



**ONLINE CONSULTATION ON CHALLENGES IN  
IMPLEMENTATION OF THE IMMORAL TRAFFIC (PREVENTION)  
ACT STATE RULES OF 2009**

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**JOINTLY ORGANIZED BY**

**PRAYAS AND THE DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT,  
GOVERNMENT OF MAHARASHTRA**

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**PRAYAS, A FIELD ACTION PROJECT OF  
TATA INSTITUTE OF SOCIAL SCIENCES, MUMBAI.**

## **Online Consultation on Challenges in Implementation of the Immoral Traffic (Prevention) Act State Rules of 2009**

**April 20, 2022**

On 20<sup>th</sup> April, 2022, Prayas and the Department of Women and Child Development, Government of Maharashtra, jointly organised an online workshop related to the challenges faced by the staff of the government women institutions with regard to implementation of the Immoral Traffic (Prevention) Act State Rules of 2009. This was attended by fourteen staff (Superintendents and Probation Officers) across eleven<sup>1</sup> districts and representatives of the Commissionerate, Department of Women and Child Development, Government of Maharashtra.

The workshop began with an introduction given by Dr. Sharon Menezes, Jt. Director of Prayas who explained the objective of conducting this workshop and getting to know the challenges faced by the staff with regard to implementation of the Immoral Traffic (Prevention) Act State Rules of 2009. The workshop was organised in continuation with a decision made in the previous meeting (on July 13, 2021) of the State Advisory Committee for Rescue and Rehabilitation of Women and Children Trafficked for Commercial Sexual Exploitation. At that meeting, Prayas and Tata Institute of Social Sciences had suggested that challenges faced by staff of government protective homes must be addressed with respect to implementation of Maharashtra State Rules of ITPA. It was decided that an online workshop would be organized to listen to the challenges faced by staff of government protective homes. A report was to be then submitted to the State Advisory Committee. Following the online workshop, a google form was also circulated to participants who attended the workshop, for further information.

While some of the responses were also related to issues of other shelter homes (besides protective homes), the same have been captured in this report, as shelter homes play a crucial role in preventing women's exposure to exploitation and are also spaces for rescued women who have no family support. Further, institutions may house both women in distress as well as women rescued under the ITPA. The responses of the participants are organized as per the issues raised by participants and the corresponding provisions under State Rules of ITPA, GoM. While the challenges and suggestions listed in this report may not be exhaustive, they point to the need to address key issues to bring change. The participants' responses are followed by key suggestions that emerged from their responses.

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<sup>1</sup> Mumbai, Thane, Solapur, Nagpur, Nanded, Sindhudurg, Aurangabad, Ratnagiri, Kolhapur, Karad and Raigad.

I. **Summary of responses**

<b>Challenges</b>	<b>Provisions in ITPA State Rules</b>
<b>1. Medical examination</b>	
<p>Two types of medical tests are done – one at the time of admission into the institution, another when some medical problems arise. The general medical test is done at the time of admission and HIV testing may be done after 2-3 days on acquiring the respective court orders in that regard.</p>	<p><b>Rule 43) Medical examination</b></p> <p>(1) Every inmate shall be medically examined and weighed once in every month. The Superintendent shall submit a statement before the tenth day of every month to the Commissioner or any other person authorized by him in this regard, specifying the details of medical examination and weight of inmates.</p>
<p>The general medical test, HIV test, pregnancy tests are done compulsorily. To protect women, it is essential that HIV tests of women rescued from prostitution are done prior to their admission into the Protective Home.</p>	<p><b>Rule 43 Medical Examination</b></p> <p>3) An HIV test shall not be conducted unless recommended by a medical professional. Any HIV test shall compulsorily be accompanied by pre-test and post-test counselling and follow-up by an agency recognized by NACO or MSACS;</p> <p>4) In case an inmate has been found to be HIV positive, all necessary steps shall be taken by the Superintendent and the staff that his HIV positive status is not revealed to any other person or inmate inside or outside the home or institution.</p> <p>5) HIV positive inmate shall not be discriminated against, on any grounds. No direct or indirect effort shall be made to separate such an inmate from other inmates.</p>
<p>When the institution staff accompany women to the hospital, there is no staff in the institution due to shortage of staff. Many a times, staff do not have police escorts to take the women to the hospital. During medical emergencies at night, due to less staff there are many problems faced. There are also very few medical staff in the institution due to which there is load on one staff only. Often, caretakers work 10-12 hours a day.</p>	<p><b>Rule 43 Medical Examination</b></p> <p>4) The inmates suffering from minor ailments shall be treated by the Medical Officer of the protective home or corrective institution. If any inmate is suffering from serious illness, he shall be taken to the nearest hospital for admission and a report thereof shall immediately be sent to the nearest Magistrate. A copy of the report shall be simultaneously sent to the Commissioner or any person authorized by him in this regard.</p> <p><b>Rule 49) Admission into protective homes or corrective institution</b></p> <p>(1) The Medical Officer shall then conduct thorough medical examination of such person and shall record the findings in the necessary medical sheet.</p>

