

REHABILITATION OF VICTIMS OF HUMAN TRAFFICKING: A STUDY OF EFFECTIVENESS, EFFICIENCY AND SUSTAINABILITY OF VICTIM COMPENSATION SCHEMES



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Cover photographs: Residential areas of victims of human trafficking, and researchers collecting data

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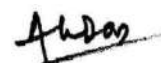
Following perusal of the list of research topics recommended by the National Human Rights Commission (NHRC), Human Development Society (HDS) selected Victim Compensation Schemes (VCS) for the study in view of its contextual relevance and non-availability of substantive research on the topic. During internal deliberations, it was considered appropriate to focus on a micro aspect of the topic so that intensive research could be conducted. Accordingly, HDS decided to study effectiveness, efficiency and sustainability of VCS for rehabilitation of victims of human trafficking. We received the sanction of the Commission in October 2018 and commenced the study soon after. This report marks successful completion of the study.

The report captures and analyses views and experiences of rescued victims of human trafficking, their parents and caregivers, representatives of non-governmental organisations (NGOs) and officials in order to understand, *inter alia*, effectiveness, efficiency and sustainability of VCS as a tool for rehabilitation of victims. We are confident that the findings and recommendations of the study would result in systemic changes in regard to administration of VCS. It would also help the NHRC plan and implement suitable correctional measures leading to rehabilitation of victims of human trafficking in true sense of the term.

Field work for the study was conducted in three States namely Rajasthan, Uttar Pradesh and West Bengal. Although it was extremely difficult to locate the victims of human trafficking as our efforts to first gather inputs with the help of State police, the National Legal Services Authority and three State Legal Services Authorities were unsuccessful; we could finally complete the work satisfactorily with the help of NGOs of the three States which are working for victims of human trafficking. Without the much-needed support of these partner organizations, it would have been very difficult to locate the rescued victims. HDS is very thankful to these partners, whose salient particulars are noted in subsequent page, for their support to the research.

HDS is immensely thankful to the NHRC for supporting the study with a grant. Our sincere gratitude goes to Shri Jaideep Govind, Secretary General, Dr. M. D. S. Tyagi, Joint Director (Research), and Dr. Seemi Azam, Research Officer of the NHRC for adding qualitative depth to the process of data collection and analysis, facilitating contacts with different offices, commenting on the draft report, and accepting our request for extension of timeline.

The members of research team namely Shalini, Noor Saba, Nachiket, Tania, Mousumi, Rinku and Mangala deserve praise for painstakingly conducting the field work in three States. Our special appreciation, however, goes to all the rescued victims of human trafficking, their parents and caregivers, and the key informants who shared their views and experiences on the topic of research, which were insightful and invaluable.



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A & N Islands	: Andaman & Nicobar Islands
App.	: Applications
CSOs	: Civil society organisations
CrPC	: Code of Criminal Procedure, 1973
CVCF	: Central Victim Compensation Fund
D & N Haveli	: Dadra & Nagar Haveli
DLSA	: District Legal Services Authority
FIRs	: First Information Reports
HDS	: Human Development Society
KIIs	: Key informant interviews
MHA	: Ministry of Home Affairs
NALSA	: National Legal Services Authority
NCRB	: National Crime Records Bureau
NGOs	: Non-governmental organisations
NHRC	: National Human Rights Commission
PMAY	: Pradhan Mantri Awas Yojna
No.	: Number
OBC	: Other backward classes
Pct	: Percent
POCSO Act	: Protection of Children from Sexual Offences Act, 2012
SCs	: Scheduled Castes
SLSA	: State Legal Services Authority
STs	: Scheduled Tribes
UN	: United Nations
UTs	: Union Territories
USA	: United States of America
VCF	: Victim Compensation Fund
VCS	: Victim Compensation Scheme

Compensation to the victim as a component of criminal justice administration is relatively new in India. In post-independence period, it was first governed under Section 545 of the now repealed Code of Criminal Procedure, 1898, and subsequently under Section 357 of the Code of Criminal Procedure, 1973 (CrPC) empowering the courts to award compensation while passing judgment of conviction. However, the criminal courts of the country have rather been reluctant to use the Section as reflected in judgments of the Supreme Court and recommendations of various Law Commissions of India, the National Commission to Review the Working of the Constitution (2002) and the Committee on Reforms of Criminal Justice System (2003). The Code of Criminal Procedure (Amendment) Act, 2008, which resulted in insertion of Section 357A to the CrPC in 2009, addressed the above gap by requiring every Indian State to prepare a Victim Compensation Scheme (VCS) in coordination with the Central government for compensating the victims or his/her dependents who need to be rehabilitated. In order to bring in relative uniformity in the quantum of compensation, support and supplement VCS of the States and Union Territories, and encourage them to effectively implement the scheme, the Union Ministry of Home Affairs (MHA) set up the Central Victim Compensation Fund (CVCF) in 2015 with initial corpus of ₹200 crore.

Despite the above positive measures, available studies, news reports and observations of Courts suggest that benefits of the VCS have not evenly reached the victims of various crimes including human trafficking. However, the issue has not yet been studied adequately and empirically in the Indian context. Available literature is not adequate to empirically understand effectiveness, efficiency and sustainability of VCS for specific categories of victims like that of human trafficking. The present study titled “Rehabilitation of Victims of Human Trafficking: A Study of Effectiveness, Efficiency and Sustainability of Victim Compensation Schemes” attempts to address the above gap in literature, expand the scope of analysis, and build an empirically sound basis for systemic changes.

OBJECTIVES

The objectives of the study are to examine the extent of effectiveness, efficiency and sustainability of VCS and suggest measures for strengthening the Schemes as a tool for rehabilitation of victims of human trafficking.

GEOGRAPHIC COVERAGE

The study covered three States namely Rajasthan, Uttar Pradesh and West Bengal.

METHODOLOGY

This is a rights-based, participatory and exploratory study with focus of methodology on collection and analysis of quantitative and qualitative data with application of need-based and stakeholders-specific methods. While desk research was used to collect and review available literature on the topic, field work in three States helped gather inputs from different stakeholders. ‘Interviews of rescued victims of human trafficking’ was the key

method for data collection under which a total of 253 victims were interviewed. Interviews of 15 parents and caregivers of victims, six in-depth interviews for case studies, and 10 key informant interviews covering representatives of NGOs and officials were also conducted as part of data collection exercise. The research team followed a set of ethical guidelines during field work, and adhered to the standards for data quality and analysis.

SALIENT FINDINGS

Profile of rescued victims of human trafficking

The study covered both female and male victims mostly in the age group of 18 to 40 years. While bonded/forced labour was the key purpose of human trafficking in Rajasthan and Uttar Pradesh, prostitution was the key purpose in West Bengal. The victims are mostly illiterate or lowly educated, live in thatched houses, and are engaged in wage labour and other low paying jobs (three-fourths have ₹5000 or less monthly income range). They mostly belong to SCs and STs.

Status and nature of compensation

With non-receivers forming nearly three-fifths of total sample, access to financial compensation is found to be limited. The amount of compensation is only ₹20000 in most cases (88%). With most of the victims receiving compensation under the Bonded Labour System (Abolition) Act, 1976, the reach of VCS is extremely limited (only 2%).

Effectiveness

In view of abysmally low coverage of VCS, its purpose to rehabilitate victims of human trafficking is squarely defeated. The nature of rehabilitation is directly proportional to the amount of compensation received. While a small amount of compensation is effective for fulfilling short-term needs, effectiveness is high for both short and long term needs if the compensation amount is high. Compensation is not very effective in mitigating the mental and psychological challenges faced by the victims. Two key challenges to effectiveness are time consuming procedure and low amount of compensation.

Efficiency

The amount of compensation money is considered overwhelmingly inadequate. Long processing period of up to two years or more is a negation of timeliness and efficiency. While near absence of corruption shows managerial efficiency, attitude of officials processing compensation have not always been good to the victims.

Sustainability

Sustainability is visible in case of victims who have spent compensation money for durable assets like construction or repair of houses, purchase of jewellery or land, and fixed deposit. However, meagre amount of compensation is considered insufficient to create sustainable assets. In other words, sustainability is directly proportional to amount of compensation.

Status of non-recipient rescued victims

Non-recipient victims are not highly aware of VCS, and hence unlikely to receive the entitlement. Non-availability of documents like release certificate in case of bonded labour and copy of FIRs precluded access to benefits of compensation. The need of financial support is very high among the non-recipients as they wish to fulfill their housing, business, employment, health and family needs, and soothe mental and psychological challenges.

RECOMMENDATIONS

The study recommends following measures to make VCS effective, efficient and sustainable. The table below contains problems, recommendations to address them, and the agencies which should implement the recommendations.

Identified gaps or problems	Recommendations to address the gaps or problems	Agencies that should implement the recommendations
Lack right approach or orientation on the part of the key stakeholders of VCS	Change in approaches: There is an urgent need for the SLSA, DLSA, police, lawyers and judges to completely change their approaches towards VCS. They should introspect and find out as to why the Scheme has so badly failed to reach the victims of human trafficking.	SLSA, DLSA, State police, district courts, High Courts (lawyers and judges)
Lack of awareness among the victims about the VCS	Dissemination of information: There is a strong and immediate need to make the victims aware of VCS by disseminating details of the Scheme. The concerned agencies should explore application of various means, including social media, for information dissemination.	SLSA, DLSA, police, lawyers, judges, CSOs, NGOs (The lead role should be played by SLSA)
Victims possess low level of education and awareness, and have inadequate access to skills training, employment opportunities and means for rehabilitation	Guidance for rehabilitation: Victims should be guided for meaningful utilization of compensation money with focus on prioritization of needs and creation of impactful and sustainable assets. Besides training on vocational and technical skills, victims should be linked to financial and non-financial organisations in order to meet their entrepreneurial and employment needs.	Department of Social Welfare of the States, NGOs, CSOs and vocational training institutions
Meagre amount as interim compensation which hardly contributes to the process of rehabilitation	Quantum of compensation: Besides adhering to the prescriptions of VCS of the State for final payment of compensation, amount of interim compensation should be such that it should contribute to the process of rehabilitation of the victims.	SLSA and DLSA

<p>1. Delay in inquiry following receipt of recommendation of court or application by victim/dependents for compensation</p> <p>2. Cumbersome process for submission and processing of application for compensation</p> <p>3. Delay in sharing of information by police with DLSA</p>	<p>Procedural efficiency:</p> <p>1. As mandated under sub-section 5 of Section 357A of CrPC, compensation should be awarded by completing the inquiry within two months of receipt of recommendation of court or application from victim.</p> <p>2. Procedures for processing of application should be simple and hassle free.</p> <p>3. Police should share with DLSA information about the crime and victim immediately after registration of FIR.</p>	<p>1. SLSA and DLSA</p> <p>2. SLSA and DLSA</p> <p>3. Police</p>
<p>1. Non-availability of disaggregated data on VCS for different crime categories</p> <p>2. Inadequate responsiveness on the part of Legal Services Authorities to genuine needs of public</p>	<p>Access to data and information, and systemic responsiveness:</p> <p>1. There is an urgent need for SLSAs to prepare and make public disaggregated State data on VCS with focus on different crime categories.</p> <p>2. SLSAs and DLSAs should be responsive to genuine needs of people who approach them for services like compensation, legal aid and data.</p>	<p>1. SLSA</p> <p>2. SLSA and DLSA</p>
<p>Absence of independent mechanism for monitoring utilization of funds under VCS</p>	<p>Independent mechanism for monitoring of utilization of funds: The NHRC may set up a monitoring mechanism in coordination with the State Human Rights Commissions for the purpose of obtaining and analyzing data on utilization of funds under VCS by the States and the Union Territories, and for sending periodic binding and non-binding advisories with a view to making the Schemes effective, efficient, impactful and sustainable.</p>	<p>NHRC and State Human Rights Commissions</p>

"Tears shed for the accused are traditional and trendy but has the law none for the victims of crime, the unknown martyrs?"

– Hon'ble Justice V. R. Krishna Iyer
Former Judge, Supreme Court of India

1.1. VICTIM COMPENSATION SCHEME: AN INTRODUCTION

At the core of victim compensation scheme lies the intent to provide succour to victims of crime, whom Justice V. R. Krishna Iyer- a highly acclaimed pioneer of judicial activism in India- had termed as the "unknown martyrs", who are often ignored in the system of criminal justice administration. Although victim compensation has been in vogue since the ancient times,¹ it caught the attention of legal and administrative systems only with emergence of victimology, separate from criminology, as a branch of empirical study in the mid-1900's with focus on victims, etiology of victimisation, and relationship between victims and the offenders. The credit for giving victim compensation the shape of a modern system goes to Margery Fry, the British prison reformer and Magistrate, who as a member of the Colonial Penal Advisory Committee advocated that 'criminal justice should incorporate elements of compensation and/ or restitution from offender to victim' and due to whose influence the 'state compensation scheme for victims of violent crime' became a reality.² While compensation to victims of crime received increasing attention in many countries like Canada, Switzerland, Australia, New Zealand and the USA in the latter half of last century, one significant multilateral initiative in this regard was the unanimous adoption of the 'Declaration of Basic Principles of Justice for Victims and Abuse of Power' by the UN General Assembly in 1985. Besides requiring the States to provide financial compensation to victims and their dependents, the UN Declaration encourages 'establishment, strengthening and expansion of national funds for compensation to victims ...' and 'material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means'.³

Although victim compensation has its roots in ancient India, its development as a component of criminal justice administration of the country is relatively new. In the post- independence period, compensation to victims was governed under Section 545 of the now repealed Code of Criminal Procedure, 1898 till 1974, when the Code of Criminal Procedure, 1973 (hereinafter referred to as CrPC) came into force. While Section 545 of the repealed Code allowed compensation only when a substantive sentence of fine was imposed and was limited to the amount of fine actually realized, Section 357 of CrPC allows compensation

¹ Some of the important ancient texts that have references to compensation or reparation as a form of punishment are the Manusmriti, Kautilya's Arthashastra and laws during Sutra period (from 200 AD) in India, Code of Hammurabi in Babylon, and the Code of Ur-Nammu- the oldest law code in Mesopotamia.

² Anne Logan (2014) Political Life in the Shadows: the post suffrage political career of S. Margery Fry (1874–1958), *Women's History Review*, 23:3, 365-380, DOI: 10.1080/09612025.2013.820605

³ Available at https://www.unodc.org/pdf/compendium/compendium_2006_part_03_02.pdf

even in cases in which accused are not sentenced to fine.⁴ However, the criminal courts of the country have rather been reluctant to use the Section, as judgments of the Supreme Court indicate. In *Hari Kishan & Anr vs Sukhbir Singh and Ors*, 1988, the Supreme Court observed in regard to sub-section 3 of Section 357, “It is an important provision but Courts have seldom invoked it. Perhaps due to ignorance of the object of it. It empowers the Court to award compensation to victims while passing judgment of conviction. In addition to conviction, the Court may order the accused to pay some amount by way of compensation to victim who has suffered by the action of accused.”⁵ Emphasising the importance of Section 357, the Supreme Court in *Ankush Shivaji Gaikward vs State of Maharashtra, 2013* noted that it (Section 357)

“confers a duty on the Court to apply its mind to the question of compensation in every criminal case. ... The victim would remain forgotten in the criminal justice system if despite Legislature having gone so far as to enact specific provisions relating to victim compensation, Courts choose to ignore the provisions altogether and do not even apply their mind to the question of compensation. It follows that unless Section 357 is read to confer an obligation on Courts to apply their mind to the question of compensation, it would defeat the very object behind the introduction of the provision.”

The above shortcoming had repeatedly been articulated by various Law Commissions of India and other concerned bodies. The 152nd report of the Law Commission of India recommended insertion of Section 357A in the CrPC regarding compensation in custodial offences.⁶ The 154th report of the Law Commission of India, observing the weaknesses of the provisions for compensation in the criminal law, recommended incorporation of a new Section 357A in the CrPC and even identified heads of compensation as injury, loss or damage to the property of the claimant, and death from injury resulting in loss of support to dependents.⁷ The National Commission to Review the Working of the Constitution (2002), referring to the Directive Principles of State Policy and international human rights obligations, recommended for ‘a viable, social justice-oriented and effective scheme of compensation’ for victims of crime.⁸ The Committee on Reforms of Criminal Justice System, popularly known as the Justice Malimath Committee, also strongly recommended for legislation on victim compensation as it is “the obligation of the State to protect basic rights and to deliver justice to victims of crimes fairly and quickly”.⁹

The Code of Criminal Procedure (Amendment) Act, 2008, which resulted in insertion of Section 357A to the CrPC in 2009, was meant to address the gaps in system of victim

⁴ Section 357(3): “When a Court imposes a sentence, of which fine does not form a part, the Court may, when passing judgment, order the accused person to pay, by way of compensation, such amount as may be specified in the order to the person who has suffered any loss or injury by reason of the act for which the accused person has been so sentenced.”

⁵ AIR 1988 SC 2127

⁶ *One Hundred and Fifty Second Report on Custodial Crimes*, Law Commission of India (1994), pp.46.47. Available at http://lawcommissionofindia.nic.in/old_reports/rpt152.pdf

⁷ *One Hundred and Fifty Fourth Report on the Code of Criminal Procedure*, 1973 (Act No. 2 of 1974), Vol. I, Law Commission of India (1994), p.63. Available at <http://lawcommissionofindia.nic.in/101-169/Report154Vol1.pdf>

⁸ Available at https://www.thehinducentre.com/multimedia/archive/03091/ncrwc_3091109a.pdf

⁹ Committee on Reforms of Criminal Justice System, Government of India, Ministry of Home Affairs, Vol. I (March 2003), p.81. Available at https://mha.gov.in/sites/default/files/criminal_justice_system.pdf

compensation and the growing concerns of expert bodies in this regard. With this amendment, the Victim Compensation Scheme (VCS) received an institutional tag as it enjoined upon the Indian States to compensate victims of crime for loss or injury suffered at the hands of offenders. According to the new Section of CrPC, every Indian State is required to prepare a VCS in coordination with the Central government for compensating the victims or his/her dependents who need to be rehabilitated. Compensation is decided and paid either by the District Legal Service Authority (DLSA) or the State Legal Service Authority (SLSA) on recommendation of the Court. It is also awarded on recommendation of the Court in case compensation paid by the accused is inadequate (under Section 357, CrPC) for rehabilitation of the victim or the case ends in acquittal or discharge of the accused but the victim needs to be rehabilitated. Section 357A further allows compensation on the basis of an application to DLSA or SLSA by the victim or his/her dependents in case the offender is not traced or identified and the trial does not take place. While DLSA and SLSA decide the quantum of compensation keeping in view the minimum and maximum limits prescribed by the concerned State government, Sub-Section 5 of Section 357A allows provision for immediate first-aid facility or medical benefits free of cost.¹⁰

Following the above change in the CrPC, most of the Indian States and Union Territories (UT) have started their VCS. However, disparities in the quantum of compensation for various types of crimes continued for some time. In order to bring in relative uniformity in the quantum of compensation, support and supplement VCS of the States and UT, and encourage them to effectively implement the scheme, the Union Ministry of Home Affairs (MHA) set up the Central Victim Compensation Fund (CVCF) in 2015 with initial corpus of ₹200 crore.¹¹

While VCS remains the key institutional arrangement for compensating victims of various crimes like rape, acid attack, crime against children, human trafficking etc.; compensation is also provided under provisions of various special laws like the Probation of Offenders Act, 1958, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Workmen Compensation Act, 1923, the Protection of Women against Domestic Violence Act, 2005, the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and others. According to the arrangements that have been put in place by the States, compensation received by the victim in the form of insurance, *ex-gratia*, and/or payment received under any other Act like the ones noted above or State-run scheme is considered as part of compensation amount under the VCS.¹² As a result, if the amount of compensation to be received by a victim exceeds the payment received from other sources, the balance amount is paid out of Victim Compensation Fund (VCF) of the State.

In other words, compensation received from any other source does not per se become part of compensation under VCS. It becomes so only if the victim is in receipt of compensation under certain special law(s) and also becomes eligible for compensation under VCS in accordance with procedure prescribed for the same.

¹⁰ Immediate medical or first-aid benefits are provided on the basis of the certificate of a police officer not below the rank of the officer in-charge of a police station, or a Magistrate of the concerned area.

¹¹ Press Information Bureau, 14 October 2015. Available at <http://pib.nic.in/newsite/PrintRelease.aspx?relid=128738>

¹² However, cases covered under the Motor Vehicles Act, 1988 are not covered under the VCS.

1.2. JUSTIFICATION AND RELEVANCE

Although a decade has passed since VCS became an institutional reality and nearly five years have elapsed since CVCF was set up, available studies, news reports and observations of Courts suggest that benefits of the Scheme have not evenly reached the victims. This is the macro-level reality in regard to victims of various types of crimes, which is also applicable for victims of human trafficking whose status has specifically been looked into in the present research. According to a review of implementation of the POCSO Act by the National Commission for Protection of Child Rights, only one victim received interim compensation in Tamil Nadu out of 121 cases of child sexual abuse charge-sheeted between 2012 till March 2014.¹³ A study of child rape victims in Delhi conducted by Human Development Society for the Delhi Commission for Protection of Child Rights, and released in July 2019, found that only 15% victims have received compensation.¹⁴ Citing the condition of victims of human trafficking forced into prostitution, a news report highlights the inadequate reach of compensation in Maharashtra.¹⁵ The victims often struggle for years to receive compensation, like a girl in West Bengal who had to wait for 10 years to receive the money.¹⁶ The judiciary has often been critical of the administration of victim compensation schemes. Recently, the Supreme Court termed the money spent by Madhya Pradesh for compensation of rape victims as “shocking”, as the state could spend only about Rs.1 crore on 1951 victims.¹⁷ Besides apathetic nature of administration, the Courts have also highlighted lack of awareness about VCS¹⁸ and delay in award of compensation as reasons for deprivation of victims of the right to compensation. Dealing with the case of a child trafficking survivor whose appeal for compensation was turned down as trial of her case had not begun, the West Bengal High Court not only ordered payment of compensation but also ruled that “denial of compensation to such (a) victim would continue such violation and perpetrate gross inhumanity on the victim in question.”¹⁹

Although gaps in administration of VCS are glaringly evident, has the issue been studied adequately and empirically in the Indian context? Has it also been explored in regard to specific types of crime like human trafficking as is done in this study? Answers to these questions, in the form of review of literature, provide the justification for present research.

