

## **Case Study: Kidnapping and trafficking of minor girls- Jhansi**

### **Synopsis**

Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of men, women and children fall into the hands of traffickers. Article 3, paragraph (a) of the UNODC Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. Human trafficking is a form of modern slavery where people profit from the control and exploitation of others. A few cases of human trafficking were reported in Jhansi district also. A case study of the case, along with police response is explained in the document. The travails of a trafficked victim, the modus operandi of the accused and the recovery of the victims and the investigation into the case are discussed in detail.

### **Case Details:**

**Crime Number: 100/15 PS Moth District Jhansi u/s 363,366,120 B IPC dated 22.04.2015**

### **The First Information Report:**

Skipping expatiation on the story, a vignette of facts as unveiled is that the complainant (father of the victim Mr.ABCD) informed the Police Station Moth district Jhansi that his daughters Ms.X and Ms.Y (names changed for anonymity)were kidnapped by Mr. Kamlesh s/o Ganga Prasad Kushwaha , Rambihari s/o Ganga Prasad Kushwaha ,Kamal s/o GangaPrasad Kushwaha and Ravindra s/o Siyacharan with the help of Mrs. Manisha w/o of Ravindra. He also informed that the girls were given to the custody of one Mr. Mahendra Singh Yadav who is a resident of Ahmedabad. An amount Rs.10000 was transferred to the bank account of Ms.X by the accused. Based on this information a FIR was registered in PS Moth.

### **The Story Unfolds:**

Mr. Kamlesh was arrested and during course of interrogation it was clear that he had deceitfully induced (trafficked) the girl to Gujarat giving false hopes of giving her a job with the help of her friend Mrs. Manisha who is also an accused in this case. He also admitted to transferring an amount of Rs.10000 to the victim's account. The victims were sold to Mr. Mahendra Yadav for a sum of Rs.150000 and Manisha's share in the deal was Rs.30000.

On reaching Ahmedabad, the girls were taken to Mahender's house.Kamlesh accompanied them. Mahender and Kamlesh abused and molested Ms.X (according to her statement) for many days and the victims had to suffer mental and physical trauma.

The accused Mahendra Singh Yadav s/o Jagjit Singh Yadav resident of JantaNagar Samradhi Colony PS Chand Kheda Ahmedabad Gujrat (permanent resident of village Nagla Bhara PS Dhiraur Mainpuri UP) was arrested. Interrogation revealed some bone chilling facts. Kamlesh sold the girls to him for an amount of Rs.150000. They were abused in Ahmedabad for days and were threatened of dire consequences if they dared to speak up. The girls were taken to his home town in Mainpuri and were sold to Mr. Sunil who was a resident of Mohammedabad, Farrukkabad.

Based on this information the police team raided the suspected location in Mohammedabad and arrested Sunil. The girls were also recovered. They were trying to shift their base to Agra. The

other accused viz – Ravindra Kushwaha s/o Siyasaran Kushwaha, Mrs. Manisha w/o Ravindra Kushwaha were also arrested from there.

Sunil revealed that Mahender gave the victims to him in Agra and he took the victims to Mainpuri and then to Farrukkabad and was abusing them.

Statement of Ms.X: We knew Kamlesh through Manisha. She made me talk to Kamlesh and he talked about arranging a job for me. We met and then we went along with Kamlesh on 16.04.2015. We went to Ahmedabad with Mahender. Mahender used to stay in a rented accommodation. He abused me there many times. After two days On 19.04.2015 we were taken to Agra and I was abused and molested for 4 days and threatened to kill my little sister Ms. Y. We were taken to his village in Mainpuri. We got to know that Kamlesh had sold us to Mahendra for Rs.150000 and Manisha's share was Rs.30000. We were handed over to Sunil. Sunil took us to Agra and then to Sikandra. He took us to a rented room and abused me for 4-5 days. Then we were taken to Mohammedabad. On 6.6.15 we met Manish and Ravindra there and we were about to be taken somewhere else when police recovered us and arrested the accused.

**Points to ponder:**

A few pertinent points worth notice are

- The victims were abducted (deceitfully induced to go along with Kamlesh) (363 IPC)
- Mrs. Manisha abetted the abduction by imposing her friendship with the minor girl.
- She was forced to have illicit intercourse with the accused. (366 IPC, 366A IPC, 376 D IPC)
- The victims were kept in wrongful confinement (368 IPC)
- The victims were trafficked and exploited and sold. (372 IPC)
- The victims being minors, POCSO act also applies.
- The victims were coaxed into accompanying the accused to Ahmedabad – How vulnerable are our children?
- The victims were sold multiple times – Is it humane?

Based on the above observations the case was altered to sections 363/366A/368/372/376(2) (i)/120B/506 IPC and sections 4/5 of POCSO Act.

**Police Response – Recovery and Beyond:**

The recovery of the victims was the first and foremost goal. A special team was formed to track down the accused and to get information regarding the victims. We got information regarding Mahender from Kamlesh who was arrested earlier during the investigation. Mahender's whereabouts were tracked and he too was arrested. But the victims were already being sold to the next man in the chain. At last they were recovered from Farukkabad. The mandatory medical tests were conducted for the victims at Jhansi District Hospital. The statements of the victims were recorded before the magistrate under section 164 of CrPC. The mobile phones used by the accused for committing this crime had been recovered, thus establishing the crucial link in the entire chain of events. The charge sheet was filed before the Magistrate.

A helping hand for the victims?

The Station House Officer of the Mahila Police Station was briefed to console the young victims who were subjected to extreme trauma during their days in captivity. She spent time with the victims, ensuring that they come out of the traumatized state.

**Conclusion**

To conclude, it is professionally satisfying to have ensured the recovery of minor girls and to bring the perpetrators of this dastardly crime to book. But a few questions remain. How vulnerable are our children? How easy it was to coax innocent victims to a faraway place only to be abused and molested? What could be done to stem the crime – which is no less than a crime against conscience? More Police on the streets is obviously not a solution. Making the kids understand the dangers waiting for them at a very early age and make the parents aware of the laws for the protection of their children could be the way out. A coordinated effort with the Police, Child Welfare Committee and the interested NGO's is the need of the hour.