	Where there is no post of Medical Officer, such person shall be taken to the nearest hospital for examination.
Due to shortage of staff, it is difficult to arrange for escorts for women requiring hospital visits.	<p><b>Rule 45) Removal to Government or civil hospital for treatment</b></p> <ol style="list-style-type: none"> <li>(1) Whenever the Medical Officer of a protective home or corrective institution considers it necessary to remove an inmate to a Civil Hospital for treatment as an indoor patient, he shall draw up a full statement of the case and forward the same to the Superintendent who shall forthwith cause the inmate concerned to be sent to the hospital.</li> <li>(2) The inmate shall immediately proceed under escort provided by the Superintendent to the hospital and present himself to the officer-in-charge of the hospital.</li> <li>(3) The inmate shall be an indoor patient in the hospital and shall not leave it until formally discharged therefrom.</li> <li>(4) The authorities of the hospital shall intimate to the Superintendent concerned before discharging the inmate from the hospital. On receipt of intimation, the Superintendent shall arrange for an escort to fetch the inmate. The subsistence allowance, bus or other fare and any other allowances necessary for the inmate and the escort shall be given to the escort so arranged by the Superintendent. Such charges shall be paid to the escort, while removing the inmate from the protective home or corrective institution to the hospital.</li> </ol>
<b>2. Staff shortage</b>	
One clerk handles the work of 3 staff and there is only one Counselor and Instructor. Many staff positions are vacant in the institutions whereby there is an urgent need to fill up the vacant positions. Since in majority of the institutions, there are many vacant positions, this issue should be taken up immediately with the higher authorities.	<p><b>Rule 10) Appointment of persons employed in protective homes and corrective institutions</b></p> <p>(4) Every protective home or corrective institution shall have a Superintendent, Probation Officers, literacy teacher/s, vocational instructors, medical officer, residential nurse, caretakers and visiting doctors such as gynaecologist, psychiatrist, qualified counsellors and skin specialist or dermatologist.</p>
There is also a need of a night watchman in the institutions. Another humble request is that instead of male staff, female staff should be appointed in the institutions for women.	
There is a need for a visiting psychiatrist in the institutions to counsel the women	

inmates. Due to lesser honorarium amount, the psychiatrists do not want to visit the institution, therefore it is necessary that the government raises the honorarium amount.

In one of the institutions, out of the 35 women admitted into the institution, 25 women are mentally challenged, 2 inmates are pregnant while 3 other women have some medical problems. Therefore, there is a need for a doctor to daily visit the institution for a medical check-up of the women.

There is only 1 caretaker, 1 clerk and 1 Instructor in one institution. The staff handling the responsibility of Superintendent holds additional charge and there is no post of a Probation Officer. There are 7 vacant positions and since there is no nurse in the institution, it is difficult to handle mentally challenged women.

There is shortage of staff in these institutions to handle the mentally challenged women. Therefore, there is a need to fill up the vacant positions in the institutions. Many women institutions refuse to admit the mentally challenged women due to which we cannot transfer these women.

It will be easier to work with these women if the government fills the vacant positions in all the institutions and also gives the grants on time.

There is also a need of Probation Officers in all the institutions who can counsel the women, conduct home visits, institution visits, etc. to help in the rehabilitation of the women.

The Principal Secretary of the Home Department was present in a meeting where the issue of police escort was profoundly discussed. The Principal Secretary had ordered the Home Department to provide police escorts to the women institutions whenever required. But this order is not being implemented due to which there is a

<p>need to conduct another meeting related to this issue.</p>	
<p><b>3. Staff guidance and training</b></p>	
<p>Staff listed challenges, implying that guidance is required in the following areas:</p> <ul style="list-style-type: none"> <li>- Addressing frustration amongst women in distress: There is CCTV coverage in Ashadeep Mahila Vastigruha, Jalgaon and there is 24 hours police escort security due to an incident which occurred in the institution during which the women quarrelled with each other. It is difficult to cope with women who are in distress and express frustration.</li> <li>- There is shortage of required manpower to attend to the mentally challenged and disturbed. There is need for a medical and rehabilitation plan of these mentally challenged women.</li> </ul>	<p><b>Rule 11) Training of persons employed in protective home or corrective institutions</b></p> <ul style="list-style-type: none"> <li>(1) The protective home or corrective institution shall provide for training to each category of staff, in keeping with their responsibilities and specific job requirements.</li> <li>(2) The training program should include, <ul style="list-style-type: none"> <li>(a) Orientation and training of newly recruited staff to cover areas of knowledge, attitude and practice,</li> <li>(b) Refresher training courses for every staff member at least once in a year, and</li> <li>(c) Staff conferences, seminars, workshops alongwith the various components or functionaries under the Act, Juvenile Justice System and the Government, at various levels of the personnel organization.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>- In each institution, there is a need for change of positive vision towards the women. We need to reflect on why the woman has come into the institution, and what are her problems and needs. Each and every staff of the institution needs to behave appropriately with the women whereby the women should feel at home in the institution.</li> <li>- For this, there is a need for capacity building and sensitization of the institution staff such as Probation Officers, caretakers, cook, etc. whereby they will be able to handle aggressive women thereby reducing the problems in the institution.</li> </ul>	
<p><b>4. Infrastructure for education and vocational training</b></p>	
<p>NGOs are involved in facilitating education and vocational training in some institutions and after discharge. Illustrations:</p> <ul style="list-style-type: none"> <li>- In Navjeevan Mahila Vastigruha, the duration of stay in the institution ranges from 21 days to one year. During their stay in the institution,</li> </ul>	<p><b>Rule 9) Establishment and maintenance of protective home or corrective institution.</b></p> <ul style="list-style-type: none"> <li>(3) The protective home and corrective institution shall provide facilities for formal as well as non-formal education to inmates of the protective home and corrective institution. The education shall also</li> </ul>

