

Report on Trafficking in India

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I. Introduction

Indian law on human trafficking, defined under *Section 370* of the *Indian Penal Code*, notably overlooks a significant form of trafficking: bride trafficking. This particular form, aimed at marriage purposes, is prevalent in India. Young girls from economically disadvantaged regions such as Bengal, Bihar, Jharkhand, Assam, etc., are often trafficked to states like Haryana, Punjab, and Rajasthan. The skewed sex ratio in Punjab, Haryana, and Rajasthan serves as a primary driver for bride trafficking.

According to the book "*Bride Trafficking in India: Hidden in Plain Sight*" authored by *Dr. Niteesh Kumar Upadhyay*, who interviewed 50 bride trafficking victims, the following findings emerged: 85% of trafficked women were living in poverty before being trafficked.

10% of these trafficked women were trafficked more than 3 times or married to 3 different individuals at different times. Approximately 1 in 25 trafficked brides in Haryana is forced into prostitution and polyandry, poverty, female foeticide, female infanticide, and dowry practices are the main reasons for this type of crime.

As the crime is camouflaged under the guise of legal marriage, tracking it becomes challenging. It's a highly profitable business, and very few of these women are rescued from such exploitative marriages.

Even when these women are rescued, many are hesitant to leave their so-called husbands and families, especially if they have children and are concerned about their future. They often choose to stay in these forced, exploitative marriages. The *Government of India* lacks a solid law or scheme to prevent bride trafficking or aid its victims, who often resist rescue efforts. This issue demands attention from government agencies, NGOs, and law enforcement officers. Organizations like *Empower People* and *Shakti Vahini* are commendably working to combat trafficking and rescue victims.

II. The Indian Constitution and Trafficking Laws

India has a robust legal framework to combat human trafficking, primarily through provisions in the *Indian Penal Code (IPC)* and various other specialized laws. *Section 370* of the IPC defines trafficking of persons and includes acts such as recruitment, transportation, harboring, or receipt of persons through means like threats, force, coercion, abduction, fraud, or deception. The punishment for trafficking ranges from rigorous imprisonment of 7 to 10 years along with a fine. *Section 371* deals with habitual dealing in slaves, prescribing life imprisonment or rigorous imprisonment up to 10 years and a fine for repeat offenders. *Sections 372 and 373* specifically

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criminalize the selling and buying of minors for prostitution, unlawful purposes, or illicit intercourse, with punishments of up to 10 years of rigorous imprisonment and a fine.

The *Immoral Traffic (Prevention) Act, 1956 (ITPA)* targets commercial sexual exploitation through trafficking, incorporating provisions for the rescue and rehabilitation of victims and punishing those involved in the operation of prostitution premises. The *Juvenile Justice (Care and Protection of Children) Act, 2015*, offers stringent actions against child trafficking and provides care and rehabilitation for trafficked children. The Protection of Children from Sexual Offences (POCSO) Act, 2012, addresses sexual abuse and exploitation of children, including trafficking for sexual purposes, with stringent punishments and provisions for speedy trials.

India also has the *Bonded Labour System (Abolition) Act, 1976*, which abolishes bonded labor and includes provisions for the rehabilitation of bonded laborers. The *Child Labour (Prohibition and Regulation) Act, 1986*, prevents child trafficking for labor by prohibiting their employment in hazardous occupations and regulating working conditions. The Transplantation of Human Organs and Tissues Act, 1994, aims to prevent organ trafficking by regulating the removal, storage, and transplantation of human organs and tissues, punishing unauthorized activities in this domain.

