ROLE OF ANTI-HUMAN TRAFFICKING UNITS IN COMBATING HUMAN TRAFFICKING IN INDIA: A SOCIOLOGICAL PERSPECTIVE

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Abstract

The Government of India has collaborated with the United Nations Office on Drugs and Crime (UNODC) and started a project to strengthen its existing anti-human trafficking enforcement mechanism in April 2016 with a purpose of raising awareness, imparting training and building capacity among the law enforcement personnel. Under this project, the union Ministry of Home Affairs (MHA) paves the way for the establishment of Anti-Human Trafficking Units (AHTUs) within the State police departments to curb human trafficking. AHTUs started a National Mission Mode Project against all forms of human trafficking in India by integrating all associated stakeholders, such as, police, prosecution officers, civil society etc. It became the primary agency to investigate cases of human trafficking. According to the National Crime Records Bureau (NCRB), by the end of year 2021, 768 AHTUs were functional in 270 districts in India. This study analyses the metadata reported by NCRB in their 'Crime in India Report' from 2016-2021and found that the conviction rate is too low to make any difference in combatting human trafficking effectively.

Keywords: Human Trafficking, NCRB, Anti-human trafficking units, Prevention, Protection, Prosecution.

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Introduction

Human trafficking is a matter of global concern for everyone. It is not merely an infringement of human rights but also a gross crime against humanity. It affected all kind of population across world beyond place or origin, ethnicity, and religion. It includes all illicit activities, like sexual exploitation, forced labour, organ removal, and forceful recruitment into a militant group (Bigio & Vogelstein, 2019).On 15 September 2000, United Nations passed a convention, namely, 'United Nations Convention against Transnational Organized Crime (UNTOC)' and criminalized human trafficking globally. 191nations have given ratification to this convention by end of February 2023. India is also a signatory to this convention and ratified it on 5th May 2011. UNTOC has a protocol, namely, 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime', which defines human trafficking in a comprehensive manner by covering almost every aspect of it. Article 3 of the Protocol defines 'trafficking in persons' as –

"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant" (United Nations, 2000).

India being a signatory country of the UN Protocol, it has taken several measures against human trafficking including criminalizing it through various legislations. Government of India established a nodal cell under Ministry of Home Affairs (MHA), namely, 'Anti Trafficking Cell' (ATC) for inter-state communication and coordination. MHA also provided guidelines to the states for the setting up of AHTUs in affected districts. Since the full-fledged establishment of AHTUs in 2016, the number of cases of trafficked victims in India dropped significantly.

Methodology

The rationale behind establishment of AHTUs was to adopt new ways and methods to counter the menace of human trafficking. It includes all three aspect of tackling human trafficking viz. prevention, protection, and prosecution. AHTUs further entrusted with the creation of database of human traffickers and their network. This database would be available to all concerned agencies as and when required. NCRB started publishing a separate chapter titled "Human Trafficking" in its annual report 'Crimes in India' based on the data obtained from these AHTUs since 2016. The UNODC also publishes periodic reports on human trafficking based on a survey data collected from 130 countries. The aim of the following study is to analyze the metadata available in UNODC reports, various journals and publications of NCRB, Government of India.

Global Profile of the Victims

"Human trafficking sponsors modern slavery that affects every corner of the world. Over 50 million people were living in modern slavery in 2021. Of these people, 28 million were in forced labour and 22 million were trapped in forced marriage. Unfortunately, the number of people in modern slavery has risen significantly in the last five years. In 2021, 10 million more people were in modern slavery compared to 2016 global estimates" (International Labour Organization (ILO), Walk Free and International Organisation for Migration (IOM), 2022).

