

STATE LEVEL JUDICIAL COLLOQUIUM

Human Trafficking & Human Rights

Session: Post-Rescue Care of Victims including Counselling, Restoration, Repatriation, Rehabilitation, Reintegration and Preventing Re-Trafficking

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Rescue is not the end of trafficking.

Rescue is only the beginning of the State's responsibility.

- Producing a child before the Child Welfare Committee, or restoring the child to the family, is not by itself rehabilitation.
- If the child remains at risk of re-trafficking, the intervention has interrupted trafficking. It has not defeated trafficking.

HOW TRAFFICKING BEGINS TODAY

Sometimes it begins on a child's phone

Trafficking no longer starts only at a railway station, or with an agent approaching a family in a village. Increasingly, recruitment is digital.

1

Contact

A message arrives on a public platform — Instagram, Facebook.

2

Grooming

The conversation moves quickly into a private chat.

3

The Offer

A short film in Mumbai. An audition. Fame, and a better life.

4

Transit

Handed from recruiter to transporter to a person waiting at the station.

5

Exploitation

Confinement and abuse, then placement in a performance troupe.

The trafficker does not appear as a trafficker.

They appears as a friend, an employer, a talent scout — as someone who understands the child's aspirations.

WHY RESCUE ALONE IS NOT ENOUGH

- **The child leaves the place of exploitation.**
- **The exploitation does not leave the child.**

● **Exploitation that follows digitally**

Photographs and videos recorded during exploitation may already be in circulation, uploaded and re-shared. The child may physically leave — the material does not.

● **Exploitation that repeats**

Months later, children are trafficked again. From the same village. Along the same route. In some cases, through the same person.

Why?

The rescue operation removed the child from the place of exploitation. It did not remove the conditions of exploitation from the child's life.

THE FRAMEWORK

The Post-Rescue Mandate

Six interconnected duties: not isolated stages, but one continuous legal and protective obligation that begins at the moment of rescue and continues until the child is safe, supported and no longer vulnerable.

1 Rescue

Removal from the place of exploitation

2 Counselling

Immediate medical, psychological and legal care

3 Rehabilitation

Physical, psychological, educational, social, economic

4 Repatriation

Safe return across district, State or national borders

5 Reintegration

A stable life; school, family, community, livelihood

6 Preventing re-trafficking

Removing the conditions that enabled it

IMMEDIATE POST-RESCUE CARE

The first 48 hours

48

HOURS AFTER RESCUE

Critical not only for the child's recovery, but for the integrity of the criminal justice process itself.

- **Immediate medical attention** — and preservation of evidence
- **Psychological support** — before any account is expected of the child
- **Safety and shelter** — including a support person where applicable
- **Legal assistance** — and age-appropriate recording of statement

Section 183(6) BNSS

A child cannot be treated as a conventional witness

Section 35, POCSO Act

Early examination of the child

One Stop Centres

Every victim to be taken to an OSC

REHABILITATION

Where rescue must translate into a change in the child's life

Physical

Psychological

Educational

Social

Economic

Rehabilitation must address all five. If the child and family return to precisely the same financial vulnerability that existed before trafficking, the risk of re-trafficking remains, so linking the child to a school, a scheme or a skill is not welfare, it is protection.

Compensation is part of recovery

Not merely a monetary entitlement. States have adopted the NALSA scheme in full, or only in part — the schedule without the operative provisions. Delays in disbursement and gaps in implementation recur across matters.

IN LITIGATION

- **Supreme Court** — directions sought for uniform implementation of the NALSA scheme nationwide.
- **Madhya Pradesh High Court** — State framed a scheme in line with the NALSA framework within six months; notification awaited.

REPATRIATION

Delay in returning a child to safety becomes an opportunity for the trafficker

What repatriation requires

Children are frequently moved across State boundaries and, in some cases, across national borders. Repatriation means the child is safely returned to the appropriate place and actively linked to protection and welfare mechanisms:

- Return to education.
- Access to welfare entitlements.
- Reconnection with family and community.
- Handover verified, documented and traceable.

Online Grooming & Trafficking

- Two minors were lured via digital platforms with K-pop promises and moved towards the Siliguri border.
- Social media/gaming platforms are increasingly being used to groom and traffic children.

A recent raid on a brothel in Sitamarhi

- A Nepali girl was trafficked to Bihar for sexual exploitation and rescued from a brothel. She was neither properly rehabilitated nor repatriated.
- Using false identities and documents, the traffickers were able to take her back into their control. She was rescued a second time, and only then repatriated to Nepal and reunited with her father.

Patna High Court

- 152 minors rescued; 37 alleged traffickers arrested following State-wide raids on orchestras/dance groups, due to High Court intervention.

REINTEGRATION

Reintegration to a life, not merely a place

- A stable, safe environment
- Resumption of education
- Physical and psychological recovery
- Social and economic opportunity

Children are trafficked from different circumstances, and trafficking then creates new vulnerabilities of its own. Reintegration must therefore rest on an individualised plan, made with regard to the child's circumstances, needs and wishes.

“Has the child gone back to a life that is safer than the one from which she was taken?”

Reintegration: to a life, not merely a place

The point at which the child moves from survival to rebuilding.

- A stable and safe environment to live in, day to day.
- Resumption of education, or a route into skilling and work.
- Physical and psychological recovery — sustained, not one-time.
- Social and economic opportunity, so the old vulnerability does not return.

Children are trafficked from different circumstances — out of school, in severe economic deprivation, recruited through deception, or after family breakdown, violence or stigma. Trafficking then creates new vulnerabilities of its own. Reintegration must therefore rest on an individualised plan, made with due regard to the child's circumstances, needs and wishes.

The benchmark: "Has the child gone back to a life that is safer than the one from which she was taken?"