Comparatively, the United States has the *Trafficking Victims Protection Act (TVPA) of 2000*, a comprehensive federal law focusing on prevention, protection, and prosecution related to human trafficking. The TVPA imposes severe penalties, including lengthy prison sentences and substantial fines for traffickers, and coordinates efforts through the Office to Monitor and Combat Trafficking in Persons. The United Kingdom's Modern Slavery Act of 2015 consolidates various offenses related to trafficking and modern slavery, enhancing law enforcement powers and victim protection measures, and establishing an *Independent Anti-Slavery Commissioner* to improve and coordinate responses to human trafficking and slavery. Germany addresses human trafficking through its *Criminal Code* (Sections 232 to 233a), imposing stringent penalties and focusing on extensive victim protection measures, including temporary residency permits, access to social services, and specialized support programs.

To improve India's anti-trafficking laws, enacting comprehensive anti-trafficking legislation that consolidates existing laws into a single framework would ensure clarity and uniformity. Strengthening victim protection provisions by establishing more shelters and rehabilitation programs offering medical care, psychological counseling, legal aid, and vocational training is crucial. Increasing penalties for traffickers, including mandatory minimum sentences for severe offenses, would enhance deterrence. Providing specialized training for law enforcement, judiciary, and other stakeholders on victim-centered approaches and contemporary trafficking trends would improve the efficacy of anti-trafficking efforts. Lastly, enhancing international cooperation through bilateral and multilateral agreements would foster a coordinated global response to prevent, investigate, and prosecute cross-border trafficking. Trafficking in Human Beings or Persons is prohibited under the *Constitution of India* under *Article 23(1)*. The *Immoral Traffic (Prevention) Act, 1956* (India has a robust legal framework to combat human trafficking, primarily through provisions in the Indian Penal Code (IPC) and various other specialized laws. Section 370 of the IPC defines trafficking of persons and includes acts such as recruitment, transportation, harboring, or receipt of persons through means like threats, force, coercion,

abduction, fraud, or deception. The punishment for trafficking ranges from rigorous imprisonment of 7 to 10 years along with a fine. Section 371 deals with habitual dealing in slaves, prescribing life imprisonment or rigorous imprisonment up to 10 years and a fine for repeat offenders. Sections 372 and 373 specifically criminalize the selling and buying of minors for prostitution, unlawful purposes, or illicit intercourse, with punishments of up to 10 years of rigorous imprisonment and a fine.

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Section 370 of the Indian Penal Code has been replaced with *Section 370 and 370A IPC*, providing 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. The *Immoral Traffic (Prevention) Act, 1956 (ITPA)* is the premier legislation for preventing trafficking for commercial sexual exploitation.

A unique law to shield children from sexual abuse and exploitation is the *Protection of Children from Sexual Offences (POCSO) Act, 2012*, which went into effect on November 14, 2012. Specific definitions of several types of sexual abuse are given, such as penetrative and non-penetrative sexual assault and sexual harassment.

Additional laws have been passed specifically addressing the trafficking of women and children. Other than certain sections of the IPC, such as *Sections 372 and 373*, which deal with the buying and selling of girls for prostitution, there are several laws that prohibit child marriage, including the *Prohibition of Child Marriage Act* of 2006, the *Transplantation of Human Organs Act* of 1994, and the *Bonded Labour System (Abolition) Act* of 1976.

State Governments have also enacted specific legislations to deal with the issue. (e.g. The *Punjab Prevention of Human Smuggling Act, 2012*).

III. Actions by the Indian Government to Stop and Prevent Human Trafficking

In order to combat the issue of human trafficking, the Indian government's Ministry of Home Affairs has implemented several initiatives, including:

a. Interventions and Administrative Actions

Anti-Trafficking Cell (ATC): Established in 2006 within the CS Division of the *Ministry of Home Affairs (MHA)*, the *Anti-Trafficking Nodal Cell* serves as a central hub for disseminating decisions and tracking state government actions against human trafficking. Periodically, MHA has coordination meetings with the Anti Human Trafficking Unit Nodal Officers who have been nominated in each State and Territory.

b. Advisories

MHA has sent the following thorough advisories to all States and UTs in an effort to boost the efficiency of combating the crime of human trafficking and the responsiveness of the law enforcement apparatus:

