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Prevalence Index Rank

INDIA

“No one can imagine such a painful life. There is much torture on me and I am punished even at my minor mistakes like a child. My family is always living under threats. There is also physical violence against me and my family members.”

Survey respondent, India State Survey, 2016.



Estimated Number Living in Modern Slavery

18,354,700



Vulnerability to Modern Slavery

51.35/100



Government Response Rating

B



Population

1,311,051,000



GDP (PPP)

5,701

PREVALENCE

India is undergoing a remarkable 'triple transition', in which economic growth is both driving and is being affected by rapid social and political change.^[1] Economic growth has rapidly transformed the country over the past 20 years, including the creation of a burgeoning middle-class.^[2] In 1993, some 45 percent of the population were living in poverty; by 2011 that had been reduced to 21 percent.^[3] In addition to economic growth, ambitious programmes of legal and social reform are being undertaken right across the board, from regulation of labour relations to systems of social insurance for the most vulnerable.

Even with such remarkable change, given India has a population of more than 1.3 billion people, there are still at least 270 million people living on less than US\$1.90 per day. While laws, systems and attitudes regarding key 'fault lines' such as the caste system, gender and feudalism are rapidly changing, social change of this depth and scale necessarily takes time.^[4] In this context, it is perhaps unsurprising that existing research suggests that all forms of modern slavery continue to exist in India, including intergenerational bonded labour, forced child labour, commercial sexual exploitation, forced begging, forced recruitment into non-state armed groups and forced marriage.

Quantification of modern slavery in any country is difficult, but is doubly so in a country as large and complex as India. Whereas in other countries, a national survey was used to estimate prevalence, in India, we chose to proceed with surveys at the State level. In 2016, random-sample surveys were conducted by Gallup in 15 States.^[5] Collectively these surveys account for nearly 80 percent of the Indian population.

The survey data suggest that there are more than 18 million people or 1.4 percent of the total population, who are living in conditions of modern slavery in India. Industries implicated in the survey data include domestic work, the construction and sex industries, agriculture, fishing, manufacturing, manual labour, and forced begging.

Bonded labour

While bonded labour has been outlawed for decades, survey data and pre-existing research confirms that this practice still persists. Narratives available from 2016 survey respondents identify that some respondents perceived their situation to be one of bonded labour, some of which is inter-generational:

"Sir, it is the sin of my father that I have to repay the debts unless I shall have to beg. I have a threat against my family. I am prone to physical violence everyday." (Survey respondent, 2016)

"This is an old disease in the village that if you are not able to pay off your debts you will have to work as a bonded labor in the field of a powerful person. My husband was employed far from the village so that he can not run away." (Survey respondent, 2016)

In other cases, it appeared that bonded labour reflected debt lending practices and continuation of a feudal mindset:

"There are many people in the village who were working with me as a bonded labor. I was physically and sexually assaulted when I was working in the field. I had also threat on my life and on my family. I was also threatened that I had to leave the village." (Survey respondent, 2016)

"It's very common in this village that we have to work for repay the amount, our family borrowed. I was one of them. My motto was just repay the amount as soon as I could. They threatened

to evict us from our homeland, shown their anger if I denied to perform any task. Sometimes the consequence extended to my family and they used physical torture in several time." (Survey respondent, 2016).

Bonded labour is not only illegal, research confirms that it has serious negative health impacts for those affected, who typically work in unsanitary and dangerous working conditions with no access to health care.^[6]

Domestic service

Examples of forced labour of domestic workers were described by survey respondents. While not all domestic workers are abused, domestic workers are a particularly vulnerable group as work takes place in private homes and largely out of the reach of regulation. Official figures in India suggest that there are more than 4.2 million men, women and children working as cooks, cleaners, drivers, gardeners and caregivers across the country.^[7] These estimates are from 2004^[8] and experts suggest that there may be many more workers unaccounted for in these statistics.^[9]

Domestic workers in some states are excluded from labour laws and can experience excessive overtime, withholding of wages or receive insufficient remuneration. It is reported that girls as young as ten continue to be hired in private homes.^[10] Domestic workers can be subject to threats of and actual physical violence and in, some cases, sexual abuse.

