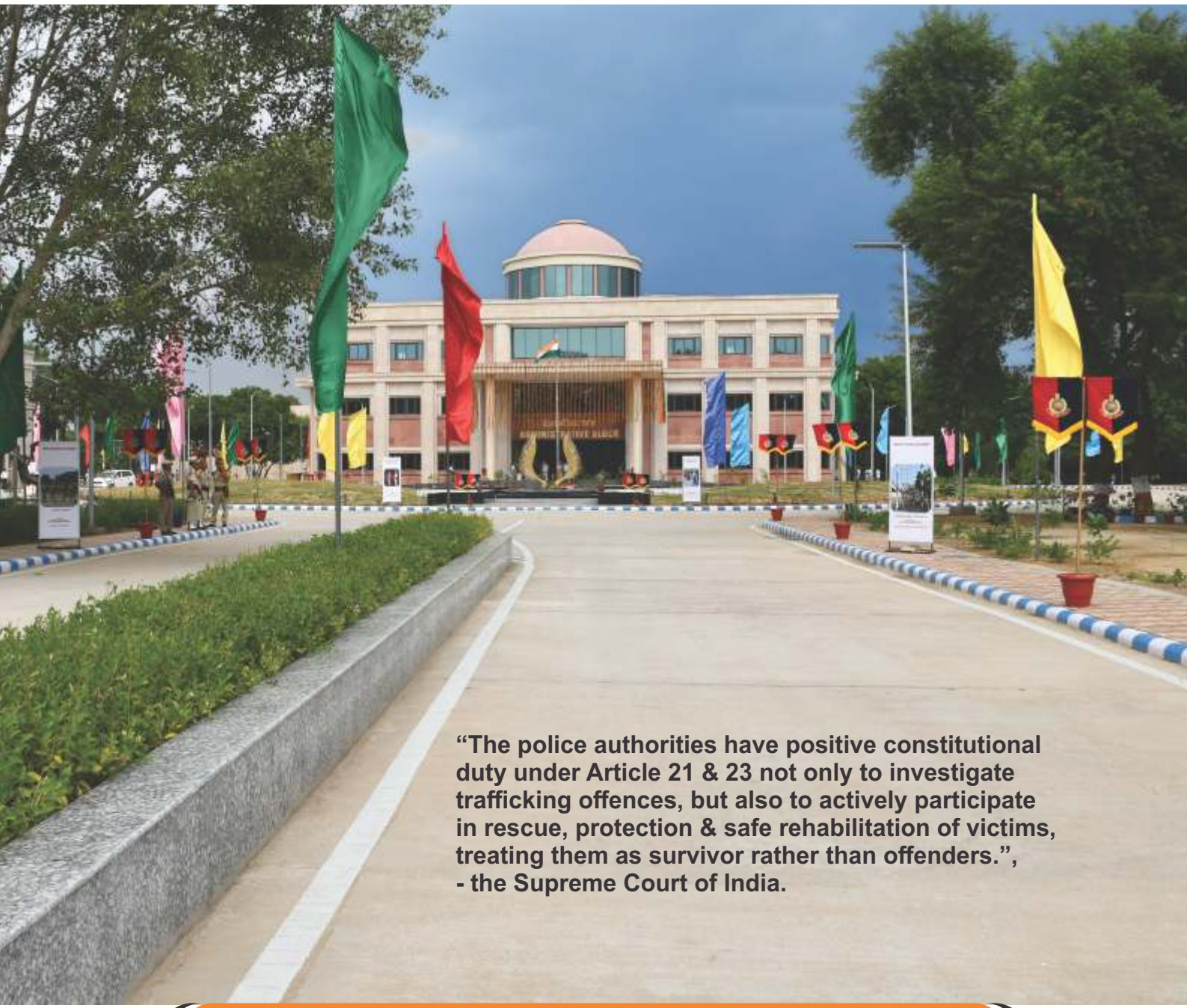
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DELHI POLICE ACADEMY

MISCELLANEOUS APPLICATION NO. 530 OF 2022 IN
WRIT PETITION (CIVIL) NO. 56 OF 2004
DATE OF JUDGEMENT 29th MAY 2026

40th Edition
July 2026



"The police authorities have positive constitutional duty under Article 21 & 23 not only to investigate trafficking offences, but also to actively participate in rescue, protection & safe rehabilitation of victims, treating them as survivor rather than offenders.",
- the Supreme Court of India.

PRAJWALA...PETITIONER(S)
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Facts of the case

The legal proceedings stem from a long-standing Public Interest Litigation (PIL) originally filed in **2004** by **Prajwala**, a prominent Hyderabad-based anti-trafficking non-governmental organization co-founded by activist Dr. Sunitha Krishnan. The organization specializes in the prevention of human trafficking as well as the rescue, rehabilitation, and reintegration of survivors of sexual exploitation.