- Advisory for Preventing Crime of Human Trafficking, dated 9.9.2009.
- Advisory on Crime Against Children, dated 14th July, 2010.
- Advisory on Missing Children, dated 31st January, 2012.
- Advisory on Preventing and Combating Cybercrime Against Children, dated 4.1.2012.
- Advisory on Human Trafficking as Organised Crime, dated 30th April, 2012.
- Advisory on Preventing and Combating Human Trafficking in India-dealing with Foreign Nationals, dated 01.05.2012.
- SOP to Handle Trafficking of Children for Child Labour, dated 12.8.2013.
- Advisory on MHA Web Portal on Anti-Human Trafficking dated 5.5.2014.
- Advisory dated 23.7.2015 for Associating SSB and BSF in Crime meetings.

c. Ministry of Home Affairs' Scheme

The Ministry of Home Affairs has made funds available for the creation of Anti Human Trafficking Units in 270 districts across the nation as part of a Comprehensive Scheme titled "*Strengthening Law Enforcement Response in India against Trafficking in Persons through Training and Capacity Building*".

d. Strengthening the Capacity Building

Different *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 in order to improve the capacity building of law enforcement agencies and create awareness among them.

e. Judicial Colloquium

High court judicial officials participate in human trafficking judicial colloquia to educate and acquaint themselves with the topic. The objective is to guarantee a prompt court process and to raise awareness among judicial professionals of the several issues related to human trafficking. Eleven Judicial Colloquiums have already taken place in various states, including Tamil Nadu, Andhra Pradesh, Bihar, Uttar Pradesh, Jharkhand, Odisha, Chandigarh, Delhi, Himachal Pradesh, Maharashtra, and Chhattisgarh.

IV. Human Trafficking in India Data: 2020, 2021, and 2022

This report examines human trafficking trends in India over the past three years (2020-2022) using data from the *National Crime Records Bureau (NCRB)*.

Number of Cases and Trends

The NCRB data reveals an upward trend in registered cases over the three years. There were 1,714 cases in 2020, which served as the baseline. This number increased by 27.7% in 2021, with 2,189 cases registered. The rise continued in 2022, with authorities registering 2,250 cases, reflecting a further 2.8% increase from the previous year. This upward trend could be due to several factors, such as increased awareness of human trafficking leading to more reporting, or a genuine rise in trafficking incidents.

Year 2020

In 2020, the *National Crime Records Bureau* reported 1,714 cases of human trafficking in India, providing a baseline for future comparisons. These cases exposed the grim reality of human trafficking, with sexual exploitation for prostitution, forced labor, and domestic servitude being the most prevalent reasons. Maharashtra and Telangana emerged as the states with the highest number of registered cases (184 each), followed closely by Andhra Pradesh (171), Kerala (166), Jharkhand (140), and Rajasthan (128). However, bringing perpetrators to justice remained a challenge. While the national conviction rate reached 10.6% in 2020, there was significant variation across states. Seven states alarmingly reported zero convictions, highlighting the need

for a more consistent legal approach. Tamil Nadu stood out with the highest conviction rate (66%), followed by Delhi (40%). Another concerning aspect of the data was the high number of identified victims – 4,709 individuals in total. Even more troubling was the fact that 2,222 of these victims were minors, underlining the vulnerability of children to this heinous crime.

Year 2021

The NCRB report for 2021 reveals a troubling rise in human trafficking across India. A total of 2,189 cases were registered in 2021, marking a significant 28% increase compared to the previous year. This concerning trend is further amplified by the staggering number of victims identified – 6,533 individuals. Even more alarming is the fact that children comprised a substantial portion of these victims, with 2,877, or 44%, being minors. Fortunately, authorities were able to rescue 6,213 victims from traffickers. However, the report also highlights a major challenge in bringing perpetrators to justice. With a conviction rate of only 16%, the data suggests a critical need for a more robust legal framework to effectively combat this heinous crime. While the states of Telangana, Maharashtra, and Assam reported the highest number of cases (347, 320, and 203 respectively), experts believe the actual figures are likely much higher due to underreporting. This emphasizes the urgent need for improved victim identification and reporting mechanisms to address the true scope of human trafficking in India.