"You are well aware that if a young lady works as a domestic servant she is always a soft target of being easily molested. So with me. I have not paid a single amount and in the name of debt I was made a victim of the sexual violence." (Survey respondent, 2016)

Forced begging

Street begging by adults and children is a prominent feature of many Indian cities. Though many beggars do so out of economic desperation, survey data confirms that criminals also force people to beg:

"Though I am begging I am not paid a single amount. I have to deposit all to them. I am deprived of food and good sleep. I am not paid my wages only working as a bonded labor." (Survey respondent, 2016)

"I was forced to do begging and still begging with the others...I cant say anything to you because I am in constant fear. I am threatened by my employer not to open my mouth to anybody otherwise I will be punished severely." (Survey respondent, 2016)

Commercial sexual exploitation

Existing research and the 2016 survey data confirm the existence of forced prostitution. As one survey respondent said:

"My wife is kept in the locked room and sexually harassed and being forced to work as a prostitute. She is physically punished whenever she refuse to have sex. My family is under death threat. We are also threatened of legal action against us." (Survey respondent, 2016)

Another reported:

"I was forced to work in the flesh trade... Can you imagine that I kept in a locked room for the whole day when I refused to work under pressure? It is because they had always threatened me and my family for physical violence and tortured." (Survey respondent, 2016).

Existing National Crime Records Bureau data indicate there were almost 5,500 cases across India under existing human trafficking laws in 2014. As the law does not differentiate between human trafficking and sex work, and there are no formal guidelines on who is identified in rescue and raid situations, it is impossible to know if every one of these cases involved force or children, or whether some were simply cases of economic survival.^[11]

Forced marriage

More than 50 percent of women are married in India before the legal age of 18.^[12] Despite the illegality of sex-selective termination of female foetuses, the introduction of sex-determination by ultrasound^[13] has seen some areas of India experience significant gender disparity and a dearth of available brides. The subsequent demand for brides, particularly in rural communities where many girls of marriageable age have migrated to cities for employment, has fuelled the trafficking of women for forced marriage. It is reported that in some instances, girls are forced into marriage and then used as unpaid labourers—local day labourers cost US\$140 for a season but a bride can cost only US\$100 as a once off payment.^[14] The northern state of Haryana has India's most distorted sex ratio—114 males for every 100 females.^[15]

The Walk Free survey questions have been carefully designed to draw a very clear distinction between arranged marriages (which are not in scope), and forced marriages (which are in scope). Cases of forced marriage were identified through the survey process.

Forced recruitment for armed services

A number of regions in India continue to experience armed violence and conflict between state-armed forces and armed opposition groups (AOGs).^[16] There is ongoing evidence to suggest that children are forcibly recruited into AOGs in Jammu & Kashmir, Punjab, Rajasthan, Bihar, Orissa, Jharkhand and West Bengal, Assam, Manipur and Tripura, Uttar Pradesh, Chhattisgarh and Madhya Pradesh, Maharashtra, Kerala, Tamil Nadu, Andhra Pradesh and Karnataka.^[17] Some children as young as six are used by Naxalites as informers and trained to fight with crude weapons, such as sticks.^[18] Once children reach 12 years, they receive training in weapon handling and the use of improvised explosive devices. Some women and girls have reported experiencing sexual violence in militant camps.^[19]



Man carpet weaving, working under a fair trade model, having been liberated from intergenerational debt bondage.

Photo credit, Grace Forrest

VULNERABILITY

Country	Civil & political protections	Social, health, & economic rights	Personal security	Refugees & conflict	Mean
India	37.07	36.68	43.88	87.78	51.35

There are more than 270 million people living below the poverty line in India.^[20] Homelessness, including of children, remains a major concern. For example, a census of children living on the street in Mumbai in 2013 found a total of more than 37,000 children, primarily concentrated in commercial areas with a bustling informal economy. Seventy percent were boys and thirty percent were girls, and 18 percent were in the 10–12 year old age bracket.^[21]

The informal nature of much of India's labour economy also impacts on vulnerability. According to government statistics, some 75 percent of rural workers and 69 percent of urban workers are in the informal economy.^[22] These workers face risks associated with a highly unregulated and unmonitored work environment, particularly in the country's many brick kilns. The country's steady population growth and the corresponding demand for improvement of infrastructure and increased dwellings have enabled the 'blood bricks' produced in these industries to continue.^[23]