'Globally, sexual exploitation is the major purpose or reason, which solely accounts approximately 50 per cent of total human trafficking cases, occurred in 2018. Apart from that, second largest reason for trafficked was forced labour with 38 per cent and remaining were for other purposes '(UNODC 2020) (see fig 1).
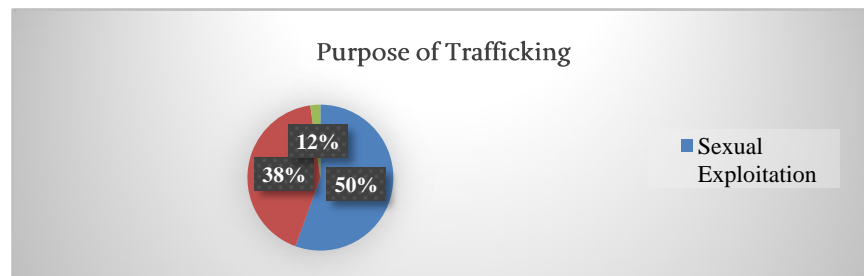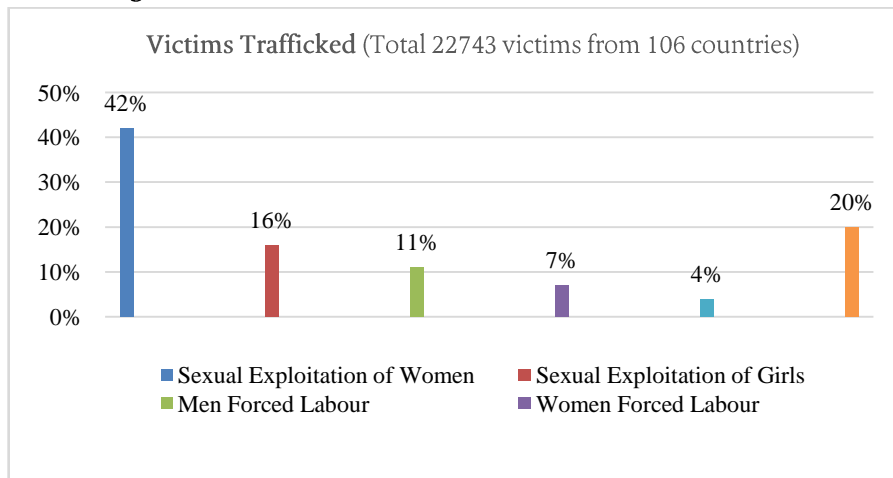

Fig. 1: Most detected form of Trafficking (Source: UNODC 2020 Data)

'Other than above mentioned two major purposes; forced criminal activity, ranging from pick pocketing to drug trafficking to recruitment in a militant group, is another most prevalent form of human trafficking. It accounts approximately 6 per cent of total victims detected globally. Thirteen countries reported cases related to trafficking for force criminal activity across all continents of the world in 2018. Nineteen countries, mostly from North Africa and the West Asia, have reported trafficking cases for exploitative begging which accounts above one per cent of the total victims found. Nine countries have also reported trafficking cases for the purpose of forced marriage with approximately one per cent of the global total (UNODC 2020).

There is an integral relationship between age and sex profiles of the trafficked person with the purpose of the trafficking. UNODC 2020 report clearly shows that in about 42 per cent of the total cases, traffickers target young females the most for the purpose of sexual exploitation only. However, in case of forced labour, sex and age profiles of the victims are more diverse. Adult women and girls preferred for forced marriages while boys are the more common target for forced criminal activity. A pattern of relationship between can be determined by analyzing the data reported by 106 countries globally (UNODC 2020) (see fig. 2).

