



UNITED NATIONS
Office on Drugs and Crime

Government of India



Compendium on Best Practices

**On Anti Human Trafficking
by Law Enforcement Agencies**

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On Anti Human Trafficking by Law Enforcement Agencies

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PREFACE

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

While carrying out anti human trafficking activities, several good initiatives undertaken by many police officials in the various states came to light. However, except for a few instances, such initiatives often remained undocumented and largely unrecognized. During the training sessions conducted by UNODC, the participants demonstrated a keen interest in collating and sharing such good initiatives so that they may serve as replicable models in similar situations. This document is an effort to record and acknowledge the positive actions undertaken by the state police officials in preventing and combating human trafficking.

This Compendium has been compiled by Institute of Social Sciences, New Delhi with the help of police agencies of various states. Although UNODC has made every effort to cross-check the information, the veracity of the factual details rests with the police agencies that have provided the case studies.

SECTION I:

Best practices by police on prosecuting traffickers

HE IS...



THE DEMAND

ARREST HIM

Use Sec 5 and 7 of ITPA



Prosecution–Andhra Pradesh–1

Anti Human Trafficking Units of Andhra Pradesh: A Comprehensive Multi-stakeholder Response in Anti Human Trafficking

What is the Integrated Anti Human Trafficking Unit (IAHTU): It is an integrated task force to prevent and combat human trafficking. The unit is constituted of a group of trained sensitive officials and NGOs who are the first responders. They will function as a coherent unit. The IAHTU has been provided with 1 vehicle, 1 computer system, 3 cell phones and grants for important activities like honorariums to NGOs (Non-Governmental Organizations), as well as funds for post-rescue care and attention of victims of trafficking by UNODC. The IAHTU is mandated to attend to all 3 major aspects of anti-trafficking, viz, prevention, protection and prosecution. In addition, it will also develop a database on traffickers, network with all agencies and link up with media, as and when required. Essentially, IAHTU is a field functional unit to address human trafficking in a holistic manner.

IAHTU structure and staffing: Each IAHTU includes, 1 Inspector, 2 sub inspectors (SIs) of whom one is a woman, 4 head constables (HCs) of whom two are women and 4 Constables of whom two are women, in their respective Ranges, who are committed to anti-trafficking work. The inspector is the person notified as a Special Police Officer (SPO) u/s 13 ITPA. On behalf of the Addl. DGP CID, AP State Anti Trafficking Nodal Officer, the IG WPC CID (A.P. State Addl. Anti Trafficking Nodal Officer) conducts the monitoring of day-to-day activities on anti human trafficking.

The Integrated Anti Human Trafficking Unit (IAHTU) is a unique structure that ensures complete integration between the activities of the police department, the correctional-cum-development departments and civil society members to prevent and combat human trafficking.



Three IAHTUs have started functioning in Andhra Pradesh

Eluru: under the direct supervision of DIG Eluru Range
Anantapur: under the direct supervision of DIG Anantapur Range
Hyderabad: under the direct supervision of SP WPC CID.

First IAHTU launched in AP: Home Minister of Andhra Pradesh; Mr. Jana Reddy flagging off the IAHTUs in the presence of Mr. Gary Lewis, and Dr. P.M. Nair, UNODC as well as Mr. M.A. Basith, Mr. Mohanty, Mr. Ratan, Mr. Umapathi, Mr. Mahesh Bhagwat and Dr. Gopinath Reddy from AP; Ms. Vasudha Misra, Government of AP; Ms. Manjula Krishnan of MWCD and many others.

Functioning of IAHTU

Role of Police

- Timely collection, dissemination and utilization of intelligence on human trafficking.
- Diligent rescue operations (the aim is to rescue the maximum number of trafficked persons).
- Attend post-rescue victim care and protection with the help of NGOs.
- Carry out professional investigations to bring all offenders to book.
- Ensure effective prosecution and strive for maximum, expeditious conviction of offenders.
- Maintain a monthly database on traffickers and rescued victims, their origin, networking, etc.
- Disseminate information on traffickers to concerned law enforcement agencies.

- Share information about rescued persons with civil society for proper rehabilitation and restoration.
- Network with NGOs working on anti trafficking.
- Build linkages with other government departments and agencies, including the prosecutors for all related activities.

Role of the officials of government departments

(Department of Women and Child Development, Department of Social Welfare, Department of Labour, Department of Correctional Services, Department of Health, Department of Education).

- Well coordinated, inter agency response to survivors needs so that maximum support can be provided for rehabilitation and reintegration, without delay.
- Synergize the efforts of Government officials to ensure trafficking is prevented.
- Take all steps to ensure that offenders are dealt with according to law and extend whatever cooperation is required.

Role of NGO

- Three nodal NGO's identified for 3 IAHTU's; Prajwala will work with IAHTU Hyderabad, Help with IAHTU Eluru and STHREE with IAHTU Ananthapur.
- Nodal NGOs will assist IAHTU officers from pre-rescue to post trial stage for all relevant activities,
- Share intelligence and information about victims/ survivors as well as traffickers and exploiters
- Network with other NGO's for relevant activities under supervision of IAHTU Nodal officer.

Capacity building of police officers:

- The AP police, led by the Director General of Police, have extended cooperation to set up the IAHTU. A major initiative resulting from this joint venture has been to build the capacity of police officers and prosecutors.
- All the prosecutors of AP (total of 160) have been trained and started delivering good results. It is important to note that these prosecutors have never been exposed to any AHT training before. Moreover, this is the first time that NGOs are involved in the training of prosecutors in AP.
- After training, networking among the police, prosecutors and NGOs has been strengthened.
- Training has helped to enhance the capacity of the officials involved in anti-human trafficking operations.

Figures for the period October 06 to Aug 07

Prosecuting Officers	160
Research fellow	01
Asst. SP	01
Dy. SP Inspectors and Sub-Inspectors	1438
Supporting Officers	1029
TOT participants	124
Total police officers trained	2783

Impact of IAHTU

- The approach and method of the IAHTU has brought about a paradigm shift in the attitude of field level police officers towards women in prostitution. They have coined a new term to address and handle them, as **Victims of Commercial Sexual Exploitation & Trafficking (VOCSET)**. The focus of anti trafficking operations has shifted to breaking the network of traffickers and bringing them to justice.
- Now, AP police adopt human rights principles in dealing with trafficked persons. Psychosocial counseling for rescued persons has facilitated the recording of statements (under section 164 Cr. PC); and they feel comfortable talking about the case in the presence of the NGO.
- The AP Police is aggressively obtaining warrants against exploiters (including those across the state boundaries), and booking them under both ITPA and Sec.366-A, 372, 373, 376 IPC.
- IPC sections that are non-bailable and triable by sessions are being incorporated in the FIR so that traffickers are not easily bailed out.
- Local police stations have started working with NGOs and the Department of Women & Child Development (DWCD), across the state, to ensure adequate and effective rehabilitation. They also

liaise with the DWCD to help rescued persons receive the immediate relief of Rs. 10,000/- due to them under the GO Ms. No.13 of 2006 of WCD & DW Dept.

- With the changing attitude of law enforcement officers, the victimization of victims by implicating them u/s 8 ITPA has virtually come to an end in AP.
- IAHTUs are also assisting in victim witness protection during trial, which has resulted in the conviction of two cases.
- IAHTUs have taken the initiative to develop intelligence and create a database for effective inter-state rescue operations. The database is updated on a monthly basis and disseminated among the concerned PNOs.
- Most rescued persons are empowered by NGO's like Prajwala and STHREE in learning vocational trades so they can be integrated into the mainstream.

Challenges

Getting conviction in all the cases booked against traffickers and pending trials in various courts is the biggest challenge. Trafficking is a borderless crime and the traffickers network is spread across boundaries. The crime often starts up from one place, travels through various towns, cities and villages and ends up in another destination, which may itself be the source of another trafficking crime. Thus, collecting intelligence about the modus operandi of traffickers, the money siphoned and assets generated is a complex task and often involves more than one state. The IAHTU has initiated an effort to collect intelligence from the grass roots on traffickers by training community members on anti trafficking measures. Today, the IAHTUs in AP have become successful symbols of police-public partnership and best examples of problem-oriented policing. Since, there is a high demand for IAHTUs from other districts; they could be set up under the police modernization programme.

Prosecution–West Bengal–2

IAHTU as symbol of synergy in fighting human trafficking in West Bengal

Aims and objectives of IAHTU:

- To work in synergy with all stakeholders, so as to ensure a holistic and integrated approach to AHT activities in WB
- To conduct specialized decoy-based raid-cum-rescue operations to apprehend traffickers and rescue victims.
- To take over the investigation of difficult cases, especially trans-border crimes, from the districts and pursue all aspects of investigation and prosecution till offenders are convicted.
- To assist in conducting sensitization-cum-training workshops for CIDs and district police personnel.
- To assist in raising public awareness through mass coordination meetings.
- Above all, to ensure the protection of the victim's human rights, and ensure prevention of human trafficking

Cases dealt with by IAHTU: The operation had a twofold objective: a) arrest and convict major traffickers and b) rescue minor victims.

Operation stages:

Intelligence: Information was collected on traffickers/ sellers of minor girls through reputed NGOs and local police officers. Negotiations were then undertaken for a certain number of girls at a stated venue, which is typically a flat often used as a temporary brothel. To strengthen the case, CID Officers laid a discreet surveillance on the venue before negotiation, to confirm its use as a temporary brothel.

Planning the operation – Pre-trap memorandum: Two lady witnesses were called from two different NGOs. Two young police officers were chosen as decoy customers and thoroughly briefed about their role. Currency notes, of the requisite value, for purchasing the services of the girls were prepared and countersigned in small letters by the two NGO witnesses and decoy customers. The procedure of the trap and the role of the NGO witnesses was explained, codified in a pre-trap memorandum and countersigned by the two NGO witnesses, two decoy customers and the operational commander (also known as the trap laying officer). One of the decoy customers or NGO witnesses was provided with a hidden camera for recording the proceedings.

The procedure of the trap and the role of the NGO witnesses is explained, codified in a pre-trap memorandum and countersigned by the two NGO witnesses, two decoy customers and the operational commander (also known as the trap laying officer).

Laying the trap: The two decoy customers and two lady witnesses entered the flat, with the lady witnesses posing as 'Madams'. The girls were brought before the team, and after final negotiation the decoy customers handed over the cash to the traffickers. The whole transaction was filmed and observed by the NGO witnesses.

Springing the trap: The decoy customers gave a coded mobile call at this stage and the search-cum-rescue party rushed in. The trafficked victims were immediately segregated for post-trauma counseling, while the traffickers were arrested and searched. The marked currency notes were recovered from their possession by the search team.

Searching and sealing the premises: A thorough search of the house revealed incriminating evidence such as condoms, blue films, cash proceeds, list of phone numbers, etc. all of which could be of evidential value in the crime.

Trafficking and lodging an FIR: The informant of the FIR was the trap laying officer/ operational commander. The IO was another officer of the rank of Inspector or Dy. SP. This was done to ensure that the case would withstand scrutiny in Court.

Post-trap memorandum: Once the team returned to headquarters, the trap laying officer drew up the entire description of events, got it countersigned by the decoy customers and NGO witnesses, and handed it over to the designated I.O. as an important part of the first case diary (CD).

Investigation: Professional investigation focused on the following aspects:

- Ossification tests carried out promptly.
- Rapid follow-up raids conducted to arrest associates and rescue other victims.
- Use of telephonic surveillance duly authorized.
- Home verification carried out.
- Prosecuting the accused with diligence.
- Step-by-step efforts to oppose/ block/ cause bail of offenders.
- Most importantly, detailed and regular liaison with public prosecutor (PP), Court, etc for in-custody trial, and commitment to Fast Track Court.

Trial monitoring (TM): After submission of the charge sheet, each case was put on Trial Monitoring, with the Inspector-level I.O. as the holding Officer. The model of Trial Monitoring (TM) as conceived by the SP of South 24 Parganas district and adopted to secure a better conviction rate in selected cases. The concept involved paying 'extra' attention to a case from the investigation stage and following it up through the rest of the pre-trial and trial stages, after submission of the charge sheet. This is how it works: at each Police Station, a Trial Monitoring team monitors the progress of the case during investigation as well as after the charge sheet is submitted including copy serviced to the accused, commitment, framing of charge and trial. One important aspect viz. providing a sense of security to the witnesses during trial is also looked after by the Police Station. The criterion for selection of a case for TM is made on the basis of (a) seriousness of the crime, and (b) availability of compelling evidence for prosecution. Initially, this trial monitoring started on cases like dacoity, murder and rape. Once the police were successful in getting the criminals convicted, human trafficking was also included for TM.

Challenges: In the above form of proactive anti-trafficking operations, the main challenge is to ensure timely and reliable intelligence and the capability to deliver. The pre-investigation and counseling phases are more time consuming than the regular investigative phase. It is also critical for the IAHTUs to build up grass roots intelligence and enlist NGO support during rescue and post-rescue phases (including rehabilitation of rescued persons). IAHTUs must also keep regular contact with PPs for prosecution. The West Bengal IAHTU has also moved one step ahead to develop a Memorandum of Understanding between police officials and NGOs to ensure clear role descriptions, responsibilities and mandates. More recently, UNODC has supported the WB IAHTU by providing linkages with NGOs in Maharashtra. Through this network, several young women trafficked from WB have been rescued from Mumbai/ Pune/ Thane/ Kalyan.

Twenty one cases of human trafficking from South 24 Parganas district are under trial monitoring. In most cases the culprits are behind bars.

The design of the decoy operations greatly strengthened their evidentiary value. Out of the four operations, in-custody trial has already started in two crimes in the Fast Track Courts. The fact that virtually all of the accused are still in custody has been very demoralizing for the traffickers. The strong and positive coverage given by English, Hindi and Bengali media has also been most encouraging for the forces of anti-trafficking.

Report of CID, West Bengal during September 2007

AHTU and CID, West Bengal have been fairly successful in acting as catalysts for creating an alliance of stakeholders - the district Police, CID, NGOs, related government departments, elected representatives, Public Prosecutors, and even the media.

It is clear that the IAHTUs have brought in a tremendous synergy of all stakeholders in their fight against human trafficking. There is no doubt that it is the victim/ survivor who will benefit from this integrated effort. Today, the IAHTU has become a visible symbol of a shared goal, purpose and action to end human trafficking.

Immediate Agenda of AHTU, WB:

- **Rescue of girls trafficked from West Bengal to red light areas or other places of exploitation in other cities with the full cooperation of local NGOs, the police units of these places. This has already been commenced at Mumbai, Pune, etc.**
- **Intercepting traffickers carrying trafficked girls from West Bengal by regular and surprise checks in trains.**
- **Combating human trafficking indulged in by certain agencies under the façade of placement agencies, massage parlours, the labour placement agencies, etc.**



The Integrated Anti Human Trafficking Unit (IAHTU) of CID, West Bengal was launched by the Chief Minister of West Bengal in CID Conference Hall on June 28, 2007. The launch, in the presence of Chief Secretary, Home Secretary, DG & IGP and all senior Officers of the West Bengal Police, as well as the Project Coordinator, UNODC, representatives of the media, NGOs and senior police officers from the field, marked the beginning of this multi-stakeholder synergy in fighting human trafficking in WB. This event also flagged the importance given to anti human trafficking at the highest levels of Government.

Prosecution–Andhra Pradesh–3

Police-NGO synergy in law enforcement: Child traffickers convicted in Andhra Pradesh

Abstract

In a landmark judgment given in the 5th Addl. Metropolitan Session Judge Court, Hyderabad, two traffickers were convicted in Andhra Pradesh, in a child trafficking case. This case study highlights the modus operandi of a trafficking network that forced a housemaid into prostitution. It also focuses on NGO-police cooperation to rescue the trafficked person, help her pursue the case; the efforts of CID officials in supervising the probe; and prompt action by the judiciary which resulted in a landmark judgment.

The case

Victim (V1) aged 16-17 years, R/O Yakutpura colony, Hyderabad, lost her father when she was a child. Her mother used to beat her up constantly. One day she burnt her daughter's leg with a burning rod. Unable to bear this harassment any longer V1 ran away from home and reached Secunderabad station in January 2006. At the station a woman – the first accused, A1 - offered her a domestic job with another person. She took V1 to A2, who gave A1, Rs. 400/-. V1 was taken away to Chilka Nagar where A2 promised V1 a better living by practising prostitution. A1 would send 4-5 customers a day to V1. One day, taking a chance, V1 escaped from the clutches of A2 and approached the voluntary organization Prajawla, an anti trafficking NGO based in Hyderabad.

Based on the testimony of the minor victim, Prajwala filed a complaint in the Gopalpuram PS on 10/10/2007. As V1 was a minor girl, a case of rape and trafficking was booked against A1 and A2 under the relevant laws. After hearing the minor victim's version, the police lodged an FIR u/s 366 A, 376 IPC and Sec 3, 4, 5 of ITPA.

The investigation process

The Andhra Pradesh police with full cooperation of the NGO successfully investigated the case in depth. The collaboration between the NGO, the Forensic department and the police yielded valuable evidence that helped in prosecution. Here are some highlights of the process:

- On 12/10/2006 a medical examination to confirm the offence of rape and determine the victim's age was carried out. It was also confirmed that V1 was pregnant during the time of her rescue. The civil assistant surgeon of the Department of Forensic Medicine, Gandhi Medical College, Hyderabad examined the victim and reaffirmed that her age was 17 years.
- On 17/10/2006, A1 and A2 were arrested. The Investigating officer had recorded their separate statements before the *panchas*. Both the accused confessed their guilt, A2 also disclosed that he had forced the victim to have sex with him at his residence about a month back, when V1 was in his custody.
- On 03/11/2006 V1's statement u/s. 164 Cr. PC was recorded by the XIth Additional Chief Metropolitan Magistrate. The care and efforts of the investigator ensured that the recording of this statement was successful.
- On 25/12/2006 a charge sheet was filed vide S.C. No. 112/2007 under section 366 A, 376 IPC and 3, 4 and 5 ITPA. From the facts and evidence collected during the investigation it was fully established that A1 kidnapped a minor girl and handed her to A2. Both A1 and A2 introduced V1 into prostitution and both were living on her earnings.
- During the investigation and trial period, the victim was sheltered in a safe place, identified by the police and CID. Prajwala provided the much needed psychosocial counseling to V1 and initiated the confidence building process and court room preparation that helped her testify against the traffickers in court.

Trial and justice delivery

- The trial started in May 2007, in the court of the Additional Metropolitan Session Judge (*mahila* (women's) court). Before the trial, V1 was prepared for the courtroom environment by an NGO-police team. The public prosecutor also participated in one of the sessions. Both V1 and the Director of Prajwala were prime witnesses for the case.
- In spite of the hostile environment, V1's statement was powerful and confident. Based on the material on record, and the arguments extended on either side, the court framed the following points for determination.
- Whether the testimony of the prosecutrix inspired total confidence in court.
- Whether the guilt of the accused for the offence punishable u/s. 3 of the ITPA is proved.
- Whether the prosecution could prove the guilt of accused for the offences u/s. 4 & 5 of ITPA
- Whether the guilt of accused No.2 for the offence punishable u/s 376 IPC is proved.
- Whether the prosecution could prove the guilt of the accused for the offences with which they are charged beyond reasonable doubt.
- On 26-6-07 the Vth Addl. Metropolitan Session Judge (Mahila Court) Hyderabad pronounced her verdict.

Conviction Particulars

For both A1 and A2, punishments of Rigorous Imprisonment and fine were awarded under the Indian Penal Code and ITPA. The sentence against both the accused for the above offence shall run concurrently.

Highlights of the response system:

- A mock trial of the victim, organized by NGO Prajwala with the help of the Addl. Public Prosecutor has helped victim to regain trust and faith in herself and the systems which in turn facilitated in deposing firmly before the Magistrate
- In the judgment there is special mention that the 'prosecution could prove the guilt of A1 and A2 for offences punishable u/s 4 & 5 I.T.P. Act and A2 for the offence u/s 376 IPC.'
- Court constable Mr. Subba Rao was a great source of support in ensuring victim witness protection. This police official demonstrated a keen interest in ensuring protection of the victim and the witnesses.
- The police-NGO partnership has been the bottom line in the speedy delivery of justice. Prajwala's initiative is commendable and definitely a case of best practice. It shows that a committed NGO can and does make a difference.
- Committed officers also made a difference. Mohammad Ismail, the Inspector and I.O. of the case, has done a commendable job. He attributes his achievement to his training at the Andhra Pradesh Police Academy (APPA), where he was exposed to the laws, procedures and skills needed in combating human trafficking. The course was organized by UNODC.
- Teamwork by the officials, effective supervision and systematic trial monitoring ensured the speedy delivery of justice. Sri. Ch. Sheshi Reddy the Addl. Public Prosecutor, Mr. Bhaskar, Director of Prosecution, Mr. Ratan, Addl. DGP CID, Mr. Umapathi, IG, CID and Mr. Mahesh Bhagwat, SP Women Protection Cell, CID made committed efforts.

TWO CONVICTED FOR TRAFFICKING

The Hindu, 29/06/07/ Andhra Pradesh - Hyderabad

HYDERABAD : A local court here has convicted two persons – Shankar, 26, and his associate Sridevi, 20, in a child trafficking case. This was the first time that the accused received conviction in a trafficking case, in the state. While Shankar was sentenced to seven-year rigorous imprisonment, Sridevi was handed down a five-year jail term. The girl, with the help of a voluntary organization Prajwala, approached the Gopalapuram police station. Inspector Mohd. Ismail registered a case under Sections 366A (procuring of minor girl) and 376 (rape) of Indian Penal Code and relevant provisions of the Immoral Traffic (Prevention) Act. Officials of the Crime Investigation Department supervised investigation in the case and provided shelter to the girl in a safe place since there was a threat to her life from the accused, during the trial of the case.

Lessons and learnings:

- In case of minor victims of trafficking, the FIR should be registered under non bailable, Session triable sections of the Indian Penal Code along with the relevant sections of Immoral Trafficking (Prevention) Act, 1956, as applicable to the concerned case.
- Police agencies should identify the members of the trafficker's network, develop a database and keep a close watch on their activities.
- NGO interface in identification, care and protection of victims, is of great help in delivery of justice, conviction of offenders and the prevention of trafficking.
- Charge sheet should be vetted by the Public Prosecutor to ensure that investigation is complete and proper and prosecution has collected enough evidence to bring home the guilt of accused.
- All efforts should be made to ensure that the traffickers or offenders do not intimidate victim. This must be ensured from the stage of rescue.
- Witness protection must be ensured during the trial and pre-trial preparation. This will yield good results in prosecuting offenders.
- Police-NGO synergy is essential for effective and prompt delivery of justice. Every effort should be made to ensure such a synergy.

Prosecution–Andhra Pradesh–4

Commercial sexual exploitation at famous religious center: University professor running the racket: effective investigation leading to conviction

Abstract

In a sensational sex trafficking case allegedly involving a Professor of the University, the Assistant Sessions Judge, Tirupati, sentenced the accused for seven years RI and also levied a penalty of Rs. 22,000/- on 21/8/2007. The case study highlights that effective investigation and NGO cooperation in victim care and support resulted in the conviction of the accused.

The Case

On 2/8/2005, the Tirupati police in Chittur district, Andhra Pradesh, busted a well-networked prostitution racket, and arrested a woman professor, Mrs. V, working in the Adult Education Department of the Sri Venkateswara University. The incident has shocked the temple town, and Women's and Students' organizations have demanded that police arrest other powerful people allegedly involved in the racket.

One of the two girls, whom the professor pulled into the flesh trade, tipped off the police. The Kakinada police alerted their Tirupati counterparts who raided a 4-storey building in a posh colony, on 2/8/2005. They found 2 girls, including a minor, with a customer in the penthouse. The professor initially resisted the police saying that she was only running a Chit Fund Company. After presenting their credentials, the police ignored her protests and clambered up the staircase. They swooped down on the two couples in the penthouse and arrested the lady professor. Police rescued two victims, from Kakinada and Vijaywada, and arrested three persons. Prof. V for running the brothel, trafficker Mr. T who sold one of the minor girl's to Prof. V and a customer who had violated the victims.

SEX RACKET UNEARTHED

The Hindu, 04/08/2005, Andhra Pradesh – Tirupati

The Tirupati police today claimed to have busted a well-networked sex racket with the arrest of a woman professor working in Sri Venkateswara University. One of the two girls whom the professor roped into the flesh trade tipped off the police. The Kakinada police alerted their Tirupati counterparts who in turn stormed a 4-storey building in the posh Balaji Colony area in the evening and picked up two couples from the pent-house.

Police also seized incriminating evidence like cell phones, liquor bottles, porn literature and condoms from the penthouse. NGO activists from RISE & Sthree Sangathan assisted the police in victim care and protection immediately after rescue, and during the trial period. The NGOs also helped the rescued persons with post traumatic care. A case was registered in the Tirupati West Police station vide u/s 3 & 5 of ITPA.

The rescued minor victim was sent for age determination to a hospital where the doctor certified her to be a minor, between 14-16 years. The statements u/s. 164 Cr. PC of victims and important witnesses were recorded.

The investigative process

The Tirupati Town Circle Inspector investigated the case with the assistance of Tirupati West Police under the supervision of the DSP, Tirupati. Investigation revealed that Prof. V, the owner of the brothel, indulged in trafficking of minor girls and adult victims, with the assistance of 15 co-accused persons. Further, she also procured women and children to carry on prostitution in the same premises. During the course of investigation police established that the accused trafficker was procuring girls as well as supplying them to Prof. V for commercial sexual exploitation. Police arrested 11 out of the 16 accused. Prof. V was in judicial remand and the accused T was in judicial custody. Charge sheet was filed against 16 accused showing that 5 were absconding u/s 372 and 373 IPC and Sec. 3(1), 4(1), 5(1) (ii) of ITPA on 5/11/2005.

The court of Additional Assistant Session Judge took cognizance of the case and promptly started the trial of the crime. Additional PP presented the case diligently to expedite prosecution.

SEX RACKET: SVU SUSPENDS PROFESSOR

The Hindu, 03/08/2005, Andhra Pradesh – Tirupati

TIRUPATI: A thoroughly shocked and embarrassed SV University on Wednesday placed under suspension the Professor of its Department of Adult Education, who was arrested here on Tuesday for allegedly running a sex racket in the posh Balaji Colony area in the temple city.

Conviction particulars

The court of Additional Assistant Session Judge pronounced the judgment on 21st August, 2007. The accused Prof. V, age 48 years, was convicted under section 373 IPC, sentenced to RI for a period of 7 years and a fine of Rs.10,000/-. The offence is cognizable, non-bailable, non compoundable and triable by the Court of Session. She was also awarded RI for one year and fined Rs. 2000/- for the offence u/s. 3 of ITPA; RI for 2 years for the offence u/s. 4 of ITPA and RI for a period of 7 years u/s. 6 of ITPA. The entire sentence above, shall run concurrently. Accused T was convicted u/s. 372 IPC sentenced to 7 years and fined Rs. 10,000/- and RI for 2 years u/s. 4 of ITPA and RI for a period of 7 years u/s. 5 (1) (ii) of ITPA and fined Rs. 10,000/-. The entire sentence above shall run concurrently.