Vulnerability to slavery in India has some common elements, with poverty and the lack of capacity to absorb shocks, and deep structural inequalities reflecting gender, caste and tribe all being highly relevant.^[24] However, vulnerability is also distinct state by state. For example, in Bihar, agricultural shocks, high prevalence within the population of members of the Scheduled Castes, combined with borders to Nepal, result in forced labour connected to migration for work both within and from India. Also, Bihar is one of the states affected by the Naxalite conflict. According to the UN Security Council, Naxalites in Bihar, Chhattisgarh, Jharkhand and Odisha states recruited boys and girls between six and 12 years of age into specific children's units. Uttar Pradesh which has the highest proportion of castes and tribes of all Indian states, the issues are quite different. For example, so-called 'manual scavenging' is reported to be still widely practised, in which members of a certain caste are

required to clean out dry latrines. When they seek to leave or refuse to do this work, they face violence and abuse.^[25]

Women and girls face significant discrimination and high rates of sexual violence across India, and this is particularly true for women and girls from the Scheduled Castes and Tribes.^[26] While Prime Minister Narendra Modi referred to a string of rapes as a national 'shame', and there has been a raft of legislative and criminal justice reforms signalling some progress, women are still at very high risk of sexual assault and domestic violence.

While factors such as dowry payments and a desire to avoid sexual violence are commonly given as reasons for early and child marriage, recent research suggests that these are symptoms of deeper risk factors. Vulnerability to early and child marriage has been attributed to a complex matrix of underlying risk factors, reflecting the interplay of patriarchy, class, caste, religion and sexuality, that all impact on decision making.^[27] Overlaid with this are the economics of marriage, dominant concepts of sexuality, widely-accepted gender norms including concepts of masculinity, educational and institutional gaps, the centrality of marriage in Indian society, and the desire for parents to exercise control over their children as they become young adults.^[28]

Across India, but particularly in some southern states, Indian migrant workers actively seek jobs in construction and care industries, primarily in the Gulf, Europe and North America. There are reported to be 14 million Indian men and women working overseas, primarily in the Gulf, many of whom will have sought work through their networks rather than formal channels.^[29] Official migration processes are complex and often tainted by corruption, which further encourages irregular migration. These channels leave migrants with little recourse against practices such as unilateral contracts, dangerous working and living conditions, limited movement and access to communications, withholding of passports and wages, and physical and sexual abuse.^[30]

Promising practices in responding to bonded labour

Uttar Pradesh (UP) is India's most populous state with a population of nearly 200 million people. In UP, statistics on bonded labour suggest remarkable improvements, reflecting the work of NGOs that work with local communities to bring people out of bonded labour.

In 2013, a group of labourers from Chhattisgarh went to Jammu and Kashmir (J & K) to work as daily-wage labourers in a brick kiln. What began with a promise of better life soon turned into drudgery, perennial hunger, abuse and physical violence. After enduring these conditions for 12 months, the labourers were sold by the employer to another brick kiln owner.

A young man named Deepak Das (name

changed) broke this cycle of exploitation when he escaped from the kiln. Back in his village, he met the NGO team who were there to establish a Community Vigilance Committee (village-level self-help groups). On hearing Deepak's account, the NGO played a crucial role in convincing the J & K officials to take action. The Bonded Labour Act establishes a system to release and rehabilitate of bonded labourers, and prosecute offenders but it requires action from local authorities.

The brick kiln was raided by a joint team from the police, labour and social welfare departments. All of Deepak's 48 co-workers were rescued. The NGO ensured that the freed labourers received their release certificate and had their

statements recorded under the Bonded Labour Act. This enabled the victims to receive rehabilitation benefits and entitlements from the government. The freed labourers were also sensitised on the larger issue of enslavement and trafficking, which encouraged them to help the NGO identify new cases in their area.

Civil society action, organised by the people, for the people, is the backbone of the anti-slavery movement in India. It provides support to law enforcement while creating the conditions of trust that victims of abuse, exploitation and neglect require. Continued cooperation between civil society organisations and law enforcement is key to ending bonded labour.

GOVERNMENT RESPONSE

Given the scale and complexity of the issue in India, it is significant that the government of India has taken many steps designed to address vulnerability on a broad scale. Recent amendments to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act makes it an offence to, among other things, compel a member of a Scheduled Caste or a Scheduled Tribe to do begar or other forms of forced or bonded labour; dispose or carry human or animal carcasses, or dig graves; or do manual scavenging. The 2016 amendments also make it an offence to promote dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a devadasi or any other similar practice.^[31]

The government has also drafted a 'National Policy for Domestic Workers', which is currently awaiting Union Cabinet approval. If enacted, the Policy would safeguard a minimum salary of Rs 9,000 (approximately \$135 USD) per month for skilled full-time domestic workers, paid leave and maternity leave, social security, and the right to collectively bargain. It also includes calls for provisions against sexual harassment and bonded labour for domestic workers.^[32] The fact that domestic workers were identified in forced labour in the 2016 Walk Free Foundation state surveys underscores the urgency of policy change on this issue.

