



ENABLING RESPONSIVE JUSTICE FOR VICTIMS OF TRAFFICKING IN FIVE DISTRICTS OF MAHARASHTRA

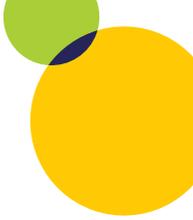
Kolhapur, Solapur, Aurangabad, Ahmednagar, and Nashik

Intervention Case Stories

March 2022



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Credits

Enabling Responsive Justice for Victims of Trafficking in Five Districts of Maharashtra: Intervention Case Stories

By Vipla Foundation (registered as Save The Children India)
Supported by the Global Fund to End Modern Slavery (GFEMS)

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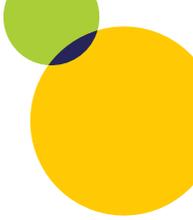
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Acknowledgement

We are grateful to the Global Fund to End Modern Slavery (GFEMS) and the United States Department of State for supporting Vipla Foundation in its endeavor to strengthen prosecution in sex trafficking cases in the districts of Kolhapur, Solapur, Aurangabad, Ahmednagar, and Nashik through the current program. Though impacted by the global Covid-19 pandemic, the program witnessed the power of collaborative and coordinated functioning among key stakeholders across the program districts and the resultant small, yet significant victories on the way to make justice accessible to the victims of Commercial Sexual Exploitation.

Vipla Foundation owes a special gratitude to the Maharashtra State Legal Services Authority (MSLSA), the District Legal Services Authority, the District Government Pleaders (DGP), the Additional Directors of Public Prosecution (ADPP), and the Department of Women and Child Development (DWCD) without whose support this multi-stakeholder initiative would not have been possible.

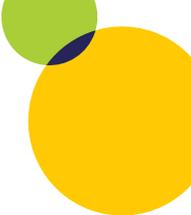
This booklet is dedicated to all those key stakeholders whose efforts and timely response helped make a positive difference in the post-rescue experience of sex trafficking victims and to those spirited women and children who continue fight for justice for themselves.

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Acronyms

ADPP	Additional Director and Public Prosecutor
Cr. PC	Code of Criminal Procedure 1973
CSE	Commercial Sexual Exploitation
CWC	Child Welfare Committee
DGP	District Government Pleader
DLSA	District Legal Services Authority
DWCD	Department of Women and Child Development
FIR	First Information Report
GFEMS	Global Fund to End Modern Slavery
HIR	Home Inquiry Report
IO	Investigation Officer
IPC	Indian Penal Code 1860
IQ	Intelligence Quotient
ITPA	Immoral Traffic (Prevention) Act 1956
JJ Act	Juvenile Justice (Care and Protection of Children) Act 2015
JMFC	Judicial Magistrate First Class
MSLSA	Maharashtra State Legal Services Authority
NALSA	National Legal Services Authority
NIOS	National Institute of Open Schooling
PO	Probation Officer
POCSO Act	Protection of Children from Sexual Offences Act 2012
PP	Public Prosecutor
SOP	Standard Operating Procedure
STCI	Save The Children India
VF	Vipla Foundation

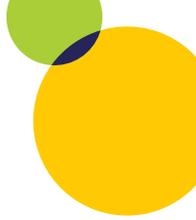


Introduction

Trafficking for commercial sexual exploitation (CSE) is one of the gravest forms of modern slavery. The complex nature of the problem demands a multi-pronged, collective, and concerted action of stakeholders in order to demonstrate a visible dent and create deterrence. The issue requires societies and institutions to rid itself of the 'isolationist approach' and adopt a 'collective approach'. Vipla Foundation (VF; registered as Save The Children India – STCI) piloted this strategy in its work towards addressing CSE with very encouraging results. The strategy helped the organization to facilitate legal processes in a way that the victims are informed, remain engaged, and participate in the justice processes without fear, anxiety, or intimidation. It helped build sustainability through convergence and continued coordination of stakeholders.

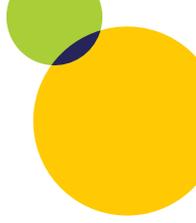
The learnings were taken to other geographies in the state of Maharashtra like Kolhapur, Solapur, Aurangabad, Ahmednagar, and Nashik with support from the Global Fund to End Modern Slavery (GFEMS). The interventions aimed at strengthening prosecution processes and build behaviors that demonstrate empathy towards victims of CSE. Vipla Foundation in collaboration with the Maharashtra State Legal Services Authority (MSLSA) and the District Legal Services Authority (DLSA) across the five intervention districts, sensitized and trained justice delivery stakeholders like the Judges, Prosecutors, Para Legal Volunteers and Lawyers empaneled by the DLSA to address commercial sexual exploitation. Concurrently, the organization extended handholding assistance to justice delivery stakeholders in 47 cases. This was done by educating the victims on the post-rescue legal processes, linking them to the free legal aid, supporting them in courts, supporting the DLSA Lawyers and Prosecutors through case laws, case-briefings, and so on.

Resultantly, 365 stakeholders were trained and sensitized on the issue of CSE, 7 victims testified in court, and 4 victims were awarded compensation as a result of joint efforts of stakeholders.