Survivor care and protection that helped in trial

In this case, both the NGOs have taken the responsibility of providing quality care and services, including psychosocial counseling to the survivors. Immediately after rescue, group counseling was conducted to develop the sense of peer support; while one-to-one counseling helped to heal trauma and develop self confidence. This process immensely helped in supporting the trial. Survivors were more confident and less vulnerable to the intimidating behavior of the traffickers during the cross-examination phase, and provided adequate answers to expedite prosecution. As the survivors were living in the NGO run shelter home for almost two years, they were provided life skill and vocational training. NGO staff was also able to contact their families to build up an enabling environment to reintegrate them with their families. The assurance and support from the family and peers helped the trial process, as the survivors were primary witness in the case.

Learning Points

- As per section 13 of the Immoral Traffic Prevention Act, 1956, the appointment of a Special Police Officer of the rank of Inspector and above is compulsory. If the SI is deputed for raid, written orders should be taken, before hand, from the notified Inspector/ Dy. SP/ ACP, and documented in the case diary.
- Sensitizing all officials in the criminal justice system, on anti human trafficking, will help in the expeditious delivery of justice to trafficking victims.
- Prompt action by police is important and essential.
- During age assessment of minors, the medical certificate should be corroborated with documentary evidence through birth registration or school certificate.
- Suspect sheet to be opened against the arrested traffickers and history sheets against the convicted traffickers to keep a close watch on their activities.
- Develop database on traffickers and share it with all accused. Update database regularly.
- In spite of accused's high profile, prosecution did not yield to any pressure and successfully brought the evidence on record.
- Whenever police receive specific information about forcing a minor into CSE, it is advisable for them to take help of a committed NGO/ social worker, right from pre rescue planning stage. Local NGO's, RISE & Sthree Shakti Sangathan, played a major role right from pre rescue to trial stage.
- Both victims and witnesses should be given protection to ensure they are not influenced by the accused and do not rescind from the true statement.

- The vernacular media played a vital role in tracking the progress of the case and reporting it in a sustained manner for public awareness and information sharing. The conviction sent a strong message to the traffickers.
- Do not expose rescued victims to the media. Sec 21 of Juvenile Justice (Care & Protection of Children) Act, 2000 provides for anonymity of minor victims. Name and photographs should not appear in any media. Sec. 228-A of IPC prohibits disclosure of rape victims' identity.

Prosecution–Andhra Pradesh–5

Organized crime approach in investigating human trafficking crimes leading to conviction: an Andhra Pradesh experience

Abstract

Guntur police with the assistance of the Women Protection Cell (WPC) and CID arrested 22 traffickers on 2, 4, 10 and 12 Jan 07, rescued 10 trafficked victims and women and registered a crime u/s. 372, 373 IPC and Sec. 5 of ITPA. The case study presents the professional investigation approach adopted by the Andhra Pradesh police to bust the trafficking racket that started with a simple, anonymous phone call.

The case

On 31-12-2006, the police received an anonymous call informing them about a trafficker, 'M' of Srinagar, Guntur and furnished M's mobile number. Verification confirmed M's involvement in trafficking of women and girls for the last 5 years.

On 01-01-2007, a trap was organized. The Head Constable (HC) of Arundelpet PS was sent as a decoy, posing as a lodge owner of Visakhapatnam in search of a supplier of young girls for prostitution. The decoy contacted M over his mobile. Though, M was not interested initially, persistent calls from the decoy persuaded him to send a girl for 10 days to Visakhapatnam on payment of Rs.10, 000/-. M sent a girl through his assistants VVK and NK to the appointed place - the Guntur Railway Station. The police party in mufti's waiting at the railway station, picked them up. The girl victim was found to be a minor (V1). M's assistants led the police to M's house where he and his wife were arrested. They confessed to be in the business of trafficking for the last 5 years. An FIR was registered against M and his wife for procuring young girls and women for prostitution.

Investigation and conviction details

During the investigation, V1 revealed that she was sold for Rs.15, 000/- by a V of Tadepalligudem (W.G. Dist) to M for a month' contract. After M's confession, M2 was arrested while attempting to sell his wife (V2). V2 was rescued from the site. On information furnished by V2, M3 and his wife were arrested at Tadepalligudem and V3 rescued on 2-1-07.

On 3-1-07, V3 revealed that the accused, V and S of Tadepalligudem, West Godavari District were actively involved in human trafficking.

Further investigation led to C who owned a brothel in Tirupati, and was sending girls and women to Chennai, Hyderabad and Vijaywada on contract. Further, V3 stated that M was a master trafficker assisted by many men and women whose names were also revealed.

On 4-1-07, V was arrested at Guntur with the help of V3 who informed V that some girls were ready at Guntur and asked V to come and take them to Hyderabad.

On 8-1-07, S, associate of V and M, was arrested at Secunderabad Railway Station with the assistance of V3 and other rescued victims. Further, V3 contacted another accused C over the phone and informed him that she had come to Tirupati with another girl so he should come and collect her. On arrival, C was arrested at the railway station.

On 9-1-07, the memo was filed before the court to record the statements of victims V1 and V3 u/s 164 Cr. PC.

On 10-01-07, C confessed his links with M and stated that he had sent victims abroad through MR of

Chennai. C was taken into confidence to uncover information about this trafficking network. C's linkages were further probed through sustained investigation.

C provided information to MR that he has brought a girl for prostitution and asked MR to come to the Railway Station in Chennai. MR was caught on his arrival. After MR's confession, his wife and associates JB, GS, S and BN were arrested in Chennai. V5, V6 and V7 were rescued from their clutches.

It was also discovered that MR was arranging passports for victims and sending them abroad. Three passports were recovered from him and he confessed he had sent 4 victims to Muscat and Malaysia.

On 11-1-07, the confessions of V and S led to the arrest of SA and eight other traffickers, in Hyderabad (2 at Secunderabad station, 2 at Krishnanagar colony, Secunderabad, 3 at Saroornagar and 1 at Mehidipatnam). Three more victims, V8, V9 and V10 were rescued from their custody.

On 17-01-07, the Judicial Magistrate recorded the statements of Victims 1 and 3 u/s. 164 Cr. PC. A total of 22 traffickers were arrested in the crime registered at Arundelpet PS u/s 372, 373, 292 r/w 34 IPC & Sec. 3, 4 & 5 of ITPA.

As part of the surveillance on the suspects, appropriate files have been opened up against all accused and suspects. All the rescued persons were extended a relief of Rs.10, 000/- as per G.O.Ms.No.13/WDCW & DW (WP) Dept. DT: 21/4/2006.

Highlights

- HELP, an NGO based in Ongole, led by Mr. Ram Mohan, a partner with the IAHTU (an integrated anti-human trafficking unit set up by UNODC), Eluru, has played a key role in the entire operation by providing quality care and support to rescued persons.
- Ever since UNODC initiated the anti trafficking training of law enforcement officers and prosecutors at Andhra Pradesh Police Academy (APPA), the police officers approach towards this problem has undergone a paradigm shift. Women subjected to CSE are treated as victims of trafficking and offenders are booked under non bailable and session triable sections of IPC and ITPA. Further, the police play an active role in facilitating care and support services for the rehabilitation of rescued persons.
- Under the guidance and motivation of Dr. C. N. Gopi Natha Reddy, Sri S. Umapathi, Sri B. Shivadhar Reddy, Mr. Mahesh Bhagwat and Sri M. Ravindranath Babu an unprecedented drive was conducted to fight human trafficking in Guntur District. Mrs. Mosina Parveen, Senior Counsellor, WPC, CID, Hyderabad, helped tremendously by talking to the victims and eliciting information from them. Her efforts made the victims comfortable and cooperative.
- An important highlight of this case study is that the need for psychosocial counseling of rescued persons, immediately after rescue, has been recognized as an essential requirement in the anti-human trafficking process. This has resulted in trust building, which, in turn, helped in gaining valuable information about traffickers' networks and led to the arrest of 22 traffickers from different districts and states.

This is the first time that such a large scale arrest of traffickers took place in Andhra Pradesh; and resulted in breaking the network of traffickers across all states and overseas.

Learning Points

- Trauma counseling for the rescued victim is a must immediately after rescue, as it stabilizes them and helps to gain their confidence. This approach to victim-care leads to their cooperation in law enforcement.
- Prompt action on clues often results in arresting traffickers. Any delay in responding to credible information is counter productive, as traffickers are well networked in picking up such information.

- Involving media during the rescue operation is risky. It could lead to possible leakage of information and expose the identity of rescued persons.
- It is essential to seize the passport of the accused, immediately, in cases where traffickers have trans border linkages, as the chances of them fleeing the country is high.
- Database on trafficking gangs should be developed at the police stations. This helps to maintain surveillance on offenders and suspects.
- In large crimes where victims and accused are spread across different places, and several operations are conducted at different times, it is advisable to draw a crime map in the case diary. The map should show all the trafficking routes of victim, starting from source area to transit area to destination point where the exploitation takes place.

Systematic and sustained professional investigation can yield good results in busting massive trafficking rackets across the country and overseas.

Prosecution–Andhra Pradesh–6

Child trafficking for adoption: Racket busted and offenders convicted

Abstract

Trafficking for adoption is a sinister trafficking game. The need to give up children for adoption arises when the biological parents or near relatives of a child are not able to look after the child or when the child is abandoned with the no trace of the parents. Due to the low numbers of children available for adoption in developed countries, there is a great demand, overseas, for Indian children and this has prompted many organizations and unscrupulous individuals to traffic children for adoption. The racketeers employ middlemen (or middle women) who go to villages to procure babies. Then they sell them to institutions or individuals who, in turn, sell the children to foreign parents at very high prices. This case study gives a first hand account of trafficking for adoption in Andhra Pradesh.

The case

On 14/06/2001, Project Director, District Women and Child Welfare, Hyderabad, lodged a complaint with the SHO of Sanjeev Reddy Nagar police station, Hyderabad. The complaint stated that an agency, TLC, who is running a home, has been procuring children from parents in neighbouring areas who agreed to relinquish their children. This is a contravention of the AP government order, dated 18/4/2001 under rule 2(1) (7) and rule (8) (A) of A.P. Orphanage and other Charitable Home Rules. Based on the above complaint the case was registered u/s. 420, 468, 471, 341, 372, 373 and 120 (B) IPC at the Sanjeev Reddy Nagar police station. The case was transferred to CID and after investigation a charge sheet was filed by DSP, CID, WPC, Hyderabad.

It was further stated in the complaint that as per the Central Adoption Resource Agency (CARA) guidelines, recognized adoption agencies have to make adequate efforts to find an Indian family for adoption and more than 50% of the total number of children given for adoption, should be to Indian families. But the Organization preferred inter-country adoption, stating that Indian parents may not be able to afford the huge amounts of money required to be spent under various medical heads.

The Investigation

A joint raid was conducted by the police along with CARA and department officials under the supervision of Dr. Jaganath Pati, Deputy Director, CARA New Delhi on 26/4/2001.

The raid party noticed discrepancies in the maintenance of records and cashbooks. Some of the records were kept confidential by the organization, even after the raid party demanded the information for verification. Moreover, the team found that an amount of Rs. 19.23 lakhs was not accounted for in the audited statement of the organization.

The investigation team:
Deputy Superintendent of police, CID, Kurnool
Inspector of Police, City Zone, CID,
Zone inspector, CID, Medak,
Zone Inspector, CID Nalgonda

Investigation disclosed that 13 accused persons had secured 436 babies mostly from Lambada Thandas from 1998 to 2001. The poor and innocent biological parents had been lured by mediators, who paid them monetary considerations, and prepared fake, fabricated relinquishment deeds by mentioning fictitious names of the biological parents and fictitious addresses. In those relinquished documents, where the names of fictitious persons were found forged, the accused failed to account for the custody of the children. This led to the conclusion that the children were unauthorized and illegally kidnapped from lawful custody. They secured No Objection Certificates (NOCs) from CARA without giving the biological parents the required 60 days time to reconcile their decision, without keeping the children for in-country adoption for 45 days and producing fabricated rejection forms. The organization was able to give away a

large number of children in inter-country adoption by accepting Rs. 2,22,318/- on an average, for each case. The organization failed to maintain the registers, caused the disappearance of many registers and cheated the government, public and biological parents. The investigators were of the opinion that thirteen accused persons have conspired and committed offence of trafficking for illegal adoption and the charge sheet was filed u/s 420, 468, 471, 341, 363, 372, 373 and 120(B) IPC.

10 CONVICTED IN CHILD ADOPTION CASE

THE Hindu: 31.8.05: HYDERABAD

Sister Teresa Maria Kattikaran, coordinator of Tender Loving Care Home, and nine others have been sentenced to undergo six months simple imprisonment by the Ninth Metropolitan Magistrate in a case relating to the child adoption racket that rocked the State in 2001. The Magistrate held them guilty under Section 420 and 471 of the IPC relating to cheating and forging of documents, respectively. In addition to the sentence, they have been asked to pay a fine of Rs. 1,000 each. The Magistrate said that he had taken a lenient view in awarding the sentence as they belonged to a religious organization.

Conviction details

On 31/08/2005, Ninth Metropolitan Magistrate, Hyderabad City pronounced a judgment convicting 10 accused. They were sentenced to undergo six months simple imprisonment. The Magistrate held them guilty under Section 420 and 471 of the IPC relating to cheating and forging of documents, respectively. In addition to the sentence, they have been asked to pay a fine of Rs. 1,000 each.

1. The Coordinator of the Home
2. Headmistress of the High School
3. Headmistress of the convent
4. The Accountant
5. The savings co-coordinator
- 6 & 7. 2 Record Assistants
- 8 & 9. 2 Cluster Coordinators
10. 1 former employee

Prosecution–Bihar–7

Changes in police attitude towards victims of sex-trafficking: A Bihar Experience

Abstract

This is a case study of transformation and change of attitude through training and empowerment. The UNODC initiative, spearheaded by Apne Aap Women's Worldwide, in Bihar, has made a tremendous impact. There is a paradigm shift in the attitudes, level of knowledge and skills to prevent trafficking crimes.

Few cases that highlight the change in police attitude:

- **Bettiah Crime No. 94/06 u/s 3/4/5/6 ITPA:** On the basis of secret information the complainant cum Officer-in-Charge of Bettiah Nagar PS, Mr. Ram Chandra Manjhi, raided the houses of MSN. As a result of the raid, police rescued two girls who were to be sent to distant places for CSE. The two main traffickers involved, SN and RC, were arrested and sent to jail. A charge sheet u/s/3/4/5/6 of ITPA has been submitted against them. Supplementary investigation is being carried out to track down the invisible offenders and complete the missing links.
- **Forbesganj, Crime No. 297/06 u/s 3/4/5 ITPA:** Following a tip off the Officer-in-Charge of Forbesganj PS along with SDPO Forbesganj raided the house of Mr. K, residing in the jurisdiction of another PS, and caught four traffickers of Nepali origin. Professional investigation led to the arrest of the kingpin of the organized crime. All have been prosecuted.
- **Mithanpura Crime No. 146/06 u/s 3/4/5/6 ITPA:** On the basis of secret information, the Officer-in-Charge Mithanpura, along with Dy. SP Muzaffarpur raided the premises of a hotel and arrested two lady traffickers on the spot. They revealed the names of other men involved in a massive racket of trafficking innocent girls for CSE. A total of nine persons were arrested and prosecuted. Sustained investigation has successfully broken this trafficking chain.
- **Muzaffarpur Crime No. 208/06 u/s 370/371 IPC and 3/4/5/6 ITPA:** When the police patrol party was on its usual beat duty in crime prevention, it received confidential information from a source, that a lady in her thirties was indulging in CSE by detaining young women in her house. Following this information, a raid was conducted under the leadership of Dy. SP, leading to the red-handed arrest of the lady and three men. All of them were involved in trafficking young girls from villages and sending them to other places in India. All the traffickers were prosecuted.
- **Forbesganj Crime No. 283/07 u/s 366A, 373 IPC & 5:** This is a case of proactive policing, leading to timely nabbing of human traffickers. One early morning in September 2007, the alert police on duty noticed an unusual scene. At 0500 hours, a girl child in a burqa was leaving the town with three men. Finding this suspicious, the police interviewed them asking for her age and whereabouts. The girl said she was 14 and lived in a village, nearby. One of the men, who said he was 49 years of age, hailing from another state, UP, claimed that he had married the girl. When the police interviewed all three men, independently, the true story was revealed. It was a case of trafficking under the façade of marriage. All three accused were arrested and the girl rescued and returned to her parents. Apparently, they had purchased her for an amount of Rs. 10,000/- under the pretext of marriage. The investigation led to the discovery of other instances, in the area, where young women were trafficked under this façade of marriage.

Conclusions

The case study flags a basic issue of the human rights approach. Instead of condemning the police for an uneven and improper response to human trafficking, an effort was made to empower them, develop knowledge and skills, provide proper attitudinal orientation and thereby enhance their capacity to address

human trafficking crime adequately. This effort by Apne Aap Women's Worldwide along with Bihar police and UNODC has made a tremendous impact. The impact is obvious from the fact that traffickers are being nabbed, victims are being rescued and given proper care and attention. Thus, though law enforcement has become stringent it is human rights oriented. Proactive policing and community participation in police work are two major achievements of this process.

Prosecution–Maharashtra–8

Child trafficking for pornography and cyber pornography: International offender convicted on Indian soil

Abstract

Swiss couple convicted in Mumbai, India, for child trafficking and making child pornography films for distribution on the internet. The case study highlights the investigation and prosecution that ensured conviction of the Swiss couple on Indian soil.

The case

On December 16, 2000, the Police of Social Service Branch, Mumbai Police Commissionerate received information that a Swiss national, Mr. W had picked up two minor girls from the Gateway of India, Mumbai and taken them to a Hotel at Malad, Marve Road, with the intention of shooting pornographic photographs. Police arranged two male and one female *panchas* and learned that the accused was in Room No. 108 of the Hotel. With the assistance of the hotel Manager, the raiding team (IO, PSI and 3 *panchas* - one female and two male) opened the room with a duplicate key, where they found the accused and two minor girls, naked, while A2 was standing with a digital camera. Both the accused covered themselves with towels when they saw the police and *panchas*. The police covered the girls in bed sheets. A1 took out a strip of a paper from under the pillow, put it in his mouth and tried to run away from the room. The police caught him and made him spit out the chewed paper. Based on a complaint by the police officials a FIR was issued u/s 342, 347, 354, 363, 365, 366-A, 201, 292 (2) (a) (b) (e) r/w 34 and 114 of IPC.

Evidence gathered from the site of the crime and during investigation:

Police and *panchas* found a laptop computer on the table with the digital camera. Several pornographic photographs of children, pornographic slide shows, films and correspondence were retrieved from the laptop. One of the victims present in the room, was seen in some of the pornographic photographs. The laptop and digital camera were seized under the seal and label of *panchas*. Other articles, viz. clothes, footwear, undergarments, hair bands and children's toys were found in the room. Pouches, sprays, writing material, clothes, contraceptives, tablets, lotions etc. were seized and relevant photographs were downloaded on floppies and Compact Discs (CD) under the cover of the *panchnama*.

During the course of investigation, a third victim was discovered who had been trapped in the same way as the others. It was established that the accused allegedly lured children into pornographic acts by offering them good food and clothes. He then sold these obscene films and photographs to websites all over the world.

Chewed paper and other articles were sent to the Forensic Science Laboratory (FSL). After receiving the report of FSL, the charge sheet was filed u/s 342, 347, 354, 363, 367, 366-A, 201, 292 (2) (a) (b) (e) r/w 34 of IPC. Further additional charge sheet was filed u/s 293 and 373 of the IPC vide SC. No.327 of 2001. On 6/1/2003 charges were framed. The couple pleaded not guilty to the charges before the Sessions judge. On 7/1/2003 High Court bail hearing came up, following a rejection of bail on December 11, 2002 in the Sessions Court. Bail was rejected by the High Court on the grounds that, prima facie evidence had made a strong case against both the accused and since they were foreign nationals the possibility of them fleeing the country was high.

TRIAL

The prosecution, produced the hotel manager, owner and drivers of vehicles used by accused as witnesses, along with documentary evidence like entries made in the hotel register and passports of A1 and A2. This proved that both the accused were staying in the said hotel and that they had visited India in Dec 1999

and Jan and Dec 2000. This was not challenged by defence as the documentary evidence was strong. The court examined about 15 witnesses and among them, three were victims in the age group of 9 to 12 years. The trial was held in-camera.

Prosecutor and special Public Prosecutor (PP) argued that the couple had committed offences in India during December 2000. The court was also told that they had earlier lured children in Sri Lanka, Thailand and other Asian countries for pornographic acts.

Conviction particulars:

On 27, 28, 29/3/2003, the trial court pronounced judgment, convicting the accused couple Mr. and Mrs. W. They were convicted for various offences under IPC and sentenced to jail for periods ranging from three months to seven years. The sentences were to run concurrently. Accused Mr. W was also held guilty for the offence under Section 201 IPC (destroying evidence) and sentenced to undergo RI for 6 months. The couple had to pay Rs. 5000/- separately to each of the three minor girls whose modesty had been outraged. This amount was deposited with Sathi, a Mumbai based NGO working on anti-trafficking issues, who had taken the responsibility to rehabilitate the survivors, appropriately. The Session Court retained the travel documents including the passports of the aforesaid accused persons in custody.

The accused were convicted for RI for seven years under section 367 r/w 34 IPC (kidnapping in order to subject a person to grievous hurt or slavery). They were also convicted for offences under sections 354 IPC (assault on women to outrage her modesty), 292 IPC (selling pornographic or obscene material), 293 IPC, 363 IPC (kidnapping).

Appeal in Mumbai High Court:

Both the accused appealed in High Court, Mumbai against the conviction order. On 15/3/2004 the Bombay High Court ordered that the Swiss couple be released on interim bail, after a deposit of Rs. six lakhs in the session's court. The High Court asked them to pay Rs six lakh as compensation to the victims. The amount paid by the Swiss couple would be deposited in a bank to be handed over to the victims, with interest, when they came of age.

State of Maharashtra moved the Supreme Court of India:

The state of Maharashtra, thereupon moved the Supreme Court of India, in appeal. The Supreme Court granted the accused interim bail but directed them not to leave the country. The court had earlier stayed the Bombay High Court order directing the release by reducing their sentence. The accused were arrested and were remanded to judicial custody on 8/1/2001. They were released on bail on 26/5/2004. Therefore, they were in jail for 3 years and 161 days.

August 16, 2005: SC cancels bail of Swiss pedophiles:

On 16/8/2005, the Supreme Court cancelled the bail of the Swiss pedophile couple, who had been convicted in March 2003 by a Mumbai Sessions Court, and directed the Maharashtra police to issue a non-bailable warrant against them, and get the Centre's help on extraditing the fugitives.

The court was hearing a special petition moved by the Maharashtra Government following reports in The Indian Express on April 2 and 3, 2005, that the Swiss couple fled the country in November 2004, despite their passports still being in the possession of a local court. Their escape was in direct violation of a Supreme Court order that had granted them bail in April 2004, but barred them from leaving the country. CBI Interpol wing has issued Red Corner Notices against both fugitives and the extradition matter is still pending.

Investigation procedure and points that need a mention

A) Search and seizure

- During the raid A1 took out a strip of paper (photograph of a minor girl) from under the pillow,

tore it and put one part in his mouth in order to destroy the evidence. But the vigilant police team compelled him to spit out the chewed matter, seized it and sent it to FSL for an expert opinion. The expert opinion helped the case in the court of law.

- Both A1 and A2 tried to lure young street children at the Gateway of India, by showing them toys, new clothes and distributing chocolates. The investigating agency seized old and new clothes and the toys in the cover of *panchnama*.
- Normally, for drafting any *panchnama*/ mediator's report, police secure 2 *panchas* or mediators. In this case, as one of the accused was a female, the services of female *panch* witness were ensured
- Seizure of the laptop and downloading important files containing obscene photographs of victims and further connecting it to the crime was an important step in the investigation, appreciated by the trial court.
- A pornographic photograph of one of the victims being sexually exploited, also retrieved from the laptop, was a good piece of evidence to connect the accused to the crime.
- The level and extent of exploitation including the fact that she was lured into this by the accused was corroborated by the victim in her evidence.

B) Networking with other agencies

- Since both the accused were citizens of Switzerland/ Swiss nationals, police were in touch with the Swiss consulate. They received full cooperation from the Swiss Government. This helped in searches in Switzerland and downloading material from computers in their Swiss residence and sending a copy to the Mumbai Police to facilitate the investigation.
- The services of Sathi, a Mumbai based NGO, were elicited right from pre-rescue planning to trial, to ensure care and protection for the victims.

C) Victim and witness protection following protocol

- As the victim girls were under severe trauma, help was taken from a child psychiatrist and the Mumbai based NGO, Sathi, for immediate trauma counseling. The victim's statements were only recorded after their mental stability was assured.
- The accused were in jail right from the day of arrest. This helped in protection of victims and witnesses.
- IO and his staff played an important role in assisting prosecutors for arguments against cancellation of bail.
- All precautions were taken to ensure that none of the victims or witnesses turned hostile during trial. While protection was given to victims, there was a constant watch on parents, as well.

D) 'Police should get trained in cyber technology'- Direction to police

In the judgment, the trial court stated that it was high time for the police force to get trained in Cyber Technology as the police could not collect the evidence from any web site address of the accused, even though prosecution had leveled charges of 'circulating child pornographic photographs on the internet'.

E) Appreciation to police

The trial court appreciated the good work done by the police team i.e. ACP Inamdar (then Inspector of Social Service branch), IO Mr. Kharpude and PSI. Mr. Gopale for prompt action taken to detect the scam and arrest the accused.

F) Appreciation to prosecutors

The trial court lauded the prosecution agency. Prosecutor Mr. R V Kini and Spl. PP Mrs. G K Vaiude were appreciated for producing strong evidence. Spl. PP Mrs. Vaiude presented the terrible psychological trauma that the victim minor girls had undergone which would take a long period to heal.

Importance of this Case:

This case was sensational on many counts:

Firstly, the aspect of trafficking for paedophilia and child sexual exploitation being indulged in by foreigners in Mumbai, was discovered. Secondly, commendable initiatives by the police in investigating the crime, led to the conviction of the case. Thirdly, the role of the NGO was indeed praiseworthy in providing valuable support to the victims which was of tremendous help in prosecution. Lastly, the role of media is a watershed in law enforcement. The report in the Indian Express led to the intervention by the Supreme Court of India. Thereupon the bail granted to the trafficker couple was cancelled and Interpol has issued a Red Corner notice to arrest them when found.

