

No.24013/11/2014-ATC
Government of India
Ministry of Home Affairs
Anti-Trafficking Cell

NDCC –II Building, Jai Singh Road,
New Delhi, the 8th August, 2014

To

Shri Ravi Agrawal,
LGF-B-36,
Defence Colony, New Delhi-110034.

Subject: Application under RTI Act, 2005.

Sir,

I am to refer to your RTI application dated 20th June, 2014 (received by this CPIO on 4th August, 2014) and to say that Ministry of Home Affairs is concerned with criminal aspect of Human Trafficking as a Law Enforcement Agency. Government of India has taken a number of steps to prevent and combat human trafficking and a copy of the same is enclosed.

2. Further, Ministry of Home Affairs have issued various Advisories to prevent and combat human trafficking to all States/UTs, which are available on MHA's Web Portal on Anti Human Trafficking (www.stophumantrafficking-mha.nic.in) at <http://stophumantrafficking-mha.nic.in/forms/Sublink1.aspx?lid=92>.

3. Since the issues raised by you in your RTI application may pertain to Ministry of Overseas Indian Affairs and Home Departments of States/UTs, your RTI application dated 20th June, 2014 is accordingly hereby also transferred to them under Section 6(3) of the RTI Act, 2005.

4. An appeal against this RTI application shall lie before Shri S. Suresh Kumar, Joint Secretary (CS), Ministry of Home Affairs, 5th Floor, NDCC-II Building, Jai Singh Road, New Delhi-110001.

Yours faithfully,

Encl. As above.

(K. Muralidharan)
Director & CPIO

Copy with RTI application in original dated 20th June, 2014 received from Shri Ravi Agrawal, LGF-B-36, Defence Colony, New Delhi-110034 transferred under Section 6(3) of the RTI Act, 2005.

1. Director(EP), Ministry of Overseas Indian Affairs, Akbar Bhawan, New Delhi.
2. Home Secretaries, All State Governments/UTs

Copy for information to:

1. Ms. Meera Sisodia, Under Secretary (RTI), Ministry of External Affairs, Room No. 2021, A Wing, Jawaharlal Nehru Bhawan, 23-D, Janpath, New Delhi w.r.t. their OM No. RTI/551/909/2014 dated 7th July, 2014 for information.
2. RTI Section, MHA, North Block, New Delhi w.r.t. their OM No. A-43020/1/2014- RTI dated 18th July, 2014.

③ RTI Section,

(K. Muralidharan)
Director & CPIO

Measures taken by Government of India to Prevent and Combat Human Trafficking

With a view to tackle the menace of human trafficking, Ministry of Home Affairs, Government of India has undertaken a number of measures such as:

Constitutional and Legislative Provisions related to Trafficking in India

- Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1).
- There are specific legislations enacted relating to trafficking in women and children (Immoral Traffic (Prevention) Act, 1956, Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 dealing with selling and buying of girls for the purposes of prostitution.
- **Criminal Law (Amendment) Act 2013** has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs
- **Protection of Children from Sexual offences (POCSO) Act, 2012**, which has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.

Administrative measures and interventions

Anti Trafficking Cell(ATC): Anti-Trafficking Nodal Cell was set up in Ministry of Home Affairs (MHA) (CS Division) in 2006 to act as a focal point for communicating various decisions and follow up on action taken by the State Governments to combat the crime of Human Trafficking. The Cell is, inter-alia, responsible for identifying problem areas and analyzing causes for their being source/transit/destination areas. It also interfaces with other Ministries, International organisation, other stakeholders and NCRB in the collation and dissemination of information. All the States/ UT Administrations have nominated Anti Trafficking Nodal Officers who coordinate amongst themselves in inter-state trafficking cases.

Coordination meetings: MHA conducts regular coordination meetings with the Nodal Officers of Anti Human Trafficking Units of all States/UTs. Since 2007, eighteen coordination meetings have been held and minutes of these meetings are available at web portal (stophumantrafficking-mha.nic.in).

These meetings have been very instrumental in according priority to the crime of human trafficking at the ground level and for effective Inter-State coordination and have been a success as the government has been regularly monitoring the implementation of the AHTUs and MHA outlines various action areas to each state which becomes the focus of the work in these States. The Nodal officers meetings has also led to exchange of information among various states and strengthening of interstate investigations.

