

MINUTES OF THE MEETING OF THE STATE/UT NODAL OFFICERS FOR HUMAN TRAFFICKING, HELD BY ADDITIONAL SECRETARY (CS) FROM 10.00AM ON 27.6.2011

The 9th meeting of State Nodal Officers on trafficking in human beings was held under the Chairpersonship of Smt. B. Bhamathi, AS (CS),MHA on 27th June, 2011 to review progress in the light of the Comprehensive Scheme on strengthening the law enforcement response to trafficking through “Training of Trainers” (TOT) programmes and by establishing Anti-Human Trafficking Units (AHTUs), sanctioned by MHA and to review other measures taken by States/ UT Administrations for effective prevention, protection and prosecution. 34 out of 35 States/UTs and representatives of Ministry of Labour and CBI, among other invited Ministries concerned were present.

2. In her opening remarks, AS (CS) discussed the various parameters for review during the meeting and emphasized the importance of organized crime dimensions of trafficking. They included :-

- AHTUs set up and their functioning.
- Associating and nominating officers from other Departments of the States with AHTUs
- Status of State/District level training.
- Developing benchmark indicators for assessing performance after training.
- Enrollment in MHA-IGNOU Certificate Course on human trafficking.
- Status of documentation/State report on human trafficking.
- Facilitating inter-state activities on anti-human trafficking, generally measured in terms of parameters (with respect to the activities during the period April-June,2011) as follows:
 - Number of cases registered,

- Number of persons arrested,
 - Number of persons charge sheeted,
 - Number of children rescued during the period.
- Details and follow up of the cases pending in the Courts
 - Developing the profile of traffickers and organized gangs.
 - Understanding and dealing with the crime from the organized crime perspective.

3. AS (CS), MHA apprised the members about the deliberations at the All India Police Congress (Dehradun, 21-22 June 2011) where Director CBI and other DGsP came to a consensus that database on trafficking gangs should be developed by various States and shared with CBI/MHA. Further, a strong need was expressed to institutionalize investigation into all cases of missing children, in view of its links with human trafficking.

4. Initiating the discussions, AS (CS) briefed the participants on the nature, extent and dimensions of human trafficking and outlined the challenges faced by local police and other stakeholders in dealing with the issue of human trafficking. She emphasized to the delegates the need for enhancing law enforcement response through capacity building and infrastructure development, so that offenders are arrested, proper investigation is carried out, resulting in filing of charge sheet and eventually conviction of offenders. She also exhorted the participants for change in attitude towards the victims and vulnerable persons and developing a victim centric/human rights-oriented approach in their response.

5 a. The representative of Ministry of Labour, Director, Labour informed that their Ministry has developed a 'Protocol on prevention, rescue, repatriation and rehabilitation of trafficked and migrant child' of 2008 and it has been circulated by Ministry of Labour

to all State Labour Departments and the same is also available on the website. The protocol laid emphasis on, for close cooperation of Departments of Labour, Police, Women & Child Development, NGOs etc. at the state level, during rescue operations. He informed that to rehabilitate the child victims, Ministry is running 9000 NCLP Schools operating in 266 districts of the country. He informed that the Ministry provides grant-in-aid for opening of schools by NGOs for catering to 'bridge education'. He appealed to the police to support the Labour Department during the rescue operations carried out by them.

5.b The representative of Sikkim informed that they have rescued 26 children about a week ago. The representative of West Bengal also informed about rescue of three children and difficulty encountered in rehabilitation who are kept in shelter homes as there are no child labour schools. The Nodal Officer from Sikkim and other North Eastern States also expressed that there was non availability of bridge schools in these States. Director, Labour informed that they have no NCLP schools in North Eastern States except Assam who only asked for assistance. Other NE States had declared their States to be child labour free. He further, informed that 16 Child Labour Schools in Howrah and 24 parganas districts have been established in West Bengal. He also informed that NCLP scheme is being implemented as grant-in-aid scheme and Ministry has given 75% for opening child labour schools. JS(CS) advised the Sikkim Nodal officer and other NE State officers to seek grants in aid from Labour Ministry with information to MHA, as many instances of child labour trafficking from NE States are reported.

(Action : NE States/Sikkim/Ministry of Labour)

5.c. The representative of Kerala informed about rescuing of 372 child laborers working in hotels and restaurants as part of the special drive to prevent human trafficking and sought cooperation of State Labour Department. AS (CS) desired that a detailed reports in this regard may be sent by Kerala to Ministry of Labour, with a copy to MHA. She further stated that the police department needs to investigate whether the children were brought by trafficking and once investigation establishes crime of human trafficking, involving buying or selling etc. of a child, then on that basis criminal

action against traffickers needs to be taken, irrespective of the age of the child or whether the labor involved was hazardous or not. Representative of the Labor Ministry was asked to closely co ordinate with the State government on the HC case mentioned by the Kerala representative, from this perspective.