The present booklet is not about Vipla Foundation's intervention; but it is a celebration of the spirit of convergence where every stakeholder recognized their interdependent roles and coordinated within the district for the larger cause of addressing CSE. It is to acknowledge the efforts of each and every institution and individual and most importantly the victims of CSE who gathered the courage to claim their rights and bring the perpetrators to justice.

Vipla Foundation takes the opportunity to thank GFEMS for its belief in the organization and providing all the support to address CSE. The organization owes a special gratitude to the Maharashtra State Legal Services Authority, the District Legal Services Authority, the District Government Pleaders (DGP), the Additional Directors of Public Prosecution (ADPP), and the Department of Women and Child Development (DWCD) without whose support this multi-stakeholder initiative would not have been possible.



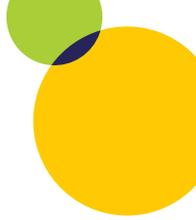
Intervention

Case Stories

Case Story 1

Comprehensive Victim Support Services
help Priya Reunite with her Family





Priya¹ suffered at the hands of her perpetrators for four long years, being trafficked from one location to another across the country. Under the garb of a job in a spa, Priya was commercially sexually exploited, being repeatedly trafficked in several states including Rajasthan, Madhya Pradesh, Gujarat, and eventually Maharashtra. The owner of a spa in Gujarat where Priya was entrapped introduced her to a trafficker named Justina who happened to be from Priya's home state. She in turn introduced the girl to another trafficker who sold her into a spa in the Solapur district of Maharashtra. Priya eventually was rescued by the Solapur police in February 2021.

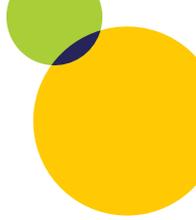
Post her rescue, Priya was produced before the Magistrate who ordered a medical examination (including an age verification test). As the medical examination report noted Priya's age to be between 17 to 19 years, the Magistrate ordered that Priya be produced before the local Child Welfare Committee (CWC) for subsequent inquiry and decisions pertaining to her rehabilitation. Priya was placed in the Government Protection Home for her care, protection, and rehabilitation by the CWC.

The VF team was introduced to Priya in early March 2021 during their course of their interventions in the Government Protection Home. The VF team provided support counselling services to Priya both individually and through various group sessions conducted at the shelter home. Around the same time, the CWC appointed VF as the Support Person² in this case and also passed Orders for a Home Inquiry [HIR] to be conducted as per process.

The VF team in coordination with a partner organization in Arunachal Pradesh conducted a home inquiry at Priya's residence in Siang district and submitted the report to the CWC. It was found that Priya's mother was a single parent and earned subsistence working as a landless labourer. Moreover, the mother was ageing and feeble. The report recommended that Priya could be restored to her family provided her elder brother (who holds a job in Goa) and her elder sister (who is married) also take responsibility of the girl.

¹Names of certain persons and places have been changed / withheld to protect the individual's right to confidentiality.

²Under the Protection of Children from Sexual Offences (POCSO) Act, 2012.



Meanwhile, the VF team was also regularly following up the progress in the prosecution trial against Priya's perpetrators. By the end of May 2021, through regular coordination with the Investigation Officer (IO) in the case, the VF team learned that the chargesheet had been filed in the case. Further, upon regular follow up with the Public Prosecutor (PP) in the case, around mid-June, the team learnt that Priya would soon be called to court for her victim witness testimony in the case. In coordination with the CWC, the shelter staff, and the office of the DLSA, the government's free legal aid was facilitated for Priya by way of appointing a DLSA Panel Lawyer for victim representation and assisting the PP in the case. With the support of the IO and the PP in the case, the VF team was able to procure a copy of Priya's statement made before the police during investigation.

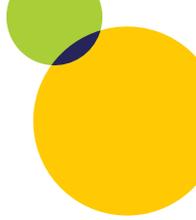
Prior to her testimony, a team comprising the DLSA Panel Lawyer, the PP, and the VF team with support from the shelter staff helped orient Priya to the courtroom procedures, her role in the prosecution process, her rights and responsibilities in the entire process, and prepared her for testimony and cross examination by the defense lawyers. The copy of the statement Priya had made before the police post her rescue was used to 'refresh the memory' of the girl before her testimony. Through these coordinated efforts, Priya testified against all the accused in her case truthfully and fearlessly participated in the cross examination by the defense lawyer.

Coordinated efforts put in by the IO, the shelter staff, the CWC, the PP, Priya's Panel Lawyer, the office of the DLSA, and the VF team finally brought cheer and some sense of justice to Priya. In September 2021, she was awarded victim compensation of INR 1,50,000 /- under the Manodhairya Scheme by the District Legal Services Authority. Priya was eventually restored to her family by the Orders of the CWC in October 2021. By the Orders of the CWC and in line with their role as the Support Person in the case, VF continues to maintain periodic follow up on Priya's overall wellbeing and reports the same to the CWC. Both the DLSA Panel Lawyer and VF continue to follow the prosecution trial closely and work in coordination with the PP to help ensure that Priya's perpetrators are convicted and that justice is "seen to be done".

