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Workshop on Human Trafficking and Sexual Offences against Women and Children

16th -17th December 2020

**Participants: Special Executive Magistrates and
Metropolitan Magistrates**

IMMORAL TRAFFIC (PREVENTION) ACT, 1956

A. ACTS

S. No.	Title
1.	Bonded Labour System (Abolition) Act, 1976
2.	Child Labour (Prohibition & Regulation) Act, 1986
3.	Child Labour (Prohibition & Regulation) Amendment Act, 2016
4.	Code of Criminal Procedure, 1973
5.	Commission for Protection of Child Rights Act, 2005
6.	Constitution of India, 1950
7.	Immoral Traffic Prevention Act, 1956
8.	Indian Evidence Act, 1872
9.	Indian Penal Code, 1860
10.	Juvenile Justice (Care and Protection of Children) Act, 2015
11.	Protection of Children from Sexual Offences Act, 2012
12.	Suppression of Immoral Traffic in Women and Girls Act (SITA), 1986
13.	Transplantation of Human Organs Act, 1994

B. BILLS

1.	Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018
2.	The Immoral Traffic (Prevention) Amendment Bill, 2006

C. INTERNATIONAL INSTRUMENTS

Sr. No.	Title	Source
Convention		
1.	Convention on the Rights of the Child, 1989	http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf
2.	International Covenant on Civil and Political Rights, 1966	https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf
3.	ILO Abolition of Forced Labor Convention, 1957	https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_346434.pdf
4.	ILO Forced Labor Convention, 1930	https://www.ilo.org/wcmsp5/groups/public/@asia/@robangkok/documents/genericdocument/wcms_346435.pdf
Protocols		
1.	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000	http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx



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2.	Protocol to Prevent, Suppress And Punish Trafficking in Persons, especially Women and Children – Supplementing The United Nations Convention Against Transnational Organised Crime, 2000	http://www.osce.org/odihr/19223?download=true
Declarations		
1.	Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, 2008	https://www.unicef.org/protection/Rio_Declaration_and_Call_for_Action.pdf

D. RULES

Sr. No.	Title
1.	Adoption Regulations, 2017
2.	Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009
3.	Delhi Right of Children to Free and Compulsory Education Rules, 2011
4.	Juvenile Justice (Care & Protection of Children) Rules, 2016
5.	Protection of Children from Sexual Offences Rules, 2012

E. CASE LAWS

Overview of the Program

S. No.	Title	Citation
➤	Directions given by Court	
a.	CWC & JJB	
	Supreme Court	
1.	In Re: Assessment of the Criminal Justice System in Response to Sexual Offences	SMW (CrI.) No. 4 of 2019 Decided On: 18.12.2019
2.	<i>Sampurna Behura v Union of India and Ors</i> (22-23, 55-73, 87)	(2018) 4 SCC 433
3.	<i>Bachpan Bachao Andolan v. Union of India & Ors.</i> (¶¶ 6-10, 36-38, 58, 59, 62-68)	AIR 2011 SC 3361
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1.	<i>Sabhajeet Maurya v. State of NCT of Delhi</i>	2020 SCC OnLine Del 1525
2.	<i>Surender Sah v. State & Anr</i>	W.P.(CRL) 3239/2019 Dated 19/02/2020
b.	Privacy of the Victim & Juvenile	
	Supreme Court	
1.	<i>Nipun Saxena and Ors. vs. Union of India (UOI) and Ors.</i> (¶¶ 8-14, 29, 43)	2019(1)RCR(Criminal)334
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1.	<i>State Govt. NCT of Delhi v. Mr. X</i> (¶¶ 9-13)	Cri. Rev. P. 17/2017 Dated 2/4/2019
2.	<i>Gaya Prasad Pal v. State</i> (¶¶ 28-30, 32, 34, 35, 45-40, 54)	2017 ALL MR (Cri) 1
3.	<i>ABC v Commissioner of Police and Ors</i>	W.P (C) No. 12730/2005 Dated 5/2/2013
4.	<i>Anant Kumar Asthana v Union of India</i>	W.P (C) No. 782/2012 Dated 5/12/2012
5.	<i>Bharat Rattan Shah vs State & Anr</i>	Cri. Rev. P. 362/2012 Dated 17/9/2012
Other High Courts		
1.	<i>Subash Chandra Rai v State of Sikkim</i>	2018 SCC OnLine Sikk 29
2.	<i>Bijoy v. State of West Bengal</i>	2017 Cri LJ 3893 (Cal)
c.	Missing Children	
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1.	<i>Bachpan Bachao Andolan v. Union of India & Ors.</i> (¶ 1)	2015(8) SCALE 669
2.	<i>Hori Lal v. Commissioner of Police, Delhi & Ors.</i> (¶ 10)	Writ Petition (Crl.) No. 610/1996 Date of Order: 14/11/2002
High Court of Delhi		
1.	<i>Court on its Own Motion v. State</i> (¶¶ 4-6)	2011 (4) RCR (Criminal) 249