(Action : Ministry of Labour/Kerala)

5.d The Nodal Officer from Kerala inquired if black listing of the government contractors engaging child labour was possible; to which the MHA advised that the State government must complete the investigation from the human trafficking angle and submit the report to Ministry of Labour requesting for blacklisting under intimation to MHA.

(Action : Kerala/Ministry of Labour,)

5.e AS (CS) mentioned that MHA has already requested Labour Secretary, Govt. of India to advise State Labour Departments to nominate and designate officers who can be part of AHTUs and who should be nominated in the State/District level training. She told the representative of Labour Ministry to follow up on the matter with the State Labour Departments. The contact details of the Labour Ministry's representative were shared with the participants viz email id goutam.roy@nic.in and Telephone No. 23766904 (O).

(Action : Ministry of Labour)

6.a. The next session was a presentation on the organized crime of human trafficking. The representative of CBI, Shri Ashok Tiwari, DIG made an oral presentation wherein following points were stated:

- As per High Court directions, CBI has established Criminal Intelligence Cell (CIC) to collect and share data on missing children and gangs operating in the area. For this purpose all the States have to provide the information on missing children, gangs involved and profile of

traffickers/gangs. Some of the States are regular in sending the details but no regular information is received from a majority of the States. He informed that a proforma has been devised and is available on the website of CBI. A copy of the proforma was also circulated to all nodal officers present in the meeting.

- A three-day training will also be organized for States/UTs Nodal officers on the organized crime dimensions of human trafficking by CBI.
- CBI is the Nodal Agency for co-ordination on UN Convention of Organized crime.
- Requested the State Governments to refer the cases to CBI for further investigation where they find organized crime angle.

6.b The CBI representative made a presentation on the organized nature of the crime in human trafficking, on missing persons, particularly, children; the procedure to be adopted while investigating the crime from organized crime perspective. and provided inputs on investigation, including establishing crime linkage, pattern of trafficking and assets seizure. CBI requested that some AHTUs may be set up in CBI.

6.c Representative from CBI also expressed the need for considering cyber crime dimensions in organized crime of trafficking to deal with pornography. CBI was advised to provide a draft advisory to MHA to invite the attention of States on any issue CBI wishes to highlight in connection with the organized crime of human trafficking.

(Action : CBI)

6.d The Chairperson summed up the session as follows:

- Each State to send monthly report to CBI on missing persons, in the proforma as provided by the CBI along with the photographs of the missing persons and apprehended/suspected traffickers under intimation to MHA/NCRB.

(Action : States)

- CBI may use the data already available with them to see and investigate the organized crime perspective.

(Action : CBI)

- List of traffickers in each State to be shared with CBI and the nodal officers of various States, where they are operating as per investigations.

(Action : States)

- CBI to provide an application based SOP and checklist for organized crime component during investigation before the next review meeting to MHA.

(Action : CBI)

- JS (CS) to develop a group mail for all MHA/AHTU nodal officers and the CBI.

(Action : MHA)

- The State police to put up the case to the State government for its consent in case the case is fit to be taken up by CBI keeping inter- state ramification and cross border considerations in view.

(Action : States)

- The Nodal Officers to co-ordinate with Delhi Police for the Delhi High Court's order and the Delhi government standing order for registering missing cases as an FIR under IPC sections.

(Action : States)

- Nodal officer, Andhra Pradesh was requested to provide a copy of the relevant procedures under the Madras Police Manual, 1912.

(Action : AP Nodal Officer)

- MHA will examine the request of CBI for setting up AHTUs in CBI

(Action : MHA)

- The email id of CBI was shared hobsc1@cbi.gov.in

6.e. AS (CS) informed that a very detailed missing persons module has been devised by the NCRB under CCTNS and the same will be circulated to the States. Nodal Officers can share this module with SPs/HSs/DGsP and DMs for further awareness and sensitization. Andhra Pradesh representative informed that Government is inaugurating the website namely, missingperson@ap.gov.in and missingandfoundpersons@ap.gov.in. AS(CS) requested all State Governments/UTs to explore the possibilities of registering FIRs in cases of missing children as is being done by Delhi Police and some other states.