In June 2015, the Ministry of Women and Child Development launched 'Khoya Paya', a Lost and Found website, which operates in addition to the Ministry of Home Affairs' 'Track Child' site. 'Track Child' provides a forum for police to exchange information on missing children, while the new site extends to the public, allowing registration of missing children by their families in coordination with police efforts.^[33]

In terms of more specific responses to modern slavery, India has criminalised most forms of modern slavery, including trafficking, slavery, forced labour, child prostitution and forced marriage, as part of its penal code or under specific legislation. However, there is no distinction drawn under the existing trafficking legislation between human trafficking and sex work which

makes interpretation of results difficult. There is also no current legislation covering the use of children in armed conflict.^[34]

Responsibility for the national government's response is divided between three ministries: Ministry of Labour, Ministry of Home Affairs, and Ministry of Women and Child Development. While each agency has different mandates and areas to cover, the absence of strong, continuing coordination across these agencies had led to a fragmented and complex response to modern slavery.

Implementation of anti-trafficking laws in the Penal Code is the responsibility of the Ministry of Home Affairs, which provides information about cross-government efforts on its anti-trafficking portal. The portal includes criminal justice statistics, details of anti-trafficking police units, information on government and law enforcement training, and information on anti-trafficking legislation and reporting mechanisms, including the ChildLine hotline.^[35] Criminal justice statistics, both on human trafficking and bonded labour crimes, are published by the National Crime Records Bureau.^[36]

Laws prohibiting bonded labour have been on the statute books for decades.^[37] The response to bonded labour is coordinated by the Ministry of Labour while the district and sub-divisional level vigilance committees provide advice to the courts on bonded labour issues.^[38] The National Human Rights Commission monitors the government response, regularly reviews existing government policies and practices from a human rights perspective,^[39] and provides training to district Magistrates, Deputy Commissioners and other government officials.^[40] Statistics suggest that many states are yet to implement the Supreme Court order which required district vigilance committees to undertake surveys to identify and release those in bonded labour, as many still submit an official report of zero cases.^[41] The state of Karnataka has made progress on the Order, as reflected in the numbers of cases of bonded labourer identified in official crime statistics. Outside this, there are concerns about the effectiveness of the response to bonded labour in India.^[42]

The importance of law enforcement

With the population of most Indian states being larger than the population of many countries, the role of state police in combatting modern slavery is critical.

The active approach of state police in several states has lent early successes to the national government's ambitious programme of establishing specialist anti-trafficking police units throughout India. Known as the Integrated Anti Human Trafficking Units (IAHTUs), these specialist units comprise trained police officials, prosecutors and NGO workers who work as an integrated task force to prevent and combat human trafficking.

In July 2015, the AHTU of Telangana state police removed 39 women and girls who had been trapped working in squalid conditions in a brothel in Chandrapur,

a city in Maharashtra. The operation is an example of successful cross-state cooperation, as police and NGOs from both States worked together to get the women to safety and prosecute the perpetrators.

The operation was initiated by the Crime Investigation Department of Telangana police after gathering information from a victim, who had escaped the brothel and returned to her village. The police team undertook days of preparatory work, including a reconnaissance of the area, briefing the local police department in the neighbouring state and training on proper conduct during the operation.

The AHTU raid found women and girls living in unhygienic conditions in cramped rooms. Of the 39 victims, a number were HIV positive and some were pregnant.

Children of the women were living in the custody of the traffickers. Charging 150 rupees for every client, the women received half, and half was taken away by the traffickers. The women were denied food when they tried to refuse clients.

The AHTU arrested the perpetrators and presented them to the local magistrate. The victims were taken safely back to shelters in Hyderabad. The police presented the minor victims to Child Welfare with assistance from relevant NGOs. The accused were sent to judicial custody and the Preventive Detention Act was invoked against the repeat offenders.

The importance of successful prosecutions

Prosecution of perpetrators is a critical part of any response to modern slavery. In any country, securing a prosecution is typically a long and hard process, but this is particularly true in India, given the millions of cases pending in the overworked judicial system. Legal support for the victim can make the difference between case failure and successful prosecution.