¹³ Venkat, V. (28 August 2014). Victim compensation fund- ignorance or apathy. *The Hindu*. Available at <https://www.thehindu.com/news/national/tamil-nadu/victim-compensation-fund-ignorance-or-apathy/article6357627.ece>

¹⁴ Delhi Commission for Protection of Child Rights and Human Development Society. (2019). *Mapping of needs and priorities: a study of child rape victims of Delhi*. p.31

¹⁵ Saigal, S. (31 July 2017). The road back from hell. *The Hindu*. Available at <https://www.thehindu.com/news/cities/mumbai/the-road-back-from-hell/article19392653.ece>

¹⁶ How these victims of sex trafficking get compensation after years of struggle. Available at <https://yourstory.com/2017/05/compensation-trafficking-victims>

¹⁷ Bhat, P. (16 February 2018). For MP Govt., a rape victim’s value is just Rs.6500 and its truly disgusting. Available at <https://www.indiatimes.com/news/for-mp-govt-a-rape-victim-s-value-is-just-rs-6-500-and-it-s-truly-disgusting-339746.html>

¹⁸ Hearing the case of a 10 year old rape victim who gave birth to a baby girl on 17 August 2017, the Supreme Court of India observed that lack of awareness about VCS was the reason for non-utilisation money allocated for the purpose. Available at https://www.business-standard.com/article/news-ians/lack-of-awareness-on-victim-compensation-scheme-sc-117090101362_1.html

¹⁹ Srivastava, R. (28 June 2018). Win for trafficking victims as Calcutta High Court orders compensation. Available at <https://in.reuters.com/article/india-trafficking-relief/win-for-trafficking-victims-as-calcutta-high-court-orders-compensation-idINKBN1JO24U>

For the purpose of holistic understanding, reviews of some key publications by foreign and Indian scholars are presented below.

Compensation to victims of crimes is an important issue of research and scholarly debate in many countries across the globe. Evans, Douglas (2014). *Compensating Victims of Crime*. New York, NY: Research & Evaluation Center, John Jay College of Criminal Justice, City University of New York: This publication presents an overview of the victim compensation system in the USA, highlights the extent of underutilization of the Crime Victims Fund of the federal government and suggest measures for addressing administrative complexity and other challenges. Desmond S. Greer, A Transatlantic Perspective on the Compensation of Crime Victims in the United States, *Journal of Criminal Law and Criminology*, vol. 85, 333 (1994-1995): This comprehensive article traces the origin of financial compensation to victims in the USA to 1965 when California State Legislature enacted first such programme, explains the nature of victims, and assesses the compensation scheme comprehensively. Mawby, R. and Harris, D. *Victim Support Services in the EU: An overview and assessment of victims' rights in practice* (United Kingdom, 2014): This publication highlights the victim support services of different countries of the European Union and assesses the rights of the victims. Davies Iyla T. "Compensation for Criminal Injuries in Australia: A Proposal for Change in Queensland", *Bond Law Review*, Vol. 3, Issue 1 (1991): This comprehensive paper examines the compensation schemes in various governments of the Australian states and territories, and forcefully argues for systemic change in the state of Queensland whose compensation scheme has been termed as a 'bureaucratic farce'.

Victim compensation schemes in India have been studied by scholars of law, experts of criminal justice administration, journalists and others highlighting their nature and systemic shortcomings. Some examples of scholarly literature are noted below. Sky, T. (2013). *Victim compensation in Indian criminal justice system*. LAP Lambert Academic Publishing: The author discusses socio-economic context of India and its influence on victims, and argues that mere conviction of offenders would not make much sense unless victims are reimbursed monetarily. Although amendment of CrPC is a welcome legislative move, it would not be sufficient because of constraining contextual factors. Anusree A. "Right to compensation of victims of crime in India: Need for a comprehensive legislation", *International Journal for Legal Developments and Allied Issues*, Vol. 2, Issue 1 (January 2016), 35-56: This elaborate article deals with the concept of victim compensation, international practices, legal and constitutional framework in India, and a logical basis for legislation on the issue. Rajan, V. N. (1981). *Victimology in India- an introductory study*. New Delhi: Allied Publishers: The author examines the evolution of victim compensation schemes in Europe, America and Australia, and argues for research and intervention for victim services in India. It deals with the issue of victimology in a historical perspective. Rathee, A. "A brief study of concepts of victimology and rights of victims under Indian Law", *Law School Notes* (October 4, 2016): The article, available online, deals with concept, nature and scope of victimology, classification of victims, impact of victimization, emerging trends in victimology, judicial pronouncements and other related legal matters. Mangoli, R and Devarmani, N. "Role of victims in criminal justice system: a critical analysis from Indian perspective" (August 1, 2014) Available at SSRN: <https://ssrn.com/abstract=2814578>: The paper critically examines the place of victims in India's criminal justice system, and argues for changes in CrPC from the point of view of the rights of victims.

Notwithstanding the scholastic attempts of scholars of law and other experts and their contribution to knowledge at the macro-level, the available literature is not adequate to empirically understand the effectiveness, efficiency and sustainability of victim compensation schemes for specific categories of victims like the victims of human trafficking which is the focus of present research. In fact, there is no literature available on the topic of research which is empirical, intensive and exploratory in nature. The existing gap in literature provides one strong justification for the study.

Justification for the study and its contextual relevance can also be derived from the scenario of human trafficking globally, and the large number victims of human trafficking and dynamics of the crime in India. Human trafficking is the third largest organised crime globally behind drugs and arms trafficking. According to the latest report of the United Nations Office on Drugs and Crime, which is based on information collected from 142 countries comprising more than 94% of the world's population, women and girls are mostly trafficked for sexual exploitation and over half of victims of trafficking for forced labour are men.²⁰ The intensity of the crime in India can be gauged from the available data. According to the latest National Crime Records Bureau (NCRB) data, 2465 cases of human trafficking with 5788 victims were reported in the country in the year 2018.²¹ The year also witnessed rescue of 5264 victims of human trafficking. As the NCRB data indicate, majority of the victims were subjected to sexual exploitation for prostitution (1922).²² This was followed by other important purposes of trafficking viz. forced labour (1046), forced marriage (220), child pornography (154) and domestic servitude (143) in descending order.²³ Other reasons for trafficking are begging, removal of organs and petty crimes. With the victims suffering from various heinous crimes which have serious and even debilitating impact on their physical and mental health, social status and economic wellbeing, it is of vital importance to study the extent and nature of rehabilitation which VCS has ensured.

Justification for the study also lies in its nature in regard to the components of analysis. By focusing on effectiveness, efficiency and sustainability of VCS as an enabler for rehabilitation of the victims of human trafficking, the present study is an attempt to expand the scope of analysis and build an empirically sound basis for systemic changes. The underlying purpose is to address the problems associated with the schemes comprehensively so that rehabilitation of the victims is achieved in true sense of the term. It would contribute to achievement of objectives of VCS, their administrative efficiency, and sustainability of the outcomes of compensation.

Since VCS is a country-wide intervention and the victims of human trafficking across the country face multiple challenges like mental trauma, loss of self esteem, intimidation, fear, lack of familial and social support, and critical illness like sexually transmitted diseases; the findings and recommendations of the study will have relevance for the entire country rather than for three States which have been covered for interaction with the victims during field work.

²⁰ Global Report on Trafficking in Persons 2018, UNODC, Vienna, p.10

²¹ *Crime in India 2018*, NCRB, Ministry of Home Affairs, Government of India, pp.973-74

²² *Ibid.* p.978

²³ *Ibid.* pp.978-79

1.3. OBJECTIVES

The objectives of the study are to:

- Examine the extent to which VCS have been able to rehabilitate the rescued victims of human trafficking
- Examine efficiency of VCS in terms of adequacy of compensation provided to victims, timeline for administering the compensation, challenges faced by victims while seeking the benefit, and managerial efficiency demonstrated by the administrators of the schemes
- Study the level of sustainability by examining the likelihood of the compensation benefitting the rescued victims for a longer timeline, beyond just meeting their immediate needs
- Suggest measures for strengthening effectiveness and efficiency of VCS, and achieving sustainability of the benefits of compensation

The objectives of study indicate its holistic nature, as rehabilitation of victims not only means economic rehabilitation but also their social reintegration, physical and mental wellbeing, and restoration of status and dignity as citizens free from encumbrances.

1.4. GEOGRAPHIC COVERAGE

The study covered three States namely Rajasthan, West Bengal and Uttar Pradesh. While Rajasthan and West Bengal were selected principally due to high prevalence of human trafficking, the decision to cover Uttar Pradesh was based on the unique position of the State and the quantum of funds allocated to it out of CVCF. The details regarding rationale behind selection are noted below.

- As victims of human trafficking are compensated by the concerned legal services authorities of their home states, it was considered logical to select the states that have high incidence of human trafficking cases, as per data available at the time of preparation of the proposal. According to the NCRB, West Bengal and Rajasthan with 4164 and 2854 cases of human trafficking respectively occupied the first and second positions among the States and UT of India in 2016- the latest year for which data was available when proposal for the study was prepared.²⁴ These two States together accounted for 45.6% of the total cases of human trafficking (15379) in the country.
- Following reasons form the basis for selection of Uttar Pradesh.
 - **Highest recipient of funds:** According to the CVCF guidelines issued by the MHA, Government of India in July 2016, Uttar Pradesh was the highest recipient of funds (₹28.10 crore) released by the central government under the CVCF to different States and UTs.²⁵

²⁴ *Crime in India 2016*, op.cit. p.

²⁵ Letter no. 24013/94/Misc./2014-CSR.III dated 13 July 2016. Available at https://mha.gov.in/sites/default/files/CVCF_revised_27072017_0.PDF. Downloaded on 14 October 2019

- **Porous Border:** Uttar Pradesh has common borders with Uttarakhand, Delhi, Haryana, Himachal Pradesh, Rajasthan, Madhya Pradesh, Chhattisgarh, Jharkhand and Bihar. As a result, it serves as a convenient link for trafficking operations. The State also shares a porous international border of 651 kilometers with Nepal, where movements of the traffickers in particular are not regulated.
- **Lack of reporting:** Underreporting is another important dimension of human trafficking in the State. According to a report prepared by the Home Department of the State which contains data till February 2016, only 30% of the total cases of trafficking are reported in Uttar Pradesh.²⁶

It was considered logical to cover the State with above unique aspects that show its vulnerability on one hand and top position in regard to allocation of funds from CVCF on the other.

1.5. METHODOLOGY

This is a rights-based, participatory and exploratory study with focus on three key aspects of VCS namely effectiveness, efficiency and sustainability. While rights of rescued victims of human trafficking were of paramount concern for the research team which is in sync with right-based approach, its participatory nature ensured inclusion of views of all stakeholders into the framework of analysis. Exploratory nature of the study is a manifestation of its focus on understanding the nature of rehabilitation and exploring three key aspects noted above. Both quantitative and qualitative data were collected and analysed to understand various components of research. While data collected from the three States formed the mainstay of analysis, review of available literature contributed to the process at macro-level. The methods employed for data collection and data analysis are noted below.

- ❖ **Methods for Data Collection:** Five methods, as elaborated below, were used for collecting data.
 - **Review of literature:** Review of available literature on human trafficking, and victim compensation in general and VCS in particular was the first task of the research team. The team members went through articles, books, news reports and other documents. Review of literature contributed to understanding of the dynamics of the administration of the schemes, and helped design research tools and shape analyses in the report.
 - **Interviews of rescued victims of human trafficking:** As the primary stakeholder, views of rescued victims of human trafficking are of great significance for the study. While views of some of the children, especially those under-12 years of age, were collected from their parents or caregivers, views and experiences of other respondents were conducted through one to one interviews. The sampling plan used for selecting the respondents is elaborated below.

²⁶ Saksena, K. Combating human trafficking in Uttar Pradesh. Available at <http://uphome.gov.in/writereaddata/Portal/Images/AHTI.pdf>

- ✓ **Sampling Method:** Since respondents were covered in multiple places in the three States, the study adopted random as well as convenience sampling methods for conducting interviews. While selection of respondents was made randomly; those, who were readily available and could be approached conveniently, were interviewed first.

For identifying the rescued victims in each State, the research team liaised with many activists and non-governmental organizations which have strong presence at the grassroots and are working for victims of human trafficking. With the help of contact particulars obtained from them, members of research team visited different locations which in many cases were remote areas. Although the process was time-consuming, it resulted in successful completion of interviews according to plan.

- ✓ **Sample Size:** Although coverage of 75 rescued victims was planned for each State, the research team could finally conduct 253 interviews. The shortfall of 12 interviews in West Bengal could be made up by conducting more than the planned interviews in other two States. The table below contains details of coverage of victims.

Table 1.1: Final sample size of victims

State	Number of interviews
Rajasthan	78
Uttar Pradesh	112
West Bengal	63
Total	253

- ✓ **Research Tool:** In view of the need to collect both quantitative and qualitative data, a structured interview schedule with both close and open-ended questions was used for interviewing the rescued victims. The schedule was pilot tested and suitably revised, as a measure of quality control.
- **Interviews of Parents and Caregivers:** Recognizing the role of parents and caregivers in pre and post-trafficking lives of victims, 15 such respondents at the rate of five in each State were interviewed. These respondents were selected randomly. A semi-structured interview schedule with mostly open-ended questions was used for conducting these interviews.
- **In-depth Interviews of Victims:** The purpose of in-depth interviews was to develop case studies of victims of trafficking with focus on successes and limitations of VCS and special circumstances, if any, that the victims had faced. Two in-depth interviews were conducted in each State in order to prepare six case studies in all. A semi-structured interview schedule with mostly open-ended questions was prepared for conducting these interviews.

- **Key informant interviews (KIIs) covering representatives of NGOs and officials:** KIIs covered officials dealing with administration of VCS and representatives of NGOs which are working for victims of human trafficking. A total of 10 KIIs were conducted in the three States with the help of a semi-structured interview schedule.

❖ **Methods for Data Analysis:** The following methods were used for analyzing data.

- **Data Cleaning:** Each completed interview schedule passed through the process of data cleaning during which inaccuracies, inconsistencies and omissions were identified and rectified in consultation with field researchers and respondents. The purpose of the exercise was to make the schedules fit for data entry and analysis.
- **Analysis of Quantitative Data:** Quantitative data were first entered into MS Excel. Thereafter, another round of quality checking was done, followed by analysis with the help of SPSS (Statistical Package for Social Sciences) in order to arrive at frequencies, percentages etc. as per the needs of research. Following these calculations, appropriate tables, charts etc. were prepared.
- **Analysis of Qualitative Data:** Interpretation and analysis of qualitative data were done at two levels. First, answers to open-ended questions in the schedule for victims of human trafficking were studied and coded keeping in view the frequently occurring key words or contents in them. Following coding of answers, frequencies and percentages of coded answers were calculated. Second, answers of key informants, parents, caregivers, and victims covered under in-depth interviews were subjected to interpretative analysis keeping in view the objectives of research. While case studies have been developed with the help of inputs collected through in-depth interviews, views of parents, caregivers and key informants brought in new perspectives and complemented analyses in the report.

❖ **Ethical Guidelines:** The research team adhered to the following ethical guidelines.

- Collection of names and contact particulars of respondents was not mandatory.
- Participation in the interview process was voluntary in nature. Rescued victims, who refused to share their views and experiences, have not been covered.
- The interviewers spoke to the respondents respectfully. They neither acted nor said anything that would in any way harm the respondent or anyone in his/her family or acquaintances, either physically or mentally.

PROFILE OF RESCUED VICTIMS OF HUMAN TRAFFICKING

Rescued victims of human trafficking, as primary stakeholder of the study, occupy the central position in the framework of analyses of the report. It is, therefore, important to understand various aspects of their profile like age, gender, purpose of trafficking, marital status, residential status, education, etc. before delving into different components of research.

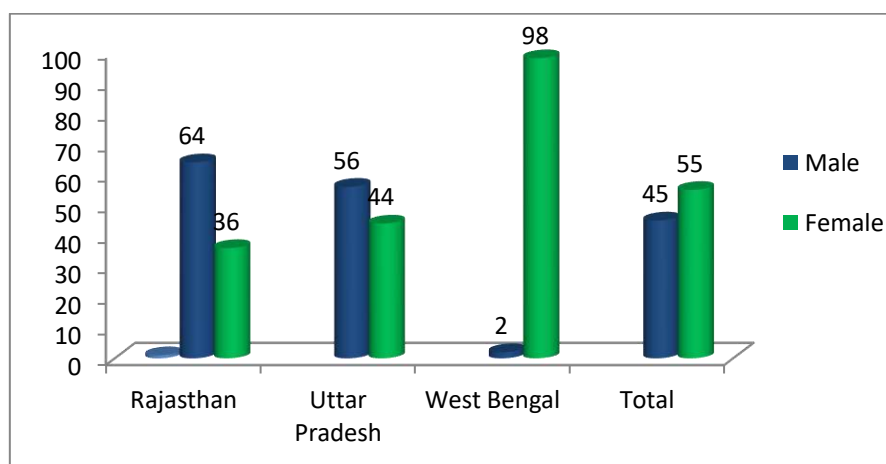
2.1. GENDER

Except the sample of West Bengal which included nearly all female victims, male victims are in majority with their shares crossing the half way mark in the remaining States. While share of males in Rajasthan is 64%, the corresponding share of Uttar Pradesh is 56%. However, females with 55% share are more than male victims in the total sample.

Table 2.1: Gender of victims

Gender	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Male	50	64	63	56	1	2	114	45
Female	28	36	49	44	62	98	139	55
Total	78	100	112	100	63	100	253	100

Chart 2.1: Gender of victims (percentage)



2.2. AGE

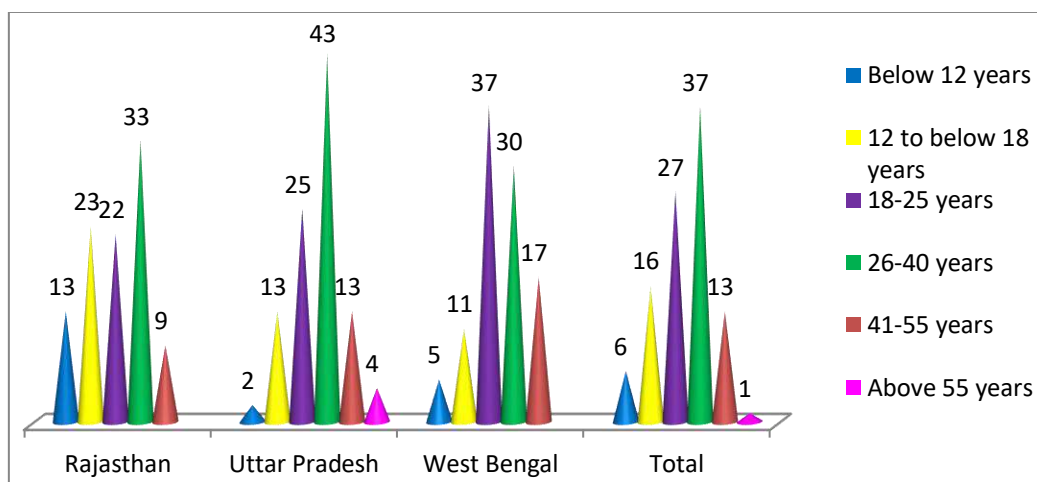
Out of different age groups, the highest share of victims belongs to the age group of 26 to 40 years (37%). If 27% victims of 18 to 25 years (second position in total sample) are added to this, over three-fifths of the total sample belong to the adult age group of 18 to 40 years. On other hand, children in the adolescent age group of 12 to under-18 years occupy third position in the total sample. They are followed by victims in the age group of 41 to 55 years

and below 12 years in descending order. While Rajasthan and West Bengal have no one in the age group of above 55 years, Uttar Pradesh has only four victims in this category.

Table 2.2: Present age of victims

Present age	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Below 12 years	10	13	2	2	3	5	15	6
12 to below 18 years	18	23	15	13	7	11	40	16
18-25 years	17	22	28	25	23	37	68	27
26-40 years	26	33	48	43	19	30	93	37
41-55 years	7	9	15	13	11	17	33	13
Above 55 years	0	0	4	4	0	0	4	1
Total	78	100	112	100	63	100	253	100

Chart 2.2: Present age of victims (percentage)

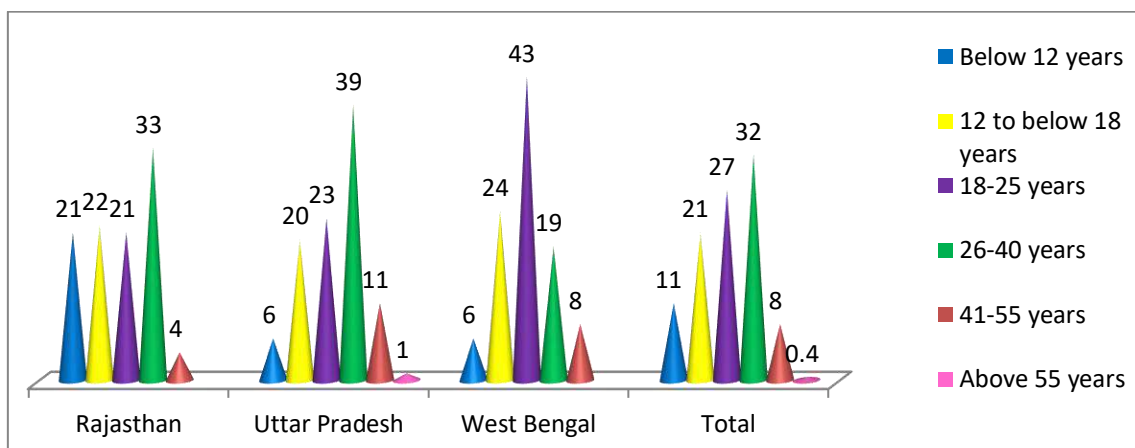


The study also captured the age of victims when they were rescued. While 32% victims (the highest) were rescued when they were in the age group of 26 to 40 years, victims in the age groups of 18 to 25 years and 12 to below 18 years occupied second (27%) and third (21%) positions in this regard respectively. In other words, three-fifths of the total victims were rescued when they were adults. While 11% victims were rescued when they were under 12 years of age, the share is 8% in case those in the category of 41 to 55 years of age.