PREVENTING RE-TRAFFICKING: THE ULTIMATE TEST

The clearest measure of whether an intervention has truly succeeded and the one rarely measured

- The responsibility cannot end with the rescued child alone. If one child has been trafficked, siblings may also be at risk.
- Follow-up must examine the family and community conditions that enabled the trafficking in the first place.
- Prosecution is also prevention. Timely and effective investigation, timely trial and meaningful punishment disrupt trafficking networks and deter further exploitation.

WHERE THE SYSTEM FAILED: DELHI HIGH COURT

A minor rescued from a railway station was handed back to her trafficker without an FIR or production before the CWC. She was rescued again only during a later raid on a placement agency, by which time she had been pushed into domestic servitude.

WHERE THE SYSTEM FAILED: A CSE CASE

Rescued girls were released to persons claiming to be guardians, who were in fact traffickers and brothel owners. One girl was later found in a hotel, being exploited in a similar manner.

RECENT DIRECTIONS OF THE SUPREME COURT



Prajwala v. Union of India

Rehabilitation recognised as a constitutional obligation, connected to the guarantees under Articles 21 and 23.



Support persons in POCSO

Appointment of a support person mandated in all POCSO cases, rather than left to discretion.



One Stop Centres

Functioning of OSCs reinvigorated, with the police directed to take every victim to an OSC.

Pinki v. State of Uttar Pradesh

Expeditious disposal of child trafficking cases: prosecutions must not remain indefinitely pending.

G. Ganesh vs. State of Tamil Nadu

Systemic gaps recognised; a dedicated Committee constituted to frame a comprehensive, technology-enabled SOP for missing persons and suspected trafficking, from immediate FIR registration to tracing and locating the victim.

Judicial Directions on Trafficking & Child Protection

1

Just Rights for Children Alliance and Ors. v. State of MP and Ors. *WP 28721/2024, Order dated 27.03.2025*

MP High Court directed the State to frame a scheme aligned with the NALSA Victim Compensation framework; the scheme is finalised and awaiting notification.

2

Just Rights for Children Alliance and Ors. v. Union of India and Ors. *WP(C) 516/2025, Order dated 23.05.2025*

Raised before the Supreme Court the need for a dedicated and effective compensation mechanism for POCSO victims.

3

Just Rights for Children Alliance and Ors. v. GNCTD & Ors. *WP(C) 4175/2026, Order dated 01.04.2026*

A minor rescued at a railway station was handed back to her trafficker without FIR or CWC production, later found in domestic servitude at a placement agency. Court directed State to file reply.

4

Just Rights for Children Alliance and Ors. v. State of NCT of Delhi & Ors. *WP(Crl.) 1691/2025, Order dated 21.05.2025*

Rescued girls in a commercial sexual exploitation case were released to persons falsely claiming to be guardians, who were traffickers; one girl was later found exploited in a hotel. Court directed State to file reply.

5

Just Rights for Children Alliance and Ors. v. S. Harish and Ors. *(2024) 10 SCR 154 : 2024 INSC 716, decided 23.09.2024*

Supreme Court held that mere possession or storage of child sexual exploitative material is punishable under Section 15 POCSO and Section 67B IT Act, overturning a Madras HC quashal, and directed courts to use the term CSEAM in place of "child pornography."

6

Just Rights for Children Alliance v. Akash *SLP (Crl.) Diary No. 15692/2025, Supreme Court of India*

Supreme Court directed courts nationwide to adopt its "Handbook on Judgments and Gender" (August 2026), requiring gender-sensitive, stereotype-free, and trauma-informed language in judgments.

JRC IN JHARKHAND | 2023-24 TO 2025-26

From rescue to formal legal action

Just Rights for Children works across all 24 districts of Jharkhand, covering thousands of villages through partner organisations. Over three years, interventions undertaken with the State and its institutions have resulted in:

5,019

rescue operations

5,831

children rescued

3,023

FIRs registered

1,897

other legal actions,
including CWC orders

- **Children rescued in the third year were three times the number in the first — identification and detection have significantly expanded.**
- **FIR registration grew faster than rescue operations, rising almost fourfold by the third year — rescue is increasingly translating into formal legal action.**
- **An FIR addresses the offender; a Child Welfare Committee order addresses the child.**

THE SCALE OF THE RESPONSE NATIONALLY

Why an integrated approach connecting prevention, rescue, access to justice, rehabilitation, education and social protection is necessary

5,31,886

child marriages
prevented through
community-level
interventions

1,58,633

children rescued
from various forms
of exploitation

98,719

child trafficking
cases initiated

45,224

child sexual abuse
cases supported

2,589

CSEAM cases filed

- Prevention is a legal function, not merely a social activity.
- The number of children rescued demonstrates the scale of the State's post-rescue responsibility.
- The number of trafficking cases initiated demonstrates the critical relationship between rescue and accountability.

GOING FORWARD

Five priorities

1

Digital safety and social media awareness must become part of the education system

Recruitment increasingly begins online. Prevention must begin before the child boards the train.

2

Community and panchayat-level vigilance must be strengthened

The community often identifies the risk before the State does.

3

Vulnerable sectors must be regulated and monitored

Private placement agencies, entertainment and performance groups cannot remain outside effective regulatory scrutiny.

4

Trafficking trials must be prioritised

Conducted on a day-to-day basis, so that prosecutions do not remain indefinitely pending.

5

Every stage must be child-sensitive and age-appropriate

From investigation through to adjudication.

The obligation of the State does not end at identification, rescue or prosecution.

It continues through protection, through rehabilitation, through reintegration — and it ends only when every reasonable step has been taken to ensure that the child does not return to the same route from which she was rescued.

Anything short of that is an interruption.

THANKYOU