Case Story 2

Victim-Witness Support and its Role in Victim Participation
in the Prosecution Process





Vipla Foundation was first introduced to Shoma³, a young spirited woman from Bangladesh, in March 2021 during a field visit to the Aurangabad district. Shoma is a resident of the Government Protection Home in Aurangabad and was placed there for her care, protection, and rehabilitation along with Sarita⁴ from West Bengal and Pratibha⁵ from Maharashtra. All three young women were rescued from CSE in December 2019 by the Aurangabad local police and after due process were placed in the Government Protection Home by the local court. During the said field visit in March 2021, Shoma's case was referred to VF by the Probation Officer for facilitating safe repatriation to her home country.

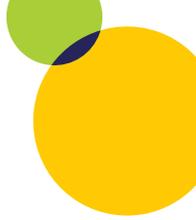
Shoma, Sarita, and Pratibha are representative of the typical profile of trafficked victims from rural areas – all three come from large families, struggling to make ends meet. These young women fell prey to their traffickers in the hope of getting a paid job in the city to be able to support their families. There is a total of 10 accused in this case who trafficked the women via Kolkata and Hyderabad to Mumbai and subsequently to Aurangabad where they were sold to a brothel and forced into sexual slavery.

While Pratibha was eventually restored to her family in Maharashtra, Sarita and Shoma were upset at not being restored to their families for almost two years. The Covid-19 lockdowns only amplified their anxiety. VF worked closely with the Protection Home staff and through individual support counselling and various group engagement sessions ensured that both the women spend their time constructively and encouraged them to make the most out of the learning opportunities that were coming their way. Both Sarita and Shoma, who were excellent with needle work and knitting, started to enjoy their time teaching these skills to the other young women placed in the Protection Home for their rehabilitation. Regular follow-ups and support from VF and encouragement by the Protection Home staff helped Sarita and Shoma cope with their stress and anxiety.

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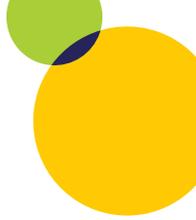


In the meantime, a meeting with the Hon. Secretary of the DLSA, Aurangabad along with the concerned Probation Officer (PO) helped the team understand that there were orders issued by the higher court to neither to grant bail to the accused nor to restore the victims until victim testimony is completed in the case. This was just before the second Covid wave and the ensuing lockdown in the State. At this time, VF's efforts to keep in continuous touch with the victims with support from the Protection Home staff ensured that Sarita and Shoma remain motivated to seek justice for themselves.

Towards the end of June 2021, when the lockdown situation eased, the VF team and the concerned PO again met with the Hon. DLSA Secretary with the request for expediting victim testimony in the case as the chargesheet had already been filed. Subsequently, the DLSA Secretary also visited Sarita and Shoma in the Protection Home and interacted with both the young women. Soon after this meeting, the DLSA Secretary intervened by meeting the judge in whose court the case is being tried and recommended that victim testimony be carried out at the earliest possible opportunity.

As a result of this intervention, soon thereafter, summons were sent by the concerned court for Sarita and Shoma to testify in court against the accused in their case. Upon receiving the summons, the VF team worked together with the PO to collect copies of the statements made by the victims during investigation to the police. The team coordinated with the Public Prosecutor (PP) and the Investigation Officer (IO) in this case to collect the statement copy of both the victims. Simultaneously, an application for free legal aid for both Sarita and Shoma was made to the office of the DLSA and the application was accepted by way of immediately appointing a DLSA Panel Lawyer to represent both the women.

Days before the victim testimony, the appointed Panel Lawyer visited the Protection Home and together with the PO and the VF team, helped motivate and prepare both the young women for their testimony. The preparation involved refreshing the memory of the victims so that they can remember what they had stated before the police during the process of investigation, to orient them about the processes to be followed in court, their role in the process, their rights vis-à-vis the trial, and to help them get oriented with and introduced to the persons who are there to support them.



On the 22nd of July 2021, the VF team along with the PO, the DLSA Panel Lawyer, and the PP attended the hearing along with Sarita and Shoma. VF's constant follow-up also ensured that the PP consults with their clients (the victims) prior to their testimony and motivates and counsels them for their testimony. The testimony followed by the cross-examination (by the lawyers of the accused in the case) for Sarita and Shoma was completed by the 26th of July 2021. Both the women, with support from the DLSA, the PP, the PO, and the VF team testified truthfully and fearlessly against the accused in their case and withstood the tactful cross examination by the defense counsel. During this process, Pratibha, the third victim in this case (who had been restored to her family) was referred to VF by the PP in the case. VF with the help of the PP and the DLSA Panel Lawyer helped and supported Pratibha to also testify truthfully and fearlessly against the accused. On the 27th of July 2021, the process of victim testimony was successfully completed in this case with the collaborative efforts of the DLSA, the shelter staff, the PP, and the IO.

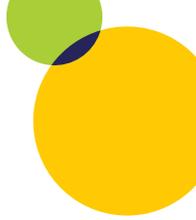
At the end of this process, both the judge and the PP praised VF for the work that they are doing in the district. The PP specifically shared that the testimony could be completed successfully and without any obstacles due to the efforts, presence, and constant support of the VF team. Following the victim testimony, Sarita was restored to her family and Shoma's order for repatriation was issued by the concerned court in accordance with the Standard Operating Procedure (SOP) for repatriation of Bangladeshi victims of trafficking from India to Bangladesh.