Prosecution–Maharashtra–9

Professional investigation of human trafficking crimes by social service branch, Mumbai results in conviction of trafficker

Abstract

This case study highlights the importance of adopting professional investigation methods for human trafficking crimes. It also establishes the fact that systematic planning in raid, rescue and investigation yield good results in prosecuting the accused.

Case 1: Man gets 7 years' RI for rape, trafficking

A Nepali national had trafficked four girls from Nepal to Mumbai on July 15, 2005, under the guise of providing them employment. After reaching Mumbai, he handed over the girls to A1, who kept them at a house in Vikhroli from July 18, 2005. On July 31, 2005, A1 sent two of the girls to the market and raped another girl who was a minor. This act was repeated over the next four days. The girl was somehow able to contact one of her relatives residing in Mumbai and inform them about the incidents. The relatives immediately contacted her parents. When the minor's parents questioned the Nepali national who had brought the girls to Mumbai, he demanded Rs 1.5 lakh to release them and threatened to send them abroad for prostitution if they failed to pay. After the Mumbai police received the tip-off, officers from the Social Service Branch raided the house on August 2, 2005 and rescued the three girls. Police arrested the traffickers and filed a charge sheet. On August 23, 2007, the trial court convicted A1 for the rape of a minor and trafficking of women. He was sentenced to 7 years' RI under various Sections of the IPC and ITPA and was also fined.

Case 2: Three years' conviction to trafficker procuring women and abetting prostitution

On 15/2/2006, after receiving secret information that Mr. R was supplying girls for prostitution in Khar, Bandra and Dadar areas of Mumbai, Police Inspector of the Social Service branch, Mumbai, laid a trap through a decoy customer. A room was booked in a Dadar guesthouse and Mr. R contacted to supply the girls. Mr. R arrived at the guesthouse with 3-4 girls and took them to the room of the decoy customer for 'selection'. After one of the girls was 'selected' by the decoy customer, the police was immediately alerted. The police team and *panchas* raided the room and rescued the young girl X.

During her interview, X disclosed that she had been procured by Mr. R who had earlier taken a fee of Rs. 1000/- from the decoy customer. Police arrested Mr. R who was waiting at the reception of the guesthouse with the other 3 girls, and seized his cell phone. The other girls also affirmed that R was a pimp and instrumental in their commercial sexual exploitation.

Investigation details

During the course of investigation it was established that Mr. R was aiding, abetting and knowingly living on the earnings of prostitution, an offence punishable u/s. 4 of ITPA. Investigation confirmed the role of the accused in trafficking u/s. 5 ITPA. Further, it was found that prostitution was carried out by accused in a public place with a minor girl, which is an offence punishable u/s. 7 (1A) of ITPA. Thus, the charge sheet was filed under all relevant sections.

Conviction particulars

On 7th June, 2007, the accused, R, was convicted u/s. 5 of ITPA and sentenced to undergo RI for 3 years and fined Rs. 2000/-. He was also convicted u/s. 4 of ITPA and sentenced to undergo SI for 2 years and fined Rs.1000/-.

Highlights of both the cases

- Decoy customer was properly briefed and currency notes (numbers were noted in *panchnama*) given to him for the Guesthouse Manager and trafficker.
- DCP of social service branch supervised the investigation thoroughly.
- Public Prosecutor promptly vetted the charge sheet.
- During the trial, witnesses were protected and a mock trial carried out for the benefit of the victim and witnesses with the help of NGOs.
- Cases were followed up even after the transfer of the IO. Summons and warrants were executed in time.
- Interface with NGO from pre rescue stage to end of trial and rehabilitation phase, ensured prompt care to the victims, and this facilitated the law enforcement process.
- Protocols for *panchnama*/ mediators report and pre rescue plan were prepared and this led to systematic action and work.

Learning points

- Besides the medical certificate of a medical officer, other documentary evidence like a birth registration or school certificate to determine and corroborate the age of a minor would be ideal.
- Integrated checklist prepared by the social service branch of the Mumbai Police, should be included as part of the protocol on investigation of human trafficking (please refer to the Standard Operating Procedures on Investigation of Crimes of Trafficking for Commercial Sexual Exploitation by UNODC for details).

Prosecution–Orissa–10

Proactive policing supported by rights based media can make a difference in the response to human trafficking: a case study from Orissa

Abstract

This case study highlights the impact of police pro-action and sustained coverage that helped change the fate of a girl from Bhubaneswar. It details the role played by the police and the support that was provided by the vernacular media to bring the case to its logical end – reintegrating the girl in her own home with effective livelihood options and conviction of the traffickers in a fast track court within a time frame of 10 months.

The case

The Oriya daily published a news item regarding the sale of some girls at Jhansi. The Crime Branch of Orissa police took note of it and formed a special squad of State CID (Crime Branch), led by the DSP. The squad proceeded to Jhansi on 7.12.2003 in search of 3 girls aged between 18 and 19 years. The team comprised 6 police officials, under the supervision of a lady SP.

The Rescue Operation

Prior to proceeding for the inter-state rescue, Jhansi PS was contacted for their cooperation in the operation. Jhansi PS played an important role in collecting grassroots intelligence on the trafficking network between Orissa and Madhya Pradesh. Jhansi PS also extended logistic support to the rescue team from Orissa.

On completion of the rescue operation, the rescued girls and the accused were taken to Orissa in separate vehicles to be presented in court. This was the first inter-state rescue operation on the crime of women and children between Orissa and Madhya Pradesh. During the rescue, all relevant evidence was collected from the site of the crime.

Investigation

The enquiry highlighted that all the girls were sold for Rs.12,000/- ostensibly for marriage. One girl was rescued from Gursarai in Jhansi district, another from Tikamgarh, M.P. The third girl sold to Inder at Indupal of Gursarai, Jhansi, was reluctant to return due to advanced pregnancy. However, they were given the care required, brought back to Bhubaneswar on 14.12.03 and handed over to their respective parents. Bhubaneswar City Nayapali PS registered 3 crimes on the written allegations of the parents. Subsequently, the CID, CB took charge of the investigations.

The modus operandi

Investigation revealed that the A1 is from Baunsiapada district, Nayagarh, Orissa. Her father who had six daughters, was unable to arrange her marriage. A2 was from Katera, Jhansi, U.P. Since he came from a broken family he, too, was unable to find a match for himself in his locality. He managed to marry A1 through a middleman. Later, both A1 and A2 started luring poor girls from Nayagarh/ Khurda districts of Orissa and sell them in MP/ UP ostensibly for 'marriage'.

In this case they had formed a nexus with A3 and her husband A4 of Salia Sahi, Bhubaneswar. On the pretext of engaging the girls (A and B) in labour work at Cuttack, A3 and A4 lured them to Jhansi. The girls were detained in the house of A2 at Katera and later sold to A5 and A6 of Gursarai, Jhansi, for marriage. After about six months, A3 and A4 lured two more girls (C and D) by telling them that their elder sisters, A and B, were happily married, and they could enjoy the same life if they accompanied them. C and D were taken to Jamunia and kept in the house of A7 of Baunsiapada, Orissa. Later the two girls were sold to A 5 and A8 of Dharrah, for marriage.

Charge Sheet details

After completing the investigation in Nayapali PS, three charge sheets were filed:

1. Charge sheet dated 4.7.04 u/s 366/365/506/376/109/34 IPC R.W. Sec.4 & 5 of the Child Marriage Restraint Act, 1929 was submitted against all accused persons.
2. Charge sheet dated 4.7.04 u/s 366/365/506/34 IPC was submitted against A1, A2, A3 and A4 in Nayapali PS.
3. Charge Sheet dated 4.7.04 u/s 366/365/506/376/109/34 IPC 4 & 5 of CMR Act. 1929 was submitted against A1, A2, A3 and A4 in Nayapali PS Case No. 290/03.

Trial details

Trial of all the above cases was conducted in the court of Additional Sessions Judge, Fast Track Court No. III, Bhubaneswar. Prosecution closely tracked the trail and expedited the process by ensuring timely attendance of witnesses and production of exhibits. In this case, it was critical to prepare the rescued persons as primary witness. The parents of the rescued girls along with the villagers played an active role in providing adequate support and confidence to the girls to testify in court. Trial monitoring by the special squad of State CID, Crime Branch, Cuttack, Orissa, facilitated promptness in production of witnesses and evidence and ensuring protection to the victims and witnesses.

**9 accused persons were arrested:
3 women and 3 men from Orissa and 3 men from Jhansi**

The conviction details

Twenty Prosecution witnesses were examined in the court. While A1 and A2 were convicted first, A3 and A4 were subsequently convicted. All convictions were u/s 365/366 IPC. All convicts were sentenced to undergo RI for three years and pay a fine of Rs 500/.

The first judgment in all 3 cases was pronounced in less than 10 months: A1 and A2 were convicted u/s 365/366 IPC in all the 3 cases and sentenced to undergo RI for three years and pay a fine of Rs 500/-, in default RI for six months in each case.

In case No.28803, a part trial is in progress. It split up because A5 has jumped court bail. The CID is closely following the trial with a view to expedite completion.

The Survivors

The survivors are now staying in Bhubaneswar with their families and working in different places for their livelihood. The special squad of State CID, Crime Branch, Cuttack, Orissa has set up a community vigilance system to prevent any such incidences. As part of this process, survivors have been empowered and have become active in raising awareness among their respective communities on the modus-operandi and consequences of trafficking. A local NGO is also playing a vital role in providing legal aid and life-skills education to young girls and women in the village to prevent trafficking.

Multi-stakeholder involvement

In this case, the media, police, crime branch, prosecutor, the communities of the three girls and their parents played a pivotal role in the successful rescue operation which led to the first conviction of the traffickers in a period of 10 months. The media played a role by providing sustained reports in the vernacular paper on the progress of the case. Prosecutors were proactive, prepared with the evidences and witnesses, punctual in court work and in presenting the case. Police played the roles of protectors as well as crime controllers by keeping a watchful eye on the trial process, engaging the community for assistance and ensuring the media reported the case, appropriately. Usually in such cases, the parents and immediate community become a hindrance for reintegration and the stigma pushes the trafficking survivors back into the exploitative situation. But, in this case, the parents and the community welcomed the girls back to their families, respected them and cooperated with the police in penalizing the offenders. This multi-stakeholder engagement and involvement showed that one step forward by the police can actually motivate concerned stakeholders not only for effective rescue, but also for effective reintegration of survivors in their community, with respect and dignity.

Impact

This case study has resulted in the following:

- The general perception that the police are non-responsive in cases regarding human trafficking dramatically changed after this proactive operation.
- This case also increased the interface of the police with the community. It resulted in striking a balance between reactive responses to crimes against women to pro-active policing and preventive problem-solving measures.
- This case also helped police in making efforts to collaborate with the community in prevention and problem-solving activities, which in turn, resulted in a trust building process that helped to control the crime.

Good practices

- Proactive response of the crime branch by taking the newspaper report as prima facie evidence. Engagement of the vernacular media in providing sustained reporting on the progress of the case
- A healthy cooperation between prosecutors and police that led to adequate documentation, evidence and witnesses for Fast Track Court.
- Preparing the community to accept the girls as survivors of trafficking through media advocacy and community meetings. Community response was indeed overwhelming and this greatly helped the reintegration process.
- Building confidence among the community and the parents of the girls towards the law enforcement machinery, which worked in close collaboration with the community. A good case of community policing.

Prosecution–Tamil Nadu–11

Chennai crime branch, CID bust the trafficking racket by detaining the prime suspect KP

Abstract

This is a case study of proactive policing. It presents a case of innovative and out-of-the box thinking in crime prevention. When no major crimes were being reported against traffickers for a long time, the police authorities in charge of crime control and prevention were concerned. When the Project Coordinator, UNODC was discussing anti human trafficking activities, the common concern led to discussions on preventing human trafficking. It was decided to investigate the lull to assess whether “it was a lull before the storm”? And it was. The efforts by TN police unfolded a big trafficking racket and broke their network.

The beginning

KP, a notorious immoral trafficker of Chennai, was involved in several cases of trafficking of minor girls from different parts of Tamil Nadu, Andhra Pradesh and Karnataka to Mumbai, Delhi and Dubai. However, suddenly, nothing was being heard about him and it appeared as though there was no crime being committed by him. At this the Commissioner of Police officials in charge of crime prevention were discussing ways and means to prevent human trafficking. Based on their discussion with UNODC officials, it was decided that the present whereabouts of erstwhile offenders should be verified. A list of once-active offenders was made and a discreet check made to verify their present activities. This out-of-the-box thinking and action of the police paid rich dividends.

The modus operandi revealed

With the help of past records, KP's whereabouts were traced and active surveillance mounted on his movement and activities. It was learnt that he had established a network of brothel dens in various parts of Chennai by employing touts and brokers through cell phone contacts. He would send brokers to the neighbouring states of Andhra and Karnataka to procure women and girls from vulnerable families, giving them false promises of employment, luxury, a chance to act, etc. By operating through cut-outs and middlemen, he would not come into the picture directly; in fact, he remained out of Tamil Nadu most of the time to elude the watch and attention of the police.

Adopting the organized crime approach

While investigating this case, the Crime Branch CID of Tamil Nadu adopted a pro-active procedure of moving from criminal to the crime as is often done in cases relating to espionage and drug trafficking.

First, a list of all old offenders was drawn up and after careful scrutiny a few of them were selected for close surveillance, even though no crime had been reported against them for some time. Since KP was the kingpin of trafficking young girls and boys from TN and the neighbouring states to Delhi, Mumbai, Goa and even the Gulf countries, he was one of those under watch.

This organized crime approach, adopted by the CID, revealed the nature, dynamics and patterns of criminal activities between KP and his gang. This investigation also uncovered the existence of a unique process that made this crime activity different from other crimes and possibly more of a threat to society - thus warranting extraordinary enforcement and preventive measures. The modus operandi of the gang involved the following:

- Using extortion and violence
- Falsification of evidence
- Holding clandestine meetings and maintaining a system of code names
- Physically intimidating people to ensure the secrecy of their operations.

Surveillance and secret enquiries revealed a large gamut of activities being undertaken by him and his associates. The required data and intelligence was documented by employing the best techniques in intelligence collection. As part of the strategy, one of his associates was won over and a trap arranged using KP's associate. KP agreed to come to Chennai, believing it to be a lucrative deal. The police nabbed him at the opportune moment. By this time the police had gathered strong evidence to connect him to various crimes.

The material collected against KP was not only useful for prosecuting him under specific offences but also to detain him under the *Goondas Act*, wherein he could be kept in preventive custody for one year.

Cyber patrolling, another method used by the Crime branch to collect intelligence, uncovered some "Escort" channels where educated and computer literate persons were being lured through obscene posters and prospective customers arranged electronically. Browsing through several telephone numbers, the police are analyzing location and call patterns to trace more offenders and bust the network. This analysis has revealed considerable information about the networking and modus operandi of the traffickers.

With KP's detention, the traffickers' network in TN has suffered a heavy blow. Efforts are on going to collect evidence about the identities of other major players in this nefarious trade and nail them at the opportune moment.

Highlights of this case

- Out-of-the-box thinking and decision to: a) study why crimes are not being reported; b) list out erstwhile traffickers and mount surveillance on them; and c) the proactive police work in anti human trafficking.
- Investigating the case from an organized crime approach
- Setting a trap to arrest the master trafficker through his acquaintance
- Need to maintain and update a comprehensive database; ensure regular watch on previous offenders and their networks.

Prosecution–Pondicherry–12

Change in attitude of Pondicherry police towards victims of CSE

On 25.2.2007, at about 20.00 hrs, the Station House Officer of Grand Bazaar Police Station, Pondicherry, received information of prostitution in a house located in the white town area of the city. The information was taken to the Circle Inspector of Police, who in turn gave written authorization to the Sub Inspector u/s. 14(ii) of the Immoral Traffic (Prevention) Act to raid the premises with the assistance of a woman police officer. The team proceeded to the place with two independent witnesses. The house was cordoned from all sides and police alerted to block the escape routes. When the premises were raided, two girls, S1, approximately 18 years from Saligramam, Chennai (Tamil Nadu) and S2, approximately 18 years, from BRS Colony, Kolkata and three traffickers, A1, A2 and A3 were found and immediately arrested by the police. On seeing the police, two male persons managed to escape through the adjoining houses. In this connection a crime was registered under section 8(a), 3(1)(a) and 4(2)(c) of ITPA and taken up for investigation.

The Case

On receipt of this information, Smt. Chhaya Sharma, Senior Superintendent of Police (Law & Order), Pondicherry, immediately joined the team. She guided the team on how to speak to the rescued girls so they would feel comfortable in narrating their ordeal. She also explained the future steps that would be followed by the police and what would actually happen, step by step, so that the rescued girls were fully aware of the plan. Though this helped S1 speak about the case, S2 needed in-depth psychosocial counseling. Though S1 revealed the traffickers network between Chennai and Pondicherry, her answers were often evasive as she was under a tremendous fear of the police that had been instilled in her by the traffickers.

The police took the help of a Bengali couple from an Ashram (a religious institution), who helped in counseling S2. Gradually, both girls revealed that they were from Chennai and Kolkata, respectively, and were confined in the house for prostitution. Physical torture had been used to ensure their compliance. Old injury marks on their ankles and hands suggested they had been assaulted by a rod. It was soon revealed that both girls were only given a packet of lemon or curd rice once a day, and continuously assaulted by the two persons who had fled from the scene, namely, A4 and A5. Investigation also revealed that the two accused persons used the two girls to shoot blue films and blackmailed them to co-operate with customers. The girls were not allowed to leave the premises, threatened and put under fear, and supervised by a lady matron who turned out to be the girl friend of S4. As S2 could not withstand this torture and exploitation, she had lost her mental balance.

Conviction details

Based on these revelations, for the first time in Pondicherry, the names of the rescued girls were removed from the list of accused persons and the sections of offence in this case were altered from sections 8(a), 3(1)(a) and 4(2)(c) ITPA into Section 3(1)(a), 4(2)(c), 5(b) and 6(a) and (b) of ITPA and additional sections 366 (Kidnapping), 342 (wrongful confinement), 376 (Rape) and 324 (Voluntarily causing hurt) of IPC. Medical examinations and bone ossification tests confirmed that the ages of S1 and S2 was 16 and 17 years (minor), respectively. The statements (of both the rescued persons) under section 164 Cr. PC were also recorded before the Magistrate, which strengthened the case. On 05.04.2007 the accused A4 was arrested at Melmaruvathur, Tamil Nadu and on 30.06.2007 the remaining accused, A5 was also arrested and remanded to judicial custody. After completing the Investigation the charge sheet was filed before the court.

The modus operandi

Investigation also revealed that the accused A4 was a widower who came into contact with brothels after

his wife died, and developed relationships with pimps to realize the easy money that can be earned from such a practice. On seeing that the flesh trade was a lucrative business, he got involved and got the other accused, A6, to help him procure girls by luring or kidnapping them. He ran the trade efficiently; customers were offered the services of girls through his visiting cards containing his mobile number, which were placed in their parked cars, after watching the drivers to check whether they would turn into likely customers. He also received his customers by asking the girls to offer them welcome drinks, fruits, etc. He would compel the girls to receive as many as 7 to 8 customers, a day, and torture them by hitting them with rods if they refused to fall in line. Investigation also revealed that A4 was a close confidant of A7, one of the big players in the flesh trade racket of Chennai (Tamil Nadu), who had been recently booked by the Chennai Police under the Goondas Act and lodged in Puzhal jail (Tamil Nadu). The rescued girls were produced before the Chief Judicial Magistrate, Pondicherry and handed over to the Society for Development Research and Training (SFDRT), an NGO in Pondicherry, for safe custody.

The role played by the NGO

Both the rescued girls were in the custody of SFDRT, a NGO working on anti-trafficking. The perpetrators devised a new strategy to push the matron as a victim of sexual exploitation into the same NGO run home, so she could threaten the rescued girls not to give any statement to the police. But this deception was unsuccessful. The NGO, with many years of experience in the field, promptly realized what was happening and informed the police to take immediate action. Police responded and arrested the matron.

One day, the Tamil girl, S1, ran away from the NGO. The local police asked to register a case of missing person by the NGO, were reluctant to do so. The SSP played an assertive role and instructed the local police station to register the case and trace her whereabouts. Later, the girl was traced by the local police and handed over to her parents on the orders of the court. S2 is still with SFDRT as she does not want to go back to her mother, in Kolkata. Another NGO, Sanlaap, is being asked to help rehabilitate her in her own environment.

This case has shifted the paradigm of prosecution in the crime of human trafficking. For the first time, the Pondicherry police made an earnest effort to identify the traffickers and treat the women as victims and not perpetrators. This case has also shown an active and successful three-way partnership between the police, NGO and the media in the ongoing fight against trafficking.

SECTION II:

Best practices by police on protection of victims/ survivors of trafficking

DO's & DON'Ts



Rescue team should have a lady police officer and a lady representative from any reputed anti-trafficking NGO.



Children and personal belongings of victim should be recovered during rescue.



Treat victim with dignity and respect.



Victim should be segregated from the accused and suspects.



Victim has a right to privacy.
Avoid media publicity.



Protection–Andhra Pradesh–13

Interstate rescue operations: meeting challenges in human trafficking beyond borders and addressing mobile prostitution.

Abstract

This case study details the process followed during the inter-state rescue operation in Bangalore, Karnataka and some coastal districts of Andhra Pradesh (AP). It presents the challenges inherent in multi agency involvement and their responses to combat human trafficking. While explaining the steps required in the planning process, it highlights certain 'must do' activities prior to conducting any inter-state rescue operation.

Nuzvid police station (NPS), Krishna District, AP, received a complaint from V1, identifying certain traffickers who were responsible for trapping more than 15 girls from Andhra Pradesh and other states. This complaint prompted an inter-state rescue between Bangalore, Karnataka and the coastal districts of Andhra Pradesh. The aim of the operation was to identify the sex trafficking network from coastal Andhra Pradesh to Bangalore, arrest the traffickers and rescue the victims. Prior to the operation, extensive preparations were made with the involvement of top-level police officers from both states and local NGOs.

Gathering intelligence and procedures

Investigation on a crime of property offence by the NPS, led to information on brothel based and mobile prostitution in the coastal belt of AP. Further probes resulted in getting criminal intelligence on the modus operandi, the identity of offenders involved in sex trafficking and other important details such as their inter-state contacts in Bangalore, Karnataka. With this information in hand, NPS officials contacted the Superintendent of Police (SP) of Krishna district, who in turn, informed the Criminal Investigation Department (CID) about the facts. On the advice of the SP, the CID, Women Protection Cell (WPC), Krishna district SP, registered the FIR u/s. 366 A, 372, 373, 376 IPC and Sec. 3, 4, 5, 7 of ITPA and obtained a search warrant from the Magistrate by providing all available facts on the suspected inter-state activities of the traffickers along with the requisition. The Judicial Magistrate (JM), Vijayawada promptly issued a comprehensive search warrant u/s. 97 Cr. PC vide C.F. No. 3871/2007 against traffickers in Bangalore. The JM also permitted the rescue operations from any state in India and allowed the victims to accompany the Search Team (the visiting team or VT). On receiving the search warrant, SP, Krishna District ensured the partnership and involvement of IAHTU, Eluru since this was an inter-state rescue operation. IAHTU Eluru contacted IAHTU, Hyderabad and IAHTU, Ananthpur for their cooperation. With the involvement of three IAHTUs, NGOs and the victims themselves, the inter-state rescue turned into a multi-stakeholder rescue operation. The role of each IAHTU and the NGOs involved was planned in great detail, keeping in mind the 'best interest' of the victims and the strengths of each stakeholder involved.

Role of each AHTU in the rescue operation

- IAHTU, Hyderabad: To provide experienced officers
- IAHTU, Ananthpur: To provide the logistic support
- IAHTU, Eluru: To be responsible for the production of victims and traffickers in court and to make post-rescue arrangements.

Prajwala, an NGO based in AP, represented by its Executive Director and two other staff members were asked to provide the required support for the Bangalore team. They were also requested to gather further intelligence and complete all steps for the rescue operation prior to the VT's arrival in Bangalore. Simultaneously, senior officials of CID, AP, established contacts with the Commissioner of Police (CP), Bangalore for support. CP, Bangalore tasked the Joint Commissioner (JC), Crime, Bangalore to support the team in every way possible. After receiving the green signal from the Crime Branch, Bangalore and the participating NGO, a team led by IAHTU, Eluru, with the concerned Circle Inspector, 2 SIs (including one women official) and three women constables, along with V1 and other personnel, proceeded to Bangalore. En route, the team stopped in Hyderabad for a briefing from the

SP, WPC Cell on the Protocols and human rights issues that were to be adopted during the rescue operation, including the legal procedure that needs to be completed immediately after the rescue. The VT was briefed on behavioural issues, such as not to be aggressive or use force with the victims, allow the NGO representatives to speak to the girls first during the rescue, show respect to the victims and empathy for their condition, and moreover, understand that they may not cooperate, initially, and may show withdrawal symptoms by being overtly aggressive and abusive; thus it is important that the NGO representative calms them prior to any interaction with the police.

The Dy. SP of CID along with police officials from the concerned police station moved to Bangalore and liaised with the Bangalore police and Prajwala in advance, to review the preparations and draw up a detailed map of the area identifying possible escape routes. The Dy. SP and Prajwala representatives, together with the Inspector and SI, discussed the strategy with the JC, Crime Branch on 9th May 2007. The DCP, Crime Branch, Bangalore, was made the operational in-charge and tasked with providing all operational support to the rescue team. The rescue team was strategically divided into two groups, both including officials of AP police and the Crime Branch. It was decided that both teams would simultaneously search the two houses in Sanjay Nagar and Yelahanka.

RESCUE OPERATION 1

As the two teams proceeded simultaneously for the search, Team A moved towards Sanjay Nagar and Team B to Yelahanka. The teams were further subdivided into smaller teams for operational purposes. All the teams were briefed about their special tasks. As the places to be searched were located in busy localities, adequate precautions were taken to conduct the operation without arousing public curiosity. The victim went in a private vehicle accompanied by two officers. The rest of the officers followed at an appropriate distance (1/2 km). As soon as the first team reached its location the victim identified the main accused, A1, coming out of the house. The two officers (one from IAHTU, Hyderabad and another from Crime Branch, Bangalore) rushed to catch him. A1 managed to escape on his vehicle but his friend, A2, and driver, A3, were caught. The supporting officers rushed into the house and found 10 young girls inside. The victims were requested to recover all their belongings. Another pimp, A4, allegedly the cook, was also arrested. All available items belonging to the accused, including mobile phones, driving licenses etc. were seized.

MODUS OPERANDI

Traffickers used to take the good-looking girls out in the day and the average looking girls at night in Maruti vans. Those familiar with the code got in touch with the pimps and once the identity was confirmed, lucrative customers were asked to come to 'designated' spots to take a look at the girls.