6.f.1 Dr.P.M. Nair, IPS, who was invited as a resource person to discuss the issues of investigations into human trafficking crimes from the perspective of organized crime, explained the concept of source, transit and destination in trafficking and various players involved in the organized crime of trafficking. He provided a checklist for comprehensive investigations and charge sheets, which included:

- Investigating the crime at all points, including source, transit and destination.
- Investigating into push and pull factors.
- Investigating into all the offenders (spotter, recruiter, buyer, seller, transporter, harbourer, financier, abuser, violators, conspirators including the 'rapist' who is often wrongly called as 'customer.'
- Investigating into all dimensions of the 'demand' and taking action against all those who create and perpetuate demand.

- Investigating into all proceeds of crime, taking steps for assessment, forfeiture and confiscation of all such fruits of crime.
- Developing a format for home verification (an available model was cited).
- Report of counselor/psychologists to be obtained and made part of investigation.

6.f.2. Dr Nair also suggested that the preparation and presentation of case records are as important as investigation. He advised use of IT for presentation, as many courts have appreciated use of technology. He also discussed several other issues related to 'victim-friendly' investigation, as well as 'comprehensive and holistic investigation', which includes the following:-

- Assessment of 'harm' to the victim and documenting the same and presenting it to the court.
- Asset verification through income tax and PWD officials before asset seizure under Criminal Law Amendment Ordinance, 1944
- Organised crime perspective in investigation will essentially lead from one victim to a host of victims, and in turn to large number of suspects. All these suspects have to be investigated. The important aspects which remain overlooked in investigation were also discussed.

7. AS (CS) then took a review of the rescue operations undertaken by various States .The States of Meghalaya, Jharkhand, Arunachal Pradesh, Haryana, Himachal Pradesh, Nagaland, UP and Gujarat were asked to improve their performance. On the issue of establishment of AHTU, many States had not completely established the AHTU and had to submit the utilization certificates too. The issue of involvement of /linkages with NGOS in the AHTUs was stressed. In this connection, the notification of AP would need to be revisited to include the NGO component. AP also was required to clarify whether AP is establishing 5 new AHTUs at these 5 places and whether they include or exclude the 3 AHTUs set up earlier. AS (CS) asked the various nodal officers to enlist the problems they were facing from the side of the State Government in the

establishment of AHTUs for follow up by MHA with CS/DG. Regarding the enrolment in IGNOU - AHT course, AS (CS) desired a compilation from each State on enrolment of candidates.

The action points were listed, as follows, for next review meeting

Point	Action
Establishing and functioning of AHTUs and submission of Utilization Certificates	All States/UTs
Conducting State/District Level Training	All States/UTs
Creating a Group e-mail.	MHA
Devising a new ATR proforma	MHA
Enrollment in MHA-IGNOU Course	All States/UTs/IGNOU
Follow up and monitoring of Court Cases on Human Trafficking	All States/UTs

8. a. The next session focused on the role of police to carry out victim sensitive and human rights based rescue operations.

8.b Ms. Rinku from STOP, an NGO, and Shri Ravi Kant of Shakti Vahini and nodal officer AP shared their experiences of rescue operations conducted by them and informed the participants about do's and dont's while carrying out rescue operations. They emphasized that

- Rescues should be well planned and support of NGOs should be taken and female police personnel should be part of the team.
- Carry out well planned rescue operations along with NGOs.
- Need to develop and maintain understanding between NGO and police in run up to rescue operation to avoid confusion.
- Police to be vigilant on locating hideouts where the victims may be hidden by the traffickers
- Rescue team to be trained in Do's and Don'ts while interacting with victims.

- State police to be sensitive to victims and be careful not to apply sec. 8 of ITPA 1956 on victims of CSE.
- Link Source to Destination on the basis of victim statement to apprehend the traffickers and to capture the interstate dimensions of the crime.
- a rescued victim should be accompanied by her child and also allowed to take her belongings.
- not to involve media in the run up to rescue operation ,during rescue and post rescue, keeping in view the sensitivities and rights of victims.
- Guwahati be made the nodal center for coordinating the rescue operation in the entire North East region.

(Action : MHA).

- that age must be reckoned from the time the person was trafficked from the source for purposes of registering a case against traffickers.

(Action on all of above : All States)

- States need to mobilise intelligence and carry out surveillance to identify traffickers and also use the resulting information appropriately before planning/undertaking/any rescue.

(Action : All states)

- The nodal officers in the States to include the Resident Commissioners of various States to liaise with their State departments to help in inter-state rescue.

(Action : MHA)/All States.

- AP Nodal Officer to share the copy of AP circular of 2003.

