

State of Human Trafficking in India and Existing Government Mechanisms

1. Introduction

Human trafficking is a deplorable human rights violation that occurs worldwide. Trafficking in persons for labour and/or sexual exploitation is a form of modern-day slavery, a human rights violation that constitutes a crime against the individual and the State. As per article 3, paragraph (a) of the **United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol, 2000)**, trafficking is defined *as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation*. It is also a widespread and serious problem in India. According to UN Office of Drugs and Crime (UNODC), South Asia, with India at its centre, is the fastest growing region for human trafficking. Millions of persons are trafficked domestically and internationally in India every year¹.

India is a source, destination and transit nation for both labour and sex trafficking. In India, **90 percent of trafficking occurs domestically (intra-state or inter-state)**, and **10 percent occurs across national border**². Recent studies³ have thrown light on the root cause of trafficking, focusing both on the demand and supply sides of the situation. The key factors influencing the supply side of human trafficking are poverty, globalisation, social practices, natural disasters and governance. On other hand, factors like demand for labour in sectors like commercial sex work (CSW), brick factories etc. determine the demand side of trafficking. Given demand and supply's interdependence, addressing both types of facts have been central to curbing trafficking in India.

2. Current Scenario of Human Trafficking in India

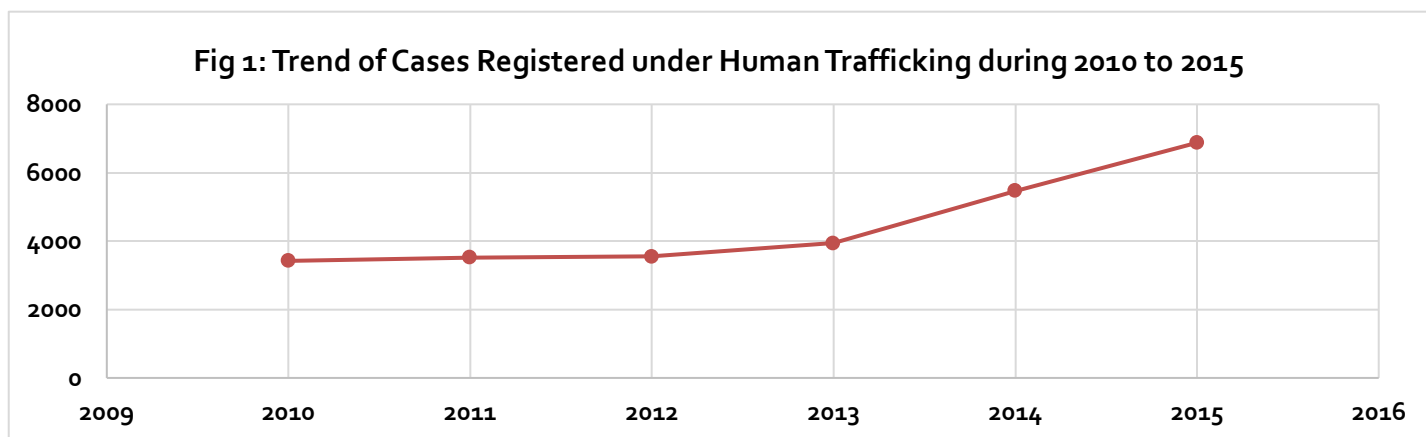
The United States Department of State's 2013 Trafficking in Persons Report estimates the number of persons trafficked for **forced labour in India within the range of 20 to 65 million**. Approximately **25,000 young girls** are forcefully engaged in prostitution. As per the Crime in India Report, 2015 released by National Crime Record Bureau (NCRB), there **were 6,877 cases related to human trafficking in 2015 against 5,466 in 2014**, with the highest number of cases reported in the **North-east state of Assam**,

¹ Aronowitz, A. (2009). Human Trafficking, Human Misery: The Global Trade Human Beings. London: Library of Congress

² Sadika Hameed Et Al, Human Trafficking in India: Dynamics, Current Efforts and Intervention Opportunities For The Asia Foundation Vi (2010), Available At <http://asiafoundation.org/resources/pdfs/StanfordHumanTraffickingIndiaFinalReport.pdf>.

