



STANDARD OPERATING
PROCEDURE (SOP)
FOR
COMBATING TRAFFICKING
OF PERSONS IN INDIA

National Human Rights Commission
India

Standard Operating Procedure (SOP)
For
Combating Trafficking of Persons in India



National Human Rights Commission
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PREFACE

Trafficking in human beings is one of the largest organised crimes in the world. A victim of human trafficking is a victim of continuous and multiple crimes at all stages of trafficking. Victims of trafficking may be of any age or gender. Victims of trafficking suffer physically, psychologically and economically leading to huge physical and mental trauma to them. The perpetrators of the crime of trafficking are usually organised crime networks working locally, regionally or internationally.

The founding fathers of our Constitution understood the grave nature of this most inhumane crime and therefore included prohibition of trafficking as one of the fundamental rights. Article 23 of the Constitution of India prohibits traffic in human beings and 'begar' and other similar forms of forced labour. Article 21 of the Constitution guarantees that no person shall be deprived of his life or personal liberty except according to the procedure established by law. In May 2011, India ratified United Nations Convention on Transnational Organized Crime (UNTOC) and its three Optional Protocols. Further trafficking for sexual exploitation and other exploitative practice is heinous crime as per the Indian Penal Code and other Special Acts.

Despite the robust policy and institutional framework, the challenges posed by knowledge dispersion, implementation, and the emerging forms of trafficking make India one of the most fertile grounds as source, transit or destination of trafficking. Trafficking for sexual exploitation is accompanied by practices similar to slavery such as forced labour, employment as domestic workers, massage parlours, spas, illegal adoption, marriage, or unscrupulous civil society organisation running of illegal vocational training centers, or women's or children's unregistered homes.

Trafficking is a crime of dynamic nature, it has already mutated into various forms having a thin veneer of social acceptability to escape legal action or societal scrutiny and condemnation. Further, as the law enforcement agencies catch up and gear up to deal with the existing forms of trafficking, it mutates into a new form with the trafficker adopting a new modus operandi.

As the trafficking is carried out under various garbs and disguises, the knowledge of trafficking and its various forms is generally inadequate among the various organisations who have the responsibility to deal with its various aspects. There is also lack of will to deal with the traffickers and combat trafficking as many of the ways in which it is practised have some degree of social acceptability. In fact, it may not be an exaggeration to say that several respectable citizens of the country abet trafficking through their actions/conduct.

Keeping in view the knowledge gap which exists about issues related to trafficking and the laws relating to it, NHRC has considered it necessary to bring out a Standard Operating Procedure (SOP) to bridge this knowledge gap. This SOP is also a ready reckoner of the actions which are to be taken by the various agencies entrusted with the responsibility of combating trafficking. The SOP follows a step wise or sequential approach.

It is hoped that through this SOP the mechanisms for prevention, rescue, investigation, and rehabilitation in cases of trafficking will get strengthened. It is further hoped the SOP will lead to the victims who are, through deceit, or force, or through abuse of power or their situation of vulnerability, forced to work, or indulge in prostitution, or beggary, or pornography and paedophilia, or various other forms of physical, economic and sexual exploitation including forced removal of organs, getting the due protection as per law in a timely and effective manner.

The SOP also aims to lay down monitoring and accountability mechanisms for speedy effective and time bound justice to victims of trafficking and create a social, economic and legal deterrent against trafficking.

PART-A

1. INTRODUCTION

This Standard Operating Procedure for Combatting Trafficking of Persons in India (SOP) provides step-by-step guidance to anti-trafficking professionals and other stakeholders involved in identification, rescue, investigation, rehabilitation, reintegration of victims of trafficking and the prosecution of the accused. This document is conceived as a user-friendly tool that guides state and non-state anti-trafficking actors through the distinct but interconnected steps to ensure full protection and assistance to the trafficked persons.

The SOP is conceived as a working tool for law enforcement for the practitioners and specialists of governmental, non-governmental and civil society organisations engaged in combatting trafficking in persons at different stages of intervention levels in India.

The SOP aims to:

1. Provide for the steps to be taken for prevention of a victim from being trafficked;
2. Provide for the procedure for rescue of a victim of trafficking on receipt or collection of information and for the post rescue processes which should follow;
3. Create a compendium of all the laws and sections of various laws relating to trafficking;
4. Provide for a step by step guidance tool-kit for investigating officers of cases of trafficking registered and taken up for investigation;
5. Provide for investigative guidelines to identify the organised crime syndicates engaged in the trafficking of women and children;
6. Delineate provisions of law relating to enhanced punishment, victim protection, victim friendly trial proceedings, attachment and confiscation of proceeds of crime for the information and knowledge of investigating officers;
7. Provide for repatriation and /or rehabilitation of victims of trafficking;
8. Provide for steps or actions which may be taken to ensure that a rescued victim of trafficking is not re-trafficked;
9. Provide for supervision and monitoring of:
 - a) Steps to prevent trafficking;
 - b) Investigation of criminal cases relating to trafficking;
 - c) Rescue and rehabilitation of the victims of trafficking.
 - d) Reintegration of the victim in the society/her family

2. CONCEPT OF TRAFFICKING

2.1 Definition of Trafficking

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

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

First.- using threats, or

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

Thirdly.- by abduction, or

Fourthly.- by practicing fraud, or deception, or

Fifthly.- by abuse of power, or

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

Note :

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

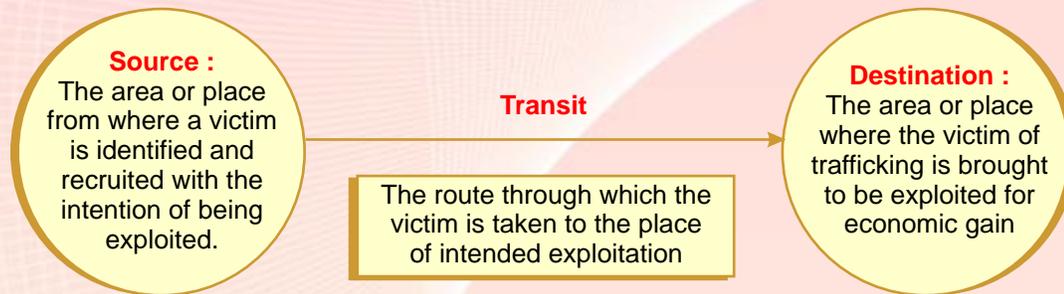
Accordingly, one or more of the following issues can also be construed as means and/or ends to human trafficking, or human trafficking itself, for the purpose of the above definition:

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

2.2 Understanding of Trafficking:

Through Act of	By means (process) of	For purpose of
Recruitment Transportation Transfer Harboring or Receipt of a person	Threat, Force or Coercion, Abduction, Fraud or Deception, Of the abuse of power (or position of vulnerability), Inducement, including giving or receiving money or benefit	Exploitation: Including, at a minimum-Physical Exploitation, Sexual Exploitation Slavery or practice similar to slavery (like Forced Labour) Servitude Forced Removal of organs
Consent of the victim is immaterial in determining the crime of trafficking		

Trafficking is a continuing offence that continues from source to transit and to destination.



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

2.3. Myths and Misconceptions

- The victim or victims' family knew what they were getting into
- The victim was paid for services/ labour
- The victim had freedom of movement
- There were opportunities to escape but the victim did not
- Trafficking involves crossing of borders
- If trafficker is related to the victim, there is no trafficking

2.4. Response to Trafficking

Human trafficking is a multi-dimensional organised crime with a global reach. It is a basket of crimes ranging from cheating, kidnapping, abduction for various purposes, buying and selling, wrongful confinement leading to various forms of exploitation and crimes such as child labour, bonded labour, sexual exploitation, rape, organ trade, etc. The crime of human trafficking may have local, national and international dimensions with respect to stakeholders, geography, jurisdiction of crime etc. The crime starts at a source area where the first actor in the chain of trafficking takes an action to recruit a victim, follows through transit areas through which the victim is transported to the destination where he/ she is exploited for some form of economic gain. However, exploitation may happen at various stages by multiple traffickers during the chain of the crime of trafficking.

Accordingly, efforts against human trafficking require,

- Proactive and coordinated action** at community level at source, transit and destination areas through:
 - preventive action by various stakeholders by way of social development, law enforcement, close monitoring by with community groups.
 - Ensuring timely surveys in areas vulnerable to trafficking and maintaining networks with community groups for early detection,
 - Checks and interventions on transit routes and promoting safe migration practices by closely monitoring migration for work.

- (iv) Registration of all employment agents who facilitate migration, both intrastate and interstate and ensuring safe migration including preventing migration of children without families at the village level. These steps will go a long way in preventing human trafficking
- (v) Strengthening the capacity of panchayati raj institutions and municipalities in source areas in identifying vulnerable population, reasons for trafficking at source and developing initiatives at the local level to address these issues.
- (vi) Initiation of legal steps such as taking initiative to ensure registration of a FIR in every case of missing person or child and analysing this data.

b) Organised crime investigation

- (i) Use of forensic and technological evidence and all physical and other documentary evidence including banking, property details etc.,
- (ii) following all banking, money laundering and other monetary transactions from the source through the destination of the entire organised crime syndicate and not merely the final accused for the act of exploitation.
- (iii) ensuring that every crime and all the conspirators/abettors in the chain of crime, starting from the agent who recruits to the persons facilitating the transit to the multiple actors who are complicit in the exploitation at destination, are investigated and due prosecution is filed against all parties of the syndicate
- (iv) ensuring that all the beneficiaries of the organised crime of trafficking are identified and prosecuted and the network/syndicate of crime is smashed.

c) Victim centric approach must be adopted by,

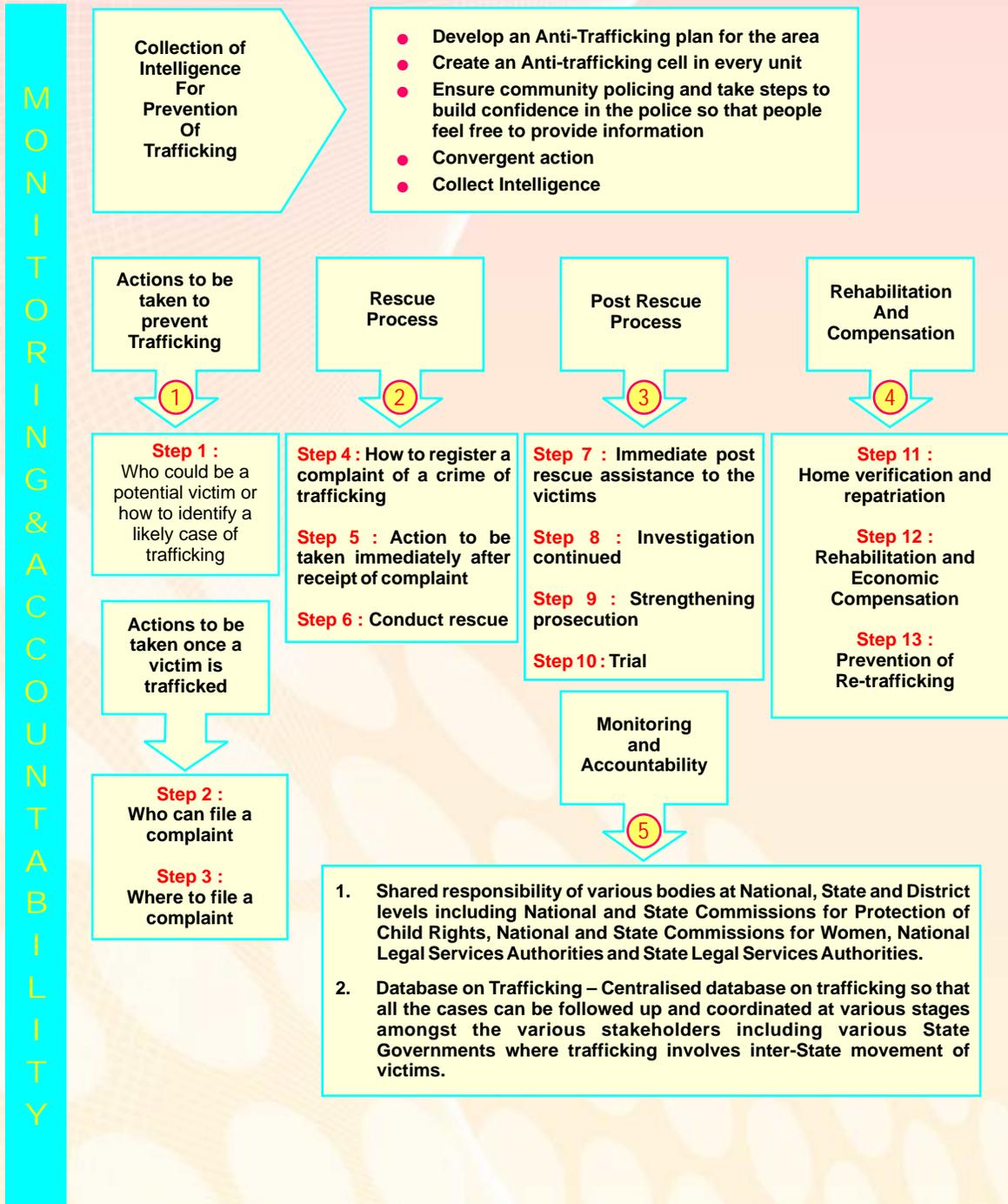
- (i) ensuring that the victim is treated with empathy and proactive steps are taken to ensure that there is no secondary victimisation during the investigation and/or prosecution.
- (ii) ensuring privacy and other needs of the victim to disassociate social stigma which is associated with a victim of trafficking.
- (iii) ensuring that victims' needs are considered throughout the rescue, rehabilitation and prosecution such as speedy and time bound delivery of justice, budgetary allocation for meeting the needs of the victim including travel and accommodation during and after trial.
- (iv) fulfillment of immediate and long term medical needs of the rescued victim including psychological support,
- (v) victim-witness protection,
- (vi) ensuring access to legal counselling and legal aid to help the victim understand her/ his role in the legal proceedings and ensuring conviction of all perpetrators in the chain of trafficking.

d) Rehabilitation that ensures sensitive and convergent action from all stakeholders to ensure earliest reintegration into mainstream society and build strong provisions to prevent re-trafficking. Including physical, social, psychological, medical, educational, and economic rehabilitation.

- e) **Building strong prosecution**, by planning for the same from pre-rescue.
 - (i) Speedy and meticulous collection of evidence both oral as also documentary, wherever possible relating to each stage of the crime of trafficking viz., at the source, for the transit period and at the destination.
 - (ii) Time-bound trial, prosecuting all stakeholders in the chain and a consistent follow up of the case so as to ensuring conviction to form a strong deterrent.
- f) **Hitting the economics of trafficking** by ensuring that the place of exploitation is sealed and shut down, attaching the proceeds of trafficking and recovering fines especially those that can be accessed before the prosecution is complete is crucial to the crime of trafficking.
- g) **Convergence and Coordination** to ensure that targeted actions are taken with thorough planning before rescuing the victim, during the process of rescue, prosecution and for rehabilitation and reintegration of the victims.
- h) **Monitoring and Accountability**, in addition, it is crucial that the stakeholders' role and responsibilities at each of the stages of the rescue, investigation and rehabilitation process are coordinated and are coherent; clear procedures are laid out for different stages of efficient justice delivery, with specific roles of stakeholders delineated. A monitoring and accountability mechanism must be set up with overarching powers to monitor each stage of anti human trafficking actions. As well as strengthening existing institutional mechanisms, prosecution processes, promotion of time bound and speedy delivery of justice, following up of cases are crucial components.

PART-B

STEPS TO DEAL WITH A CASE OF TRAFFICKING



1. COLLECTION OF INTELLIGENCE FOR PREVENTION OF TRAFFICKING

The first step towards preventing trafficking is regular and proactive collection of intelligence to stop trafficking before the victim is trafficked or the crime takes place or when the crime does take place it is detected in transit. The prevention strategy for an area has to be developed keeping in view the vulnerability of the people inhabiting the area and looking into the community resources. Prevention strategy would include forming networks for intelligence collection, analysis of existing data and consistent collection of information on identified key vulnerability indicators.

Step 1 : Develop an Anti-trafficking plan for the area: Identify sources and conduct awareness creation exercises to ensure collection of intelligence. Form network with key stakeholders in the community who can provide advance information. Tap community resources to ensure dissemination of information with respect to trafficking and red alerts for trafficking.

Step 2 : Create an Anti-trafficking cell in every police unit- this will ensure immediate response to the detection of a crime of trafficking including assigning of responsibilities, information to other necessary stakeholders etc. Analyse data from crime records and detect possible perpetrators, routes of trafficking and possible vulnerable areas. Strengthen the outreach of the anti- trafficking cell in these routes and vulnerable areas, through the beat constable and other sources keep a special tab on these areas.

Step 3 : Ensure community policing and take steps to build confidence in the police, so as to bridge the gaps between community and police, ensure consistent outreach with communities, identify whistle blowers in the community and ensure training in participative policing. This can be done through tapping community resources such as panchayat, women's groups, children's groups, local school and the School Management Committees and teachers.

Step 4 : Convergent action: Use resources such as the DCPU, District Task Force of the labour department, the vigilance committee formed under the ITPA, 1986, the village level child protection unit under the ICPS and other similar community based resources. Encourage community awareness programmes, reporting, monitoring of migration, reporting of missing children etc. Form strong networks with the local hospitals, Child Welfare Committees, district labour department and children's homes for creating awareness about trafficking and ensuring reporting of any possible indication of the crime of trafficking.

Step 5 : Collect Intelligence: Use the above stated steps to generate intelligence. Intelligence can be collected through,

- Human Intelligence
- Collecting virtual data and forming a person's virtual print
- Treating money laundering instances as a sounding alarm and investigating if there is an element of trafficking
- Strengthening networks with community, children, schools- especially teachers to ensure reporting
- Collecting and analysing database of missing persons/ children
- Collecting and analysing data of crimes in the area to check indicators of trafficking

Remember that a source of intelligence regarding trafficking could be anybody.

- Use previously rescued survivors as sources; informed consent must be taken.
- Involve NGOs, crime stoppers, help lines, police control room, etc.

