

MINUTES OF THE MEETING OF THE STATE/UT NODAL OFFICERS FOR HUMAN TRAFFICKING, HELD BY JOINT SECRETARY (CS) AT 11.00AM ON 28.8.2009

A meeting of State Nodal Officers on combating trafficking in human beings was held under the Chairmanship of Shri N.S. Kalsi, Joint Secretary (CS), Ministry of Home Affairs (MHA) on 28th August, 2009 to discuss the issues relating to the functioning of the Anti-Trafficking Nodal Cell in States/UTs and measures for effectively preventing and combating human trafficking. The list of the participants of the meeting is enclosed (Annexure-I).

- Initiating the discussions, Joint Secretary (CS) briefed the participants on the nature, extent and dimensions of human trafficking and outlined the challenges faced by local police, including SHOs, NGOs and other State Departments in dealing with the issue of human trafficking. He emphasized to delegates the need for enhancing law enforcement response, so that offenders are arrested, proper investigation is carried out, resulting in filing of charge sheet and at later stage conviction of offenders. He informed the delegates about various reports at national and international level indicating serious gaps on the issue of sensitization, awareness, especially related to enforcement for legislation, booking and conviction of traffickers, and competence of the law enforcement agencies.
- JS (CS) informed that the Standard Operation Procedures (SOP) for implementation of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, has been got approved from the SAARC Member States. He also informed that there should be better coordination among different State departments and police and informed about MWCD's scheme Ujjawala for rescue and rehabilitation of victims and schemes such as Short Stay Homes (more than 300) Swadhar Homes (about 220) for women in difficult circumstances. These cater to trafficked women/girls rescued or runaway from brothels or other places, and also provides for women/girls victims of sexual crimes who are disowned by family or who do not want to go back to respective family for various reasons.
- JS (CS) also shared concern of Home Ministry on the so called 'honour killing' in States such as Haryana, Western Uttar Pradesh and parts of Punjab, which has been widely reported by media. "Honour killing" is not a separately classified crime under the Indian laws as the same is covered under murders. Moreover, it is extremely difficult to identify honour killing as such in any given community since the reason for such killings often remain a closely guarded private family affair. These cases need to be properly reported and investigated so that the abettors of the crime are booked and convicted. For this, police cadres need to be sensitized.
- A presentation on the Crime & Criminal Tracking Network System (CCTNS) to explain the scheme and its relevance to crime of human trafficking, and implementation schedule, was

made. The representatives were then asked to share the views and action taken by the respective States/UTs since the last meeting of the nodal officers.

2. The representatives from States/UTs explained the various initiatives taken by them and shared the details regarding number of cases, number of arrests and number of persons convicted so far. The problems faced by the State/UT police personnel, the role of NGOs, were also mentioned during the course of the meeting.

- Nodal officer from Jharkhand informed that there are no funds for PS level to deal with pre/ post intervention phase in any action against human trafficking. There is not much interface and coordination between police and other State govt. ministries like being Nodal Officer on human trafficking, he is not aware of MWCD's scheme like Ujjawala. He also suggested that the training material should be in Hindi. People from Jharkhand come to Delhi for employment as domestic servants. Some data should be maintained in Metros to register them and verify for age and gender. There is also a need to integrate data base of Unidentified Dead Bodies with that of missing persons and trafficked persons. Most of the individuals from Jharkhand are sent by trains. So strict vigil is required at railway stations in Northern India.
- Nodal Officer from Meghalaya informed that a proposal is under active consideration of the State Government. for setting up of Anti Human Trafficking Units in two districts and at CID Hqr. State Government has appointed all Circle Inspectors and Officer in Charge of all Police Stations as Spl. Police Officers under subsection (1) of Sec.13 of I.T.P Act 1956. All District Superintendents of Police have also been appointed as District Nodal Officers, for dealing with matter related to trafficking of women and children in the State. Pending setting up of AHTU's in the States the process is ongoing in consultation and co-ordination with NGOs/Civil Society & Social Welfare Department in sensitization and training of Police Officers on issues related to Human Trafficking. Rescue is being conducted in active co-ordination with NGOs in other States also. Three workshops on crimes against women and children including human trafficking were organized during 2008 and one in January, 2009 in collaboration with NGOs of the State for Police Officers of and above the rank of Sub-Inspectors to Dy. Superintendents of Police. State CID will conduct a one day workshop on Anti Human Trafficking in collaboration with NGOs in September this year. A training module prepared by North East Network (NEN) in consultation with State Police has also been approved by the Government. The module pertains to the In-service training of Police Officers on Crimes against Women including Human Trafficking.
- Representative from Andhra Pradesh informed about the immense success of IAHTU. She informed that AP Police AHTU logo is '**Save Women & Children from Trafficking and Prosecute Traffickers**'. She informed that around 23 districts are facing the problem of trafficking, mainly in coastal area, Telengana and Rayalaseema. She also informed about the regional conference on anti-women trafficking involving

States of A.P., Karnataka, Tamil Nadu, Kerala, Maharashtra and Goa on 30th July, 2009, wherein States agreed for mutual cooperation in executing non-bailable warrants, conducting searches/seizures and share and pass information regarding trafficking routes, traffickers. She also mentioned the success of rescuing 17 Nagaland children.