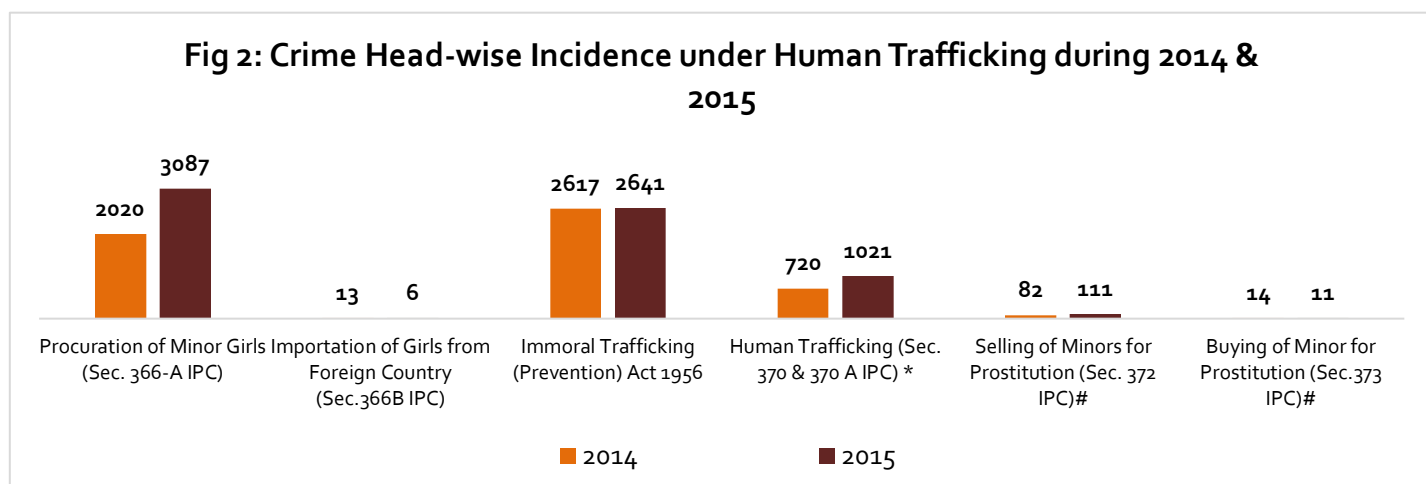
³ Stanford Human Trafficking India Report, 2010

followed by **West Bengal**. The data also show that there were **19,717 cases** related to human trafficking awaiting trial in 2015, of which **15,144 were cases from the previous year**. The findings released by NCRB show **West Bengal** as the hub of human trafficking in India, followed by **Tamil Nadu, Andhra Pradesh, Karnataka** and **Maharashtra** with Delhi as the transit point. The number of women trafficked has risen by **22 percent** to **10,119** in 2016.



Source: Crime in India Report, 2015(National Crime Record Bureau)

In the recent published report, the National Human Rights Commission (NHRC) reveals that **40,000 children** are kidnapped yearly, out of which **11,000 could never be traced**. According to NCRB Report, 2015, a total of **3490 cases** of crimes relating to child trafficking were registered. Annexure 1 shows the state wise distribution of child trafficking cases for the year 2015. The crime rate under crimes with respect to human trafficking has shown a rise from **0.4 in 2014** to **0.5** during the year 2015⁴.