Forms of trafficking

S. No.	Title	Citation
➤	Means of Child Trafficking	
a.	Child Labour	
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1.	<i>MC Mehta v. State of Tamil Nadu and Others</i> (¶¶ 27, 29, 31, 32)	AIR 1997 SC 699
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1.	<i>Court on its Own Motion and with Other Writ Petitions</i> (¶¶ 18, 20, 21, 25, 28)	163 (2009) DLT 641
2.	<i>Save the Foundation v. Union of India and Ors.</i> (¶¶ 6-8)	W.P.(Cri) No. 2069/2005 Dated 5/11/2014
b.	Inter-Country Adoption	
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1.	<i>Laxmi Kant Pandey v. Union of India</i> (¶¶ 6-8, 10, 12, 13)	(1984) 2 SCC 244

c.	Sex Trafficking	
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1.	<i>Alakh Alok Srivastava v. Union of India</i> (¶¶ 10-20)	2018 SCC Online SC 478
2.	<i>Nivedita Jha v. State of Bihar</i> (¶¶ 3-17)	2018 SCC Online SC 1616
3.	<i>Re: Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India (UOI) and Ors.</i> (¶¶ 18, 26, 34, 41, 46, 48, 62)	AIR 2017 SC 2546
4.	<i>Childline India Foundation v. Allan John Waters and Ors.</i> (¶¶ 24-30)	2011(3) SCALE639
5.	<i>Vishal Jeet v. Union of India</i> (¶¶ 7-9, 12-14, 17)	(1990) 3 SCC 318
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1.	<i>Avnish Bajaj vs. State</i> (¶¶1,21-22)	150 (2008) DLT 769
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1.	<i>Tik tok order</i> (¶¶3,6)	W.P. (MD) No. 7855/2019 Dated 3/4/2019
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	Other High Courts	
1.	<i>State v Sartaj Khan</i>	Govt. Appeal No. 139/2016 Dated 7/12/2017 (Uttarakhand HC)
2.	<i>Foyam Sk And Ors v State of West Bengal</i>	2004 (1) CHN 198 (Calcutta HC)
➤	Sex Trafficking	
	Supreme Court	
1.	<i>State of Uttar Pradesh v. Kaushaliya</i> (¶¶ 7, 11-13)	AIR 1964 SC 416
	Other High Courts	
1.	<i>Nurjamman Lokman Lashkar v. State of Maharashtra</i>	CrI.W.P. 4781/2018 D.O.D- 15.07.2019 (Bom. HC)
2.	<i>Lekhraj Omprakash Jhajhawar v. State of Maharashtra</i>	CrI. W.P. 1891/2019 d.o.d.- 22.01.2019 (Bom. HC)
3.	<i>Ravi Menon v. State of Kerala</i> (¶¶ 7, 8)	CrI. Rev. Pet. No. 653/ 2009 Date of Order:11/03/2009 (Ker HC)
4.	<i>Sahyog Mahila Mandal and Anr. v. State of Gujarat and Ors.</i> (¶¶ 7.1. 7.2, 8, 8.2-8.5, 10.1, 13, 14, 15.1)	(2004) 2 GLR 1764
5.	<i>Pranbhallav Saha v. Tulsibala Dassi</i> (¶¶ 43, 44, 55, 58,	AIR 1958 Cal 713