Year 2022

The NCRB report paints a disturbing picture of human trafficking in India for 2022. A total of 2,250 cases of human trafficking were registered in 2022 as compared to 2,189 cases in 2021, showing an increase of 2.8 per cent, as per the latest National Crime Records Bureau (NCRB) data. A total of 6,036 persons were reportedly subjected to trafficking in India in 2022. Out of these, 2,878 were children and 3,158 were adults. Through human trafficking, many have been sent into forced labour (3,335), sexual exploitation (1,983), domestic servitude (204) and forced marriage (195). Even more concerning is the identification of 6,036 victims, with children constituting a significant portion (2,878, including 1,059 girls). Fortunately, law enforcement managed to rescue 1,190 girls, which includes not only victims trafficked in 2022 but also girls trafficked in previous years. The report further highlights the geographical distribution of the crime, with Odisha topping the list at 1,120 trafficked individuals, followed by Maharashtra (805), Bihar (751), Telangana (704), Delhi (687), and Rajasthan (461). These figures underscore the urgent need for effective measures to combat human trafficking and protect vulnerable populations, especially children.

Human Trafficking Cases (IPC) - 2020

S. No.	State/UT	Cases Reported			Mid-Year Projected Population (In Lakhs)	Rate of Cognizable Crimes (IPC)++	Chargesheeting Rate
		2018	2019	2020			
1	2	3	4	5	6	7	8
STATES:							
1	Andhra Pradesh	240	245	171	526.0	0.3	99.2
2	Arunachal Pradesh	3	0	2	15.2	0.1	100.0
3	Assam	308	201	124	347.9	0.4	69.0
4	Bihar	127	106	75	1219.0	0.1	93.4
5	Chhattisgarh	51	50	38	292.4	0.1	77.4
6	Goa	55	38	17	15.5	1.1	95.2
7	Gujarat	13	11	13	691.7	0.0	90.9
8	Haryana	34	15	14	292.1	0.0	66.7
9	Himachal Pradesh	6	11	4	73.6	0.1	50.0
10	Jharkhand	140	177	140	381.2	0.4	59.8
11	Karnataka	27	32	13	665.0	0.0	95.2
12	Kerala	105	180	166	353.7	0.5	93.3
13	Madhya Pradesh	63	73	80	837.6	0.1	97.3
14	Maharashtra	311	282	184	1236.8	0.1	99.4
15	Manipur	3	9	6	31.4	0.2	-
16	Meghalaya	24	22	1	32.6	0.0	-
17	Mizoram	2	7	0	12.1	0.0	-
18	Nagaland	0	3	0	21.8	0.0	100.0
19	Odisha	75	147	103	454.7	0.2	85.3
20	Punjab	17	19	17	301.8	0.1	80.0
21	Rajasthan	86	141	128	786.1	0.2	98.3
22	Sikkim	1	0	1	6.7	0.1	-
23	Tamil Nadu	8	16	11	761.7	0.0	100.0
24	Telangana	242	137	184	375.4	0.5	98.4
25	Tripura	2	1	1	40.4	0.0	100.0
26	Uttar Pradesh	35	48	90	2289.3	0.0	100.0
27	Uttarakhand	29	20	9	113.1	0.1	86.7
28	West Bengal	172	120	59	977.2	0.1	57.4
	TOTAL STATE(S)	2179	2111	1651	13152	0.1	85.8
UNION TERRITORIES							
29	A & N Islands	0	0	0	4.0	0.0	100.0
30	Chandigarh	0	2	2	12.0	0.2	100.0
31	DNH and Daman & Diu@	0*	0*	2	10.4	0.2	100.0
32	Delhi UT	98	93	53	203.2	0.3	67.5
33	Jammu & Kashmir @	1*	0*	2	133.4	0.0	100.0
34	Ladakh @	-	-	0	3.0	-	-
35	Lakshadweep	0	0	0	0.7	0.0	-
36	Puducherry	0	2	4	15.5	0.3	-
	TOTAL UT(S)	99	97	63	382.1	0.2	66.7
	TOTAL (ALL INDIA)	2278	2208	1714	13533.9	0.1	85.2