Web Portal on Anti Human Trafficking

A Web Portal on Anti Human Trafficking titled www.stophumantrafficking-mha.nic.in was developed by MHA and launched by MOS(S) on 20th February, 2014. The Portal is a vital IT tool for Sharing of information across all stakeholders, States/UTs and civil society organizations for effective implementation of Anti-Human trafficking measures more so relating to its criminal aspect and promoting best practice in this area. This web portal will enhance cooperation between law enforcement agencies, and concerned government departments as well. One of the major advantages of this web portal is that nodal officers of all States and UTs are inter connected with each other and are provided a login ID through which they can access this web portal and upload real time statistics and success stories and other case studies. This will help in tracking large number of cases having inter-state ramifications. The portal acts as one stop information repository on issues relating to trafficking. Details of trafficked persons can be uploaded on the web portal and other relevant contents regarding Anti Human Trafficking has also been uploaded for the convenience of the user. It provides an important link to National Portal on Missing Children, 'TrackChild' which is operational in many States.

Booklet and Calendar released on measures taken by MHA to prevent and combat Human Trafficking: On 20th June, 2014, during 18th review meeting with all States/UTs Nodal Officers and others, Home Secretary released a Booklet on the comprehensive measures taken by Ministry of Home Affairs to tackle the crime of human trafficking and a calendar 2015 on the theme of crime of human trafficking.

Advisories: To improve the effectiveness in tackling the crime of human trafficking and to increase the responsiveness of the law enforcement machinery, MHA has issued various advisories to all States/UTs. Specially, a Standard Operation Procedure(SOP) to handle trafficking of children for child labour – measures to be taken for rescue of trafficked child labourers' and action against the traffickers/employees issued on 12.8.2013, advisory on missing children-measures needed to prevent trafficking and trace the children issued on 31.1.2012 and advisory on preventing and combating Human Trafficking in India issued on 9.9.2009. These advisories/SOP are available on MHA's Web Portal on Anti Human Trafficking (www.stophumantrafficking-mha.nic.in) at <http://stophumantrafficking-mha.nic.in/forms/Sublink1.aspx?lid=92>. These advisories had a lasting impact on the law enforcement agencies across the country and have conveyed the seriousness and gravity of the crime. These advisories are now being treated as guiding principles to vary out investigation. NGOs and civil society have used these advisories as advocacy documents.

Ministry of Home Affairs' scheme: Ministry of Home Affairs has sanctioned a Comprehensive Scheme "Strengthening law enforcement response in India against Trafficking in Persons through Training and Capacity Building,, wherein it is proposed to establish 330 Anti Human Trafficking Units (AHTUs) throughout the country and impart training to 10,000 police officers through Training of Trainers (TOTs) component. Ministry of Home Affairs has released funds as first instalment for the year 2010-11 amounting to Rs. 8.72 crores to all the State Governments for establishment of 115 Anti Human Trafficking Units. Funds to the tune of Rs. 8.338 crores for the year 2011-12 have also been released to the State Governments for establishment of 110 more AHTUs. All the AHTUs have been made operational. In 2014, an amount of Rs 2.653 crore was released to Ar. Pradesh, Gujarat, Haryana, Kerala, Nagaland, Odisha, Uttar Pradesh and Uttrakhand for establishment of AHTUs.

To enhance the capacity building of law enforcement agencies and generate awareness among them, various Training of Trainers (TOT) workshops on "Combating Trafficking in Human Beings for Police officers and for Prosecutors at Regional level, State level and District level were held throughout the country and more are being planned.

In March, 2013, MHA has released Rs. 40.25 lakh to the State Governments for 115 AHTUs established in 2010-11 for support of victims of human trafficking. The matter to release fund for 110 AHTUs established in 2011-12 for support of victims of human trafficking is under consideration.

Judicial Colloquium : In order to train and sensitize the trial court judicial officers, Judicial Colloquium on human trafficking are being held throughout the country at the High court level. The aim is to sensitize the judicial officers about the various issues concerning human trafficking and to ensure speedy court process. The emphasis is also on the need of victim protection and to have proper trial processes which is not intimidating to the victims. The Judicial colloquium also focuses on the role of magistrates in ordering further investigations if he/she is not satisfied with the police investigations.

So far, eight Judicial Colloquiums have been held. Judicial Colloquiums at Maharashtra, Chhattisgarh, Tamil Nadu, Andhra Pradesh and Bihar were held. Because of these Judicial Colloquiums, effective prosecution and convictions are happening in the cases relating to Human Trafficking.

IGNOU Certificate Course: To develop a comprehensive and functional understanding on anti human trafficking and coordination amongst learners about various stakeholders/agencies associated with the process of human trafficking directly and to build awareness and practical skills in the area of law, policies, rehabilitation and prevention aspects of human trafficking, a certificate course has been launched by Indira Gandhi National Open University (IGNOU) in partnership with Ministry of Home Affairs. The said course has been made mandatory for the Officers/Officials who are dealing with the subject of human trafficking. In this regard an advisory dated 12th January, 2011 has been issued. **Total 960 persons have been enrolled in the said course and 21 applicants have passed this course.**

At the behest of MHA, the Bureau of Police Research and Development (BPR&D) has prepared a training manual on "Human Trafficking-Handbook for Investigators" for sensitizing police personnel and these handbooks are being used in the National, Regional and State Police Training Institutes. BPR&D have also prepared a syllabus on the subject and circulated to the States. These handbooks have been translated in regional languages. BPR&D is also organizing regional workshops for sensitizing police personnel (SHOs/Dy.SP/ACP) as regards the criminal activity of trafficking. BPR&D is conducting such workshops cum seminars in various cities regularly. All these resource tools for Investigation Officers are on BPR&D website.