After fixing the price, the customers took the girls away in their own vehicles. The girls usually got into the client's vehicle in the evening and dropped back at certain points (usually fun parks, Lalbagh gate, etc) early in the morning.

ON CONTRACT

The traffickers housed the girls on the outskirts of Bangalore City and 'rotated' them every fortnight. Usually, they were taken on 15-day contracts and each girl earned about Rs. 14,000/- per contract.

While Team A successfully arrested three traffickers and rescued 10 young girls, Team B was unable to locate the house.

Post Rescue

Immediately after the operation, the NGO representatives took charge of the rescued persons. They were given group counseling, apprised of their rights and the rehabilitation package that would be provided to

them. They were also clearly informed about the future course of action (step by step). The presence of survivors in the VT team had given them a sense of peer support and confidence. To minimize the risk of being intimidated by the accused, the rescued persons and traffickers were transported in separate vehicles to the Crime Branch in Bangalore. Here, the *panchanama* was prepared by the Bangalore Police with the NGO as the witness, and a copy of the properties seized was enclosed. The rescued persons and traffickers were then transported to Nuzvid, Vijayawada, in separate vehicles. Within 24 hours of the rescue operation, the traffickers were produced before the court.

All rescued persons were taken to the Prajwala Home (set up under MWCD's Swadhar scheme) and provided care and trauma counseling. The District Collector of Krishna district immediately announced the interim relief of Rs.10,000/- each, for all the victims.

RESCUE OPERATION 2

Based on the information of the complainant (victim), the circle Inspector of Police (CI) went to Davaleswaram in AP, raided the house of trafficker A-8, arrested her on the 16th of May and sent her for remand. IAHTU Hyderabad took a counselor to the shelter home at Bhavanipuram, Vijayawada to counsel the rescued persons for revealing information about the traffickers' network. Based on this information, the police raided the house of trafficker A-9, arrested her and sent her for remand. The case suddenly took a twist when the confession statement of trafficker A-9 before the mediators; the reports of counseling sessions and an analysis of a tele-conversation, established that victim V1 was a trafficker and not a victim as had been thought earlier, and was found to have close links with A-2 of Bangalore. She was arrested as trafficker A-10 and sent for remand.

SEX RACKET BUSTED

The Hindu, 11.05.2007, Machlipatnam

The Nuzvid police on Thursday busted a trafficking racket and rescued 12 girls who were being forced to enter the flesh trade in Bangalore. Five persons, including two women, were arrested on the charge of trafficking. The police arrested K. Raju (44) of Rajahmundry, Chandan Gowd (22) and Hakki Jagadeesh, both from Karnataka, Sunitha of Nuzvid and Sirisha of Hanuman Junction. Of the 12 victims, four were from Karnataka, two each from Nuzvid in Krishna district and Kolkata, one each from Vijayawada, Rajahmundry, Nepal and Mumbai. With the help of the State CID, WPC and the Bangalore police, the police went to Bangalore and raided a brothel at Vydhyanarayanapuram, from where they rescued the victims and arrested the accused.

During the interrogation of the accused and counseling of rescued persons, other names of traffickers were revealed. NPS filed a Memo before the court to obtain a search warrant to arrest the main trafficker Y and his associates from the house in Bangalore. A search warrant was issued on 30th May 2007, u/s 97 Cr. PC to conduct searches in the houses of Y, Z and other traffickers A-11, A-12, A-13, A-14 & A-15 on 13.06.07.

A raid operation was planned with the Andhra Pradesh Police, City Police, Bangalore and Saathi, a Bangalore based NGO. Three teams were formed and it was decided that each team would raid a different place under the supervision of SP WPC, CID, Hyderabad, simultaneously. During the raid, trafficker A-11 was arrested and two girls were rescued. Later, SP WPC liaised with Joint Director, Department of Women & Child Development, Karnataka. An order from the Child Welfare Committee ensured that the rescued girls were handed over to the Government protective home in Bangalore, as both were natives of the city.

The confession statement of A-11 helped the Police and NGO team to trace the key trafficker A12. As soon as the team trapped him, his associate, A2, attacked the team by dashing his car into the police jeep and escaped with A12 from the Devanhalli Bus Stop, Bangalore. The incident was registered u/s. 307 r/w 34 IPC in Devanhalli PS, Bangalore. The AP police team reached Nuzvid late at night and the arrested traffickers

were sent for remand on 15th June 2007. After this incident, the Cubbon Park Police of Bangalore arrested 18 persons including A13 u/s. 3, 4, 5 & 8 of I.T.P. Act on 15-06-07. Though an escort party of the Nuzvid police was sent to Bangalore to bring A13 from the Central Jail, on 21.06.07, the plan it did not materialize as A13 had been released on bail. The charge sheet was filed on 27th July 07 and is pending trial.

Salient points

- VT (visiting team) should inform HT (host team) in advance for effective planning and gathering of intelligence. To maintain confidentiality, sharing of intelligence should be restricted only to those who need to know.
- HT should respond to VT's request by highlighting the role it can play in the rescue operation.
- HT should alert local government and NGO homes, in the vicinity, mentioning expected number of rescued persons
- HT should arrange local NGOs to help during rescue and immediate post rescue phase.
- HT and VT should both be fully involved in all activities including planning. They should also involve NGO partners.
- Liaison with judiciary is important to get the warrants and judicial approvals on time.
- Accountability of officials for all acts of omission and commission need to be ensured.
- Good work should be commended without delay.

Highlights

- A high degree of interstate coordination and synergy between AP and Karnataka police which is the primary reason for success.
- The entire operation took place under the close supervision of Addl. DG and IG, CID, AP who are the Police Nodal Officers (PNO) of AP. In such an inter-state operations, the PNOs from both states have to be involved.
- Prajwala, an anti-trafficking NGO working for more than a decade in India, was involved in the entire rescue and post rescue activities. Involvement of a Bangalore based NGO facilitated the second rescue operation.
- This was a textbook case where all protocols and procedures were followed scrupulously.
- The rights of rescued persons and their best interest were kept in focus throughout the operation.

Police successfully broke the inter-state network of traffickers. This was accomplished because the police continued to follow all leads and arrested traffickers from different places. Professional investigation is a hallmark of this case.

Protection–Andhra Pradesh–14

Closing down places of commercial sexual exploitation: enforcing a stringent provision of law hitherto largely unused but an effective tool against traffickers

Abstract

This case study highlights the use of section 18 of the ITPA, 1956, to combat trafficking by closing down places of Commercial Sexual Exploitation (CSE). It describes the method by which AP police along with an NGO were able to seal hotels/ lodges in Guntur district of AP and put an end to CSE.

Guntur is located in Prakasham district of coastal AP. In Guntur, CSE takes place not only in brothels or demarcated red light areas, but has spread to hotels, lodges, cinema halls, bus/ railway stations, parks, highways, massage parlours, etc. To stop this menace and combat trafficking, the Guntur police had been booking cases u/s 366 A, 372, 373, 376 IPC and Sec. 3, 4, 5, 7 of ITPA, but little had changed for the traffickers and hotel/ lodge owners who continued to perpetrate this crime. AP police were looking for new ways to stop this menace, when UNODC initiated the training and empowerment programme for all levels of police officials, on the innovative use and interpretation of ITPA, to prevent and combat trafficking. For the first time, AP police evoked S. 18 and S. 7 of ITPA, 1956, to close down places of prostitution and take stringent measures against hotels/ lodges that perpetuate prostitution.

Usage of sec. 18 of ITPA, 1956

The significance of S. 18 of ITPA lies in the fact that it enables law enforcement in permanent eviction and closure of brothels and any such places that perpetuate prostitution. S. 7 of ITPA pertains to prevention of prostitution in or in the vicinity of a public place. Moreover, any order passed under sec 18 of ITPA is not challengeable in any civil or criminal court of India. These are extremely stringent sections of ITPA that could make a marked difference to the anti trafficking movement.

The Case and police action

Guntur police seized 8 lodges in Guntur Town on 29th May 2007, u/s 18(1) of ITPA, for perpetuating trafficking for CSE and letting out the premises for prostitution. During the last few months, joint rescue action by Guntur Police and HELP, an NGO, based in Coastal AP, rescued 39 women and girls from different lodges. In January 2007, DSP Guntur had issued notices to 8 lodges for harbouring prostitution and keeping trafficked victims in transit, in their lodges/ hotels. Following a report from the DSP, in-charge, Guntur, to the RDO/ SDM (Revenue Divisional Officer/ Sub Divisional Magistrate) about cancellation of licenses and seizure of the 8 identified lodges, the Sub Divisional Magistrate, Guntur had issued orders under Section 18(1) of ITPA to seize all the reported lodges on 8th May, 2007, vide Rc.No.275/07B. Based on the notice issued by the Executive Magistrate, police gave the show cause notice to the lodge owners. The lodge owners non-response, forced the Guntur Police to seize these lodges on 29th May 2007. D. Lodge, and S. Lodge were the first two lodges, seized under the S. 18(1) of ITPA.

Lodges raided and subsequently closed down u/s 18(1) of ITPA:

1. D Lodge: 5 rescued women and girls
2. S Lodge: 9 rescued women and girls
3. SL Lodge: 2 rescued women
4. RT Lodge: 3 rescued women and girls
5. N Lodge: 7 rescued women and girls
6. FR House: 4 rescued women
7. E Lodge: 4 rescued women and girls
8. V Lodge: 5 rescued women and girls

The victims/ survivors: Immediately after rescuing 39 women and girls from various lodges/ hotels, the AP police and NGO, HELP, made a rehabilitation plan. Group counseling as well as individual counseling was undertaken by HELP staff to bring the victims out of trauma. Medical aid was provided to each of the rescued persons as they were all suffering from some health problem. A need assessment was conducted as part of the one-to-one counseling to understand their expectations and aspirations, while re-building their lives with the support of HELP.

LODGE CLOSURE UPHELD: HC

Hyderabad Sept. 5: Justice N. Ram Mohan Rao of the state High Court on Wednesday upheld an order made by the Sub Divisional Magistrate, Guntur, directing the temporary closure of three lodges, Vijetha, Nandini and Sri Krishna, in the city on grounds of trafficking. The judge was dealing with a writ petition filed by G. Siva Parvathi and two other owners of the premises complaining that the closure was ordered without notice to them. The court however added that the petitioners may choose to make an appropriate application to the Magistrate and seek possession of the property.

Source: www.andhracafe.com

GUNTUR LODGES PLEA REJECTED

Deccan Chronicle; Thursday, September 06, 2007: Justice N. Ram Mohan Rao of the AP High Court on Wednesday refused to interfere with an order made by the Guntur sub-divisional magistrate directing closure of three lodges — Vijetha, Nandini and Sri Krishna — on grounds of violation of law relating to human trafficking. The judge permitted the owner of the premises G. Siva Parvathi and two others to make an appropriate application to the magistrate and seek possession of the property.

All the rescued persons are presently being trained in market viable vocational skills and life skills for overall empowerment to fight trafficking. AP police played an active role in following up with the concerned authority (DWCD, Govt. of AP) to approve the relief amount of Rs.10, 000/- to each of the rescued persons. After regular follow up, 19 out of 39 survivors have received immediate relief of Rs. 10,000 /- from the Department of Women and Child Development, Andhra Pradesh. AP police also partnered with HELP to undertake home investigation to assess the family situation of the rescued persons as well as to prepare the families so that the stigma on the girls could be minimal when they return to their families. These home visits made by HELP, also aimed at minimizing the risk of re-trafficking of these girls, by ensuring that the family and communities were made aware of the modes and consequences of trafficking.

Highlights

For the first time in A.P, 8 Lodges have been sealed by the police using the provision of Sec.18 (1) of ITPA. This proactive step by the AP police and the NGO has tremendously impacted the trafficking racket that was flourishing in Guntur and its surroundings, in collusion with the lodges. It has sent out a strong warning to the lodges and hotel owners not to let out their premises for illegal activities. The closure of lodges in one place also made it difficult for traffickers and exploiters to set up base in another place to continue human trafficking crimes. This is a major step forward in preventing trafficking for CSE in Guntur. Another important factor is the active involvement of the police in the rehabilitation and reintegration process of the rescued girls. Police have made an extra effort to undertake home investigation along with the NGO (HELP) to ensure adequate counseling of families so that the reintegration process becomes a welcoming experience for the rescued persons and the risk of re-trafficking is minimized with family and community support.

Protection–Andhra Pradesh–15

Managing large-scale interstate rescue operations: Challenges, responses and lessons learnt

Abstract

Traffickers create a chain of contacts across the state and country boundaries. They often change their modus operandi to mislead action against them by law enforcers. Therefore, the actions to prevent and combat trafficking needs stronger networking and cooperation from law enforcers of districts, states and countries that act as source, transit and destination points in the trafficking chain. This case study highlights the rescue operation conducted at Bhiwandi town Thane District of Maharashtra, by the joint teams of Maharashtra and AP police along with NGOs from both states. The operation successfully rescued 28 victims who were from different parts of India and Nepal of whom 5 were minors. The case study highlights important management issues to be considered while planning an inter-state rescue operation.

Case I

A 20 year old married woman V1 r/o Masanampeta, Kadiri town, Ananthapur, AP, was trafficked to Mumbai by A1 and sold to A1's own daughter S, who was running a brothel house in Bhiwandi, Thane District, Maharashtra. Since, traffickers often sell and resell the victim to many traffickers and rotate them from one brothel to another, in this case VI was sold to S2 to S3 and to S4 in Bhiwandi, where she was forced into CSE. V1 somehow managed to escape from the brothel and return to Kadiri. On her return, she lodged a complaint u/s 366 A, 372, 373, 376 r/w 34 IPC and S. 3, 4, 5 & 6 of ITPA in Kadiri town PS of Ananthapur, AP. The 60 year old master trafficker A1, from Ananthapur district, AP, was arrested and remanded to judicial custody.

Case II

In another case, the accused A and 3 others of Rayachoti, Kadapa district, AP kidnapped victims Y & Z, from Chippalamadugu, Kadiri (M) to Mumbai and sold them for CSE. The victims escaped from Mumbai, returned to Kadiri and registered a case u/s 363,373 of IPC S. 3, 4, 5 & 6 of ITPA in Patnam PS, Anantapur district, AP. This led to the arrest of 4 local traffickers from Cudappah and Ananthapur District and the case was charged under the supervision of the SP, Ananthapur district.

The inter-state operation

Based on these two FIRs and interrogation report of the victims an inter-state rescue operation was planned by the Maharashtra and AP police for rescuing the trafficked victims and to arrest the wanted traffickers.

The Additional Director General of CID and IG in charge of the WPC, AP took the responsibility of corresponding and liaison with the CP, Thane city, to ensure their cooperation and collaboration in the inter-state rescue operation. The Bhiwandi PS was requested to help in logistics and provide adequate police strength.

The raid party was led by the SP, WPC, CID, Hyderabad. The team consisted of Ananthapur police, WPC, CID, representatives from REDS, an NGO based in Kadiri, AP, some trafficking survivors; the Rescue Foundation, an anti trafficking NGO from Mumbai, 3 Inspectors and 60 other rank police officials of Bhiwandi PS, DCP Bhiwandi, ACP, PI's, and a Woman Sub Inspector. During the preparation phase, a resource analysis highlighting the available infrastructure and facilities needed for the operation was chalked out along with the Maharashtra police and local NGOs. The strength and ability of the local NGO to assist rescued persons, during and after rescue, were assessed so that the human rights of rescued persons would not be violated and they would be well taken care of immediately after rescue. A map of Bhiwandi's red light area with details of escape routes, entrance, passages/ roads, possible hide outs for

confidentiality of information; since a number of agencies were involved the possibility of leakage of information was very high. Secondly, maintaining regular contacts with the Bhiwandi police station, briefing them on the plan and chalking out appropriate strategies for optimum outcome. Thirdly, as the raid party was almost 40-member strong, the challenge was to ensure that the rescue operation was conducted under the framework and principles of human rights, at all times.

HIGHLIGHTS OF THE INTER-STATE RESCUE OPERATION ON AHT

- The AP police were able to trace the crime from the source to the destination, and followed up with the Maharashtra Police to arrest the traffickers and rescue the victims from the destination point.
- In trafficking crimes, police need to extend its boundaries, and the ITPA has sections that allows such operations.
- For the first time a major anti-trafficking rescue operation was conducted in the sensitive town of Bhiwandi by an interstate team comprising AP and Maharashtra Police with the help of NGO's.
- 28 trafficked victims including 5 minors from Andhra Pradesh, Karnataka, West Bengal, Uttar Pradesh, Maharashtra, Delhi and Nepal were rescued.
- 9 traffickers were arrested, 5 in Anantpur District Cases (Patnam PS case and Kadiri town PS case) and 4 in Bhiwandi case on the complaint of the Rescue Foundation
- The rescued persons were provided with adequate care and counseling services and a transit shelter by the NGOs, immediately after the rescue operation.

Lessons and learning

- Prompt action on FIR often results in arresting traffickers. Any delay in responding to credible information, is counter productive as traffickers are well networked to pick up such information
- An inter-state rescue operation needs to be planned down to the minute details, and should include a resource map on facilities available for the rescued persons, immediately after rescue
- Identify the members of the trafficker's gang and networks, develop a database and keep a close watch on their activities.
- Ensure that traffickers or offenders do not intimidate the victim right from the time of rescue.
- Prior to the rescue operation, identify NGOs and available government facilities that can be used to provide quality care and protection to rescued persons.
- Understand that providing adequate, quality care combined with mental health support to the rescued persons can be of immense help in delivering justice and ensuring the prosecution of offenders.
- Building multi-stakeholder synergy, primarily Police-NGO synergy is essential in effective and prompt delivery of justice. Every effort should be made to ensure this.

Protection–Andhra Pradesh–16

One child victim leads police to rescue 41 child victims across different states: A success story in professional policing

Abstract

41 minors, all victims of trafficking, were rescued in a major inter-state anti-trafficking rescue operation by the WPC, CID, Hyderabad and Dist. Police of Maharashtra state on 25/ 26th January, 2007 at Wani, Yavatmal district, Maharashtra. The case study details the investigation and the role of the police in rehabilitation of the rescued girls with NGO cooperation.

The case

A visit of the SP, WPC, CID to the Rescue Foundation's home for trafficked victims, resulted in an inter-state rescue operation between Maharashtra and AP, when he (SP, WPC, CID) met V1 from Khammam district, AP.

41 GIRLS RESCUED FROM BROTHELS IN MAHARASHTRA - FLESH TRADE RACKET BUSTED

The Hindu: KHAMMAM

In a major operation monitored jointly by the Khammam police, the Women Protection Cell, the CID Andhra Pradesh and Yavatmal Police of Maharashtra, special teams raided brothel houses at Wani of Yavatmal district in Maharashtra and rescued 41 girls from AP and Maharashtra. They included 15 victims from Khammam district alone while 10 of the rescued girls were minors. Some of the girls rescued belonged to Kurnool, Guntur, Krishna, Nalgonda, Nizamabad, Ranga Reddy and Adilabad districts. Four girls from Maharashtra were handed over to the Yavatmal Police. The victims were being provided medical aid and rehabilitation. The Superintendent of Police said that the flesh trade racket was busted with the information furnished by a minor girl.

(<http://www.thehindu.com/2007/01/28>)

V1 had been rescued by the Pune Police with the help of the Rescue Foundation, from a brothel located at Budhvar Pet, on 27th March, 2006. She was trafficked from Palvancho to Wani via Hyderabad by A1 (a friend of her sister's) and sold to A2 (a brothel keeper) at Wani. A2 then sold her to A3, a Nepali brothel keeper in the Budhvar Pet area of Pune. On the statement of V1, a case was registered in Palvancho PS of Khammam District against A3 and other traffickers u/s 366 A, 372, 373 376 IPC & 3, 4, 5 of ITPA. On receiving this information from the SP, WPC, CID, AP, a team was sent by the SP, Khammam district, to escort V1 back to Palvancho, AP and return her to her parents.

Outcomes of the rescue operation

A team of the Khammam Police along with the District Police of Maharashtra state raided the brothel house located at Budhvar Pet.

The team successfully rescued 41 girls and arrested 9 traffickers for buying and selling minors for CSE. 5 out of the 9 traffickers, arrested, were from Khammam and Warangal districts of AP, while 4 were from Maharashtra. The charge sheet has been filed against the accused and the case is pending trial. All rescued persons were provided with temporary transit shelters with local NGOs – the Prajwala NGO home and Government Home, Kukatpally, Hyderabad - immediately after rescue. Rehabilitation programmes were planned with the help of the NGO personnel.

At present, the rescued persons are living in the NGO shelter homes, receiving education, medical care, psychosocial counseling and life skills training along with viable vocational courses for re-establishing

their lives with independence, dignity and respect. At the Prajwala Home, the rescued persons were trained by the National Academy of Construction for 3 months in the construction business, and now the survivors have been placed with a corporate group. Police played an important role by assigning personnel to conduct regular follow up visits to monitor the rehabilitation progress of the rescued persons. Police, along with the concerned NGO, are also involved in home investigations and preparing the families so that the reintegration process is smooth and welcoming. This will also help to reduce the risk of social stigma leading to re-trafficking.

Learning and lessons

- Inter-state rescue operations must be supported with a high level of coordination between law enforcement agencies and NGOs from the involved states.
- Prior to the rescue, advance intelligence collection through NGO partners or decoy customers will help in tracing minors and planning the raid with adequate tools and the required human resources.
- Rescued persons should always be separated from traffickers, immediately after rescue, and should travel in different vehicles so that no intimidation occurs.
- Minor children of rescued persons should not be separated from their mothers under any circumstances.
- The statement of rescued persons should always be recorded only after proper trauma counseling is conducted by the concerned NGO.
- Avoid participation of media during raid and rescue to protect the identity of rescued persons and prevent unnecessary sensationalisation of the case.

HIGHLIGHTS

- Well coordinated and professional cooperation between the Andhra Pradesh state and Maharashtra state police to conduct an inter-state rescue operation.
- The bordering Adilabad District S.P., helped by appointing a Marathi speaking Head Constable, who could communicate with the locals and collect advance intelligence about minors in brothels.
- Traffickers were sent in different vehicles under the cover of escorts.
- All the rescued persons were handed over Rs. 10,000/- as immediate relief, as per Go. M.S. No. 28 of 2006 of Department of Women and Child Development.
- As a part of rehabilitation, rescued persons were sent to the Prajwala Home and Government Home, Kukatpally, Hyderabad.
- All the police officers who participated in this inter-state rescue operation were trained by UNODC, under its project on modalities and procedures of inter-state rescue operations. This empowerment programme has yielded successful results.

Protection–Andhra Pradesh–17

Trafficking of a tribal girl for forced labour: Police and NGO rescue tribal girls

Abstract

This case study highlights trafficking of tribal girls for jobs in industries. It details the rescue operation conducted in coordination with NGOs, for rescuing the trafficked girls from a private factory. This case also highlights the use of relevant laws u/s. 68 of the Factories Act against the management of the factory for colluding with the traffickers and encouraging child labour.

The Case

The districts of Srikakulam and Vijayanagaram are located in AP. A considerable part of these districts are covered by forests and both are primarily inhabited by tribals. The lure of a better life makes the tribal girls vulnerable to trafficking so they become easy prey for the traffickers. In March, 2007, five young tribal girls, from Vijayanagaram and Srikakulam, were offered a decent livelihood by a little known person and were trafficked to Gudur in Nellore, AP. They changed several hands and were finally taken to Hyderabad by the accused A1. The victims were then sold to a private company in Jeedimetala, where they were confined to a small room within the company's premises, made to work almost 12 hours a day and given meager food and water. They were fortunate enough to meet two boys belonging to the same community, who had been trafficked by A2. This is when they all realized that they were wrongfully confined in the factory premises and had been cheated by A1 and A2 who had sold them to the factory manager.

One day, the boys managed to run away from the factory and reached Srikakulam. They informed their parents and the parents of the girls about the incidence. The parents of the girl victims and the boys reached the factory and demanded that the employer returns their daughters. But in vain; the factory manager wanted a hefty amount of money as he had paid a considerable amount to A1 and A2 to procure child labour for his business. The factory manager also demanded that the parents should find A1 and A2 and hand them over to him if they wanted their daughters back.

Finally, the distraught parents contacted an anti-trafficking NGO, Ankuram, partner of the Hyderabad IAHTU, to rescue their daughters from the factory. Ankuram contacted the SP WPC and the Hyderabad IAHTU to plan a joint raid and rescue the girls. SP WPC and the Hyderabad IAHTU contacted the SHO of Jeedimetala Police Station and directed the parents to approach him and file an FIR. A crime was registered u/s 344, 506 IPC and 14 of the Child Labour (Prohibition and Regulation) Act, 1986 by the SHO of Jeedimetala police station, based on the complaint received from the victim's father.

The investigation

The investigation, entrusted to a woman SI, revealed that A1, under the guise of a 'good friend' would lure girls and young boys from the tribal districts of AP and transport them to various places for jobs in factories, taking huge amounts of money from the factory management. In this case, A1 had befriended these tribal girls during the weekly market at Marripadu in Vijayanagaram District. The five trafficked girls (A-14 yrs, B-17 yrs, C-14 yrs, D-14 yrs, E-18 yrs) accompanied A1 in search of 'good jobs' in the city, without informing their parents. A2 also followed the same modus operandi and procured the two boys (F-15 yrs and G-14 yrs) to work in the same factory.

The rescue and raid operation

A team of police personnel from Jeedimetala police station, two volunteers from Ankuram, two local persons appointed *panchas* (witnesses) and the complainant proceeded to the factory, under the competent leadership of the women SI. The team rescued 5 minor tribal girls working as forced labour in the factory. The rescued girls were sent to the Department of Forensic Medicine, Gandhi Hospital, Hyderabad, where it

was confirmed they were minors. The District Collector, Hyderabad immediately sanctioned the Rs. 10,000/- relief for the rescued girls. All the victims have been restored to their parents through Ankuram. The case is charge sheeted and pending trial.

The SHO of Jeedimetala police station has informed the matter to the Factory Inspector, Department of Labour, to initiate action against the management for violating the labour laws, colluding with the traffickers and encouraging child labour in the factory. The Department of Labour has initiated action against the management of the factory.

Details of arrest

The police team arrested the main trafficker A1 and his associate A2, who had lured the minor victims to work in the factory. The Managing Director of the factory was charged with vicarious liability. The factory manager was charged for threatening the parents of the trafficked girls. A separate case has been registered under Sec. 68 of Factories Act against the management of the factory and is pending trial vide STC. No. 2026/2007.