Fig. 2: Relationship between Sex and Age Group and Purpose of Trafficking (Source: UNODC 2020 Data)
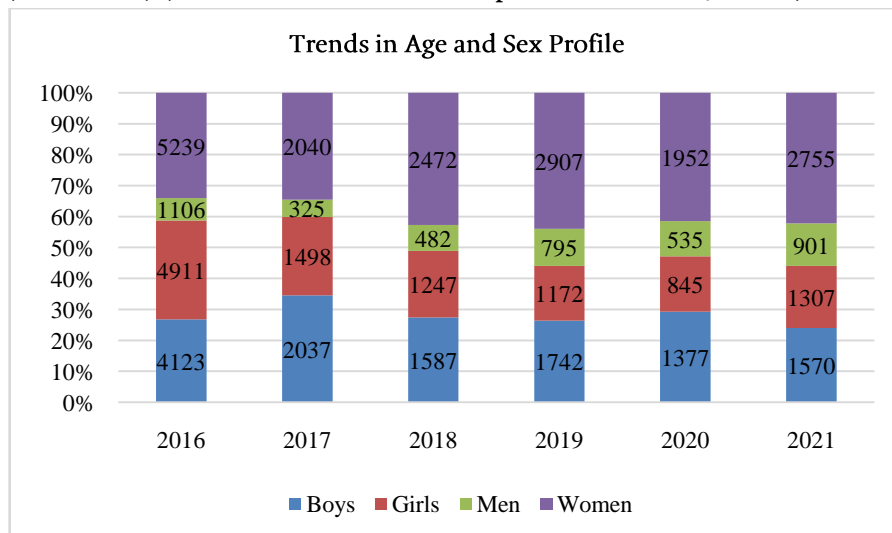

Victims Trafficked (Total 22743 victims from 106 countries)
■ Sexual Exploitation of Women ■ Sexual Exploitation of Girls
■ Men Forced Labour ■ Women Forced Labour

Profile of the Victims in India

"Human trafficking prevails in India, and as many as 18.4 million people are still trapped in this circle of crime. The Constitution of India, under Article 23(1), provides prohibition of trafficking in human beings and all kinds of forced labour including beggar. Union Parliament has also passed several legislations, which contains provision related to the prevention and protection from all forms of human trafficking" (Kumar, Mishra, & Mishra, 2020).

'Similar to the global trends, the trafficking for the purpose of sexual exploitation and forced labour also dominant in India. The other purposes of trafficking which are very much prevalent in India are domestic servitude, forced marriage, begging, removal of organs etc.'(National Crime Records Bureau 2022).Based on the stories of rescued victims in India from 2016-2021, approximately 91 per cent of the all trafficked persons were either women or children (boys and girls) were most affected by the trafficking (see fig. 3).Out of all the victims rescued, almost 97 per cent were Indians and rest were from Bangladesh, Nepal, Sri Lanka and other countries.

Fig. 3: Age and Sex Profiles of Victims of Human Trafficking in India (2016-2021) (Source: Crime in India Reports: 2016-2021, NCRB)

Trends in Age and Sex Profile

Year	Boys	Girls	Men	Women
2016	4123	4911	1106	5239
2017	2037	1498	325	2040
2018	1587	1247	482	2472
2019	1742	1172	795	2907
2020	1377	845	535	1952
2021	1570	1307	901	2755

Evolution of AHTUs In India

"While countless women and children trafficked for commercial sexual exploitation (CSE) face the gravest violations of human rights, the response systems are unable to address or redress their grievances and, often, exacerbate the harm and sufferings these women and children endure. This is obvious from the fact that when, on the one side, the traffickers and exploiters are seldom brought to book, on the other side, the victims are frequently criminalized and persecuted" (Nair 2007).

The Constitution of India enlist 'Public Order' (entry no. 1) and 'Police' (entry no. 2) under List II (i.e. State List) of the Seventh Schedule. Hence, States are given responsibility to take necessary measures with respect to 'law and order' including prevention of human trafficking. 'MHA provides grants to State Governments regularly for the setting up and maintenance of AHTUs in all affected districts of States/UTs. AHTUs are entrusted with the task of investigating cases related to human rights and to create a database on such cases. MHA has allotted Rs. 100 crores to the states from Nirbhaya Fund, which was set by MHA on recommendation of Justice J. S. Verma Committee in 2012, for the establishment of new AHTUs and for strengthening of existing AHTUs. According to the NCRB Report 2022, 768 AHTUs are operational in the country (see Table 1)'(National Crime Records Bureau 2022).

