

ज्ञापांक 24 / ए0एच0टी0यू0
74/09

अपराध अनुसंधान विभाग, बिहार, पटना।
पटना, दिनांक :- 04.03.2020

सेवा में,

सभी वरीय पुलिस अधीक्षक,
सभी पुलिस अधीक्षक (रेलवे सहित), बिहार।

प्रसंग:- HEM RAJ, National Director-Advocacy, Justice Ventures International (JVI) Project, C-39, Lower Ground Floor, Nizamuddin East, New Delhi 110013 का पत्र संख्या-शून्य दिनांक-19.02.2020

विषय:- वेश्यालयों से पीड़िताओं की रेस्क्यू (बचाव) के दौरान गिरफ्तार ग्राहकों/अपराधकर्मियों के विरुद्ध सुसंगत धाराओं में प्राथमिकी दर्ज करने के संबंध में ।

उपर्युक्त प्रसंग एवं विषय के संदर्भ में कहना है कि HEM RAJ, National Director-Advocacy, Justice Ventures International (JVI) Project, C-39, Lower Ground Floor, Nizamuddin East, New Delhi 110013 का पत्र संख्या-शून्य दिनांक-19.02.2020 प्राप्त है, जिसमें उल्लेख किया गया है कि मानव-तस्करी के विरुद्ध किये जा रहे अनेक कार्रवाइयों के बावजूद भी मानव-तस्करी से संबंधित अपराध नियंत्रित नहीं हो पा रहे हैं। । इसका मुख्य कारण पुलिस पदाधिकारियों का इस अपराध के प्रति जागरूक नहीं होना एवं मानव-तस्करी से संबंधित उचित धाराओं का प्राथमिकी में समावेश नहीं किया जाना बताया गया है । फलस्वरूप छापामारी के क्रम में गिरफ्तार ग्राहक/अपराधकर्मी न्यायालय से जमानत पर मुक्त हो जाते हैं एवं पुनः इस धंधे में शामिल हो जाते हैं । प्रासंगिक पत्र के माध्यम से छापामारी में गिरफ्तार ग्राहक/अपराधकर्मी के विरुद्ध IPC, ITPA Act 1956, J.J Act 2015 एवं Pocso Act 2012 की सुसंगत धाराओं का समावेश प्राथमिकी में किये जाने का अनुरोध किया गया है ।

अतः प्रासंगिक पत्र की छायाप्रति साथ संलग्न करते हुए निदेश है कि प्राथमिकी दर्ज करते समय इसका अनुपालन दृढ़तापूर्वक कराना सुनिश्चित कराएँ ।

अनुलग्नक:- यथोपरि।


पुलिस महानिरीक्षक, कमज़ोर वर्ग

अपराध अनुसंधान विभाग, बिहार, पटना।

- प्रतिलिपि:-
1. अपर पुलिस महानिदेशक (रेलवे)/सभी प्रक्षेत्रीय पुलिस महानिरीक्षक/क्षेत्रीय पुलिस उप-महानिरीक्षक (रेलवे सहित) बिहार को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।
 2. HEM RAJ, National Director-Advocacy, Justice Ventures International (JVI) Project, C-39, Lower Ground Floor, Nizamuddin East, New Delhi 110013 का पत्र संख्या-शून्य दिनांक-19.02.2020 के आलोक में सूचनार्थ प्रेषित ।


पुलिस महानिरीक्षक, कमज़ोर वर्ग

अपराध अनुसंधान विभाग, बिहार, पटना।

2SP/AHTU
19/2/2020
"Trafficking in human beings and begar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

- Article 23 of the Constitution of India (1949)

To
Sh. Ratan Sanjay,
The Hon'ble IG (WS)/AHTU, Bihar,
Patna, Bihar.

Date: 19th February, 2020

Subject: REQUEST FOR DIRECTION TO ALL THE SHOs/SPOs OF BIHAR TO ENSURE ARRESTS OF CUSTOMERS DURING BROTHEL RAIDS WHILE RESCUING CHILDREN FROM COMMERCIAL SEXUAL EXPLOITATION.