Table 2.3: Age of victims when rescued

Age	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Below 12 years	16	21	7	6	4	6	27	11
12 to below 18 years	17	22	22	20	15	24	54	21
18-25 years	16	21	26	23	27	43	69	27
26-40 years	26	33	44	39	12	19	82	32
41-55 years	3	4	12	11	5	8	20	8
Above 55 years	0	0	1	1	0	0	1	0.4
Total	78	100	112	100	63	100	253	100

Chart 2.3: Age of victims when rescued (percentage)



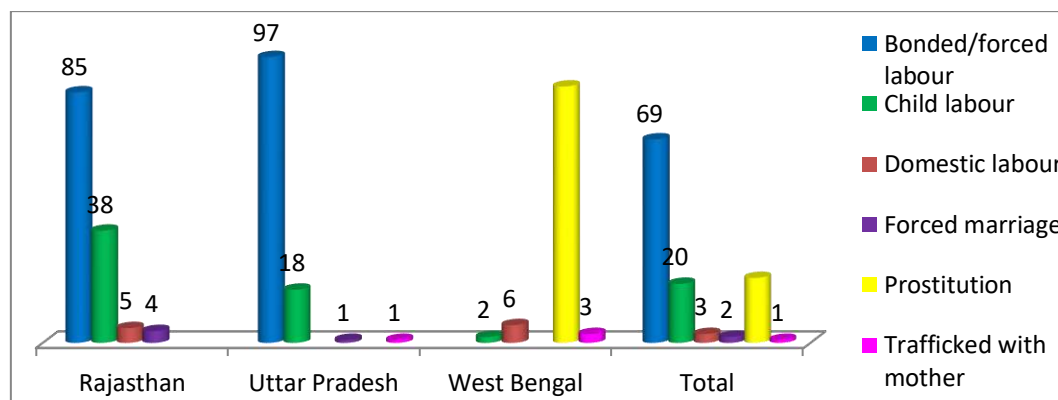
2.3. PURPOSE OF TRAFFICKING

The study revealed that most of the victims were trafficked for forced labour (69%). Prostitution and child labour, with almost equal share in the total sample- 21% and 20% respectively, are two other important purposes of trafficking. Responses of victims also show a clear geographic trend. While most of the victims of Rajasthan and Uttar Pradesh were trafficked for forced labour and child labour, most of the respondents of West Bengal were victims of prostitution. Some minor purposes that also came to light are forced marriage after kidnapping, domestic labour, kidnapping for sale and breach of trust, and few became victims as they accompanied their trafficked mothers.

Table 2.4: Purpose of trafficking

Purpose	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Bonded/forced labour	66	85	109	97	0	0	175	69
Child labour	30	38	20	18	1	2	51	20
Domestic labour	4	5	0	0	4	6	8	3
Forced marriage	3	4	1	1	0	0	4	2
Prostitution	0	0	0	0	55	87	55	22
Trafficked with mother	0	0	1	1	2	3	3	1

Chart 2.4: Purpose of trafficking (percentage)



2.4. TIME SPENT AS VICTIMS OF TRAFFICKING

The study found that the ordeal of nearly half of the respondents (46%) as victims of trafficking continued for one to two years. While 27% spent less than one year as victims, the time spent by 20% victims was between three to five years. In other words, most of the victims (93%) were rescued within five years of their trafficking. Out of the remaining, 4% suffered for up to eight years and 1% for more than eight years.

Table 2.5: Time spent as victims of trafficking

Time spent	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Less than one year	26	33	25	22	18	29	69	27
One to two years	36	46	61	54	19	30	116	46
Three to five years	11	14	19	17	19	30	49	20
Six to eight years	4	5	6	5	1	2	11	4
More than eight years	1	1	1	1	1	2	3	1
No reply	0	0	0	0	5	8	5	2
Total	78	100	112	100	63	100	253	100

2.5. MARITAL STATUS

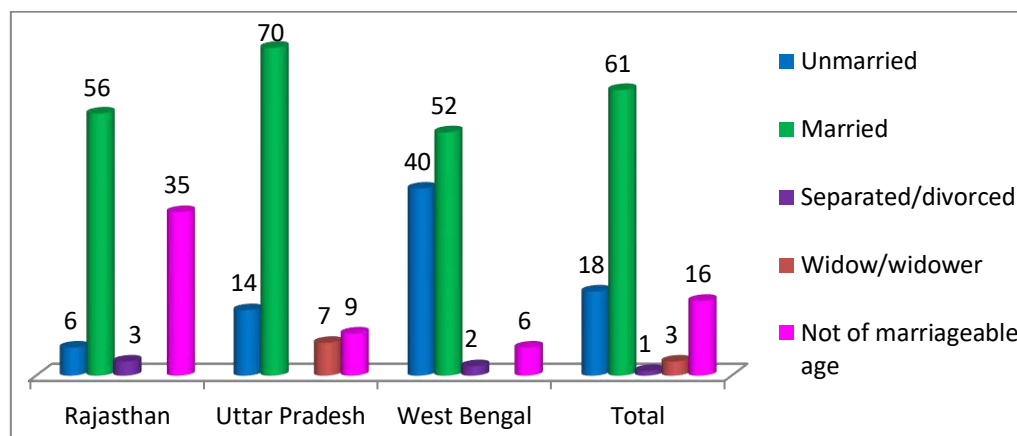
Marital status of rescued victims shows that over three-fifths of total sample are married and 18% are unmarried. The sample also has 1% separated or divorced victims, 3% widows or widowers and those not of marriageable age (21%). While married victims are in majority in all the States, those not of marriageable age are more in Rajasthan (35%) than the other States. This is because the share of victims under 18 years of age is the highest in Rajasthan (36%) in comparison to Uttar Pradesh (15%) and West Bengal (16%).²⁷

Table 2.6: Marital Status

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Unmarried	5	6	16	14	25	40	46	18
Married	44	56	78	70	33	52	155	61
Separated/divorced	2	3	0	0	1	2	3	1
Widow/widower	0	0	8	7	0	0	8	3
Not of marriageable age	27	35	10	9	4	6	41	16
Total	78	100	112	100	63	100	253	100

²⁷ Table 2.2

Chart 2.5: Marital Status (percentage)



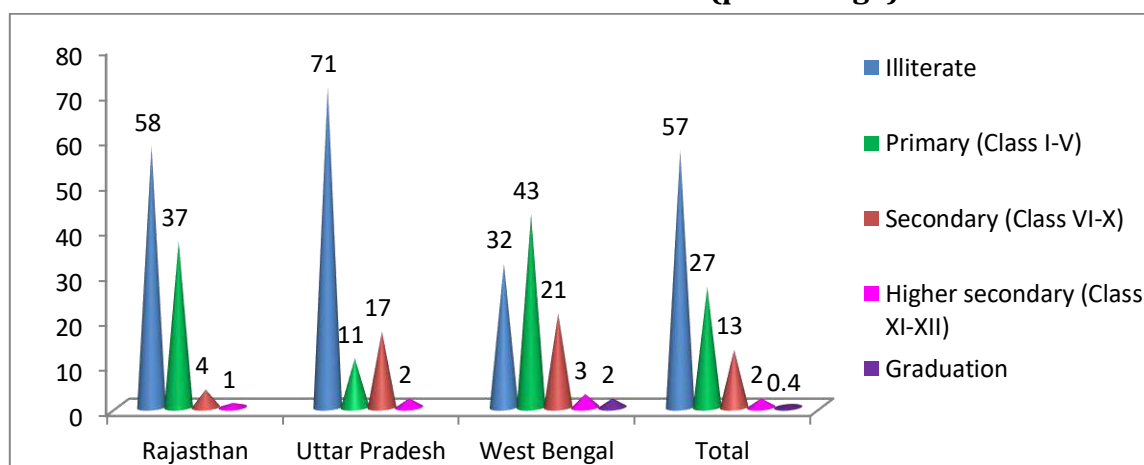
2.6. STATUS OF EDUCATION

Among all the education categories listed in table below, illiterate victims have the highest share (57%). While respondents with primary and secondary level education occupy second (27%) and third (13%) positions respectively, the sample has 2% in the category of higher secondary level and only one Graduate. Among the States, Rajasthan has only 5% victims in the category of secondary or higher level and the corresponding shares of Uttar Pradesh and West Bengal are 19% and 26% respectively. These findings indicate either 'no' or 'low' level of educational attainment of most of the victims covered in the study.

Table 2.7: Status of education

Education	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Illiterate	45	58	79	71	20	32	144	57
Primary (Class I-V)	29	37	12	11	27	43	68	27
Secondary (Class VI-X)	3	4	19	17	13	21	35	13
Higher secondary (Class XI-XII)	1	1	2	2	2	3	5	2
Graduation	0	0	0	0	1	2	1	0.4
Total	78	100	112	100	63	100	253	100

Chart 2.6: Status of education (percentage)



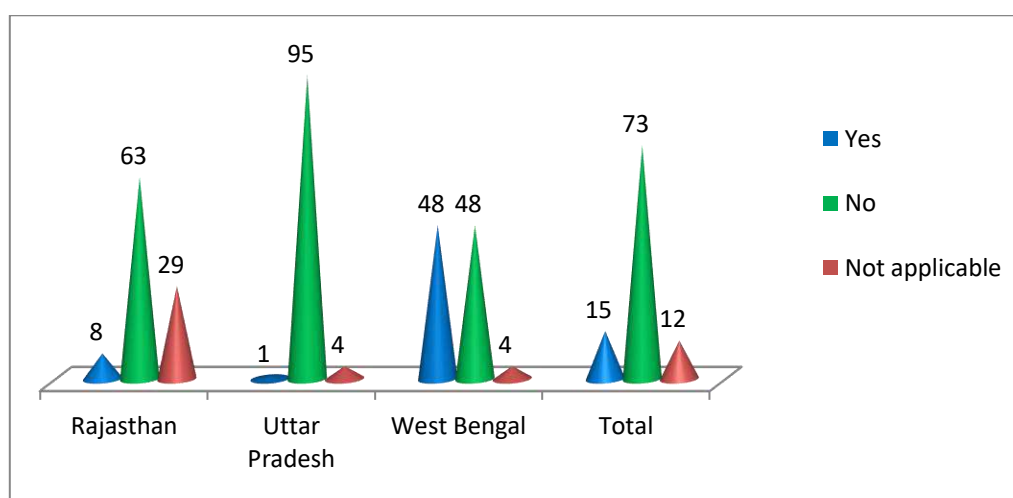
2.7. POSSESSION OF VOCATIONAL SKILLS

In the total sample, only 15% rescued victims possess vocational skills like stitching, packet and *rakhi* making, embroidery, carpentry, beauty culture and computer application. Among the States, West Bengal with 48% coverage is far ahead of other two States in regard to providing vocational skills to the victims as the table below shows. Provision for skill development training in shelter homes, where majority of victims reside, is the reason for better access to the facility in West Bengal.

Table 2.8: Status of possession of vocational skills

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	6	8	1	1	30	48	37	15
No	49	63	107	95	30	48	186	73
Not applicable	23	29	4	4	3	4	30	12
Total	78	100	112	100	63	100	253	100

Chart 2.7: Status of possession of vocational skills (percentage)



2.8. STATUS OF OCCUPATION AND INCOME

The study found that over half of the total victims (54%) of trafficking are presently working. Among the States, Uttar Pradesh has the highest share of working respondents. The second and third positions in this regard are occupied by Rajasthan (47%) and West Bengal (24%) respectively. While nearly four-fifths of the working victims (79%) are wage labourers, the remaining are either self-employed or engaged in private jobs. The share of wage labourers is the highest in Uttar Pradesh (96%), followed by Rajasthan (70%) and West Bengal (7%) in descending order. West Bengal, however, has the highest share of self-employed victims (67%). Rajasthan and Uttar Pradesh with 27% and 2% shares respectively occupy second and third positions in this regard.

Table 2.9: Working status of victims

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	37	47	85	76	15	24	137	54
No	16	21	23	21	45	71	84	33
Not applicable	25	32	4	4	3	5	32	13
Total	78	100	112	100	63	100	253	100

Chart 2.8: Working status of victims (percentage)

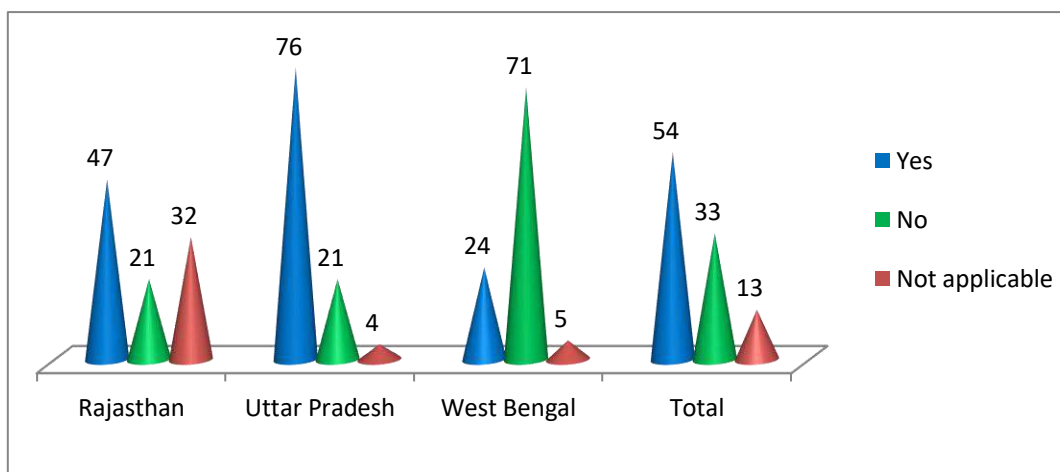
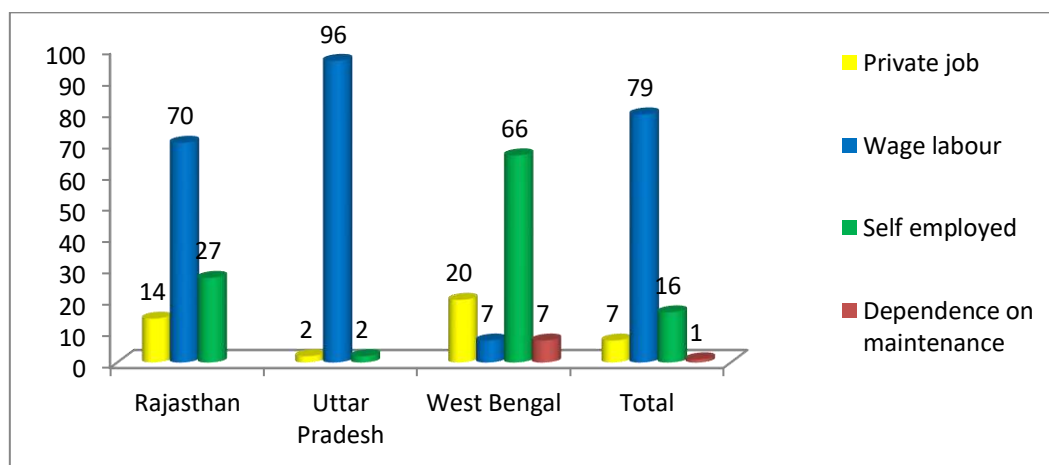


Table 2.10: Occupations of victims

Occupation	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Private job	5	14	2	2	3	20	10	7
Wage labour	26	70	81	96	1	7	108	79
Self employed	10	27	2	2	10	66	22	16
Dependence on maintenance	0	0	0	0	1	7	1	1

Chart 2.9: Occupations of victims (percentage)

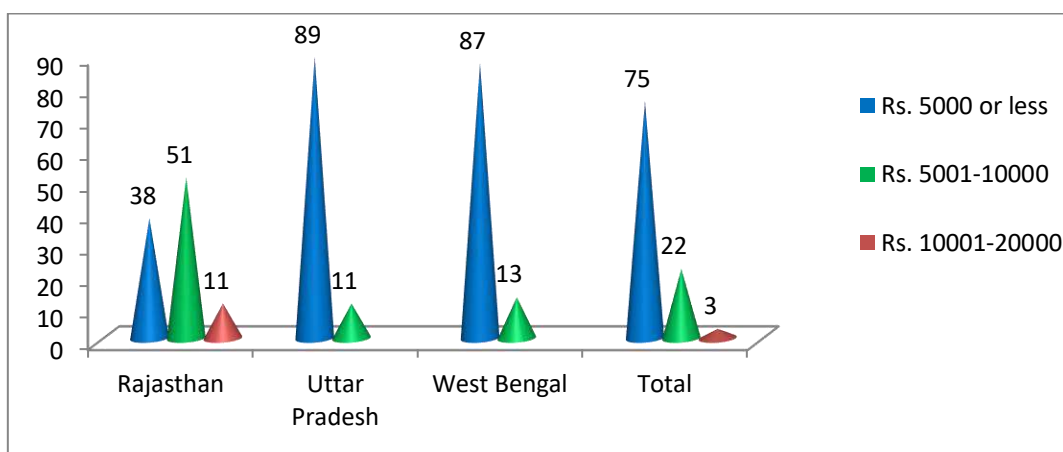


As most of the victims are engaged in low paying jobs, their level of monthly income is also found to be low. Three-fourths of them earn a meagre ₹5000 or less per month. Addition of the share of victims who earn ₹5001-10000 per month to the above income group shows that an overwhelming 97% earn only up to ₹10000. The working victims in the highest income category i.e. ₹10001-20000 are found only in Rajasthan (11%).

Table 2.11: Monthly income of rescued victims

Income	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
₹5000 or less	14	38	76	89	13	87	103	75
₹5001-10000	19	51	9	11	2	13	30	22
₹10001-20000	4	11	0	0	0	0	4	3
Total	37	100	85	100	15	100	137	100

Chart 2.10: Monthly income of rescued victims (percentage)



The study also captured the monthly income of families of all victims. The families with ₹5001-10000 monthly income remain at the top (39%) of all income categories, and the second position is occupied by those which earn the least i.e. ₹5000 or less. While 15% families have monthly income of ₹10001-20000, only 2% fall in the highest income category of ₹20001-30000. In other words, most of the victims belong to low income families.

Table 2.12: Monthly family Income

Income	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
₹5000 or less	10	13	49	44	25	40	84	33
₹5001-10000	32	41	55	49	11	17	98	39
₹10001-20000	29	37	8	7	2	3	39	15
₹20001-30000	5	6	0	0	0	0	5	2
Not applicable	0	0	0	0	13	21	13	5
Not reply	2	3	0	0	12	19	14	6
Total	78	100	112	100	63	100	253	100

2.9. STATUS OF RESIDENCE

Status of residence is an important indicator of the level of rehabilitation of victims. The study found that over three-fourths of total victims (77%) reside in their own houses. While 17% victims are under institutional care as they live in shelter homes (16%) and child care institutions (1%), 4% live with their relatives and 1% in rented accommodation. Unlike Rajasthan and Uttar Pradesh, West Bengal has majority of victims residing in shelter homes (62%).

Table 2.13: Present residential status

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Own House	64	82	111	99	21	33	196	77
Rented	1	1	0	0	1	2	2	1
House of relatives/acquaintance	10	13	1	1	1	2	12	4
Child care institution	2	3	0	0	0	0	2	1
Shelter home	1	1	0	0	39	62	40	16
No Reply	0	0	0	0	1	2	1	1
Total	78	100	112	100	63	100	253	100

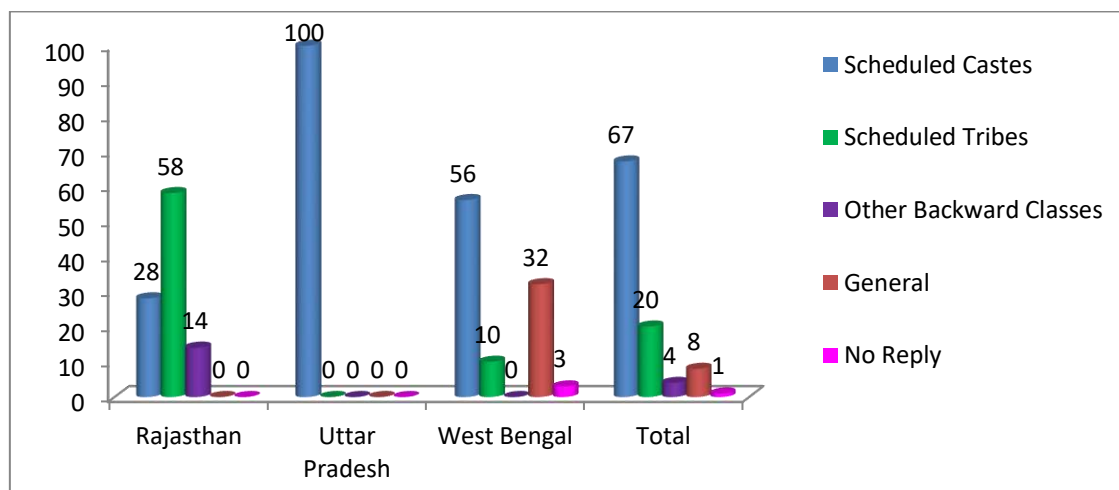
2.10. SOCIAL CATEGORY

Of the four social categories, victims belonging to Scheduled Castes (SCs) constitute the majority (67%) of the total sample. While the share of Scheduled Tribe (STs) victims is 20%, shares of other backward classes (OBC) and general category victims are 4% and 8% respectively. In Uttar Pradesh, all the victims are SCs. West Bengal has SCs at the top, followed by general and ST victims in descending order. While STs are in majority in Rajasthan, SCs and OBC occupy second and third positions in the State respectively. While Uttar Pradesh and West Bengal have no OBC victims, general category victims are absent in Rajasthan and Uttar Pradesh.

Table 2.14: Social category of rescued victims

Social Category	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Scheduled Castes	22	28	112	100	35	56	169	67
Scheduled Tribes	45	58	0	0	6	10	51	20
Other Backward Classes	11	14	0	0	0	0	11	4
General	0	0	0	0	20	32	20	8
No Reply	0	0	0	0	2	3	2	1
Total	78	100	112	100	63	100	253	100

Chart 2.11: Social category of rescued victims (percentage)



2.11. STATUS OF RELIGION

Most of the rescued victims (90%) are followers of Hindu religion. The remaining 10% are followers of Islam. While Uttar Pradesh has only Hindus in the sample, Rajasthan has 95% Hindus and 4% Muslims. The sample of West Bengal has 65% Hindus and 35% Muslims.