HIGHLIGHTS:

- Police-NGO prompt action resulted in rescuing five minor girls working as forced labour, from a factory in Hyderabad city.
- Prompt step to verify the age of the victims and establishing them as minors, helped in booking cases against the factory management.
- Department of Labour, Government of Andhra Pradesh, initiated action against the management for violation of The Child Labour (Prohibition and Regulation) Act, 1986 and Sec. 68 of Factories Act, 1948.
- Hyderabad IAHTU pursued the case to book the factory management and traffickers under the relevant sections of IPC and labour legislations for trafficking minors for labour.
- Parents of the victims contacted an NGO to help them to rescue the girls; in turn the police were contacted which resulted in well-coordinated Police-NGO action to rescue the confined girls, arrest the traffickers and the management.

Protection–Assam–18

Assam police prevents trafficking of women and children from refugee camps

Abstract

Recently, the method adopted by traffickers is ‘manipulation of consent’ rather than the use of force or coercion. A young woman or girl, who may seem to be a willing companion with a strange looking person, is actually a victim of the *coerced choice* that she has made in exchange for a dream for a better life. This case study highlights the modus operandi of traffickers from the refugee camps of Assam, who provide lucrative job offers of domestic help in big cities. It also reinforces that the police, given the power and authority they are entrusted with, can practice innovative methods in combating trafficking by involving communities at risk. It also highlights the multi-stakeholder collaboration, NGO support and effective community participation that helped to prevent cases and facilitated the arrest of traffickers.

The context

The resource-rich, infrastructure-poor, conflict-scarred region of Assam signals a new concern: the rising tide of human trafficking of women and girls from the state. After a series of ethnic clashes took place in certain districts of Assam, in the western sector, some of the poorest families belonging to a particular community were forced to live in refugee camps in very precarious conditions. These families mostly belong to Kokrajhar, Bongaigaon, Karbi Anglong and Kamrup districts. Kokrajhar is one of several hot spots in conflict-ridden northeast India. Since the late 1990s, hundreds of thousands of people have been displaced in the region by regular clashes between various militant and tribal groups. Traffickers’ carry out recruitment drives in these relief camps by offering false promises of jobs as domestic help in the big cities - Delhi, Mumbai, Haryana and Uttar Pradesh. The Assam police along with local NGOs have made a concerted effort to prevent and combat trafficking by maintaining regular vigilance and conducting rescue operations at major railway stations and bus terminals of the state.

Case 1

During the year 2006, 58 girls and 22 boys were rescued from different trains originating from Assam and going to places like Haryana, Gujarat, Mumbai and Delhi. The rescue operation took place, when Nedan Foundation, an NGO based in Assam, informed the Assam police about their study focusing on the modes and routes of trafficking out of Assam to other states and requested their cooperation in rescuing the victims. Based on this information, the CRPF stationed at Kokrajhar Railway station, were contacted by the police and requested to cooperate with them for a surprise rescue operation at the railway station. Contacts were made with coolies/ porters and vendors for gathering intelligence.

Rescued persons from various trains in Assam railway station:

- 10 girls and 11 boys were rescued on their way to Gujarat;
- 3 girls were rescued on their way to Mumbai
- 45 girls and 11 boys were rescued on their way to Delhi

A porter noticed a group of women and girls waiting in the railway station, asking other passengers about various trains that were written on a piece of paper without much information on their whereabouts. The porter became suspicious and related the incident to the CRPF, who promptly informed the Assam police and requested their help in rescuing these people. The CRPF, the Assam police, Nedan Foundation, All Bodo Student Union (ABSU), All Bodo Women Welfare Federation (ABWWF), and the Kokrajhar district police assisted the rescue. The team was able to rescue 80 girls and boys (ranging from 15 years to 30 years) from various trains during the operation. All rescued persons belonged to different ethnic communities, mostly from ethnic conflict-hit villages and flood-affected areas of Baksa (BTC) Nalbari, Kamrup, Udalguri, Boropeta, Dhubri and Goalpara districts. During the interrogation process, it was revealed that some unknown person who frequently visited their village had promised them jobs on arrival at their destination.

Case 2

During this particular month, the Chital Kati village had noticed that many girls were missing. Like any other day in their lives, these three girls, V1 (18), V2 (19) and V3 (19) - all students of Koimara High School - left for their school and have been untraceable till today. In another incident, V4, a young, married girl went missing from the same village. V4's family was prompt enough to file a missing persons report in the Gologanj police station. But unfortunately, by the time V4's family traced her in Guwahati, with the help of the police, she had already been sold to A1, a Guwahati based trafficker, and was about to be transported to Uttar Pradesh.

The police action

Initial investigation revealed that a group of four persons arrived in the village from Uttar Pradesh (UP), a few days before the disappearance of the four girls. They stayed with MBH, a resident of the village and left with him for UP the same day the girls disappeared. The families of the girls believe that those "strangers" from UP kidnapped their daughters with MBH's help. Police were able to ascertain the names of two of the four strangers, but their addresses could not be confirmed. The Assam police in collaboration with Chagolia police station are in the process of gathering intelligence on this trafficking case. With the help of the victims' families, A1 was arrested and a FIR was lodged.

Case 3

At the end of 2005, a couple from a particular community, residing in a refugee camp, lodged an FIR at the Gossaigaon PS of the Kokrajhar district in Assam. The FIR stated that two persons belonging to another community and resident of the same village, had kidnapped their daughters aged 14 and 16, by promising them marriage and a good life in Delhi and Mumbai. Once in Delhi, they sold the girls for a certain amount of monetary benefit and returned to their original place of residence.

Police action

After registering the complaint, Assam Police decided to trap the accused in a non-conventional manner. They started to raise awareness among the residents of the refugee camp, on human trafficking issues, with the help of NGOs working in that district. The camp residents were made aware of the modus operandi of the traffickers who often visited them with essential goods and promised them jobs and marriage in other states. The Assam police along with the NGOs also initiated regular visits to the camp to develop a rapport with young girls and boys, explaining to them the dangers of migrating to other states with unknown persons.

This awareness raising initiative resulted in apprehending the accused persons and forcing them to surrender before the Court after they had evaded the Police for a very long time. Both the traffickers were booked u/s 366 A, 372, 373, 376 r/w 34 IPC and Sec 3, 4, 5 & 6 of ITPA. The girls were rescued from Delhi with the help of a Delhi based NGO, involved in anti-trafficking initiatives. The NGO was contacted to help with logistics and provide post-rescue support and trauma counseling to the rescued persons.

The rescue team of the Assam Police consisted of two lady constables, two sub-inspectors and one local NGO representative.

The trafficked girls were brought back to Assam and produced before the Child Welfare Committee. The local NGO was given custody for their effective rehabilitation. The Assam police deputed an SI to follow the trial closely and maintain regular contact with the local NGO to assess the progress of their rehabilitation process.

As part of its effort to prevent human trafficking, the police have initiated several programmes in the state, such as rewards for informants and encouraging guardians of young girls to inform such incidents to the police and NGOs in the shortest possible time. The police is also in the process of developing a rehabilitation package for people displaced due to ethnic or communal violence, in consultation with NGOs, so that trafficking and re-trafficking can be prevented.

The modus operandi

During the investigation it was revealed that the accused were small businessmen with contacts outside the state, and used to visit the camp frequently to supply certain essential items to the residents and buy firewood from them. This modus operandi was used to gain the trust and confidence of the residents. Young girls were very impressed with them as they sympathized with them and told them about the possibility of a getting a better life in other states. This confidence building process resulted in convincing young girls to accompany the accused to other states without informing their parents. The accused would take them to Delhi, Mumbai, Kolkata, Haryana and Uttar Pradesh, sell them against monetary benefits and then return to the camps. Here, they continued to maintain contact with the other young girls telling them false stories about those who had left, so as to gain their trust and trap them as their next prey. Both cases revealed the same modus operandi.

Positive Outcomes

- This inter-state rescue operation instilled the required confidence among residents of the refugee camps to report such incidents to the police and NGOs.
- Regular visits by the designated police officer and local NGO provided residents the accessibility to freely report such cases.
- A multi-stakeholder response from residents of the refugee camp, key members of the neighbouring locality, the insurgency/ ethnic violence affected communities, the police, NGOs, railway police and government agencies to combat and prevent trafficking, was established.
- Involvement of women's group to maintain regular vigil in the vulnerable areas and provide necessary education on life skills to women and young people was ensured.
- Case 2 helped in establishing an inter-state network of police officers and NGOs to support each other in tracing suspected offenders for prosecution.
- The rapport established between the police and NGOs has helped to prevent the occurrence of similar incidents in the area.
- The State Police under the aegis of the State CID integrated NGOs working in anti-trafficking and mounted constant vigil at railway and bus stations particularly in vulnerable areas.
- Maintaining frequent contact with prosecutors enabled the police to keep track of the trial and prosecution.

Section III:

Best practices by police on preventing human trafficking

WHAT IS



SEX TRAFFICKING

As per Sec 5 ITPA, trafficking for sexual exploitation is -

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



TRAFFICKING IS AN ORGANISED CRIME



Prevention–West Bengal–19

Raising awareness at the grassroots level for effective multi-stakeholder partnership in combating trafficking: West Bengal experience

Abstract

This case study is an example of proactive policing in combating trafficking. It describes the efforts by the West Bengal (WB) police to raise awareness in vulnerable ‘source areas’ of WB, on the modes, methods, consequences of trafficking and the importance of reporting such cases to the police. It also highlights the involvement/ engagement of the local government (panchayat) and key members such as MLAs, MPs, and grassroots NGOs, through a process of information exchange and partnership in preventing and combating human trafficking crimes.

The initiative

The WB police observed that recently the method adopted by traffickers was ‘manipulation of consent’ rather than the use of force or coercion. Acute survival needs, extreme vulnerability, combined with a high demand for young women and girls motivated traffickers to work on the vulnerable socio-economic psyche of the communities. This kind of socio-economic coercion that leads to the ‘consent’ of young women and girls to accompany a little known person to an unfamiliar place of work, without any knowledge of the work situation, often leads to exploitative situations. This modus operandi prompted CID, WB to adopt a unique strategy to ensure community participation and multi-stakeholder involvement to prevent trafficking. WB police initiated a series of village level meetings in trafficking prone districts, called the “heartland of trafficking”, or “catchment areas”. These meetings were locally chaired by the Additional Director General of Police (ADGP), CID, which ensured the participation of local NGOs, panchayat pradhans, MLAs and MPs, public prosecutors, community members, the local media and police officers. Young women, girls and boys were also encouraged to participate. Special meetings were organized for adolescent girls and boys to raise awareness on modes and consequences of trafficking, safe migration practices and support services available in and around the village so that any suspicious incident could be reported immediately.

The meeting commenced with the district SP highlighting the meaning, modes and methods of trafficking, the trafficking scenario of the concerned district, and the steps being taken by the police to combat this crime. After screening a short film on anti-trafficking, ‘*Chetna*’, there was an open discussion where participants were encouraged to share their concerns and inform the police of any incidents of trafficking/ missing children/ girls/ women in the village. At these meetings, the community offered suggestions on ways to combat trafficking and discussed their role in the initiative. The meeting concluded with the ADGP, CID summarizing the day’s proceedings and inviting the participants to join hands with him in combating human trafficking.

After the first meeting in CID Headquarters, Kolkata, the next two were held in Berhampore (Murshidabad) and Canning (Sunderbans area of South 24 Parganas district). The district police has conducted these meetings in over 3100 villages (approximately 95%) of South 24 Parganas district. In addition, the film, *Chetna*, is being shown in various cinema halls, video halls, Jatras (street plays), book fairs, etc. This initiative of the CID, WB has resulted in the formation of vigilance committees in the villages of South 24 Parganas. These committees have taken the responsibility of identifying vulnerable families, getting information on strangers who visit the village/ families, working with the panchayat to develop a social register to document migration activities with the addresses and telephone of the contractor and also providing information on trafficking issues to village communities. They also act as a bridge between the police and community by maintaining a constant flow of information/ intelligence. CID, WB plans to organize these meetings in the border areas of North 24 Parganas and the Duars area of North Bengal, in the near future.

Positive outcomes

This strategy has successfully integrated grassroots level stakeholders to act together against trafficking. Here are some important outcomes:

- i) Coming together of concerned stakeholders with specific roles, mutual encouragement and support.
- ii) Creating and strengthening NGO-police-community networks in remote villages.
- iii) Incorporating trafficking in the list of police priorities.
- iv) Raising awareness in vulnerable villages on all issues related to trafficking.
- v) Involving public representatives in the drive against trafficking. This is particularly important, since the network of Panchayat Raj Institutions in WB is very strong.
- vi) 17 other districts of WB have requested similar initiatives in their jurisdiction.

Good practices

- Proactive policing (community policing) for prevention of trafficking and developing intelligence through information exchange.
- Remote villages accessed by the police with a humane approach to raise awareness and build positive partnerships.
- Providing required weightage to the issue by designating ADGP, CID to chair the grassroots meetings.
- Providing a blue print for multi-stakeholder engagement at the grassroots level which includes representatives from the local government, community, political fraternity, NGOs and the local police.

Prevention–Andhra Pradesh–20

Bhopal police introduces community policing as a strategy to prevent trafficking in Madhya Pradesh

Abstract

This case study highlights the importance of police and community partnership in combating and preventing human trafficking. It describes the process followed by the Bhopal police to initiate community policing in remote villages. It also describes the rescue of a young girl with the active support of the community that resulted in the conviction of the trafficker.

The case

Timely information from the community ensured that the Guna police could stop the trafficking of 3 minor girls before they were sold. On 22-7-07, the Dharnawda PS, Guna, received information from the villagers that a suspicious looking strangers were possibly trying to sell minor girls near Lalchak village. The Guna ASI, immediately rushed to Lalachak to verify the information. There, the police surrounded and searched A1's hut and found a woman and three minor girls inside. The interrogation revealed that the girls were 14, 15 and 10 years respectively, all from Ratibadh, Bhopal. They had been allegedly brought by woman who claimed she was K, 45 years old R/o Indrapuri Colony, Bhopal. The Bhopal police was contacted immediately and told that the Ratibadh police station had already registered a case of kidnapping of two minor girls V1 and V2 u/s. 366, 34 IPC.

Further investigation revealed that on 18-7-07, V1 and V2 left for school, together. While V1 left the school early saying she was not well, V2 never reached school that day. Two persons PR and PP took them for a motor bike ride and left them at Sakhshi Dhaba near Bhopal, so the girls could not return home. On 19-7-07, K saw the girls near Bhopal railway station and lured them to her place behind Bima hospital, Indrapuri, saying she would help them reach home. From here the girls and K were trafficked by R to Guna where they were confined in a lodge.

The villager's suspecting foul-play, alerted the ASI about the situation on 22-7-07. The police acted promptly, and with the help of the villagers, they were able to rescue the two girls and arrest K. Later the girls and K were handed over to the Bhopal police for further investigation. Further interrogation revealed that the third girl who was 10 years, whom K had claimed was her daughter, had also been trafficked from a train near Bhopal railway station.

Presently V1 and V2 have been reunited with their families and V3 has been sent to a Children's Home under the Juvenile Justice (Care and Protection of Children) Act 2000. K is behind bars facing charges of kidnapping, human trafficking and illegal detention.

Community policing yields good results in preventing trafficking

The active partnership between the police and the local community helped in preventing the trafficking of the three girls from Guna, Bhopal. This strategy facilitated a partnership of constant dialogue and

Aims of community policing:

- Breaking barriers between the community and police through dialogue and an understanding of each other's needs
- Developing better police-community interaction
- Developing a people oriented approach to policing in the area
- Encouraging the community to participate in policing activities
- Finding mutually acceptable solutions to tackle endemic problems in the area through community outreach initiatives.

consultation which helped in creating a common platform for exchange of information on trafficking. In February 07, the Guna district police started a novel community policing scheme, “Police Gram Sampark Yojana” (PGSY), to strengthen police administration, reach and image amongst the villagers.

Under this scheme, 20 percent of the subordinate strength of the rural police station (Head Constables and Constables) visit, interact and halt at various villages (routes and night halt stations are determined in crime meetings every month) at least once a month, spending a minimum of 3 hours in each village. Prior to their departure, each person is briefed in detail about this special task, while the Assistant Sub Inspector (ASI) and Station House Officers (SHOs) monitor their activities during their stay to ensure effective implementation of orders. The Sub Divisional Police Officer (SDPO) plays an active role by ensuring that these monitoring visits actually take place.

Police interacts with all the groups in the village and briefs them about PGSY. The main issues dealt with are sensitization of the vices of gambling, illicit liquor and drugs; advantages of amicably settling petty familial and land disputes; importance of communal harmony; maintaining regular communication and passing critical information to the police; necessity of community patrols; sensitization against exploitation of women, human trafficking, and dowry; role of family counseling centres and helplines; prevention of accidents; disaster management; awareness of government schemes primarily related to health, women and child care and feedback about major problems in the villages.

Several surprising and heart warming results and reactions have surfaced during the last 7 months during which all 1300 villages have been visited once and a fresh cycle, with some additions, has commenced. These vary from persuading villagers to donate land for the village school, which had been stalled for many years, settling 20 year-old differences amicably, and taking group oaths against gambling and drugs to execution of warrants, institutionalized child births, repossession of *pattas* (land holdings) and most importantly a huge increase in rural intelligence collection, tremendous improvement in police public relations and communications.

After returning from the villages, police officials have a detailed debriefing session with the SP where the experiences and interactions are discussed, individually. This information is collated and maintained at the PS and district level and plans made to take the action required. Bhopal police find it easier to maintain peace, get witnesses for cases, and receive a constant source of information that facilitates their work. Above all, people are satisfied with the quality of policing and feel confident about it now that community members are also involved. All has been achieved through community participation in policing.

The process followed by Bhopal police

- **Formation of Community Liaison Groups:** The Bhopal police in consultation with the community facilitated the formation of Community Liaison Groups (CLG's). These groups have representatives from all levels of the community within a police station area, which develop a working relationship with the police to improve interaction and information sharing between the public and police. Constant cooperation, communication and interaction have led to harmony in the community. The CLG's meet the police regularly to discuss improvements, complaints and any other issue related to law and order; it is also an effective way to prevent trafficking and gathering grassroots intelligence. When a Community Liaison Group is formed in a village, members of the village join in the regular discussions and those who show an interest to support the meetings start representing the community. Sometimes, retired schoolteachers, retired government functionaries, etc are also invited to participate. Women and vulnerable groups have been consciously invited to be a part of the meetings. Though the panchayat members had not been invited initially, after a few months the *panchs* and *sarpanchs* also became active in the meetings and several issues related to trafficking and unsafe migration were taken over by the *panchayat* for redressal.

- **Beat patrol officers:** A number of police personnel are specially trained as “beat officers” each with a designated community. They are constables, head constables, ASIs or SIs with some experience of working with the community and some knowledge about the methods and consequences of human trafficking.

Each village usually has a designated Beat Patrol Officer, who acquaints himself with the community under his Beat, liaises with the CLG and keeps the SHO informed of all incidents in the community. Beat patrols enable police officers to get to know their community better and become a familiar and involved presence for the public. The officers are supposed to visit their Beat at least once a month, acquaint themselves with the community and build a rapport with them. The officers attempt to maintain direct contact and visibility within the community, at all times.

- **Sensitizing personnel at the local PS:** All police personnel were introduced to the principles and processes of community policing and a programme organized to help them view the community as a resource. The facilitator of the project and other staff members organized small meetings at the PS, from time to time. An in depth training programme also sensitized them on issues related to trafficking.

- **Legal literacy programme:** The legal literacy meetings organized in the area on two occasions, are an important component of police community interaction. Bhopal police firmly believes that the CLG's, police and panchayat will be empowered through these legal literacy meetings, and gradually the stakeholders can identify and prevent human trafficking. This will also help in making their efforts more sustainable.

Positive outcomes:

- **Approachable police stations:** Once, so difficult to approach, the police stations have become easily approachable due to regular interaction, initiated by the police. The dialogue process resulted in breaking the barriers between the police and the villagers and boosted their confidence levels while reporting cases of crime.
- **Increased information:** Now, the community has the information and contact numbers of the police station and police personnel directly responsible for their area; so they know whom to contact to report a crime or ask for help in an emergency. This policing philosophy also helps the community keep track of reported complaints and follow up measures undertaken by the police.
- **Enhanced security:** Regular beat patrolling and public participation has enhanced the security in the area.
- **Respect and recognition:** Due to the trust building process the image of the police has changed, so police officers are respected by the community.
- **Mutual dependence and crime control:** This approach has resulted in a mutual dependency between the police and community to combat and prevent trafficking. Increased witnesses have facilitated fast disposal of cases with conviction. This demonstrates the improved confidence and communication levels between them. This initiative also provides the impetus for enhanced efficacy of police in controlling the growing menace of human trafficking.

Community policing is an effective tool to prevent Human Trafficking and prosecute the trafficker.

Prevention–Karnataka–21

Bangalore Police initiative in preventing human trafficking -Makkala Sahaya Vani (MSV): Child helpline by police with NGO support

Abstract

This case study highlights the proactive action taken by the police in preventing trafficking of children and young persons. It also illustrates the initiative taken by the Bangalore City Police in collaboration with NGOs to help children in distress and their role in providing the necessary support services to children in need of care and protection, under the Juvenile Justice (Care and Protection of Children) Act, 2000. This is the first time that a child helpline was set up by the Bangalore police - much before the national Child Line 1098 came into existence.

The Initiative

Makkala Sahaya Vani (MSV), an initiative of the Bangalore City Police to attend to the problems of children, was established in the premises of the Commissioner of Police's office on 30th December 1997. This helpline for children has a toll free telephone **1091**. MSV is a collective of institutions, individuals, NGOs, the Bangalore city police and Makkala Mitra (friends of children). MSV strives to enable children to realize their rights and empower them to be their first line of defence by providing education, health care and training on market-viable vocational courses.

MSV covers children living and working on the streets, victims of substance abuse, child labourers, children living in slums/ on pavements, children affected by physical/ emotional/ sexual abuse on streets, at homes, in schools, at work places or even in shelter homes run by NGOs/ government.

The Objectives

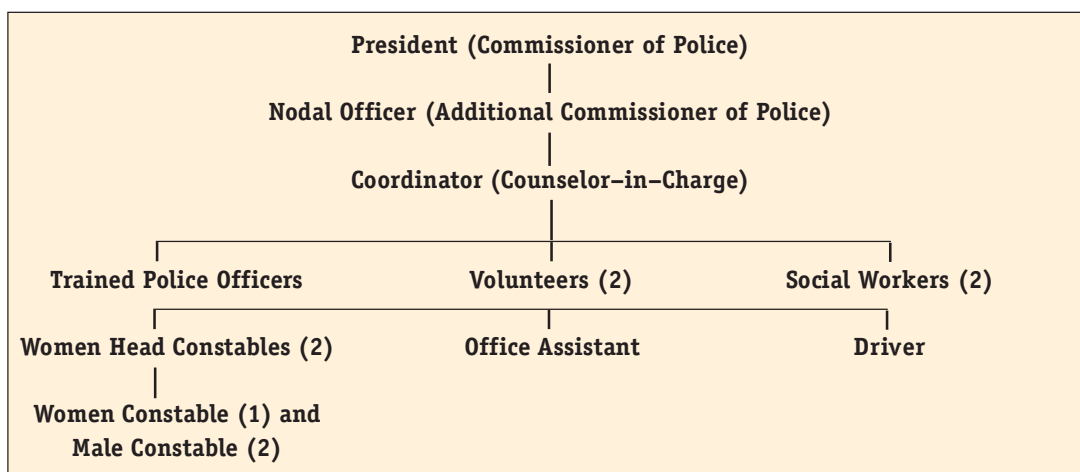
- To respond to the immediate need of the child in distress or in a crisis situation.
- To provide a platform for networking amongst organizations, institutions and like-minded individuals to develop appropriate strategies for upholding child rights.
- To provide linkages with support systems for providing quality care and services that facilitate proper rehabilitation and reintegration of children in difficult circumstances.
- Tracing out missing children and restoring them to their parents after conducting home investigations to plan reintegration measures and prevent re-trafficking.

Nature of cases attended to

- Child trafficking for commercial and sexual exploitation/ forced labour
- Missing/ found children
- Physically and mentally disabled babies and children
- Sexual abuse
- Forced labour in hotels/ factories/ other places of work.
- Domestic servitude
- Children denied of their earnings.

Makkala Sahaya Vani responds to calls:

- For counselling for emotional problems
- About harassment, exploitation and sexual abuse
- For shelter for lost/ missing children and to reunite them with families
- For legal and medical services
- From public and parents of children who are mentally and physically handicapped
- From children denied their earnings
- From children who just want to speak to MSV.



Strategies adopted

To actualize the stated objectives, MSV has adopted a strategy that ensures multi-stakeholder response. It networks with NGO's, concerned government agencies (Department of Labour, Department of Women and Child Development, Department of Education, Child Welfare Committee and other departments as required by individual cases), all police stations in Bangalore city, all police control rooms connected with services, hospitals in Bangalore city (NIMHANS, St. John's hospital and Bangalore Children's Hospital) and 45 NGO's in the city. Another strategy, is to maintain a comprehensive NGO list based on services provided, categorizing them under different roles so that specialized services can be rendered to children. To explain the same, MSV has established a network of NGOs that provide education and temporary shelter to child victims of trafficking/ other forms of violence. This strategy has ensured quality and helped in providing complete care and services to children in distress, through concerned stakeholders.

NGOs providing education and temporary shelter: Makkala Ashraya Kendra, Rabita, Ambika Seva Ashrama, Chaitanya Good Shephard convent, Aashadeep, Narendra Nele

NGOs, providing long-term care and services for proper rehabilitation: Association for promoting Social Action; Young Men's Christian Association and BOSCO

NGOs, declared as Fit person institutions, admitting and taking care of the abandoned babies: Shishu Mandira, Nirmala shishu Bhavan, & Mathru Chaya

Another important strategic action undertaken is the 'Makkala Mitra' concept, wherein the call is received by the voice of a child so the caller feels comfortable to share concerns or to report abuse. All these initiatives have yield good results.

Provision of services

The programme aims at strengthening existing infrastructures and making basic facilities accessible to children and their communities. A major component of the intervention is the Appropriate Education Programme (AEP), which makes education more appropriate, relevant and accessible to working children. The issues related to education such as teaching methodologies, inadequacy of educational infrastructure and exclusion of children in difficult circumstances from the education system are addressed in three ways. By networking with various NGOs and partner organisations, MSV has been able to enroll these children in the extension schools run by the NGOs. More child-friendly teaching methods and material have been introduced into the extension schools as well as the existing formal schools. These methods and material are developed in-house and are based on the Montessori method. Vocational training combined with education and life-skills training are provided to adolescent children. Psychosocial counseling and other required medical care and services are also provided to the children who come in contact with MSV.