In March 2016, lawyers associated with an NGO in Bihar, won a three-year long

case that resulted in sentencing of four traffickers and financial restitution for the 14-year-old victim who had been kidnapped, sexually abused, enslaved and then sold by her handler in a ten-month-long ordeal. The four accused were given between seven and ten year sentences and fined Rupees 286,000 (US\$4,300). The victim received 60 percent of the fine amount. The lawyers who fought the case provided legal support to the victim

throughout the trial, which can be a very difficult and emotionally-fraught process. The lawyers also worked with the public prosecutor to build a strong case against the accused.

Every successful prosecution helps to change the current balance of risk, in which modern slavery is a high-profit low-risk activity for perpetrators.

The Indian National Government has undertaken an ambitious programme to establish specialist anti-trafficking police units throughout the country. These are mandated to facilitate interagency coordination for the rescue of children and post-rescue care efforts, to monitor interventions and provide feedback, and to collect and analyse data related to trafficking to be shared with state governments and the media as appropriate. The government continued to expand the number of units across the country, reaching 225 units by December 2014, with the aim to establish 330 anti-human trafficking units.^[43] While these efforts are commendable, it is also clear that some units are working well and others are not. It is reported that one issue relates to budget, but there are also numerous systemic issues that result in investigations stopping at state boundaries. Reflecting these concerns, a recent National Legal Services Authority submission to the Supreme Court called for a central investigations bureau to be established to investigate cross-border crimes.^[44]

Both the judiciary and law enforcement have received training; more than 20,000 police personnel have been trained on victim identification, implementation of the new legal framework, and victim-centred investigations. The government victim compensation scheme also extends to victims of human trafficking; however, the amount and efficiency of dispersal is largely dependent on the state administration and is not available country-wide.^[45] In a recent landmark case, four traffickers were prosecuted following a three-day trial for kidnapping a 14-year-old Haryana girl and forcing her into domestic servitude and sexual exploitation; they were sentenced to between seven and ten years in jail, with half of the fine paid to the victim as restitution.^[46]

The Indian Government funds victim support services, however, efforts need to be directed at improving these both in terms of approach and quality of care. The Ujjawala project is one of the primary support systems in India for children and young women at risk, but this does not necessarily equate to specialist services for victims of trafficking. Most shelters have limited facilities and resources to provide holistic support.^[47] Government shelters are required to register; however, services vary as there are no standards attached to registration, and no inspections or follow-up. Furthermore, under existing laws, survivors under the age of 21 can and are subject to extended periods of court ordered custody in protective homes, effectively resulting in their detention.^[48] Specific government trafficking shelters are currently available only for women and girls.^[49]

India continued to take steps toward collaborating across the region to respond to transnational trafficking crimes and provide

protection for Indian citizens migrating overseas. Indian police have cooperated with regional counterparts on transnational human trafficking investigations. In 2014, Indian and Bangladeshi police undertook a joint investigation to identify two Bangladeshi girls sold into commercial sexual exploitation in India. Both girls were found and successfully repatriated; the offenders are being prosecuted under new anti-trafficking provisions.^[50] In March 2016, India and Bahrain agreed to increase bilateral cooperation on human trafficking issues, especially women and children in the Gulf.^[51] ^[52] This agreement provides protection for victims, including repatriation, and provides for close cooperation and information exchange between police and other concerned authorities.^[53] In April 2016, media reports suggested India will sign a similar agreement on anti-human trafficking collaboration with the United Arab Emirates shortly.^[54]

In December 2015, in response to public interest litigation initiated by an NGO, the Supreme Court of India took note of evidence of the deficiencies of the existing victim support network.^[55] The Supreme Court of India disposed of the litigation when the Ministry of Women and Child Development stated that it was taking steps to establish the 'Organised Crime Investigative Agency' (OCIA) and had established a committee to prepare new 'comprehensive anti-trafficking legislation' to ensure, among other things, that victims are not treated as criminals and provided with adequate shelter homes. The Supreme Court also highlighted the need for stronger victim protection legislation and protocols and provision of adequate shelters.^[56] This is critical as recent research suggests that rescue efforts involving children are not always operating in the best interests of victims, and are not resulting in appropriate criminal action against employers or traffickers, leaving children at risk of retaliation and re-trafficking.^[57]

Early indications are that many steps have resulted from this Supreme Court order. An inter-ministerial committee has been formed, legislation has been drafted and certain outcomes appear close to completion. For example, efforts to develop a comprehensive standard operating procedure on rescue, rehabilitation and prevention of trafficking of women and children for sexual exploitation was being finalised at the time of print.^[58] It is not yet clear how this will impact on the existing laws and infrastructure, such as the anti-human trafficking units, already established. Part of the challenge will be to ensure that gains already made are not lost in efforts to create a new system, while the new system does not add another layer of complexity to an already overcrowded system.