- Develop partnerships with NGOs as they are important sources of information.
- Media reports may be a valuable source of information.
- Confidentiality of the source is maintained at all costs.

An illustrative list of places from where source information about victims of trafficking can be obtained is listed below. Note that this list is not exhaustive:

Source	Transit	Destination
<ul style="list-style-type: none"> ● Tea Estates ● Areas where there are large number of migrant labourers ● Refugee camps ● Rehabilitation camps ● Disaster Areas ● Areas drought, flood ● Area of acute and abject poverty ● Child Care Homes ● Civil Unrest affected areas ● Schools ● Hospitals ● Crowded markets, railway stations, bus stands ● Tourist operators Immigration agents ● Hotel Placement agencies ● Help Lines/help desks run by Government/NGOs ● Known source areas officials of other departments e.g. Labour Department 	<ul style="list-style-type: none"> ● Bus Stations ● Railway Stations ● State and National borders ● Airports ● Hotels ● Dharamshalas ● Immigration offices at borders ● Custom offices at borders 	<ul style="list-style-type: none"> ● Legal and illegal factories, mines, brick kilns ● Residential houses as domestic help ● Placement agencies ● Massage parlors, spas ● Brothels ● Areas with skewed sex-ratio ● Travel agents both authorized and unauthorized ● Illegal drug dealers ● Abortion clinics ● Dealers in legal/illegal liquor trade ● Tourist destinations ● Illegal and legal factories

Step 6 : Create a Data base – organise all the information collected overtime through a centralised data base for speedy sharing of information and tracking of accused, transit routes and detection of multiple offenders. Store information regarding the profile of the victim, the convicted persons and placement agencies, massage parlours, begging rings, escort agencies etc. Also use existing databases such as ‘track the missing child’, ‘PENCIL’, etc.

Step 7 : Take proactive action to prevent trafficking- involve other stakeholders apart from those identified here. Form networks with transit service providers and law enforcement agencies in transit route and destination areas. Ensure meticulous collection of intelligence to ensure that the crime of trafficking is prevented before it occurs.

Step 8 : Decoy operations should be conducted at periodic intervals in the form of a customer, trafficker, middlemen to collect intelligence.

REMEMBER

During collection of Intelligence keep in mind following:

- Identify sources for information collection
- Analyze info of Clients and Complainants
- Be informed about important role players
- Intelligence of Beat constable is vital
- Do a reasonable SWOT analysis of the information
- Back ground study of area and people
- Stakeholders involved- organized crime
- Identify possible stumbling blocks in your team

2. ACTIONS TO BE TAKEN BEFORE RESCUE

Preparation for rescue is essential to ensure that the rescue procedures are carried out smoothly. Care must be taken that all the below mentioned steps are followed properly.

STEP 1 : WHO COULD BE A POTENTIAL VICTIM OR HOW TO IDENTIFY A LIKELY CASE OF TRAFFICKING.

Any man woman or child could be a potential victim of trafficking.

Given below is an illustrative list of scenarios that could be cases of trafficking:

1. Police finds a child or woman destitute. The recovered women recovered and is not in a position to give additional information. This could be a case of trafficking.
2. The Police receives a complaint that a victim's right to life or liberty has been put in danger. The victim could be wrongfully confined or the police has received intelligence to the same effect. This could be a case of trafficking.
3. Police receives a complaint of extortion in the name of sex against a woman. Investigate further, there is a possibility that the woman is a victim of trafficking for commercial sexual exploitation.
4. When there is a complaint of child marriage, check possibilities of trafficking for child marriage etc

STEP 2 : WHO CAN FILE A COMPLAINT?

Any person through phone, e-mail, helpline, in person, any other means can report and incident of trafficking/file a complaint. Complainant can be

- A parent or a legal guardian

- NGOs
- Relative
- DLSA/SLSA/ NALSA
- Social worker
- Labour Inspector/Labour Department
- Railway Police
- All public servants
- Nurse, doctor or management of a nursing home or hospital
- Any person who has knowledge of incident
- Any person concerned with safety and wellbeing of an allegedly trafficked person
- The victim herself/himself

Additionally, the following sources can also report an incident of trafficking/ file a complaint.

In case of Children	In case of Women
CWC Childline 1098 or other helpline services NCPDR SCPCR Child Welfare Officer (CWO) Child herself/himself Special Juvenile Police Unit (SJPU) District Child Protection Unit (DCPU) CMPO in case of child marriage Labour inspector/Labour Department	National Commission for Women (NCW) State Commission for Women (SCW) Women's Cell in Police Station Woman herself

STEP 3 : WHERE TO FILE A COMPLAINT?

A complaint of trafficking should be filed at a police station primarily.

Besides this a complaint can be received by any of the following authorities who may then duly file a complaint with the local police or forward the complaint received by them to ensure registration of FIR and for the investigation to begin.

- AHTU
- Relevant online portals
- SDM
- Department of Labour

If in transit, then can also report at the following, besides the above.

Railway: GRP, RPF

Cross Border: BSF, CRP, CBI, SSB

Childline or Women's helpline or any other helpline

In case of children

- CWC
- ✧ SJPU
- ✧ Child line
- ✧ CMPO
- CWO
- DCPU
- SCPCR
- NCPCR
- DTF on labour

The following authorities can take suo motu cognizance of a case of trafficking:

- NHRC/SHRC
- NCPCR/SCPCR
- NCW/SCW
- NALSA/SLSA/DLSA
- Police
- Railway Police
- Labour Inspector/Labour Department

All these agencies will immediately forward a complaint of trafficking to the concerned police station except police and railway police which will swing into action themselves.

In case of women

- NCW
- SCW
- Women's Cell in Police Station
- Any helpline

Note : On an application filed with the DM/ SDM under Section 98 of the CrPC, a female, regardless of age being abducted or unlawfully detained for any unlawful purpose may be restored to her liberty on an order made by the DM/ SDM.... and may use such force as necessary for such restoration

3. RESCUE PROCESS

STEP 4 : HOW TO REGISTER A COMPLAINT OF A CRIME OF TRAFFICKING?

When complaint regarding trafficking or related offence is filed by a victim in a place where the offence has not taken place, a zero FIR may be filed by the police station.

Trafficking is continuing offence so FIR may be filed at any of the locations where the victim is taken during transit or at the destination location.

Identify the relevant laws to be included when a FIR is registered. The table below portrays the relevant provisions of law for issues comprising human trafficking. It may be noted that any form of exploitation in a case of trafficking can fall in one or more categories of exploitation. This is an indicative list and must not be considered as exhaustive. Detailed Section wise list including ingredients of the offences which may be committed in the process of trafficking may be seen in Part 5 of the SOP.

Child Labour	IPC Sec 370, 370A, 342, 343, 344, 363A, 374 JJ Act 2015 Sec 74-88, 80-85, 87, 42, 33-34 (in case of children) CLPRA 2016 Sec 14
Bonded Labour	IPC Sec 370, 370A, 342, 343, 344, 363A, 374 JJ Act 2015 Sec 74-88, 80-85, 87, 42, 33-34 (in case of children) CLPRA 2016 Sec 14 (in case of children) BLSA 1976 Sec 16-23 SC/ STAct 1989 Sec 3 (h)
Sexual Exploitation	IPC Sec 370, 370A, 342, 343, 344, 346, 354A, 354B, 354C, 354 D, 366A, 366B, 367, 371, 372, 373, 376, 377, JJ Act 2015 Sec 74, 75, 81, (in case of children) ITPA 1956 Sec 3-7 POCSO 2012 Sec 3-18 (in case of children) SC/ STAct 1989 Sec 3 (w)
Child Marriage	CM P Act 2006 Sec 9, 10, 11 JJ Act 2015 (CRUELTY TO CHILD) Sec 75, 81 IPC Sec 370, 370A
Child Soldiers and Children in Gangs	JJ Sec 83 (in case of children) IPC Sec 370, 370A
Forced removal of organs	THOA 1994 Sec 18, 19, 20 IPC Sec 370, 370A

Online Abuse, Pornography	IT Act Sec 66, 67 POCSO Sec 14, 15 (in case of children)
Missing child	IPC 370 and 370 A, 363 and related offences of kidnapping and abduction <i>* As per the directions of the Hon'ble Supreme Court of India in Bachpan Bachao Andolan vs. Union of India (WP (Civil) 75 of 2012) on 10th May 2013, - "upon receipt of a complaint regarding a missing child, an FIR should be registered forthwith as a case of trafficking or abduction".</i> ** Refer SOP by MWCD - http://www.wcd.nic.in/acts/sop-cases-missing-children

STEP 5 : ACTION TO BE TAKEN IMMEDIATELY AFTER THE RECEIPT OF COMPLAINT

Note : To ensure all necessary steps have been taken follow the check list in Annexure 2

5.1 Registration of FIR : The police should ensure that FIR is registered incorporating relevant provisions of laws to get justice for victim and for the prosecution of the offender.

REMEMBER

- Assess the vulnerability of the situation.
- If there is a risk to life, liberty or safety of the victim or if there is a risk of the victim being moved, rescue maybe conducted immediately after filing of the FIR.
- Use resources of the District Task Force under CLPRA, DCPU, Anti-Trafficking Cell in your unit etc.
- Safety of the victim is of paramount importance.

A rescue maybe conducted without a FIR under Section 15 & 16 (1) of the ITPA 1956, and search of a premises can be conducted without warrant with prior approval of the special police officer

5.2 Call for a Comprehensive Team for Rescue : A comprehensive rescue team consisting of a spectrum of stakeholders shall be constituted for the rescue of a victim of trafficking. Given below is a suggestive list of law enforcement agencies, independent witnesses and other persons with valuable skill sets to be included in a rescue team.

While carrying out a rescue operation, a rescue team shall be constituted, which may comprise of the following members:

- a) Police/ Special Juvenile Police Unit/AHTU
- b) Special Police Officer under ITPA, 1986

- c) District Magistrate or the Sub- Divisional Magistrate;
- d) Representative of District Legal Services Authority;
- e) Women police officer;
- f) District Nodal Officer or Labour Inspectors
- g) Independent witnesses including, NGOs, representative of child helpline or women helpline services;
- h) At least two respectable inhabitants, one of whom shall be a woman, being from the locality/the place from which victims are being rescued;
- i) Translators, counsellors etc.

If in transit, also include:

- GRP in case of railways and
- BSF, CRP in case of cross-border

Additionally, **in case of children**, the following can also be included

- CWC
- CWO/SJPU
- DCPU
- DTF of the Labour Department
- CMPO (* In case of child marriage, include CMPO as well)

5.3 Logistical Support : The rescue team shall carry with it adequate logistical support in terms of

- food,
- water,
- clothes, blankets
- medical kit with first aid (provide for all basic toiletry needs such as sanitary napkins etc.)
- translator if required

5.4 Inform nearest women's shelter or child care institution, or fit person, fit facility as approved by the district DCPU or CWC of the rescue for immediate shelter. Ensure that this information is at the disposal of rescue team for immediate and planned rescue.

- Resources for immediate relief such as food, water, clothing shelter, medical aid, transport and other essential items may be made available under Rule 12 (4) of the SC/ST Rules, 1995 as ordered by the DM/SDM/EM
- Prepare for adequate number of vehicles to transport the all victims and accused separately. This can be supported by resources from local NGOs, the police, or in the case of children the ICPS, or the State Resource Centers constituted under the NCLP scheme.

Resources for immediate relief such as food, water, clothing shelter, medical aid, transport and other essential items may be made available under Rule 12 (4) of the SC/ST Rules, 1995 as ordered by the DM/SDM/EM

5.5 Preparation of the rescue team : These are just a suggestive list of activities to be conducted before rescue, however depending on the context of rescue it might be necessary to conduct more activities.

- Assign a reconnaissance team which can coordinate with the beat constable and map the area. Do not leave the area unattended
- Assess risk of victim/s being hurt/ moved etc to decide on the time of rescue. After assessing risk, wherever possible obtain a search warrant. A police officer may make an arrest without a warrant under section 41 under CrPC. Assess the best mode of operation- is a decoy required? Do you need plain clothes police person? How agile are your team members? How can resources available be used to facilitate the rescue?
- Ensure sufficient equipment such as weapons, rope, ladder, torch, pad, pen paper, audio recorder etc are taken along.
- Cordon off the area; map and plan to block all exits before rescue to avoid escape/ movement of accused
- Ensure the division of team into separate group, one group will tag the accused, group which will rescue and move the victims to an area of protection, and the group which will preserve and collect evidence. All groups should have clarity on their roles and responsibility. However, this grouping is only suggestive and actual plan will vary as per the ground situation.

5.6 Collection of Evidence : Ensure preparation for all evidence to be collected from the place of rescue. Coordinate with the recce team to ensure that team assigned for evidence collection are aware of the structure of the place of rescue before the rescue. Arrange for a videographer/photographer to support evidence collection

5.7 Arrange adequate medical support : Identify the nearest Government hospital and availability of professional medical help in case of emergencies. Have an ambulance on stand-by. Ensure the availability of an authorised medical practitioner to address the immediate as well as long term medical needs of the victim. Identify resources to provide psychological support to the victim of trafficking as soon as possible after rescue.

Victim Protection Mechanisms : The members of the rescue team assigned to the victim shall ensure that a plan is made for separating the victim from the offender(s) as soon as the rescue is conducted to protect her/him. Availability of sufficient number of cars be ensured to transport the victim separately from the offender. If possible, arrange for the victim to be taken to a neutral place for her/ his statement. In a case of trafficking where the victim is also a victim of rape, the statement of the victim is to be recorded at a place of her choice as under section 157 of the CrPC. Care should also be taken that all relevant departments, officers of all relevant departments including police, SDM, CWC are present at the same time so as to ensure that the victim does not have to give her statement again and again.

5.8 Information to Place for Immediate Care and Protection : The rescue team should notify the government, or NGO run Short Stay Home/ Child Care Institutions (CCIs), or women's shelter home or any fit place, or fit institution, or fit person of the expected number of rescued persons and the expected time of arrival at such place . . In case of children, the Child Welfare Committee should be duly notified.

5.9 Ensuring Confidentiality for Victim : The rescue team should ensure confidentiality of the rescue operation and the persons rescued. The police officer shall ensure that the identity of the victim is protected from the media, unless directed otherwise by a competent court.

5.10 Presence of Witnesses : At least two witnesses should be present during rescue, at least one of whom should be a woman.

5.11 Ensuring Access to Legal Aid : A lawyer/paralegal should be assigned by the DLSA/SLSA to accompany the rescue team and who will ensure that appropriate legal advice is given in collecting evidence and immediate legal aid is provided for the victim and her/ his family.

* Additionally, in case of a complaint of trafficking for child marriage, CMPO/Police should also obtain an injunction order to stop and prevent the marriage in future.

STEP 6 : CONDUCT RESCUE

Organised Crime Approach : Trafficking is an organised crime extending beyond boundaries and is multi-dimensional in nature. That is so because:

- It involves in itself the elements of several crimes, such as selling, buying of human beings, their physical and sexual abuse, harassment, wrongful confinement, kidnapping and abduction and assault. Also Bonded labour, child labour, cruelty to children, etc.
- The scene of crime extends through the source, transit and destination areas and trafficking is thus a continuing offence, starting with recruitment and procurement and continuing until the victim is rescued.
- It involves multiple abuses and abusers, who are usually networked and organised.

Steps to be taken during Rescue :

During rescue, the rescue team should remember that:

- No victim should be arrested by the police.
- No child or woman should be placed in a police station overnight.
- The victim and the offender must be separated immediately.
- Identity of the victims of trafficking, especially women and children must be protected at all times.

REMEMBER

Each rescue should be dealt with on a case to case basis. The rescue team should be alert and all the action must be guided towards rescuing all victims, ensuring protection of the victims and collecting evidence for investigation.

1. Police must make a General Diary Entry when leaving the police station for rescue operation however it may be ensured that the information with respect to source/ victim/ location is not compromised
2. Coordinated arrival of all rescue teams at the spot must be ensured. Make sure that information is not leaked and victims are not hurt, moved and that the accused do not escape.
3. Immediately arrest the accused and separate the accused from the victim.
4. Protecting the identity of the victim to be ensured.

5. Thorough search of the place be conducted so that no child or adolescent is left behind. Look for false doors, roof, hiding out areas etc.
6. Explain the situation to the child. Use the help of the translator and the NGO representative or the representative of the DLSA for the same. Ensure that conversations with a child are conducted in a child friendly manner using child friendly language. In case of child labour collect evidence of work done by the victim, the food bills, tickets. Vehicles as also their documents and of the property owned by the accused, computers, phones, any other electronic items, records/ identity cards of each victim, identity cards of the accused etc. found at the scene of crime should all be seized. Make a seizure memo.
7. Make a site map of the area. Denote what was recovered from which place, where was the accused, where was the victim etc. Take photos/ videos to support this.
8. Develop a disclosure memo.
9. Sec 74 of the JJ Act, 2015, mandates the prohibition of disclosure of identity of a rescued child (here a child means a person below the age of 18 years).
10. Seal the premises.

STEP 7 : IMMEDIATE POST RESCUE ASSISTANCE TO THE VICTIM

As soon as a victim of trafficking is rescued, the following needs of the victim be met.

1. Separate the victims from the trafficker and if possible, move the victims to another location. Make sure that all victims in that place of exploitation are discovered and rescued.
2. Provide food, water, and necessary clothing.
3. Make available access to a bathroom/ toilet.
4. Provide immediate medical care/aid using the available medical kit. If needed move the victim to the identified place for further medical attention. Medical examination should be done and medical attention provided to the victim by the medical board at the earliest thereafter. In case of children, immediate medical attention is to be provided free of cost as per Rule 55(3) of the Model rules to JJ Act 2015. A violation of the same is an offence as per Section 75 of JJ Act 2015.
5. If needed ensure that a translator is made available.
6. Explain to the victim in a sensitive manner about the situation at hand and what to expect in the immediate future. This can be done best with the aid of the social worker or psychologist. In case of a child, all interaction must be in child friendly language, and presence of a person the child trusts is to be ensured wherever possible. Psychological help from a medical professional should be made available to all victims in the form of trauma counselling, etc. The police may reach out to the local resources to identify and provide such aid to victims.
7. Asses if the victim has any immediate medical (physical or psychological) needs and ensure that they are taken care of.
8. Legal aid is to be provided to the victim at the police station and at the place of shelter wherever necessary by empanelled lawyers of the DLSA/ SLSA and NGOS. In case of children, the CWC and community social worker have to provide counselling. A paralegal is also to be made available in the local police station by the local DLSA to provide legal assistance to all cases involving children.