In January 2022, the main accused in the case filed for bail in court. The VF team provided assistance to the DLSA Panel lawyer and Prosecutor in the concerned court with all the facts and relevant case laws on bails. This helped the Prosecutor and the DLSA Panel Lawyer to argue against the grant of bail and the accused was thus, denied bail. The VF team continues to coordinate with the DWCD to ensure safe repatriation for Shoma and to work in close coordination with the DLSA Panel Lawyer and the PP to help facilitate victim compensation for the three spirited young women.

Case Story 3

Immediate and Informed Post-Rescue Victim Services help prevent Re-trafficking of Rescued Victims





On the August 22, 2021, Rani⁶ and Savi⁷ two adult victims of trafficking for Commercial Sexual Exploitation were rescued from a lodge by a local anti-trafficking organization in the Ahmednagar district. Upon rescue on the same day, the case was referred to Vipla Foundation's Ahmednagar team for providing immediate post-rescue victim protection and support services to both the rescued women.

Upon referral, the VF Social Worker provided the victims with immediate support counselling and basic orientation on the processes to be followed post rescue. This first point of contact and interaction helped both the victims calm down and understand that they have been 'rescued' and not 'arrested' by the police. Subsequently, as per procedure, the VF Social Worker accompanied the victims for a medical examination as well as presentation before the concerned Magistrate for initial inquiry and placement of the victims in the Protection Home for their care and protection.

In the absence of a Protection Home in Ahmednagar district, both Rani and Savi were placed in a Government Protection Home in the neighboring Pune district for their care, protection and rehabilitation where the VF team continued to maintain regular follow up with both the young women. The team also coordinated with the office of the DLSA for appointing a DLSA Panel Lawyer for representing both the victims. The application was accepted and a Panel Lawyer was appointed to provide free legal aid to both Rani and Savi.

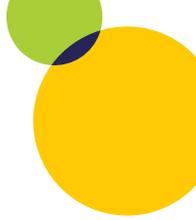
During subsequent interactions between the victims, the DLSA Panel Lawyer, and the VF team, it was found that Rani, who was 20-years-old, is a victim of re-trafficking. In the year 2018, Rani, who was then a 17-year-old adolescent, had been trafficked and subsequently rescued from a brothel in Pune. In the 2018 case, the following charges were framed against the accused in the case.

Indian Penal Code

- Section 370: Trafficking of Persons
- Section 370 A: Exploitation of Trafficked Persons
- Section 34: Acts done by several persons in furtherance of common intention

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Immoral Traffic (Prevention) Act

- Section 3: Punishment for keeping a brothel or allowing premises to be used as brothel
- Section 4: Punishment for Living off the Earnings of Prostitution
- Section 5: Procuring, Inducing, or taking a person for the sake of prostitution

However, despite the Rani being a child victim at the time, her custody was handed over to a man who had filed for her custody without inquiry. When after the current rescue, the same man (claiming to be Rani's husband) again applied for her custody, the VF team coordinated with the appointed DLSA Panel Lawyer and Prosecutor for opposing the custody application in Court. Relevant case laws (High Court precedents) upholding a trafficked victim's right to rehabilitation were presented before the court by the Prosecutor and Panel Lawyer with support from the VF team. Further, the relevance and importance of mandatory inquiry under Section 17 of the Immoral Traffic (Prevention) Act was also presented before the court. It was due to this intervention that the Court ordered the Probation Officer in the case to make an inquiry of the victim's home and of the 'so-called' husband who had filed for her custody. Through these sustained efforts, the custody application made by the 'so-called' husband was eventually rejected by the Court and the Rani continued to stay in the Government Protection Home for her protection and rehabilitation.

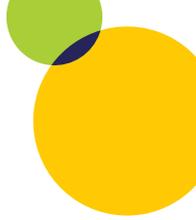
Following the arrest of the accused in the case, the main accused filed for bail in the local Court. The local organization who had conducted the rescue operation informed VF that the same accused had also been found in other rescue operations conducted by them. This information prompted the DLSA Panel Lawyer and the VF team to conduct research on past trafficking crimes and antecedents of this accused using the e-courts portal available on the web. A detailed documentation of these trafficking crime records and charges framed in each of the cases against the said accused were provided to Prosecutor through the DLSA Panel Lawyer. In addition to the main accused, the DLSA Panel Lawyer and the VF team also gathered data on the past trafficking crime records of the family members of the accused. The search revealed his entire family (including his mother and brother) were involved in trafficking crimes, procuring minors for commercial sexual exploitation. All these records along with relevant case laws (High Court precedents) were presented before the court resulting in rejection of the bail application of the accused.

The VF team continues to stay in contact with Rani and Savi offering legal aid (victim representation through DLSA's free legal aid and compensation), support counselling, and rehabilitation services to both the victims.

Case Story 4

Victim Support – an Enabler for Empowerment





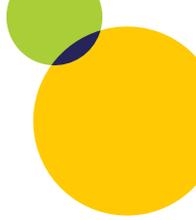
Parents are known to be the best well-wishers, mentors, and guides for their children. However, for 17-year-old Seema⁸ from Maharashtra, this was not true. At a time when children go to school, play, and have conversations on their ambitions, Seema, who had barely completed her 8th grade, was trafficked for Commercial Sexual Exploitation by her own father and stepmother. They sold Seema to a woman 'Bhavna' a brothel keeper in Rajkot who engaged in sexually exploitative activities from her residential apartment. 'Bhavna' lured Seema, saying that she would help her complete her education which would give her a good life.