The original writ petition was brought before the Supreme Court of India to challenge widespread structural failures, fragmented legal frameworks, and a lack of uniform rehabilitation mechanisms for victims of Commercial Sexual Exploitation (CSE) and Commercial Exploitation and Human Trafficking (CEHT). Over two decades, the Supreme Court monitored the matter under the doctrine of **continuing mandamus**, issuing periodic directions to improve coordination among police agencies, set up rehabilitation protocols, and strengthen victim protection measures.

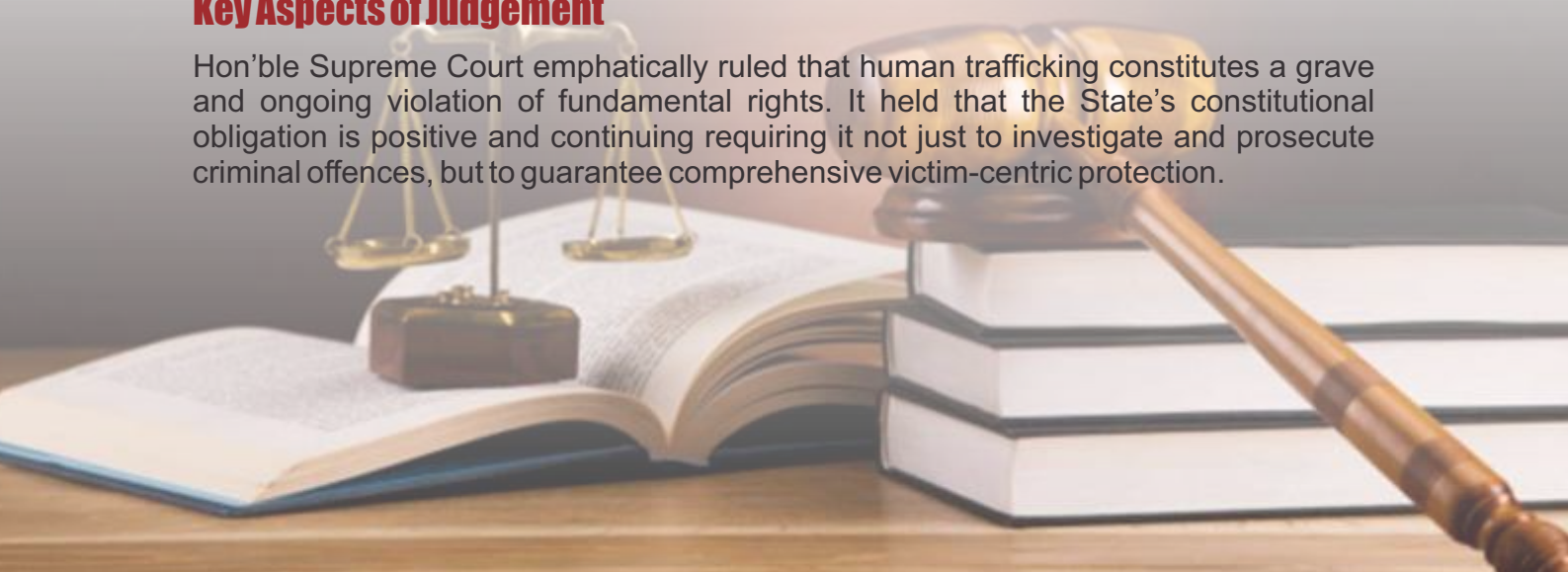
In December 2015, the Court initially disposed of the petition based on Union Government assurances that it would establish a specialized **Organised Crime Investigative Agency (OCIA)** and enact comprehensive anti-trafficking legislation. However, due to continued implementation gaps, *Prajwala* filed **Miscellaneous Application No. 530 of 2022** to address persistent operational challenges in rescue and post-rescue care, enforce compliance by State authorities, and demand a structured national framework.

Issues Advance

- **Violation of Fundamental Rights:** Whether India's existing anti-trafficking framework fails to protect citizens from violations guaranteed under **Articles 21 (Right to Life and Personal Liberty) and 23 (Prohibition of Traffic in Human Beings and Forced Labour)** of the Constitution of India.
- Rehabilitation as a Fundamental Right: Whether the State's duty to rehabilitate trafficked persons is an enforceable component of Article 21, or merely an ancillary, discretionary policy choice.
- **Judicial Enforcement and Systemic Compliance:** Whether the judiciary can issue continuing mandamus directions under **Articles 32 and 142** to fill systemic gaps in enforcement and policy implementation when executive bodies fail.
- **Uniform National Frameworks:** Whether a centralized, judicially supervised victim protection protocol is necessary to ensure consistent protection across all States and Union Territories (UTs).