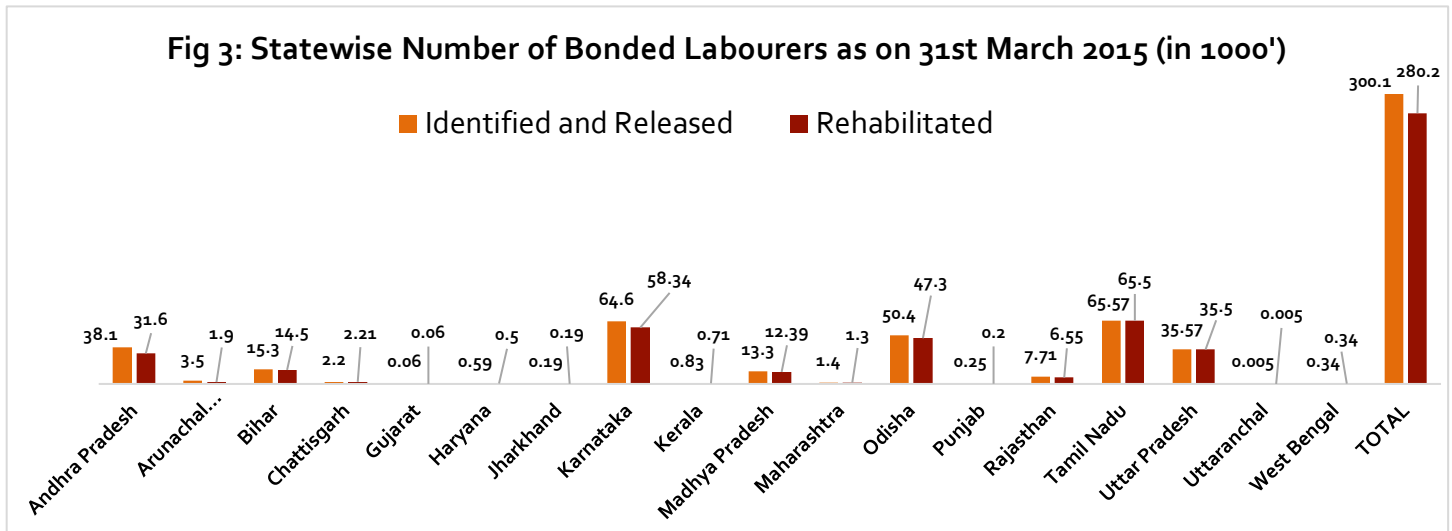


Source: Crime in India Report, 2015(National Crime Record Bureau).

Note: The IPC sections for the crimes mentioned above are as Follows-Procurement of minor girls (Sec. 366-A IPC), Importation of girls from foreign country (Sec. 366-B IPC), Selling of girls for prostitution (Sec. 372 IPC), Buying of girls for prostitution (Sec. 373 IPC), Human Trafficking (Sec 370 & 370A IPC)

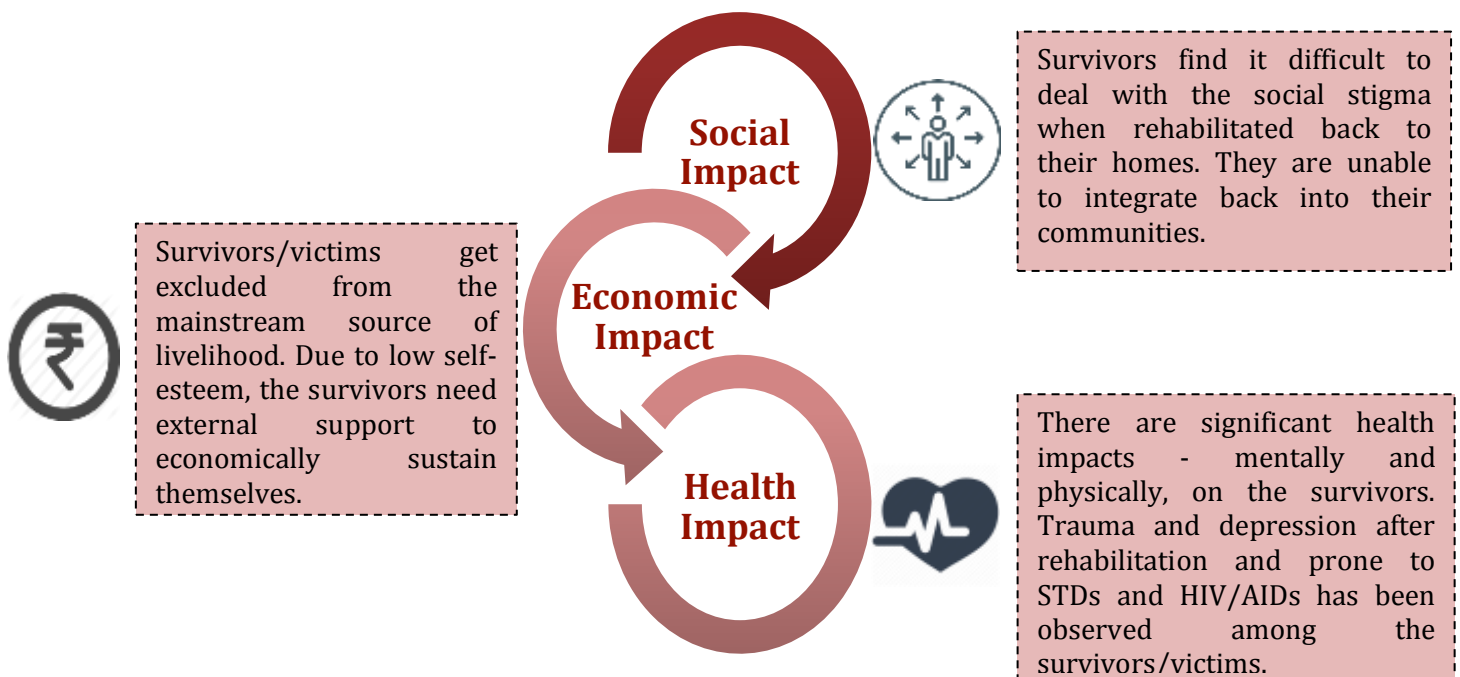
⁴ National Crime Record Bureau, Crime in India Report 2015