	115, 117, 118)	
➤	Forced Labour and Bonded Labour	
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1.	<i>Public Union for Civil Liberties v. State of Tamil Nadu and Ors.</i> (¶ 16)	(2013)1 SCC 585
2.	<i>Santhal Pargana Antyodaya Ashram v. State of Bihar and Ors.</i> (¶¶ 2-4)	1987 Supp SCC 141
3.	<i>Bandhua Mukti Morcha v. Union of India and others</i> (¶¶ 3, 48, 51, 89, 94)	AIR 1984 SC 802
4.	<i>Neeraja Choudhary v. State of Madhya Pradesh</i> (¶¶ 6, 9-12)	(1984) 3 SCC 242
5.	<i>People's Union for Democratic Rights v. Union of India</i> (¶¶ 14, 16, 19, 20, 22)	(1982) 3 SCC 235
	Other High Courts	
1.	<i>Shiva Ent Udyog v. National Human Rights Commission and Ors.</i> (¶ 24)	2011 (3) ADJ 189 (All)
2.	<i>Rajpati Devi v. State of Bihar and Ors.</i> (¶¶ 8, 12)	2002 (2) PLJR 203 (Pat)
	Manipur Judicial Commissioner's Court	
1.	<i>Ruiweinao Kahaosan Tangkhul v. Ruiweinao Simirei</i> (¶¶ 11, 16)	AIR 1961 Manipur 1
	US Judgments	
1.	<i>Pollock v. Williams</i> (¶¶ 71, 80, 81, 89)	322 U.S. 4 (1944)
2.	<i>Bailey v. Alabama</i> (¶¶ 7, 20, 53, 54, 57, 59, 61, 63, 64, 66)	219 U.S. 219 (1911)
➤	Relevant sections of IPC	
a.	Section 344, IPC	
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1.	<i>Geeta Kancha Tamang v State of Maharashtra</i> (¶¶1,8)	2015 ALLMR(Cri) 1437 (Bom HC)
b.	Section 366-A, IPC	
	Other High Court	
1.	<i>Raghunath Ramnath Zolekar v. The State of Maharashtra</i> (¶¶ 25, 27, 30, 52, 57, 58, 93, 103, 114)	2013 ALLMR (Cri) 1023
c.	Section 366-B, IPC	
	Other High Court	
1.	<i>State v. Sartaj Khan</i> (¶¶ 24, 50, 56-58, 61, 73, 82, 86)	2017 SCC OnLine Utt 1504
d.	Section 370-A, IPC	
	Other High Court	
1.	<i>Vinod @ Vijay Bhagubhai Patel v. State Of Gujarat</i> (¶¶1,4)	2017 SCC OnLine Guj 446
2.	<i>S. Naveen Kumar vs. The State of Telangana</i> (¶¶6,8)	2015 (2) ALD(Crl.) 156