Table1: No. of Functional AHTUs in India (Source: NCRB 2022)

S. N.	States/UTs	No. of Police Districts	No. of AHTUs
1.	Andhra Pradesh	18	13
2.	Arunachal Pradesh	26	8
3.	Assam*	35	38
4.	Bihar*	44	44
5.	Chhattisgarh	29	27
6.	Goa*	2	2
7.	Gujarat*	40	40
8.	Haryana	23	22
9.	Himachal Pradesh	13	12
10.	Jharkhand*	24	24
11.	Karnataka	37	30

12.	Kerala*	21	21
13.	Madhya Pradesh*	52	52
14.	Maharashtra*	44	45
15.	Manipur	16	5
16.	Meghalaya	12	11
17.	Mizoram*	11	11
18.	Nagaland	16	11
19.	Odisha*	36	36
20.	Punjab*	29	29
21.	Rajasthan*	43	43
22.	Sikkim	6	5
23.	Tamil Nadu	44	32
24.	Telangana*	30	30
25.	Tripura*	9	9
26.	Uttar Pradesh	78	75
27.	Uttarakhand*	13	13
28.	West Bengal	39	38
29.	Andaman & Nicobar Islands	3	1
30	Chandigarh*	1	1
31	Dadar & Nagar Haveli and Daman & Diu*	3	3
32	Delhi*	17	17
33	Jammu & Kashmir	28	13
34	Ladakh*	2	2
35	Lakshadweep*	1	1
36	Puducherry*	4	4

*(*Twenty one States/UTs have set up AHTUs in all districts.)*

Three-Dimensional Role of AHTUs

An AHTU functions under state police departments. An ATC at New Delhi is a nodal cell that provides communication and coordination for inter-state operability to the AHTUs. MHA through it's an advisory notification has provided several responsibilities to AHTUs. These are as follows:

- There should be greater care in dealing with the cases related to the human trafficking. It should also include a comprehensive action by all the stakeholders.
- Trafficking crimes should be investigated properly by linking it with other incidences by incorporating an 'organized crime' approach.
- AHTUs must ensure inter-departmental coordination and collaboration among all associated government departments.
- In case of any input of human trafficking activities from any source, the rescue operations must be conducted with the assistance of NGOs.
- Victim/survivor's interest must be protected with victim-centric approach and they should be handled with gender sensitive and child rights sensitive approach, so that their re-victimization can be prevented.
- AHTU should be the basic functional unit to create a database of all the offenders and their networks and it must be shared with the State police department.

Above mentioned guidelines provides extensive jurisdiction with huge responsibility to AHTUs. The Union Government provides that the AHTU would be the "field level functional unit to address human trafficking in a holistic manner". 'It enhances coordination and cooperation among various enforcement agencies, related departments and non-governmental organizations who have the ability and the expertise to support the survivors' (Sanjog, 2020).

In Prevention

'Anti-trafficking preventative measures varied from state to state. For example, West Bengal police conducted a series of meetings at village level in trafficking prone districts, called the "heartland of trafficking" or "catchment areas". Bhopal Police initiated 'community policing' in remote villages that led to the rescue of young girls and conviction of human traffickers' (UNODC 2007).

"AHTUs in collaboration with the civil society to celebrate Children's day with a child trafficking awareness campaign in the villages situated along the Indo-Nepal border. In several districts of Himachal Pradesh, officials have conducted an awareness campaign on trafficking of women and

children. Telangana police also operates a dedicated informational website on human trafficking. The state of Tamil Nadu established a toll-free hotline for cases related to trafficking, migrant labour and bonded labour. Bihar operates a dedicated helpline for female trafficking victims. In May 2021, the MHA issued an advisory instructing all states and UTs to provide assistance to groups considered vulnerable to human trafficking in response to the pandemic. It also released 100 crores to setup or strengthen "Women help desks" in local police stations"(2022 Trafficking in Persons Report: India).

In Protection

'According to NCRB data, AHTUs has rescued 23117 victims in 2016. Out of all the victims 22932 were Indian, 38 from Sri Lanka, 38 from Nepal, 36 from Bangladesh, and remaining 73 were of other countries including Thailand and Uzbekistan. However 15379 victims were trafficked at the same time' (National Crime Records Bureau 2017).