- Shri L.M. Khaute, I.G. of Police (Intelligence), Manipur, presented the trafficking scenario in Manipur, informed the steps taken by the State, like,-
 - (i) Designating of Commissioner/Secretary of Social Welfare Department as the State Nodal Officer to deal with rescue, rehabilitation, reintegration, etc. of trafficked victims.
 - (ii) Designating of IGP (Intelligence) as Anti-Trafficking Nodal Officer.
 - (iii) Designating all District SSP of Manipur as Special Police Officers under the ITPA.
 - (iv) Constitution of 'Advisory Body' in each district of Manipur with District SP as Chairman and five leading social welfare workers of the district to be nominated by the Chairman as members of the Advisory Body.
 - (v) Setting up of District Level Anti-Trafficking Nodal Cell in all the districts.

He also informed that a special meeting of District Superintendents of Police chaired by the Nodal Officer was held on 6-6-09 to review steps taken in this regard and to gauge the extent of human trafficking problems in Manipur State. Over 11 important documents on guidelines received from the GoI have been circulated among the District SPs, etc. A number of interactions/workshops have been held by the Police Department involving NGOs and members of civil society. A Three-Day Training Course for police officers of the rank of ASI up to Inspector was held at the Manipur Police Training School w.e.f.27-8-09 to 29-8-09. Further, the Nodal Officer has been in active coordination with the district police authorities and other agencies to ensure effective tackling of human trafficking issues in Manipur.

- The representatives from Chattisgarh, J&K, Himachal Pradesh, Madhya Pradesh, Nagaland, Punjab, Rajasthan, Uttar Pradesh, Uttarakhand, West Bengal, Goa, Lakshadweep and Haryana also briefed about the steps taken/being taken by the State Governments in combating trafficking in human beings.

3. Representative from the M/o Labour informed that a 'Protocol on prevention, rescue, repatriation and rehabilitation of trafficked and migrant child' has been issued by Ministry of Labour and the same is 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 operation. In the sensitization workshop organized by the Ministry in July, 2009, for the district administration officials on rescue, repatriation and rehabilitation of trafficked child labour, the representation from the Police Department was very low. It was informed by the State Labour Department officials that because of want of adequate cooperation

from the Police Department during the rescue operation, many times, the rescue mission does not yield the desired results. As such, there is a need to sensitize the state police department on the issue, and therefore, it is felt that a joint workshop for the officials of Departments of labour, police, women & child development and other NGOs, who form a part of the rescue team, is essential.

4. The representatives of Ministry of Overseas Indian Affairs informed that,-

- The emigration of low skilled workers is regulated by the Emigration Act, 1983. The Act prohibits recruitment of any worker for overseas employment without registration (registration certificate) under section 10 of the Act. Any person recruiting workers without registration is liable for punishment under Section 24 of the Act.
- Foreign Employers can recruit workers either directly under a permit issued to them or through a **recruiting agent (RA)** registered under the Act. There are about 1500 registered RAs whose details are available on MOIA's website namely www.moia.gov.in.
- In case of any malpractice by the RA his registration certificate is suspended / cancelled under section 14 of the Act. The unauthorized RA acting in violation of the section 10 are prosecuted by the state police by filing an FIR and further prosecution as per the law. However, there is a need for state police authorities being sensitized about the gravity of such cases.
- The Ministry, after its creation in 2004, made concerted efforts to enter into bilateral Memoranda of Understanding (MoU) with the major receiving Countries for ensuring protection and welfare of our emigrants. Labour agreements already exist with Jordan and Qatar which were signed in 1980s. MoUs have been signed with United Arab of Emigrates (UAE), Kuwait, Oman, Malaysia and Bahrain. An Additional Protocol to the existing Labour Agreement between India and Qatar has also been signed. India has signed Social Security Agreements (SSAs) with Belgium, France and Germany, so far. Negotiations are underway with many other countries. The SSAs protect the interests of our workers, on a reciprocal basis, with an aim to avoid double taxation, portability of pension, etc.
- Instances of smuggling of migrants prominently from Punjab have also come to light. The state police needs to be vigilant about the operations of unscrupulous agents involved. MOIA also conducts annual consultations with the State Governments in which the enforcement of the provisions of the Emigration Act is emphasised.
- The foreign employer indulging in any malpractices are blacklisted. The list of blacklisted employers is available on MOIA's website mentioned above.
- For creating awareness amongst people regarding the emigration processes for overseas employment and with a view to save them from exploitation by the unscrupulous agents /

employers the MOIA has set up a Overseas Worker's Resource Centre (OWRC). The helpline number is 1800 11 3090 which is operational 24/7.