9. Make a list of services that need to be immediately made available to the victim and ensure their availability.
10. **Remember :** A victim of trafficking should never be treated as an offender, kept in a lock up or made to interact with the offender. All interaction with the victim should be in child friendly and comforting language. Attention should be paid to ensure that the victim does not meet the accused or her/his representative.
11. **Recording of Statement of Victim :** Victim's statement should be recorded as per Cr.PC Section 164 by metropolitan/judicial magistrate only after due psycho social counselling but within a period of 14 days as far as possible. The period may be extended only after such permission is issued from the CWC or Court for reasons recorded in writing. Make sure the adult victim is provided with shelter for the same period.
12. **Victim - Witness Protection :** All victims and /or witnesses are entitled to protection on submitting a request for protection to the police or to the concerned Court. The request for protection can be made by victim himself/herself or parent/ guardian in case of a child or any other person with custody of the child, or police on their own, or the Court on its own motion at any stage.
 - a) The Police may consider recommending any or a combination of the following :
 - Denial or Cancellation of bail of the accused
 - Police protection of a temporary nature and for a specified area such as from home to court and back.
 - Police protection for all 24 hrs.
 - Police protection at residence or school or office.
 - Permanent Police protection.
 - Temporary re-location to safe area
 - Financial assistance in the form of interim compensation under the victim compensation scheme under Section 357 A of the CrPC, the Central Sector Scheme for Rehabilitation of Bonded Labour and the Rules made under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
 - Foster care in case of children where the parents/ guardians, any other fit person or fit institution who has charge of the child has a conflict of interest
 - Any other form of protection
 - b) All orders and proceedings relating to victim/witness protection shall be maintained with utmost secrecy and in perpetuity. These records can be accessed only under specific orders of the Court under whose custody the records are maintained in usual course.
 - c) The local District Legal Services Authority must consistently follow up on witness depositions to ensure that the witness is able to safely depose.

It is essential that the rescued persons are immediately placed in a place of safety. Women can be placed in Ujjwala homes or Government or NGO run Short Stay Homes. Children can be placed in CCIs or with fit person or fit institution as per the instruction of CWC. Or in cases where the complaint is given by the parent, the child's custody can be given to the parent after production in front of the CWC.

REMEMBER

Children rescued have to be produced in front of the CWC or where that is not possible in front of one member within 24 hours from the time of rescue, excluding the time of travel.

STEP 8 : INVESTIGATION CONTINUED

All relevant sections to be mentioned in FIR and also in the charge-sheet if they are substantiated on the basis of evidence collected during investigation.

8.1 The police must finish investigation as diligently as possible in a time bound manner. As per section 173 (1A) of CrPC, investigation in relation to the rape of the child may be completed in three months from the date on which information was recorded by the officer in charge of the police station.

a) On the basis of disclosures made by victim and evidence collected during time of raid the accused should be thoroughly interrogated and further information collected regarding

- Network of crime.
- Other accused and their personal details including names, address, phone numbers and other identifiers.
- Ownership of movable and immovable property of the accused and others in the network.
- Places stated above should be raided to collect more evidence to substantiate it .
- For substantiating evidence Test Identification Parade of other accused be conducted.
- Accused may also be taken to the site and pointing out memos maybe made.
- Verification of travel details of the accused the victims be done.
- Evidence be collected regarding means, routes, methods used for transportation of victims.
- The modus operandi adopted such as placement agencies, false marriages, jobs etc should be thoroughly investigated and evidence collected. For collection of evidence on evidence possibility of making an approver be explored.
- Investigate the entire chain of demand and supply in case there is involvement of trafficked victims in production of goods.

b) Additionally also collect,

- Statement of other witnesses.
- Circumstantial evidence.
- Contact local police station of source of victim for linkages from missing complaints.
- In case of accused who was not found proceed to send look out notices and inform all bus stations, railway stations and the Immigration officers at the Airports.
- An accused may be declared a proclaimed offender F, under section 82 of the CrPC
- The property of a proclaimed offender, may be attached under section 83 of the CrPC.
- Conduct related raids based on intelligence received.

8.2 Transfer of Evidence from another Country : In case of inter-country trafficking, evidence from another country can be obtained through the Letter Rogatory or Letter of Request (LR) u/s 166A Cr.P.C. or

- By invoking Mutual Legal Assistance Treaty with the country in case such treaty exists.
 - a) Building technology trails:** Virtual imprints of the accused must be collected in the nature of phone records, emails, messages and other activity online and offline towards strengthening evidence.
 - b) Forensic evidence:** Besides the above forensic evidence must be collected and analysed to strengthen the case.

c) Financial Investigation : Organised crime investigation mandates creation of money trails. Investigate as to whether any one of the following four aspects relating to money laundering is present -

- Conversion or transfer of crime proceeds for the purpose of concealing their illicit origin;
- Concealment or disguise of crime proceeds;
- Transfer of crime proceeds to another jurisdiction through hawala etc;
- Participation of others in and conspiring to commit or attempting to commit the offences.

Efforts should be made to identify each and every moveable and immoveable asset of a gang and each of its members including *benami* properties by verifying documents and analysing the source of funds.

8.3 Sealing of place of exploitation, attachment of property and confiscation of assets:

The Investigating Police Officer can move an application to the District Magistrate or Sub- Divisional Magistrate through Superintendent of Police to order detailed inspection of the place of exploitation to record the existing conditions in order to close that place under the provisions of the Section 18 of the ITPA, 1986. (Refer Annexure 5) The Labour Department can move an application to the Magistrate to order closure of the illegal factories and cancellation of registration of legal factories/ places of work for non-registration of migrant workers under Interstate Migrant Workmen (Regulation of Employment & Conditions of Service) Act 1979, The Factories Act 1948, Shops and Commercial Establishments Act and various other safety and welfare legislations.

STEP 9 : STRENGTHENING PROSECUTION

9.1 Assessment of Appropriate provisions of Law : All relevant sections as per the facts of the case must be mentioned in the charge sheet based on the evidence collected during investigation. The police may avail the services of the public prosecutor, the district attorney's office, empanelled lawyer from DLSA or take the aid of the paralegal designated to the police station for the preparation of charge sheet. (Refer to section 9 of this SoP).

9.2 Collection of Evidence from Victim : All interviews with the victim must be in a victim friendly manner. The victim must not feel pressured or judged. Be mindful of secondary victimisation.

When collecting evidence from the victim remember to ensure,

- That the victim narrates the incident from the beginning giving details of places, names of all persons involved, their contact information etc. Help the victim understand their role in the investigation and what will happen.
- Make sure to collect all information of all the culprits giving the victim enough time for recall
- Relate information collected to the existing data base and then see if the identity of the accused can be determined.
- Get a sketch prepared of the accused / multiple accused.
- Information of other related crimes and information about other possible victims and accused must be collected and immediate action taken or information passed to the appropriate authority for action.
- Get in touch with family members at the earliest.
- Recover other material or accused based on the victims' statement to substantiate evidence.
- Avoid taking the victim back to the scene of crime.

During the recording of statement of the victim under 164 of the CrPC, Consistent and proper witness protection from the shelter home to the court and back

- Ensure that the victim and the accused or related persons are not getting in touch
- Sufficient staff with proper briefing be made available to assist the victim.
- Court must be informed in advance about the interpreter or translator if one is needed

STEP 10: TRIAL

10.1 Speedy Trial : As far as possible trial is to be completed in a time -bound manner to ensure strong deterrent to traffickers and justice to the victim. In case of trial of offences under sections 376, 376 A–D of the IPC the trial as far as possible is to be completed within 2 months as under section 309 CrPC. For offences under POCSO, the Special Court is to complete the trial as far as possible within one year from the date of taking cognisance of the offence.

10.2 Summary Trial wherever applicable : Provision of summary trial as per section 21 BLSA and section 22 B ITPA may be invoked. Victim friendly court procedures to be followed at all times.

10.3 Monitor Status of the case : A case of a crime of trafficking, due to its multi- faceted nature requires consistent monitoring of some valuable indicators,

- i) Following up on bail rejection of accused
- ii) Submitting appeals if appropriate.
- iii) Follow up on witness deposition
- iv) Ensure victim witness protection during trial
- v) In cases of child labour and bonded labour, ensure that factory is sealed, back wages are returned, and legal action is taken for relinquishment of debt.
- vi) In CSE, confirm that brothel is sealed and offenders are evicted from premise as per Sec 18 of ITPA 1956.

10.4 Victim Friendly trial : Preventing re-victimisation during trial- procedure laid down under POCSO and various SC judgements including Sakshi vs. Union of India shall be adhered to.

10.5 Age Verification : In case of conflict regarding the age of the victim, the following procedure maybe followed for age determination by seeking evidence by obtaining —

- i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;
- ii) the birth certificate given by a corporation or a municipal authority or a panchayat;
- iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Court:

4. REHABILITATION AND COMPENSATION

STEP 11 : HOME VERIFICATION AND REPATRIATION

After providing immediate rehabilitation and protection post rescue, assessment for repatriation needs to be done.

11.1 Home Verification : The IO in case of adults and the CWC in case of children shall ensure that home verification is done appropriately.

During Home verification, authorities must ensure that,

- a) Profile of the victim including caste, address, landmarks, disabilities etc are noted
- b) Details of family members and familial relationships are included
- c) History of family involvement in crime is taken into consideration
- d) Education and employment details of the victim including level of learning, salary earned etc
- e) Details of the victim's health including addiction to any narcotic or psychotropic substances
- f) As far as possible the report should also determine the push factors for trafficking of the victim.
- g) Acceptance and opportunities for the victim to reintegrate into society if the victim is sent back home must be identified and recorded

11.2 Repatriation : In case of children, all persons below 18 years who have been rescued have to be produced in front of the CWC. The CWC must conduct an inquiry which includes a home verification process and a social investigation report. Based on the same the CWC may pass orders for:

- **If home verification is approved :** the victim should be sent back to her/his community/home and the CWC may pass an order for repatriation. the CWC can order and provide for the necessary monetary support required for repatriation. For **safe repatriation within the state and between States** the CWC will inform the concerned authorities in the receiving area, such as the local CWC. The CWC may also order an NGO or the SJPU to accompany the child.
- **If home verification is not approved :** arrangement should be made for the victim in long term rehabilitation a child in need of institutional support may be send by the CWC.

In case of women the District or the State Legal Services Authority may provide the funds for repatriation. Further the Legal Services Authority may conduct consistent follow up through phone or the local legal services authority to ensure rehabilitation and also for any information to strengthen the case.

In case of inter Country : In case of inter-country trafficking, the child or the adult will be provided care to such time as it takes for preliminary inquiry. After which the Legal Services Authority or the State Government or the Chief Officer of the State maybe contacted who will contact the embassy of the country from which the victim hails and do the needful for home verification at the source country and facilitate speedy repatriation if the same is desirable. In case the country of the victim is not clear or is unresponsive the legal services authority may apply to the Ministry of External Affairs to intervene and provide necessary protection to the victim till the same can be resolved.

STEP 12 : REHABILITATION AND ECONOMIC COMPENSATION

12.1 Social Rehabilitation : For all child victims of trafficking,

- The CWC will issue rehabilitation card to monitor the progress made on their individual care plan. The rehabilitation card should be updated by the PO/CWO of the concerned CCI or the authority providing rehabilitation at the district.
- CWC to make an individual care plan (with information on health and nutrition needs, special needs, educational, training, emotional, psychological, restoration, follow up, social mainstreaming, life skills, protection from all kinds of exploitation and abuse). This has to be reviewed after three months and modified as per progress.
- For children whose home verification reports are not approved they may be placed in a,
 - (i) Children's home
 - (ii) Fit facility
 - (iii) Fit person
 - (iv) Foster Care

till they are 18 years old, with periodic monitoring of the CWC through the individual care plan. Subject to conditions under section 45 of the JJ Act such child may be provided sponsorship. After the child attains 18 years under section 46 of the JJ Act she or he may be provided with further financial support.

In case a woman victim who cannot be repatriated, she may be given shelter under the Ujjwala scheme shelter and enrolled in a skill training program by the Government till such time that she finds a suitable job opportunity and can be reintegrated into society.

12.2 Economic Compensation : A victim of trafficking is eligible for the following compensation schemes.

- Immediate financial assistance of Rs 20000 under the Central Sector Scheme for Rehabilitation of Bonded Labourer 2016. This scheme is applicable to cases of trafficking, bonded labour, child labour, forced prostitution, begging rings, etc. Additional compensation up to 3,00,000 is available on issuing of release certificate by the District Magistrate.
- As per CrPC Section 357A victim compensation scheme, whenever a recommendation is made by the Court for compensation, the DLSA or SLSA as the case may be shall decide the quantum of compensation to be awarded under this scheme.
- DM/SDM/EM shall make arrangements for providing immediate relief under SC/ST Act, in cash as under Rule 12 (4).
- Backwages at the rate of minimum wage is to be awarded to the victim for the period of employment in case of trafficking for forced labour.

Additionally, in case of children, the following compensations are also eligible to be awarded :

- **Economic Compensation** : As per MC Mehta vs. State of Tamil Nadu and Ors. AIR 1997 SCC 699,
 - * Rs 20000 per child are to be paid by the employer to a "Child Labour Rehabilitation-cum-Welfare Fund" to be used only for the benefit of that child.

- * In addition, the Government is to provide employment to an adult family member of the child or contribute Rs 5000 per child to this fund.
- In case of child labour, according to Sec 14(B) of CLPRA 2016, a Child and Adolescent Labour Fund is to be formed in every district. **An additional amount of Rs 15000 is to be credited by the Government for each child in such fund. The amount deposited and interest accrued** shall be given to the child as per central rules to CLPRA, 2016.

REMEMBER

These fines are in addition to the backwages made available by the court for an adult or child trafficked into a situation of forced labour.

12.3 Other Government benefits :

- Get the victim's Aadhaar card, BPL card made, any other identity card/address proof and bank account is required for availing benefit under various schemes

12.4 Education : In case of children, if they are rescued from labour or adolescents who are rescued from hazardous employment shall be linked to suitable education facilities such as :

- If the child is between 5- 8 years she/ he will be directly linked to the Sarva Shiksha Abhiyan to access their Right to Education.
- A child between 9- 14 years will attend onyear bridge education in the NCLP school and then will be linked to the Sarva Shiksha Abhiyan program.
- Children rescued from other forms of exploitation who are below 14 years can be linked to the Sarva Shiksha Abhiyan program. Older children maybe linked to the local skill development program.

STEP 13 : PREVENTION OF RE-TRAFFICKING

Prevention of re-trafficking of a victim of trafficking, depends on the efficacy of the efforts and action taken through the process of rescue, rehabilitation and prosecution. Besides, steps taken at the source areas along with efforts at different levels of administration can prevent re-trafficking. Some of these steps are:

1. Educate families and communities on the issue of trafficking. Address myths in family or community about trafficking and related crimes.
2. Ensure registration of agents who facilitate migration for work by panchayats. The panchayat to keep a detailed profile of the agent in performa attached and the agent shall also be under the obligation to inform the panchayat of each of his recruitment including information with respect to destination. The panchayat to monitor and report migration of children without families and also instances where the family believes that their family member may have been trafficked.

The Sarpanch with the aid of the panchayat secretary to compile on a quarterly basis information regarding individuals who have gone for employment within and outside the State.

3. The State Government should ensure that all placement agencies in their region are registered, so as to prevent trafficking of children for child labour, and adults and children for bonded labour and domestic servitude.
4. Convergence across various levels of governance viz the district, state and centre is critical for the success of efforts and thereby prevention of re-trafficking.
5. In case of children, the CWC is to issue rehabilitation card to monitor progress of the individual care plan of the child, which needs to be maintained by the Rehabilitation cum Placement Officer (to be appointed in every CCI). District Nodal Officer from the labour department to follow up on child labour cases and district administration or DLSA to follow up on women survivors.
6. Transit points such as railway stations and bus stops be kept under continuous surveillance and any one taking a child or woman along with himself who does not appear to be comfortable in his company should immediately be checked/questioned by GRP personnel or men from the Distt. Police.

5. MONITORING AND ACCOUNTABILITY

1. **Monitoring and accountability** for cases of trafficking is a shared responsibility across various bodies across national, state and district levels including National and State Commissions for Protection of Child Rights, National and State Commission for Women, the National Legal Services Authorities and State Legal Services Authorities. Their activities should include to :
 - (i) review setting up of institutions created under the various laws;
 - (ii) develop Information, Education and Communication (IEC) material on child rights and gender sensitivity;
 - (iii) develop protocols for rehabilitation and skill development of men, women and children;
 - (iv) create awareness about identification and reporting of crimes of trafficking;
 - (v) conduct sensitisation workshops for panchayati raj institutions and municipal corporations about trafficking of women and children including identification and reporting of crimes for enhanced protection;
 - (vi) develop information material detailing the rights of the child victims or witnesses and their families, and containing useful information in local languages, which may be provided to the victim and her/his family;
 - (vii) develop training module for stake holders along with the State and National level agencies.
 - (viii) Creation of a trafficking desk in all the monitoring agencies to ensure reporting.
 - (ix) annual Report of all monitoring agencies to have a specific section on trafficking of women and children.

2. **Database on trafficking** – a centralised database on trafficking should be developed so that all the cases can be followed up and coordinated at various stages amongst the various stakeholders including various state governments where trafficking involves inter state movement of victims of trafficking. The data base will include,

- (i) traffickers
- (ii) brothel owners, pimps, agents
- (iii) informants
- (iv) number of cases registered
- (v) status of each case, etc.
- (vi) placement agencies, massage parlours, etc.

The data will be used to map routes, traffickers and indicators of vulnerability.