Human Trafficking Cases (IPC) - 2021

S. No.	State/UT	Cases Reported			Mid-Year Projected Population (In Lakhs)	Rate of Cognizable Crimes (IPC)++	Chargesheeting Rate
		2019	2020	2021			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
STATES:							
1	Andhra Pradesh	245	171	168	528.5	0.3	99.3
2	Arunachal Pradesh	0	2	3	15.4	0.2	0.0
3	Assam	201	124	203	351.6	0.6	56.2
4	Bihar	106	75	111	1237.0	0.1	88.0
5	Chhattisgarh	50	38	29	296.1	0.1	90.5
6	Goa	38	17	15	15.6	1.0	88.9
7	Gujarat	11	13	13	700.8	0.0	100.0
8	Haryana	15	14	37	296.0	0.1	84.8
9	Himachal Pradesh	11	4	5	74.1	0.1	100.0
10	Jharkhand	177	140	92	386.4	0.2	55.9
11	Karnataka	32	13	13	669.9	0.0	90.9
12	Kerala	180	166	201	355.4	0.6	86.9
13	Madhya Pradesh	73	80	89	848.6	0.1	98.8
14	Maharashtra	282	184	320	1247.6	0.3	99.6
15	Manipur	9	6	1	31.7	0.0	100.0
16	Meghalaya	22	1	1	33.0	0.0	4.3
17	Mizoram	7	0	0	12.2	0.0	-
18	Nagaland	3	0	0	22.0	0.0	-
19	Odisha	147	103	136	457.9	0.3	70.4
20	Punjab	19	17	15	304.0	0.0	81.3
21	Rajasthan	141	128	100	795.7	0.1	100.0
22	Sikkim	0	1	0	6.8	0.0	-
23	Tamil Nadu	16	11	3	764.8	0.0	100.0
24	Telangana	137	184	347	377.7	0.9	98.6
25	Tripura	1	1	1	40.8	0.0	-
26	Uttar Pradesh	48	90	103	2317.0	0.0	90.9
27	Uttarakhand	20	9	16	114.4	0.1	75.0
28	West Bengal	120	59	61	982.9	0.1	72.5
TOTAL STATE(S)		2111	1651	2083	13284	0.2	84.8
UNION TERRITORIES							
29	A & N Islands	0	0	0	4.0	0.0	-
30	Chandigarh	2	2	2	12.1	0.2	100.0
31	DNH and Daman & Diu@	0*	2	0	11.1	0.0	-
32	Delhi UT	93	53	92	207.0	0.4	81.3
33	Jammu & Kashmir @	0*	2	4	134.4	0.0	50.0
34	Ladakh @	-	0	0	3.0	0.0	-
35	Lakshadweep	0	0	0	0.7	0.0	-
36	Puducherry	2	4	8	15.8	0.5	-
TOTAL UT(S)		97	63	106	388.1	0.3	80.8
TOTAL (ALL INDIA)		2208	1714	2189	13671.8	0.2	84.7