The cases registered under the forced/ bonded labour has also been on rise. Figure 3 shows the State-wise number of bonded labourers identified, released and rehabilitated. The NCRB reported that government have identified at least **8,281 victims** in 2015 as compared to **6216 victims** in 2014. Of the victims identified in 2015, **5,407 were subjected to sex trafficking**, **426 were subjected to bonded labour**, and **2,448 were victims** identified in relation to a case investigation under Article 370 and not further categorized into victims of sex or labour trafficking. Due to the complex nature of trafficking, the mitigating process requires a coordinated, multi-disciplinary national and international response.



Source: Ministry of Labour and Employment, 2015

3. Impact of Trafficking



4. Existing Government Mechanisms

To cater the different aspects of trafficking, the Central and State Government have formulated legislations and programmes/schemes to curb trafficking of all forms. The government has built strong linkages and partnership with various stakeholders including civil society, NGOs, Corporate sector, international organisations etc. in all its endeavours to build an integrated response to prevent and combat trafficking.

4.1. Central Mechanisms to Combat Trafficking

The Central Government has been implementing a large number of programmes to protect vulnerable persons, especially women & children from trafficking, and provide them with economic and social empowerment. Alongside, the government has formulated various anti-trafficking legal procedures to combat trafficking. Mentioned below is the tabular analysis of the central programmes/schemes and legislation for combatting trafficking in India.

Central Programme and Schemes

Recent Central Government Initiatives to Combat Trafficking of Persons	
Integrated Anti-Human Trafficking Units (IAHTUs)	<ul style="list-style-type: none"> In 2008/2009, the Government “allocated 832 million INR (\$12.3 million) to the Ministry of Home Affairs to create 297 Anti-Human Trafficking units across the nation to train and sensitize law enforcement officials.” Originally a UNODC pilot program launched in 2007, IAHTUs are tasked with (not exhaustive): <ul style="list-style-type: none"> Providing a multi-disciplinary approach and a joint response by all stakeholder, such as police, prosecutors, NGOs, civil society and media; Bringing about inter-departmental collaboration among the police and all other government agencies and department such as Women and Child Development, Labour, Health and Family Welfare etc. Ensuring a victim-centric approach which ensures the ‘best interest of the survivors’ and prevents ‘secondary victimization/re-victimization’ of the victims; Ensuring an ‘Organised Crime’ perspective in dealing with trafficking crimes. As per the Trafficking in Person Report 2017, 226 active IAHTUs have been set up in more than 600 districts.

Anti-Trafficking Nodal Cell State Program	<ul style="list-style-type: none"> While its Central Government operation remains under resourced (two-person department), the Ministry of Home Affairs (MHA) has gained national support for the initiative. Every state has appointed Anti-Trafficking Nodal Officers. Annexure 2 shows the state wise AHTUs coverage.
Swadhar Program	<ul style="list-style-type: none"> The Ministry of Women and Child Development under Swadhar Greh have increased the budget from 500 million INR (\$7.37 million) to 900 million (\$13.3 million)⁵. The MWCD supports over 200 shelters for more than 15,000 women and girls rescued from a range of difficult circumstances, including sex trafficking. Currently, there are 551 Swadhar Greh homes with 16,530 beneficiaries (Annexure 3) across States/UTs. As per the scheme, Swadhar Greh should be set up in every district with capacity of 30 women.
Ujjawala Program	<ul style="list-style-type: none"> Introduced by the MWCD in 2007, Ujjawala is a comprehensive scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re-Integration of victims of Trafficking for commercial sexual exploitation. The Central government's budget for the Ujjawala program has increased from 180 million INR (\$2.65 million) in 2015-2016 to 240 million INR (\$3.54 millions) in 2016-17⁶. As on 21st Feb 2014, 273 projects including 151 Protective and Rehabilitative Homes have been supported under the scheme. There are 6350 beneficiaries under the scheme.
Centrally Sponsored Plan for Rehabilitation of Bonded Labour	<ul style="list-style-type: none"> The Ministry of Labour & Employment (ML&E) on 17th May 2016 launched the scheme, which is a central sector scheme where the state government is not required to pay any matching contribution for the purpose of cash rehabilitation assistance. Financial Assistance has been increased from INR 20,000 to INR 1,00,000 per adult male beneficiaries, INR 2 lakh for special category beneficiaries such as children including orphans or and female survivors. Rehabilitated bonded labourers who are extremely vulnerable would thereby receive INR 3 lakh assistance.
Child Line Services	<ul style="list-style-type: none"> Child Line, the toll-free number 1098, is a 24-hour telephone service run under the aegis of MWCD, available to all children in distress or to adults on behalf of children in distress. Initiated as an experiment project in 1996, the CHILDLINE is currently operational in 372 cities/districts in 34 States/UTs. As of March 2015,