PART-C

6. LAW ENFORCEMENT AND LEGAL PROVISIONS

This section lays down the details of relevant laws applicable in cases of trafficking. (Adapted from MHA Advisory F.No.15011/20/2012- ATC (CF-154675) on 12- August 2013)

INDIAN PENAL CODE (IPC) 1860 : SECTION 370 AND 370 A

Trafficking of Person

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

First.- using threats, or

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

Thirdly.- by abduction, or

Fourthly.- by practicing fraud, or deception, or

Fifthly.- by abuse of power, or

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

Note :

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

Section	Provision	Punishment
370 (2)	Punishment for offence of trafficking.	Rigorous imprisonment of 7 years, extendable to 10 years and liable to fine.
370 (3)	Punishment for the offence of Trafficking of more than one person.	Rigorous imprisonment of 10 years which may be extended to life and shall also be liable to fine.
370 (4)	Punishment for the offence involving trafficking of a minor.	Rigorous imprisonment of 10 years which may be extended to life and shall also be liable to fine.
370 (5)	Punishment for the offence involving trafficking of more than one minor.	Rigorous imprisonment of 14 years which may be extended to life imprisonment and shall also be liable to fine.

Section	Provision	Punishment
370 (6)	Punishment for a person convicted of offence of trafficking of a minor in more than one occasion.	Imprisonment for life, which shall mean imprisonment for the remainder of the person's natural life and shall also be liable to fine.
370 (7)	Punishment for public servant or a police officer involved in trafficking of any person.	Imprisonment for life, which shall mean imprisonment for the remainder of the person's natural life and shall also be liable to fine.
370A(1)	Punishment for a person who engages a trafficked minor for sexual exploitation.	Rigorous imprisonment for 5 years which may extend up to 7 years and shall be liable to fine.
370A(2)	Punishment for a person who engages a trafficked person for sexual exploitation.	Rigorous imprisonment for 3 years which may extend up to 5 years and shall be liable to fine.

INDIAN PENAL CODE, 1860

Section	Provision	Classification	
166A	Public servant disobeying direction under law	Imprisonment for minimum 6 months which may extend to 2 years and fine	Bailable, Cognizable
167	Public servant framing an incorrect document with intent to cause injury	Imprisonment for either description for a term which may extend to 3 years, or with fine, or with both.	Bailable, Cognizable
302	Punishment for murder	Death or imprisonment for life and fine	Cognizable, Non-bailable
307	Attempt to murder	I – Imprisonment for 10 years and fine II – Imprisonment for life or imprisonment for 10 years and fine III – Death or imprisonment for 10 years and fine	Cognizable, Non-bailable
308	Attempt to commit culpable homicide	I – Imprisonment for 3 years or fine or both II – Imprisonment for 7 years or fine or both	Cognizable, Non bailable
313	Causing miscarriage without woman's consent	Imprisonment for life or imprisonment for 10 years and fine	Cognizable, Non bailable
314	Death caused by act done with intent to cause miscarriage	Imprisonment for 10 years and fine	Cognizable, Non bailable
315	Act done with intent to prevent child being born alive or to cause it to die after birth	Imprisonment for 10 years or fine or both	Cognizable, Non bailable
316	Causing death of quick unborn child by act amounting to culpable homicide	Imprisonment for 10 years and fine	Cognizable, Non bailable

Section		Provision	Classification
323	Punishment for voluntarily causing hurt	Imprisonment for 1 year or fine of 1000 Rs or both	Bailable, Non cognizable
324	Voluntarily causing hurt by dangerous weapons or means	Imprisonment for 3 years or fine or both	Non bailable, Cognizable
325	Punishment for voluntarily causing grievous hurt	Imprisonment for 7 years and fine	Bailable, Cognizable
326	Voluntarily causing grievous hurt by dangerous weapons or means	Imprisonment for life or imprisonment for 10 years and fine	Non bailable, Cognizable
342	Punishment for wrongful confinement	Imprisonment for a term of up to 1 year, a fine of Rs. 1000 or both	Bailable, Cognizable
343	Wrongful confinement for 3 or more days	Imprisonment for a term of up to 2 years, a fine or both	Bailable, Cognizable
344	Wrongful confinement for 10 or more days	Imprisonment for a term of up to 3 years, and a fine	Bailable, Cognizable
346	Wrongful confinement in secret	Imprisonment of 2 years in addition to imprisonment under any other section	Bailable, Cognizable
352	Punishment for assault or criminal force otherwise than on grave provocation	Imprisonment for 3 months or fine of 500 Rs or both	Bailable, Non cognizable
354	Assault or criminal force to deter public servant from discharge of his duty	Imprisonment for 1 year which may extend to 5 years and with fine	Non-bailable, Cognizable
354A	Sexual harassment and punishment for sexual harassment	Imprisonment which may extend to 3 years or fine or both	Bailable, Cognizable
354B	Assault or use of criminal force to woman with intent to disrobe	Imprisonment of not less than 3 years but which may extend to 7 years and with fine	Non bailable, Cognizable
354C	Voyeurism	Imprisonment of not less than 1 year but which may extend to 3 years and with fine for first conviction	Bailable, Cognizable
354D	Stalking	First conviction - Imprisonment up to 3 years and with fine for first conviction Second or subsequent conviction - Imprisonment up to 5 years and with fine for second or subsequent conviction	I – Cognizable, Bailable II – Cognizable, Non bailable
363	Punishment for kidnapping	Imprisonment for 7 years and fine	Bailable, Cognizable

Section		Provision	Classification
363A	Kidnapping or maiming a minor for purposes of begging	Imprisonment for 10 years or life and fine	Non bailable, Cognizable
365	Kidnapping / Abduction with intention of secret or wrongful confinement	Imprisonment for 7 years and fine	Non Bailable, Cognizable
366	Kidnapping, abducting or inducing woman to compel her marriage etc	Imprisonment for 10 years and fine	Non Bailable, Cognizable
366A	Procuration of minor girl	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable
366B	Importation of girl from foreign country	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable
367	Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.	Imprisonment for 10 years and fine	Non-bailable, Cognizable
368	Wrongfully concealing or keeping in confinement, kidnapped or abducted person	Same punishment as for kidnapping or abduction	Non-bailable, Cognizable
371	Habitual dealing in Slaves	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable
372	Selling minor for purposes of prostitution, etc.	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable
373	Buying minor for purposes of prostitution, etc.	Imprisonment for a term of up to 10 years and shall also be liable to a fine	Non Bailable, Cognizable
374	Unlawful compulsory labour	Imprisonment of a max of 1 year or fine or both	Bailable, Cognizable
376	Punishment for rape	Rigorous imprisonment of not less than 7 years but which may extend to imprisonment for life and with fine	Non bailable, Cognizable
377	Unnatural offences	Imprisonment for life or imprisonment for 10 years and fine	Non bailable, Cognizable
504	Intentional insult with intent to provoke breach of the peace	Imprisonment for 2 years or fine or both	Non cognizable, Bailable
506	Punishment for criminal intimidation	A term which may extend to 2 years, or fine or with both	Non cognizable, Bailable
509	Word, gesture or act intended to insult the modesty of a woman	Imprisonment for 3 year and with fine	Cognizable, Bailable

BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

Section	Provision	Punishment	Classification
16	Punishment of enforcement of bonded labour.	Imprisonment for a term which may extend up to 3 years and fine of up to Rs 2000.	Cognizable and bailable
17	Punishment of advancement of bonded debt	Imprisonment for a term which may extend up to 3 years and fine of up to Rs 2000.	Cognizable and bailable
18	Punishment for extracting bonded labour under the bonded labour system.	Imprisonment for a term of up to 3 years and fine of up to Rs 2000.	Cognizable and bailable
19	Punishment for omissions or failure to restore possession of property to bonded labourers	Imprisonment for a term of up to 1 year and fine of up to Rs 1000.	Cognizable and bailable

CHILD LABOUR (PROHIBITION AND REGULATION) ACT 2016

Section	Provision	Punishment
14 (1)	For employment of child in any occupation or process, in violation of Section 3 of the Act and corresponding rules	Imprisonment for a term which shall not be less than 6 months but which may extend to 2 years' or with fine which shall not be less than 20000 rupees but which may extend to 50000 rupees, or with both. This is a cognisable offence.
14 (1A)	For employment of adolescent in any hazardous occupation or process listed in the Schedule	Imprisonment for a term which shall not be less than 6 months but which may extend to 2 years' or with fine which shall not be less than 20000 rupees but which may extend to 50000 rupees, or with both. This is a cognisable offence.
14 (2)	A repeat offence of the above stated sections	Imprisonment for a term which shall not be less than 1 year months but which may extend to 3 years.
14 (1B) & (2A)	Parents who commit a repeat offence	Fine which may extend to 10000 rupees
14 (3)	Violations of any other section of the Act including conditions for adolescents to work	Imprisonment for a month or with fine of 10000 rupees or with both

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

Section	Provision	Punishment
74	Prohibition on disclosure of identity of children	Imprisonment for a term which may extend to 6 months or a fine up to Rs 1 lakh or both
75	Punishment for cruelty to child – assault, abandon, exploit, abuse, neglect a child – giving a child in marriage is cruelty to child	Imprisonment for a term which may extend to 3 years or a fine up to Rs 1 lakh or both
	If committed by any person employed by or managing an organization, responsible for care and protection of child	Rigorous Imprisonment for a term which may extend to 5 years and a fine up to Rs 5 lakh
	If because of cruelty, the child is physically incapacitated or performs a physical or mental illness	Rigorous Imprisonment for a term not less than 3 years but which may be extended up to 10 years and a fine up to Rs 5 lakh
76	Employment of child for begging	Imprisonment for a term which may extend to 5 years and a fine of Rs 1 lakh If amputates or maims a child – rigorous Imprisonment for a term not less than 7 years which may extend to 10 years and a fine of Rs 5 lakh
77	Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child	Imprisonment for a term which may extend to 7 years and a fine up to Rs 1 lakh
78	Using a child for vending peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance	Rigorous Imprisonment for a term which may extend to 7 years and a fine up to Rs 1 lakh
79	Exploitation of a child employee – child labour or bonded labour	Rigorous Imprisonment for a term which may extend to 5 years and a fine of Rs 1 lakh
80	Punitive measures for adoption without following prescribed procedures	Imprisonment for a term which may extend up to 3 years or with fine of Rs 1 lakh or both
81	Sale and procurement of children for any purpose	Rigorous Imprisonment for a term which may extend to 5 years and a fine of Rs 1 lakh
	If this offence committed by a person in charge of the child	Rigorous Imprisonment for a term which is not less than 3 years and may extend up to 7 years
82	Child subjected to corporal punishment	First conviction – fine of Rs 10000; subsequent offence – imprisonment which may extend to 3 months or fine or with both
	If committed by an employee of the CCI	In addition to above, debarred from working directly with children
	If the management of the CCI does not cooperate with the enquiry	Imprisonment of a term and less than 3 years and shall also be liable to fine which may extend to Rs 1 lakh

Section	Provision	Punishment
83	Use of child by militant groups or other adults	Rigorous Imprisonment for a term which may extend to 7 years and shall also be liable to fine of Rs 5 lakh
84	Kidnapping and abduction of child	As per IPC 359-369
85	Offences committed on disabled children	Liable to twice the penalty provided for such offence in Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995)

THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

Section	Provision	Punishment
3	Punishment for keeping a brothel or allowing premises to be used as a brothel	On first conviction – rigorous imprisonment for a term of not less than 1 year and not more than 3 years and also with fine which may extend to 2000 Rs
		Second or subsequent conviction – rigorous imprisonment for a term of not less than 2 years and not more than 5 years and also with fine which may extend to 2000 Rs
4	Punishment for living on the earnings of prostitution	Imprisonment for a term which may extend to 2 years, or with fine which may extend to 1000 Rs, or with both,
		In case of a child - imprisonment for a term of not less than 7 years and not more than 10 years.
5	Procuring, inducing or taking person for the sake of prostitution	Punishable on conviction with rigorous imprisonment for a term of not less than 3 years and not more than 7 years and also with fine which may extend to 2000 Rs,
		If any offence committed against the will of any person - imprisonment for a term of 7 years shall extend to imprisonment for a term of 14 years
		In case of a child - the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than 7 years but may extend to life. In case of a minor - rigorous imprisonment for a term of not less than 7 years and not more than 14 years.

Section	Provision	Punishment
6	Detaining a person in premises where prostitution is carried on	Punishable on conviction, with imprisonment of either description for a term which shall not be less than 7 years but which may be for life or for a term which may extend to 10 years and shall also be liable to fine.
7	Prostitution in or in the vicinity of public places	1-Imprisonment for a term which may extend to 3 months 1A – where offence is in respect of a minor or child, imprisonment of either description for a term which shall not be less than 7 years but which may be for life or for a term which may extend to 10 years and shall also be liable to fine 2 – first conviction with imprisonment for a term which may extend to 3 months or with fine which may extend to Rs. 200 or with both; in second or subsequent conviction, imprisonment for a term which may extend to 6 months and also with fine which may extend to Rs. 200
9	Seduction of a person in custody	punishable on conviction with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine.

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

Section	Provision	Punishment (cognizable and non-bailable offence)
9	Punishment for male adult (above 18 years) marrying a child	Rigorous imprisonment which may extend to 2 years or with fine which may extend to 1 lakh rupees or with both
10	Punishment for solemnizing a child marriage (performs, conducts or directs or abets any child marriage)	Rigorous imprisonment which may extend to 2 years and shall be liable with fine which may extend to 1 lakh rupees
11	Punishment for promoting or permitting solemnization of child marriages	Rigorous imprisonment which may extend to 2 years and shall also be liable to fine which may extend up to one lakh rupees.
12	If a child is enticed out of the keeping of a lawful guardian, is made to go from one place to another by force or deceitful means, or if a minor is sold for marriage, or after marriage is sold trafficked for marriage or immoral purposes	Such marriage shall be null and void

* Women cannot be punished under this Act.

THE TRANSPLANTATION OF HUMAN ORGANS ACT, 1994

Section	Provision	Punishment
18	Punishment for removal of human organ without authority	18(1) – imprisonment for a term which may extend to 5 years and with fine which may extend to 10000Rs
		18(2) – if a registered medical practitioner – he should be reported to respective State medical Council for action including removal of his name from the register of the Council for 2 years for 1 st offence and permanently for subsequent offence
19	Punishment for commercial dealings in human organs	Imprisonment for a term which shall not be less than 2 years but which may extend to 7 years and shall be liable to fine which shall not be less than 10000 Rs but may extend to 20000 Rs

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Section	Provision	Punishment
4	Punishment for penetrative sexual assault	Imprisonment of either description for a term which shall not be less than 7 years but which may extend to imprisonment for life, and shall also be liable to fine
6	Punishment for aggravated penetrative sexual assault	Rigorous imprisonment for a term which shall not be less than 10 years but which may extend to imprisonment for life and shall also be liable to fine
8	Punishment for sexual assault	Imprisonment for either description for a term which shall not be less than 3 years but which may extend to 5 years, and shall also be liable to fine
10	Punishment for aggravated sexual assault	Imprisonment of either description for a term which shall not be less than 5 years but which may extend to 7 years, and shall also be liable to fine.
12	Punishment for sexual harassment	Imprisonment of either description for a term which may extend to 3 years and shall also be liable to fine.
14	(1) Punishment for using child for pornographic purposes	Imprisonment of either description which may extend to 5 years and shall also be liable to fine

Section	Provision	Punishment
		Second or subsequent conviction – imprisonment of either description for a term, which may extend to 7 years and also be liable to fine
	(2) if offence in relation to penetrative sexual assault (Sec 3), by directly participating in pornographic acts	Imprisonment of either description which shall not be less than 10 years but which may extend to imprisonment for life, and shall also be liable to fine.
	(3) if offence in relation to aggravated penetrative sexual assault (Sec f), by directly participating in pornographic acts	Rigorous imprisonment for life and shall also be liable to fine
	(4) if offence in relation to sexual assault (Sec 7), by directly participating in pornographic acts	Imprisonment of either description for a term which shall not be less than 6 years but which may extend to 8 years, and shall also be liable to fine
	(5) if offence in relation to aggravated sexual assault (Sec 9), by directly participating in pornographic acts	Imprisonment of either description which may extend to 3 years or with fine or both
15	Punishment for storage of pornographic material involving child	Imprisonment of either description which may extend to 3 years or with fine or with both
17	Punishment for abetment	If act committed in consequence of the abetment, shall be punished with punishment provided for that offence
18	Punishment for attempt to commit an offence	Imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life, or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

THE INFORMATION TECHNOLOGY ACT, 2000

Section	Provision	Punishment
66	Hacking with computer system	Imprisonment up to 3 years or with fine which may extend up to Rs 2 lakhs or both
67	Publishing of information which is obscene in electronic form	First conviction – imprisonment of either description for a term which may extend to 5 years and with fine which may extend to lakh rupees Second or subsequent conviction – imprisonment of either description for a term which may extend to 10 years and also with fine which may extend to 2 lakh rupees

PREVENTION OF MONEY LAUNDERING ACT, 2002

Section	Provision	Punishment	Classification
3 & 4	Attempt to directly or indirectly indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with proceeds of crime and projecting it as unattained property	Rigorous imprisonment for term which shall not be less than three years but which may extend to seven years and shall also be liable to a fine which may extend to five lakhs	Cognizable and non- bailable
3 (1) (ii)	The Director or authorised Deputy Director	Imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lakh.	Cognizable and non-bailable
3 (2)	Punishment for conspiring or attempting to commit or advocating, abetting or knowingly facilitating the commission of an organised crime or any act preparatory to organised crime	Imprisonment for a term which shall be not less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lacs.	Cognizable and non- bailable
3 (3)	Punishment for harbouring or concealing or attempting to harbour or conceal, any member of an organised crime syndicate	Imprisonment for a term which shall not be less than five years but which may extent to imprisonment for life, and shall also be liable to a fine, subject to a minimum fine of rupees five lakhs.	Cognizable and non-bailable
3 (4)	Punishment for a person who is a member of an organised crime syndicate	Imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lacs.	Cognizable and non-bailable
3 (4)	Punishment for a person who holds any property derived or obtained from commission of an organised crime or which has been acquired through the organised crime syndicate funds	a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine, subject to a minimum fine of rupees two lacs.	Cognizable and Bailable
4	Punishment for a person who person on behalf of a member of an organised crime syndicate is, or, at any time has been, in possession of movable or immovable property which he cannot satisfactorily account for	Imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine, subject to a minimum fine of rupees one lac and such property shall also be liable for attachment and forfeiture	Cognizable and bailable
20	Where any person is accused of any offence under this Act, it shall be open to the Special Court trying him, to pass an order for forfeiture and attachment of property. that all or any properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the properties so attached shall stand forfeited to the State Government, free from all encumbrances.		

