	State Department of Social Welfare	Yes, UNIFEM, USAID, UNODC	Yes, It is the network coordinator and part of the regional Jharkhand Anti- Trafficking Network (JATN)	<a href="http://bharatiyakisansangh.org/">http://bharatiyakisansangh.org/</a>
<b>Bhartiya Kisan Sangh (BKS)</b>	Jharkhand	Capacity- Building	Sensitization workshops, rights- based programming, development of district organizations, and legal training	Protection	Kishori Niketan which means “Home for Adolescent Girls” in Hindi is a rehabilitation center and home for survivors of trafficking. It houses almost 200 girls.	N/A	N/A	State Department of Social Welfare	Yes, UNIFEM, USAID, UNODC	Yes, It is the network coordinator and part of the regional Jharkhand Anti- Trafficking Network (JATN)	Mr. K. Sanjay Mishra, bksranchi@gmail.com; <a href="http://www.bksranchi.org/">http://www.bksranchi.org/</a>
<b>Jharkhand Anti- Trafficking Network (JATN)</b>	Jharkhand	Prevention	Awareness Programs	Capacity- Building	State-level sharing of trafficking information and data with stakeholders	N/A	N/A	Law Enforcement	This is a network of ~10 NGOs	State-wide network	<a href="http://www.bksranchi.org/antraffick.aspx">http://www.bksranchi.org/antraffick.aspx</a>
<b>Yuwa</b>	Jharkhand	Prevention	World-class education for children (based on merit)	N/A	N/A	N/A	N/A	Yes, state government	No	N/A	<a href="http://www.yuwa-india.org/">http://www.yuwa-india.org/</a>
<b>Stri-Shakti</b>	Jharkhand	Protection	Shelter	N/A	N/A	N/A	N/A	Law Enforcement	Yes	Yes	<a href="http://www.strishakti.org/">http://www.strishakti.org/</a>
<b>Association for Human Rights Education and Development</b>	Orissa (Odisha)	Prevention	Awareness Programs	Capacity- Building	Increase implementation potential for international treaties	N/A	N/A	No	No	Yes	<a href="http://orissa.ngosindia.com/association-for-human-rights-education-and-development-kharia.html">http://orissa.ngosindia.com/association-for-human-rights-education-and-development-kharia.html</a>

Table 13: NGO/Donor Summary Table 6

Name of NGO	State/ Territory	Primary Type of Anti-TIP Work	Primary Intervention	Secondary Type of Anti- TIP Work	Secondary Intervention	Other Types of Anti-TIP Work	Tertiary Interventions	Affiliation with Government & Authorities	Affiliation with Other NGOs/Int'l Orgs	Affiliation with Network	Website/Contact
<b>Action for Better Living and Environment (ABLE)</b>	Orissa (Odisha)	Prevention	Awareness Programs	Capacity-Building	Research and Training	Prevention	Economic Empowerment programs	N/A	N/A	N/A	Sushil Parida
<b>Orissa Anti-Trafficking Network (Jagnyaseni)</b>	Orissa (Odisha)	Prevention	Awareness Programs	N/A	N/A	N/A	N/A	Law Enforcement	N/A	Yes, it is a network	N/A
<b>Banadurga Social Welfare Society for Rural Trust</b>	Orissa (Odisha)	Prevention	Economic empowerment programs	N/A	N/A	N/A	N/A	Yes, state government	No	No	Mrs. Basanti Nanda
<b>The Asian Foundation for Philanthropy</b>	Orissa (Odisha)	Prevention	Economic empowerment programs	Prevention	Awareness programs	Capacity-Building	Sends volunteers	Yes, Ministry of Education	Yes, it is international	No	<a href="http://www.affp.org.uk/">http://www.affp.org.uk/</a>
<b>Banki Anchalika Adivashi Harijana Kalyan Parishad</b>	Orissa (Odisha)	Prevention	Awareness programs focused on tribal communities	Prevention	Economic Empowerment programs	N/A	N/A	Yes, Ministry of Social Justice and Empowerment	N/A	Yes	N/A
<b>Alternative for Rural Movement (ARM)</b>	Orissa (Odisha)	Prevention	Economic empowerment programs	Prevention	Disaster-Management programs	Capacity-Building	Community organizing	Law Enforcement	N/A	Yes	<a href="http://www.armngo.com/">http://www.armngo.com/</a>
<b>Association for Social and Health Advancement (ASHA)</b>	Orissa (Odisha)	Protection	Rehabilitation programs	Prevention	Economic Empowerment programs	N/A	N/A	Yes	No	No	<a href="http://www.ashaorissa.org/">http://www.ashaorissa.org/</a>
<b>Indian Community Welfare Organization (ICWO)</b>	Tamil Nadu	Prevention	Target street children and engage them in theatre programs, study centre	Protection	Economic Empowerment Programs and Re-integration programs	Protection	Legal advocacy	No	Yes, UNDP, UNAID, ActionAid, TIDES	No	<a href="http://icwoindia.org/">http://icwoindia.org/</a>
<b>Madras Christian Council of Social Services (MCCSS)</b>	Tamil Nadu	Protection	Rescue operations and Rehabilitation Homes	Prevention	Awareness programs, Economic Empowerment Programs	Prosecution	Legal advocacy	Law enforcement (all female police stations)	Yes	Yes	<a href="http://www.mccss.org/">http://www.mccss.org/</a>

**Table 14: NGO/Donor Summary Table 7**

Name of NGO	State/ Territory	Primary Type of Anti-TIP Work	Primary Intervention	Secondary Type of Anti- TIP Work	Secondary Intervention	Other Types of Anti-TIP Work	Tertiary Interventions	Affiliation with Government & Authorities	Affiliation with Other NGOs/Int'l Orgs	Affiliation with Network	Website/Contact
<b>International Justice Mission</b>	Tamil Nadu	Protection	Rescue operations targeted at bonded laborers	Prosecution	Legal Advocacy	Capacity- Building	Training of state prosecutors to improve levels of successful legal cases	Law enforcement	Yes, it is international	No	<a href="http://www.ijm.org/">http://www.ijm.org/</a>
<b>Jabala</b>	West Bengal	Prevention	Awareness Programs	Capacity- building	Advocacy programs	Capacity- Building	Media sensitization programs	Law Enforcement	Yes	Yes	<a href="http://www.jabala.org/">http://www.jabala.org/</a>
<b>All Bengal Women's Union</b>	West Bengal	Prevention	Awareness Building	Protection	Shelters	Prevention	Education programs	Ministry of Child and Women Development	Yes	Yes	<a href="http://www.abwu.org/">http://www.abwu.org/</a>

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