⁵ US Department of State (2017). Trafficking of Person Report: India

⁶ US Department of State (2017). Trafficking of Person Report: India

	CHILDLINE India has serviced 36 million calls and directly intervened with over 4 million children .
Integrated Child Protection Scheme	<ul style="list-style-type: none"> The MWCD has formulated an umbrella scheme called Integrated Child Protection Scheme (ICPS) with a view to provide a safe and secure environment for the overall development of children who are in need of care and protection as well as children in conflict with law, including children in difficult circumstances. The budget allocation under ICPS for the XII Plan period is INR 2350.00 crore. Number of Beneficiaries under the scheme are 77,508 and 36 states have signed the MoUs⁷.
National Child Labour Project Scheme	<ul style="list-style-type: none"> Initiated by ML&E, NCLP aims to prevent child labour and rescue & rehabilitate child labourers under the age of 14, with an aim to mainstream formal education for them. Currently, the scheme covers 280 Districts and is implemented in 3234 Special Training Centers, with an enrolment of 1,22,843 children. The annual expenditure under the scheme for 2016-17 was around INR 105 crore.

Central Legislations & Legal Framework

Legislations	Salient Features
Immoral Trafficking Prevention Act, 1956	<ul style="list-style-type: none"> Prohibition of Brothels Criminalization of Earnings of Sex Work Penalties for Soliciting Power to the police to conduct raids, expulsion, rescue and rehabilitation Provision for medical examination of sex workers Constitution of protective homes Establishment of special courts for speedy justice
Bonded Labour Abolition Act, 1976	<ul style="list-style-type: none"> Abolishment of bonded labour and freedom of every labourer Extinguishes liability to repay a bonded debt Frees all property of bonded labourers from mortgage Protection of bonded labourers from evictions Vigilance committees required to be constituted at district and sub-divisional levels Allowing summary trial for such offences Penalties of imprisonment and fine for contravention

⁷ Ministry of Women and Child Development, Annual Report 2016.

Child Labour (Prohibition and Regulation) Act, 1986	<ul style="list-style-type: none"> • Complete prohibition has been imposed on employment of child labour (i.e. a person below the age of 14 years) in any establishment • Prohibition of employment of children (14-18) in hazardous occupations • Penalty for contravention • Creation of a Child Labour Technical Advisory Committee • Setting up of the Child and Adolescent Labour Rehabilitation Fund
Indian Penal Code, 1860	<p>Section 370:</p> <ul style="list-style-type: none"> • Prevention of trafficking through methods such as transport, recruiting, harbouring, and means such as threat, force, abduction, fraud, inducement and abuse of power. • Broad definition of exploitation that covers a range of trafficking situations • Punishment for all the prohibited acts <p>Section 370A: Punishment for exploitation of a trafficked person or minor</p>

4.2. State Mechanism to Combat Trafficking

State Governments have focused on the prevention of trafficking and have introduced specific laws within their territories to mitigate trafficking. There are several unique legislations dealing with trafficking of women and children, forced labour practices and cultural, and exploitation through religious practices. Given below is a tabular analysis of state-wise (highly affected) legislation and programmes to mitigate trafficking.

States	Legislations and Programmes/Schemes
Andhra Pradesh	<ul style="list-style-type: none"> • Passed legislation for prevention of “traditional” forms of sexual exploitation (Devadasis) and the Prohibition of Dedication Act (1988) • Andhra Pradesh Children Act, 1979
Assam	<ul style="list-style-type: none"> • Assam Children Act, 1970
Bihar	<ul style="list-style-type: none"> • Bihar Children Act, 1970 • Human Trafficking Prevention Program (2007)
Chhattisgarh	<ul style="list-style-type: none"> • Chhattisgarh Private Placement Agencies (Regulation) Act, 2013 - Regulatory unit set up to grant licenses to any private placement agency, thereby ensuring no fee is charged from domestic workers, and prohibiting girls under 18 from being engaged by such agencies. • Committees for Prevention of Atrocities against Women and Trafficking in 16 district (2008)