MAHARASHTRA CONTROL OF ORGANISED CRIME ACT, 1999

Section	Provision	Punishment	Classification
3 (1) (i)	Punishment for organised crime that leads to death of a person	Death or imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees one lakh;	Cognizable and non- bailable
3 (1) (ii)	Punishment for organised crime that does not lead to death of a person	Imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lakh.	Cognizable and non-bailable
3 (2)	Punishment for conspiring or attempting to commit or advocating, abetting or knowingly facilitating the commission of an organised crime or any act preparatory to organised crime	Imprisonment for a term which shall be not less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lacs.	Cognizable and non- bailable
3 (3)	Punishment for harbouring or concealing or attempting to harbour or conceal, any member of an organised crime syndicate	Imprisonment for a term which shall not be less than five years but which may extent to imprisonment for life, and shall also be liable to a fine, subject to a minimum fine of rupees five lakhs.	Cognizable and non-bailable
3 (4)	Punishment for a person who is a member of an organised crime syndicate	Imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lacs	Cognizable and non-bailable
3 (4)	Punishment for a person who holds any property derived or obtained from commission of an organised crime or which has been acquired through the organised crime syndicate funds	A term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine, subject to a minimum fine of rupees two lacs.	Cognizable and bailable
4	Punishment for a person who person on behalf of a member of an organised crime syndicate is, or, at any time has been, in possession of movable or immovable property which he cannot satisfactorily account for	Imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine, subject to a minimum fine of rupees one lac and such property shall also be liable for attachment and forfeiture	Cognizable and bailable
20	Where any person is accused of any offence under this Act, it shall be open to the Special Court trying him, to pass an order for forfeiture and attachment of property. That all or any properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the properties so attached shall stand forfeited to the State Government, free from all encumbrances.		

THE SCHEDULE CASTE AND SCHEDULE TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

Section	Provision	Punishment
3(h)	Makes a member of a Scheduled Caste or a Scheduled Tribe to do - begar or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government	Imprisonment for a term which shall not be less than six months but which may extend to five years and with fine
3(w)(i)	Intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent	Imprisonment for a term which shall not be less than six months but which may extend to five years and with fine
3(w)(ii)	Uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe	Imprisonment for a term which shall not be less than six months but which may extend to five years and with fine
3(2)(v)	Commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property [knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member]	Imprisonment for life and with fine

ABBREVIATIONS USED

AHTU	– Anti Human Trafficking Unit
BLSA 1976	– The Bonded Labour System (Abolition) Act, 1976
BSF	– Border Security Force
CBI	– Central Bureau of Investigation
CCI	– Child Care Institution
CLPRA 2016	– The Child Labour (Prohibition and Regulation) Amendment Act, 2016
CM	– Child Marriage Prohibition Act, 2005
CMPO	– Child Marriage Prohibition Officer
CRE	– Child Rights Education
CRP	– Central Reserve Police
CrPC	– Criminal Procedure Code
CSE	– Commercial Sexual Exploitation
CWC	– Child Welfare Committee
CWO	– Child Welfare Officer
DLSA	– District State Legal Services Authority
DCPU	– District Child Protection Unit
SCW	– State Commission for Women
DLSA	– District Legal Services Authority
DTF	– District Task Force
FIR	– First Information Report
GRP	– Government Railway Police
IO	– Investigating Officer
IPC 1860	– Indian Penal Code, 1860
IT Act 2000	– The Information Technology Act 2000
ITPA 1956	– The Immoral Traffic Prevention Act, 1956
JJ Act 2015	– The Juvenile Justice (Care and Protection of Children) Act, 2015
NALSA	– National Legal Services Authority
NCPCR	– National Commission for Protection of Child Rights
NCW	– National Commission for Women
NGO	– Non-Government Organization
NHRC	– National Human Rights Commission
PO	– Probation Officer
POCSO 2012	– The Protection of Children from Sexual Offences Act, 2012
RPF	– Railway Protection Force
RTE 2009	– The Right to Education Act, 2009
SCPCR	– State Commission for Protection of Child Rights
SDM	– Sub Divisional Magistrate
SJPU	– State Juvenile Police Unit
SLSA	– State Legal Services Authority
SOP	– Standard Operating Procedure
THOA 1994	– The Transplantation of Human Organs Act 1994

Combating Trafficking of Persons

By :

National Human Rights Commission

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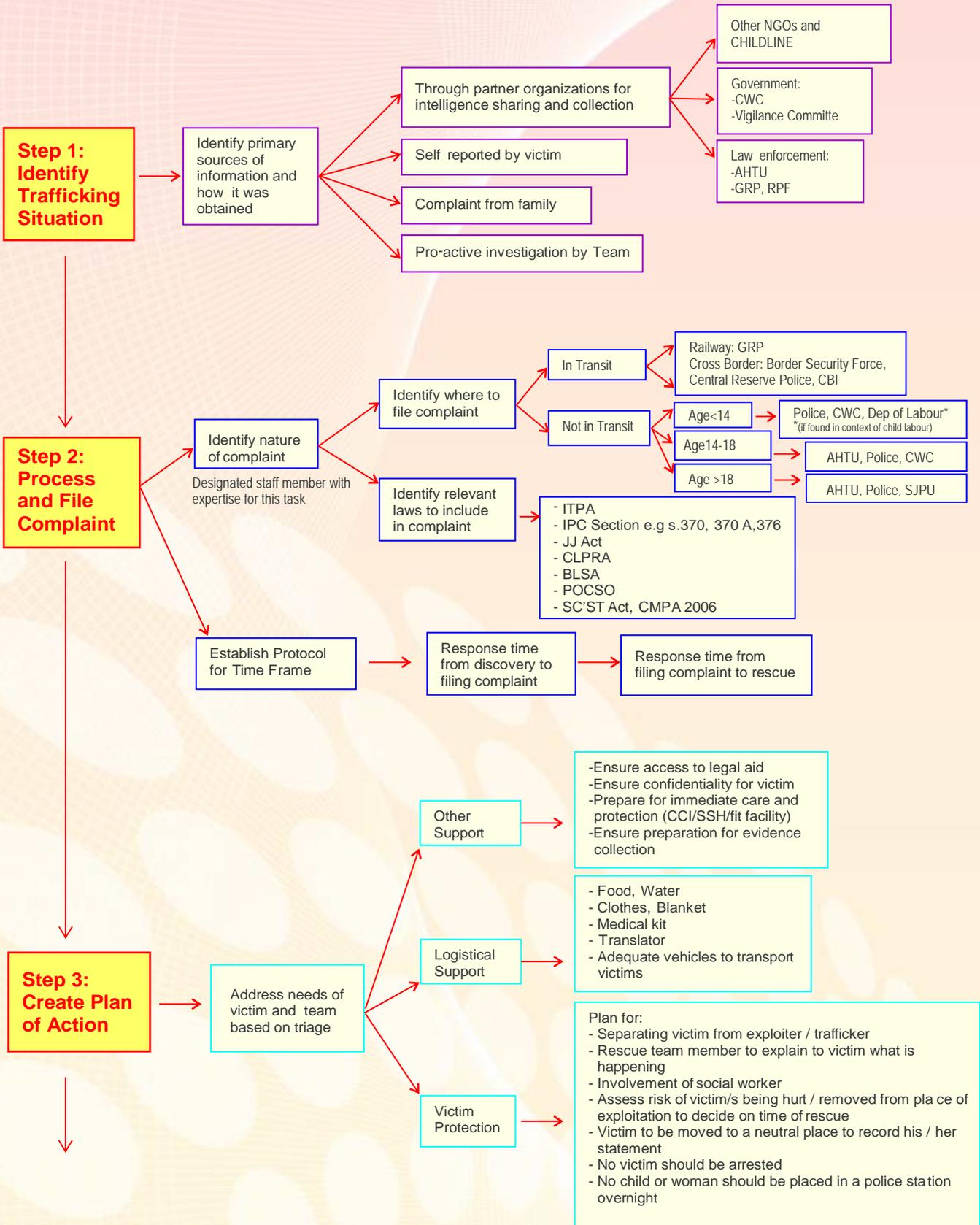
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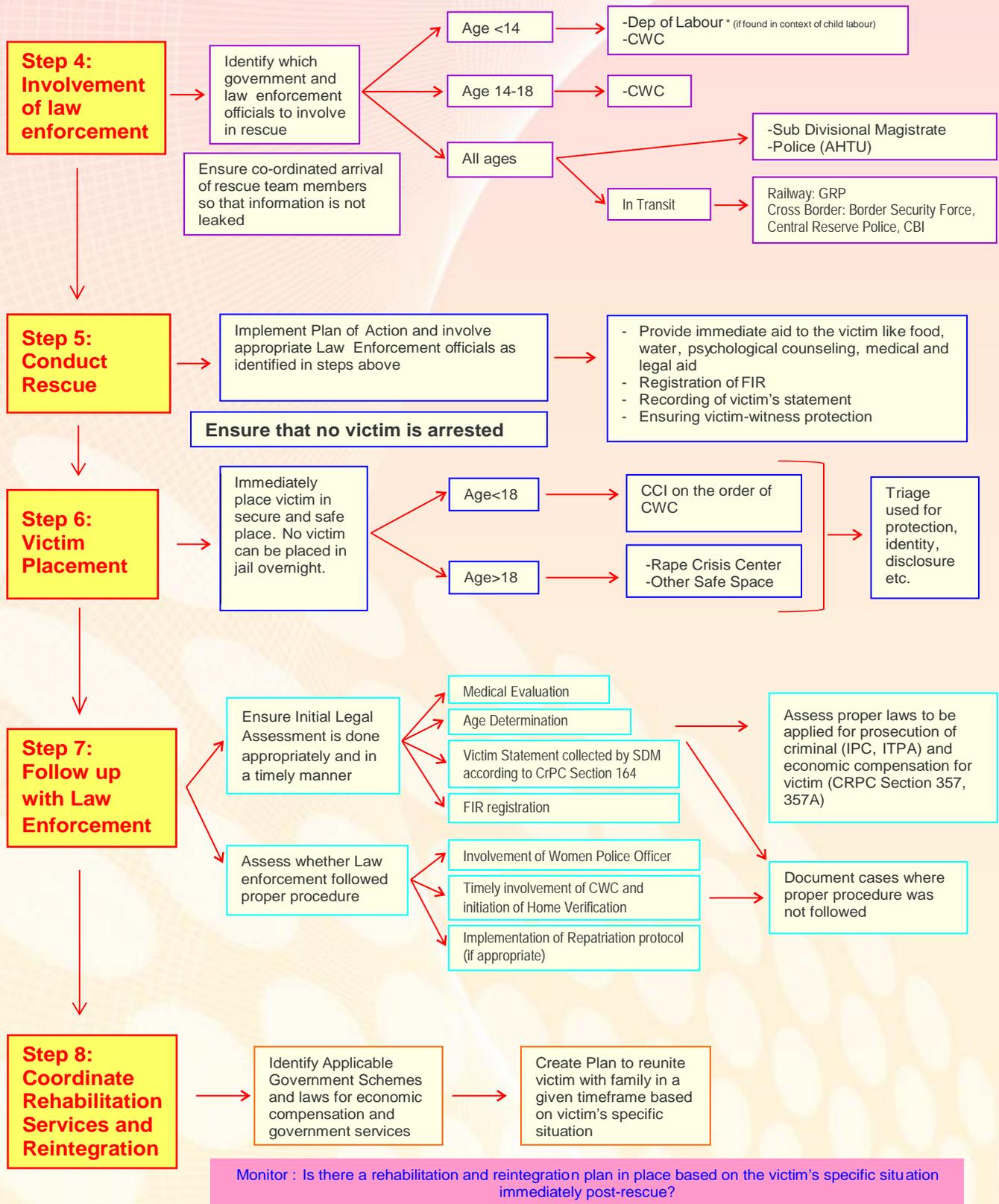
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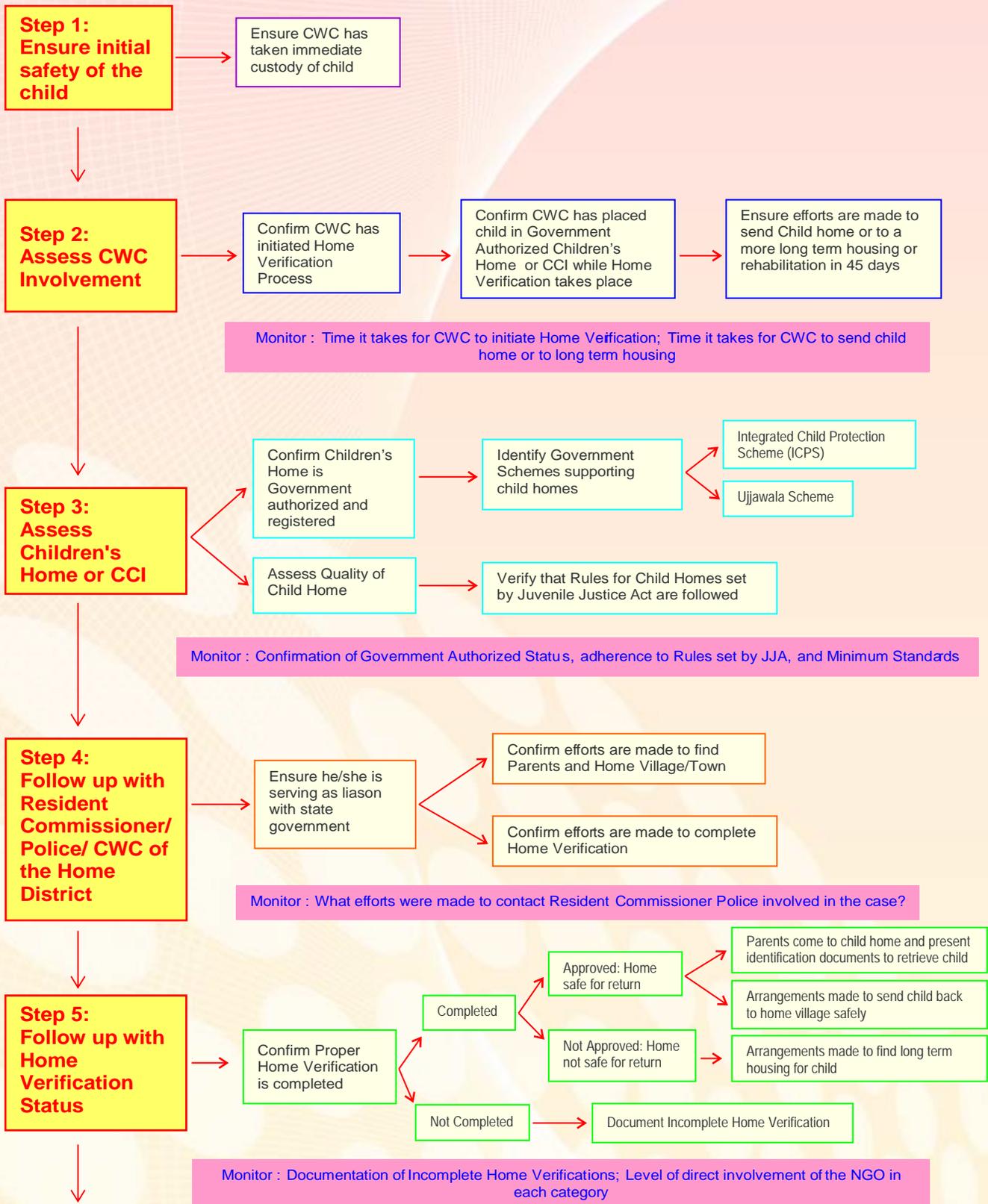
Pre-Rescue: Commercial Sexual Exploitation