Key Aspects of Judgement

Hon'ble Supreme Court emphatically ruled that human trafficking constitutes a grave and ongoing violation of fundamental rights. It held that the State's constitutional obligation is positive and continuing requiring it not just to investigate and prosecute criminal offences, but to guarantee comprehensive victim-centric protection.



A. Rehabilitation as an Integral Component of Article 21

The Apex Court ruled that rehabilitation cannot be separated from human dignity. Survivors frequently face severe poverty, social exclusion, intimidation, psychological trauma, and high risks of re-trafficking even after physical rescue. Therefore, the judgment establishes that **rehabilitation is a mandatory constitutional obligation**, compelling the State to provide sustainable pathways for reintegration.

B. Consent as the Decisive Test (Distinguishing Trafficking from Sex Work)

A critical breakthrough in the judgment is the clear legal boundary drawn between organized human trafficking and voluntary adult sex work:

- **Autonomy and Consent:** The Court ruled that consent is the primary criterion. Police and law enforcement authorities cannot automatically presume trafficking or launch coercive, forced "rescues" or detentions against voluntary adult sex workers acting of their own free will.
- **Prohibition of Arbitrary Detentions:** Rescue operations under statutes *like the Immoral Traffic (Prevention) Act* must strictly focus on elements of exploitation, force, coercion, and minors. Law enforcement must conduct a preliminary inquiry into indicators of force or coercion before taking disruptive action, ensuring that moral assumptions do not strip adult sex workers of their dignity and equal legal protection.

C. Institutional Mechanisms and the Victim Protection Plan (VPP)

Because existing legal frameworks suffered from fragmentation and poor inter-agency coordination, the Supreme Court mandated the nationwide implementation of a structured **Victim Protection Plan (VPP)** spanning multiple operational phases: pre-rescue and rescue, post-rescue trauma-informed care, institutional rehabilitation, livelihood integration, witness protection, and victim compensation.

- **One-Stop Centres (OSCs):** Designated as the district-level mainstay for the Ministry of Women and Child Development. OSCs provide integrated, immediate, and emergency/non-emergency support (medical aid, legal assistance, temporary shelter up to 5 days, police assistance, and psychological counseling) under one roof. Long-term shelter is coordinated through Shakti Sadan homes.
- **Integrated Child Protection Framework:** The judgment harmonizes the operations of **Child Welfare Committees (CWCs), Anti-Human Trafficking Units (AHTUs), One-Stop Centres (OSCs), District Legal Services Authorities (DLSAs), and Protection Homes**.
- **Uniform Rehabilitation Standards:** States and UTs are legally bound to deliver safe/hygienic shelter, trauma-informed mental health support, vocational training, viable livelihood opportunities, free legal aid, statutory victim compensation, and absolute witness protection during ongoing trials.



D. The Inter-Agency Coordination Model

To resolve systemic delays and lack of communication, the Court formulated a synchronized coordination model involving:

1. Local police forces and specialized Anti-Human Trafficking Units (AHTUs)
2. Child Welfare Committees (CWCs) and One-Stop Centres (OSCs)
3. State and District Legal Services Authorities (SLSAs/DLSAs)
4. Civil society organizations (CSOs) and recognized protection homes

E. Implications for Police Practice and Law Enforcement

The judgment profoundly elevates the operational standards expected of police machinery, shifting it from a purely punitive model to a protective, rights-based paradigm:

- **Positive Constitutional Duty:** Police officers are designated as constitutional guardians of vulnerable victims, obligated to actively participate in safe rescue and protection rather than treating victims as offenders.
- **Mandatory Procedural Safeguards:**
  - **Prompt FIR Registration:** First Information Reports in trafficking cases must be registered promptly and investigated thoroughly.
  - **Primacy of Victim Statements:** Victim testimonies must be recorded carefully, sensitively, and treated with primary evidentiary weight.
  - **Dignified Operations:** Rescue actions must avoid secondary victimization, public shaming, or unnecessary criminalization.
- **Accountability:** The judgment explicitly warns that systemic failure or apathy by police machinery in trafficking cases amounts to a direct constitutional violation of fundamental rights, raising institutional accountability to the highest level.

Conclusion

This judgment deals with reinforcement of victim centric, duty bound & co-ordinated policing framework for human trafficking case. The judgment clarifies that police authorities have positive constitutional duty under Article 21 & 23 not only to investigate trafficking offences but also to actively participate in rescue, protection & safe rehabilitation of victims, treating them as survivor rather than offenders. It emphasizes that police investigation in trafficking case must be coordinated with other agencies which is essential for effective enforcement. This ruling of Supreme Court elevates the role of the police from mere law enforcement to a constitutional guardian of vulnerable victims, with an obligation to ensure both justice and rehabilitation in trafficking cases.