At the behest of MHA, the National Crime Records Bureau has added a separate new chapter on Human Trafficking statistics in their annual publication "Crime in India" for the first time in 2006. Chapter 6 of the "Crime in India" gives the details of cases registered under the Immoral Traffic Prevention Act and all the relevant sections of the Indian Penal Code as well as the trends. **Now, a proforma for collecting data on Human Trafficking is being revised, so that all the aspects relating to crime of Human Trafficking can be covered.**

SAARC level TOT workshop on Human Trafficking

- A workshop for representatives of SAARC Member countries for capacity building in combating Human Trafficking was held at NDCC Convention Centre, New Delhi from 19-20th November, 2012 in which representatives of all SAARC Member Countries participated.
- MHA , MWCD and UNICEF prepared draft protocol and SOP for dealing with cross border trafficking between India and Bangladesh to address the various issues relating to prevention of Trafficking, victim identification and repatriation and make the process speedy and victim-friendly. Two bilateral meetings between India and Bangladesh have already been held to discuss the protocol. First Task force meeting between Task force , India and Bangladesh was held in Delhi, India on 18th and 19th October, 2010. Second meeting of the Task Force was held on 8-9th April, 2012 at Kolkata. Third meeting of the Task Force was held at Cox's Bazar, Bangladesh from 8-9th December, 2012. Fourth meeting was held on 6-7 April, 2014 in Mumbai(India).

Implementation of International Conventions on Trafficking

- India has ratified the United Nations Convention on Transnational Organised Crime (UNTOC) which has as one of its Protocols Prevention, Suppression and Punishment of Trafficking in Persons, particularly Women and Children. Various actions have been taken to implement the convention and as per Protocol, "Criminal Law Amendment Act, 2013" has been enacted wherein human trafficking has specifically been defined.
- India has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. The Regional Task Force of SAARC for implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution met for the first time in New Delhi on 26th June, 07 in New Delhi, second time in July 2008 and third time on 28-29 May 2009 at Shimla. The main achievement of this conference has been the adoption of the SOP on Combating Trafficking in Women and Children for Prostitution by all SAARC Member States. During the Special Session of RTF for implementation of the SAARC Convention at Kathmandu in April, 2010 decision has been taken regarding Uniform Toll Free number for women and children. Fourth Meeting of the Regional Task Force was held in Kabul, Afghanistan from 25-26th November, 2011. Fifth meeting of the RTF was held in Paro, Bhutan from 11-12th April, 2013.
- As offered in Fifth Meeting of the Regional Task Force to implement the SAARC Convention, a study tour for SAARC Member countries was conducted from 18-22nd November, 2013 to learn from the experiences of the Anti Human Trafficking Units (AHTUs) established in various districts of the country. Representatives of Sri Lanka, Bhutan and Afghanistan participated in the study tour.

Other interventions

Ministry of Women and Child Development is implementing "Ujjawala" – a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual

Ministry of External Affairs
(RTI Cell)

Room No. 2021- A Wing,
Jawaharlal Nehru Bhawan,
23-D, Janpath, New Delhi -110 011.

No. RTI/551/909/2014

Dated: 07/07/2014

OFFICE MEMORANDUM

Subject :- Application under the Right to Information Act, 2005

Attached herewith is an RTI application dated 20/06/2014 (received on 26/06/2014) of Adv Ravi Agrawal seeking information under the Right to Information Act, 2005.

2. As the subject matter of the application is more closely connected with the functions of MHA/CPV. The RTI application is transferred to them under section 6(3) of the RTI Act, 2005 for action as appropriate.
3. Application fee has been received.
4. RTI Cell's O.M of even number dated 27/06/2014 in respect of the above quoted RTI application may please be treated as cancelled.

Encl..... as above

(Meera Sisodia)

Under Secretary (RTI)

Tel: 4901 5226/4901 5227

To:-

1. Shri V. Arunachalam, SO(RTI), Ministry of Home Affairs, Room No.81-D, North Block, New Delhi. Tel: 011-23093485.
2. Smt. Madhu Kalra, SO(CPV-RTI), Room No.29 , CPV Division, Ministry of External Affairs, Patiala House Annexe, New Delhi.