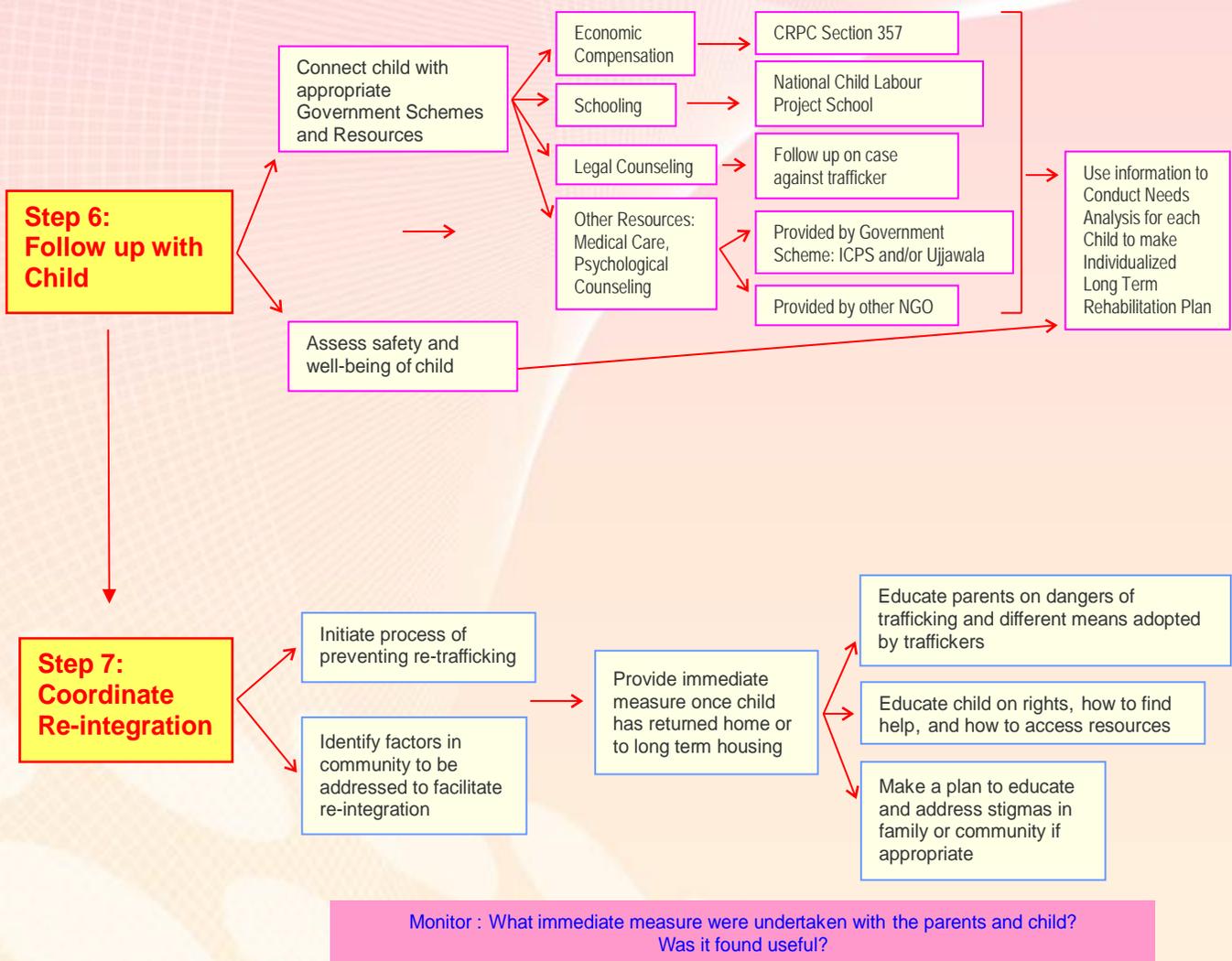


Rescue and Immediate Post Rescue : Commercial Sexual Exploitation

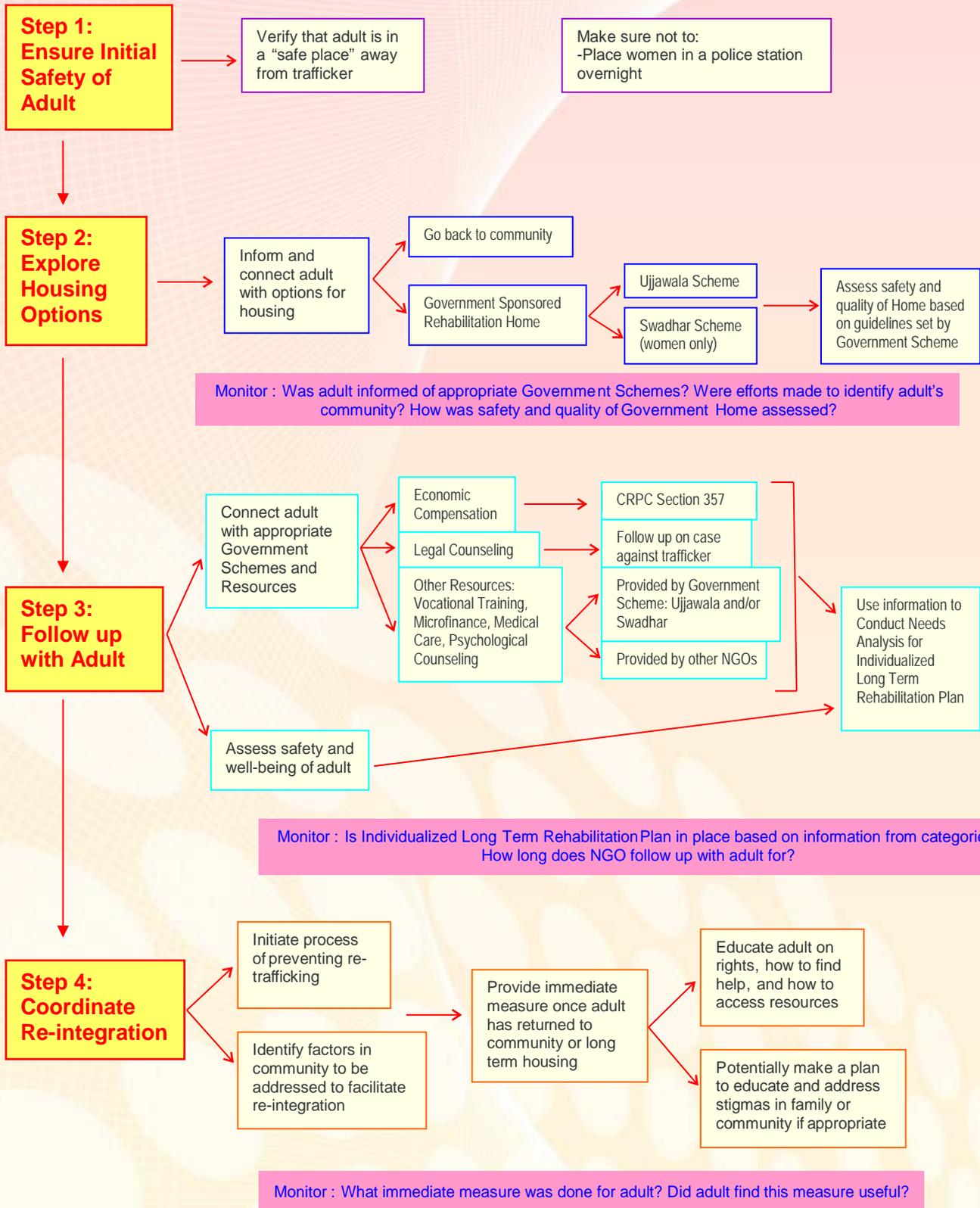


Immediate Rehabilitation: Commercial Sexual Exploitation - Age<18

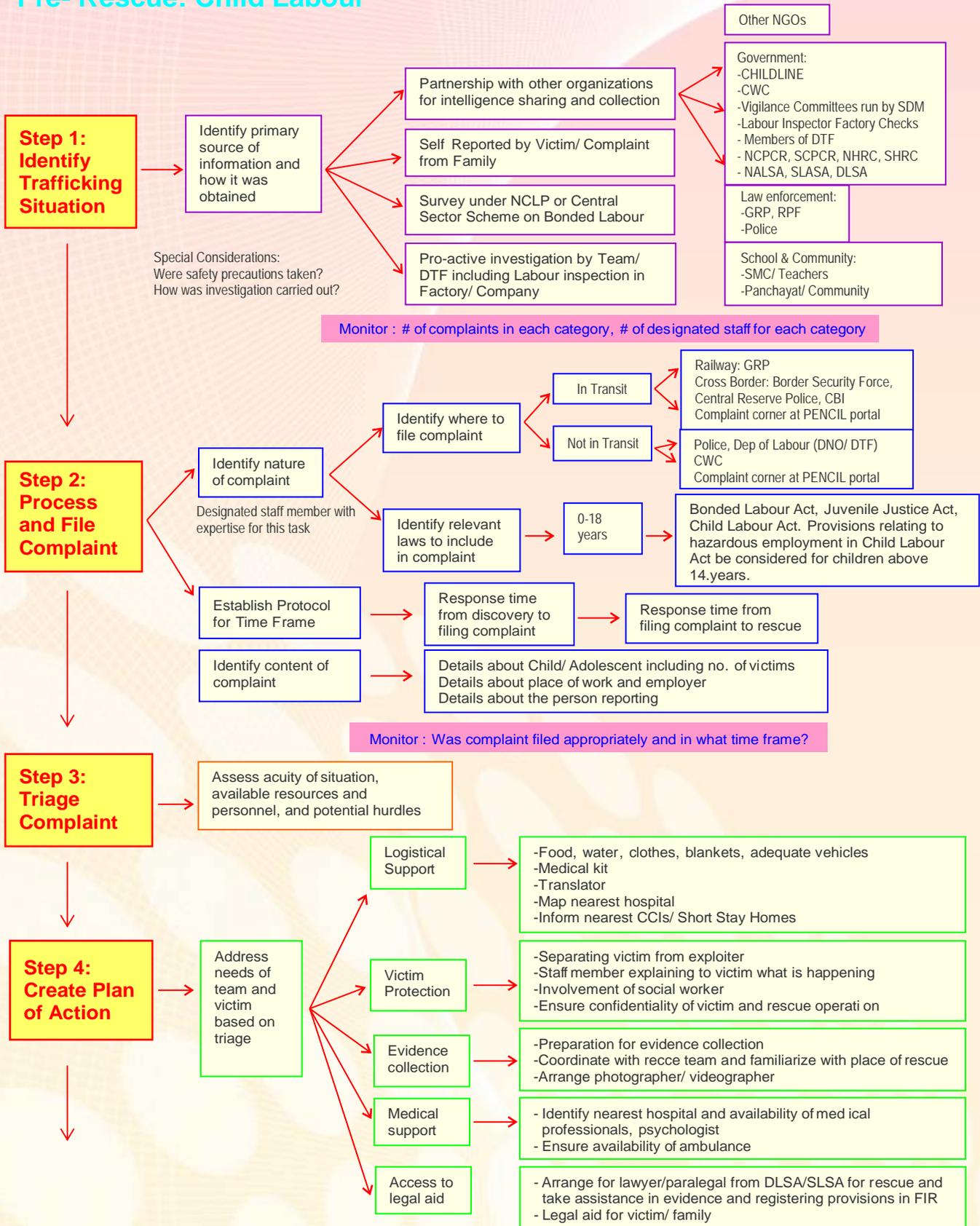




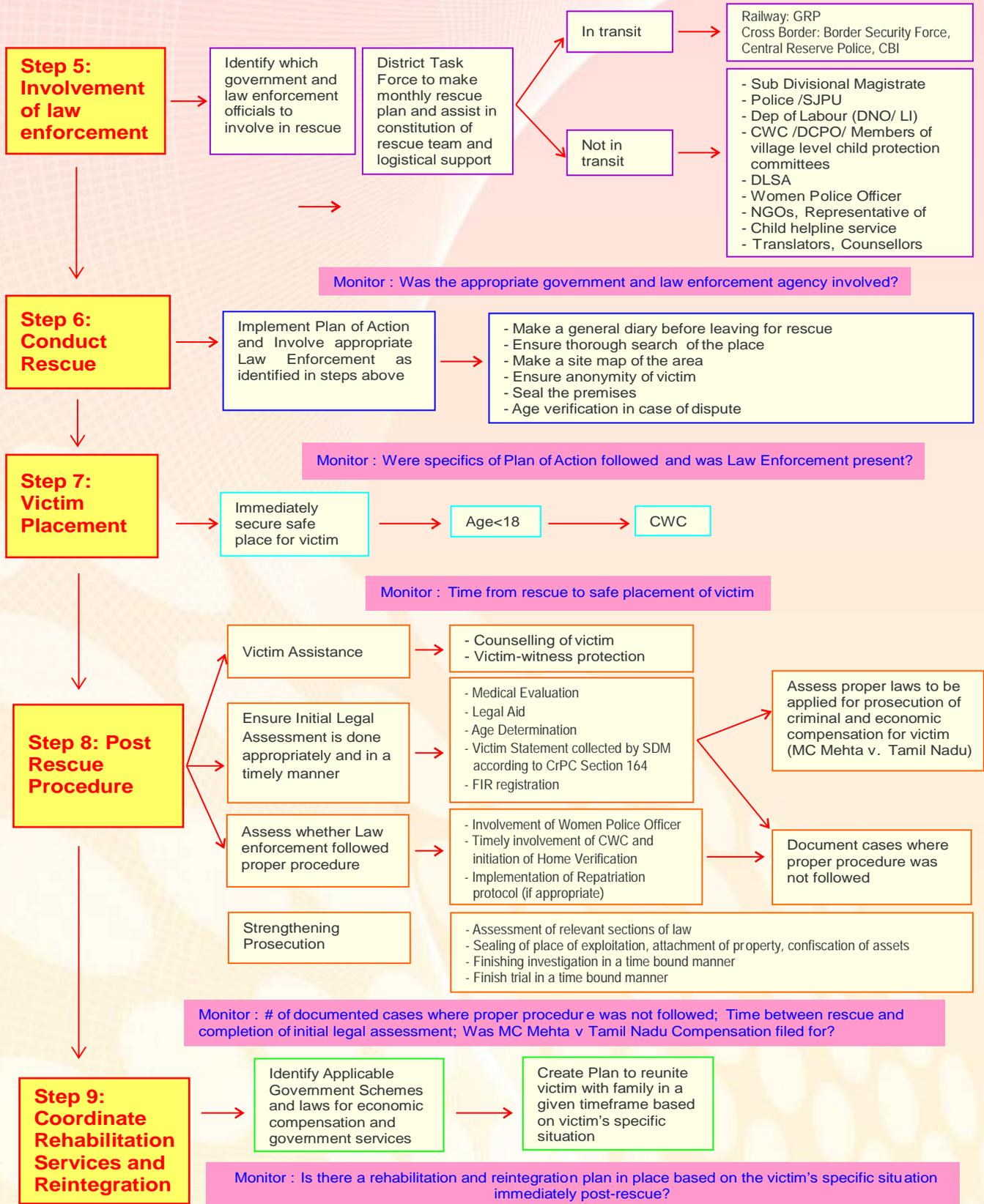
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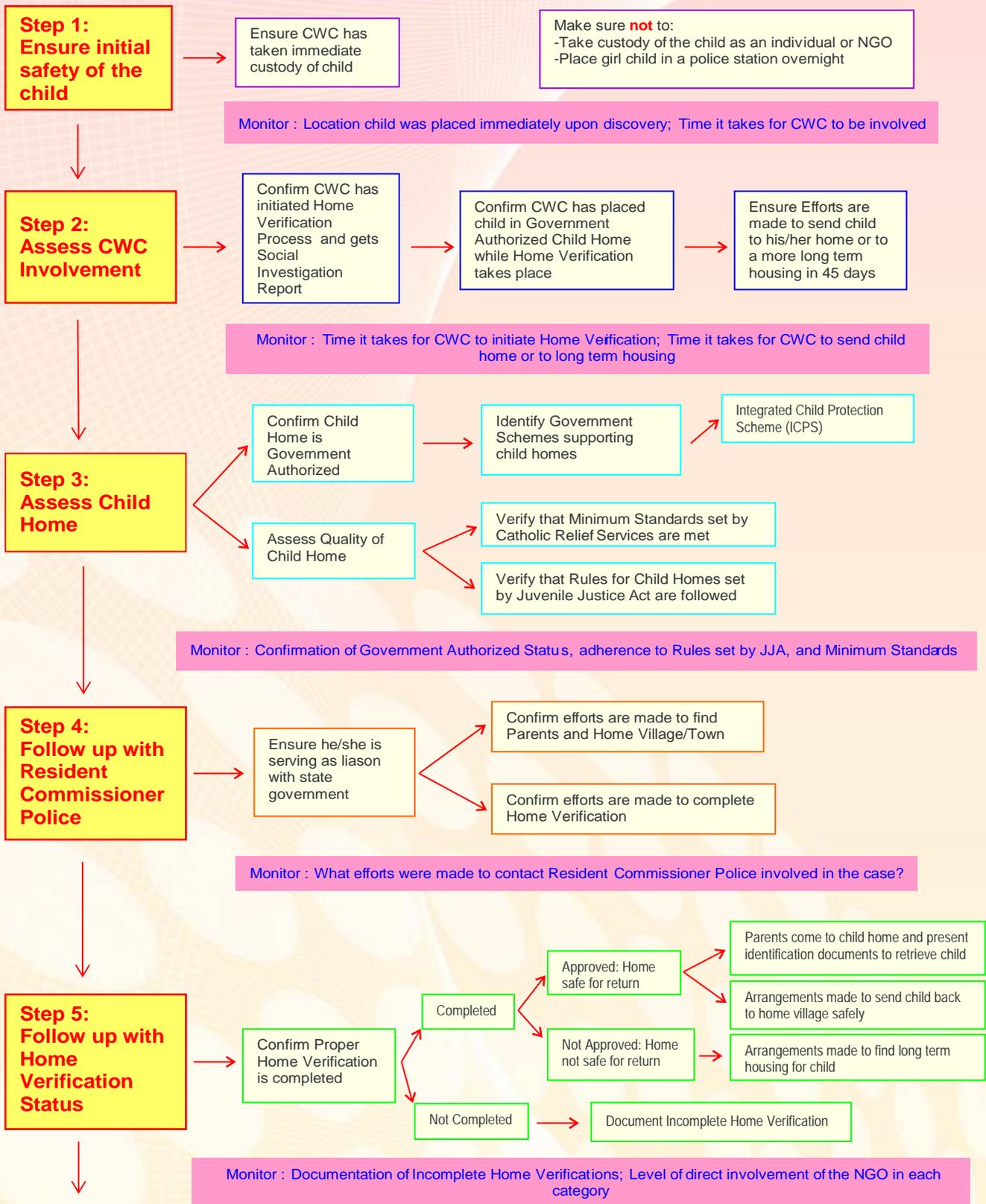
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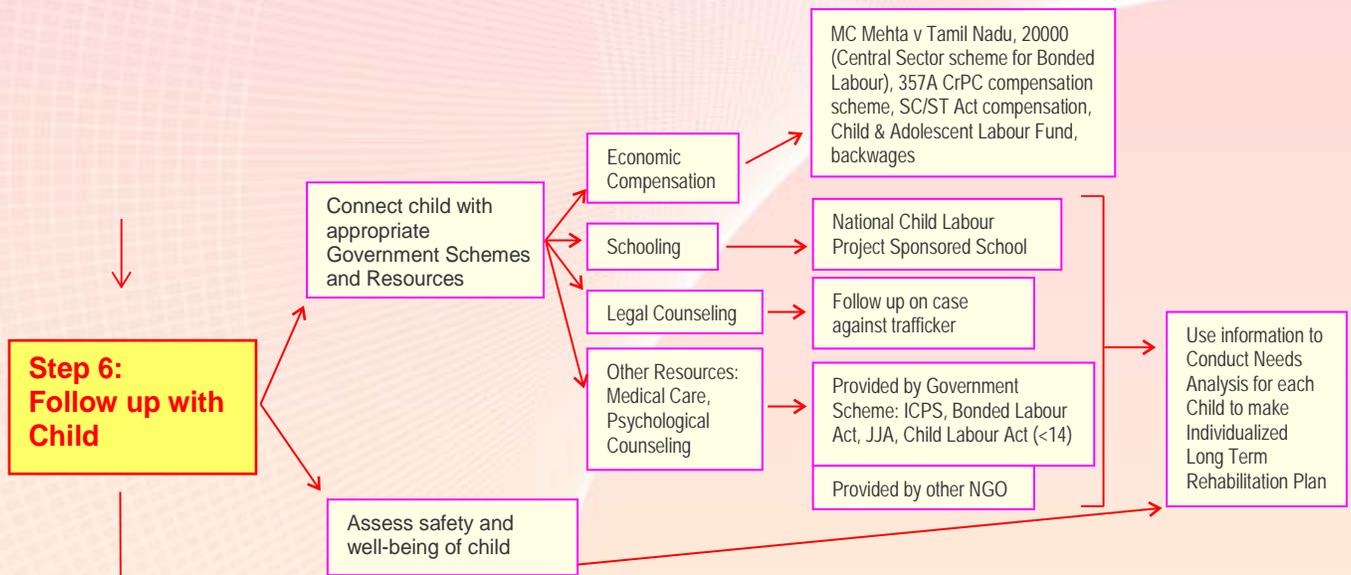