		(AP)
➤	Investigation in Trafficking	
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1.	<i>State of Maharashtra and Ors. v. Mohd. Sajid Husain and Ors.</i> (¶¶ 14, 21, 26)	AIR 2008 SC 155
(ii)	Along with MCOCA	
	Delhi High Court	
1.	<i>Kamaljit v. State of NCT of Delhi</i> (¶¶ 41-43, 45, 48-58)	148 (2008) DLT 170
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	Supreme Court	
1.	<i>State of Bihar v. Rajballav Prasad</i> (¶¶ 25-29)	AIR 2017 SC 630
2.	<i>Guria, Swayam Sevi Sansthan v. State of U.P. and Ors.</i> (¶¶ 11-13)	(2009) 15 SCC 75
3.	<i>State of Maharashtra & Anr. v. Mohd. Sajid Husain</i> (¶¶ 21, 23, 29)	2008 (1) SCC (Cri.) 176
4.	<i>State of UP v Pappu alias Yunus</i> (¶¶ 10, 11, 13)	2005 SCC (Cri) 780
	Other High Courts	
1.	<i>Freedom Firm v. Commissioner of Police, Pune and Ors.</i> (¶¶ 16, 20, 26, 30, 32)	2015 SCC OnLine Bom 5965
	▪ Cancellation of Bail	
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1.	<i>Central Bureau of Investigation v. Birendra Kumar Singh @ Virendra</i> (¶ 22-26)	207 (2014) DLT 680
	Other High Courts	
2.	<i>State of West Bengal v. Sangita Sahu @ Shaw</i> (¶¶ 7, 9)	2018 SCC OnLine Cal 4853
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	Supreme Court	
1.	<i>Bhawna Garg v. State</i> (¶¶ 20, 22, 31, 33, 34)	2014 SCC OnLine Del 772
c.	Effect of Irregularity	
	Supreme Court	
1.	<i>Bai Radha v. State of Gujarat</i> (¶¶ 2-5)	1970 AIR 1396
2.	<i>Delhi Administration v. Ram Singh</i> (¶¶ 11-13, 17, 25, 26)	1962 SCR (2) 694
d.	Examination	
(i)	Victim	
	Supreme Court	
1.	<i>Sakshi v. Union of India (UOI) and Ors.</i> (¶¶ 18, 22, 27)	AIR 2004 SC 3566
	High Court of Delhi	
1.	<i>Court on its Own Motion vs. State</i> (¶90)	III(2018)CCR501(Del.)
2.	<i>Mahender Singh Chhabra v State of N.C.T. of Delhi and Ors.</i>	115 (2004) DLT 174
3.	<i>State v. Rahul</i> (¶¶ 12, 14, 17, 21, 24, 25)	(2013) ILR III Delhi 1861
4.	<i>Virender v. State NCT of Delhi</i> (¶¶ 53-75, 82, 83)	2009 SCC Online Del 3083
5.	<i>Court On its Own Motion v. State and Anr.</i> (¶¶ 3, 4)	W.P (Cri) No. 930/2007 Dated 14/8/2007
6.	<i>Sheeba Abidi v. State & Anr.</i> (¶¶ 7, 8, 9, 11, 12, 13)	113 (2004) DLT 125
7.	<i>Sudesh Jhaku v. K.C.J. and Ors.</i>	62 (1996) DLT 563
	Other High Courts	
1.	<i>Smt. Reenu Saini v State of Uttarakhand</i> (¶10)	2018(3)N.C.C.532
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	Supreme Court	
1.	<i>Reena Hazarika v. State of Assam</i> (¶18)	2018 SCC OnLine SC 2281
2.	<i>Prahlad v State of Rajasthan</i> (¶¶ 9)	2018 (4) Crimes 372(SC)
3.	<i>Raj Kumar Singh v. State of Rajasthan</i> (¶¶ 24-35)	(2013) 5 SCC 722
4.	<i>Asraf Ali v. State of Assam</i> (¶¶ 12-17)	(2006) 12 SCC 328
5.	<i>Bishnu Prasad Sinha and Anr. v. State Of Assam</i> (¶ 5)	(2007) 11 SCC 467
6.	<i>Naval Kishore Singh v. State Of Bihar</i> (¶ 5)	2004 (2) ALD Cri 806
7.	<i>Mohan Singh v. Prem Singh and Anr.</i> (¶¶ 28, 31, 32, 33)	(2002)10 SCC 236
8.	<i>Basavaraj Patil and Ors v. State of Karnataka</i> (¶ 13)	(2000) 8 SCC 740
	High Court of Delhi	
1.	<i>Janki Dass v. State</i> (¶¶ 9-12)	1995 Cri LJ 217 (Del)
	Other High Courts	



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1.	<i>Jeetu Nat and Ors v State of U.P.</i> (¶¶ 39-44)	2018(3)AC R3524 (Allahabad HC)
2.	<i>Langpoklakpam Kiranjit Singh v. The State of Manipur</i> (¶¶ 23, 26, 27, 28)	2017 SCC Online Mani 118