Table 2.15: Status of religion

Religion	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Hindu	74	95	112	100	41	65	227	90
Muslim	4	5	0	0	22	35	26	10
Total	78	100	112	112	63	100	253	100

STATUS AND NATURE OF COMPENSATION

Have the victims of human trafficking been compensated as mandated under the VCS? If yes, what is the financial extent of compensation and its nature? Has it been given under the VCS or under some special laws? These are some of the key questions that have been answered in this chapter in order to understand the status and nature of compensation. Besides, the chapter will help us understand other related components of research as dealt with in subsequent chapters of the report.

3.1. QUANTUM OF COMPENSATION AS PRESCRIBED UNDER VCS

According to the CVCF guidelines issued in July 2016 by the MHA, the minimum prescribed amount of compensation for rehabilitation of victim of human trafficking is ₹1 lakh.²⁸ If the victim is under 14 years of age, the compensation shall be increased by 50% over the specified amount. The guidelines also note that the amount of compensation notified by the States and UTs should not be less than the amount prescribed in the CVCF. The table below contains compensation guidelines of the three States in regard to victims of human trafficking.

Table 3.1: Compensation for victims of human trafficking as per VCS

State	Particulars of loss or injury as specified in State VCS	Maximum limit of compensation, or as specified otherwise (in ₹)
Rajasthan	Loss or any injury causing severe mental agony to women and child victims in case like human trafficking ...	25000
	Rehabilitation	1 lakh
Uttar Pradesh	Victim of human trafficking	2 lakh
West Bengal	Rehabilitation of victim of human trafficking	1 lakh (minimum)

Sources: Rajasthan Victim Compensation Scheme. Notification no. F 17(154)Home-10/2010 dated 6 April 2015²⁹; Uttar Pradesh Victim Compensation Scheme. Notification nos. 653/VI-P-9-2014-31(90)/2010 dated 9 April 2014, 1986/VI-P-9-2015-31(90)/2010 dated 10 July 2015 and U.O.-26/VI-P-9-2016-G.I.204/2015-Police dated 7 June 2016³⁰; and West Bengal Victim Compensation Scheme, 2017. Notification no. 62-JL dated 15 February 2017.

While VCS of Uttar Pradesh and West Bengal have prescribed the maximum and minimum compensation limits respectively for victims of human trafficking, VCS of Rajasthan has not

²⁸ Letter no. 24013/94/Misc./2014-CSR.III dated 13 July 2016. Available at

https://mha.gov.in/sites/default/files/CVCF_revised_27072017_0.PDF. Downloaded on 14 October 2019

²⁹ Available at <http://rlsa.gov.in/JJ%20Consultation%20Material/J4C/Victim%20%20Compensation%20Scheme.pdf>

³⁰ Available at <http://upslsa.up.nic.in/VCS.pdf> and <http://uphome.gov.in/writereaddata/Portal/Images/U.P-Victim-Compensation-Scheme.PDF>

specified the purpose as such. The stated purpose noted in VCS of Rajasthan is only 'rehabilitation', which can by implication be applicable for victims of human trafficking. However, the amount of compensation for rehabilitation is the maximum amount, although CVCF has prescribed the minimum amount. VCS of Rajasthan, unlike two other States, has also prescribed compensation for loss or any injury causing severe mental agony to women and child victims in cases like human trafficking, abuse and kidnapping.

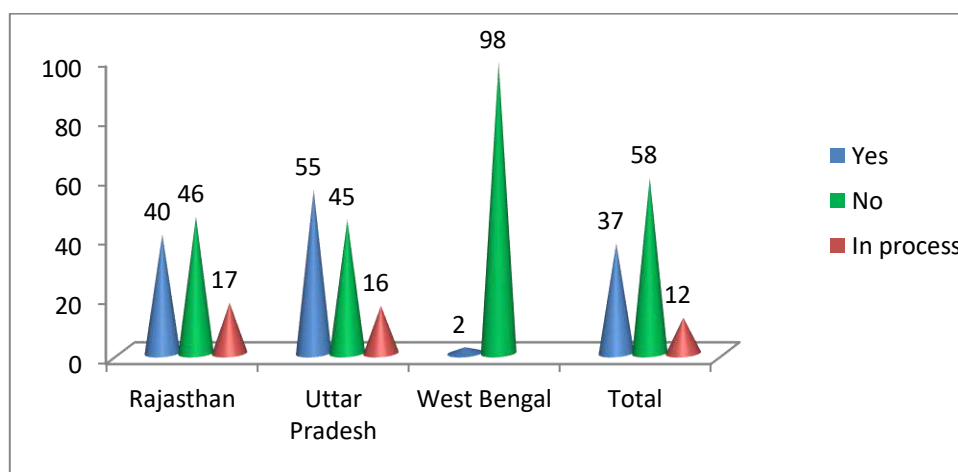
3.2. ACCESS TO FINANCIAL COMPENSATION

Only 37% victims out of the total sample have received financial compensation. While the shares of receivers of compensation in Uttar Pradesh and Rajasthan are 55% and 40% respectively, only one victim of West Bengal has access to financial compensation. In all, nearly three-fifths victims have no access to compensation. There are 12% victims in the total sample whose compensation is under process. Out of these 'in process' respondents; 20 victims have received financial compensation from one department, and their cases are also being processed in another department. Cases of 11 victims are in the category of 'in process' only. Interaction with parents also revealed inadequate access to compensation.

Table 3.2: Status of receipt of financial compensation

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	31	40	62	55	1	2	94	37
No	36	46	50	45	62	98	148	58
In process	13	17	18	16	0	0	31	12

Chart 3.1: Status of receipt of financial compensation (percentage)

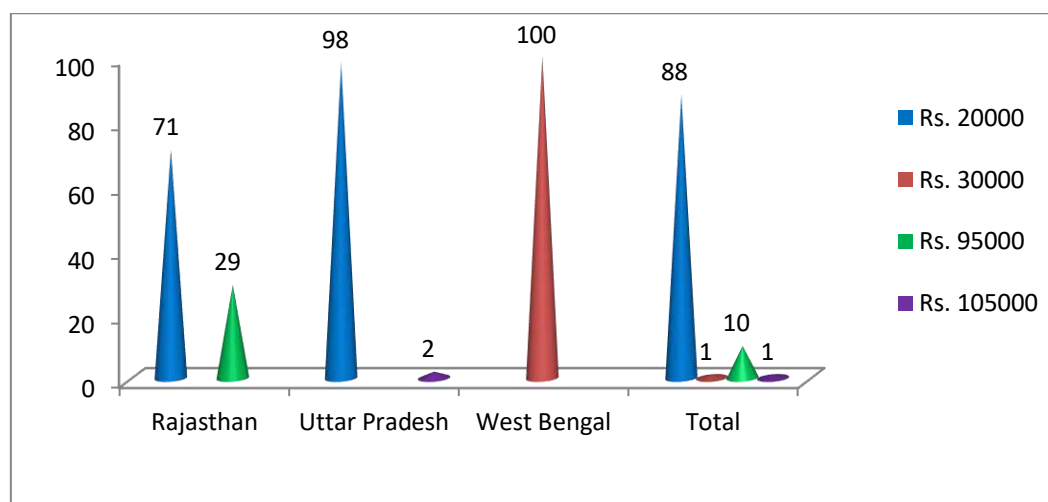


The amount of compensation is only ₹20000 in case of 88% of the total recipients of the benefit. While 10% rescued victims have received ₹95000 as compensation, one percent each has received ₹30000 and ₹105000. In Rajasthan, most of the victims (71%) have received ₹20000 each and 29% have received ₹95000 each. While all but one victim of Uttar Pradesh have received ₹20000 each, the compensation money of lone victim of West Bengal is ₹30000.

Table 3.3: Amount of compensation received

Amount	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
₹20000	22	71	61	98	0	0	83	88
₹30000	0	0	0	0	1	100	1	1
₹95000	9	29	0	0	0	0	9	10
₹105000	0	0	1	2	0	0	1	1
Total	31	100	62	100	1	100	94	100

Chart 3.2: Amount of compensation received (percentage)

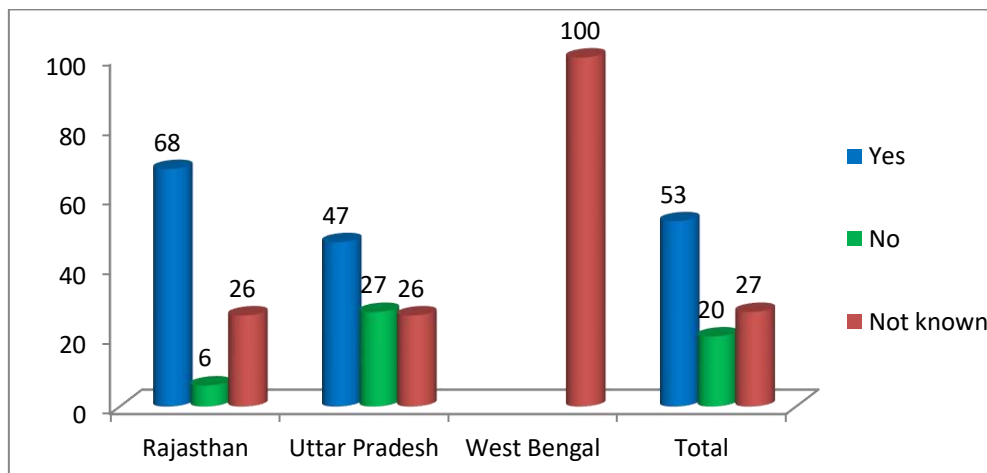


The study also found that little over half of the recipients (53% to be exact) have received total compensation money as per the order of the concerned department or agency. While 20% of the total recipients have not received the full amount as shown in table below, 27% do not know the status in this regard.

Table 3.4: Status regarding receipt of total compensation money

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	21	68	29	47	0	0	50	53
No	2	6	17	27	0	0	19	20
Not known	8	26	16	26	1	100	25	27
Total	31	100	62	100	1	100	94	100

Chart 3.3: Status regarding receipt of total compensation money (percentage)

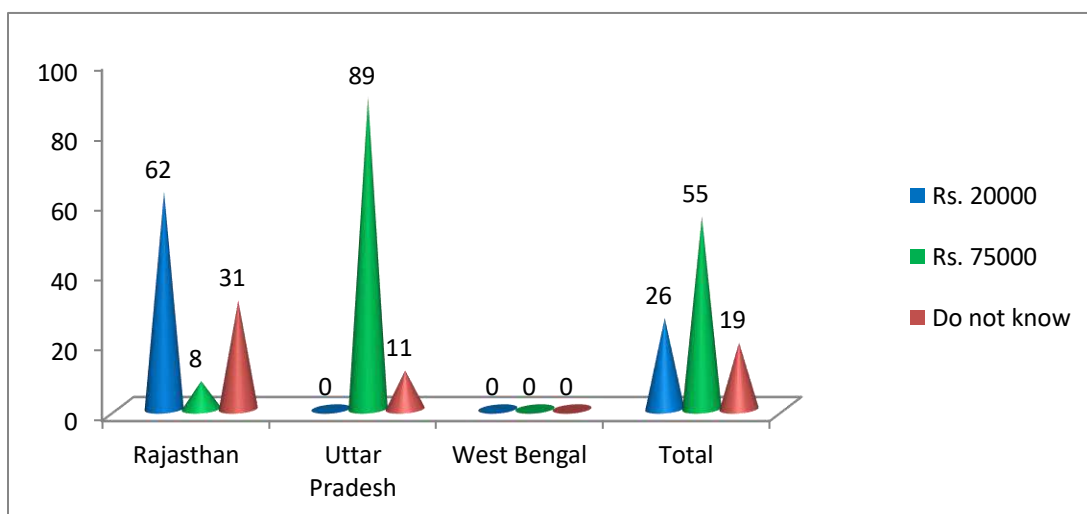


The above findings clearly indicate that the amount of money received even after final disbursement is very small. Even in case of victims whose compensation is under process, the amounts to be received by them are ₹20000 (26%) in case of rescued bonded/forced labour and ₹50001 to 100000 (55%) under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. However, 19% victims whose cases are in process do not know the amount of compensation.

Table 3.5: Amount of compensation to be received, if under process

Amount	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
₹20000	8	62	0	0	0	0	8	26
₹75000	1	8	16	89	0	0	17	55
Do not know	4	31	2	11	0	0	6	19
Total	13	100	18	100	0	0	31	100

Chart 3.4: Amount of compensation to be received, if under process (percentage)



3.3. NATURE OF COMPENSATION

Nearly three-fifths of the total recipients of compensation have received final compensation and only 2% have received interim compensation. Implying their ignorance, the study found that 39% victims do not know the nature of compensation even if they have received money.

Table 3.6: Nature of compensation

Nature	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Interim compensation	0	0	2	3	0	0	2	2
Final compensation	19	61	35	57	1	100	55	59
Do not know	12	39	25	40	0	0	37	39
Total	31	100	62	100	1	100	94	100

3.4. SUPPORTING AGENCIES

Since most of the rescued victims possess low level of education and are socially and economically disempowered, supporting agencies play an important role in processing their applications for compensation. Out of agencies listed in the table below, NGOs are the most important supporting stakeholder as 98% of the victims have received support from them during processing of their compensation. The other two stakeholders who have extended support to very few victims are advocates (2%) and police (3%).

Table 3.7: Agencies/stakeholders helping in processing of application

Agencies	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Advocate	0	0	1	2	1	100	2	2
DLSA	0	0	0	0	1	100	1	1
SLSA	0	0	0	0	0	0	0	0
Police	2	5	1	1	0	0	3	3
Court	0	0	0	0	0	0	0	0
NGO	42	100	61	98	0	0	103	98

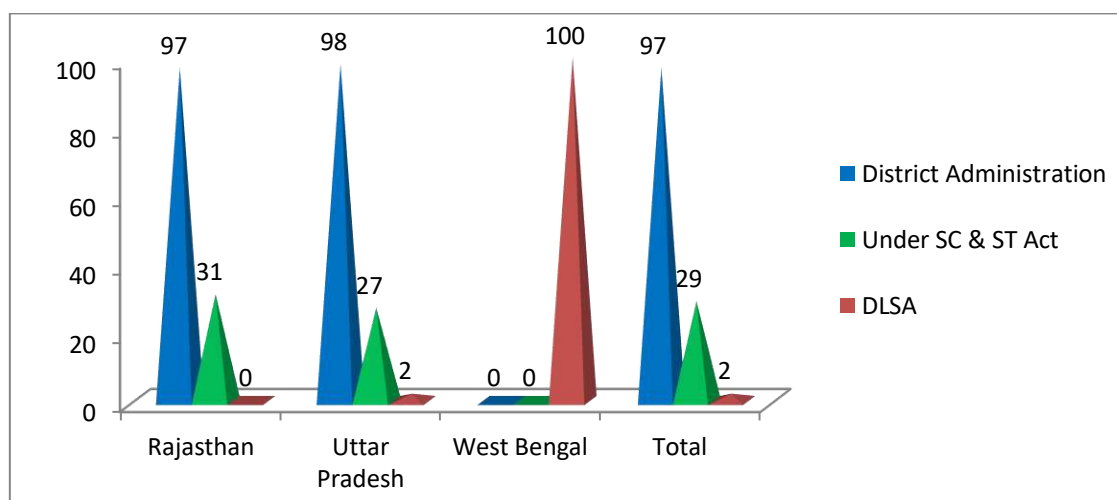
3.5. AWARDING AGENCY OR ACT

The study found that 97% cases of compensation either have been or will be awarded by the district administration. These are cases of rescued victims of bonded/forced labour, who are paid ₹20000 as compensation after they receive release certificates under the Bonded Labour System (Abolition) Act, 1976. In case of 29% victims, compensation was or will be given under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. These findings indicate that there are victims who have received (or will receive) compensation under both the Acts noted above. Only 2% received compensation from DLSA under the VCS, which is indicative of very limited coverage of victims of human trafficking and their resultant deprivation of the entitlement.

Table 3.8: Agency/Act responsible for giving compensation

Agency/Act	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
District Administration	41	97	61	98	0	0	102	97
Under SC & ST Act	13	31	17	27	0	0	30	29
DLSA	0	0	1	2	1	100	2	2

Chart 3.5: Agency/Act responsible for giving compensation (percentage)



Effectiveness is a criterion to measure the extent of achievement of the objectives of a programme or an intervention. An intervention is said to be highly effective if it achieves its objectives to a great extent and vice versa. In other words, the degree of effectiveness is directly proportional to the extent of achievement of objectives. Effectiveness of VCS, therefore, has to be located in the extent to which its objective has been fulfilled. As noted in the introductory chapter, providing succour to the victims of various crimes remains at the core of VCS, and rehabilitation of the victims is its most significant and relevant manifestation. Effectiveness of VCS for victims of human trafficking, therefore, is linked to the extent to which it has been able to rehabilitate them.

Effectiveness has been analysed below under two broad categories namely compensation under VCS and compensation in general. The second category includes analysis of compensation received by 94 rescued victims, as noted in previous chapter, mostly under special laws and very few under the VCS.

4.1. EFFECTIVENESS OF COMPENSATION UNDER VCS

Effectiveness of compensation received out of VCF has been looked into from macro and micro dimensions of intervention. The macro dimension could be observed in the level of reach of compensation. The study found that out of total 105 victims of human trafficking, who have either received (94) or are in the process of receiving (11) compensation, only two (2%) have received compensation under VCS. None of the parents who shared their views also informed about receiving compensation under VCS. In other words, deprivation at a macro level is glaringly visible. With such low level of coverage, the purpose of the Scheme to rehabilitate the victims of human trafficking is squarely defeated.

At the micro-level, effectiveness has been analysed in light of the experiences and views shared by two victims who have received compensation under VCS. Interaction with the victim of West Bengal revealed that ₹30000 which she received from DLSA helped her meet healthcare expenses and other personal needs. This shows the effectiveness of compensation in fulfilling short-term needs of the victim, although it was not of very high degree. Sharing the mental and psychological challenges she faced prior to receiving compensation like getting upset in face of criticism, feeling disturbed due to distressful memories, difficulty in concentration and feeling cut off from other people, she termed compensation money as somewhat helpful to improving her condition. However, she rated the compensation as ineffective in fulfilling her long term needs and priorities.

The second recipient of compensation from DLSA belongs to Uttar Pradesh. Trafficked for forced marriage, the victim received ₹105000 as compensation. The money was utilized for legal support, repaying borrowed money and for constructing a house. Unlike the victim of West Bengal, she could utilize the money for both short and long term needs. As a result, she rated the compensation money 'very effective' in fulfilling her needs and in countering 'to a

great extent' the mental and psychological challenges that she faced prior to receiving compensation. According to the victim, compensation money would also be very effective in fulfilling her long term needs and priorities.

The above two cases indicate that the nature of rehabilitation is directly proportional to the quantum of compensation received. It is also conditioned by the nature of challenges that a victim faces. As the money received by victim of West Bengal was less than that of victim of Uttar Pradesh, the potential of the former to fulfill her short and long term needs was less than the latter. Therefore, level of effectiveness of VCS for the two victims is not similar.

4.2. EFFECTIVENESS OF COMPENSATION IN GENERAL

As noted earlier, effectiveness of compensation in general covers views and experiences of all those who have received compensation under both special laws and the VCS. It is important to note that rehabilitation, as a determinant of effectiveness, has multiple components like economic, healthcare, legal support, counselling and other enabling conditions. Views and experiences of rescued victims on the above aspects form the mainstay of analysis in this section.

Purposes of Utilisation of Compensation Money

Since rehabilitation has multiple connotations, it is important to first understand the purposes for which financial compensation has been utilized by the victims. This in turn would unravel the extent and nature of rehabilitation and facilitate determination of the level of effectiveness.

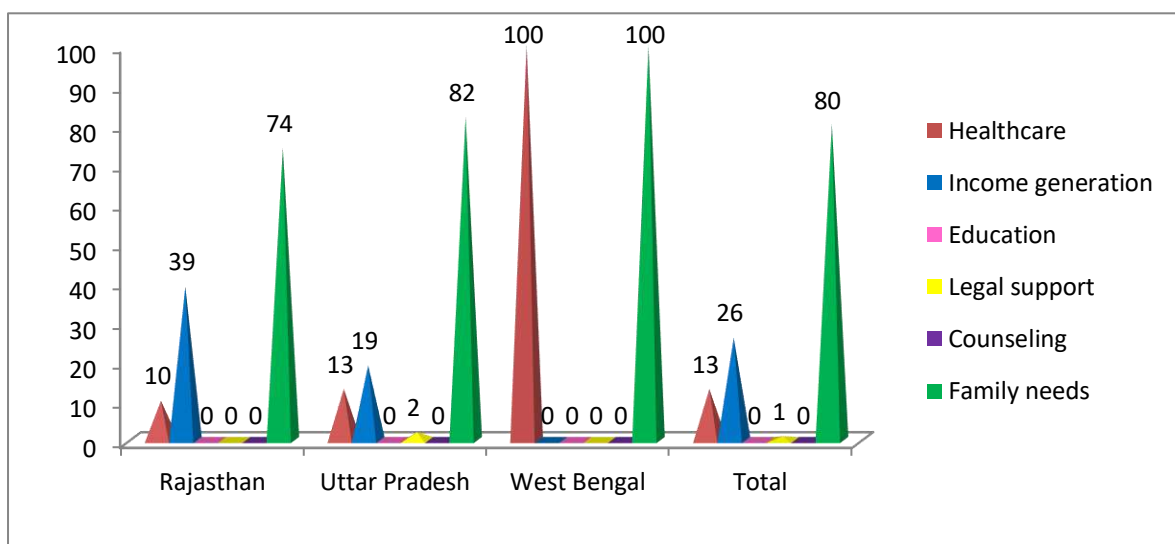
Most of the recipients (80%) of compensation have utilized their money for meeting family needs. Views of parents also revealed similar trend. While the share of victims who have spent compensation money for income generation activities is 26% of the total recipients, 13% have spent for healthcare needs and only 1% for legal support. Some of the purposes for which money has been spent have bearing on rehabilitation of the victims as they are linked to creation of productive assets, income generation and fulfillment of short and long term needs that will help improve their standards of living. These are purchase of animals, seeds and fertilizers, jewellery, land and fixed deposit, construction and repair of houses, and critical healthcare including surgery.