Brief Introduction about Justice Ventures International Project (in short JVI): JVI is a human rights organization dedicated to partnering with local organizations to secure freedom, justice and restoration for children, women and men suffering from human trafficking and other extreme injustice in India. Over the last over eight years our justice initiatives have directly impacted over 35,000 lives while strengthening the capacity of over 60 local justice organizations to serve thousands more on an ongoing basis. Among other accomplishments, JVI and its partners have assisted the local administration and law and enforcement agencies in rescuing over 4,800 human trafficking victims through over 160 rescue operations while providing vital legal services in over 300 ongoing legal cases to ensure over 200 of perpetrators involved in these cases are held accountable.

Human trafficking: Human trafficking is a global issue, with over 45.8 million trafficked persons worldwide, which is more than the people who live in the cities of London, New York, Seoul and Delhi combined. Worldwide, approximately 80 % of human trafficking victims are women and girls, and up to 50% are minors¹. As per the NCRB 2018 report, 1313 incidences of human trafficking are reported². According to the Trafficking in Persons Report 2018, the Govt. of India does not fulfil the minimum requirements for the elimination of trafficking; however, it is making significant efforts to do so.³ India is a source, destination and transit country for human trafficking, with 90% of the problem being internal, and those from the most disadvantaged social strata - lowest caste Dalits, members of tribal communities, religious minorities, and women and girls from excluded groups - are most vulnerable.⁴ The major forms of trafficking prevalent in India are: Sex Trafficking/Commercial Sexual Exploitation & Forced Labour.

Experts estimate millions of women and children are victims of sex trafficking in India. The Action research on trafficking conducted by the Institute of Social Sciences under the aegis of the National Human Rights Commission indicates that most of the police officers are not aware of the provisions of the law dealing with trafficking and again while registering cases of trafficking provisions of substantive law are not being combined with the provisions of special law i.e. ITPA. This very often allows the culprits to escape the clutches of the law with light or no punishment, especially - customers.

Legislations and deterrent provisions against trafficking: India has very strong deterrent laws to effectively curb this monstrous evil and most heinous crime. Following are the legislations which prohibit and prevent human trafficking. These are:

¹ US Department of State.

² Crime in India 2018, statistics Volume-I, National Crime Record Bureau.

³ Trafficking in Persons Report 2018 Available at: <https://www.state.gov/documents/organization/282798.pdf>

⁴ ibid

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- **The Constitution of India, 1956** - Article 23 of the Constitution.
- **Indian Penal Code, 1860** - Sections 370/371/372/373/376.
- **Immoral Traffic Prevention Act, 1956** - Sections 3/4/5/6/7/9.
- **Juvenile Justice Act, 2000** - Sections 75/81/84.
- **Protection of Children from Sexual Offences Act, 2012** - Sections 4/6/8/10.

Measures to Take in Order to Deter the Accused: Despite Indian legislature has come up with numerous strong legislations in order to prevent trafficking in persons, however the Indian Legal System has blatantly failed in preventing the scourge of human trafficking and all forms of exploitation attached to the this horrific and diabolic crime. Most of the victims are from deprived and marginalized sections of the society and dysfunctional families and most of them are illiterates. They face harrowing times in the dirty brothels with no choice in deciding the number of customers they have to serve in a day.

On ensuring *customer accountability* and *deterrence* thereby creating model sex trafficking cases, the following strategy can be very helpful to control and curb the organized crime:-

Arrest and Criminalization of sex buyers – customers: It's impossible to eradicate this organized crime from our society unless until the entire chain of criminals is broken. Apart from traffickers etc., the customers/sex buyers should also be brought to justice and should be dealt with iron hands of the law. It is often noticed that the customers/sex buyers who are the prime instigators and promoters of this heinous crime are not booked and they escape with impunity because the law is never/rarely enforced against them. Customers are part of organized criminal network. The sex buyers/customers demand for the sex and traffickers, agents, pimps, brothel managers/owners, etc. supply vulnerable victims to fulfil their lust for commercial gains. If the customers are booked and prosecuted, the deterrence will drastically reduce the monstrous and dubious crime of trafficking. Sections 370/372/373/376 of IPC, sections 5/6/9 of the Immoral Trafficking (Prevention) Act, Sections 75/81 of JJ Act and sections 4/6/8/10 of the POCSO Act, attract against the customers also.

Therefore, we would humbly request your good offices to consider our submission and direct all the SHOs/SPOs for ensuring arrest of customers in all future brothel raids while rescuing children from commercial sexual exploitation.

We look forward to hearing a positive response from your good offices.

Thanking you in anticipation.

Warmest regards.


19/02/2020
HEM RAJ

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