In 2017, the number of rescued victims drastically fell to 5789 and the trafficked victims' rate also declined to 5900 which was quite an achievement for the Government. The majority of the victims were from India (5699) like in previous year (National Crime Records Bureau 2018).
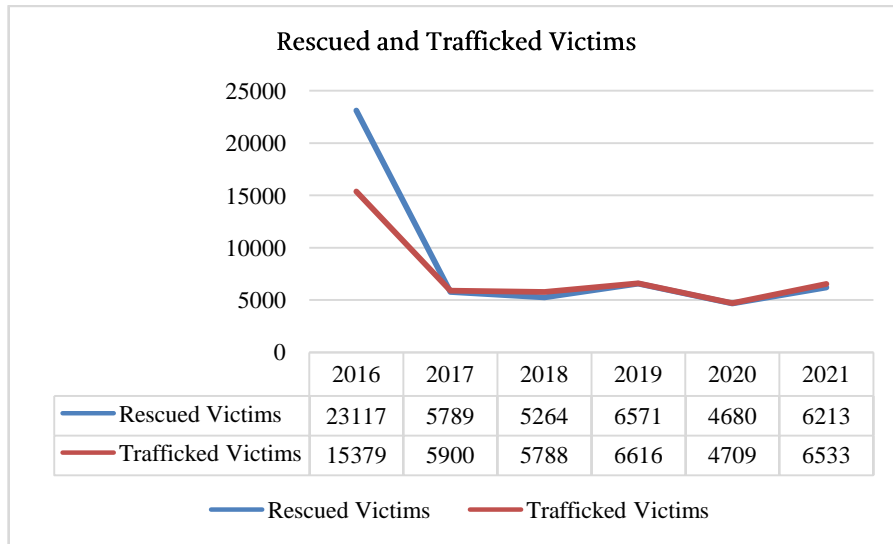In 2018, total 5264 victims were rescued out of which 5012 victims were from the country and 167 victims from Nepal shows that how victims of other nationalities are getting exploited in India and are in high demand (National Crime Records Bureau 2019).

In 2019, 6571 victims were rescued, and it shows how agencies are serious to safeguard the victims. Of all the victims, 6198 were Indian, and Nepali were 228 and Bangladeshi were 98, which clearly shows the alarming rate at which other nationals are trafficked here (National Crime Records Bureau 2020).

During the Pandemic of COVID-19 in 2020, it was very difficult to get the real estimates as some of the states did not report any cases, as the clandestine nature of this crime and world was in lockdown, only 4680 victims could be rescued (National Crime Records Bureau 2021).

In 2021, 6213 victims were rescued which was more than the pandemic year. Of all the victims, 6106 Indian nationals, 38 Sri Lankan due to economic crisis in Sri Lanka, 8 Nepali, 26 Bangladeshi and rest from other countries (National Crime Records Bureau 2022). However, more victims were reported being trafficked during the pandemic (see fig. 4).

Fig. 4: Rescued and Trafficked Victims (Source: Crime in India Report 2016-2021, NCRB)

Rescued and Trafficked Victims

	2016	2017	2018	2019	2020	2021
Rescued Victims	23117	5789	5264	6571	4680	6213
Trafficked Victims	15379	5900	5788	6616	4709	6533

Rescued Victims · Trafficked Victims

In Prosecution

India does not have any definite law related to human trafficking in particular, but it deals with various form of trafficking under different laws, which are as following:

- Section 370 and 370A of Indian Penal Code provides comprehensive measures to tackle human trafficking. It provides prohibition of all kind of slavery, servitude and sex trafficking. It also prescribes minimum sentence of seven years to up to life imprisonment. It also criminalises Government officials' involvement of any kind in human trafficking.
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides prohibition of bonded labour and prescribes jail term up to five years and up to three years under the Bonded Labour System (Abolition) Act of 1976.
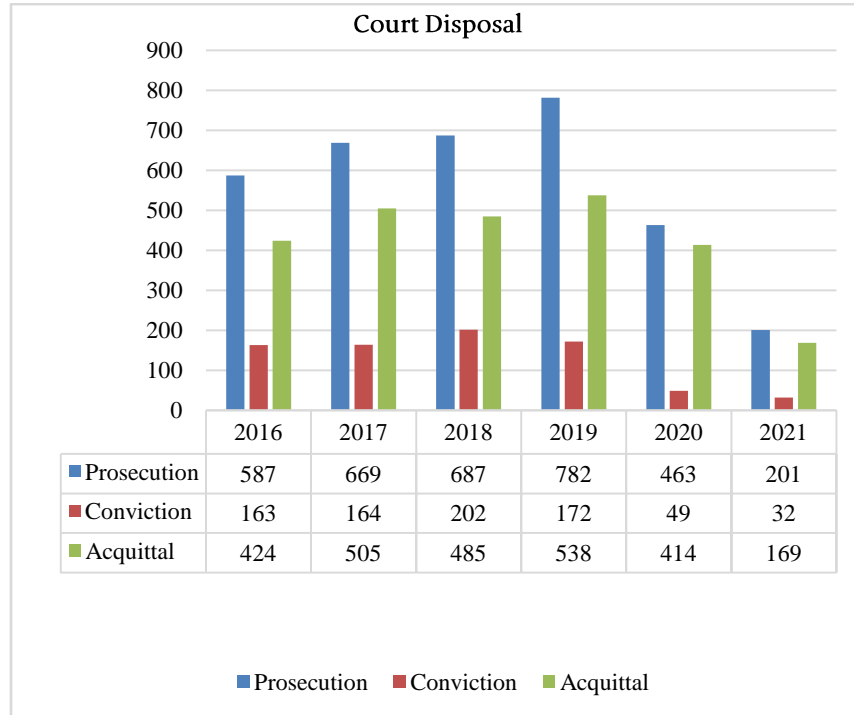
- Sex trafficking is also punishable under Immoral Trafficking (Prevention) Act, 1956.
- Child trafficking is punishable under The Child Labour (Prohibition and Regulation) Act of 1986 and Protection of Children from Sexual Offences (POCSO) Act of 2012.

"In 2016, reported cases were 8132 and prosecution of 587 cases were completed. Out of these cases, courts convicted traffickers in 163 cases only and acquitted individuals in remaining 424 cases."(TRAFFICKING IN PERSONS REPORT 2018)."In 2017, reported cases were 2854 and trials were completed in 669 cases in which courts convicted traffickers in 164 cases only and acquitted individuals in remaining 505 cases"(National Crime Records Bureau 2018)."In the year 2018, 2465 cases were reported, trials were completed in 687 cases, courts convicted in 202 cases only and acquitted individuals in remaining 485 cases"(National Crime Records Bureau 2019). 'In 2019, 2260 cases were reported which was very less in comparison to other years but prosecution was completed in 782 which was very high in comparison to any given year previously, however acquittal happened in 538 cases which was also high as usual and conviction happened only in 172 cases'(National Crime Records Bureau, 2020).

'Regular court proceedings and evidence collection were suspended due to Nationwide lockdown during March to May 2020 and it resumed through video conferencing later only after intervention of Supreme court' (TRAFFICKING IN PERSONS REPORT 2021). 'In 2020, prosecution happened in 463 cases, however, conviction happened only in 49 cases that was the lowest with eleven per cent in recent years. And others were cleared in remaining 414 cases due to weak evidences.' (National Crime Records Bureau2021).

Similarly in 2021, trials were completed in 201 cases, out of which conviction happened in 32 cases and traffickers were acquitted in 169 cases (National Crime Records Bureau 2022).The judicial process is quite slow if we look at the rate at which trials have been completed and acquittal rate is quite high which also shows inaccuracies and inefficiencies in investigation by police (see Fig. 5).