In the States, shares of victims who have spent money for family needs are 82% and 74% in Uttar Pradesh and Rajasthan respectively. But the extent of utilization of money for income generation activities is more in Rajasthan (39%) than Uttar Pradesh (19%). Utilisation of compensation money for healthcare needs is nearly the same in Rajasthan (10%) and Uttar Pradesh (13%). The lone victim of West Bengal has spent the money for her healthcare needs and needs of family.

Table 4.1: Purposes for which compensation money actually spent

Purpose	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Healthcare	3	10	8	13	1	100	12	13
Income generation	12	39	12	19	0	0	24	26
Education	0	0	0	0	0	0	0	0
Legal support	0	0	1	2	0	0	1	1
Counseling	0	0	0	0	0	0	0	0
Family needs	23	74	51	82	1	100	75	80

Chart 4.1: Purposes for which compensation money actually spent (percentage)

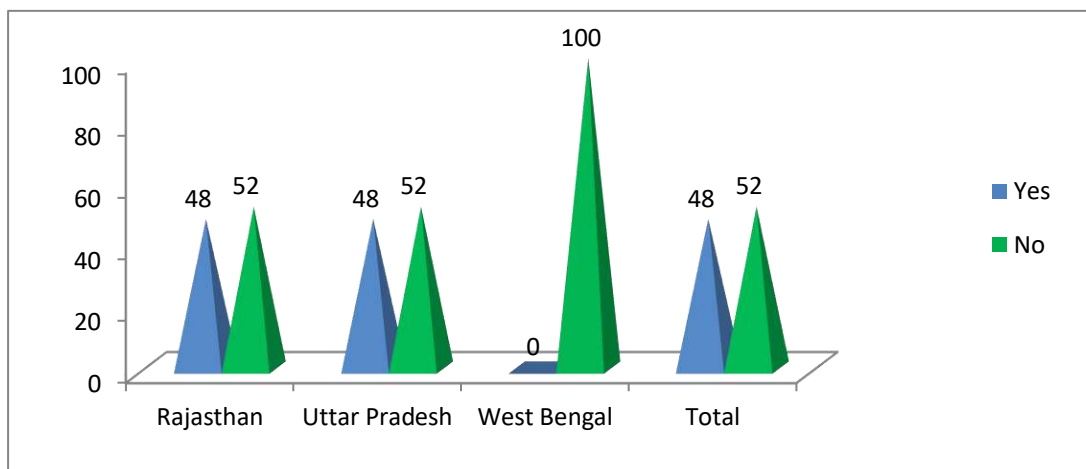


It is important to note that compensation money is not always spent for specific needs of victims like education or healthcare. The study found that money has either been or will be spent for meeting family needs, other than needs of victims, like purchase of assets etc. noted above which have the potential for improving their standard of living. Out of total recipients of compensation, money has been spent in 48% cases for purposes other than the specific needs of victims. While the corresponding shares of Rajasthan and West Bengal are also 48% each, the lone recipient of West Bengal has spent compensation money only for her own needs.

Table 4.2: Status regarding expenses other than needs of victims

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	15	48	30	48	0	0	45	48
No	16	52	32	52	1	100	49	52
Total	31	100	62	100	1	100	94	100

Chart 4.2: Status regarding expenses other than needs of victims (percentage)



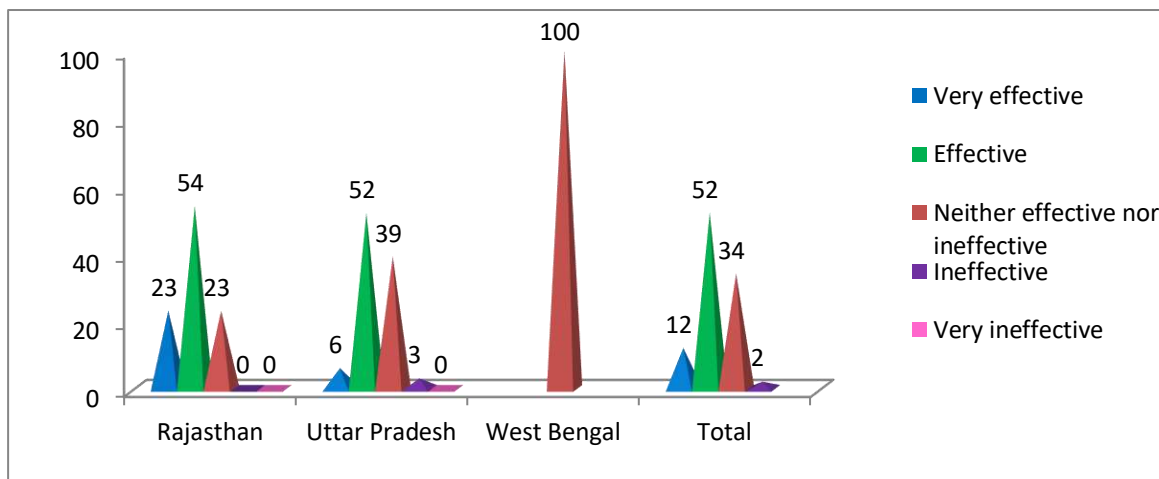
Level of Effectiveness for Fulfillment of Needs

Level of effectiveness has been captured in regard to fulfillment of short and long term needs of victims. Little over half of the total recipients rated the level of effectiveness of the compensation money 'effective' and 12% considered it 'very effective' in fulfilling short term needs of the victims and their families. While no one rated compensation as very ineffective and only 2% as ineffective, 34% could not share definite answer in this regard.

Table 4.3: Effectiveness of compensation in fulfilling short term needs

Level of effectiveness	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Very effective	7	23	4	6	0	0	11	12
Effective	17	54	32	52	0	0	49	52
Neither effective nor ineffective	7	23	24	39	1	100	32	34
Ineffective	0	0	2	3	0	0	2	2
Very ineffective	0	0	0	0	0	0	0	0
Total	31	100	62	100	1	100	94	100

Chart 4.3: Effectiveness of compensation in fulfilling short term needs (percentage)

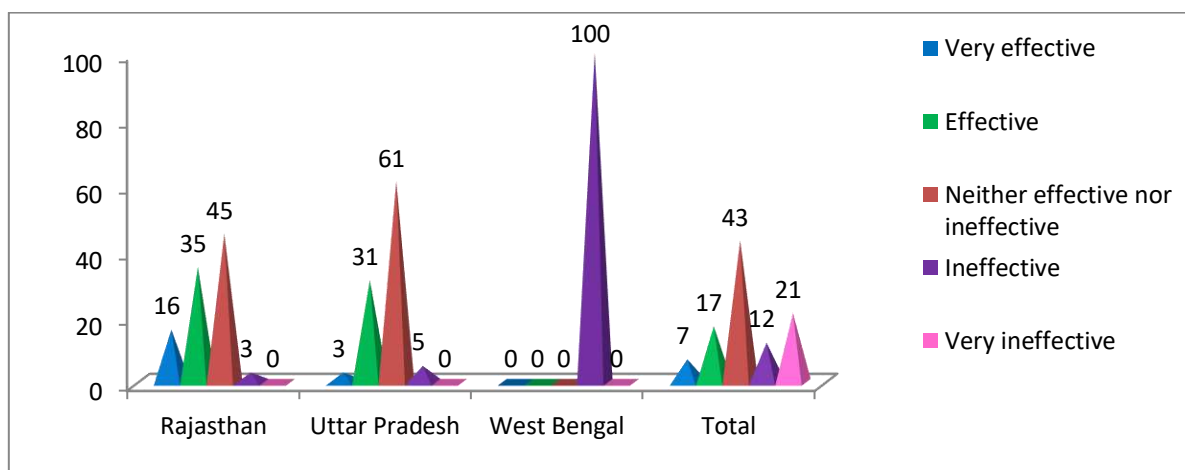


However, the level of effectiveness is much less in regard to fulfillment of long term needs. Out of total recipients of compensation, only 7% rated it very effective and 17% considered it effective. Also, 21% victims found the support very ineffective and 12% rated ineffective. These findings, when seen in light of quantum of compensation which is only ₹20000 in most of the cases, are logical as such meagre amount has more potential for meeting short term rather than long term needs.

Table 4.4: Effectiveness of compensation in fulfilling long term needs

Level of effectiveness	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Very effective	5	16	2	3	0	0	7	7
Effective	11	35	19	31	0	0	30	17
Neither effective nor ineffective	14	45	38	61	0	0	52	43
Ineffective	1	3	3	5	1	100	5	12
Very ineffective	0	0	0	0	0	0	0	21
Total	31	100	62	100	1	100	94	100

Chart 4.4: Effectiveness of compensation in fulfilling long term needs (percentage)



Level of Effectiveness for Countering Mental and Psychological Challenges

In view of their exploitative and traumatic past and disempowered social position, the study looked into effectiveness of compensation in countering mental and psychological challenges that are not uncommon among victims of human trafficking. In order to understand the situation in right perspective, it was considered important to capture the status of mental and psychological challenges prior to receipt of compensation or its approval by concerned authority.

As the table below shows, nearly three-fifths of total recipients of compensation felt disturbed due to distressful memories, thoughts or images of past. While 23% used to become very upset in face of criticism even if it was constructive in nature, 12% suffered from anxiety or sleep disorder. Although less in extent, there are victims who considered themselves cut off from other people (9%), felt easily hurt (7%), did not take their own decisions (7%), faced difficulty in concentrating on activities (6%) and showed signs of aggressive behaviour (3%) prior to receipt of compensation or its approval.

Table 4.5: Mental and psychological challenges prior to receipt of compensation

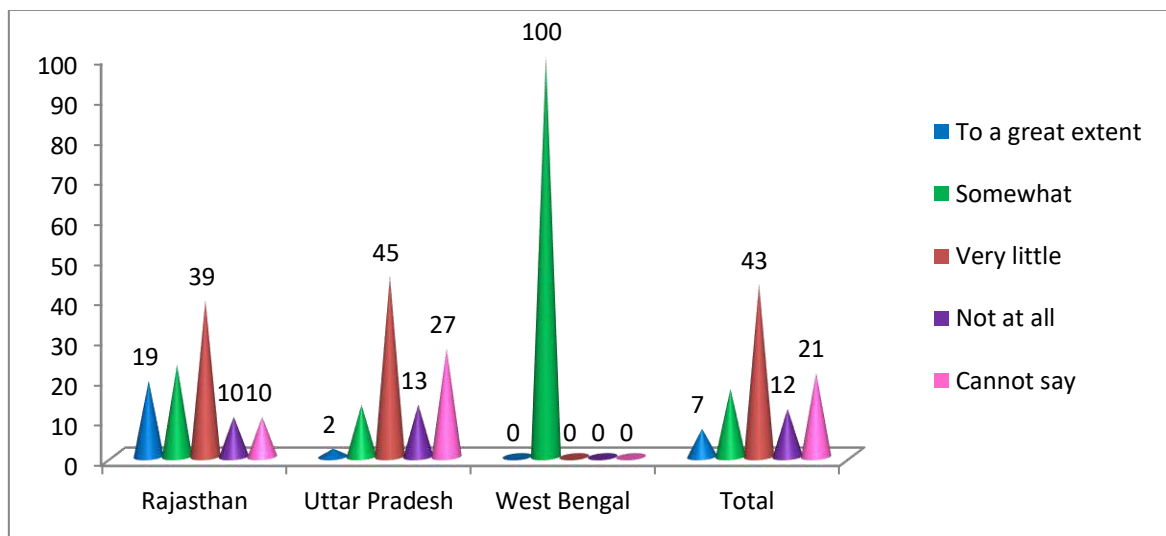
Challenges	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
You take your own decisions	30	97	57	92	0	0	87	93
Apologize for things a lot even if you are not at fault	0	0	0	0	0	0	0	0
Feel easily hurt	1	3	5	8	1	100	7	7
Get very upset in the face of criticism, even if it is constructive in nature	6	19	15	24	1	100	22	23
Feel disturbed due to distressful memories, thoughts or images of past	23	74	30	48	1	100	54	57
Face difficulty in concentrating on activities	2	6	3	5	1	100	6	6
Consider yourself cut off from other people	2	6	5	8	1	100	8	9
Show signs of aggressive behavior	2	6	1	2	0	0	3	3
Suffer from anxiety or sleep disorder	6	19	5	8	0	0	11	12

Sharing their views in regard to the extent to which compensation has been able to counter the above mental and psychological challenges, 17% of the total recipients considered compensation somewhat effective and 7% rated its contribution beneficial to a great extent. Whereas, level of contribution of compensation is 'very little' and 'not at all' helpful according to 43% and 12% victims respectively. These findings show inadequate effectiveness of compensation in improving the mental and psychological conditions of victims of human trafficking.

Table 4.6: Contribution of compensation to improving critical situations

Level of contribution	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
To a great extent	6	19	1	2	0	0	7	7
Somewhat	7	23	8	13	1	100	16	17
Very little	12	39	28	45	0	0	40	43
Not at all	3	10	8	13	0	0	11	12
Cannot say	3	10	17	27	0	0	20	21
Total	31	100	62	100	1	100	94	100

Chart 4.5: Contribution of compensation to improving critical situations (percentage)



4.3. CHALLENGES TO EFFECTIVENESS

There are many challenges that hinder effectiveness of compensation. The two key challenges with almost equal share of responsibility in this regard are time consuming procedure (36%) and low compensation amount (33%). While the issue of time spent for receiving compensation will be discussed in the next chapter on efficiency, the extent of low amount of compensation has already been noted earlier. The third important hindrance is cumbersome documentation (13%) which the lowly educated and poor victims consider difficult to handle. Two other hindrances are expensive procedures and lack of skills to utilize money for income generation.

Chart 4.6: Challenges that hinder effectiveness

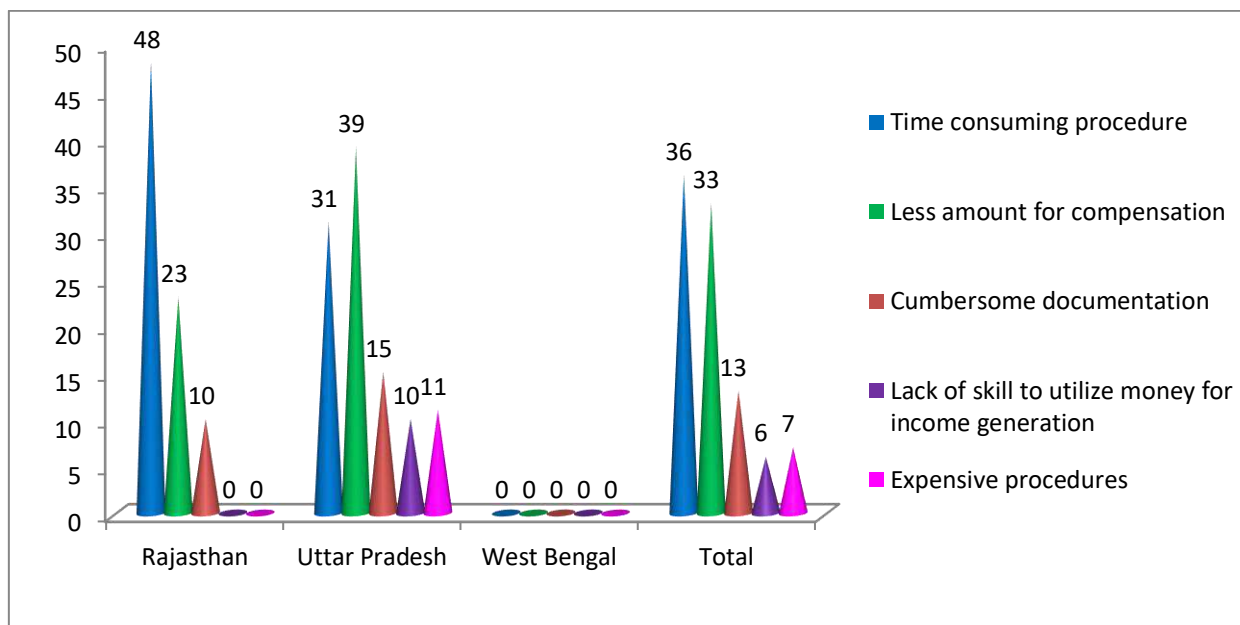


Table 4.7: Challenges that hinder effectiveness

Challenges	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Time consuming procedure	15	48	19	31	0	0	34	36
Less amount for compensation	7	23	24	39	0	0	31	33
Cumbersome documentation	3	10	9	15	0	0	12	13
Lack of skill to utilize money for income generation	0	0	6	10	0	0	6	6
Expensive procedures	0	0	7	11	0	0	7	7

Views of key informants like representatives of different Legal Services Authorities and NGOs reveal some other challenges. According to Manabendra Nath Mandal of Socio-Legal Aid Research & Training Centre, a Kolkata-based NGO which works for victims of human trafficking, 'most of the lawyers do not demand for compensation' for victims resulting in inadequate effectiveness. Ekta Kushwaha, Secretary, DLSA, Jaunpur district of Uttar Pradesh thinks that lack of continuous supervision of beneficiaries hinders effectiveness of VCS. While her view is echoed by the Secretaries of DLSA of Mahoba and Kushinagar districts of Uttar Pradesh, Secretary of DLSA, Jhansi cited three other challenges namely educational and legal illiteracy of victims, insensitive approach of concerned agencies like police and judiciary, and inadequate advertisement of VCS. Sharing his views, Lenin Raghuvanshi, a human rights activist and founder of People's Vigilance Committee on Human Rights (PVCHR), Uttar Pradesh considered corruption and apathy of implementing agencies as the key challenges to effectiveness of VCS.

4.4. SUGGESTIONS FOR STRENGTHENING EFFECTIVENESS

The victims suggested many measures that would make compensation more effective. Of all the suggestions, the need to enhance compensation amount occupies top position. While involvement of NGOs in administration of victim compensation is the second important suggestion by victims, proper guidance for rehabilitation and immediate release of certain amount are two other important measures shared for the above purpose. Although suggested by few (6%), training and orientation for income generation activity is also needed for making compensation more effective.

Table 4.8: Suggestions for better fulfillment of needs and priorities of victims

Suggestion	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Need to enhance amount of compensation	5	16	19	31	0	0	24	26
NGOs should be involved in this process	6	19	9	15	1	100	16	17
Some amount of money should be given immediately	2	6	8	13	0	0	10	11
Training and orientation for income generation activity	1	3	5	8	0	0	6	6
Proper guidance	5	16	6	10	0	0	11	12
No reply	17	55	25	40	0	0	42	45

The suggested measures indicate the need of bringing about administrative changes in regard to quantum of compensation and actions that would help the victims utilize compensation money better. Functionaries of NGOs and Legal Services Authorities suggested the following other measures to strengthen effectiveness of VCS:

- ❖ Higher education and professional training for victims
- ❖ Seed money for enterprising victims to start income-generating enterprises
- ❖ Legal literacy and awareness programmes
- ❖ Dissemination of information about VCS through social media
- ❖ Sensitization of police, courts and concerned government agencies

Manju- A thorny life so soon

Varanasi-based Manju and her husband were trafficked to Rajasthan for forced labour in brick kilns. Now aged 22, she was rescued at the age of 19. As she is illiterate and possesses no vocational or technical skills, Manju continues to work as a daily wage labourer. She earns ₹5000 a month.

Illiteracy, low income, and stressful physical labour are not the only odds of life that Manju has been handling since past many years. Her husband, according to Manju, lost his life as a result of physical torture at the hands of the brick kiln owner. Despite her eligibility for higher compensation as a rescued victim of human trafficking, she has received only ₹20000 from the district authority due to her status as a rescued bonded labour. The amount is not sufficient for any meaningful rehabilitation. Unfortunately, it took two years for the authority to process the above amount. Even the animals she had purchased died due to certain disease. The only asset that she has now is a small fixed deposit in a bank. Although she does not suffer from any physical or mental illness, the financial hardship and repeated setbacks in life are too much for the young victim. A thorny life that she has been living would have been different and better had she been compensated under the VCS.

Efficiency of an intervention is a yardstick to measure the nature of its inputs such as human, financial and technical resources and the way they are converted into outputs. While optimization of resources remains at the core of efficiency, it covers all those components that help determine quality of outputs and the process associated with their delivery. In order to determine efficiency of VCS, the study covers multiple components within the ambit of analysis that broadly include adequacy of compensation, time spent for processing compensation and managerial efficiency. These components have been analysed below. However, the analyses in this chapter refer to compensation in its general connotation due to insignificant coverage of VCS, as noted in previous chapter.

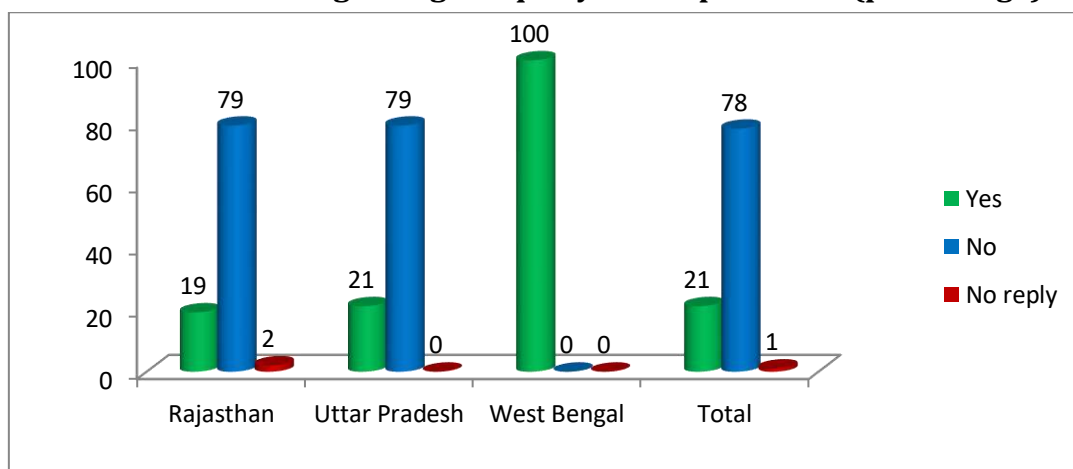
5.1. ADEQUACY OF COMPENSATION

While rehabilitation of victims is the overarching goal of compensation, it is to a great extent dependent on the amount of compensation money. Nearly four-fifths of the total victims who have received or are in the process of receiving compensation found the amount inadequate. The shares of victims of Rajasthan and Uttar Pradesh in the above category are 79% each. However, the lone receiver of compensation in West Bengal considered the amount adequate. Only 21% in the combined sample viewed compensation money adequate. In other words, the amount of compensation is considered overwhelmingly inadequate.