Role of Courts & Victim Rehabilitation

➤	Role of Courts	
a.	Vulnerable Witnesses	
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1.	<i>Mahender Chawla &Ors. v. Union of India</i> (¶¶ 4, 7-13)	2018 (15) SCALE497
2.	<i>State of Maharashtra v. Bandu</i> (¶¶ 9-10)	AIR 2017 SC 5414
3.	<i>Ramesh &Ors. v. State of Haryana</i> (¶¶ 35-43)	2017 (1) UC 100
4.	<i>Prem Chand v. State NCT of Delhi</i> (¶¶ 2-4)	SLP(Cri) 674 of 2017 Dated 13/1/2017
5.	<i>State Tr. P.S. Lodhi Colony New Delhi v. Sanjeev Nanda</i> (¶¶ 87-89)	AIR 2012 SC 3104
6.	<i>Zahira Habibulla H. Shiekh and Another v. State of Gujarat</i> (¶¶ 41-44)	(2004) 4 SCC 158
7.	<i>Sakshi &Ors. v. Union of India</i> (¶¶ 31-34)	(2004) 4 SCC 518
8.	<i>Swaran Singh v. State of Punjab</i> (¶¶ 37)	(2000) 5 SCC 68
9.	<i>State of Gujarat v. Anirudh Singh</i> (¶¶ 26-28)	(1997) 6 SCC 514
	High Court of Delhi	
1.	<i>State v. Sujeet Kumar</i> (¶¶ 45-57)	213 (2014) DLT 635
2.	<i>State v. Jai Hind</i> (¶¶ 46)	2012 VI AD (Delhi) 170
3.	<i>Virender v. State NCT of Delhi</i> (¶¶ 53-75, 82, 83)	2009 SCC OnLine Del 3083
4.	<i>Dattu Ramrao Sakhare v State of Maharashtra</i> (¶¶ 5)	1997 (5) SCC 341
	Other High Courts	
1.	<i>Manish Arora v U.T. Chandigarh</i> (¶¶ 16, 19-21)	2019ALLMR(Cri) 71 (P & H HC)
2.	<i>Damber Singh Chetri v State of Sikkim</i> (¶¶ 17-26)	Cri. A. No. 5 of 2017 Dated 9/7/2018 (Sikkim HC)
b.	Evidentiary Value of the Statement of the Victim	
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1.	<i>Rajesh Patel v. State of Jharkhand</i> (¶ 10-16)	AIR 2013 SC 1497
2.	<i>Childline India Foundation and Anr. v. Allan John Waters and Ors.</i> (¶ 21)	(2011) 2 SCC (Cri) 900
3.	<i>Vijay @ Chinee v. State of Madhya Pradesh</i> (¶ 9-15)	2010 (7) SCALE 502
4.	<i>State of Punjab v. Gurmit Singh and Others</i> (¶¶ 9)	AIR 1996 SC 1393



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	High Court of Delhi	
1.	<i>Jabbar v State</i> (¶ 46-52)	Cri. A. No. 1444/2013 Dated 30/5./2018
2.	<i>Virender v State of NCT of Delhi</i> (¶¶ 41-43, 51-71)	2010 III AD (Delhi) 342
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1.	<i>Yogesh Gopal Chavan and Ors v State of Maharashtra</i> (¶ 26-28)	Cri. A. No. 530 & 573/2017 Dated 14/12/2018 (Bombay HC)
2.	<i>Damber Singh Chetri v State of Sikkim</i> (¶¶ 27-31)	Cri. A. No. 5/2017 Dated 9/7/ 2018 (Sikkim HC)
c.	Presumption under Evidence Act	
(i)	Section 114A	
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2.	<i>Ramesh and Ors v State of Haryana</i> (¶¶ 36-46)	AIR 2016 SC 5554
3.	<i>Rohtash Kumar v State of Haryana</i> (¶¶ 19, 20)	(2013) 14 SCC 434
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1.	<i>Dattu Ramrao Sakhare and others vs. State of Maharashtra</i> (¶¶ 5)	1997 (5) SCC 341
2.	<i>State of Punjab v. Gurmit Singh and Others</i> (¶¶ 23-26)	AIR 1996 SC 1393
	Other High Courts	
3.	<i>Damber Singh Chetri v State of Sikkim</i> (¶¶ 32-33)	Cri. A. No. 5 of 2017 Dated 9/7/2018 (Sikkim HC)
f.	Treatment of victim in court	
	Supreme Court	
1.	<i>Dilip v. State of Madhya Pradesh</i>	(2013) 14 SCC 331
2.	<i>State of Punjab v. Gurmit Singh and Others</i> (¶¶ 15-17)	AIR 1996 SC 1393