Rescue and Immediate Post Rescue: Child Labour

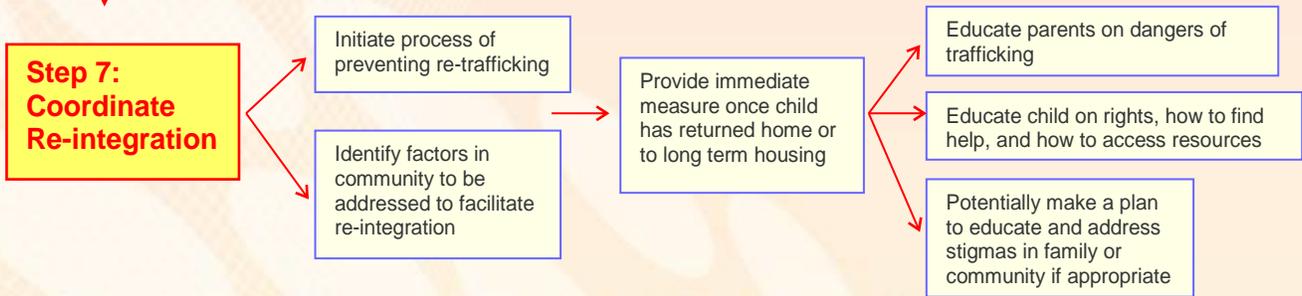


Immediate Rehabilitation: Child Labour - Age<18



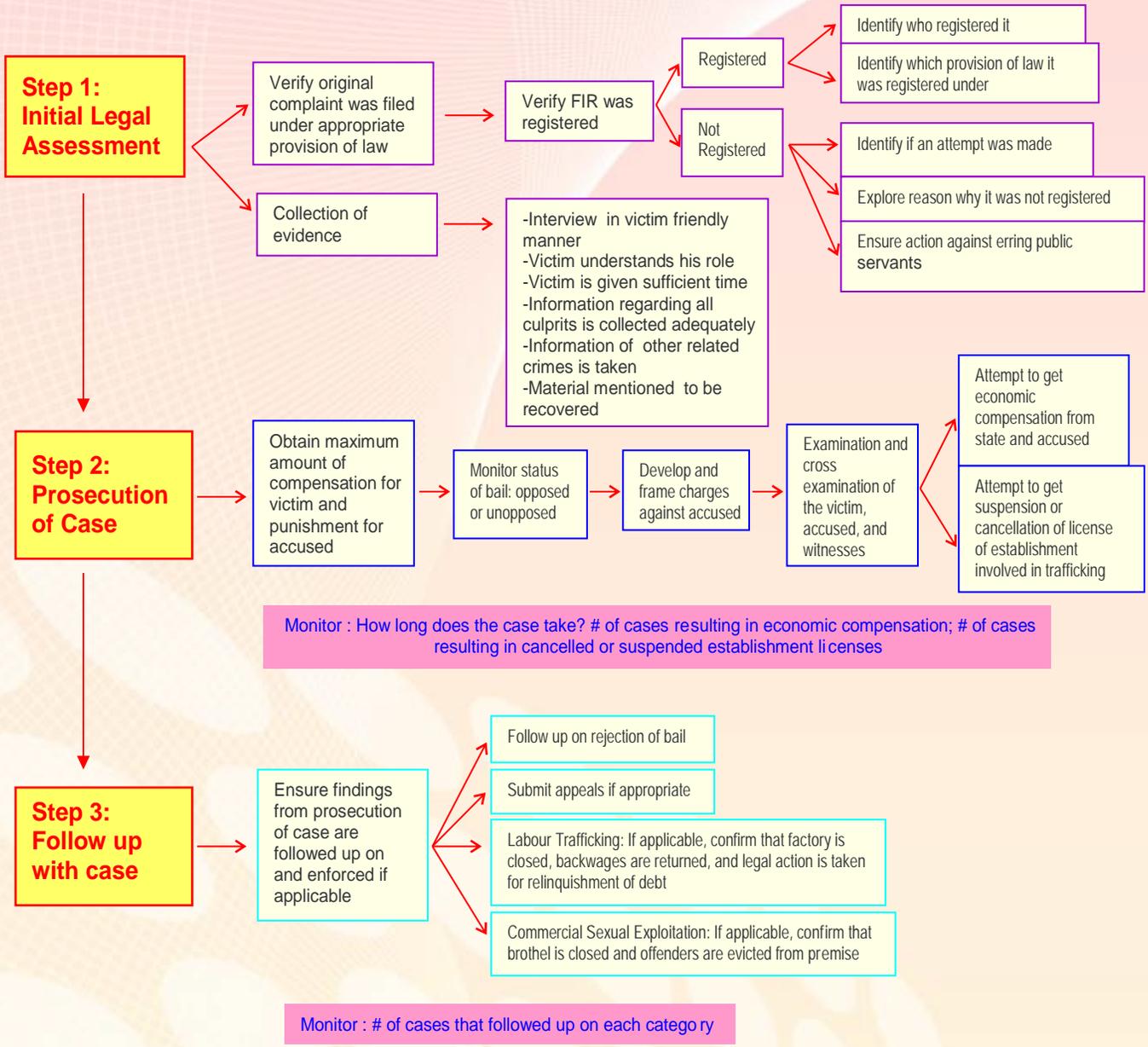


Monitor : Is Individualized Long Term Rehabilitation Plan in place based on categories?
How long does NGO follow up with child for?



Monitor : What immediate measure was done with the parents and child? Was it found useful?

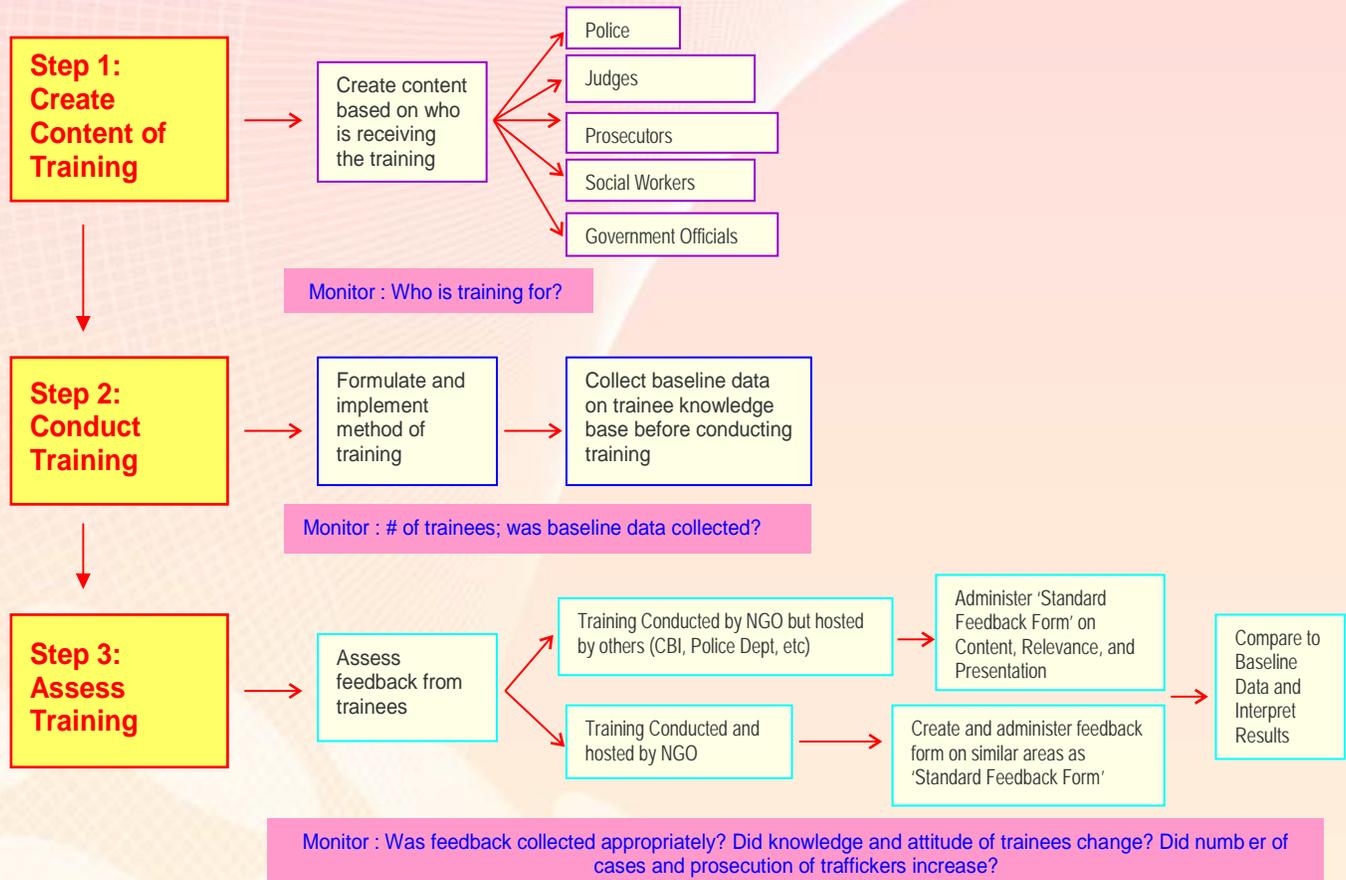
Legal: Prosecution of Cases



Relevant Laws



Law Enforcement and Judiciary: Sensitisation and Capacity Building



SCREENING TOOL TO HELP IDENTIFY A POTENTIAL VICTIM OF TRAFFICKING AND QUESTIONS TO BE ASKED FROM VICTIM AFTER THE RECOVERY

The questions set out below are merely guidelines. There is no substitute for the judgment and intuition of the interviewer in determining whether an individual is a victim of trafficking. The critical concepts to be discerned are those of exploitation and loss or severe limitation of liberty.

- Collaborative Materials: In relation to all key points, ask if there are any witnesses; police; any documentation or travel tickets; reports of any medical treatment provided in respect of injuries prior to referral; documents showing victim acting in a nominee role (i.e. beneficial owner is really the trafficker); copies of bogus employment contracts or copies of the original advertisement; materials produced by the victim during exploitation or diary entries, letters, etc. written by the victim.
- None of the answers to any of the questions will on their own resolve the issue.
- They must all be considered collectively together with the indicators highlighted above.

A. General Information

Victim's name, age, nationality, professional and educational background

B. Recruitment

- i. What is the victim's native place?
- ii. What location was the victim last residing in?
- iii. How long was the victim residing at that location?
- iv. How old was the victim when he/ she left the native community?
- v. Do members of the family know the victim's whereabouts?
- vi. Was the victim forcibly transported to another location in his/her native place? If yes, how?
- vii. Who recruited the victim?
- viii. What was the purpose of the recruitment?
- ix. Was initial contact with recruiter voluntary or not?
- x. If not, was the victim forcibly transported out of his/her place of origin? If so, how?

C. Use of Force or Threat

If force was used in the recruitment please ask the following questions:

- i. Was the victim abducted or kidnapped?
- ii. Was the victim threatened with harm to his or her self or family?
- iii. Was the victim sold? By whom?
- iv. What were the circumstances of the forcible removal?
- v. Who initiated the contact? How?
- vi. What was the method of recruitment (e.g. by advertising, acquaintance, family, study, training, etc.)?

D. Employment

If the recruitment was for employment, please ask the following questions:

- i. What kind of work was offered to the victim or what activities did the victim believe she/he would be engaged in following arrival at the new location?
- ii. How much money was promised to the victim and by whom?
- iii. Did the victim sign a contract? (e.g. an employment contract) If so, what are the terms of the contract? Does the victim know them (e.g. was the contract in a language the victim understood)?
- iv. Does the victim possess a copy of the contract?
- v. Was the victim coerced into signing the contract? How?
- vi. Was anyone paid a fee for recruiting the victim for work?

E. Travel and Identity Documents

- i. Does the person have a passport? If so, is it his own legitimate passport or is it a fraudulent passport?
- ii. How did he acquire this passport?
- iii. Was it provided to him by the trafficker?
- iv. What kind of employment authorization was promised to the victim and by whom?
- v. Was the victim promised permanent residency upon arrival in India/ another state in India or after a certain period? By whom?

F. Movement

- i. Was the victim coerced into moving? How?
- ii. If any travel costs were incurred before departure, who paid them?
- iii. Did the victim pay money in advance or agree to pay the costs or remainder of costs upon arrival?
- iv. Did the victim sign a loan contract? If so, does the victim have a copy?
- v. What means of transport was used?
- vi. Was the vehicle stopped at any check-point?
- vii. Was the vehicle examined by check-point officials?
- viii. Did the victim change handlers during migration?
- ix. Was a fee paid for organizing the victim's transportation? By whom and to whom?
- x. Was the victim threatened, sexually or physically assaulted or confined during transportation?

G. Working Conditions (Exploitation)

- i. Does the victim believe that she/ he is subject to some form of debt bondage? (Debt bondage refers to the status of a debtor arising from a pledge by the debtor for his/ her services or of those of a person under his control as a security for debt)
- ii. Does the victim believe that she/ he owes money to recruiters/ transporters/ exploiters? Was the victim paid and at what rate?
- iii. Who has the possession of these earnings now?
- iv. How many hours a day did the victim work?
- v. Was the victim allowed any time off? Allowed to rest if sick?

H. Restriction of Freedom

- i. Was the victim unable to quit working for the employer and get a job somewhere else? Was the victim's movement restricted? How? (e.g. did the victim have a key of the house)
- ii. Was the victim allowed to communicate with family members? Other workers?
- iii. Was the victim living and working at the same place?
- iv. Was the victim chaperoned, guarded, incarcerated?
- v. When did the victim realize that he/ she was not free?

I. Living Conditions

- i. What were the living conditions of the victim? (e.g. no. of rooms, no. of people living together)
- ii. Did the victim have friends?
- iii. Did the victim have money?
- iv. Could the victim buy his/ her own belongings?

J. Physical Coercion

- i. Was the victim subject to physical assaults or torture? (pinching, hitting, slapping, punching, kicking, shaking, burning, branding, chained, etc.)
- ii. Was the victim subject to sexual assaults? (forced sexual contact, rape, forced prostitution etc.)
- iii. Was the victim forcibly confined or isolated?
- iv. Was the victim denied essential medical care?
- v. Was the victim denied food/ clothes and other basic necessities including ability to maintain basic hygiene?

K. Psychological Coercion

- i. Was the victim threatened with violence, harm or retaliation against victim or the victim's family members (or friends)?
- ii. Were there threats to report the victim to authorities?
- iii. Did the victim view or hear others being physically or sexually assaulted?
- iv. Was the victim deceived regarding the employment, activities or basic conditions of his or her employment?
- v. Was the victim subject to verbal abuse, name calling, degrading remarks about victim's ethnicity/social group?
- vi. Was the victim photographed and filmed while being physically or sexually assaulted, humiliated or degraded? If so, did the traffickers threaten to use the images against the victim?
- vii. Was the victim threatened with confinement or isolation?

L. Risk Assessment

- i. Do the traffickers know the victim's home/ work address or contact details?
- ii. Is the victim married?
- iii. Does the victim have any children?
- iv. Do the traffickers have any details about the victim's family or loved ones?
- v. Do the traffickers claim to know these things?

ANNEXURE - 3

**CHECK LIST TO DEAL WITH TRAFFICKING FOR DISTT. POLICE CHIEFS/
SUPDTS OF POLICE, COMMISSIONER OF POLICE**

Sl. No.	Task	Completed : Yes / No
	PREVENTION OF TRAFFICKING	
A.	Have you developed an Anti-trafficking plan for your district and created an Anti-trafficking cell in each of your police station?	
B.	Have you created a database on : <ul style="list-style-type: none"> ● Traffickers ● Employment agencies ● Brothel owners, pimps, agents ● Massage parlours ● Informants ● Number of cases of trafficking registered and status of each case, etc. 	
C.	Have you reached out to / developed networks and provided training on detection of trafficking to: <ul style="list-style-type: none"> ● Community Vigilant Groups (CVG) / Village Level Child Protection Committee at the community level ● Schools and teachers ● Panchayat Members 	
D.	Have you created and have your SHOs created : <ul style="list-style-type: none"> ● Sources for intelligence collection relating to trafficking. ● A Cell and developed expertise for analysing the information which is collected/received in trafficking in your jurisdiction. ● Analyse information of Clients and Complainants ● Have your SHOs carried out a background study of their area and peopleHave you created mechanisms for red flag alerts to trafficking networks through: <ul style="list-style-type: none"> ● Cases of money laundering? ● Cases of violations in the IT Act or suspicious activity in communication? 	
E.	Have you educated families and communities on the issue of trafficking?	
F.	Have you ensured registration of agents who facilitate migration for work?	