Analysis of calls for the year 2006-2007

Sl.No.	Call Particulars	Number
1	Silent Calls	3689
2	Blank calls/ wrong/ abusive calls	3008
3	Fun calls	260
4	Intervention calls for	
	a Shelter, medical, repatriation, information, education sponsorship	1345
	b Rescue from abuse/ trafficking	353
	c Death related	3
	d Missing children	271
	e Emotional support	24
	f Information about MSV	231
5	Follow up calls/ administrative calls related to cases from NGO	2989
	Total	12173

MSV success stories:

Police rescue teenagers from servitude: Girls set free from dance bars

(<http://www.deccanherald.com/deccanherald/dec172004/i4.asp>)

Bangalore: "I gyrate in front of the men who come to the bar and they throw money at me. Some pay Rs. 50/-, some more. I hand over my day's earning to my owner. I wear a backless choli (blouse) and a ghagra (skirt) and dance on film numbers. My work starts from 8.30 pm and continues till late at night. I dance at a night bar on Shivananda Circle every night," says 15-year-old Pinky. **The teenager was rescued by Cottonpet police through Makkala Sahaya Vani, when she attempted to escape from the clutches of her Seth (master) along with two other girls.** " [.....].

Tortured minor domestic help rescued from posh apartment

(<http://www.thehindu.com/2007/07/27>)

Bangalore: Young, educated, upwardly mobile and living in a posh apartment complex may not necessarily mean one is enlightened and humane. This fact emerged about the employers of a 10-year-old girl working as domestic help in a flat in HSR Layout. The child, bearing signs of torture, was **rescued by Makkala Sahaya Vani**, last Saturday. [.....]. Sensing that the girl was being ill-treated, some residents of the apartment complained to the helpline (1098) and she was rescued amidst much drama. The girl has been placed in the Girls' Home run by the State Women and Development Department.

"The woman (the child's employer) created quite a scene when Makkala Sahaya Vani representatives went to rescue her. She shouted at them and tried to stop the girl. The girl looks very malnourished as she was apparently given food once in two days and that too only a meager quantity," she added.

Representatives of the Child Welfare Committee told *The Hindu* that the girl's testimony will be taken after a visit to the employer's house to get more details. Later, the employers and the parents will be summoned to get their statements. Based on the seriousness of the case, the CWC can lodge a complaint with the nearest police station, apart from levying fine on the culprits if they were found guilty.

Prevention–Tamil Nadu–22

Operational, administrative, policy and judicial interventions in anti human trafficking in Tamil Nadu: Combined initiatives in preventing human trafficking

The initiative

This case study presents a brief of several initiatives undertaken in Tamil Nadu (TN) on anti human trafficking, which together made a great impact on preventing human trafficking.

A) The Anti Trafficking Cell: Considering the need to address human trafficking in TN, an Anti Vice Squad (AVC) was established in the CID during the year 2002. The GO declared AVC a police station with jurisdiction all over the state to curb the menace of trafficking in women and children in an organized manner within the state and also inter-state. It was also declared that AVC would also be instrumental in identifying organized rackets that are responsible for running the state/ inter state trafficking network.

The strength of AVC

DSP	: 1
INSP	: 1
SI	: 3
HC	: 3
PC Gr -II	: 6

The name 'Anti-Vice Squad' was subsequently changed to 'Anti-Trafficking Cell' (ATC), CBCID, Chennai as per G.O. M.S. No. 1256/ Home (Police-XIV) Department/ 2003 dated 21.11.2003. The change of name had its purpose, since the focus had shifted from moral policing to an organized crime perspective in policing. ATC took up cases against the

traffickers, procurers, lodge owners, organizers, pimps, and brokers seducing or buying girls and services of women and girls for the purpose of prostitution. The affected women and girls were rescued from the brothel and treated as victims. They were produced before the court and kept at Government Vigilance Homes for safe custody. After a thorough enquiry made by a Probation Officer or a Non Government Organization, the court ordered that the victim should be handed over to her parents or relatives. Minor victim girls were sent to Government Children's Home, Kelleys, Chennai through the Child Welfare Committee. The victims were sent for a medical examination with a women police escort. After the examination, they were handed over to their parents or guardians through the court or Welfare Committee.

HELPLINE SERVICES

In Tamil Nadu, Women Help Lines (1091) were formed in 148 All Women Police Stations and Child Lines (1098) in 102 All Women Police Stations.

Preventive detention of traffickers under Tamil Nadu Act-xiv of 1982 (Goondas Act)

The Tamil Nadu Government had enacted a Special Act namely Act-XIV of 1982 to detain offenders committing immoral traffic, besides other category of offenders, under preventive detention. Many traffickers have been detained in the cities of Chennai, Trichy and Coimbatore under this Act.

B) Administrative initiatives in AHT in TN:

Several initiatives of the Government of TN have helped in preventing and combating human trafficking. Some are listed below:

- State level Co-ordination Committee headed by Chief Secretary to Government of Tamil Nadu, was established in 2001.
- District level Advisory Committee under the chairmanship of District Collector was also established.
- Village level Watch Dog Committee under the chairmanship of the Village Panchayat President, was established to combat trafficking, and CSE of women and children.
- District Superintendents of Police were appointed Nodal officers in the districts to combat trafficking.
- Women Help Lines (1091) were established in 148 All Women Police Stations. Similarly Child Lines were set up in 102 All Women Police Stations. Besides these, "Help Booths" were also set up in vulnerable areas.

Traffickers detained under act - xiv of 1982 (for the period from 2004 to march 2007)											
2004			2005			2006			2007 (upto 30.06.2007)		
M	F	TOT	M	F	TOT	M	F	TOT	M	F	TOT
7	10	17	19	6	25	3	0	3	12	1	13
M: Male; F: female											

- Sensitization programmes were organized for public officers, and workshops held for NGOs and government functionaries on Juvenile Justice and Trafficking.
- Functioning of Protective Homes/ Vigilance Homes and After-Care Organizations in Chennai, Salem, Coimbatore, Trichy, Madurai and Vellore were reviewed to provide shelter, counseling and vocational training to the victims.
- Tamil Nadu Social Welfare Board runs 30 Short Stay Homes through NGOs in different parts of the state for girls and women in the age group of 15 to 45 years, who are in danger or abandoned by their families. Besides this, 37 counseling centers are being run throughout TN, through NGOs.
- The Social Defence Fund, set up by the Department of Crimes, is very useful for providing immediate relief to rescued persons.
- Empowering the representatives of local governance through training has made a great impact on preventing human trafficking.
- The Chief Justice of Madras High Court had convened a meeting of High Court Judges and Senior Police Officers on 31.10.2006. This meeting facilitated the drafting of strategies and guidelines to combat trafficking in the State of Tamil Nadu.

C) Interventions by the High Court of Madras:

A report highlighting the issues of human trafficking, drafted in 2006 by the Director, Tamil Nadu State Judicial Academy, Chennai, was taken up by the High Court of Madras, as a suo motu Writ Petition, which came up for hearing before the first bench of the Madras High Court. Based on the deliberations, the High Court ordered the following comprehensive guidelines for combating human trafficking, effectively.

1. Every rescued victim who is taken into custody at the time of search, shall be produced before the legally competent authority within 24 hours.
2. The members of the official machinery who carry out the rescue operations, shall not dispose of the rescued victims, whether minor or major, at their own discretion.
3. All victims, apparently or suspected to be minors, should be kept at a special home for juveniles in need of care and protection and must be produced before the competent authority within 24 hours.
4. A member of the competent authority constituted under the Juvenile Justice System shall be consulted by the Police Officer while deciding whether the rescued person should be brought before the Juvenile Justice System or before a Magistrate, depending upon the apparent age of the person.
5. Victims should be treated with compassion and respect for their dignity and have access to mechanisms of justice and prompt redress for the harm that they have suffered, as provided for by law.
6. Efforts must be made in assisting the victim to develop and keep contact with her child/ children unless directed otherwise by any legally competent authority.
7. The members of the official machinery who carry out the rescue operations and the members of voluntary organizations who facilitate the rescue, shall take complete precaution to ensure that the facial and other identity of the rescued victim is not revealed to anyone except those who are legally competent to know the same. Particular care shall be taken to protect the identity of the rescued victims from publicity through media and victims shall be protected against their being used by the media for its own commercial end.

8. It should be ensured that the victim is immediately taken to a certified place of safety after the raid. The victim should never be kept overnight in the Police Station except All Women Police Station.
9. It is to be ensured as far as possible that a social worker or a support person, preferably a female, is present when the girls are being interviewed by Police Officers after the rescue.
10. The services for socio-psychological well-being shall start immediately. On rescue or at the first helping, contact with the victims is necessary, which also includes counseling for therapeutic intervention. The list of psychological counselors for each district shall be prepared by the Social Welfare Department within a period of two months from today.
11. Medical examination of all rescued victims and accused / other persons taken into custody by the Police, shall be conducted within 48 hours of rescue of a victim or arrest of the accused.
12. The rescued victims must be freely and unconditionally provided with professional, medical (physical and mental) assistance and professional counseling immediately after the rescue. The list of medical personnel for each district shall be prepared by the Social Welfare Department.
13. The rescued victims shall be freely and unconditionally provided with legal assistance by the Tamil Nadu State Legal Services Authority' immediately after the rescue.
14. The age and other tests of the rescued victims should also be done as far as possible, in the presence of child-supporting individuals and preferably within 48 hours from the rescue.
15. Questioning should be done mostly by Women Police Officers. The mental health aspects of the children have to be kept in mind. There should not be too much pressure on the child to speak all the details of the traumatic incident.
16. Adopting a multi-disciplinary approach to the crime should be attempted by co-adopting additional members into the investigating team so as to include doctors, social workers, co-opting mental health experts, counselors or anyone who would be useful in the overall rehabilitation of the child.
17. Investigation should necessarily be conducted into the trafficking angle in all cases of missing persons, procurement of minor girls, buying and selling, child marriages and all cases of kidnapping and abduction.
18. Separation of victims from offenders is necessary at the initial stage' to avoid the dependency of the victims on offenders.
19. Access to victims must be under the supervision of the Child Welfare Committee or the Organization or any other competent authority dealing with the issues of women and / or children.
20. Child victims may be identified by the use of decoy customers. NGOs and social workers must be involved in this regard.
21. Rescue operations to be more humanely and sensitively carried out along with a rehabilitation plan, protecting the human rights of the prostitutes.
22. Examination of the victim/ witnesses should be in the presence of social workers/ women police/ parents or others who have the trust or confidence of the child. Examinations should also be done in a victim-friendly atmosphere and not in Police Stations.
23. After rescue operation, the Police authorities shall intimate the State Legal Services Authority as early as possible so that immediate legal aid may be provided.
24. In cases where women and child victims are from foreign countries, a system of co-ordination through the Government of India and through inter-country NGO networks would be set up so as to ensure safe passage, rehabilitation and reintegration in their community in their home countries.
25. The Magistrate/ Juvenile Justice Board shall handle all cases involving sexual abuse of children within a stipulated time frame preferably within a period of six months. On production of the rescued traffic victims, the concerned Magistrate/ Board shall ensure that medical examination is conducted in order to check sexual abuse and/ or rape.
26. The Magistrate/Board shall issue appropriate directions to conduct enquiry to find out who is the

parent or guardian and whether they are responsible for the trafficking of the child and if need be, to appoint a guardian ad litem to protect the interests of the child.

27. The custody of the rescued child should not be handed over to parent/guardian without involving the Probation Officer/ Social Worker and if necessary the Magistrate/Board may make an order for the child's intermediate custody in a safe place.
28. If the child has objection to go back, the Magistrate/ Board should try to determine the reasons for it and take a decision which will serve the best interest of the child rather than giving her custody to the claimers such as parents or relatives.
29. Trials of cases of trafficking should generally be In-Camera and the Magistrate/ Board should avoid disclosing the name of the prosecutrix and their orders, to save embarrassment to the victim and anonymity of the victim of the crime should be maintained throughout.
30. While holding the trial of a child sex abuse or rape cases, the courts should ensure that-
 - A screen or some such arrangements are made where the victim or witnesses (who may be equally vulnerable like the victim) do not see the body or face of the accused.
 - The victims of child abuse or rape cases, while giving testimony in court, should be allowed sufficient breaks as and when required.
 - The questions put in cross-examination on behalf of the accused, in so far as they relate directly to the incident, should be given in writing to the Presiding Officer of the Court, who may put them to the victim or witnesses in a language which is clear and is not embarrassing to her.
31. Orders sending victims to Homes must be made with their consent after providing them legal representation and counseling.
32. Children rescued from streets should be located in a shelter home or in a protected place, away red light areas in order to facilitate their rehabilitation.
33. To prevent secondary victimization during interrogation/ examination by investigating agencies as well as during court procedure, where a child is made to recall minute details of the sexual acts and experience, and is grilled for getting proof, a model code of conduct should be evolved.
34. Ensure that the evidence of the child is taken in-camera, as per Section 327 of the Cr. PC and arrange for translators, if the child is from another State and does not speak the local language.
35. Ensure that the Special Courts/ Boards have a child- friendly and supportive atmosphere while taking the child's evidence. Preferably, elder women who inspire the confidence of the child may be present.

Prevention–Delhi–23

Forging alliance among police, NGO and hawkers/ vendors at the railway station and Inter-state Bus Terminal (ISBT) to prevent human trafficking: an initiative by the Delhi Police

Abstract

This case study focuses on the Police-NGO network that helped in identifying vulnerable children at risk of being trafficked, at the railway station and bus stops. It also highlights the unique link between police and hawkers/ vendors to gather intelligence on traffickers and suspected offenders for preventing trafficking. This case study is an exceptional preventive strategy led by the Delhi Police in combating trafficking and other forms of violence against children, by increased vigilance in the railway stations and bus terminals.

The initiative

Railway stations, bus stops in general, and inter-state bus stops in particular act as a major playground for traffickers to prey on vulnerable children and young people. These areas are often the first stop for children and young people who have come to a new place in search of jobs, either with an acquaintance or on their own. Children spotted at the railway stations are either runaway children, vagabonds or children of poor and destitute families, in search of work. Sometimes there are children who get separated from their families while moving from one place to another. On arrival at a new place, the children are lost and in a confused state and not aware of their next step. Strangers/ traffickers take advantage of this situation and lure them by providing food and a promise either to provide them a good job or help them return home safely. The Delhi Police, aware of this catchment area, thought of devising a protective mechanism to safeguard these children and young people from falling onto the hands of traffickers and act as a help desk in the railway stations and bus terminals.

Actions taken by the Police

The first step was to organize special sensitization programmes for railway police, Railway Police Force (RPF) and other employees on duty at the railway station, on issues regarding trafficking and its linkages with missing children. Delhi police in collaboration with the Railway police also conducted meetings with vendors, coolies/ porters, and taxi drivers at railway stations, to seek a positive partnership in rescuing vulnerable children from the hands of suspected traffickers. Partnerships with NGOs were also encouraged as these children often needed psychosocial counseling and protection from exploitation. A safe shelter is always a necessity for these children to protect them from exploitation. The Railway police have partnered with NGOs in rescuing children, followed up on the procedures of producing the missing and found child before the Child Welfare Committee and then sending them to an appropriate Children's Home.

Delhi police provided training to the staff posted at Railway stations and ISBT to identify cases of trafficking. They are also in the process of interacting with the staff of hotels/ guest houses on a regular basis, to detect cases of trafficking for CSE; a surveillance/ mapping of vulnerable areas, particularly supply and demand, has been undertaken to expand the effort to cover these areas as well. Public awareness programmes are being organized to sensitize the general public. Advocacy programmes are conducted in

A CASE OF A GIRL FROM HARYANA

A minor girl coming from Haryana, got separated from her family at old Delhi Railway Station. She was lured by the accused who sold her to another accused for Rs. 25,000/- at Roorkee. The help of NGOs was taken to win the confidence of the rescued victims. 8 accused persons were arrested. The network was found to be running in Delhi, Haridwar, Roorkee, Ambala, Dehradun and Rajasthan. One of the accused was previously involved in FIR No. 141/03 PS Madhuban Distt. Karnal. Sustained interrogation of the accused led to the rescue of 5 minor girls from Haryana, Delhi, Ranchi, Bihar and U.P. All relevant information was sent to Nodal Officers of concerned states

schools and colleges to raise awareness on the modus-operandi of trafficking. The programmes focus on providing information about the process and consequences of human trafficking, and also the helplines and remedial measures that are available in the city. Contact details of police officers and representatives of NGOs are also provided to school and college students for immediate help in such situations. The child helpline 1098 is also publicized as part of every public meeting, so that the public can report suspicious movements of children with strangers.

A computerized database of traffickers has been created and is being circulated to all Nodal Officers connected with human trafficking (HT). A database of criminals, arrested in Delhi for HT has been prepared and is being circulated among neighbouring states as well. A web-based dossier system has been created where individual investigating officers have been directed to prepare online dossiers of all the persons arrested under various offences, including human trafficking.

Effective preventive strategies

- Sensitization of Railway Police Force and other employees.
- Position linkages with vendors, coolies, porters and taxi drivers etc.
- Development of criminal intelligence
- Chasing known criminals to safeguard children and young people from falling prey to them
- Facilitating information sharing through media, women helplines and childlines on human trafficking across the country.

Good practices

- Effective and speedy information sharing mechanism through the web based database.
- Taking street vendors, taxi drivers and coolies/ porters into confidence to act as key informants
- Strengthening the Police-NGO network by establishing clearly stated role expectations

Prevention–Andhra Pradesh–24

Illegal contract marriages - a form of trafficking and the role of police role in prevention

Abstract

This case study highlights another modus operandi of trafficking - the sheikh marriages or 'mutta' marriages practiced in Hyderabad, AP. It describes the role of police and NGO in combating and preventing trafficking in the guise of marriage. It also details the modus operandi and highlights a few important cases published by the media for mass awareness. Since the early 1970s, contract marriages of rich sheikhs with young girls, were being practiced in Hyderabad AP. Till date, the practice continues to flourish and has become another method of trafficking vulnerable women and children for CSE. Poor families lured with money and the promise of their girls being taken abroad, willingly accept marriage offers from the matchmaking agents (brokers in disguise). After marriage, the grooms spend a few days with their brides in hotels or rented houses and divorce (following the religious custom) them before retuning to their countries. The girls are left at the mercy of the brokers, who sell them to brothels. During police investigations and enquiries by NGOs, it came to light that the practice of Mutta Marriages is a well organized racket, being run in collusion with religious leaders or *qazis* and a network of brokers, travel agents, *Unani* clinics and hotel owners, who identify and manipulate the consent of the parents for these marriages under economic compulsions.

Case 12: A 60 year old groom and qazi arrested for contract marriage in Hyderabad

The Chandrayangutta police of Hyderabad city arrested A1 on May 25th, 2004 following a complaint by a 19-year-old girl (V1) that A1 had betrayed her two days after their marriage. V1 was married to a 75-year-old groom for Rs. 10,000/-. She courageously ran away from him and lodged a police complaint against him. This is the first time in the 30-odd years of countless, short-term marriages of impoverished Muslim girls to rich old men, that the police have booked a case and arrested A1 who had married two girls V1 and V2 in two days.

When V1's parents took her back after two days, A1, refused to accept her, harassed the family and asked them to return his money (of the Rs. 10,000/- he said, the broker had taken away Rs. 5,000/-). One of the culprits was even running a "home" with "five-star" facilities to house these men and their brides.

The Chandrayangutta police further arrested A2 who reportedly performed the 'nikah' (marriage) of V1 and V2. The police arrested A3, a native of Khajamia near Sharjah and prevented him from marrying for the sixth time. Timely intervention by the police prevented further human rights violations by these offenders.

HYDERABAD'S CONTRACT MARRIAGES, THE MODUS OPERANDI

Certain nationals from various foreign countries arrive in Hyderabad on a short trip, drive straight to the homes of the brides pre-fixed by brokers, and are married soon after. The parents are paid amounts ranging between Rs 10,000/- to 50,000/- through brokers. Only half the amount is paid to the girl's parents while the remaining amount is shared by the brokers. The 'grooms' take their brides to their hotel rooms and sexually assault them for some time. Very often, some of the visitors dump the helpless girls after a week or so and catch their flight back home. Some of the victim girls who are left at the mercy of brokers, are then sold to brothels .

Case 23: Move to prevent Arabs marrying Indian girls

[.....] Girls in the Falaknuma, Talabkatta, Kalapathar, Kishenbagh and Pahadi Sharif areas in the Old City are often given away in marriage to old men from certain gulf countries, who visit Hyderabad for a few days. [.....]. On August 1, 2003, two girls V3 and V4 were married to A 4, who kept them for

a single day. Though the parents of these girls were promised Rs. 20,000 each, they were given only Rs. 10,000, said the Circle Inspector of the Kalapathar police station. Hyderabad Police and a local NGO, Prajwala, have joined hands to raise awareness on mutta marriages among parents and young girls in the old city of Hyderabad. This effort could prevent many instances of the 'mutta marriages'.

Case 34: Religious judge/ qazi performing contract marriages held

The troubling issue of contract marriages between aged foreigners and teenaged Muslim girls has taken a new turn with the arrest of a cleric for not only performing the marriages but also running a guesthouse for the couples. Police in Hyderabad's old city have arrested R1, who was masquerading as the religious head, along with R2, his wife. The couple was using their house as a guesthouse for foreign nationals to stay after their marriage. R1 admitted before the police that he was performing the marriages of four to five girls with Arabs, every month. He also alleged that some other qazis were also performing these marriages. R1 said contract marriages were being performed in the city since the early 1970s. "It is wrong to blame qazis. We can't refuse to perform marriages of two willing people and there is no law which prevents such marriages," R1 said. Police investigations have revealed that R1 and his wife entertained foreign guests after facilitating their marriages. The building had air-conditioned rooms with TVs, refrigerators and phones. Since the couple was running the lodge without permission, they had been booked under the Andhra Pradesh Public Resorts and Entertainment Act. Such foreign nationals spend a few days with their brides in hotels or rented houses, and divorce them before retuning to their countries. The Wakf Board has already directed the 500 odd qazis of the city not to perform marriages of foreign nationals without its permission. Efforts are afoot to further curtail and prevent such un-Islamic marriages.

Case 45: Police arrested brokers for contract marriages

Illegal contract marriages of young Muslim girls in Hyderabad have again risen to the surface. Girls married off to visitors from Arab countries has raised serious questions about the role of qazis who solemnize these marriages. The Hyderabad City Police has arrested two brokers, M and T in connection with the latest incident in which R and S, belonging to two different families, were married off to a 55-year-old visitor from the United Arab Emirates in the old city. The police have also arrested a lady B, who was involved in arranging such marriages. With this, the number of arrests has increased to four. Earlier, another broker Z was arrested and remanded to judicial custody. The Deputy Commissioner of Police, south zone said that the police was looking for three more people involved in organizing these marriages. The matter came to light after the grooms returned to Saudi Arabia after spending ten days with the girls. Police stated that there were many such incidents in which Arab visitors left behind the local girls after marrying them and spending a few days with them. In the latest incident, a visitor from Dubai promised to pay Rs 20,000 as dowry to the girl, but only half the amount was paid to the girl's parents and the remaining was shared by the brokers. Police were looking into various such incidents on the basis of information provided by the arrested persons.

Prevention–Maharashtra–25

Preventing trafficking by eviction and closure of brothels in Mumbai: a case study of challenges and responses in law enforcement

Abstract

The case study highlights the use of Section 18(1) of the Immoral Trafficking (Prevention) Act as it provides sealing of properties for three years where minors are engaged in situations of CSE. Fighting against all odds, Mumbai Police succeeded in eviction and closure of some of the brothel rooms in Mumbai city. Though, registering trafficking crimes is a regular activity of Maharashtra police, the preventive sections of ITPA were not being used by the police. The UNODC initiated training and empowerment programmes for all levels of police officials, on the usage and role of ITPA in preventing trafficking, and enabled police to use S. 18(1) as an effective tool in combating this crime.

The operation to evict and close the brothels in Jamuna Mansion

A complaint from a social worker, initiated a raid in the Jamuna mansion, led by Mumbai Police, in the presence of Chairperson, National Commission for Women on 2/7/2003. Mumbai Police rescued 67 girls, apparently looking like minors, u/s 15 (4) of ITPA and arrested 48 accused operating from different parts of the country. All 67 rescued girls were confirmed as minors after the medical examination. Police identified 11 rooms of Jamuna mansion, where minor girls were forced to engage in prostitution. During the raid, the police had recorded the statements of local people staying near Jamuna Mansion and all of them complained about the nuisance created due to the brothels, such as the visits of anti social elements, busy traffic and an uncontrolled law and order situation. The case got even stronger as prostitution was practiced in all 86 rooms of Jamuna Mansion by procuring minor girls from Andhra Pradesh, West Bengal, Tamil Nadu, Karnataka and Orissa. It was also established that the building is in a public place within 200 meters of public places like Parsi agyari (fire temple), a Jain Temple, College, High School and Hospital. These facts resulted in issuing a show cause notice to the brothel keepers and owners of 11 brothels for improper use of the building (Jamuna Mansion) for prostitution at a public place, by the Commissioner of Police, Mumbai.

Show Cause Notice by Commissioner

In the year 1999, Maharashtra Government has conferred on the Commissioner of Police, the powers of District Magistrate within the metropolitan area of Brihan Mumbai (greater Mumbai) by issuing a special notification in exercise of powers conferred by sub-section (5) read with sub-sections (1) and (2) of Section 20 of the Code of Criminal Procedure, 1973. By exercising this power and authority, on 1/4/2004, Commissioner of Police, Mumbai issued show cause notices to brothel keepers and owners of 11 brothels for improper use of building for prostitution at a public place. They were asked to submit a reply within 15 days to this show cause notice. On 15/4/2004 the respondent replied to the show cause notice. On 3/5/2004 senior Police Inspector of D.B. Marg police station forwarded a proposal to the District Magistrate and the Commissioner of Police, Mumbai for eviction and closure of brothel rooms in Jamuna Mansion building, Mumbai for a period of 3 years u/s 18 (1) of ITPA.

Order for eviction & closure of Brothel

On 28/6/2004, Commissioner of Police, issued orders against respondents for eviction and closure of brothel rooms in Jamuna mansion u/s 18 (1) (a) of the ITPA. It was stated in the order, that the approval of Commissioner of Police is a prerequisite vide Sec. 18 (1) (b) of ITPA, prior to letting out the premises during this period of 3 years.

Eviction order challenged in High Court

While the implementation of eviction and closure order was in process by sealing the rooms, the aggrieved respondents approached the High Court, challenging the power of Commissioner of Police to issue order

under Sec.18 (1) of the ITPA in the capacity as the District Magistrate. Contention of the petitioner was that the Police Commissioner in the purported exercise of the powers of the District Magistrate can neither issue any show cause notice nor can pass any order under Section 18 (1) of the said Act. Therefore, the challenge of the order was on a technical issue regarding the power and jurisdiction of the quasi-judicial authority of the Commissioner of Police. The order of the Commissioner of Police dated 28th April 2004, was set aside by the Hon'ble High Court by its impugned order. According to the High Court, aforesaid notification does not empower the Commissioner of Police, Mumbai to assume the jurisdiction of the District Magistrate for the purpose of Sections 18 and 20 of the ITPA.