➤	Rehabilitation	
a.	Sex Trafficking	
	Supreme Court	
1.	<i>Rescue Foundation v. Senior Police Officer, Shahada Police Station</i> (¶¶ 3-5) (ADD)	Petition for Special Leave to Appeal (Crl.) No. 6753/2017 Date of Order: 21/03/2018
2.	<i>Prajwala v. Union of India & Ors.</i> (¶ 5)	W. P. (C) No. 56/2004 Dated 9/12/2015
3.	<i>Budhadev Karmaskar v. State of West Bengal</i> (¶¶ 11-15, 19, 21)	(2011) 11 SCC 538
4.	<i>Childline India Foundation & Anr. v. Alan John Waters & Ors.</i> (¶¶ 8, 23, 26-30)	Cri. App. Nos. 1205-1207/2008 Dated 18/03/2011
5.	<i>Gaurav Jain v. Union of India</i> (¶¶ 2, 15-18, 20-22, 35, 40, 44, 45, 50, 52, 58)	1997 (8) SCC 114
6.	<i>Vishal Jeet v. Union of India and Ors.</i> (¶¶ 3, 7, 12, 15, 17)	AIR 1990 SC 1412
	High Court of Delhi	
1.	<i>Delhi High Court Legal Services Committee v. UOI</i> (¶¶ 17, 72, 172, 195, 228)	2015 Cri LJ 2054 (Del)
	Other High Courts	
1.	<i>Serina Mondal alias Piyada v. State of West Bengal and Ors.</i> (¶¶ 5, 9, 11, 14)	WP 4517 (W)/2018 Dated 25/06/2018
2.	<i>State v. Sartaj Khan</i> (¶¶ 51, 86)	Govt. App. No. 139/2016 Dated 07/12/2017
3.	<i>Apne Aap Women Worldwide Trust India and Ors. v. The State of Bihar and Ors.</i> (¶¶ 23, 25-28)	2015 (1) PLJR 268
4.	<i>The Director, Tamil Nadu State Judicial Academy v. State of Tamil Nadu</i> (¶¶ 9, 10, 15-19)	W.P.No.36807/2006 Dated 31/10/2006 (Madras HC)
5.	<i>Prerana v. State of Maharashtra and Ors.</i> (¶¶ 27, 28, 34, 37)	(2003) 2 BOMLR 562
6.	<i>Public at Large v. State of Maharashtra and Ors.</i> (¶¶ 13, 14, 16, 20, 23, 27, 32)	1997 (4) Bom CR 171 (Bom)
b.	Child Labour	
	Supreme Court	
1.	<i>Bachpan Bachao Andolan v. Union of India & Ors.</i> (¶¶ 6-10, 36-38, 58, 59, 62-68)	AIR 2011 SC 3361
c.	Bonded Labour	
	Supreme Court	
2.	<i>Bandhua Mukti Morcha v. Union of India and Ors.</i> (¶¶ 45,	AIR 1984 SC 802



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SUGGESTED READINGS

S.No.	Title	
1.	Coronavirus Disease (COVID-19) response – UNODC Thematic Brief on gender-based violence against women and girls	GBVAW and UNODC in COVID19 final 7Apr2020.pdf
2.	IMPACT OF THE COVID-19 PANDEMIC ON TRAFFICKING IN PERSONS Preliminary findings and messaging based on rapid stocktaking	file:///C:/Users/dja5/Downloads/Thematic-Brief-on-COVID-19-EN-ver.21.pdf
3.	Seeing Like A Feminist (Pg. 173-212)	Nivedita Menon, Zubaan Books, Kaali- 2012

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