Far from helping her and much to Seema's horror, 'Bhavna' entrapped her in CSE. Seema was physically and mentally exploited which caused her a lot of trauma and she fell severely ill. An ill Seema meant responsibilities, therefore 'Bhavna' sent her away back to her parents. After a few months when Seema had recovered, her father 'sold' her off to a man twice her age in the guise of marriage.

For Seema it was the beginning of yet another ordeal where she faced physical, emotional, and sexual abuse by her so-called husband and was soon pregnant. On a visit to her father's home, she was advised by her parents to not return to her abusive husband. Instead, they arranged for her abortion, and barely a few months later found another 'match' for her. This was yet another round of selling off Seema to a much older man on the pretext of marriage. This time, Seema gathered the courage and managed to escape. She lodged a complaint at the local police station against 10 people – including 'Bhavna', her father, stepmother, and an uncle who had abetted them in the exploitation. The local court placed Seema in the Government Protection Home in Aurangabad district for her care, protection, and rehabilitation which referred her to the Vipla Foundation Team in Aurangabad. The team extended support counseling to orient her on the processes that would ensue in the case. These sessions proved very helpful, as Seema had gradually begun to regain her confidence and also participated in rehabilitation activities.

Based on the complaint lodged by Seema, the accused in the case had been arrested and they had filed applications in court for their bail. The VF team coordinated with the office of the DLSA and made an application to secure free legal aid and representation for Seema that was allowed by the DLSA. The VF team provided assistance to the lawyer and prosecutor in the concerned court with all the facts and relevant case laws on bails. This helped the prosecutor and the lawyer to argue against the grant of bail and the accused were thus denied the bail.

⁸Names of certain persons and places have been changed / withheld to protect the individual's right to confidentiality.



Concurrently the VF team is also aiding Seema in her education that got disrupted on account of her getting trafficked. The team coordinated with her previous school and procured her School Leaving Certificate and she is admitted to the 10th grade through the National Institute of Open Schooling (NIOS).

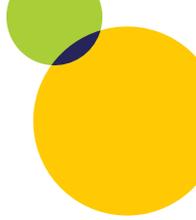
In January 2022, the DLSA lawyer filed an application for compensation for Seema. The application was allowed and she was awarded rupees three lakh as victim compensation under the Manodhairya Scheme.

Seema is now residing in Mumbai with her family consisting of her biological mother and maternal aunt. The VF team is committed to extend all support so that she completes her school education and is able to lead an empowered and independent life.

Case Story 5

Concerted Efforts help Asma Reunite with her Family





Mid-May 2021, Asma⁹, was brought to the Government Children's Home in Kolhapur by the local police. She had been found unaccompanied on a street with a bruised head by the local ChildLine, and with the help of the local police was presented before the local Child Welfare Committee. Asma had no personal identity documents on her. Visibly under trauma, Asma was unable to provide her address and family details to the Child Welfare Committee.

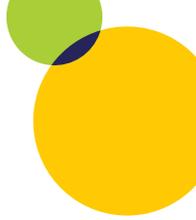
Immediately thereafter, Asma's case was referred to Vipla Foundation to provide her with support counselling and to assist the Committee and the local police in registering a First Information Report (FIR) in the case. Even post the first few interactions, Asma found it difficult to recall what had happened with her and how she landed unaccompanied on the street from where ChildLine and the local police had brought her to the Children's Home. She would only say, 'Asif mujhko lekar aaya yahan'¹⁰.

As Asma slowly started to open up, she revealed that her father and paternal aunt lived in one of the rural belts of the state of West Bengal. Asma's father, a single parent, would sell lottery tickets or take up other odd jobs to earn subsistence. Asma had dropped out of school post grade five. In the years that followed, a young man named Asif lured Asma and brought her to Mumbai on the pretext of marrying her. Once they reached Mumbai, Asma travelled to Kolhapur with Asif. Asma revealed that in Kolhapur, she was made to stay in a hotel room where Asif and another boy who claimed to be his friend beat her up and escaped with all her money and belongings leaving her alone on the street to fend for herself. This is when she was found by ChildLine and the local police. While, Asma had started to reveal various threads of past history of abuse by Asif, the VF team continued to provide support counselling to help her disclose more details as many a times, cases of trafficking are first reported as 'missing' or 'runaway' cases.

Simultaneously, other processes were underway in Asma's case and as per procedure a medical examination was ordered for Asma by the Child Welfare Committee. Medical examination revealed that Asma was a patient of epilepsy which was adding to her inability to recall recent past events. Asma was immediately put on treatment as per the local doctor's medical advice. In addition, an IQ test was also conducted for Asma which revealed borderline results. Further, as Asma's ossification test report suggested her age to be between 18 to 19 years, she was immediately transferred to the Government Protection Home for further care and protection services by the orders of the Child Welfare Committee.

⁹Names of certain persons and places have been changed / withheld to protect the individual's right to confidentiality.

¹⁰Asif got me here (to Kolhapur).



Once at the Government Protection Home for adults, the VF team continued to provide support counselling to Asma. However, the need for professional trauma counselling was evident and thus, the VF team in consultation with the Superintendent of the Government Protection Home facilitated virtual trauma counselling sessions for Asma. Asma was responding well to these sessions and began taking an interest in the various engagement activities that the VF team would conduct at the Protection Home. Asma was encouraged by the VF team and the Protection Home staff to take part in the process; without giving much weightage to tangible results.