Table 5.1: Status regarding adequacy of compensation

Status of adequacy	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	8	19	13	21	1	100	22	21
No	33	79	49	79	0	0	82	78
No reply	1	2	0	0	0	0	1	1
Total	42	100	62	100	1	100	105	100

Chart 5.1: Status regarding adequacy of compensation (percentage)



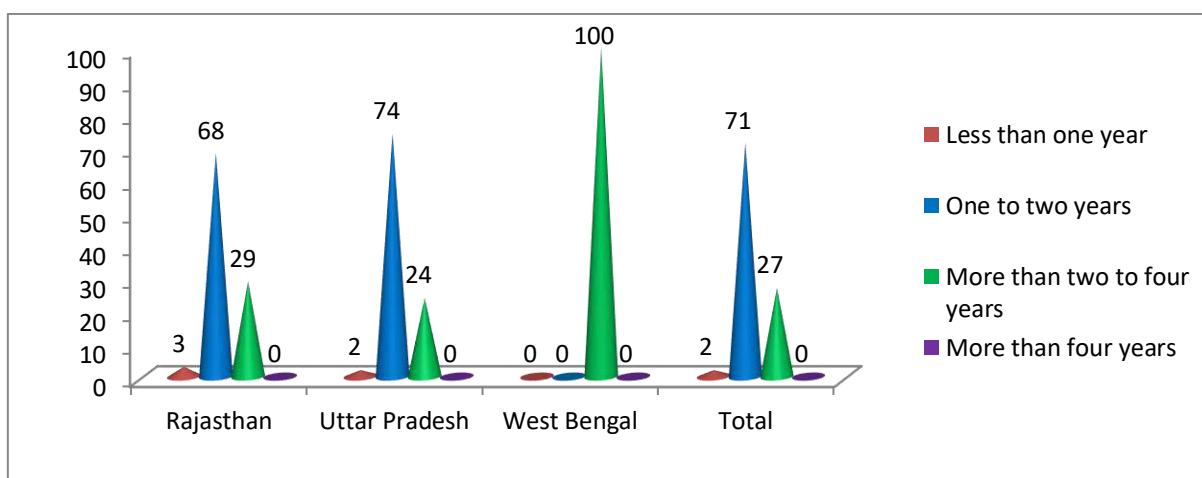
5.2. TIMELINESS

Timeliness here refers to the time spent for processing of application for compensation. It is important to note that sub-section 5 of Section 357A of CrPC requires the State or the District Legal Services Authority to award compensation by completing the enquiry within two months of receipt of recommendation of the court or application for the purpose under sub-section 4 of the above Section. In case of two victims of human trafficking who have received compensation under VCS, the time taken for processing of compensation was two and three years. For all the receivers of compensation (includes receivers under VCS and other laws), the processing time was one to two years in case of 71% victims and more than two to four years in case of 27% victims. Processing time was less than one year in case of only 2% victims.

Table 5.2: Time spent for receiving compensation

Time spent	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Less than one year	1	3	1	2	0	0	2	2
One to two years	21	68	46	74	0	0	67	71
More than two to four years	9	29	15	24	1	100	25	27
More than four years	0	0	0	0	0	0	0	0
Total	31	100	62	100	1	100	94	100

Chart 5.2: Time spent for receiving compensation (percentage)



Even in case of victims whose compensation is under process, the period of wait is more than two to four years for 52% and one to two years for 19% respondents. The processing time is less than one year in case of only 29% victims. The findings in regard to victims who have already received compensation and whose cases are currently under process indicate that both in case of compensation under VCS and compensation in general the wait period is substantially high and higher than the timeline prescribed in sub-section 5 of Section 357A of the CrPC. This is also contrary to the replies of officials of Legal Services Authorities in this regard. According to Secretary, DLSA, Jaunpur, time taken for processing a case of compensation is three to six months. While time taken by DLSAs of Mahuba and Kushinagar is three months, it is one year in case of DLSA of Jhansi.

Table 5.3: Time spent so far in processing of compensation

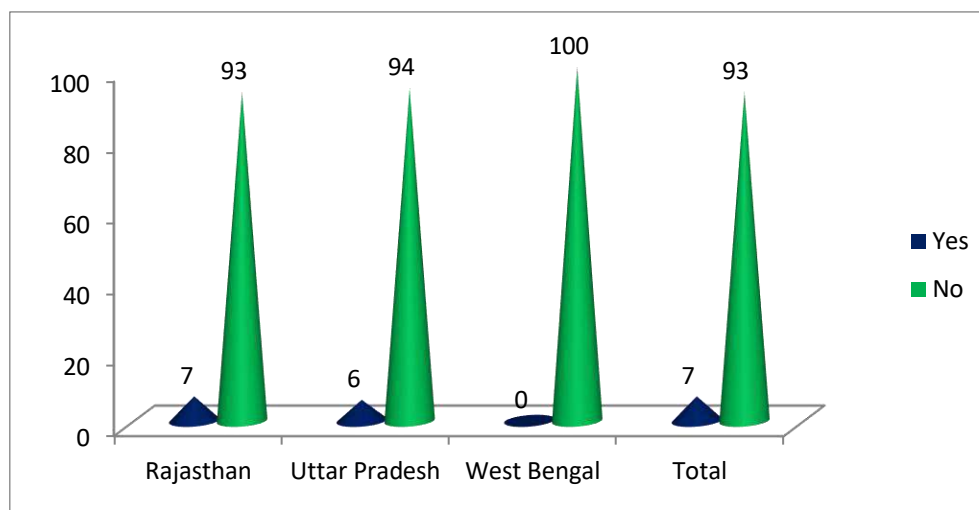
Time spent	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Less than one year	9	69	0	0	0	0	9	29
One to two years	3	23	3	17	0	0	6	19
More than two to four years	1	8	15	83	0	0	16	52
More than four years	0	0	0	0	0	0	0	0
Total	13	100	18	100	0	0	31	100

The long time taken by concerned authorities is found unacceptable by 93% victims. This shows lack of efficiency in the system.

Table 5.4: Acceptability of time spent for processing of compensation

Acceptability	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	3	7	4	6	0	0	7	7
No	39	93	58	94	1	100	98	93
Total	42	100	62	100	1	100	105	100

Chart 5.3: Acceptability of time spent for processing of compensation (percentage)



5.3. MANAGERIAL EFFICIENCY

Managerial efficiency has been looked into by capturing the status in regard to illegal payment, attitude of officials and grievance redressal. The study found that illegal or unauthorized payment is largely absent as only 2% victims, out of those who have received compensation or whose cases are under process, have made such payment. Except 3% in Uttar Pradesh, no one in other two States made any illegal payment during processing of compensation. Near absence of illegal payment is an important indicator of managerial efficiency.

Table 5.5: Illegal payment made during processing of compensation

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	0	0	2	3	0	0	2	2
No	42	100	60	97	1	100	103	98
Total	42	100	62	100	1	100	105	100

As regards attitude of officials with whom the victims interacted during processing of their cases, no one rated their attitude as very good. While 38% victims found attitude of officials good, 18% considered it bad and 1% very bad. However, 43% victims could not rate attitude of officials decisively. These findings show that attitude of officials have not been always good with victims. Although not substantial, bad attitude of officials who deal with compensation cases is a challenge to managerial efficiency.

Table 5.6: Attitude of officials

Attitude	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Very good	0	0	0	0	0	0	0	0
Good	11	26	28	45	1	100	40	38
Neither good nor bad	24	57	21	34	0	0	45	43
Bad	7	17	12	19	0	0	19	18
Very bad	0	0	1	2	0	0	1	1
Total	42	100	62	100	1	100	105	100

Besides rating attitude of officials, there are 7% victims, out of those who have received compensation or whose cases are in process, who have specific grievances like bad behaviour of officials and inadequate guidance during processing of compensation. However, only two victims of Uttar Pradesh complained to higher officials, following which they received desired guidance and support. Redressal of grievances is an indication of managerial efficiency.

Table 5.7: Victims having grievances while dealing with officials

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	3	7	4	6	0	0	7	7
No	39	93	58	94	1	100	98	93
Total	42	100	62	100	1	100	105	100

The study also captured views of officials of Legal Service Authorities on issues that adversely affect administration of VCS. They revealed the following in this regard.

- ❖ Presence of multiple stakeholders leading to delay in processing of compensation
- ❖ Frequent transfer of Secretary of DLSA

- ❖ Absence of full time Secretary of DLSA
- ❖ Victims' lack of awareness about VCS
- ❖ Following filing of FIR, information is not sent by police to DLSA

5.4. DATA GAP

It is also pertinent to note that data on VCS available with concerned agencies do not help one understand the extent of reach of the Scheme due to non-availability of disaggregated data showing compensation paid to victims of different types of crime. As noted in the annexure 1, data available with the National Legal Services Authority (NALSA) are consolidated in nature. Multiple attempts by research team of HDS to obtain data on utilization of VCF for victims of human trafficking did not yield any result. While SLSA of Uttar Pradesh informed about non-availability of disaggregated data, SLSA of Rajasthan and West Bengal did not share any data.³¹ Non-availability of disaggregated data is a manifestation of not only data gap but also inefficiency in documentation by SLSA and NALSA.

5.5. SUGGESTIONS FOR ENHANCING EFFICIENCY

Recipients of compensation suggested multiple measures to make victim compensation in general and administration of VCS in particular more efficient. These measures in descending order of importance are noted below.

- ❖ Less time for processing of compensation
- ❖ Hassle free procedures
- ❖ Less documentation
- ❖ Less expensive

Table 5.8: Measures suggested by recipients for strengthening efficiency

Suggested measures	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Less documentation	5	16	13	21	0	0	18	19
Less time for processing	17	54	22	35	0	0	39	41
Hassle free procedures	6	19	13	21	0	0	19	20
Less expensive	1	3	10	16	0	0	11	12
No reply	13	42	20	32	1	100	34	36

Views of victims show that achieving timeliness in processing compensation, bringing about procedural changes, and improvement in documentation would strengthen efficiency of VCS.

³¹ The three SLSA were contacted both independently as well as through NALSA. HDS received replies from four districts of Uttar Pradesh namely Jhansi, Kushinagar, Mahoba and Jaunpur, which show that no victim of human trafficking has been compensated under VCS during last five years. The SLSA of the State informed telephonically about lack of disaggregated data. SLSA of West Bengal and Rajasthan did not provide any data despite many attempts.

Officials of Legal Services Authorities and NGOs also highlighted following measures for strengthening administrative efficiency:

- ❖ Information about the crime and the victim should be immediately shared by police with DLSA following registration of FIR
- ❖ Regular meetings of victim compensation board in the districts (in case of Uttar Pradesh)
- ❖ Appointment of full time Secretary of DLSA with fixed tenure
- ❖ Availability of adequate funds with SLSA and DLSA

Ranjana- Manifestation of rehabilitation through compensation

Ranjana (name changed) was only a 15 years old girl when a relative sold her forcefully for marriage. The Varanasi resident had to undergo sexual and physical violence in a short-duration marriage till she was rescued after a month. She is now unmarried and lives in Varanasi with her family of seven members. With secondary level education, she now works as a sales girl and earns up to ₹5000 a month. Her family's total monthly income is about ₹15000.

Ranjana is very lucky to receive compensation of ₹105000 under VCS, although she had to struggle for close to two years for this interim benefit. The money was a big relief for the disempowered girl, who belongs to the socially marginalized Musahar community- a Scheduled Caste. She utilised the money for activities that have short and long term benefits. While a small part of money was utilised for repayment of a debt, the remaining was spent for repairing the house and depositing in a savings bank account. Effectiveness of compensation is evident in the ways money has been spent by the victim. She too rated the compensation as very effective for fulfillment of both short and long-term needs. Although she is critical of the delay in processing of compensation and the way officials interacted with her, she is satisfied with financial support and its contribution to her rehabilitation.

A development project or initiative is said to be sustainable if its outcomes and impact continue to benefit the targeted population even after its termination. In the context of VCS, the issue of sustainability is linked to creation of assets or resources, by utilizing the compensation money, which would continue to benefit the victims in the long run. This is significant in view of the finding that most of the rescued victims of human trafficking are socially marginalized and economically poor, possess low level of education, have inadequate access to skills training, and are disempowered in general. Since compensation is a measure for rehabilitation, it is important to understand the potential for continuation of long term benefits that the victims have been or will be able to reap.

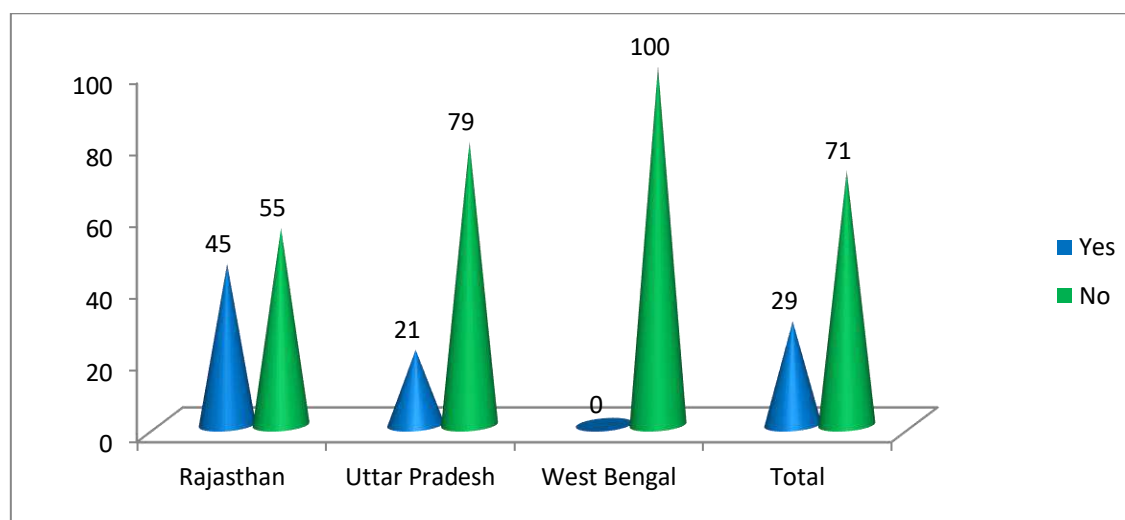
6.1. CREATION OF DURABLE ASSETS

Durable assets have potential for benefitting the victims for long time. The study found that out of total recipients of compensation, only 29% victims have created durable assets by utilizing their compensation money. While this has positive implication for sustainability, majority of the victims (71%) have not been able to create sustainable assets due to the meagre amount they received as compensation.

Table 6.1: Status regarding creation of durable assets

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	14	45	13	21	0	0	27	29
No	17	55	49	79	1	100	67	71
Total	31	100	62	100	1	100	94	100

Chart 6.1: Status regarding creation of durable assets (percentage)



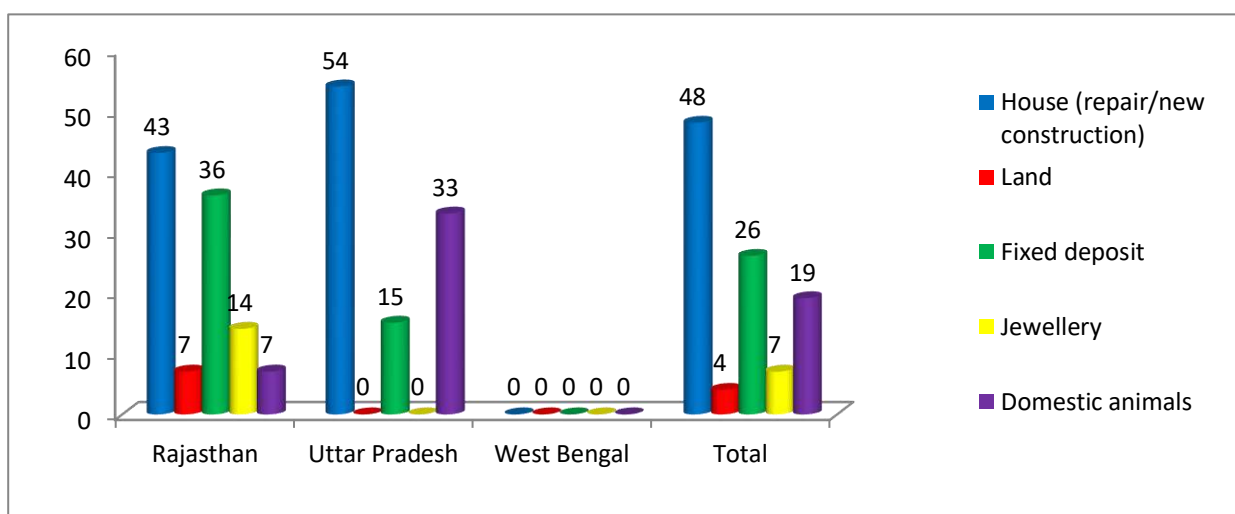
Durable assets created by rescued victims are of various types. Nearly half of those who have created durable assets (48%) have utilised their money for constructing or repairing houses which is indicative of their movement towards better conditions of living. Giving importance to saving for critical future needs, 26% have invested in fixed deposits and 7% have purchased jewellery. The study also found that 19% victims have spent compensation money for purchasing domestic animals and one victim has purchased land. Both these assets have direct bearing for generating income.

The assets created by rescued victims have the potential for sustainability as they would continue to deliver benefits for longer duration. For example, those who have constructed or repaired their houses would continue to enjoy better housing facility in future. Similarly those who have saved money or purchased jewellery are better prepared for critical future needs of their families. Domestic animals would continue to generate income for concerned victims for longer duration. In other words, sustainability is inbuilt in the nature of durable assets created by the rescued victims.

Table 6.2: Description of durable assets

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
House (repair/new construction)	6	43	7	54	0	0	13	48
Land	1	7	0	0	0	0	1	4
Fixed deposit	5	36	2	15	0	0	7	26
Jewellery	2	14	0	0	0	0	2	7
Domestic animals	1	7	4	33	0	0	5	19

Chart 6.2: Description of durable assets (percentage)



6.2. PERCEPTION REGARDING SUSTAINABILITY

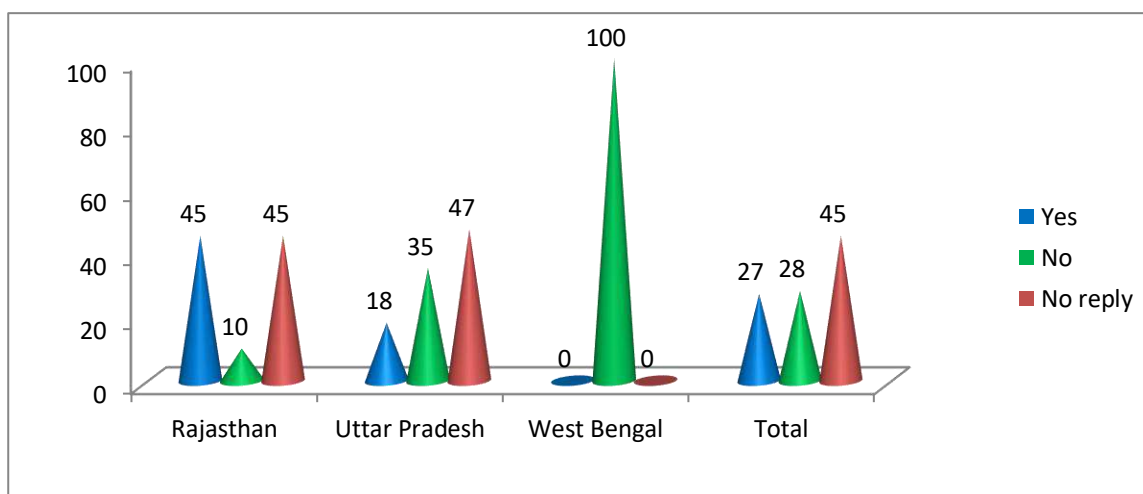
Sharing their perception regarding sustainability of the benefits of compensation, 27% out of total victims who have received money said that compensation would continue to benefit them in future considering the way the money had been utilized by them. While 45% could

not share their view in this regard, 28% perceived lack of sustainability in the way money had been spent by them. The views of victims are in sync with the meagre amount of compensation received by most of them, which cannot be considered sufficient to create sustainable resources.

Table 6.3: Sustainability of benefits of compensation

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	14	45	11	18	0	0	25	27
No	3	10	22	35	1	100	26	28
No reply	14	45	29	47	0	0	43	45
Total	31	100	62	100	1	100	94	100

Chart 6.3: Sustainability of benefits of compensation (percentage)



The perceptions of two victims- one of Uttar Pradesh and another of West Bengal who have received money under VCS also give credence to the above finding. While the victim of Uttar Pradesh could construct a house and open a fixed deposit account with ₹105000 compensation and perceived positively about sustainability of the benefits; the victim of West Bengal could not create any durable asset with her compensation money of ₹30000 and according to her, compensation money utilised by her would not be beneficial in future. In other words, sustainability is directly proportional to the amount of compensation.

The key informants are of the view that challenges to sustainability are more fundamental in nature which is linked to inadequate reach and insignificant amount of compensation. Echoing the perceptions of victims, Manoj Kumar Tiwari, Secretary, DLSA, Jhansi suggested for increase in compensation amount 'at regular intervals' in order to make it more sustainable. He is also of the view that the amount of interim compensation should 'not be very less'. The focus of VCS, as told by Lenin Raghuvanshi, should be on building resilience in the rescued victims. Manabendra Nath Mandal is of the view that sustainability of the Scheme would be achieved by making victims aware of the benefit by ensuring better participation of advocates in the process. This would result in their rehabilitation and reintegration in the long run.

STATUS OF NON-RECIPIENT RESCUED VICTIMS

Non-recipient rescued victims of human trafficking constitute 58% of the total sample. As discussed earlier, these victims are no less disempowered, economically poor and educationally backward than the recipients of compensation. As majority of the victims are deprived of the benefits of compensation, it is pertinent to understand their status in regard to challenges they face on the path to rehabilitation and the extent of need of compensation as felt by them.