To establish the case and to proceed on the matter, a Special Leave Petition (SLP) vide SLP (Crl.) No. 150 of 2006 was filed in the Supreme Court of India by the advocate for the state of Maharashtra - Commissioner of Police, Mumbai versus Suresh Sham Singh (total 13 matters). As a result of this, a common judgment in the said matters was pronounced vide Criminal Appeal No. 702 of 2006. The judgment states that the State Government shall appoint the Commissioner of Police as an Executive Magistrate in Brihan Bombay (greater Mumbai) and shall further appoint him as an Additional District Magistrate, who shall have the powers of District Magistrate, for the purposes of Sections 18 and 20 of the Act. Further it was directed that Commissioner of Police after necessary appointment shall revive the cases from the stage of order of eviction.

Government Notification following the Supreme Court orders

Following the direction of Supreme Court of India, the Government of Maharashtra issued a Notification on 11/8/2006 appointing Commissioner of Police, Brihan Mumbai (Greater Mumbai)

- To be an Executive Magistrate in the metropolitan area of Brihan Mumbai

MINORS IN FLESH TRADE GLIMPSE A WAY OUT

Times of India: 28 Feb 2004, Mumbai

The police initiative to seal buildings where minors are found to be engaged in prostitution could very well mean rescue for thousands of them in the city's brothels. Activists say they have reason to cheer as they see both "political and administrative will" for the first time, to tackle the issue of minors trapped in the city's flourishing flesh trade. The police have already sealed block no. 3 of Damodar Building on VP Road. It has issued notices to other buildings in Fort, Girgaon, Linking Road and Santa Cruz, where minors forced into prostitution were rescued recently. [.....] While until recently, the power to seal brothels was with the Home Ministry, it is now with the Mumbai Police Commissioner, said joint commissioner (crime) Satyapa. While activists have alleged in the past that the police is often indifferent to their complaints of minors in brothels, this particular initiative (having been started by the police itself) would ensure that anybody who connives with brothel-keepers will face consequences, Ms Punekar said. Pradnya Sarvade, DCP (enforcement), said the initiative would make a remarkable difference not just in regulating activities in the brothels but beauty parlours, hotels etc as they "too can be closed down after following the procedure".

Recently, the police have made initiatives in regulating brothel activities particularly in zone two. According to activists, zonal DCP Naval Bajaj has played a crucial role in highlighting the issue of child workers in brothels. It is learnt that Mr Bajaj even wrote to the state government on the matter. Former zone 2 DCPs K Venkatesham and Rajnish Seth too, did commendable work in tackling this issue. Mr Seth had issued orders to all the police stations in the zone to send all rescued girls, even suspected minors, to the Child Welfare Committee. He did this to prevent a haphazard segregation of girls as major and minor based on their physical appearance.

Activists said the police should also take action against brothels that were raided in the past, from where minors were rescued. For instance, brothels such as Jamuna Mansion could be sealed as part of this exercise.

- To be an Additional District Magistrate in the metropolitan area of Brihan Mumbai, and also
- Conferred on him the Powers of a District Magistrate, within the metropolitan area of Brihan Mumbai, for the purposes of Sections 18 and 20 of the Immoral Traffic (Prevention) Act, 1956.

This initiative has made a remarkable difference in controlling and preventing non-brothel based prostitution in public places, such as beauty parlours, hotels, lodges etc.

Learning and lessons

The provision u/s 18 ITPA is stringent and effective against traffickers and exploiters. Though the order of Commissioner of Police was quashed by the High Court, it was a question of notification, conferring powers which were later rectified by the Hon'ble Supreme Court. The bottom line is that orders issued by the authorized Magistrate u/s 18 cannot be subjected to appeal and therefore is a severe deterrent against all exploiters.

Prevention–Karnataka–26

Reaching the unreachable: Karnataka state police combats human trafficking through a community based anti-trafficking programme

Abstract

This case study focuses on a community based anti-trafficking approach, by the Karnataka state police. It highlights the positive impacts of such an approach in preventing trafficking that resulted in multi-stakeholder involvement, including inter-departmental coordination between several government agencies to reduce the vulnerability of women and children.

The initiative: Karnataka state police has a broad-based and holistic approach towards reducing violence against women and children and combating human trafficking. Bellary and Belgaum are two districts in north Karnataka - Bellary borders with Andhra Pradesh and Belgaum with Maharashtra. Apart from the socio-political complexities of border districts, both districts are widely known for traditional practices of dedicating women and children to temples (the *devadasi* tradition), which make them vulnerable to CSE. Often, these women and children come from regions in the districts that are difficult to access, and have therefore, suffered historically from a lack of administrative support and development interventions.

The police in both districts have been making efforts over the past few years, to evolve a 'people-friendly' approach which has helped in reaching the vulnerable communities in Belgaum and Bellary. The interventions focus on changing the attitudes of the people, particularly women, towards the police, and creating a more positive pro-active image.

With the support of different government departments, including the Department of Women and Child Development (DWCD), Social Welfare, Education and Health, and (NGOs), the police have succeeded in developing innovative programmes in these districts, based on principles of convergence, transparency and accountability to citizens.

The Akka Thaayi Sammelans in Belgaum: The Belgaum police initiated an innovative programme called *Akka Thaayi Sammelan* (The Gathering of Sisters and Mothers) in October 2004. The police recognized that they needed to encourage women to approach the police without fear, and with confidence. In addition, the police focused on those areas where there are no taluka headquarters, circle officers, or police stations.

In these areas, the police along with the departments of Health, Education, DWCD, and Revenue, and with support from local advocates, elected representatives, NGOs and community leaders, held meetings at the village level. Speaking in the local language and using local examples, these meetings highlighted various issues affecting the community, particularly women and children. Some included representatives from the banking sector who highlighted various financial schemes and the manner in which women can organize themselves into self-help groups and benefit from micro credit.

In order to make certain that there is appropriate and time-bound action and follow-up, local officers were introduced to the community, so that women could approach them without fear of intimidation. The women were also informed of the various levels of police authority and the functioning of the local and

Issues discussed in the meetings:

- Domestic violence
- Dowry-related harassment
- Access to natural resources
- Access to property
- Modes and methods of human trafficking

The meetings are aimed at organizing women in the community, and create awareness on their political, civil and legal rights.

divisional police set-ups. Contact numbers and addresses were shared so that contact could be made quickly in case of emergencies. So far, 762 meetings have been held throughout the district, with each police station in Belgaum (total of 43 PS) conducting at least one such meeting in its jurisdiction.

This has resulted in a two-fold increase of registration of crimes against women and children over the past three years as compared to the statistics over the previous decade.

Mahila Jagruthi Sanchari Dala in Bellary: A similar initiative has been undertaken more recently, by the Bellary District Police. Called the *Mahila Jagruthi Sanchari Dala* (Women's Awareness and Empowerment Cell) it is a police-led cell that comprises of representatives from various government departments and socially backward communities like Dalits and Adivasis (SC/ ST). The cell functions under the supervision of the Deputy Superintendent of Police – District Crime Record Bureau, who also attends public meetings organized by the cell. The *Sanchari Dala* visits villages as per a schedule drawn up in advance, on Mondays and Thursdays of every week, covering 5-6 villages on each visit. The local PSI gives wide publicity to the event, especially ensuring that every woman in the village is informed of the visit. The allocation of a police vehicle with a public address system has also greatly benefited the meetings, allowing all representatives present at a particular meeting, to address the community easily.

The cell has successfully articulated the various constitutional rights of women and children, as well as the relevant legislations that offer them protection. These include important sections of the Indian Penal Code, and appropriate Acts covering issues like trafficking, domestic violence, juvenile justice, child marriage, child labour, bonded labour and minimum wages. Issues relating to health (including maternal and infant health), hygiene, and HIV/AIDS are also covered.

Information about welfare schemes for girls and women like Bhagya Jyothi and Kutir Jyothi are widely disseminated. The cells listen to grievances of women and children regarding any issues and take them to the concerned departments for speedy redressal. The cell has successfully visited 290 villages in Bellary District between October 2006 and August 2007.

Impact of the 'reaching the un-reached' approach

- Innovative interventions by the police have helped vulnerable women and children to access the justice system in Bellary and Belgaum.
- This approach has raised people's awareness in remote villages about their rights to protect themselves from exploitation.
- Women, children and young people become aware of the modus operandi of traffickers and their way of manipulating consent through false stories of 'good' jobs and a better future.
- Safe migration practices specially highlighted in the meetings, as these communities are seasonal migrants to the neighboring states, primarily Goa.
- The police have successfully demonstrated that pro-active, people-friendly and gender sensitive policing is possible. Proof of this is evident in the ripple effect created in other villages and districts that have requesting similar interactions.
- Greater convergence between relevant government departments has increased transparency and accountability of the state machinery.
- The increase in registration of crimes against women and children is a very positive indicator of the 'friendliness' and approachability of local police stations.
- Increasing the community's faith in the justice system, would result in preventing criminal activities including trafficking, in these vulnerable districts.
- Positive partnerships have been developed with the community to combat trafficking.

Lessons learnt

- Government departments can and need to act together for the overall development and protection of communities, especially women and children. Inter-sectoral convergence in this case study, has optimized the utilization of government time and resources, promoting better governance practices and preventing duplication.
- Timely information and dissemination of key legislations, schemes and relevant facilities for women and children have increased their confidence in the system and promoted accountability. This is a critical aspect in protecting women and children from exploitation at different levels of the individual, the family and community.
- Reaching 'un-reached' and remote communities, especially vulnerable women and children, is crucial' as most crimes against them flourish in an environment of ignorance, fear, geographical and social isolation and minimal access to the state's machinery.

BELGAUM DISTRICT Information of Crime against Women For the years 2005, 2006 and 2007 (upto 31/08/2007)					
Heads	Years	Rep	False	Trial	True
498(a), 306 IPC	2005	29	0	0	29
	2006	33	4	0	29
	2007	21	0	0	21
498(a) IPC	2005	108	38	4	66
	2006	152	49	1	102
	2007	145	22	3	120
354 IPC	2005	74	16	0	58
	2006	107	12	0	95
	2007	81	6	0	75
Kidnapping	2005	26	15	0	12
	2006	23	6	0	17
	2007	19	5	0	14
Rape	2005	12	1	0	11
	2006	18	1	0	17
	2007	11	0	0	11
Dowry Death	2005	11	0	1	10
	2006	12	1	0	11
	2007	4	0	0	4

Prevention–Delhi–27

Helping missing children to find their way home: an effort by the Delhi police in preventing child trafficking

Abstract

This case study focuses on the efforts of Delhi police to establish a mechanism for the safe return of missing children to their homes, to prevent them falling prey to traffickers. It explains the strategies that helped in developing an effective on-line information-sharing-mechanism with state agencies, inter-state agencies and the public to raise awareness and build partnerships to trace children who were missing.

The initiative

In pursuance of the decision of the meeting held in the Ministry of Home Affairs on 22nd of September 2006, Addl. C.P./ Crime has been nominated as State Level Nodal Officer of Delhi Police assisted by Assistant Commissioner of Police (ACP)/ Kidnapping Section Crime and one ACP from each District. As part of this effort, a centralized Squad and a Districts Missing Persons Squad Unit have been created in each District.

Deeply concerned with the manner in which young children go missing and the established link with trafficking, Delhi police have examined the issue in depth. A sample study on children reported missing in Delhi from selected police stations, during the period from November 2006 to January 2007, was carried out with the purpose to understand the profile of the victim and his/ her family. The Delhi Police has evolved a simple and practical mechanism to trace and restore missing children back to their families.

Important decisions of the Committee

- Identify hideouts and the persons involved in trafficking.
- Initiate vigorous and concerted action against the traffickers.
- Nodal officers to hold periodical meetings to review and monitor the efforts taken to prevent and combat the crime of trafficking.
- Nodal officers advised to identify and liaise with government departments and NGOs for immediate relief, counseling, medical help, long-term rehabilitation etc.

Actions taken by the police

Usually, whenever a child is reported missing the investigation proceeds according to the circumstances of each case. Certain preliminary steps taken include: sending information through the wireless, issuing a 'hue and cry notice', interrogation of family members/ friends, verification/ recording of witnesses statement, publishing the photograph and uploading details on the web-based, computerized missing persons database, etc. circulars and instructions to the investigation officer from time to time.

Some conclusions of the study are as under:-

- 29% of missing minors are under 10 years of age
- 71% are in 11-18 age group
- 71% of girls in 11-18 years age group
- No. of boys reported missing is 16% more than girls
- 40% of all minors and 44% of all girls reported missing are illiterate
- 52% children are in 11-18 years age group and from poor families
- Only 6.33% children under 10 years from middle class families
- 57% minors left home of their own will/fear of parents/elopement
- 21% forgot their way home while playing/returning to their home
- 58% of those who have not returned are from poor households and over 10 years of age
- 56% minors are from families doing manual/labour/factory work
- Only 8% minors under 15 years reported missing from joint families
- 86% of girls under 15 years of age recovered
- 84% boys under 15 years of age recovered

The Delhi Police missing persons squad functions from PS Kotwali, which has details of all missing/traced persons and recovered Unidentified Dead Bodies (UIDBs). Particulars of all persons are updated on the Zonal Integrated Police Network (ZIPNET). A District Missing Persons Unit (DMPU) has also been established in each district for close monitoring and better coordination of cases. The DMPU has been provided a web-based computer programme and Broadband connection to upload the information of Missing Persons and UIDBs. The public can access this information on ZIPNET through any internet server. This mandatory system of reporting requires that all incidents of missing children across the country should be reported within 24 hours of occurrence.

ZIPNET (Zonal Integrated Police Network)

A web-based application developed at the Computer Centre, Crime and Railways, Delhi Police to share crime and criminal information with police of neighbouring states. The main objective is to maintain and share the real time information on crime and criminals, missing persons, unidentified dead bodies, and stolen/ unclaimed vehicles in a secured environment. Computer linkages have been set up in Delhi, Karnal, Meerut, Gurgaon and Jaipur. The information is regularly updated by all states.

ZIPNET is an excellent mechanism that can help prevent trafficking of missing children and forge stronger partnerships between inter-state law enforcement agencies in the fight against trafficking.

Positive outcomes

- A web-based computer linkage established between Delhi, Rajasthan, UP and Haryana.
- Home page of the ZIPNET site www.tempweb23.nic.in can be accessed by the public to assess the progress of missing children cases.
- The system saves substantial time, effort and cost in information exchange.
- Information shared on-line enabling fast remedial services.
- Day-to-day crime information shared to enable quick action.
- A valuable, single-point resource for flashing the latest information, description and portraits of suspects/ wanted criminals to raise awareness among the public and share information with other police stations and states.

Good practices

- Prompt reporting of missing children.
- Prompt dissemination of intelligence to law enforcement agencies.
- Assisting law enforcement agencies to trace children.
- Providing timely feedback to law enforcement agencies about children who have returned.
- Web-based intelligence gathering and dissemination system to ensure quick and effective response.
- Facilitating inter-state collaboration by sharing on-line data on missing children and suspected offenders.

Prevention–Andhra Pradesh–28

How the preventive section of Cr. PC can be effectively used against traffickers – The AP experience

Abstract

This case highlights the power of section 133 of Cr. PC that gives authority to the Magistrate to pass conditional orders against the conduct of any trade or occupation in any place that encourages trafficking and prostitution. It also illustrates how this power was used to order closure of one lodge and warn other lodges to desist carrying on/ permitting prostitution within their premises.

The case

The murder of newsreader Badiga Lakshmi Sujatha in a lodge in AP, highlighted the problem of unregulated activities in lodges. During investigation, police discovered that the lodge encouraged trafficking of young girls and women for prostitution. The management of the lodge was charging extra to provide young women and girls to their guests.

Police Commissioner uses S.133 of Cr. PC to close down the lodge

Since periodic raids and rescuing minor girls from lodges is not a long-term solution, the Police Commissioner, Vijayawada exercised his power as the Executive Magistrate (Police Commissioners are empowered as Executive Magistrates in the Commissionerate system). He issued a closure notice under S. 133 (1) (b) Cr. PC, passing conditional orders against the manager of a lodge in Governorpet, Vijaywada, AP for encouraging trafficking of young girls for prostitution in his lodge. The most important point to be noted is that the Criminal Procedure Code, Schedule (II) form 20 Pertains to order for removal of nuisance U/s 133 Cr. PC. Further 'no order duly made by a Magistrate under this section shall be called in question in any Civil Court' vide Sec. 133 (2) of Cr. PC.

The process of invoking the provisions of Cr. PC in combating trafficking

As soon as a police officer, initiates a report to the District Magistrate, Sub-Divisional Magistrate or any other Magistrate specially empowered by the State Government, regarding 'conduct of any trade or occupation' such as sex trafficking which 'is injurious to the health or physical comfort of the community', the Magistrate can pass a conditional order to desist from carrying on such trade or occupation. This is an extremely powerful legal provision under which lodges, hotels, public guest houses, etc. are liable to be closed down, if found to be used for trafficking and CSE.

ANAND'S WORD OF CAUTION TO LODGE MANAGERS

The Hindu, 15/02/07, Andhra Pradesh – Vijayawada

As the murder of newsreader, Badiga Lakshmi Sujatha, in a lodge in Governorpet brought to the fore the problem of unregulated activities in lodges, the city police decided to act tough. The police found that the staff of Vajram lodge in Gopuvari Street, in Governorpet, where Sujatha was killed, permitted the two persons accused of killing her to check in without verifying the address and phone numbers furnished by them. Nor were any other details taken. [.....] During investigation, police found that immoral trafficking was going on in the lodge and the management was encouraging prostitution by collecting extra amounts from its guests. While asking the management of the lodge to close down within 10 days, the police also asked the managements of all lodges in the city to verify the credentials of their guests before renting out rooms. Police Commissioner C.V. Anand directed the managements of all lodges not to allow any immoral trafficking or any other illegal activities, which would make them liable for prosecution and could lead to closure of their lodges. He advised them to take the complete details of their guests before allowing them to check into the rooms.

(<http://www.thehindu.com/2007/02/15/stories/2007021514360300.htm>)

The impact

This kind of police monitoring on the activities of lodges and hotels sends a strong warning to the owners of establishments that offer space for CSE of women and young children. It deters them to promote trafficking or allowing their premises to be used for illegal activities. Proactive policing makes the 'human trafficking business risky and sends a message to establishments that they are under the strict scrutiny of the police.

It is an effective strategy to combat non-brothel based prostitution and prevent trafficking of young girls for sexual purposes.

Prevention–Karnataka–29

Trafficking of infants: Sale of babies through nursing home, an interstate racket busted

Abstract

This case study highlights a comparatively new method of trafficking through the selling newborn babies. It illustrates the process followed to gather intelligence that helped in busting an inter-state trafficking racket and resulted in the arrest of 8 gang members.

The Case

The Bangalore city police, under the leadership of ACP, Central Crime Branch, busted a well-organized baby selling racket in Bangalore, on 28/07/2003. The crackdown came after a team of decoys pretending as childless couples, bought a 14-day-old female infant, born to Arooru Kuppam, in Besant Town, Tamil Nadu. The baby was bought from a Nursing Home in Bangalore after paying an amount of Rs. 80,000/-.

GIRL CHILD FOR RS 80,000, BOY COSTS MORE

BANGALORE: 28th July, 2003

The police busted a well-organised baby sale racket in the city, on Monday. The crackdown came after a team of decoys pretending to be childless, bought a 14-day-old female infant from a city hospital for Rs 80,000/-

Before handing over the baby, the decoys were handed a set of fake papers, claiming among other falsities, that the baby was born in the hospital. The decoys collected the doctored certificates from A1 - the receptionist of the nursing home and the racket's lynchpin - after paying her the money. After the baby and the certificates had been collected, the police swooped down on the gang members.

The Investigation

Rigorous investigation revealed that this gang has been involved in trafficking of newborn babies under the guise of adoption. A1 had sold a male child in the year 2001, born at a welfare centre, Ullala, Dakshin, Karnataka, by fabricating the birth certificates at the same Nursing Home where the decoy customers had purchased the girl child.

The false birth certificate showed that the boy was born to the couple who has purchased the infant from the gang. The owner of the Nursing Home, A3, had signed the certificate. Based on this document, the Bangalore Mahanagara Palika (Municipal Corporation) unknowingly, issued a birth certificate to the fake parents. Further probes and deeper investigation by the Karnataka Police, revealed that the nursing home had managed to sell many children to childless couples, under the cover of "adoption", by providing false information and fake documents.

Police arrested all the 8 members of this organized adoption racket:

- A1: Receptionist of the Nursing Home**
- A2: Receptionist, of the Nursing Home**
- A3: Doctor and owner of The Nursing Home**
- A4: Sister of A2**
- A5: Second sister of A2**
- A6: Husband of A2**
- A7: Resident of Chennai (Male)**
- A8: Resident of Chennai (Female)**

Subsequently, charge sheets were filed against all the 8 accused u/s. 120 (B), 372, 373, 420, 468, 471, 342 r/w 511 IPC and Sec. 23 of Juvenile Justice (Care and Protection of Children) Act 2000. The case is pending trial. After this investigation, several nursing homes and adoption agencies in Bangalore and Chennai have come under the surveillance of law enforcing agencies for their "notorious role" in perpetuating child trafficking under the guise of adoption.

Modus operandi

The adoption racket is a highly sophisticated, well-organized, meticulously planned multi-million rupees business venture involving a network of nursing homes, government hospitals, social service organizations

and adoption agencies. The organized gang operated in Karnataka and Tamil Nadu with the help of the Nursing Home owner who is a doctor. Gang members used to visit remote villages of both states to identify poor families who are economically pressured to sell their children and are thus becoming easy prey for traffickers. The gang members would establish contact with these families and buy the children by paying them a pittance, while the hospital would admit barren women pretending they were pregnant. Then, the nursing home would sell the procured children to these women. The buyer would approach the sellers through a contact, usually a former customer or someone inside the gang. The transactions were strictly confidential and the seller was accepted only after his/ her bona fides were thoroughly examined.

As a rule, male babies cost more. A female baby cost anything between Rs. 80,000/- and Rs. 2 lakhs/- while male babies were at a 50% premium. Fair, healthy babies were dearer than dark, unhealthy ones. After a deal was struck and the price and sex agreed on, the sellers would procure the baby who was called a 'product'. The 'products' were sold with counterfeit certificates from the concerned nursing homes. Sellers even arranged a birth certificate from the Municipal Corporation. Under the guise of promoting adoption and helping childless couples out of social ostracism, this nursing home indulged in illegal, unethical and fraudulent means to buy and sell children. Prompt police action and meticulous intelligence gathering, helped the police to crack down on this trafficking racket.

Prevention–Maharashtra–30

Pune city police on human trafficking: Role of Social Security Cell, Crime Branch in prevention, protection and prosecution of trafficking cases

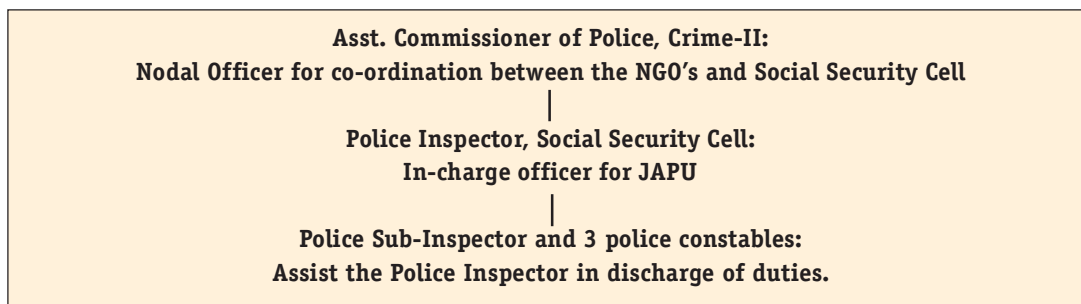
Abstract

This is a case study depicting the initiative of the Social Security Cell (SSC), Crime Branch, Pune city police to ensure prevention, protection and prosecution of trafficking cases. It details the structure, functions and strategies adopted and the success stories of this initiative.

The Initiative

On 7/2/2001, the Social Security Cell (SSC) in the Pune Police Commissionerate was constituted by reorganizing the Crime branch. Its primary objective was to rescue women and child victims of trafficking, support them for adequate rehabilitation and restore or reintegrate them with the help of partner NGOs. This cell also maintains records on crime against women, reconciliation of families through counseling and records of missing persons. Another important function of the cell is to help children in distress or in conflict with the law. To maximize support to these children, a separate Juvenile Aid Police Unit (JAPU) was created on 26/01/2003, as part of the (SSC), under the supervision of the Inspector of Police Social Security Cell, Pune. JAPU, Juvenile Welfare Board and NGO's such as Child Line and SWAT are working together to respond to the need of children in distress and in difficult circumstances.

Structure of JAPU



Duties of JAPU

- Registering cases under the Juvenile Justice Act, 2000, Child Marriage Prevention Act, 1959 and other legislations.
- Investigation of cases regarding missing children.
- Producing missing children before the Superintendent Juvenile Welfare Board and sending them to an Observation Home for protection. Tracing the parents/ relatives of the children and returning them to their parents.
- Maintaining registers of information regarding missing children.
- Producing juveniles before the Superintendent Child Welfare Board and by the order of Board placing the children in Shelter Homes and tracing their parents/ guardians to return the children to them.
- Helping in the rehabilitation of children from destroyed families, and abandoned newborn babies with the help of NGO's.
- Providing children with medical aid, following relevant legal procedures and helping in their rehabilitation.
- Preventing child marriages and following up on relevant legal procedures.

Convergence with services available in Pune

The following government and non government organizations are assisting the SSC for the care and protection of rescued victims and providing information on trafficking of women and children (CSE, forced labour or any other form).

- 1) Boys Observation Home/ Children's Home, Shivaji Nagar, Pune
- 2) Girls Observation Home/ Children's Home, Shivaji Nagar, Pune
- 3) Government Special Home for Girls, Mundhava, Pune
- 4) Girls Observation Home/ Women's State Home, Mundhava, Pune
- 5) Aasha organization, Faraskhana, Pune
- 6) Pandit Jawaharlal Nehru Employment Center, Yeravada, Pune
- 7) Child Line, Pune

Sustained efforts by JAPU have made a tremendous impact on anti human trafficking.