Once Asma had started to respond well to the interventions, the VF team with the help of the Protection Home team made an application for free legal aid for Asma to the DLSA Kolhapur. The application was accepted and a DLSA Panel Lawyer was appointed to legally represent Asma. Along with the DLSA Panel Lawyer, the VF team and the Protection Home staff started working towards the filing of the FIR in the case. The police had not filed an FIR citing Asma's inability to reveal details of the circumstances she was found in. To expedite the process, a meeting was convened between the DLSA Panel Lawyer, the Hon. Secretary – DLSA Kolhapur, the Protection Home staff, the local police, and the VF team. With guidance from the Hon. Secretary, DLSA Kolhapur, the FIR in Asma's case was immediately filed by the local police.

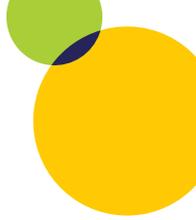
Soon thereafter, the local police were able to identify and locate Asma's father in West Bengal and he was called to Kolhapur to meet with the concerned authorities. However, a Covid lockdown followed which prevented her father from visiting the district for another three months. During this period, the Kolhapur VF team continued to stay connected with Asma virtually with support from the Government Protection Home team. Asma was agitated with not being able to make any contact with her family. Permissions were sought and after due inquiry, telephonic communication between Asma and her father was facilitated by the Protection Home team. This process brought much relief for Asma.

By October 2021, when Asma's father was finally able to come down to Kolhapur, his statement regarding the events that led Asma to her current situation was recorded before a Magistrate (of the rank of Judicial Magistrate First Class /JMFC) under Section 164 of the Code of Criminal Procedure (Cr. PC) 1973. A couple of days later, Asma's statement under Section 164 Cr. PC was also recorded before another Magistrate of the rank of JMFC. Thereafter, Asma's custody was handed over to her father and accompanied by a female police constable, Asma and her father travelled back to the home state. The VF team continues to follow up on Asma's well-being every once in a while, to ensure that Asma is doing well back home.

Case Story 6

Strong Follow up post-restoration ensures
Shyama Returns to School





Shyama¹¹ aged 15 years, and her mother were both rescued by the local police from Commercial Sexual Exploitation in Kolhapur. While Shyama's mother, was released by the local court after due process, Shyama was presented before the local Child Welfare Committee and thereafter as per the provisions under the Juvenile Justice (Care and Protection of Children) Act 2015 was restored to her maternal uncle. Since Shyama's mother was a single parent and herself a victim in the case, the CWC thought it "in the best interest of the child" to hand over her custody to her maternal uncle.

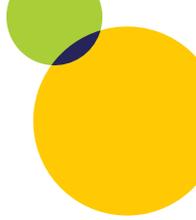
In June 2021, VF was appointed as a Support Person¹² by the CWC under the Protection of Children from Sexual Offences Act (POCSO) 2012 to provide support services to Shyama. As the team started to make follow up visits in the case, it was soon revealed that Shyama and her mother were no longer living in the custody of the maternal uncle but had temporarily rented out a small dwelling near his home. This was immediately reported to the CWC in the follow up report. However, as both the girl and the mother were living in the vicinity of the maternal uncle's home and appeared to be doing fine, no action was initiated.

At the same time, the VF team was also working on facilitating free legal aid for both Shyama and her mother with support from the local DLSA as envisioned under the NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme 2015. In this process, access to the victims' statement (made under Section 161 of the Cr. PC 1973) made to the police during investigation revealed that Shyama's mother had knowingly taken Shyama along with her to the place from where they were eventually rescued. Common statements by both the mother and the girl further revealed that Shyama's mother was in a relationship with the main accused in the case and that she was aware of his intentions of engaging her child in Commercial Sexual Exploitation. It was also noted that this man was out on bail.

Following these observations, a detailed report regarding the same was submitted by the VF team to the CWC who was keeping a close watch on the case. Further, when during every follow up visit, the VF team found the girl and her mother were not residing with the maternal uncle, both the CWC and the VF team became concerned that Shyama was again being pushed into CSE. Observations noted by the VF team in several follow up reports made the CWC take cognizance of the situation. Promptly, an order was passed by the CWC for the maternal uncle to produce Shyama before the CWC.

¹¹Names of certain persons and places have been changed / withheld to protect the individual's right to confidentiality.

¹²Getting a Support Person Order is critical in cases of child victims of trafficking for CSE as it gives the organization the locus standi to support the child victims through all processes in their case (including legal support and guidance).



When Shyama was eventually presented before the CWC by the maternal uncle, she requested the CWC to be placed in a Children's shelter for her further education. She claimed that she wanted to study further but was being discouraged to do so by the mother. However, by the end of the meeting, Shyama requested the CWC for time to think through her decision. Post three days, Shyama decided that she wanted to continue staying at home but in the custody of the maternal uncle as per the original CWC restoration orders. The CWC keeping in mind the "best interest of the child" accepted her request but also ordered the maternal uncle to present the child before them every fortnight and to enroll her in the local school as well as submit admission documents to the CWC during the next date. In addition, the VF team was introduced to the local Police Patil¹³ by the CWC with whose help, rigorous follow up was to be conducted to ensure that the girl is living with the maternal uncle and is also attending school.