Copy for information:-

Adv. Ravi Agrawal, LGF, B-36, Defence Colony, New Delhi-110024 You are requested to contact above mentioned PIO for any information in this matter. Kindly note that the information sought by you at point 1 is in respect of all Missions and Posts abroad which are separate Public Authorities as defined in Section 2(h) of the RTI Act . You are therefore advised to file separate RTI applications with concerned Missions and Posts. The details of Public Information Officers in Missions/Posts abroad are available on their respective websites, link to which is as follows:

<http://www.mea.gov.in/indian-missions-abroad.htm>

Copy for information:-

1. AMS Division 2. BM Division 3. CE Division 4. EA Division 5. E & SA Division 6. Euresia Division 7. EW Division 8. Gulf Division 9. Lac Division 10. Northern Division 11. PAI Division 12. Southern Division 13. SM Division 14. West Africa Division 15. WANA Division :- w.r.t (points 2-26)

Need to be done
15/7/14

US (CPV-RTI)
CPV Division
Ministry of External Affairs

APPLICATION FOR SEEKING INFORMATION UNDER THE RIGHT TO INFORMATION ACT, 2005

कॉपी संख्या
Dy. No. 2036
दि- 26/06

To,
Director (RTI)
RTI Cell
Ministry of External Affairs.
Room No. 2021,
'A' Wing,
Jawaharlal Nehru Bhawan,
23-D, Janpath,
New Delhi-110011

Sub: Information under Right to Information Act, 2005

Particulars of Information:

1. Number and details of Human Trafficking cases reported to Embassies of India in all countries in world since the year 1st January, 2001 to 1st June, 2014 country- wise.
2. W.r.t. point number 1, number of cases reported by India Embassies to Ministry of External Affairs, India.
3. W.r.t. point No.1, details of all those cases.
4. W.r.t. point No. 1, number and details of cases in which FIRs were registered in India.
5. W.r.t. point No.1, number and details of cases in which FIRs were not registered in India.
6. W.r.t. point No.1, number and details of cases in which complaints were lodged in India but no FIRs were registered.
7. W.r.t. point No.5, number and details of cases in which FIRs were not registered after detailed investigation.
8. W.r.t. point No.6, name of police station and details of officer in charge of police station at the relevant time.
9. W.r.t. point No.6, number of details of cases in which FIRs were refused without any investigation.
10. W.r.t. point no.5, number and details of cases in which FIRs were not registered even after request of the concerned Embassies.
11. W.r.t. point No.1, number and details of cases in which accused have been arrested.
12. W.r.t. point No.1, number and details of cases in which victims have been rehabilitated.
13. W.r.t. point No.1, number and details of cases in which no action have been taken yet.
14. W.r.t. point No.1, details of concern police authorities to whom matters were referred in India.

Handwritten notes and signatures at the bottom of the page:

- Handwritten signature: *MSH*
- Handwritten number: *2576*
- Handwritten text: *n-a-pl.*
- Handwritten date: *24/06*
- Handwritten text: *SECRET - AN Tminal Divs 2-14*
- Handwritten text: *Ministry of External Affairs*
- Handwritten text: *26/06/14*

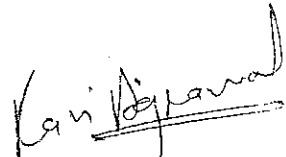
15. W.r.t. point No.14, number and details of cases in which ministries have taken action against the police authorities for taking effective steps.
16. W.r.t. point No.1, present status of all those cases.
17. What are the measures taken by the Ministries and Indian Embassies to prevent Human Trafficking since 1st January 2001 till 1st June 2014..
18. What are the measures taken by the Ministry to prevent Human trafficking since 1st January 2001 till 1st June 2014.
19. What are the guidelines to effective justice to the victims of Human trafficking.
20. What are the guidelines against the police officers who refuse to file FIRs in cases of Human Trafficking.
21. Position of India in Human trafficking cases in the world.
22. Who is the public officer in India sole responsible in case human-trafficking takes place.
23. What is the punishment for police officer if they refuse to register the case of Human Trafficking.
24. W.r.t. point No.23, what is the punishment if Police officers refuse to register FIRs.
25. Number of Human trafficking which takes place every year in different country since 1st January 2001 till 1st June, 2014.
26. What are the guidelines w.r.t. Human Trafficking cases for their speedy disposal.

Kindly accept a fees of Rs.10 (Rupees Ten Only) (5 pages @ Rs.2/- per page) as required under the RTI Act, 2005 vide Postal Order No. 23 F 465500.

Place:- New Delhi

Date:- 20.06.2014

Applicant


Ravi Agrawal, Advocate

LGF, B-36,
Defence Colony,
New Delhi-110024
Mob:- 9717138186

Enclosed:- Postal Order as mentioned herein above