Fig. 5: Court Disposal of Cases of Human Trafficking (Source: Crime in India Report 2016-2021, NCRB)

	2016	2017	2018	2019	2020	2021
Prosecution	587	669	687	782	463	201
Conviction	163	164	202	172	49	32
Acquittal	424	505	485	538	414	169

Achievements of AHTUs

AHTUs have played a very vital role in tackling human trafficking cases in India. They have been very successful in achieving cooperation from all associated stakeholders. AHTUs officials have been trained according to global standards and protocols. Since its inception, number of human rights cases has fallen significantly. According to the NCRB, they have rescued 23,117 victims between 2016 to 2021. Though, prosecution rate has increased phenomenally, however, they are continuously failing together strong evidences for prosecution without which alleged traffickers got acquittal in most of the cases. AHTUs also played an important role in spreading awareness about trafficking and its various forms in collaboration of various other organizations. They have introduced several tools like, community policing, toll free helpline numbers, SMS services, dedicated websites, social media handles to reach

out people. They are building trust with people and ensuring people's participation.

Challenges

Kumar et al.(2020) has sumarised that traffickers usually operates in a disguise and uses different identities to escape from conviction. They creates such an environment around the victims with full of torture which prevent them to trust further. Traffickers kept these victims in locations such as basements or bunkers, which creates difficulties to the police to locate them. Apart from this, these victims are not aware of the mechanism available for their support. These victims give up all hopes and courage for a new life. They are forced to accept their existing despair situation. Even, the society often ignores and stigmatizes the survivors that creates feeling of rejection by the family and the society inside heart of the victims.

There are many challenges, which hinder the smooth functioning and modus operandi of AHTUs:

- In a study it was found that the average period of working of officials in AHTU is between one to six months which hinders proper investigation (Ajmeri, R., & Mehta, L. 2021).
- Some officials do not have authority to register cases of trafficking independently.
- Generally treated as a less favorable assignment as being alleged of posted as a reprisal for poor performance (Sanjog, 2020).
- There is lack of clarity of role and mandate of AHTUs on non-human trafficking cases.
- There is lack of inter-state coordination, which creates delay and gives alleged trafficker a chance to relocate in a different state alongwith the victims.
- Lack of proper investigation leads to less conviction and more acquittal in cases.
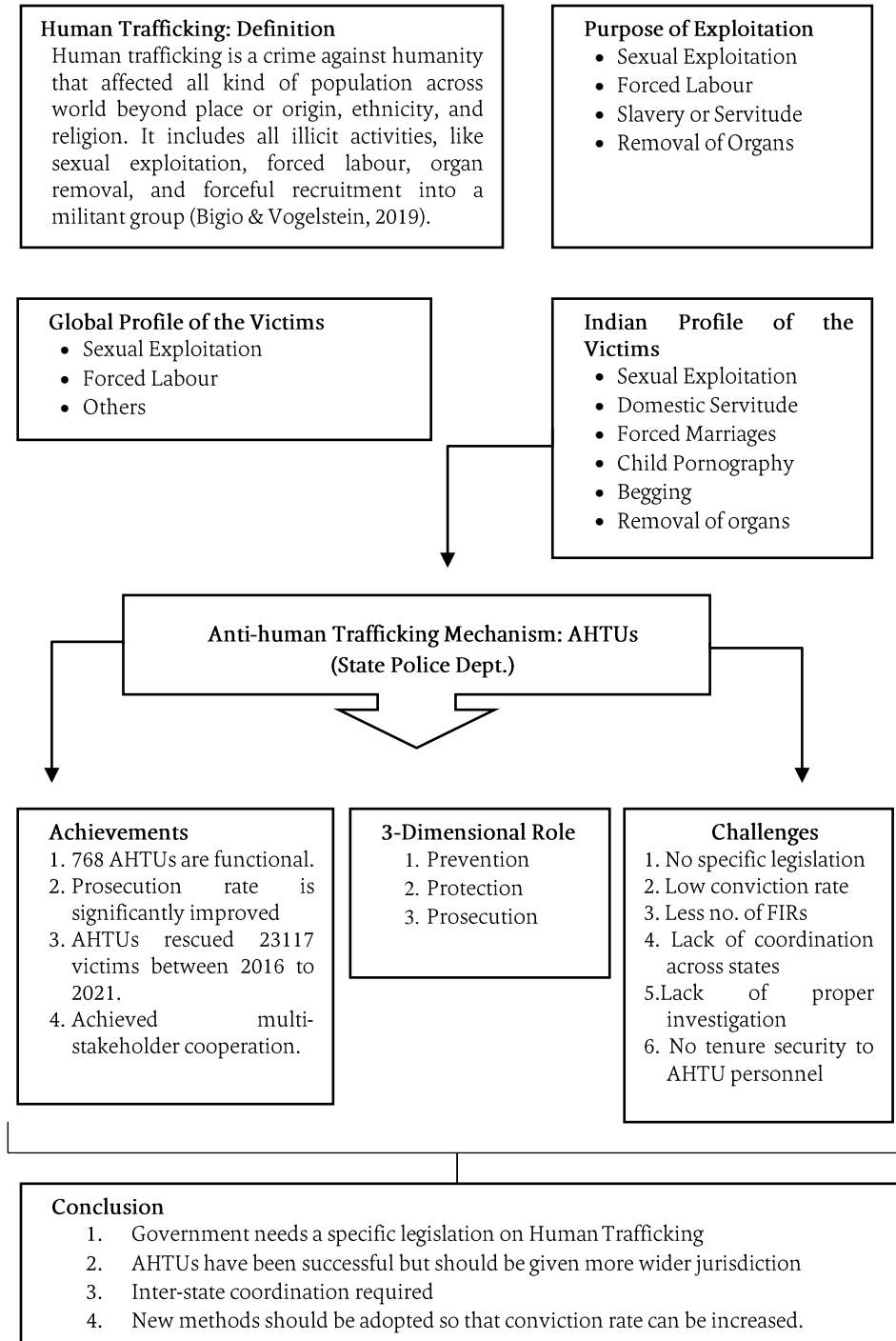
Conceptual Framework