- Now the MOIA is taking several initiatives for improving management of emigration. These are:
 - A new Bill has been proposed to replace the existing Emigration Act, 1983. The Emigration Management Bill, 2009, is currently under inter-ministerial consultations. The new bill aims to transform the emigration into simple, transparent, efficient and humane economic process, facilitate legal migration, prevent illegal migration / human smuggling, enable ethical recruitment practices, and enhance protection and welfare.
 - Ministry has undertaken an 'E-Governance in Emigration' project to transform the process of mobility of Indian workers and students going abroad into a simple, orderly and transparent process through an Information Technology platform. The project is currently estimated to be completed by 2010 end.

5. The representative from UNODC informed about the regional level ToTs being organized by them in Police Training Academies for the police officers, on behalf of MHA. He briefly mentioned about the positive impact of the training conducted by UNODC on strengthening the law enforcement response in five Project States. A total of 390 training programmes for police and prosecutors have been organized in which 13,490 police officials and prosecutors have been trained in the five project States.

6. The representative from BPR&D informed about the various workshops being organized by them to sensitize law enforcement agencies on Anti Human Trafficking. He informed that BPR&D has prepared a syllabus on trafficking in persons and role of police, which is used for imparting training to constables and NGOs in the Police Training Colleges. At the behest of MHA, the Bureau of Police Research & Development (BPR&D) has prepared a 'Training manual on human trafficking' handbook for investigators, which has been circulated the States for use in the Police Training Institutes. BPR&D has also conducted regional Training of Trainers (ToT) Workshop on prevention of trafficking of women and children at various national Police academies.

7. JS (CS), in his concluding remark appreciated the work carried out by the State Governments, particularly Andhra Pradesh, where there is higher rate of conviction. He further stated that 'police and public order' are State subjects and punitive and ameliorative measures relating to this activity is also the primary responsibility of the State Governments/UTs. The role of MHA is only to strengthen the competence and capabilities of law enforcement agencies and ensure proper follow up of international and regional conventions on legal and legislative matters. He also mentioned that based on the positive outcome of Pilot Project on **"Strengthening law enforcement response in India against trafficking in persons through training and capacity building"**, a Comprehensive Scheme on strengthening the law

enforcement response to trafficking through “**Training of Trainers**” (TOT) programmes and by establishing **Anti-Human Trafficking Units (AHTU)**, to be monitored by the Ministry of Home Affairs, has been conceptualized. The proposal is under consideration with Planning Commission for their in-principle approval. The scheme intends to ensure sensitization to the grass-root level of police personnel and other law enforcement agencies. The scheme will cover 50% of the total police districts in the country. Developing a detailed data base and sharing of information are other primary objectives of the scheme. He requested the representatives of the State/UT to identify such districts with high incidence of such activities and prepare a proposal for funding from MHA on these aspects.

8. The following decisions were also taken in the meeting:-

- Integration of AHTUs with CCTNS.
- Translation of all the 12 resource books developed by UNODC & MHA into Hindi and other languages. This work has been allocated amongst the States of Bihar, Chattisgarh, Delhi, Haryana, Himachal Pradesh, Jharkhand, Rajasthan, Madhya Pradesh, Uttar Pradesh, and Uttarakhand, which is as under:-

Sl.No.	Publication	State responsible for Translation
1	Training Manual (Police)	UP
2	Training Manual (Prosecutors)	BH
3	SOP on Investigation on Crimes of Persons Trafficked for Commercial Sexual Exploitation	UP
4	Protocol on Interstate Rescue and Post Rescue Activities Relating to Persons Trafficked for Commercial Sexual Exploitation	UK
5	Protocol on Structure and Function of Integrated Anti Human Trafficking Units	HY
6	Compendium of Best Practices by Law Enforcement Agencies in Anti Human Trafficking	RJ
7	Compendium on Best Practices by NGOs in Anti Human Trafficking	JH
8	Resource Book on Legal Framework on AHT	DL
9	SOP on Investigation on Crimes of Persons Trafficked for Forced Labour	MP
10	SOP on Prosecution of Crimes of Trafficking	BH
11	Manual on Victim Care and Protection	HP
12	SOP on Prevention of Anti Human Trafficking	CH

- Creation of uniform e-mail accounts of all Nodal Officers of State level AHTUs by BPR&D. This will ensure effective communication and better inter-State coordination in matters of rescue and other issues related to human trafficking.
- Developing an MIS for better monitoring of indicators.
- Integration of database of missing persons and trafficked persons with unidentified dead bodies with that of through CCTNS.
- The sensitization of police officers and prosecutors are still at a low level. Therefore, it was felt that more workshops for police officers and prosecutors, on crimes against women and children, including human trafficking, to be organized by States/UTs in collaboration with NGOs of the State/UT.

9. The meeting ended with thanks to the chair.