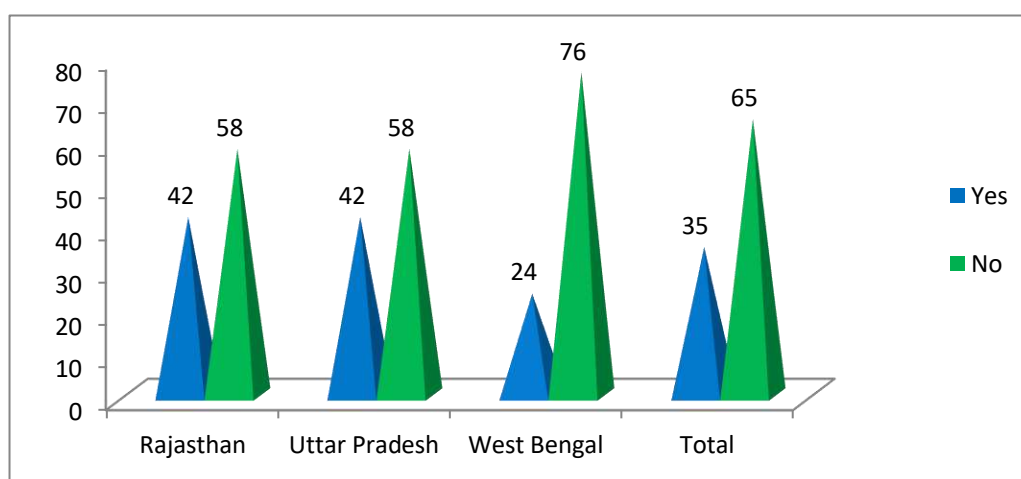
7.1. AWARENESS OF VCS

Among the non-recipients, only little over one-third (35%) are aware of VCS. The level of awareness is the lowest in West Bengal (24%) and same in Rajasthan and Uttar Pradesh (42% each). While the extent of gap in knowledge is glaringly visible, the non-aware victims (65%) do not even have remote possibility of receiving the entitlement.

Table 7.1: Level of awareness of victim compensation scheme

Status	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	15	42	21	42	15	24	51	35
No	21	58	29	58	47	76	97	65
Total	36	100	50	100	62	100	148	100

Chart 7.1: Level of awareness of victim compensation scheme (percentage)



The study also found that most of the aware victims (84%) came to know about VCS from the NGOs. Except West Bengal where advocates (33%), DLSA (27%) and even police (13%) are the sources of information, these agencies have not played any role in providing information about VCS in two other States. In other words, the scope of receiving information is limited to only one source i.e. NGO in case of most of the victims.

Table 7.2: Sources of information about VCS for aware victims

Source	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Advocate	0	0	0	0	5	33	5	10
DLSA	0	0	0	0	4	27	4	8
SLSA	0	0	0	0	0	0	0	0
Police	0	0	0	0	2	13	3	6
Court	0	0	0	0	0	0	0	0
NGO	13	87	21	100	7	47	43	84
Others	2	13	0	0	0	0	2	4

7.2. REASONS FOR NOT AVAILING BENEFITS OF VCS

Exploring the reasons for not availing benefits of VCS despite having knowledge about it, the study found that non-availability of documents like release certificate (in case of bonded labour) and copy of FIRs is the key reason (51%). Most of the victims of Rajasthan (73%) and Uttar Pradesh (67%) faced this problem, and the corresponding share of West Bengal is only 7%. West Bengal, however, has more victims (40%) who did not have access to adequate information unlike other States and 13% victims are beneficiaries of schemes other than VCS. In the total sample of aware victims, 6% did not cite any specific reason for not availing the benefits of VCS and 25% did not reply.

Table 7.3: Reasons for not availing benefits of VCS

Reason	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Non-availability of documents like Release Certificate, FIR etc.	11	73	11	67	1	7	26	51
Inadequate information	1	7	0	0	6	40	7	14
Enrolled in other scheme	0	0	0	0	2	13	2	4
Not specific reason	0	0	1	5	2	13	3	6
No Reply	3	20	6	28	4	27	13	25
Total	15	100	21	100	15	100	51	100

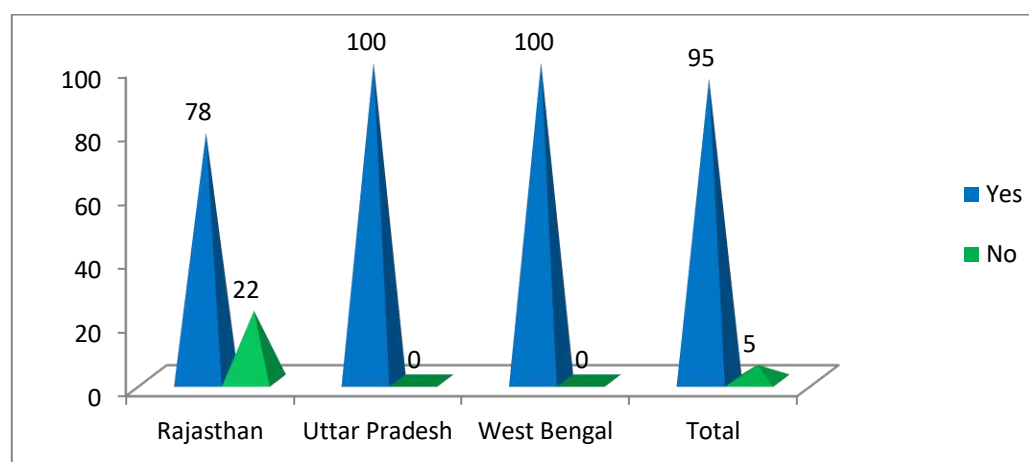
7.3. NEED OF FINANCIAL SUPPORT

The study tried to understand the extent of need of financial support among the non-receivers of compensation. It found that 95% of them are in need of financial support. The need is acute in Uttar Pradesh and West Bengal as all the non-recipients in the two States replied in affirmative. In Rajasthan, 78% victims are in need of financial support. These findings show very high degree of financial need felt by most of the non-recipient victims.

Table 7.4: Extent of need of financial support

Need	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Yes	28	78	50	100	62	100	140	95
No	8	22	0	0	0	0	8	5
Total	36	100	50	100	62	100	148	100

Chart 7.2: Extent of need of financial support (percentage)



Among the specific purposes for which victims require financial support, unspecified family needs (30%), housing (29%), business or employment and health (27% each) are at the top of the list occupying first, second and third positions respectively. Two other important purposes are refund of borrowed money and education, and only 3% victims need money for marriage of family members. Significantly, diversity is evident in the findings as many victims cited more than one purpose. In Rajasthan and Uttar Pradesh, the key purposes are unspecified family needs, refund borrowed money and housing. In West Bengal, the key purposes are health, business or employment, education, unspecified family needs and housing.

Table 7.5: Specific purposes for which financial support is needed

Purpose	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Housing	8	29	24	48	9	15	41	29
Business or employment	1	4	6	12	21	34	37	27
Marriage in family	1	4	3	6	0	0	4	3
Health	0	0	4	8	34	55	38	27
Education	0	0	4	8	14	23	18	13
Unspecified family needs	14	50	18	36	10	16	42	30
Refund borrowed money	12	43	10	20	0	0	22	16
No reply	0	0	2	4	1	2	3	2

7.4. NATURE OF CHALLENGES

It is important to understand the extent of vulnerability of rescued victims and the needs of their rehabilitation in order to determine the level of deprivation these people suffer as a result of lack of access to the benefits of VCS. To unravel the above, the study captured the challenges that victims have been facing since the time they were rescued. Analysis of views of non-recipient victims (total of three States) brings to light three key challenges namely financial crisis, health issues and business or employment. While 21% did not reply and 11% face disruption in studies and suffer from the desire to go back home, challenges faced by less number of victims are threats by accused, lack of shelter, social discrimination, mistreatment by officials and legal hassles. In the States, top three challenges in descending order of importance are the following:

- ❖ Rajasthan: financial crisis, lack of shelter, and health issues
- ❖ Uttar Pradesh: financial crisis, business or employment, and threats by accused
- ❖ West Bengal: health issues, social discrimination and legal hassles

Table 7.6: Challenges faced by victims since the time of rescue

Challenge	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
Health issues	5	14	8	16	23	38	36	24
Financial crisis	10	28	40	80	2	3	52	35
Shelter	7	19	0	0	2	3	9	6
Social discrimination	0	0	1	2	5	8	6	4
Mistreatment by officials	2	6	1	2	1	2	4	3
Legal hassles	0	0	0	0	5	8	5	3
Threats by accused	0	0	12	24	0	0	12	8
Business or employment	1	3	16	32	1	2	18	12
Others (desire to go back home, disruption in study etc.)	7	19	5	10	5	8	17	11
No reply	7	19	8	16	16	27	31	21

Since victims of human trafficking often face extremely critical situations, it is considered logical to understand the mental and psychological challenges that they are presently facing as a result of their past traumatic experiences. These challenges coupled with the ones noted above will help determine relevance of rehabilitation for the rescued victims.

The values noted in table below indicate the extent of prevalence of mental and psychological challenges. The challenges in descending order of importance are noted below.

- ❖ Feel disturbed due to distressful memories, thoughts or images of the past- faced by nearly half of the non-recipient victims
- ❖ Do not take their own decisions – 34% victims
- ❖ Get very upset in face of criticism, even if it is constructive in nature – 30% victims

- ❖ Show signs of aggressive behaviour- 25% prevalence
- ❖ Suffer from anxiety or sleep disorder- 16% prevalence
- ❖ Feel easily hurt- 19% victims
- ❖ Face difficulty in concentrating on activities- 14% victims
- ❖ Consider themselves cut off from other people- 12% prevalence
- ❖ Apologize for things a lot even if they are not at fault- least prevalence at 4%

Table 7.7: Status of mental and psychological challenges faced by victims

Challenge	Rajasthan		Uttar Pradesh		West Bengal		Total	
	No.	Pct	No.	Pct	No.	Pct	No.	Pct
You take your own decisions	28	78	50	100	19	31	97	66
Apologies for things a lot even if you are not at fault	2	6	0	0	4	6	6	4
Feel easily hurt	10	28	6	12	12	19	28	19
Get very upset in the face of criticism, even if it is constructive in nature	12	33	9	18	23	37	44	30
Feel disturbed due to distressful memories, thoughts or images of past	17	47	24	48	31	50	72	49
Face difficulty in concentrating on activities	3	8	2	4	15	24	20	14
Consider yourself cut off from other people	4	11	2	4	12	19	18	12
Show signs of aggressive behavior	2	6	0	0	35	56	37	25
Suffer from anxiety or sleep disorder	4	11	2	4	18	29	24	16

Although of varying degree, non-recipient victims face challenges in regard to physical and mental health, finance, shelter, social interface, communication with officials, legal matters, employment and other issues that adversely affect their rehabilitation. VCS assumes significance in this context, as availability of money would have resulted in mitigation of these challenges to certain extent.

The four case studies presented below depict the physical and mental trauma faced by victims of human trafficking, nature of challenges countered by them during post-rescue period, and the need of compensation for their rehabilitation.

Aleeya- A case of perpetual struggle

Aleeya (name changed) is a 24-year old rescued victim of human trafficking presently living in South 24 Parganas district of West Bengal. She was sold to a brothel in Mumbai by an aunt. She was rescued at the age of 17. Now married to a rickshaw puller, she has a four year old daughter. With only primary level education to her credit, her personal income from *zari* work (embroidery) is very insignificant. The family's economic hardship is not difficult to imagine from its monthly income which is less than ₹5000. Aleeya also suffers from acute back pain for which she is under regular medication and health check up.

Despite being eligible for compensation under VCS, she has not received any support yet. What is more painful for the poor victim is her inability to receive compensation although she is aware of the entitlement. Sadly, she came to know about the Scheme from an advocate but did not receive any support either from the advocate or the police. While her health continues to be a concern, she also faces mental and psychological challenges. She feels disturbed due to distressful memories and images of the past, considers herself cut off from other people, shows signs of aggressive behaviour, and suffers from anxiety. While she perpetually struggles with her physical and mental health problem and poor financial condition, education of her daughter is a priority which she does not wish to ignore.

Aleeya's condition would have been different had she been given the compensation that she is rightfully entitled to receive. The case highlights systemic apathy as she did not receive the desired support from the advocate and the police. Considering her disempowered position, it is difficult to expect her to fight for her right. In the absence of any support, her struggle continues perpetually.

Salma- A deserving case awaiting entitlement

Salma (name changed) is a resident of South 24 Parganas district of West Bengal. She was trafficked at the age of 11 and was forced into prostitution in Delhi. Rescued after two years and subsequently married, her life took a critical turn as a result of separation from husband. Forced to live with her brother and with primary level education, she soon started making hand-made paper and stitching work. Her present monthly personal income is up to ₹2000 and the family income is less than ₹5000.

Although she is physically and mentally free from any ailments, her very poor financial condition is a major concern of her life. Compensation under VCS would have helped her a lot. Unfortunately, she has not yet received any support under the Scheme despite her knowledge about the benefit and full eligibility for the same. Needless to say that financial compensation would have contributed to her rehabilitation.

Despite physical exploitation, a failed marriage and acute financial hardship, Salma's life shows signs of resilience as evident in her mental and psychological wellbeing and desire to overcome difficulties. However, the entitlement in the form compensation that she has not yet received would have contributed to her effective and impactful rehabilitation.

From Exploitation to Institutional Care- A Painful journey of two siblings

Priti (name changed) and Rakesh (name changed) now aged 10 and 12 years respectively are currently residing in two different childcare institutions in Udaipur, Rajasthan. Following death of their parents in 2016, the siblings fled from their home fearing threat to their lives. While their parental house was encroached, the two children lived on the street for sometime before a farmer from Bhilwara district took them with the promise of care and support. Their ordeal started soon after, as the children were sold to different people who engaged them in forced domestic labour without any remuneration. From the care of parents and the comforts of their own home, the children were forced into domestic servitude without access to education, entertainment and other facilities. It took more than two years before they were finally rescued by a local NGO in 2 November 2018, following a complaint by someone whose details are not known, and sent to childcare institutions in Udaipur.

Due to the support of childcare institutions, Priti and Rakesh are now studying in class II and IV respectively. The boy is also being treated for tuberculosis. Although the need of compensation is very high for the two children, it still eludes them. Despite the efforts of the NGO, which had rescued them, to facilitate compensation under the Bonded Labour System (Abolition) Act, 1976, the children have not yet received any monetary support. Surprisingly, no effort has been made for compensation under VCS as no one is aware about it. This is indicative of the siblings' deprivation of entitlement due to ignorance of caregivers.

Rehabilitation following bondage

Babulal, now aged 40 years, belongs to a family of bonded labourers in Rajasthan's Rajsamand district. He and his other family members were trafficked by a brick kiln owner in the year 2009 and kept in bondage for eight years. The family was rescued in 2017 following intervention by a local NGO. The period of bondage was truly painful due to exploitative work environment, very poor living conditions and lack of freedom to leave the job. His first wife committed suicide due to extreme physical and mental torture,

Thanks to its successful rescue and the support of local NGO, Babulal's family of six is now living in a *pucca* house built under the Pradhan Mantri Awas Yojna. The family's present monthly earning from daily wage labour is ₹8000. Babulal and his wife have received ₹20000 compensation each under the Bonded Labour System (Abolition) Act, 1976. Part of the compensation money was utilised for his healthcare and the remaining was used for acquiring a small piece of land on which PMAY house has been constructed. Although the money was received after waiting for 1.5 years, Babulal could use it appropriately for building durable asset. However, the family has not received any compensation under VCS. No one is aware of the Scheme, and hence no effort has been made in that direction.

The conclusions of the study have been arrived at considering the views and experiences of rescued victims of human trafficking, caregivers, and stakeholders associated with administration of the VCS.

Profile of rescued victims of human trafficking

The study covered both female and male victims of human trafficking, who are mostly in the age group of 18 to 40 years. While bonded/forced labour was the principal purpose of human trafficking in Rajasthan and Uttar Pradesh, most of the victims of West Bengal were forced into prostitution. Married victims constitute the majority in the sample. They are mostly either illiterate or lowly educated and have low level of access to vocational or technical skills. Although little over half of the victims are working, they are mostly engaged in wage labour and other low paying jobs resulting in meagre monthly income (three-fourths in ₹5000 or less income range). While over three-fourths are living in their own houses, the houses in most cases are thatched ones. The victims mostly belong to socially backward communities namely SCs and STs.

Status and nature of compensation

Access to financial compensation is limited, as nearly three-fifths of the total sample belong to the category of non-receivers. The amount of compensation is only ₹20000 in most cases (88%), and it is very insignificant even after final disbursement. With most of the victims receiving compensation under the Bonded Labour System (Abolition) Act, 1976, the reach of VCS is extremely limited (only 2%).

Effectiveness

With very low level of coverage of VCS, the purpose of the Scheme to rehabilitate victims of human trafficking is squarely defeated. The nature of rehabilitation is directly proportional to the amount of compensation received. While a small amount of compensation can effectively fulfill only the short-term needs, effectiveness is high for both short and long term needs if the compensation amount is high. Compensation in general (under VCS and special laws) has not been very effective in mitigating the mental and psychological challenges faced by victims of human trafficking. Two key challenges to effectiveness are time consuming procedure and low amount of compensation.

Efficiency

The amount of compensation money is considered overwhelmingly inadequate and too long processing period, which often goes on up to two years or even more, is a negation of timeliness and efficiency. While near absence of corruption shows managerial efficiency, attitude of officials responsible for processing compensation has not always been good to the victims.

Sustainability

Although less in number, victims who have created durable assets like construction or repair of houses, purchase of jewellery or land, and fixed deposit with the help of compensation money would reap benefits in long run. However, meagre amount of compensation is considered insufficient by many to create sustainable assets. Sustainability is directly proportional to the amount of compensation.

Status of non-recipient rescued victims

Non-recipient victims are not highly aware of VCS, and hence majority of them (almost two-third) do not even have remote possibility of receiving the entitlement. The scope of receiving information about VCS is limited to only one source namely NGOs in case of most of the victims. Non-availability of documents like release certificate (in case of bonded labour) and copy of FIRs precluded access to benefits of compensation. However, the need of financial support is very high among non-recipient victims as they need to fulfill housing, business, employment, health and family needs. Compensation would also soothe mental and psychological challenges which are faced by many of them.

RECOMMENDATIONS

The study recommends the following measures to enhance effectiveness, efficiency and sustainability of VCS and to ensure solace for victims of human trafficking who are known for their disempowered and marginalized socio-economic status. Each recommendation has been made in light of the gap or problem that it intends to address. The agencies that should implement each recommendation have also been noted below.

Identified gaps or problems	Recommendations to address the gaps or problems	Agencies that should implement the recommendations
The key stakeholders of VCS lack right approach or orientation, which has contributed to abysmally low reach of the Scheme and resultant lack of effectiveness and efficiency.	Change in approaches: There is an urgent need for the SLSA, DLSA, police, lawyers and judges to completely change their approaches towards VCS as an instrument for rehabilitation of victims. These stakeholders should introspect and find out as to why the Scheme has so badly failed to reach the victims of human trafficking.	SLSA, DLSA, State police, district courts, High Courts (lawyers and judges)
Lack of awareness among the victims about the VCS	Dissemination of information: There is a strong need to make the victims aware of the VCS by disseminating details of the Scheme including procedures for availing the benefit. The concerned agencies should issue necessary instructions in this regard to their officials and explore application of various means, including social media, for information dissemination. It is important to ensure that the potential beneficiaries are not deprived of their entitlement.	SLSA, DLSA, police, lawyers, judges, CSOs, NGOs (The lead role should be played by SLSA and DLSA in view of their mandated role in awarding compensation to victims and their dependents.)
Victims possess low level of education and awareness, and have inadequate access to skills training, employment opportunities and means for rehabilitation	Guidance for rehabilitation: Proper guidance may be provided to the victims for meaningful utilization of compensation money with focus on prioritization of needs and creation of impactful and sustainable assets. There is also a need to facilitate training of victims or their relatives on vocational and technical skills that will enhance their employment potential and provide them opportunities for self employment. They should also be linked to financial and non-financial	Department of Social Welfare of the States, NGOs, CSOs and vocational training institutions

	organisations in order to meet their needs for seed money, machinery, market and other support services.	
Meagre amount as interim compensation which hardly contributes to the process of rehabilitation	Quantum of compensation: Besides adhering to the prescriptions of VCS of the State for final payment of compensation, amount of interim compensation should be such that it should contribute to the process of rehabilitation of the victims.	SLSA and DLSA
4. Delay in inquiry following receipt of recommendation of court or application by victim or his/her dependents for compensation	Procedural efficiency: 4. As mandated under sub-section 5 of Section 357A of CrPC, SLSA and DLSA should ensure award of compensation by completing the inquiry within two months of receipt of recommendation of court or application for the purpose under sub-section 4 of Section 357A.	4. SLSA and DLSA
5. Cumbersome process for submission and processing of application for compensation	5. Procedures for submission of application and its processing should be simple and hassle free in order to enable less educated, illiterate, poor and unaware victims comply with the same without much difficulty.	5. SLSA and DLSA
6. Delay in sharing of information by police with DLSA	6. Police should share with DLSA information about the crime and victim immediately after registration of FIR.	6. Police
3. Non-availability of disaggregated data on VCS for different crime categories	Access to data and information, and systemic responsiveness: 3. There is an urgent need for SLSAs to prepare and make public disaggregated State data on VCS with focus on different crime categories highlighting number of applications received from victims and courts for compensation, number of victims compensated, amount spent for compensation and such other particulars.	3. SLSA
4. Inadequate responsiveness on the part of Legal Services Authorities to genuine needs of public	4. There is a need for SLSAs and DLSAs to be responsive to genuine needs of public and all those who approach them for different services. Inability or complete silence of SLSAs to share data on VCS and highly inadequate reach of compensation are manifestations of	4. SLSA and DLSA

	<p>inadequate systemic responsiveness. Responsive SLSA and DLSAs will be hugely beneficial for people who depend on their services and those who are engaged in creating an enabling environment for the disempowered people in general and victims of human trafficking in particular.</p>	
<p>Absence of independent mechanism for monitoring utilization of funds under VCS</p>	<p>Independent mechanism for monitoring of utilization of funds: The NHRC may consider setting up a monitoring mechanism in coordination with the State Human Rights Commissions for the purpose of obtaining and analyzing data on utilization of funds under VCS by the States and the Union Territories, and for sending periodic binding and non-binding advisories with a view to making the Schemes effective, efficient, impactful and sustainable.</p>	<p>NHRC and State Human Rights Commissions</p>