RECOMMENDATIONS

Government

- With many of the necessary laws in place and under development, the focus must be on implementation and tracking improvements in implementation. For example, given the high levels of internal migration, there is a clear need to ensure State police are encouraged and enabled to continue investigations across borders. This needs to be in addition to any central investigations bureau which will likely focus on only the most complex cases.
- Ratify and implement the Convention on the Worst Forms of Child Labour.
- Ratify and implement the Domestic Workers Convention.
- Proactively require all states to follow up on the Supreme Court Judgment of October 15, 2012, to identify and release those in bonded labour, and report on progress. Require States who report zero cases of bonded labour to show what steps have been taken to actually find and assist bonded labourers.
- Update regulations and processes for the implementation of the *Bonded Labour Act*, and report on its implementation.
- Focus on practical ways to regulate and monitor practices of placement agencies.
- Implement a new National Action Plan that targets the full spectrum of modern slavery, while recognising the differences between highly organised crime (which is likely to be cross-border) and more localised practices of bonded labour.
- Ensure that victims are not criminalised or detained both by law enforcement and in the shelter system. Victims must be protected (including protecting their identities) throughout the duration of their court cases. Repeal laws which permit detention of victims.
- Increase the proportion of female police officers in enforcement.
- Create and monitor implementation of standard operating procedures for shelter homes to support quality and rights based post-rescue rehabilitation of survivors.
- Prevent the recruitment of children into armed opposition groups and provide targeted rehabilitative services to rescued children.

Business

- Partner with civil society organisations to provide safe work and vocational training to survivors of modern slavery, under the *Company Act 2013* corporate social responsibility requirements.
- Export-oriented industries such as textiles, agriculture and carpet weaving should work through their industry bodies and with appropriate third parties to create industry-wide supply chains that are free of modern slavery.
- Domestic industries, such as construction, manufacturing and brick kilns, should work with state governments and local organisations to find innovative ways of eliminating the need for child and bonded labour in their businesses.

STATE STUDY 1 – Problem description and state government responses in Uttar Pradesh

POPULATION	GSDP (2014–2015)
199,812,341 ^[59]	US\$161.1 Billion ^[60]

As the most populous state in India, Uttar Pradesh (UP) is a centre of agriculture, industry and tourism. Though poverty across the state is declining, UP's poverty rate remains higher than the national average.^[61] A combination of population growth and persistent migration flows from neighbouring states, predominantly Bihar, Madhya Pradesh and West Bengal, have increased the available workforce despite limited employment opportunities. This, coupled with the highest prevalence of Scheduled Castes in India (the official term for Hindu, Sikh and Buddhist Dalits)^[62] and prevailing discrimination against women,^[63] heightens people's vulnerability to modern slavery in UP.

UP is a source, transit and destination state for modern slavery. UP's 619 km stretch of open borders with Nepal,^[64] proximity to Bangladesh and New Delhi, and home to tourist destinations of Varanasi and Agra, facilitate the flow of vulnerable people and impede the ability of law enforcement to detect human traffickers. Following the 2015 earthquake in Nepal, migrants from earthquake affected areas poured into UP,^[65] some of whom were vulnerable to accepting exploitative jobs in the informal economy.

Children in UP are at particular risk of forced labour and commercial sexual exploitation. A 2015 study found a 13 percent rise in child labour in UP despite the fact that child labour is gradually declining across India.^[66] Nationally, one in five child labourers in India is exploited in UP,^[67] with almost 900,000 children aged 5–14 years in the workforce in 2011.^[68] Many children are engaged in the worst forms of child labour—forced begging in Varanasi and Agra, and forced labour in embroidery, carpet weaving, leather work, sports ball stitching and bangle making.^[69] Despite the efforts of some international brands to sever contracts with factories manufacturing with child labour, the illegal work of many children in UP goes undetected as they work from home for meagre piece-rate wages.

UP's 40 million people belonging to Scheduled Castes^[70] are particularly vulnerable to caste-based slavery such as manual scavenging. Despite legislation prohibiting manual scavenging,^[71] the act of removing faeces from non-flush systems and septic tanks by hand for little or no pay remains common.^[72] Persisting hierarchical attitudes ensure manual scavengers remain entrapped in this lifestyle, subject to violence, stigma, debt bondage and discrimination.