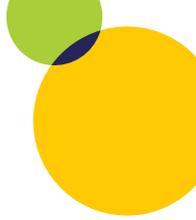
As directed by the CWC, the VF team with the help of the local Police Patil (who lived in the same village as the maternal uncle) and a female member of the local Mahila Dakshata Samiti¹⁴ continued to keep a close follow up with the girl and her maternal uncle. Shyama, thereafter, was enrolled in grade ten in the local school by her maternal uncle as per the orders of the CWC. In one of the follow up visits made by the VF team post her school admission, the school's Principal shared with the team that Shyama's case was the first such case in their village where a girl was returning to school after two years of having dropped out of school.

In a parallel intervention, after seeing the FIR in the case, it was noted by the VF team that while sections of the Immoral Traffic (Prevention) Act 1956 were rightly registered in the case no sections under the POCSO Act were registered even though Shyama was a child at the time of rescue and the said case had been registered in the year 2019, post enactment of the POCSO Act. Further, while the case had attracted Section 370¹⁵ of the Indian Penal Code 1860 it was registered before a Judicial Magistrate First Class (JMFC) court instead of the local District and Sessions court.

¹³Police Patil is a village local who provides information (social, criminal, and revenue related). As per the Village Police Act, 1967 passed by Maharashtra Government, Police Patils have been recruited by conducting exams held by the revenue department. A Police Patil's' role is critical in maintaining law and order in the village.

¹⁴The Mahila Dakshata Samiti was first set up in 1977 by a group of women as a response to emergency calls from fellow women regarding issues such as dowry demands, sexual harassment, violence against women, etc. and it spearheaded the women's movement in India. In its current form, the Mahila Dakshata Samiti continues to act as a community vigilance group with the aim of prevention of crimes against women and children.

¹⁵Section 370: Trafficking of Persons which attracts a punishment of up to 7 to 10 years plus fine and thus, is a Sessions Court triable offence.



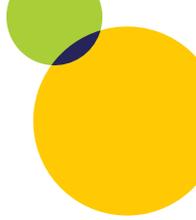
The VF team made an application to the office of the DLSA Kolhapur for providing free legal aid for Shyama by way of appointing a DLSA Panel Lawyer. Thereafter, together with the appointed Panel Lawyer, and under the guidance of the Hon. District Government Pleader and Public Prosecutor (Kolhapur) and the Hon. Secretary DLSA (Kolhapur), an application was made by the Panel Lawyer in the JMFC court for committal of the said case to the Sessions Court. These collaborative efforts under the guidance of the office of the DLSA and the office of the District Government Pleader (DGP) resulted in the case being committed to the Sessions Court as well as relevant POCSO section being registered in the case.

The VF team continues to keep a regular follow up with Shyama, periodically reporting her progress to the CWC.

Case Story 7

Vanita's Courage brings her Trafficker to Book





In 2016, when Vanita's parents arranged her marriage with an extended family member, she was only 19-years-old. A few months into the marriage, Vanita had realized that if she continues to stay with her husband, she would get nothing but violence and abuse from her husband. Fed up with this unending cycle of violence and abuse, Vanita escaped from her matrimonial house in Pune.

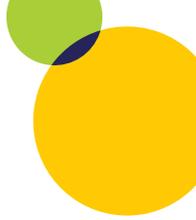
Travelling alone and not sure of where to seek support, Vanita landed at a local bus station in the neighboring district of Satara where she was entrapped by a trafficker named Ambika. Ambika, who trafficked vulnerable women and children along with her husband and brother would physically abuse Vanita and forced her into Commercial Sexual Exploitation. After Vanita was rescued by the Pune police the same year, her husband as well as her family under the influence of her step mother refused to take her custody. Vanita was thus, placed in a shelter home in Karad. Taking advantage of the lack of support by Vanita's family members, Ambika eventually claimed her custody posing to be her relative.

Re-trafficked by the same set of perpetrators, Vanita was once again pushed into Commercial Sexual Exploitation by Ambika and her accomplices. Subsequently, Vanita was rescued from a lodge in Solapur by the local police in the year 2018. This time, after due process, in February 2021, Vanita was placed in the Government Protection Home at Solapur for her care, protection, and rehabilitation.

From March 2021, when Vanita's case was first referred to VF, the team together with the Protection Home staff, the District Government Pleader (Solapur), and the Hon. Secretary DLSA (Solapur) ensured that Vanita's documentation (which included her case papers, important identity documents, etc.) was in place. This file had not been handed over to the Protection Home by the previous shelter home at the time of Vanita's transfer.

The first few interactions with the VF team revealed that Vanita was anxious about her future. Having lived in institutions for over three years, she longed to be reunited with her family. As support counselling by the VF team continued, Vanita started to take an active interest in the various engagement activities being run at the Protection Home by the VF team. Vanita slowly began sharing her story with the team and further interaction revealed that for the past year, the trafficker Ambika had been trying to make contact with Vanita posing to her sister. With no family support in view, Vanita had started to believe that only Ambika can help her get a release order from the shelter. Little did she understand that Ambika only had her individual interests in mind and not for Vanita to be reunited with her family.