Sl. No.	Task	Completed : Yes / No
	PRE-RESCUE PLANNING	
G.	<p>Have you assigned sufficient number of sensitive, competent and dedicated police personnel especially women police personnel for rescue operations and have they been sufficiently briefed about –</p> <ul style="list-style-type: none"> ● Verification about the quality of intelligence before embarking on action. ● Assigned a recce team who can coordinate with beat constable and map the area? ● Assessed the risk of victim/s being hurt to decide on the time for rescue? ● Briefed the cordon team? ● Have you provided sufficient manpower to block getaway points? 	
H.	Have you studied the topography and terrain? Are you familiar with the structure of the building where the victim(s) is being held captive?	
J.	Have you developed a back-up plan, in case raid fails?	
K.	Have you called for a comprehensive team for rescue, ensuring that men from all the relevant stakeholders are present?	
L.	Have you ensured that the police officer dealing with children's case is in plain clothes?	
M.	Have you ensured that adequate number of vehicles are present to transport the victims and accused separately?	
N.	Whether the parent(s)/guardian(s)/persons who made the initial report were interviewed and their statements recorded?	
O.	Have you listed/thought of all the evidence to be collected from the place of rescue?	
P.	Have you notified the government, or NGO run Short Stay Home / Child Care Institutions (CCIs), or women's shelter home or any fit facility, or fit person of the expected number of rescued persons and the expected time of arrival at such place?	
	RESCUE	
Q.	Have you ensured presence of the owner/manager responsible for running the place?	
R.	Have you ensured that the victim is not arrested?	
S.	Have you ensured that no child or woman is placed in a police station overnight?	

Sl. No.	Task	Completed : Yes / No
T.	Have you taken sufficient measures to ensure that the anonymity of the victim is not compromised?	
U.	Have you ensured thorough search of the place so that no child or adolescent is left behind?	
V.	Have you involved a dedicated NGO?	
W.	Have you explained the situation to the victim?	
X.	Have you ensured a trained Juvenile Welfare Officer while going for Child Rescue?	
Y.	Do you need a search warrant, if so have you obtained the same?	
Z.	Have you identified the relevant laws to include and ensure that a FIR is lodged immediately?	
	POST RESCUE	
AA.	Have you identified an appropriate NGO to help in post rescue actions?	
BB.	Have you taken necessary steps to seal the premises, attach property and confiscate assets?	UNDER WHAT LAW?
CC.	Have you ensured that the Legal Services Authority and the para legal volunteers have been involved?	
DD.	Have you ensured separation of victim from the offender?	
EE.	Have you provided for psychological counselling of the victim, if required?	
FF.	If there is a juvenile offender, have you followed JJ Act, 2015?	
GG.	Have you ensured: <ul style="list-style-type: none"> ● Medical attention to the victim? ● Translator? ● Confidence building measures to develop the trust of the victim? 	
	INVESTIGATION	
HH.	Have you registered a FIR? (Remember that lack of action by a public servant in a case of trafficking is punishable under 166 A of the IPC).	
II.	Have you ensured that all the required resources, equipment and assistance necessary to conduct an efficient investigation have been collected?	
JJ.	Have you identified independent witnesses like NGO, doctors?	

Sl. No.	Task	Completed : Yes / No
KK.	Is there a bone ossification test required?	
LL.	Have you got recorded statement of the victim under section 164 of CrPC?	
MM.	Have you followed all evidence and arrested other people in the chain?	
NN.	Have you checked for missing person/child cases or other related cases registered?	
OO.	Have you linked all evidence – previous cases, train tickets, phone records, internet search/ communication prints? Have you followed the money trail?	
PP.	Have you ascertained if the area where the victim was last seen had a CCTV and if so taken steps to obtain its footage?	
QQ.	Have you obtained the brief and written reports from the first responding officer/Enquiry Officer/Investigation Officer?	
RR.	Whether the assistance of media including radio, television and newspapers, NGOs and Legal Services Authorities in the search of the victim has been utilized?	
SS.	Have you ensured that the victim is suitably briefed when he/she calls up subsequently about progress of the case?	
TT.	Have you ascertained if additional assistance is necessary from state level authorities or adjoining states, if so taken steps to obtain the same?	
UU.	Have you ensured protection for all victims and/or witnesses in case there appears to be requirement of such protection?	
VV.	Have you ensured that the investigation is carried out in a time bound manner?	
WW.	Have you carried out a Financial investigation?	
XX.	<p>Have you taken the steps to collect evidence on any or all of the following points while investigating:</p> <ul style="list-style-type: none"> ● Network of crime ● Other accused and their personal details ● Ownership of movable and immovable property of the accused ● Test Identification Parade of other accused or objects ● Verification of travel details of the accused ● Means, routes, methods used for transportation of victims ● Modus Operandi adopted 	

Sl. No.	Task	Completed : Yes / No
	<ul style="list-style-type: none"> ● Chain of demand and supply in case there is involvement of trafficked victims in production of goods ● Building technology trails ● Forensic evidence 	
	REPATRIATION, REHABILITATION, REINTERGRATION	
YY.	Have you provided necessary assistance for repatriation of the victim?	
ZZ.	Have you produced the child before the CWC?	
AAA.	Have you produced all cases of forced labour before the District Magistrate for declaration as Bonded Labour?	
BBB.	Have you contacted local DLSA/SLSA for follow-up, legal aid and assistance for victim-witness protection?	
CCC.	Have the names/addresses/telephone numbers of the child's friends/ teachers/associates and other relatives and friends of the family been obtained?	

ANNEXURE - 5

ROLES AND RESPONSIBILITIES OF STAKEHOLDERS

A. POLICE

Sl. No.	Action
PREVENTION	
1.	Proactive investigation for early detection of crime and collection of evidence to prevent trafficking
2.	Identify sources and conduct awareness camps to ensure collection of information
3.	Take measures to prevent trafficking at the transit area such as railway junctions and bus stops
4.	Educate families and communities on the issue of trafficking and related crimes
5.	Carry out activities to ensure community policing and building confidence in police.
6.	Analyse past data from crime records and identify possible perpetrators.
7.	Maintain record of the profile of victims rescued earlier, accused involved, middlemen and other possible perpetrators in order to predict the crime of trafficking.
8.	Collect and analyse database of missing persons/ children
9.	Conduct decoy operations in the form of a customer, middleman in periodic intervals to collect information
10.	In case of receiving a complaint of missing child, immediately register a FIR
11.	When a child cannot be traced within a period of four months, transfer the investigation of the case to the Anti-Human Trafficking Unit in the district
12.	Create awareness about identification and reporting of crimes of trafficking
13.	Conduct sensitisation workshops for Panchayati Raj Institutions and municipal corporations on crimes against children including identification and reporting of crimes for enhanced protection
ACTION TO BE TAKEN FOR RESCUE	
1.	Take cognizance of complaint of trafficking.
2.	Conduct pro-active investigation for identification of victims.
3.	Establish partnership with other stakeholders for intelligence sharing and collection
4.	Co-ordinate with the Anti- Human Trafficking Cell and keep a close eye on repeated offenders/ possible perpetrators of trafficking
5.	Form rescue team as per requirements of law for rescue
6.	Identify relevant provisions of laws to include when a complaint is registered
7.	Ensure logistical support is available with the rescue team prior to rescue

Sl. No.	Action
8.	Do necessary preparation for collection of evidence
9.	Meticulously organise people in the rescue team with definite groups and tasks
10.	Arrange a neutral place for taking victim's statement
11.	Notify the safe place, details of time and number of victims arriving at the safe place for the period of investigation
12.	Ensure confidentiality of the rescue process
13.	Identify the nearest Government hospital and ensure availability of professional medical help in case of emergency
14.	Separate the victim from the offender as soon as possible
RESCUE	
1.	Know that rescue can be conducted without FIR and FIR can follow
2.	Ensure that the victim is not arrested during rescue
3.	Collect all available evidence at the time of rescue in form of photographs and documents
4.	Make a memo of all the things seized during raid/ rescue
5.	Explain the situation to the child victim with the help of the translator, representative of NGO or representative of DLSA
6.	Ensure confidentiality and protection of identity of all victims
7.	Additionally, in case of children, Sec 74 of the JJ Act, 2015, mandates ensuring the anonymity of a rescued child. Contravention of this provision is punishable with imprisonment of 6 months
8.	In case of women, protection of identity of a woman rescued from sexual exploitation is paramount
9.	Seal the premises
10.	Provide the victim with food, clothing, medical facilities, bathroom facilities, legal or psychological counselling
11.	Immediately place the rescued persons in a safe place for the time of investigation by police, which is necessarily away from the offender
12.	Make a general diary entry while leaving police station for rescuing keeping in mind that the information regarding source/victim/location is not leaked
POST-RESCUE	
1.	Ensure that FIR is registered including relevant provisions of all laws to get justice for victim
2.	Ensure that the victim is not treated as an offender, kept in a lockup
3.	Ensure that the victim is separated from the accused

Sl. No.	Action
4.	Legal aid and psychological counselling to be provided to the victim
5.	Provide protection to victim and witnesses
6.	Children rescued must be produced before CWC within 24 hours from the time of rescue, excluding the time of travel
7.	Get verification of age conducted
8.	Ensure protection of the victim during recording of evidence in front of the metropolitan/judicial magistrate
9.	Ensure collection of necessary evidence to establish a fool proof case (all leads including money trail, communication trails etc. are followed)
10.	Finalise investigation in a time-bound manner
11.	Monitor status of the trial of the case including following up on bail, filing of appeals where necessary, witness deposition
12.	Investigate the modus operandi of the crime
13.	Investigate the entire demand and supply chain
REHABILITATION AND COMPENSATION	
1.	Ensure victims get appropriate compensation
2.	Ensure home verification is done properly
3.	Note the profile of the victim including caste, address, landmarks, disabilities etc
4.	Note details of family members and familial relationships
5.	Note history of family involvement in crime
6.	Note the education and employment details of family members
7.	Note the details of victim's health including addiction to any narcotic or psychotropic substances
8.	Get the victim's Aadhaar card, BPL card made, any other identity card/address proof and bank account as required for availing benefit under various schemes
9.	Take steps to ensure prevention of trafficking and re-trafficking in their jurisdiction
FOLLOW-UP	
1.	In cases of child labour, ensure that factory is sealed, unpaid wages are recovered and disbursed, and action is taken for recovery of Rs. 20,000/- from the employer. Action for this will be taken by the Distt. Magistrate.
2.	In case of Child Sexual Exploitation, confirm that brothel is sealed and offenders are evicted from premise as per Sec 18 of ITPA 1956

B. NON-GOVERNMENT ORGANISATION

Sl. No.	Action
PREVENTION	
1.	Work with police for conducting awareness creation programmes to ensure collection of intelligence
2.	Be a vigilant source of intelligence on trafficking in persons for the use of Police
ACTION TO BE TAKEN BEFORE RESCUE	
1.	Inform the police if an information regarding a perpetrator or of a possible crime is received. Complaint can also be filed in case a victim requires help
2.	File a complaint with the Police in order to report an incident of trafficking
3.	Ensure logistical support is available with the rescue team prior to rescue
4.	Assist in formation of the rescue team as per requirements of law
5.	Assist in providing vehicles for transporting victims and accused separately
6.	Notify the place of safety, details of time and number of victims arriving at the home for the period of investigation
7.	Ensure confidentiality of the rescue process
8.	Assist the police in explaining the situation to the victim and counselling him/her
RESCUE	
1.	Ensure that the victim is not arrested during rescue
2.	Ensure confidentiality and protection of identity of all victims
POST-RESCUE	
1.	Counsel the victim and make him as comfortable as is possible under the given situation.
2.	Assist the police in explaining the procedure of trial, preparing and counselling the victim before the Court proceedings
3.	Assist the police in age verification of the victim
REHABILITATION AND COMPENSATION	
1.	Ensure victims get appropriate compensation
2.	Assist the IO in case of adults and CWC in case of children for collecting data for Home Verification
3.	Carry out investigation and prepare a Social Investigation Report on the directions of the Child Welfare Committee
4.	Get the victim's Aadhaar card, BPL card, Rehabilitation card made, any other identity card/address proof and bank account as required for availing benefit under various schemes
5.	Accompany the child for repatriation on the direction of the concerned Child Welfare Committee

Sl. No.	Action
	FOLLOW UP
1.	Assist the DCPU or CWC for follow-up to ensure child's Individual Care Plan is monitored. Also ensure that the child is not re-trafficked
2.	Assist the Children's home in providing rehabilitation measures to the child

C. SHORT STAY HOME

Sl. No.	Action
	ACTION TAKEN BEFORE RESCUE
1.	Take note of the date and time of arrival of victims
2.	Do necessary logistical preparation including food, water and medical care for the victim
3.	Prepare for the arrival of rescued persons on information received regarding rescue
	RESCUE
1.	Receive the rescued persons for the time of investigation by police
2.	In case of child, ensure production before the CWC within 24 hours and follow up with the CWC on inquiry within 15 days (inquiry by CWC is to be completed within 4 months and SIR within 15 days)

D. REGISTERED MEDICAL PRACTITIONER/ GOVERNMENT HOSPITAL

Sl. No.	Action
	PREVENTION
1.	Inform the police in case of suspicious case
	ACTION TAKEN BEFORE RESCUE
1.	File a complaint with the Police in an incident of suspected trafficking
2.	Ensure all the equipment, tools and medicines required for immediate relief to the victim are available on information received from Police regarding rescue
	POST RESCUE
1.	Immediate medical attention be provided and medical examination be carried out of the victim at the earliest.
2.	Assist in determination of age of the victim
3.	Ensure adoption of victim friendly procedures as per guidelines issued by the Ministry of Health and Family Welfare

E. CHILD WELFARE COMMITTEE

Sl. No.	Action
	ACTION TAKEN BEFORE RESCUE
1.	File a complaint with the Police to report an incident of suspected trafficking
2.	Receive complaint and then file a complaint with the Police to ensure registration of FIR
	POST RESCUE
1.	CWC is to complete inquiry within a period of four months and on the basis of inquiry can declare a child in need of care and protection and give orders for his or her rehabilitation
2.	In case of child issue order for, <ul style="list-style-type: none"> - Immediate shelter - Medical assessment and assistance - Inquiry and home verification (must be completed in 15 days) - Apply to the JJB to order FIR for offences against the child
	REHABILITATION AND COMPENSATION
1.	Ensure home verification is complete
2.	In case of children : Conduct an enquiry with respect to home verification and social investigation report and either order for Repatriation (with or without monetary support) or long term rehabilitation
3.	Child in need of institutional support may be sent either to a children's home, fit facility, fit person or foster care till they are 18 years old
4.	Ensure an individual care plan is made for children and a rehabilitation card is issued
5.	Order for backwages at the rate of minimum wage to child victim in case of trafficking for forced labour
6.	In case of a child between 5-8 years rescued from labour or adolescent rescued from hazardous employment, order for linking the child to Sarva Shiksha Abhiyan
	FOLLOW UP
1.	Direct PO/ Police/ CWO/ Childline / DCPU/ Other organization for necessary action and follow up

F. DISTRICT MAGISTRATE

Sl. No.	Action
	PREVENTION
1.	Ensure that the district has a prevention plan that includes the entire range of stakeholders
2.	Develop whistle blowers at the local level, panchayats, schools etc

Sl. No.	Action
	RESCUE
1.	Ensure that regular identification and rescues are conducted in the district
2.	Ensure convergence among various stakeholders in combating trafficking for timely rescue, collection of evidence and prosecution
	REHABILITATION AND COMPENSATION
1.	In case of forced labour, ensure summary trial is completed as per BLS Act, 1976
2.	In case of forced labour, issue release certificate as per the scheme
3.	Ensure time- bound rehabilitation and repatriation
4.	Ensure regulation of rehabilitation as per assigned minimum standards

G. LABOUR DEPARTMENT

Sl. No.	Action
	PREVENTION
1.	Be a vigilant source of intelligence for trafficking for the Police
2.	Collect and analyse past data from crime records and detect possible perpetrators
3.	Analyse data from Centralised Database in order to predict possible perpetration of crime
4.	The Chief Inspector of Factories and Chief Inspector of Shops and Establishments to make periodic visits to places in their jurisdiction to ensure prevention of crime
	ACTION TAKEN BEFORE RESCUE
1.	Establish partnership with other stakeholders for intelligence sharing and collection
2.	On receipt of complaint of trafficking for forced labour verify the same and notify the police
3.	Receive complaint and inform the police if an information regarding a perpetrator or of a possible crime is received. Complaint can also be filed in case a victim is found who requires help
4.	File a complaint with the Police in order to report an incident of trafficking
5.	Take suo moto cognizance of forced labour case
6.	Ensure logistical support is available with the rescue team before rescue
7.	Form rescue team as per requirements of law
8.	Assist in providing vehicles for transporting victims and accused separately

Sl. No.	Action
	RESCUE
1.	Join the rescue team and conduct necessary inquiries as under the CLPRA, 2016 and BLSA, 1976 Acts
	POST RESCUE
1.	Enter information into the centralised data base
2.	Ensure that FIR is filed under appropriate sections of the CLPRA, 2016
3.	Move an application to the Magistrate for closure of illegal factories/ places of work
	REHABILITATION AND COMPENSATION
1.	Ensure that the victims are produced before the District Magistrate for declaring them as bonded labour and issuing release certificates and steps are taken for releasing the rehabilitation amount in their favour.
2.	Wherever bridge education is necessary ensure that the child is enrolled in an NCLP school
3.	District Nodal Officer to include details of rehabilitation to the database
4.	Ensure that Rs 20,000 per child is recovered from the employer and deposited to "Child Labour Rehabilitation-cum-Welfare Fund" to be used only for the benefit of that child
5.	Ensure that Government provides employment to an adult family member of the child trafficked for forced labour or have the Government contribute Rs 5000 per child
6.	In case of adolescent children, ensure linking the child to local skill development program
	FOLLOW UP
1.	District Nodal Officer to follow up on all child victims for a year and update the centralised database accordingly

H. DISTRICT CHILD PROTECTION UNIT

Sl. No.	Action
	PREVENTION
1.	Be a vigilant source of intelligence for trafficking for the Police
2.	Establishing partnership with other stakeholders for intelligence sharing and collection
	ACTION TO BE TAKEN BEFORE RESCUE
1.	File a complaint with the Police in order to report an incident of trafficking



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