Goa	<ul style="list-style-type: none"> • Goa Children's Act, 2003 – To ensure protection of children against exploitation. Explicit prohibition of child sexual trafficking, child labour and abuse. Provides for setting up of children's homes. State Level Authority and Village Child Committee to be set up. Setting up of special Children's Court for offences under this act.
Jharkhand	<ul style="list-style-type: none"> • Jharkhand Private Employment Agency and Domestic Employee Bill has been introduced in 2016 and is yet to be passed. It provides compulsory licensing for placement agencies, prohibits them from taking money from domestic workers and makes publication of employment details mandatory
Karnataka	<ul style="list-style-type: none"> • The Karnataka Devadasis (Prohibition Of Dedication) Act, 1982 - To prevent dedication of women as devadasis in the State of Karnataka, as the practice is leading to prostitution and exploitation
Maharashtra	<ul style="list-style-type: none"> • The Bombay Devadasis Protection Act, 1934 - To prevent dedication of women as devadasis in the State of Maharashtra, as the practice is leading to prostitution and exploitation • The Orphanages and other Charitable Home (Supervision and Control) Act, 1960 –To provide for the supervision and control of orphanages, homes for neglected women and children and other like institutions
Odisha	<ul style="list-style-type: none"> • Orissa Children Act, 1982
Tamil Nadu	<ul style="list-style-type: none"> • Tamil Nadu Children Act, 1920 • Tamil Nadu Hostel and Homes for Women and Children (Regulation) Act, 2014 - To provide for regulation and registration of hostels, lodging houses, homes for women and children
West Bengal	<ul style="list-style-type: none"> • West Bengal Children Act, 1959

5. Case Studies and Best Practices

Countries across globe have taken various initiatives to mitigate both forward and backward linkages of trafficking. Given below are few case studies that highlights the initiatives undertaken by nations to combat trafficking.

Case Study 1: Addressing Human Trafficking & Child Labour in West Africa, Cocoa Industry

Issue: There have been cases of child trafficking and adult forced labour reported in the West African cocoa sector. These have occurred in the context of well-established and complex social and cultural relationships.

Initiative: The International Cocoa Initiative (*multi-stakeholder partnership that brings together chocolate brands, cocoa processors, labour unions and NGOs in an effort to eliminate child and forced labour*), with a community-based focus, aimed to sensitized cocoa-growing communities about abusive labour practices such as trafficking, child labour and help them plan how best to ensure these practices are mitigated. Over **7,000** community mobilisation meetings have been organised and this has sensitised over **2,50,000 community members**. Rehabilitation school blocks have been available in **129 communities**, representing an additional **329 classrooms** and benefits **16,450 pupils**.