Application Particulars and Utilization of Money under VCS

Salient Particulars of performance of VCS under Section 357-A, CrPC between April 2018 to March 2019

S. N.	SLSA	App. received directly by Legal Service Institutions (A)	App./ orders marked/ directed by any Court (B)	App. received including Court Orders (A+B)	App. decided	App. pending	Compensation awarded in (₹)
1	A & N Islands	0	0	0	0	0	0
2	Andhra Pradesh	95	33	128	46	75	12374136
3	Arunachal Pradesh	47	2	49	38	2	7820000
4	Assam	139	423	562	371	547	44770402
5	Bihar	578	243	821	470	18	93785000
6	Chhattisgarh	384	436	820	587	446	38498000
7	D & N Haveli	0	6	6	4	1	650000
8	Daman & Diu	0	0	0	0	0	0
9	Delhi	916	1698	2614	2284	1372	521929000
10	Goa	0	4	4	0	4	0
11	Gujarat	230	189	419	394	181	73409000
12	Haryana	98	334	432	396	115	77911000
13	Himachal Pradesh	36	51	87	33	0	1840000
14	Jammu & Kashmir	26	8	34	19	0	5325000
15	Jharkhand	292	499	791	373	981	59395000
16	Karnataka	1696	559	2255	866	1462	107707275
17	Kerala	114	356	470	150	221	30610000
18	Lakshadweep	0	0	0	0	0	0
19	Madhya Pradesh	650	484	1134	590	446	54420000
20	Maharashtra	114	43	157	104	211	7770000
21	Manipur	0	26	26	0	38	0
22	Meghalaya	80	24	104	31	6	2345000
23	Mizoram	231	56	287	88	51	25072000
24	Nagaland	11	0	11	0	12	0
25	Odisha	1024	275	1299	783	1419	100079187
26	Puducherry	1	2	3	1	0	300000
27	Punjab	337	61	398	138	236	16552350
28	Rajasthan	1295	777	2072	2170	674	276523750
29	Sikkim	0	0	0	0	0	0

30	Tamil Nadu	757	118	875	425	947	57661540
31	Telangana	20	10	30	13	26	0
32	Tripura	31	22	53	69	28	10820000
33	Chandigarh U.T.	7	12	19	10	10	8200000
34	Uttar Pradesh	26	0	26	26	0	3625000
35	Uttarakhand	42	54	96	76	36	16280300
36	West Bengal	136	136	272	198	24	28719806
	Grand Total	9413	6941	16354	10753	9589	1684392746

Source: NALSA. Available at <https://nalsa.gov.in/statistics/r-o-victim-compensation-schemes-report/r-o-victim-compensation-schemes-april-2018-to-march-2019>

- 2.12. Religion: 1. Hindu 2. Muslim 3. Christian 4. Others (specify):
- 2.13. Education: 1. Illiterate 2. Primary (Class I-V) 3. Secondary (Class VI-X)
4. Higher secondary (Class XI-XII) 5. Graduation 6. Post Graduation or above
- 2.14. Do you (victim) possess any vocational or technical skills? 1. Yes 2. No 3. Not applicable
- 2.15. If yes to q. n. 2.14, please name the skill:
- 2.16. Are you (victim) working? 1. Yes 2. No 3. Not applicable
- 2.17. If yes to q. n. 2.16, what is your occupation:
- 2.18. Monthly income of rescued victim (self): 1. No income 2. ₹5000 or less 3. ₹5001-10000
4. ₹10001-20000 5. ₹20001-30000 6. ₹30001-50000 7. More than ₹50000
- 2.19. Main family occupation:
- 2.20. Monthly family income of victim: 1. ₹5000 or less 2. ₹5001-10000 3. ₹10001-20000
4. ₹20001-30000 5. ₹30001-50000 6. More than ₹50000
- 2.21. Brief observation by interviewer on nature of community/society the victim lives in (e.g. cluster of low income families, high-end society, slums, society of different occupation groups etc.):
.....
.....

3. STATUS OF COMPENSATION TO VICTIM

- 3.1. Have you received any financial compensation after you were rescued?
1. Yes 2. No 3. In process
- 3.2. If 'yes' to q. n. 3.1, what is the amount of compensation received by you: ₹.....
- 3.3. If 'yes' to q. n. 3.1, have you received the total compensation money, as ordered/promised by court/ authority?
1. Yes 2. No 3. Not known
- 3.4. If answer to q. n. 3.1 is 'in process', what is the amount of compensation to be received by you:
1. ₹..... 2. Do not know
- 3.5. What is total amount of compensation money (to be answered by those who *have received* or *in process of receiving* compensation if they know the amount):
₹.....
- 3.6. What is nature of compensation received by you: 1. Interim 2. Final

3.7. What were your needs and challenges of life when you received compensation? (multiple answers possible)

- 1. Financial crisis
- 2. Unemployment
- 3. Housing/shelter
- 4. Healthcare
- 5. Legal support
- 6. Social discrimination
- 7. Disruption in studies
- 8. Others (specify):

3.8. Name the agencies/stakeholders which helped/is helping you in processing your application for compensation. (multiple answers possible)

- 1. Advocate
- 2. DLSA
- 3. SLSA
- 4. Police
- 5. Court
- 6. NGO
- 6. Others (specify):

3.9. Name the agency/office that gave/will give you compensation money:

4. STATUS OF NON-RECIPIENT VICTIMS

4.1. Are you aware of any victim compensation scheme under which victims of human trafficking are entitled to receive financial compensation?

- 1. Yes
- 2. No

4.2. If 'yes' to q. n. 4.1, what is the source from which you came to know about victim compensation scheme? (multiple answers possible)

- 1. Advocate
- 2. DLSA
- 3. SLSA
- 4. Police
- 5. Court
- 6. NGO
- 6. Others (specify):

4.3. If 'yes' to q. n. 4.1, please share the reasons (challenges) for not availing the benefit despite knowing about it?

.....
.....
.....

4.4. Do you need financial support for your rehabilitation? 1. Yes 2. No

4.5. If 'yes' to q. n. 4.4, please share the specific purposes for which you need financial compensation.

.....
.....
.....

4.6. Please share the challenges that you have been facing since the time you were rescued (with focus on dealing with family issues, police, advocates, health and others):

.....
.....
.....

4.7. Mental and psychological challenges being faced by victim (tick mark '✓' in appropriate box on the right)

Situations/challenges	Status	
	Yes	No
Take your own decisions		
Apologise for things a lot even if you are not at fault		
Feel easily hurt		
Get very upset in the face of criticism, even if it is constructive in nature		
Feel disturbed due to distressful memories, thoughts or images of past		
Face difficulty in concentrating on activities		
Consider yourself cut off from other people		
Show signs of aggressive behaviour		
Suffer from anxiety or sleep disorder		

[Sections 5-7 are meant for respondents who have received or in the process of receiving compensation]

5. EFFECTIVENESS

5.1. Have you been informed of the purpose for which you received/will receive compensation money?

1. Yes 2. No

5.2. If 'yes' to q. n. 5.1, please share the purpose as informed to you:

5.3. How did/will you actually spend the compensation money?

- 1. Healthcare 2. Income generation 3. Education 4. Legal support
- 5. Counselling 6. Others (specify):

5.4. Please elaborate the purposes (give details) of spending named in q. n. 5.3.

.....

5.5. Has the money been/will be spent for family expenses other than the specific needs of victim?

1. Yes 2. No

5.6. If yes to q. n. 5.5, elaborate the family needs for which money has been/will be spent (other than needs of victim)

.....

5.7. What in your view is/will be the level of effectiveness of compensation money in fulfilling the immediate needs and priorities of your (victim) life?

- 1. Very effective 2. Effective 3. Neither effective nor ineffective
- 4. Ineffective 5. Very ineffective

5.8. Mental and psychological challenges faced by victim prior to receipt of compensation/news of sanction of compensation (tick mark '✓' in appropriate box on the right)

Situations/challenges	Status	
	Yes	No
Take your own decisions		
Apologise for things a lot even if you are not at fault		
Feel easily hurt		
Get very upset in the face of criticism, even if it is constructive in nature		
Feel disturbed due to distressful memories, thoughts or images of past		
Face difficulty in concentrating on activities		
Consider yourself cut off from other people		
Show signs of aggressive behaviour		
Suffer from anxiety or sleep disorder		

5.9. Do you think the way you have utilized/plan to utilize compensation money has been able to or will contribute to improving the situation/counteracting the challenges noted in q. n. 5.8?

1. To a great extent 2. Somewhat 3. Very little
 4. Not at all 5. Cannot say

5.10. What in your view is/will be the level of effectiveness of compensation money in fulfilling the long-term needs and priorities of your (victim) life?

1. Very effective 2. Effective 3. Neither effective nor ineffective
 4. Ineffective 5. Very ineffective

5.11. What in your view are the challenges that hinder effectiveness of victim compensation schemes?

.....

5.12. Please suggest measures that would result in the victim compensation scheme fulfilling the needs and priorities of victims better.

.....

6. EFFICIENCY

6.1. Do you consider the amount of compensation money adequate for the intended purpose?

1. Yes 2. No

6.2. For those who have received compensation, what was the time spent for processing of compensation (time from beginning of process till disbursement of money)?

..... days/ months/ years (strike off as applicable)

6.3. For those who are in the process of receiving compensation, what is the time spent for processing of compensation (time from beginning of process till date)?
..... days/ months/ years (strike off as applicable)

6.4. Do you consider the time spent for processing compensation acceptable? 1. Yes 2. No

6.5. While dealing with agency/authority that paid/will pay compensation, have you made any payment in cash or kind which was unauthorized/ illegal?
1. Yes 2. No

6.6. If yes to q. n. 6.5., please share details of cash or in-kind payment:

6.7. How would you rate the attitude of officials with whom you interacted during processing of your compensation?
1. Very good 2. Good 3. Neither good nor bad
4. Bad 5. Very bad

6.8. Do you have any grievances while dealing with officials? 1. Yes 2. No

6.9. If yes to q. n. 6.8, please share the nature of grievances/difficulties:

6.10. If yes to q. n. 6.8, have complained your grievances to the office? 1. Yes 2. No

6.11. Please share the action taken by officials following your complaint:

6.12. Please suggest measures that would strengthen the administration of victim compensation scheme
.....

7. SUSTAINABILITY

7.1. Have you created any durable assets out of compensation money that would continue to reap benefits for you for a longer time?
1. Yes 2. No

7.2. If yes to q. n. 7.1, please describe the assets:

7.3. Considering the way you have utilized/plan to utilize compensation money, do you think it (compensation) would continue to benefit you in the future?
1. Yes 2. No

7.4. What in your view are the challenges that hinder sustainability of victim compensation scheme?
.....

7.5. Please suggest measures that would contribute to sustainability of benefits of victim compensation scheme

.....
.....

Interviewer's observations (focus on physical infrastructure/assets linked to livelihood, living conditions and other physically observable items that contribute to understanding victim's level of rehabilitation):

.....
.....

Date:

Signature of interviewer:

INTERVIEW SCHEDULE FOR PARENTS AND CAREGIVERS OF RESCUED VICTIMS
Victim Compensation Schemes and Rehabilitation of the Victims of Human Trafficking
Conducted by Human Development Society, Delhi
Supported by National Human Rights Commission (NHRC)

Respondent No.:

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1. SURVEY DATA

State: Village, Block and District:

Name of respondent- parent/guardian/caregiver (optional):

Telephone/Mobile No. (optional):

2. SOCIO-ECONOMIC PROFILE

2.1. How are you related to the victim of human trafficking:

2.2. Social group: 1. Scheduled Castes 2. Scheduled Tribes 3. Other Backward Classes 4. General

2.3. Religion: 1. Hindu 2. Muslim 3. Christian 4. Others (specify):

2.4. Your education: 1. Illiterate 2. Primary (Class I-V) 3. Secondary (Class VI-X)
4. Higher secondary (Class XI-XII) 5. Graduation 6. Post Graduation or above

2.5. Your occupation:

2.6. Your monthly family income: 1. ₹5000 or less 2. ₹5001-10000 3. ₹10001-20000
4. ₹20001-30000 5. ₹30001-50000 6. More than ₹50000

2.7. Describe the circumstances that led to trafficking of the victim:
.....
.....

2.8. Brief observation of interviewer on nature of community/society the victim lives in (e.g. cluster of low income families, high end society, slums, society of different occupation groups etc.):
.....
.....

3. STATUS OF COMPENSATION TO VICTIM

3.1. Has the victim received any financial compensation after his/her rescue?

1. Yes 2. No 3. In process

3.2. If answer to q. n. 3.1 is 'yes', what is the amount of compensation received by you: ₹.....

3.3. If answer to q. n. 3.1 is 'in process', what is the amount of compensation to be received by you: ₹.....

3.4. What is total compensation money (money received + money to be received): ₹.....

3.5. Name the organization which gave the compensation money:

3.6. If no to q. n.3.1, are you aware of any victim compensation scheme under which victims of human trafficking are entitled to receive financial compensation?

1. Yes 2. No

3.7. If yes to q. n. 3.6, what is the source from which you came to know about victim compensation scheme?

.....

3.8. If yes to q. n. 3.6, have you tried to avail the benefit of compensation to victim? 1. Yes 2. No

3.9. *If victim is not receiving compensation:* do you need financial support for the victim's rehabilitation?

1. Yes 2. No

3.10. If yes to q. n. 3.9, please share the specific purposes for which you need financial compensation.

.....
.....

4. EFFECTIVENESS

4.1. Describe the purposes for which compensation money has been/will be spent:

.....
.....

4.2. Elaborate the contribution of compensation to mental and psychological wellbeing of the victim:

.....
.....

4.3. Elaborate the contribution of compensation to fulfilling immediate needs and priorities of victim:

.....
.....

4.4. Elaborate the contribution of compensation to fulfilling long-term needs and priorities of victim:

.....
.....

4.5. What in your view are the challenges that hinder effectiveness of victim compensation scheme?

.....
.....

4.6. Please suggest measures that would strengthen effectiveness of victim compensation scheme.

.....
.....

5. EFFICIENCY

5.1. Do you consider the amount of compensation money adequate for the intended purpose?

1. Yes 2. No

5.2. Do you consider the time spent for processing compensation acceptable? 1. Yes 2. No

5.3. Your comment on prevalence of corruption and malpractices in administration of victim compensation scheme.

.....
.....

5.4. How would you rate the attitude of officials with whom you/victim interacted during processing of compensation?

1. Very good 2. Good 3. Neither good nor bad

4. Bad 5. Very bad

5.5. Please share the challenges which you or the victim might have faced/are facing while availing compensation.

.....
.....

5.6. Please suggest measures that would strengthen the administration of victim compensation scheme.

.....
.....

6. SUSTAINABILITY

6.1. Describe the durable assets created out of compensation money:

.....
.....

6.2. Your comment on scope of long term benefits of compensation money:

.....
.....

6.3. What in your view are the challenges that hinder sustainability of victim compensation scheme?

.....
.....

6.4. Please suggest measures that would contribute to sustainability of benefits of victim compensation scheme

.....
.....

Interviewer's observation:

.....
.....

Date:

Signature of interviewer:

3. STATUS OF COMPENSATION TO VICTIM

3.1. Have you received any financial compensation after you were rescued? 1. Yes 2. No 3. In process

3.2. If answer to q. n. 3.1 is 'yes', what is the amount of compensation received by you: ₹.....

3.3. If 'yes' to q. n. 3.1, have you received the total compensation money, as ordered/promised by court/ authority?

1. Yes 2. No 3. Not known

3.4. If answer to q. n. 3.1 is 'in process', what is the amount of compensation to be received by you: ₹.....

3.5. What is total amount of compensation money: ₹.....

3.6. Nature of compensation: 1. Interim 2. Final

3.7. Name the agency which gave/will give you compensation money:

4. STATUS OF NON-RECIPIENT VICTIMS

4.1. Victim's awareness of victim compensation scheme: 1. Yes 2. No

4.2. Source of knowledge about victims compensation scheme:

4.3. Have you made efforts to avail compensation? 1. Yes 2. No

4.4. Purposes for which financial compensation is needed:

4.5. Challenges being faced in dealing with family issues, police, advocates and others since time of rescue,

.....
.....

4.6. Mental and psychological challenges being faced by victim (tick mark '✓' in appropriate box on the right)

Situations/challenges	Yes	No
Take your own decisions		
Apologise for things a lot even if you are not at fault		
Feel easily hurt		
Get very upset in the face of criticism, even if it is constructive in nature		
Feel disturbed due to distressful memories, thoughts or images of past		
Face difficulty in concentrating on activities		
Consider yourself cut off from other people		
Show signs of aggressive behaviour		
Suffer from anxiety or sleep disorder		

[Sections 5-7 are meant for respondents who have received or in the process of receiving compensation]

5. EFFECTIVENESS

5.1. Purposes for which compensation money has been/will be spent:

.....

5.2. Mental and psychological challenges faced by victim prior to receipt of compensation/news of sanction of compensation (tick mark '✓' in appropriate box on the right)

Situations/challenges	Yes	No
Take your own decisions		
Apologise for things a lot even if you are not at fault		
Feel easily hurt		
Get very upset in the face of criticism, even if it is constructive in nature		
Feel disturbed due to distressful memories, thoughts or images of past		
Face difficulty in concentrating on activities		
Consider yourself cut off from other people		
Show signs of aggressive behaviour		
Suffer from anxiety or sleep disorder		

5.3. Elaborate the contribution of compensation to mental and psychological wellbeing of the victim:
.....
.....

5.4. Elaborate the contribution of compensation to fulfilling immediate needs and priorities of victim:
.....
.....

5.5. Elaborate the contribution of compensation to fulfilling long-term needs and priorities of victim:
.....
.....

5.6. What in your view are the challenges that hinder effectiveness of victim compensation scheme?
.....
.....

5.7. Please suggest measures that would strengthen effectiveness of victim compensation scheme.
.....
.....

6. EFFICIENCY

6.1. Do you consider the amount of compensation money adequate for the intended purpose?

1. Yes 2. No

6.2. Time spent for processing of compensation: days/months/years (strike off as applicable)

6.3. Do you consider the time spent for processing compensation acceptable? 1. Yes 2. No

6.4. Elaborate the nature of corruption and malpractices in administration of victim compensation scheme, as faced by you while dealing with officials?

.....
.....

6.5. Please share the challenges which you or the victim might have faced/are facing while availing compensation.

.....
.....

6.6. Please suggest measures that would strengthen administration of victim compensation scheme.

.....
.....

7. SUSTAINABILITY

7.1. Describe the durable assets created out of compensation money:

.....

7.2. View on long term benefits of compensation money:

.....
.....

7.3. What in your view are the challenges that hinder sustainability of victim compensation scheme?

.....
.....

7.4. Please suggest measures that would contribute to sustainability of benefits of victim compensation scheme

.....
.....

Interviewer's observation:

.....
.....

Date:

Signature of interviewer:

QUESTIONNAIRE FOR KEY INFORMANT INTERVIEWS

Victim Compensation Schemes and Rehabilitation of the Victims of Human Trafficking Conducted by Human Development Society, Delhi Supported by National Human Rights Commission (NHRC)

Respondent No. (office use only):

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1. SURVEY DATA

Name of officer: Designation:

Department/Organisation:

Official telephone/mobile no.:

2. ADMINISTRATION OF VICTIM COMPENSATION SCHEME (VCS)

2.1. Please elaborate the nature and administrative arrangement of VCS which is being implemented by your department/ organization (please share supporting documents like brochure, annual report etc.):

.....
.....

2.2. Please provide year-wise data of number of victims of human trafficking compensated during last five years:

Year	Number of trafficking victims compensated
2018-19	
2017-18	
2016-17	
2015-16	
2014-15	

2.3. Please provide year-wise data of money spent for VCS and for compensating human trafficking victims:

Financial Year	Total budget under VCS	Total amount spent under VCS	Total amount spent for compensation of victims of human trafficking
2018-19			
2017-18			
2016-17			
2015-16			
2014-15			

2.3. Average time spent for processing of a compensation case: days/months (strike off as applicable)

2.4. Challenges faced by your office in administering VCS:

2.5. Does your office have any mechanism to redress complaints of victims regarding administration of VCS?

- 1. Yes 2. No

2.6. If yes to q. n. 2.5, please elaborate:

3. COMMENTS AND SUGGESTIONS

3.1. Elaborate the contribution of VCS to mental and psychological wellbeing of the victims of human trafficking:

3.2. Elaborate the contribution of compensation to fulfilling immediate needs and priorities of victims of human trafficking:

3.3. Elaborate the contribution of compensation to fulfilling long-term needs and priorities of victims of human trafficking:

3.4. What in your view are the challenges that hinder effectiveness (or fulfillment of objectives) of victim compensation scheme (VCS)?

3.5. Please suggest measures that would strengthen effectiveness of VCS.

3.6. Please suggest measures that would strengthen the administration of VCS.

3.7. Your comment on scope/possibility of long term benefits of compensation money:

3.8. What in your view are the challenges that hinder sustainability of benefits of VCS?

3.9. Please suggest measures that would contribute to sustainability of benefits of VCS

Date: Signature of interviewer/interviewee:

QUESTIONNAIRE FOR KEY INFORMANT INTERVIEWS - NGO FUNCTIONARIES
Victim Compensation Schemes and Rehabilitation of the Victims of Human Trafficking
Conducted by Human Development Society, Delhi
Supported by National Human Rights Commission (NHRC)

Respondent No.(office use only):

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1. SURVEY DATA

Name of NGO Functionary: Designation:

Name of NGO: Telephone/mobile no.:

2. COMMENTS AND SUGGESTIONS

2.1. Elaborate the extent and nature of contribution of VCS to psychological wellbeing of the victims of human trafficking:

2.2. Elaborate the extent and nature of contribution of compensation to fulfilling immediate needs and priorities of victims of human trafficking:

2.3. Elaborate the extent and nature of contribution of compensation to fulfilling long-term needs and priorities of victims of human trafficking:

2.4. What in your view are the challenges that hinder effectiveness (or fulfillment of objectives) of victim compensation scheme (VCS)?

2.5. Please suggest measures that would strengthen effectiveness of VCS.

2.6. Please suggest measures that would strengthen the administration of VCS

2.7. What in your view are the challenges that hinder sustainability of benefits of VCS?

2.8. Please suggest measures that would contribute to sustainability of benefits of victim compensation scheme

Date: Signature of interviewer/interviewee:

NATIONAL HUMAN RIGHTS COMMISSION

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