Human Trafficking: Definition
Human trafficking is a crime against humanity that affected all kind of population across world beyond place or origin, ethnicity, and religion. It includes all illicit activities, like sexual exploitation, forced labour, organ removal, and forceful recruitment into a militant group (Bigio & Vogelstein, 2019).

Purpose of Exploitation
- Sexual Exploitation
- Forced Labour
- Slavery or Servitude
- Removal of Organs

Global Profile of the Victims
- Sexual Exploitation
- Forced Labour
- Others

Indian Profile of the Victims
- Sexual Exploitation
- Domestic Servitude
- Forced Marriages
- Child Pornography
- Begging
- Removal of organs

Anti-human Trafficking Mechanism: AHTUs (State Police Dept.)

Achievements
1. 768 AHTUs are functional.
2. Prosecution rate is significantly improved
3. AHTUs rescued 23117 victims between 2016 to 2021.
4. Achieved multi-stakeholder cooperation.

3-Dimensional Role
1. Prevention
2. Protection
3. Prosecution

Challenges
1. No specific legislation
2. Low conviction rate
3. Less no. of FIRs
4. Lack of coordination across states
5. Lack of proper investigation
6. No tenure security to AHTU personnel

Conclusion
1. Government needs a specific legislation on Human Trafficking
2. AHTUs have been successful but should be given more wider jurisdiction
3. Inter-state coordination required
4. New methods should be adopted so that conviction rate can be increased.

Fig. 6(Source: Authors)

Conclusion

This study shows that the conviction rate in India is outrageously low as around 15 per cent. Mishandling or delay in the registration or no registration of cases related to missing women and children is one of the main reason. The officers from a local police station must be sensitized about the gravity of the missing cases because first 48 hours are very crucial with respect to investigations. As a result, most of the accused got acquittal by the court due to lack of evidences or weak evidences. Hence, Government needs to legislate a new law, which defines 'human trafficking' properly, and provide a wider jurisdiction to AHTUs so that they can easily coordinate with multiple stakeholders and be victim centric in their approach. Police should also be investigate missing women and children's cases in coordination with AHTUs. New methods or standard of procedure should be adopted while gathering the evidences or tracing victims so that conviction rate can be increased. AHTUs along with other stakeholders requires to build trust with the victims and to develop coordination with the survivors for the unearthing of a trail of human trafficking across states. This will also enhance their chance of getting better evidence and witnesses related to the cases.

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