BROTHEL/ NON-BROTHEL BASED RESCUE OPERATIONS BY JAPU					
Year	Number of rescue operations	Number of Minors rescued	Number of women rescued	Number of male traffickers arrested	Number of female traffickers arrested
2005	28	71	62	08	57
2006	46	92	46	43	118
2007 (July)	36	34	25	97	19

JAPU success stories: some media reports

Nine girls rescued from Budhwar Peth brothels

Source: <http://cities.expressindia.com>

Pune, July 23: In a combing operation, nine girls were rescued from Budhwar Peth red light area in the wee hours of Sunday. The raid was carried out at four places and two women have been arrested for allegedly owning the brothels. A joint team of the Social Security Cell of Pune Commissionerate and Faraskhana crime branch undertook the drive between 2:45 am and 3 am on Sunday morning. The rescued girls are reported to be natives of West Bengal. The arrested — B and R — have been booked under sections of the ITPA and Indian Penal Code (IPC). [.....] The rescued girls belong to the age groups of 16 to 27 years. The girls were lured with a promise of being provided a job in Pune and were sold to brothel owners. The Faraskhana police is investigating the case.

Massage parlour raided

(<http://cities.expressindia.com>)

Pune, June 11: The Pune police on Saturday raided a massage parlour-cum-ayurvedic health centre in a posh building at Aundh where prostitution was allegedly going on. Police said the Body Fitness and Ayurvedic Health Centre Parlour was being run in a second floor flat at Vaishnavi Apartments building on D P Road for the last one-and-half years. Police said parlour owner N, had "employed" three women. Police said N used to claim that she provided services such as vibrator therapy, ayurveda relaxation and others. The police received a tip-off. A dummy customer was sent who confirmed the racket. The raid was carried out by a team comprising ACP Suresh Pote, PIs Rajendra Joshi and Satish Jadhav, PSI Manisha Zende and constables Dhanashri More, Urmila Bhandalkar, Rafik Mhaskewale and others. A case was filed under the ITPA. This is a typical case of prostitution under the guise of a massage parlour.

Prevention–Chandigarh–31

Proactive policing by Chandigarh police in combating child trafficking for exploitative labour

Abstract

This case study highlights police proaction in rescuing two minor child labourers from a street shop. It also focuses on the rehabilitation plan being followed up by the Chandigarh police along with the Children's Welfare Committee, Chandigarh.

The case

These newspaper reports: '*Rs. 1000/- – 2000/- given to parents to procure children*' and '*6 children confined in an 8 foot room*' published in the Dainik Bhaskar on 03.03.07, motivated Inspector Hari Kumar, in charge Woman and Child Support Unit, Chandigarh Police to act immediately with his unit staff. As the team reached House No. 1584, Sector 52 another police party headed by SI, in charge PP- 61 searched the place, simultaneously. Two 13-year-old minors, LB from Harpur Bazar, UP, and P from Siswania District UP were found in a small room.

Investigations revealed that these children had been brought by A, R/o Gavan Sahah District, Kushi Nagar (UP), who had taken their parents' permission to deploy them as salesmen selling namkeen (savouries). He would send Rs. 800/- per child, per month, to their parents. During the rescue operation A was not present in the shop.

Both the children were medically examined at the General Hospital and no injuries were found. Both were produced before the Child Welfare Committee, Chandigarh that sent them to the superintendent of the Juvenile Justice Home in Chandigarh, for care and safe custody.

The police traced the permanent addresses of the children's parents and established contact with a local NGO. The NGO assisted the police in conducting a home study and counseling sessions with the family members, prior to restoring the children to their parents.

The Chandigarh police have developed a plan of action in collaboration with local NGOs and local clubs, to keep a vigil on these children, as well as on the villages of Harpur Bazar and Siswania District as these are the main sources of child labour.

The police have also initiated a social awareness programme for child labour prone villages to raise awareness on the consequences of child labour and the risk of falling prey to traffickers while at work. The local NGO has also started non-formal education for the children of identified villages, in collaboration with the Department of Women and Child Development, Chandigarh. Health camps have also been organized in the villages with the help of voluntary medical practitioners, to provide treatment for basic illnesses primarily to women and children.

Positive outcomes

- This project aimed at creating trust between the government, police, villagers and local NGOs working together against trafficking for child labour.
- The initiative enabled a positive environment for the children of the identified villages to grow up as respected individuals.
- The police-community relationship has been strengthened and resulted in receiving information on possible cases of trafficking for child labour.

Prevention–Goa–32

Sub divisional Magistrate closing down places of commercial sexual exploitation and preventing human trafficking: A case study from Goa

Abstract

This case details out the prompt and firm action taken by the SDM to close down the premises which was being used by exploiters for commercial sexual exploitation of women and girls. The case is particularly important as it describes the challenges before the law enforcement agencies in preventing and combating human trafficking and how one can overcome these challenges and ensure delivery of justice and also prevent human trafficking. The role of Anti-Human Trafficking Unit (AHTU) in prevention is another highlight of the case.

The case

On the orders of the Subdivisional Magistrate (SDM) Goa, u/s 16 ITPA, the subdivisional police officer (SDPO) rescued two young women from a residential building where they were subjected to commercial sexual exploitation. When they were produced before the SDM, he ordered aftercare u/s 17 ITPA. The State Protective Home cum Reception Centre at Merces, Goa took the intermediate custody of the victims and were provided with shelter at the Government run protective home. On the SDMs orders the In-charge of Protective Home provided them with adequate care and services, including special medical care and psycho-social counseling so as to help them overcome the trauma. Simultaneously, SDM was also exploring the possibility of re-integrating these victims to their families by directing the Probation Officer to conduct home investigation for both the victims, to assess the family situation and the suitability of the family environment for their return to the family, besides planning for an institutional rehabilitation programme.

The Investigation

Ossification test was conducted on both the victims to confirm their age by the police, Verna PS u/s 17(2) of ITPA. The tests confirmed them as minors. Goa police was directed by the SDM to investigate the case u/s 5 of ITPA. The case was taken up by the Goa police officials working with the AHTU. Professional investigation was carried out by them. In the meanwhile, an application for release was filed on behalf of the victims, before the SDM by the suspected offenders. SDM dismissed the plea as both the girls were in Government protective custody. Moreover the SDM had declared the girls as victims and not as accused, even though initial reports by police were to the contrary.

After trauma counseling when the counselor of the Government run Protective Home (GPH) certified that both the girls are mentally stable and comfortable to speak to the police and the SDM, their statements were recorded by the SDM in presence of the counselor. The statement revealed that both the girls were procured from Andhra Pradesh by the accused, A1 by promising them 'baby-sitting' jobs in Goa. Both the victims V1 and V2 stayed in the flat, owned by A1 and were forced into commercial sexual exploitation by A1. His car driver, A2 used to contact customers and negotiate rates per night. Both V1 and V2 were told by A1 that they will be receiving Rs. 1000/- for one customer and Rs. 1500/- for two customers per night. But, A1 maintained customers' register and used to take away all their earnings. V1 and V2, only received very little share from the 'earnings'.

Based on these statements, the SDM conducted a discovery Panchanama. There was disclosure by the victims that they would help the investigation team to locate the residential flat, which was being used for commercial sexual exploitation (CSE). The team was lead by SDM himself and included an Executive Magistrate of Mormugao, officials from the GPH (Goa protective Home) along with two victims. They proceeded to the flat for verifying the statement by the victims. Immediately, after confirming that the said flat was used for CSE, SDM summoned the Police Inspector. An office memorandum was issued to

inform the Sub Divisional Police Officer Mormugao Taluka that the said flat/premises was being used for prostitution and to direct him to register an offence u/s 5 of ITPA against A1. Copies of the statements by both victims along with the discovery Panchanama were forwarded to the Sub Divisional Police Officer, for lodging FIR against the said A1 and for the purpose of further investigation. The I.O. was informed that the documentation/ record disclosed a serious crime of human trafficking for CSE and that the FIR has to be forwarded to the Judicial Magistrate, Goa, who has jurisdiction in criminal matters.

The case took a new turn, when SDM found out that A1 is also in the protective custody in the GPH as a victim u/s 16 ITPA and police had recovered cash, mobile phone, ATM card, Pocket diary from her. This time as well, the same advocate, who appeared for the V1 and V2's bail plea, submitted a bail application for the release of A1, before the SDM. But again it was rejected on the same grounds as V1 and V2's bail plea, as A1 was in protective custody as a Victim and not an accused at that very point of time.

Now, based on the statements of V1 and V2 and the inquiry reports an FIR was lodged against A1. Officer in charge of GPH was directed to keep V1 and V2 separately from A1 so that all chances of intimidation are ruled out. After registering a case u/s 5 against A1, she was taken into the custody, where upon the Judicial Magistrate, remanded her to Police custody. An interesting turn where the accused was lodged as a victim in the Government Home meant for victims and the inquiry by SDM turned tables, bringing to light the reality and thereupon the accused was dealt with appropriately.

When most of the strategies of traffickers' network failed to intimidate the victims in order to manage the release of A1 on bail, the advocate (A3) appeared for the release of two victims and also sought permission to visit the Protective Home to meet the victims. Serious allegations were leveled against the SDM for detaining the two victims, for violating their fundamental rights and for denying legal assistance to the victims. SDM stood firm in his action and vide order dated 16.08.2006 rejected A3's application to meet the victims as inquiry in terms of S. 17(2) ITPA was in progress. SDM also rejected A3's request for copies of inquiry report, stating that it is too premature to share with the advocate (A3). In between this intense struggle by the SDM to bring the suspected offender to justice, Incharge of Protective Home informed SDM that 7 inmates of the Home, including the two in the current case have escaped.

While police started an immediate look out for the victims, the IO was made to file a report u/s 18 of ITPA for closure of the flat (the place of CSE). Along with the report, the IO sent the keys of the locked flat. Notices were issued to the A1, besides the owner of the building. On further investigation, it was revealed that A1 had executed an agreement for Sale of the flat with the owner of the flat. The I.O. was examined and was also cross examined by the defendants. The IO revealed that the personal belongings of the victims were found in the said flat and that the case is under investigation, awaiting a report on the questioned documents from the Government Examiner of Questioned documents (GEQD) at Hyderabad.

The matter reached the Sessions Court where the parties contested the orders of the SDM. Since the proceedings u/s 18 ITPA were still in progress and not yet concluded, the Session Court directed the SDM to hand over the keys of the said flat to the I.O. within 24 hours and IO was directed to handover the keys to the A1 within 48 hours. In the meantime, the SDM as per the quasi-judicial authority vested in him u/s. 18(1) ITPA, exercising due care and attention, observing all principles of natural justice and after considering all materials on record as well as the arguments advanced by the defending Advocates, passed an order on 6 September 2007, ordering closure of the place of CSE.

The Highlights

The proactive step undertaken by the SDM with the Goa Police forming part of the Anti-Human Trafficking Unit (AHTU) is unique and unparalleled in Goa. Despite the twists and turns as well as the challenges encountered in the process of enforcing the law, the SDM followed the principles of law in letter and spirit and closed down the premises used for CSE, mostly run in the name of sex tourism. The stringent law, in the statute since 1986, was rarely invoked. The empowerment programme by the UNODC officials

had strengthened the hands of the law enforcement agency with the legal knowledge and skills required. The SDM, through this order has sent out a strong message to all those who violate women's rights. It is a message to those who exploit women in flats, buildings and such other places. One was under the impression that CSE in a brothel alone can be dealt with under the law. The SDMs initiative has brought to light the fact that any place where CSE takes place is a brothel and it can be closed down after following the due process of law. This case has also proved the point that legal action will be taken against all people, regardless of their social position, if found guilty. This is an effective strategy to combat non-brothel based prostitution which would result in preventing trafficking of young girls for sexual purposes. This proactive action has spread the message loud and clear that any establishments/ places that are being used for trafficking and CSE, are under the strict scrutiny of the SDM, duly supported by the police. No doubt, the action by the SDM has been instrumental in preventing CSE of several women and girls. Hence it is an excellent case of prevention of human trafficking.

Excerpts from the judgment:**IN THE COURT OF SUB DIVISIONAL MAGISTRATE, MORMUGAO, VASCO**

It is necessary to first go into the definition of "Brothel", which as per the act includes any house, room (conveyance) or place which is used for purposes of sexual exploitation or abuse for the game of another person or for the mutual game of two or more prostitutes. [.....] The premises (in question in this case) is being used by respondent no.1 squarely fits into the definition of Brothel as defined u/s.2 of I.T.P.A. Act. as the same has been used for sexual exploitation for gain of both victims as well as respondent no.1. After following due process of law, and hence I proceed to pass the [...] order.

ORDER

The Respondent No. 1 shall be evicted within 7 days from the passing of this order from the room/ premises, in the building owned by Respondent No. 2. The flat shall be closed and sealed after handing over all the belongings to Respondent No. 1 and the Keys of the said flat/ brothel shall be kept under custody of I.O./ S.D.P.O., Mormugao, in compliance of this order after conducting a panchanama which shall be submitted to this court. The flat/ brothel shall remain attached/ sealed for a period of one year from the date of this order i.e. till 6th September 2008 on which date the keys shall be handed over by the I.O. to the Respondent No. 2 who is further directed that the flat or portion thereof shall not be leased out or otherwise given on rent.

Prevention–Maharashtra–33

Confiscation of Proceeds of Crime: A deterrent step against traffickers – Initiatives by NGO and Police in Mumbai

The Case

In Mumbai, trafficking for commercial sexual exploitation (CSE) has many faces, one of them being advertisements in Newspapers for “massage services” at specific locations or at exclusive hotels, where CSE takes place under the façade of a legal activity. Upon an extensive investigation undertaken by the Social Services branch of the Enforcement Division of the Mumbai Police, it was discovered that one of the biggest players Mr. D, is running a call girl racket with 5-6 girls in the city and had a track record of trafficking young girls into Mumbai City. After 5 months of investigations, it was discovered that the girls were kept in flats in areas such as Jogeshwari and Lokhandwala in Andheri (west Mumbai). All the addresses in the newspaper advertisements were registered shops located in bungalows in Andheri (west) Mumbai. This particular shop was registered in the name of a film agency. D was running this ‘call girl racket’ with the help 6-12 pimps who are spread across Mumbai and are connected through mobile phones. When a customer, on reading the newspaper, would make a call it would go to a mobile pimp anywhere in Mumbai. The pimp would confirm the location and verify its safety before calling the shop. The shop would then call a person who owned a transport agency. A car from the transport agency would go to the flat where a pimp would pick 2-3 girls from the control of a madam and supply them to “customers” either at their home or at a particular hotel in Mumbai. The enforcement branch was able to arrange for the phone records of the pimps from the mobile companies and connect the evidence between the mobile pimps, the shop, the transport agency and the flats where the girls were kept. Finally on the 16th of December, 2003, the Social Services Branch of the Mumbai Police undertook two undercover operations at two plush hotels in Mumbai rescuing 5 girls and arresting two of the kingpins.

The investigation

Investigation revealed that one of the rescued girls was trafficked from Assam to Mumbai by the transport owner (A1) and was starved till she agreed to prostitute herself. She was rescued when she was hired by a well to do middle aged professional in Mumbai. During the course of the investigation, the social services branch traced the calls on mobile phones, followed up the movements of cars, and was able to rescue other girls from flats in Lokhandwala and Jogeshwari. Another girl, who was rescued by the police, revealed that she is postgraduate and was working for a multinational company in Mumbai, before she was trapped by this racket. Her fate changed, when she did the mistake of responding to a newspaper advertisement for models required in a photo shot and was trapped by these mobile pimps as “call girl”. Professional investigation of the case by specially trained police officers led to unearthing the illegal assets acquired by the offenders. Such assets borne out of the fruits of crime could be movable or immovable. Confiscating such assets is the best mechanism to deal with the traffickers, though this step has been rarely resorted to. Considering these facts and circumstances, it was decided to confiscate the proceeds of crime in this case by using the provisions of section 105-C to 105-J of the Criminal Procedure Code. After thorough investigation the Social Services Branch of the enforcement division of Mumbai police collated all relevant records and invoked the provisions of section 105-C to 105-J for confiscating and forfeiting the flats, cars and other properties that were found to be resulting from the proceeds of the crime. The fact that the affected persons were unable to explain any other source of income for purchasing these assets, was an important aspect which came up during investigation.

The importance of utilizing the provisions of section 105-C to 105-J

Trafficking criminals have the whole world as their field of operation. They commit a crime in one country, deposits the money derived from criminal activities in an offshore bank in another country and takes refuge in yet another country. The widespread political, economic, social and technological changes as well as variations in legislation, procedures and policies in different countries on mutual assistance in

criminal matters have allowed organized crime groups to become increasingly active in the international arena. Transnational crimes are taking full advantage of globalization of world markets, dismantling of trade barriers, the increased ease of international travel, liberalized emigration policies, high-tech communications equipment and sophisticated money laundering techniques to enhance and further their criminal efforts and to forge alliances with other criminal groups. Trafficking of human beings generates huge illicit funds which are often used to support other criminal activity, corruption, illicit arms trading, the smuggling of goods and currency, and other economic offences. The traditional enforcement techniques aimed only at carriers and confiscation of the seized contraband no longer provides a sufficient deterrent. Besides the special legislations like Criminal law Amendment Ordinance 1944, etc, the provisions of section 105 of IPC, enable the enforcement authorities to confiscate all property, both movable and immovable, illegally acquired or accumulated, or for which investment is made from unlawful earnings. The property may be held in the name of traffickers themselves, or their relatives or associates as well as in benami names. The details are as follows:

105D. Identifying unlawfully acquired property.

(1) The court shall, under subsection (1), or on receipt of a letter of request under sub-section (3) of section 105C, direct any police officer not below the rank of Sub-Inspector of Police to take all steps necessary for tracing and identifying such property.

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property assets, documents, books of account in any bank or public financial institutions or any other relevant matters.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an offence mentioned in sub-section (1) in accordance with such directions issued by the said court in this behalf.

105J. Certain transfers to be null and void

Where after the making of an order under sub-section (1) of section 105E or the issue of a notice under section 105G, any property referred to in the said order or notice is transferred by any mode whatsoever such transfer shall, for the purposes of the proceedings under this Chapter, be ignored and if such property is subsequently forfeited to the Central government under section 160H, then the transfer of such property shall be deemed to be null and void.

The procedure followed for attachment or forfeiture of unlawfully acquired property or assets:

Step 1. Identifying the property

The court based on an application or information from the police officer, Investigating officer, prosecutor or any person that convinces the court that some assets or property has been used in a crime, obtained from a crime or from the proceeds of a crime will order the police officer to do the following:

- **Tracing and identifying the property:** Tracing a property will require the police officer to determine the nature of the property, stating movable or immovable.
- Secondly, the source of the property needs to be determined i.e. past and present owners and the source of funds that they used to purchase the assets with the amount spent on the same.
- Thirdly, the disposition and movement of the property i.e. the state of the property in case of perishables, for example. The term movement is associated with the attempts made by the accused persons to sell the property or transfer the property especially when they know that there is a high degree or chance of the property being attached.
- Fourthly, the title and ownership of the property and the connection in case of benami properties to the accused person. After tracing the property the police officer gathered evidences or proof that establishes that the property was used in the crime or obtained as a result of the crime or derived from the proceeds of the crime.
- After tracing the property the police officer needs to gather evidence / proof to establish that the property was used in the crime or obtained as a result of the crime or derived from the proceeds of the crime.

Step 2: In case during an inquiry, investigations or survey of a property an attempt is made to conceal, transfer, or dispose the property, the property concerned should be the object of the inquiry, investigation or survey by the police officer. The officer can make an order to seize such property or where it is not possible to seize the property i.e. in case of a house or any immovable property then an order of attachment can be served on the concerned person that is making an attempt to conceal, transfer or dispose of the property. The order of attachment will stipulate that the concerned person cannot transfer or deal with the property without the prior permission of the police officer. The police officer on his/her part must confirm the order with an order of the court that authorised the police officer to undertake the inquiry, investigation or survey within 30 days of making an order of seizure or forfeiture. Section 105-E (1), (2) Cr. PC.

Step 3: The court may appoint the District Magistrate (D.M) of the area or any other officer nominated by the D.M to manage the properties seized under the provisions of section 105C to 105-J Cr. PC.

Where can the provisions of Section 105-D to 105-J be applied. What are the jurisdictions in which they can be applied?

The provisions of Sec 105-D to 105 –J can be applied in three clear jurisdictions as per Section 105-C.

- Within India by a Court in India. Section 105-C (1).
- Outside India i.e. in any country or place outside India that has a bilateral agreement or treaty with India that includes attachment or forfeiture of criminal assets. The letter of request in such cases can be passed by a court in India to the court or authority in another country where the criminal assets have been located or are suspected to be there. Section 105-C(2)
- Within India from a court outside India where such a request for forfeiture or attachment has been received by the Central Government where the criminal assets have been located within India. Section 105-C (3).

The appropriate police officer in case of attachment and forfeiture of assets shall not be below the rank of a sub-inspector of police. Section 105-D (1)

Step 4: Show Cause Notice: If the during the inquiry, investigations, or survey the police officer brings forth evidence that convinces the court that the all or any of the properties are from the proceeds of the crime, then a show cause notice is issue to the person concerned.

The person affected by the notice will, within 30 days of receiving the written notice provide evidence to the contrary and unless the court is satisfied otherwise will proceed to declare the assets as proceeds of crime.

In addition to the powers under section 105-C to 105-J, any police officer also has the powers under section 102 of the Criminal Procedure Code to seize any property which may be found in circumstances which create suspicion of the commission of any offence.

If the seizing officer is below the rank of an officer in charge of a police station he/she shall immediately report the seizure to the concerned officer. The seizure shall be reported immediately to the magistrate within whose jurisdiction the property was seized. The court shall give further directions on the disposal of the property.

Section 102 is wide enough to cover offences either in the Indian Penal Code or any penal statute but the key is that the property must be either suspected to be stolen or be found under circumstances which leads suspicion of an offence having being committed. The property that has been sized or frozen should have some nexus with the alleged offence which is under investigation of the police officer concerned. This would cover chance recovery under a special Act such as Immoral Traffic Prevention Act, 1956 provided the procedures are properly followed.

This provision would cover seizure of money in the bank or postal account, seizure of vehicle. However Section 102 as per case law cannot be used on immovable property such as House, lands, mountains, rivers, roads, streets similar properties.

In the case the property is held in trust on behalf of the person affected or if it's a benami property then the person who holds the property on behalf of the person affected shall also be served with a copy of the notice by the court. Sec 105-G (1), (2)

Step 5: Final Order: After notifying the person affected and giving the person the right to a fair hearing or a reasonable opportunity to be heard the court shall record its finding and whether all or any of the properties shall be declared as proceeds of crime. If the person affected does not appear before the court within 30 days of issuing the show cause notice of attachment and forfeiture then the court has the powers to pass an ex-parte judgement based on the evidence placed before the court. The property shall be forfeited to the central government free of any encumbrances. In the event of the assets being in the nature of shares of a company the central government shall be registered as the transferees of the shares. Section 105-H (1) to (4) Cr. PC.

Step 6: After the court has passed orders forfeiting any property to the central government and thereafter comes to notice that the basis of the order is that only a portion of the property may be proceeds of crime or that the court is not convinced that the said portion has been purchased through legitimate income, then the court may, after giving the person affected an opportunity to be heard, ask the person affected to pay a fine in lieu of the forfeiture. After payment of the fine the declaration of forfeiture shall stand revoked and the property will be released to the person affected. Section 105-I

Once an order is passed under Section 105-E or notice is issue under the Section 105-G, any subsequent transfer of property made by the person affected shall be null and void provided the declaration of forfeiture has been made to the central government.

The positive impacts

Usage of these stringent preventive sections of IPC has helped immensely to deter and disrupt the trafficking network at all levels of operation, including overseas, at the border, and in the interior of India. In accomplishing this goal, the Mumbai police have utilized a number of investigative techniques. These techniques include the application of expanded asset forfeiture laws; the use of wire intercepts; the establishment of an undercover proprietary business; and closure of brothels, notification of habitual offenders alongside regular rescue operations and good victim protection. This has led to successful prosecutions and a reduction in trafficking of crimes. No doubt, across the world, stringent law enforcement is one of the best tools for crime prevention.

Acronyms

A	Accused
ACP	Assistant Commissioner of Police
ADGP	Additional Director General of Police
AHT	Anti Human Trafficking
AP	Andhra Pradesh
APP	Assistant Public Prosecutor
APPA	Andhra Pradesh Police Academy
AS	Assam
C	Complainant
CARA	Central Adoption Resource Agency
CID	Criminal Investigation Department
CP	Commissioner of Police
Cr. PC	Criminal Procedure Code
CSE	Commercial Sexual Exploitation
CWC	Child Welfare Committee
DC	District Collector
D/O	Daughter of
DCP	Deputy Commissioner of Police
DGP	Director General of Police
DM	District Magistrate
DMPU	District Missing Persons Unit
Dy. SP	Deputy Superintendent of Police
DSP	Deputy Superintendent of Police
DWCD	Department of Women and Child Development
FSL	Forensic Science Laboratory
GO	Government Order
HC	High Court
HC	Head Constable
HT	Human Trafficking
IAHTU	Integrated Anti Human Trafficking Unit
IG	Inspector General of Police
IO	Investigating Officer
IPC	Indian Penal Code, 1860
ITPA	Immoral Trafficking (Prevention) Act, 1956
JAPU	Juvenile Aid Police Unit
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2003
JM	Judicial Magistrate
KAR	Karnataka
MAH	Maharashtra
MLA	Member of Legislative Assembly
MP	Member of Parliament
MWCD	Ministry of Women and Child Development
NGO	Non Government Organization

O	Offender
OC	Officer-in-Charge
<i>Panchas</i>	Witnesses
PNO	Police Nodal Officer
PP	Public Prosecutor
PRS	Prosecution
PRT	Protection
PRV	Prevention
PS	Police Station
PSI	Police Sub Inspector
RI	Rigorous Imprisonment
R/W	Read with
R/O	Resident of
S/O	Son of
SC	Scheduled Caste
SCRB	State Crime Records Bureau
SHO	Station House Officer
SI	Sub Inspector
SLP	Special Leave Petition
SP	Superintendent of Police
SSP	Senior Superintendent of Police
ST	Scheduled Tribe
TOT	Training of Trainers
TN	Tamil Nadu
U/S	Under section
V	Victim
VT	Visiting Team
WB	West Bengal
WHC	Women Head Constable
WPC	Women Protection Cell
WSI	Women Sub Inspector
UNODC	United Nation Office on Drugs and Crime
VOCSET	Victim of Commercial Sexual Exploitation of Trafficking
ZIPNET	Zonal Integrated Police Network



CAN I PREVENT TRAFFICKING? **YES YOU CAN**

- Be alert at all entry/exit points - railway stations, bus stops...
- Intervene when children and young women are found with suspicious persons.
- Strengthen community vigilance by prompt action.
- Do act on missing person's report - they may be trafficked.
- Never delay a rescue.
- Treat trafficking cases as grave crimes.
- Trafficking is an organized crime - break the networks.

ENSURE CONVICTION AND PREVENT TRAFFICKING

