No. 15011/14/2026-ATC
Government of India
Ministry of Home Affairs
***

Women Safety Division
Major Dhyan Chand National Stadium
India Gate, New Delhi – 110001
August 28, 2026

1. The Chief Secretaries of all States/Union Territories.
2. The Directors General of Police (DGP) of all States/Union Territories.

Subject: Countering Trafficking in Persons – Integrating Naveen Nyaya Sanhita, Use of Technology and the Essential Role of State Leadership and Ownership.

Sir/Madam,

Preventing and combating the crime of human trafficking is an important priority of the Govt. of India. While the Union Government has provided a comprehensive statutory and digital roadmap, the functional success of these reforms is dependent on the decisive leadership of States and Union Territories, and the efficiency and rigour with which these tools are used by them.

2. Following the successful adoption of the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023 and Bharatiya Sakshya Adhiniyam, 2023, the criminal justice framework has been fully updated. This advanced legal architecture, augmented by digital tools, provides the precision required to dismantle networks of exploitation. As the roll out phase of the Naveen Nyaya Sanhitas is now complete, the functional responsibility to enforce these provisions to their maximum potential with complete administrative vigour is the exclusive mandate of the States and Union Territories.

3. The following guidelines are issued for the guidance/strict compliance by all States/Union Territories:

I. Using the Full Power of the New Legal Framework

The new laws (Naveen Nyaya Sanhitas) provide a much stronger basis to prosecute traffickers and dismantle their syndicates. The following new/strengthened legal provisions are highlighted for the benefit of all States and Union Territories:

- **Targeting the Criminal Network (Section 111 Bharatiya Nyaya Sanhita, 2023):** Human trafficking is rarely an isolated crime. It is typically the work of organized syndicates. Investigating Officers must invoke Section 111 of the Bharatiya Nyaya Sanhita, 2023 to dismantle networks. Action must not be

limited to low-level actors but the law must be used to seize their assets and neutralize the "kingpins" and financiers who operate from the shadows, often in the guise of legitimate business.

- **Strict Application of Penalties (Sections 143 and 144 Bharatiya Nyaya Sanhita, 2023):** There should be no ambiguity in applying these sections, particularly in cases involving minors or multiple victims. The prosecution must seek the highest possible penalties, including life imprisonment. Officers must be professionally trained to identify and prove every stage of the crime—from recruitment and transit to final form of exploitation.
- **Digital Proof as Primary Evidence:** The provisions of the Bharatiya Sakshya Adhiniyam, 2023 must be leveraged to secure digital trails, including encrypted chats, financial transactions, and geolocation data. Under the New Laws, in terms of Section 57 Bharatiya Sakshya Adhiniyam, 2023, (Explanations 1-7) electronic records are treated as primary evidence, subject to fulfilment of specific conditions laid down therein.
- **Mandatory Recording of search and seizure through audio-video electronic means (Section 105 Bharatiya Nagarik Suraksha Sanhita, 2023):** It is now a mandatory requirement that every search and seizure operation related to trafficking be video-recorded. This serves as a "digital shield" to protect the integrity of the evidence.
- **Mandatory Forensic Evidence Collection (Section 176(3) Bharatiya Nagarik Suraksha Sanhita, 2023)**: The collection of forensic evidence is no longer a matter of discretion; it is a statutory requirement. Professional forensic evidence must be secured at the scene of crime including every rescue or raid operation.
- **Protecting the Victim through Technology (Bharatiya Nagarik Suraksha Sanhita, 2023):** To prevent re-traumatization, the new provisions such as Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which mandates audio-video recording of sexual offence victims' statements by a woman Judicial Magistrate, and Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which authorizes a woman police officer to record a sexual assault victims' statement using audio-video means, reduce the need for multiple court appearances, thereby protecting the victims from potential threats or intimidation by traffickers.

II. Strengthening AHTUs: State Leadership and Accountability

The Ministry of Home Affairs has provided financial assistance under the Nirbhaya Fund to strengthen the physical infrastructure of Anti-Human Trafficking Units (AHTUs). However, the functional success and the actual impact of these units lie squarely with the State and Union Territory administrations, who have to deploy suitable staff to man these units and to effectively monitor their functioning.

- **Functional Efficacy of AHTUs:** States must ensure that every Anti-Human

Trafficking Unit is fully staffed, specialized, and actively engaged in field and do not remain merely an empty formality. These Units must transition from paper-based existence to active, specialized task forces that are prioritized in policing.

- **Multi-Agency Coordination:** To effectively tackle labor trafficking in industries such as brick kilns, textiles, and domestic work, States must establish formal coordination protocols. AHTUs should work in close synergy with all Departments of the State/UT to ensure a unified response.
- **Specialized Prosecution Units:** States should designate specialized Public Prosecutors for Trafficking in Persons (TIP) cases. This is essential to ensure that legal complexities—such as proving "force, fraud, or coercion" under Sections 143/144 of the Bharatiya Nyaya Sanhita, 2023—are effectively argued.
- **Fast-Track Adjudication:** In coordination with the respective State High Courts, trafficking trials must be prioritized in Special Courts.

III. Universal Victim Identification and Protection Protocols

To ensure no victim is overlooked, identification protocols must be broad enough to cover all genders and every industry vulnerable to exploitation.