UP has the highest proportion of child marriages in India, with more than 2.8 million children married in the 10–19 years category.^[73] Children and young women are vulnerable to short-term contract marriages with tourists who temporarily marry for the duration of their visit to UP.^[74]

Uttar Pradesh does not have state-level legislation specifically targeting slavery; however, some elements of trafficking are criminalised under the Goonda Act and the Gangster Act of UP, which recently received Presidential assent.^[75] The legally-mandated Uttar Pradesh Victim Compensation Scheme 2014 provides for financial compensation to victims of trafficking who have suffered loss or injury,^[76] though no data exists on how many victims accessed this fund.

Under the national anti-trafficking initiative, 35 anti-human trafficking units were functional in UP and will receive technical support from UNICEF during 2016–2017.^[77] Considerable efforts were made at the state level to combat modern slavery including the training of 2,076 stakeholders, rescue missions across a range of districts and the approval of a State Task Force in 2015.^[78] Operation Smile, a 2014 initiative of the Ghaziabad Police which rescues children from child labour, and tracks missing and trafficked children,^[79] continued operations in 2016.^[80] Following the earthquake in Nepal, the government of UP installed CCTV cameras on border crossings to monitor human trafficking though it is unclear whether any victims were identified in this way.^[81]

STATE STUDY 2 – *Problem description and state government responses in Bihar*

POPULATION
104,099,452^[82]

GSDP (2014–2015)
US\$66.4 Billion^[83]

In Bihar, a combination of chronic poverty, distress migration, open borders, caste, ethnicity and gender drive the prevalence of modern slavery. According to the National Sample Survey Office's most recent report, 34 percent of Bihar's population are below the poverty line, with 56 percent of children under five years of age underweight.^[84]

Despite a wealth of fertile land and natural resources, ongoing flooding and drought have reduced agricultural output and hindered the state's growth. With reduced livelihood opportunities, distress migration is common. The 2011 Census showed that net migration out of Bihar stood at 1.7 million people,^[85] making it the second-highest state in India for out-migration. Other reports have suggested as many as 4.42 million people migrate out of Bihar every year.^[86] The use of migration as a survival strategy across all age groups in Bihar, often under extremely vulnerable circumstances, exacerbates vulnerability to slavery.^[87]

Ongoing crimes against Scheduled Castes, 25 percent higher than the national average (3.5 per 100,000 population, compared with 2.8 per 100,000 nationally),^[88] coupled with more desperate economic status and severe social exclusion, increase vulnerability to exploitation. Although many new government initiatives are starting to have a positive effect on discrimination against marginalised groups, more than 56 percent of women in Bihar aged between 15 and 49 report that they are subject to physical and sexual violence.^[89]

Bihar's proximity to Bangladesh and its 800 km stretch of open borders with Nepal, facilitate the ease with which traffickers cross internationally without identification. Major transport hubs in these border areas have become hotspots for trafficking, as well as sites of commercial sexual exploitation. Bihar acts as a transit and destination for girls and women trafficked from Nepal, Bangladesh, West Bengal and northeastern states. An estimated 40 red light areas exist in Bihar, many of which are home to intergenerational sex workers from the Natt tribal group.^[90]

Children in and from Bihar are subject to forced labour, forced marriage, forced begging and forced recruitment into non-state Armed Opposition Groups (AOGs). Persistent civil unrest between the Naxalite-Maoist insurgency and the government has resulted in Bihari children as young as six recruited into service and taught to handle weapons as part of their training. Throughout 2015–2016, local newspapers continued to report on the rescue of Bihari children trapped in forced labour in a variety of sectors, including jacket-manufacturing,^[91] bangle making,^[92] textiles,^[93] food manufacturing^[94] and waste recycling.^[95]

Efforts to combat slavery and the corresponding attempts to address the corruption of local services is still at an early stage. Bihar does not have state-specific laws addressing slavery, although they are considering drafting legislation for anti-trafficking protection. Under the national initiative, Bihar State Police created anti-human trafficking units (AHTUs) and this has led to the identification and rescue of victims in 14 of 38 districts.^[96] Data collection and reporting remains an issue, especially in the management of missing persons by police despite previously receiving training in tracing and rehabilitating missing children. The Astiva Action Plan for Preventing and Combating Trafficking 2008—that coordinates state, district and Panchayat (village) task forces in order to "*care and protect trafficking victims at all stages of rehabilitation and also ensure strong prosecution of cases*"^[97] commenced strongly, but efforts since appear to have diminished. The 2015 'Operation Mahavir', to trace and free child victims of trafficking, saw police in 38 districts of Bihar monitoring places like brick kilns, roadside hotels, markets, bus stands and railway stations.^[98] However, at the time of writing, no data was available on the number of cases identified in this operation. Many of the gaps in government implementation of anti-slavery policies and legislation are a legacy of Bihar's decades of misrule. They reflect deep-seated, long-term challenges that will require continued and determined efforts.