Case Study 2: Public Private Partnerships to combat Trafficking in India

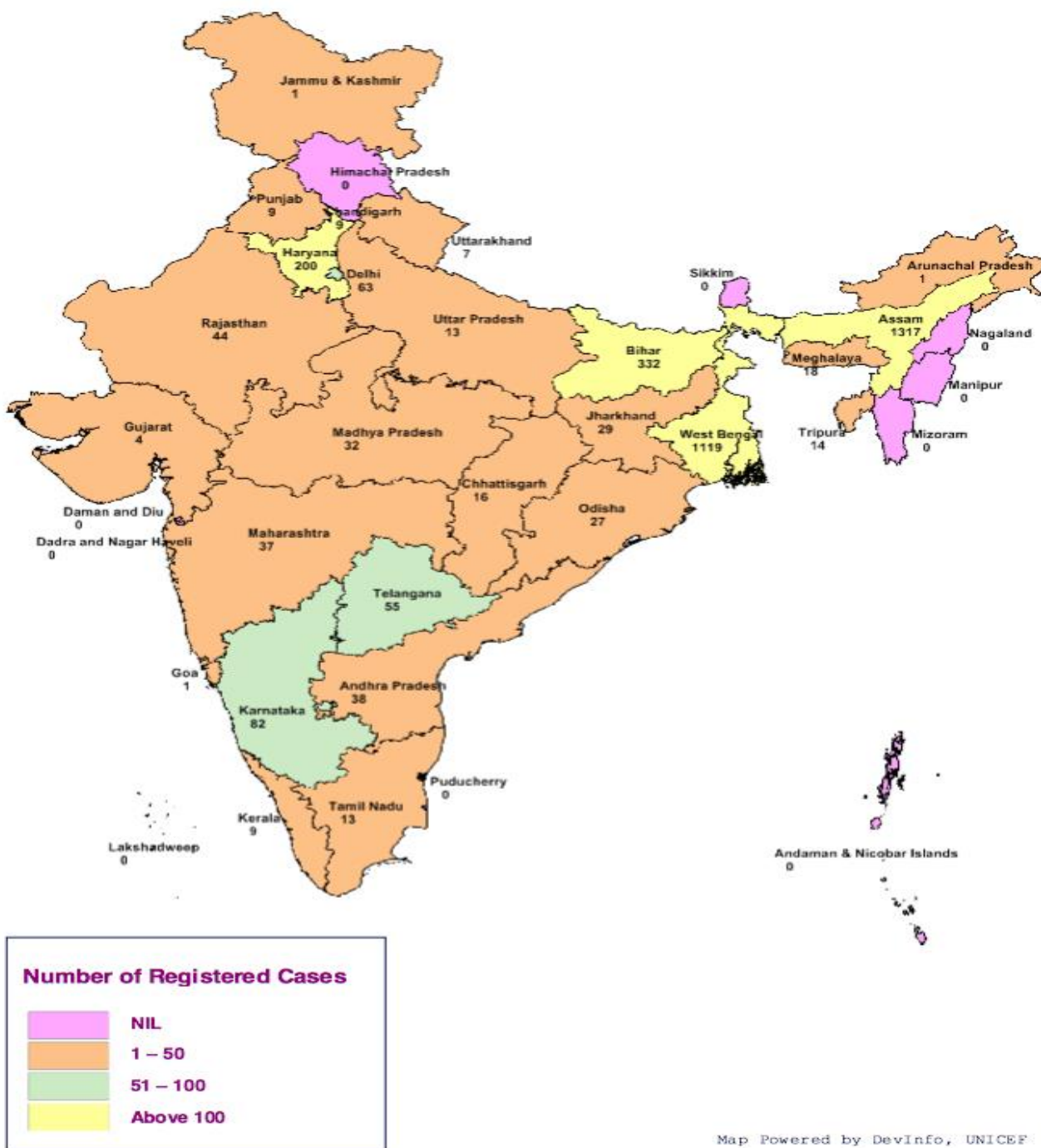
Issue: With a continuous rise of human trafficking in India, lives have been drastically affected leading to poor growth and development. There has been a huge gap in efforts to provide economic rehabilitation to survivors of trafficking.

Initiative: The International Organisation for Migration (IOM) in collaboration with NGOs, Government and Private sectors have worked towards initiating Public Private Partnerships to collectively provide rehabilitation programmes for survivors of trafficking through skill development and enhance their employment opportunities. This approach brought in enterprises like Nestle, Amul, Confederation of Indian Industry (CII) etc. together to work for the initiative. PPP model have successfully provided skills and employment opportunities to survivors of human trafficking. MWCF has recognised the PPP model and has established a think tank with various ministries, corporate and IOM as a special representative.

6. Annexures

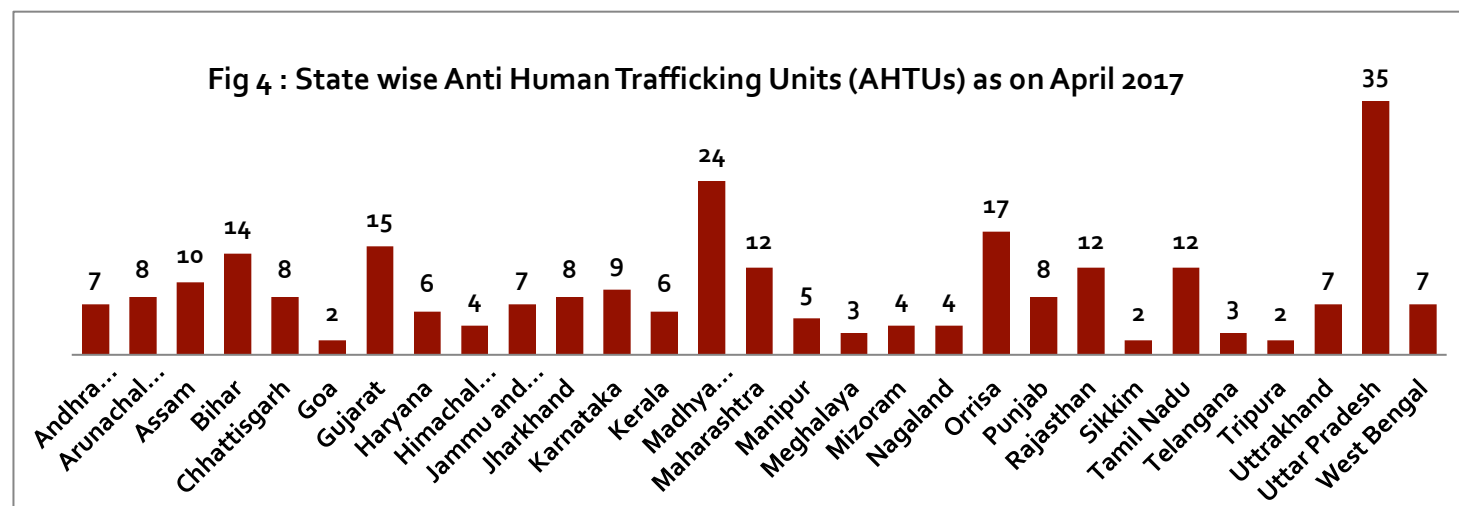
Annexure 1: State-Wise Child Trafficking Cases Registered during 2015