- **Inclusion of Men and Boys in Identification Protocols:** Labor trafficking in sectors such as brick kilns, stone quarries, and unregulated manufacturing often remains under-reported. States must conduct regular, unannounced inspections in these high-risk industries. Field personnel and labor inspectors must be specifically trained to identify victims of exploitation including men and boys, who are often overlooked in traditional trafficking narratives.
- **Data-Driven and Risk-Based Interventions:** State police and labor departments must leverage national databases such as CCTNS/Cri-MAC—to map high-risk migration routes and trafficking hotspots.

IV. Technological Force Multipliers: From Systems to Action

While the Central Government provides the digital architecture and tools, their true potential is realized only when the States utilize them with precision and purpose.

- **Proactive Cyber Surveillance:** State Police must enhance their cyber-patrolling capabilities to identify "grooming" patterns on social media and fraudulent job advertisements on recruitment portals.
- **Digital Vigilance and Identification:** States must consistently utilize the National Automated Facial Recognition System (NAFRS) to cross-reference rescued individuals and unidentified minors with the Mission Vatsalya portal.
- **Inter-State Synergies and Real-time Alerts:** States must coordinate with each other and prioritize real-time alerts and flag known traffickers moving

across state borders through Cri-MAC platform.

- **Joint Investigation Teams (JITs):** To ensure seamless prosecution in complex cross-border cases, States are encouraged to establish Joint Investigation Teams (JITs), allowing for the sharing of evidence and resources across state lines.

V. Combating Overseas Recruitment Scams and Digital Exploitation

A dangerous form of trafficking has emerged through "overseas recruitment scams," where victims are lured with high-paying jobs only to be trapped in "Cyber-Fraud Centers." To counter this, States must lead a specialized offensive:

- **Monitoring Online Advertisements:** State Cyber Cells must maintain constant vigil over social media and job portals for suspicious offers. Under the Bharatiya Sakshya Adhiniyam (BSA), digital chats and payment logs are now primary evidence and must be seized immediately to prove fraud.
- **Verification and Enforcement of Recruitment Agencies:** States must establish a mandatory "Verification Protocol" for all local recruitment agencies. Any agency operating without a valid license from the Protector of Emigrants (PoE), under Ministry of External Affairs or facilitating illegal "donkey" routes must be shut down, and operators prosecuted under the aggravated trafficking clauses of Sections 143/144 of the Bharatiya Nyaya Sanhita, 2023. State/UT Administrations need to establish a structured mechanism for regular circulation and sharing of verified information relating to labour hiring agencies, placement agencies, contractors, and overseas recruitment facilitators with Police, Anti Human Trafficking Units (AHTUs), Special Branches, district administration, etc.
- **Targeted Awareness and Community Vigilance:** States should launch localized campaigns to educate citizens on the dangers of unauthorized migration, emphasizing the use of the e-Migrate portal. Local Panchayats should be involved to identify and report unauthorized agents in rural areas.
- **Platform Accountability:** States should issue clear advisories to digital platforms and local media to verify the licenses of recruiters before publishing advertisements. Failure to perform due diligence should be viewed as aiding and abetting the crime.

VI. Zero Tolerance for Complicity and Administrative Negligence, etc.

- **Legal provisions:** There are various provisions that establish criminal liability for a public servant's official complicity. For instance, under Section 199(c) Bharatiya Nyaya Sanhita, any public servant who fails to record information provided to them under sub-section (1) of Section 173 of the Bharatiya Nagarik Suraksha Sanhita, in relation of certain cognizable offences punishable under the Bharatiya Nyaya Sanhita including Sections

143-144 (Trafficking of persons)-shall be punished with rigorous imprisonment for a term not less than six months, which may extend up to two years, and shall also be liable to a fine.

- **Administrative Action:** Failure to comply with the prescribed procedures and expected actions shall result in the initiation of departmental enquiry, which may lead to imposition of strict disciplinary penalties.

VII. Tackling the Underlying Root Causes: Missing children and trafficking requires a comprehensive whole-of-government approach, supported by the active involvement of civil society organizations and community stakeholders. Efforts should focus on identifying and addressing the socio-economic and environmental factors leading to vulnerability, including school dropouts, drug addiction, alcoholism, neglect of orphans, and lack of livelihood opportunities, through targeted government interventions, rehabilitation measures, and employment generation initiatives.

4. It needs no further reiteration that the fight against human trafficking serves as a definitive benchmark of constitutional obligation and administrative efficacy. While the Union Government provides the legal roadmap and the technological tools, **it must be recognized that the actual impact is realized only through effective execution in the field at the level of States and UTs**. The Government of India solicits the full cooperation of all concerned in this regard, as the successful implementation of these measures is contingent upon the commitment, leadership, and **proactive engagement of all the States and Union Territories at the field level**.

5. To ensure the intended outcomes are achieved, it is essential that the instructions contained in this advisory are effectively disseminated to all field-level officers, including those at the police station level. It is further requested that they should be adequately briefed on the latest legal provisions as well as the technological initiatives introduced by the Government of India, for which the Govt. of India separately supports the States/UTs financially by providing them funds for organizing periodic awareness/sensitization programmes for "State Level Conferences" and holding "Judicial Colloquiums", etc.

Yours sincerely,

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