(Action : AP)

8.c. Shri Ravi Kant of Shakti Vahini stated that to stop human trafficking, railway stations, bus stops and other vulnerable areas should be monitored by the police. He also emphasized the role of NGOs in rescue and rehabilitation and need to work as a team so as to give organized response to organized crime. He further informed that trafficking is happening for new purposes like forced marriages in the Northern States due to skewed sex ratio. (He cited cases of women/girls trafficked from Jalpaiguri and Jharkhand who were found or rescued in Haryana). There is a need for concerted action by Haryana. He also informed that many police personnel are not aware about the status of the Child line foundation which is a Govt. organization and can be used effectively. The issue of re-victimization of the victims by wrongly arresting them under Section 8 of ITPA is still continuing in certain places. He stated that home verification of the victims is required so as to prevent re-victimization by traffickers by posing as parents and relatives of the rescue victims.

(Action : West Bengal/Jharkhand/Haryana)/Other States

9.a. In the next session on victim-witness protection, AP nodal officer shared his views. They apprised the participants about the following:

- the Cr.PC amendment in terms of sec. 327(2), 275(1) and 309(2) on in-camera trial, video conferencing and speedy trial, respectively.
- the sample requisition forms that the AP police has developed for in camera trial and video conferencing.
- Section 366(b), CrPC, whereby the age of minor in case of foreign national is 21 years of age.
- the use the section 13 of ITPA 1956.
- the relevance and need of mock trials in case of child victims, as mock trial is an important tool in gradual opening up of the traumatized victims leading to conviction of the accused.

- provision of video-conferencing should be insisted upon along with speedy trial. Police Officer should persuade the judicial officer not to postpone the trial.
- Shri Umapathi was requested to share the Andhra Pradesh notification on victim compensation with various nodal officers.

(Action: AP Nodal Officer)

9.b. Speaking on the same subject, Ms. Aparna Bhat, Supreme Court Lawyer shared her experience on the use of video conferencing, in camera trials etc. as effective tools for preventing intimidation and re-victimization of the victims and also preventing them from turning hostile. She urged the police officers that they should insist upon use of video conferencing in case of human trafficking especially where sexual offences are involved. She informed that in Andhra Pradesh, video conferencing has been done in many cases for recording of statement of victims, witnesses and accused. Lot of precautions need to be taken while using this facility. For video conferencing, an application has to be moved before the magistrate. Over a period of time it should become a regular process of deposition by the victims. She requested the State and the Centre to look into the possibility of providing separate waiting lounge for the victims to avoid any coercion from the accused, formulation of victim compensation program and victim support program. She requested the Investigating agencies to encourage the victims to make an application for compensation.

10. The inter state rescue cases involving Karnataka, West Bengal, Sikkim on reference from ARZ, NGO, Goa, Mizoram and Nagaland, trafficking case of Assam reported by a Meghalaya NGO, 12 missing girls of Karnataka to be traced through Kerala AHTU Intervention, co ordination of Jharkhand and West Bengal AHTU with Haryana to trace the trafficked women and girls, the follow up by Assam AHTU on the placement agency racket raised by Shakti Vahini and similar other cases would come up for discussion form the point of view of the organized crime dimensions. Involving interstate ramifications. Delhi and Mumbai representative agreed to accept all case

details of the brothels of the two cities, should any state approach them for closure of brothels involved in the crime of human trafficking.

(Action: concerned States/UTs)

11. In her concluding remarks, the Chairperson announced that at the next meeting to be scheduled for August review, will be done as per decisions taken at this meeting. Apart from the above for the technical and skill building sessions during the next review meeting , the following would be done.

- The nodal officer, Maharastra to make a presentation on fast track courts and how effective it was for conviction.

(Action : Maharashtra)

- The nodal officer, Chattisgarh and the nodal officer, UP to make a presentation on trial of trafficking related cases in their courts.

(Action : Chattisgarh/UP)

- The nodal officer, Jharkhand and the nodal officer Sikkim to make a presentation on home verification.

(Action : Jharkhand/Sikkim)

- Nodal Officer for Goa to make a Presentation on the achievements by SDM in evicting places of exploitation under Section 18(1) of ITPA

(Action : Goa)

In her concluding remarks AS(CS) thanked all the participants and informed that next meeting will be held in the month of August, 2011.

Note :

1. List of resource materials produced in the MHA-UNODC project on anti-human trafficking, see website: unodc.org/india.
2. For other useful resource materials for training and empowerment of investigators/service providers etc. refer to the list circulated in the meeting.