CHILD TRAFFICKING CASES REGISTERED DURING 2015 (All India 3,490)



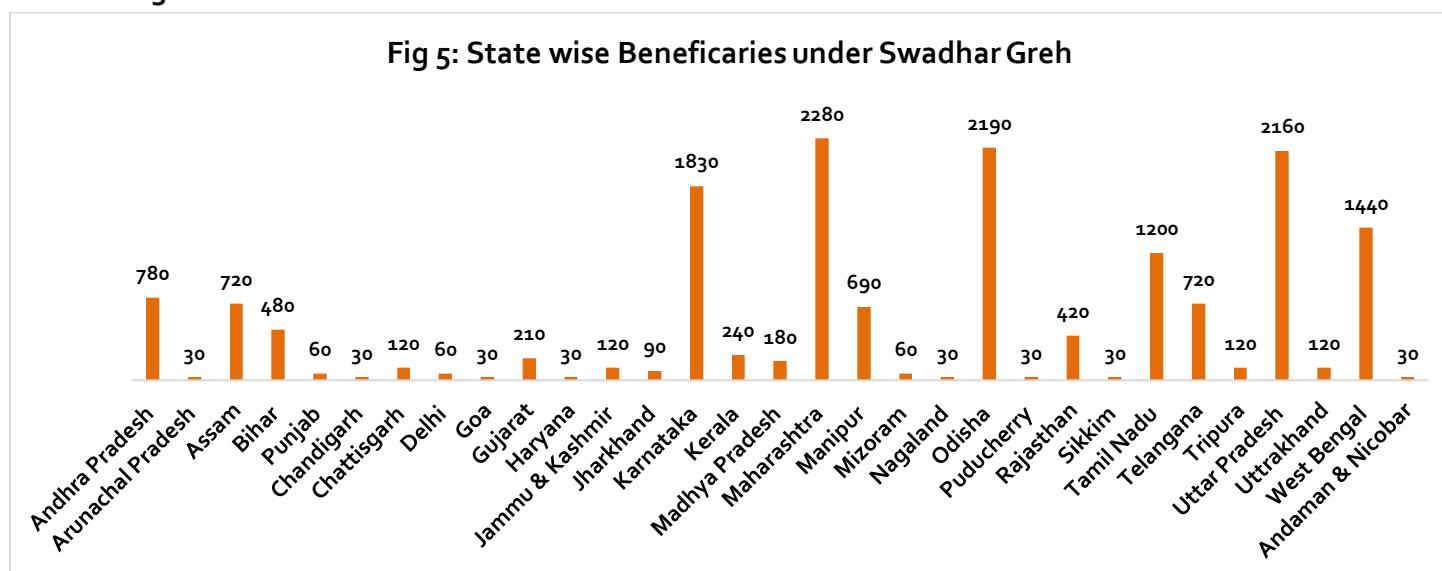
Source: Crime in India Report, 2015 (National Crime Record Bureau)

Annexure 2



Source: Lok Sabha Question, Unstarred, 11th April 2017, Ministry of Home Affairs

Annexure 3



Source: Lok Sabha, Unstarred Question No. 3841, as on 24.03.2017

DISCLAIMER: The opinions expressed herein are entirely those of the author(s). Swaniti makes every effort to use reliable and comprehensive information, but Swaniti does not represent that the contents of the report are accurate or complete. Swaniti is a non-profit, non-partisan group. This document has been prepared without regard to the objectives or opinions of those who may receive it.