¹⁶Names of certain persons and places have been changed / withheld to protect the individual's right to confidentiality.



The information regarding Vanita's trafficker trying to make contact with the victim was immediately notified to all concerned officials including the Protection Home staff, the Investigation Officer in the case, the Judge, the Public Prosecutor, as well as the Hon. Secretary DLSA Solapur. The VF team along with the Protection Home staff continued to provide Support counselling to Vanita encouraging her to think about a future free from exploitation.

The Protection Home staff made contact with Vanita's family and after due process of inquiry encouraged them to visit the shelter to meet Vanita. During a couple of such visits, the family was counselled by the Protection Home Superintendent and the VF team to mend their relations with Vanita. The VF team continued to stay in touch with the family who were subsequently prepared to take Vanita's custody.

Around the same time, as a chargesheet had been filed in Vanita's case, the VF team with support from the Protection Home staff made a request to the office of the DLSA to help expedite Vanita's testimony. An application was made on her behalf to appoint a DLSA Panel Lawyer for free legal representation for Vanita. The application was accepted by the office of the DLSA and a Panel Lawyer was appointed to represent Vanita. Following this, relevant case laws [precedents set by the High Court] were presented before the trial court by the DLSA Panel Lawyer and the Public Prosecutor and Vanita's testimony was expedited.

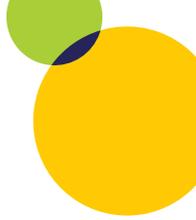
Prior to her testimony in November 2021, Vanita was oriented about the court room procedures by her lawyer appointed by the DLSA and the PP in her case with support from the Protection Home staff and the VF team. As a result of these concerted joint efforts, Vanita testified in court truthfully and fearlessly. Vanita also named her trafficker Ambika in her testimony and narrated how she was exploited by the trafficker. It was noted that Ambika's name had not been registered in the FIR and Vanita's testimony helped bring this on record. Subsequently, the VF team, the DLSA Panel Lawyer, and the Prosecutor have been working on effecting Ambika's arrest under Section 319 of the Cr. PC 1973.

Post her testimony, Vanita was restored to her family in Pune district. Under the directions of the trial court, the VF team was given orders to ensure Vanita's is rehabilitated by way of skills training and / or is absorbed in a marketable job. The VF team continues to make follow-up visits for Vanita as directed by the court and is working with her and the family to help her join her family's flower selling business.

Case Story 8

Training and Hand-holding Assistance by Vipla Foundation helps Public Prosecutor attain Conviction in a 14-year-old Sex Trafficking Case in Nashik





In its interventions to promote responsive justice in the target districts, Vipla Foundation has sensitised and trained judicial stakeholders like Judges, Prosecutors, free legal aid Panel Lawyers and Para Legal Volunteers associated with the DLSA. These workshops were designed to build sensitised attitude towards the issue of CSE and empower the stakeholders on legal tools to bring efficacy in prosecutions and promote victim centricity in court processes.

These training workshops, at the very outset, were designed not to be a one-off activity, but a beginning of convergence within the district, that is followed by coordinated functioning and extending assistance to justice delivery stakeholders in the district.

After the training of Judges and Prosecutors in Nashik, a Public Prosecutor (PP) attached with the Sessions Court who had also participated in the said training program, connected with the VF Head Office team for case laws and guidance on cases of sex-trafficking. She reached out for assistance in a 2008 case saying that the victim is not traceable to give testimony in court. The VF Social Worker in Nashik met with the PP and also went to the victim's house to trace the victim but to no avail and it came to be known that the girl was now married. The father of the victim is an accused in the case who pushed the victim into Commercial Sexual Exploitation when she was a child.

In the absence of victim testimony, the PP was anxious and was unsure if the case would succeed. On the day of the prosecution arguments in court, she reached out to the VF Head Office team seeking guidance on how to argue the case in the absence of victim testimony. It was significant for Vipla Foundation to step up and extend her the assistance she needed. She was advised to argue on the basis of available evidence and the statement of the victim recorded before the Magistrate under Section 164¹⁸ of the Code of Criminal Procedure (Cr. PC) 1973 in which the victim had spelt out the details of her entrapment and exploitation. The PP was also put in touch with a senior judge and a resource person at the training to take her advice so she feels more confident and reassured about the arguments. The PP accordingly argued the case on the basis of the assistance provided. Towards the end of January 2022, the final judgement was pronounced in the case and the accused father was convicted under Section 372¹⁹ of the Indian Penal Code 1869 and Sections 4²⁰ and 5²¹ of the Immoral Traffic (Prevention) Act 1986 and sentenced to 10 years of rigorous imprisonment.

After the conclusion of the case, the PP personally reached out to the Vipla Foundation team and conveyed about the conviction. She expressed her gratitude to the team for always being available and accessible for assistance. She expressed that she feels motivated and encouraged by the support she receives in relation to cases of sex-trafficking.

¹⁸A statement under Section 164 of the Cr. PC is recorded in the presence of a Magistrate and is admissible in court as evidence at the time of trial. This statement is recorded during the course of investigation of a case and is a procedure concerned with investigation of the case.

¹⁹"Selling minor for purposes of prostitution, etc."

²⁰"Punishment for living on the earnings of prostitution".

³⁰"Procuring, inducing or taking person for the sake of prostitution".



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