STATE STUDY 3 – Problem description and state government responses in Maharashtra

POPULATION	GSDP (2014–2015)
112,374,333 ^[99]	US\$264.80 Billion ^[100]

Maharashtra is one of the wealthiest states in India and is considered the trade and commercial hub of the country. According to the 2011 Census, 45 percent of Maharashtra's population is urban.^[101] The wealth disparity between rich and poor is particularly evident in Mumbai with 54 percent of the capital city's population residing in slums. Mumbai is home to 22 million people^[102] and is notorious for being the commercial sex capital of India.^[103]

Human trafficking and commercial sexual exploitation is witnessed throughout Maharashtra. Rural Maharashtra continues to be a major source of trafficking victims. Due to poverty and a lack of livelihood prospects, men, women and children from rural tribes are pushed to search for opportunities in urban cities, increasing their vulnerability to modern slavery. Commonly, women and girls are trafficked and exploited by independent recruitment agencies largely unregulated by state authorities.^[104] Many human traffickers also pose as matchmakers arranging false marriages within India where, instead of marriage, the women are sold and subjected to forced prostitution and forced labour within the domestic service.^[105]

Debt bondage is reported to be widespread in Maharashtra, particularly in unregulated industries such as construction, agriculture, mining and brick manufacturing.^[106] For example, borrowing money for marriages, festivals and funerals is a common practice among some tribal groups in the State, which can result in debt bondage.^[107]^[108] The Supreme Court has established vigilance committees directed to pay attention to specific sectors where debt bondage is prevalent such as brick kilns, quarries, carpet weaving, construction, agriculture, manufacturing, fishing and many others.^[109] The vigilance committees must conduct surveys on a District and Sub-Divisional District level every three years and report their findings to the National Human Rights Commission.^[110]^[111] Despite these efforts, some perpetrators of modern slavery, such as brick kiln owners, are reported to be politically connected, enabling them to avoid prosecution.^[112] In this way, the effectiveness of the committees and monitoring mechanisms is reduced by ongoing corruption.

The government of Maharashtra has made efforts to implement legal mechanisms to protect vulnerable populations from modern slavery. Maharashtra is the first state in the country to have prepared a state action plan for the elimination of child labour.^[113] It is also one of the first states to adopt various acts specific to issues of mathadis (manual labourers who load and unload trucks),^[114] migrant labourers and domestic workers.^[115] In accordance with the Maharashtra Domestic Workers Welfare Act (2008), the Maharashtra Domestic Workers Welfare Board has registered many domestic workers within the state so that they are privy to the benefits outlined in the Act.^[116]^[117]

In 2008, Maharashtra established AHTUs and various rescue operations have been conducted since then. By 2012, the AHTUs had rescued 2,683 victims across 478 operations, arrested 1,558 traffickers and registered 372 cases.^[118] AHTUs have repatriated 26 Bangladeshi women rescued from Pune, Mumbai and Thane.^[119] The Crime Branch's Social Service Branch (SSB), which investigates trafficking crimes in Mumbai, have reported increasing success in identifying and rescuing victims from 159 women and nine minors (2013) to 308 women and 23 minors (2014).^[120] Despite these successes, inter-departmental coordination remains a serious challenge to human trafficking law enforcement, particularly between the local police, AHTUs and SSB.^[121]

In 2014, the government of West Bengal and Maharashtra signed a memorandum of understanding (MoU) to ensure the identification and repatriation of women and children who are victims of trafficking.^[122] The MoU established a standard operating procedure to ensure the verification of identities and family tracing of rescued human trafficking victims.^[123] In addition to this, it was reported in June 2015 that the governments of Jharkhand, Delhi, West Bengal, Uttar Pradesh and Maharashtra will sign an MoU to closely collaborate and jointly combat modern slavery.^[124] These efforts contribute to the collaboration of states to combat modern slavery through the exchange and sharing of information and the unification of inter-state modern slavery data.