Human Trafficking Cases (IPC) - 2022

S. No.	State/UT	Cases Reported			Mid-Year Projected Population (In Lakhs)	Rate of Cognizable Crimes (IPC)++	Chargesheeting Rate
		2020	2021	2022			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
STATES:							
1	Andhra Pradesh	171	168	163	530.3	0.3	98.8
2	Arunachal Pradesh	2	3	4	15.5	0.3	100.0
3	Assam	124	203	140	354.9	0.4	42.7
4	Bihar	75	111	260	1255.3	0.2	84.8
5	Chhattisgarh	38	29	26	299.5	0.1	87.0
6	Goa	17	15	1	15.7	0.1	33.3
7	Gujarat	13	13	9	709.3	0.0	100.0
8	Haryana	14	37	13	299.7	0.0	80.0
9	Himachal Pradesh	4	5	5	74.4	0.1	100.0
10	Jharkhand	140	92	100	391.4	0.3	64.5
11	Karnataka	13	13	18	674.1	0.0	92.3
12	Kerala	166	201	135	356.8	0.4	60.6
13	Madhya Pradesh	80	89	81	858.9	0.1	100.0
14	Maharashtra	184	320	295	1257.4	0.2	100.0
15	Manipur	6	1	0	32.0	0.0	-
16	Meghalaya	1	1	2	33.3	0.1	33.3
17	Mizoram	0	0	0	12.3	0.0	-
18	Nagaland	0	0	0	22.2	0.0	-
19	Odisha	103	136	121	460.8	0.3	92.8
20	Punjab	17	15	21	306.0	0.1	85.7
21	Rajasthan	128	100	117	804.4	0.1	100.0
22	Sikkim	1	0	0	6.8	0.0	-
23	Tamil Nadu	11	3	1	767.1	0.0	100.0
24	Telangana	184	347	391	379.5	1.0	98.6
25	Tripura	1	1	0	41.2	0.0	-
26	Uttar Pradesh	90	103	126	2340.9	0.1	87.5
27	Uttarakhand	9	16	16	115.6	0.1	94.7
28	West Bengal	59	61	67	987.6	0.1	74.1
TOTAL STATE(S)		1651	2083	2112	13403.0	0.2	83.5
UNION TERRITORIES							
29	A & N Islands	0	0	0	4.0	0.0	-
30	Chandigarh	2	2	1	12.2	0.1	100.0
31	DNH and Daman & Diu	2	0	0	12.0	0.0	-
32	Delhi UT	53	92	106	211.0	0.5	95.2
33	Jammu & Kashmir	2	4	8	135.4	0.1	80.0
34	Ladakh	0	0	0	3.0	0.0	-
35	Lakshadweep	0	0	0	0.7	0.0	-
36	Puducherry	4	8	23	16.2	1.4	-
TOTAL UT(S)		63	106	138	394.5	0.3	94.9
TOTAL (ALL INDIA)		1714	2189	2250	13797.49	0.2	83.9

V. India implemented International Convention on Trafficking

a. *UN Convention*

India is a signatory to the *United Nations Convention on Transnational Organized Crime (UNCTOC)*, which includes the Prevention, Suppression, and Punishment of Trafficking in Persons (especially of Women and Children) Protocol. Many steps have been taken to put the convention into practice, and in accordance with the Protocol, the Criminal Law Amendment Act, 2013 was passed, clearly defining human trafficking.

b. *SAARC Convention*

Preventing and Combating the Trafficking of Women and Children for Prostitution is the aim of the SAARC Convention, which India has ratified. SAARC Convention implementation was handled by a Regional Task Force. There have now been five Regional Task Force meetings. The fifth gathering took place in *Paro*, Bhutan on April 11–12. An educational tour for SAARC member nations was held from November 18–22, 2013, in accordance with the Fifth Meeting's proposal, with the aim of gaining insights from the *Anti Human Trafficking Units (AHTUs)* that have been formed across the nation's districts. Study tour participants included representatives from Afghanistan, Bhutan, and Sri Lanka.

c. *Bilateral mechanism*

A Task Force of India and Bangladesh was established to deal with cross-border trafficking, solve numerous issues related to trafficking prevention, victim identification and repatriation, and make the process expedient and victim-friendly between India and Bangladesh. There have been five Task Force meetings between Bangladesh and India thus far. The fifth summit took place in Dhaka, Bangladesh, on August 17–18, 2015.