through various NGOs, vocational trainings related to tailoring, beauty parlour, preparing paper/cloth bags, etc. is provided. After their discharge from the institution, the women are helped by the NGOs only.

- In Tejaswini Mahila Vastigruha, Freedom Foundation NGO provides training in fast foods, preparing cloth/paper bags and envelopes. Counseling is provided by an NGO. Help is sought from NGOs for assistance for the rehabilitation of the women.
- Jan Shikshan Sansthan provides certified courses such as agarbatti making and other courses suggested by the women in Savitribai Phule Mahila Vastigruha.
- The trainings provided in Karuna Mahila Vastigruha are tailoring, beauty parlour, cooking, pickle and papad making, cake making, rakhi making, broom making and nursing. Two women were helped in securing the jobs of caretakers while 3 women have completed their 10<sup>th</sup> Std. Six women were provided Rs.50,000/- by NGOs for self-employment. Presently, in Karuna Mahila Vastigruha, there is a pilot project being implemented jointly by the Department of Women & Child Development and Department of Skill Development. The Department of Skill Development is trying to rehabilitate the women who have undergone trainings under this pilot project during their stay in the institutions. Two women from West Bengal who have undergone a training are being helped by the department of women and child development for securing some employment in the hospitals of West Bengal.

include the modern vocational training courses, which are required in day-to-day life.

(5)The protective home or corrective institution shall provide

- a) the facility for professional assistance psychologist, social workers or counsellors, etc.
- b) facilities for creative learning and participatory programs in seminars for resocialization of inmates of the protective home or corrective institution
- c) facilities for sports (indoor and outdoor), yoga, music and other extra curricular activities like debates, competition, painting, literary works, cultural programs, etc., to the inmates of the protective home or corrective institution.

(6) A library and other recreational facilities shall also be made available in the premises of the protective home or corrective institution.

#### **Rule 34) Educational and vocational training of the inmates**

- (1) Provision shall be made for general education in all protective homes and corrective institutions. Besides general education, each protective home and corrective institution shall, as far as possible, provide for the vocational training of the inmates. Training in housekeeping, tailoring, cooking, nursing, office maintenance, gardening, horticulture, para-medical, para-legal, social work, balwadi teacher's training, and the like may be provided. All courses of training shall be approved by the Commissioner or any person authorized by him in this regard.
- (2) Instructors shall be engaged for imparting general education and for giving vocational training to the inmates.
- (3) Instructors shall have a joint meeting with the Probation Officer to work out the rehabilitation prospects of every inmate and shall also have monthly meetings to review the progress made in each case.
- (4) Training shall be divided into two parts. The basic training and certified courses under the guidance of the Government training institutes such as ITI, KVIC, MAVIM and other non-governmental agencies. On successful completion of such courses, certificates of training shall be issued by the training institutes. The certificate shall mention the name of the inmate and training received.

<ul style="list-style-type: none"> <li>- Normally, tailoring courses are provided to the women, but it has been observed that many women are not interested in tailoring whereby there is a need to introduce new innovative courses. Or such courses should be provided which will help the women secure some employment on their discharge from the institutions. There is need to maintain a follow-up with the discharged/released women from the institution but due to lack of sufficient manpower and also in some institutions due to no Probation Officers, maintaining a follow-up with the released/discharged women becomes very difficult.</li> <li>- It is observed that in metropolitan cities like Mumbai, Pune, etc. vocational training activities and other facilities for the rehabilitation of the women are provided by NGOs. But this is not so with regard to rural districts where there are not many NGOs to provide such facilities for the women inmates of the government institutions to assist in their future rehabilitation.</li> <li>- In districts, where there are no NGOs, the Superintendent of the institution can take the help of Lions Club, Rotary Club, etc.</li> </ul>	
<p><b>5. Legal services</b></p>	
<ul style="list-style-type: none"> <li>- Legal aid is mostly not available to rescued women and women in shelter homes</li> <li>- In majority of the districts, One Stop Centres have been opened where all the required services are provided under one roof - the women are provided legal services, para-medical counselling, etc.</li> </ul>	<p><b>Rule 9 (3) The State Government shall appoint a Duty Counsel from the District legal Services Authority in every protective home and corrective institution to give legal aid and guidance to the inmates of the protective home or corrective institution, in consultation with the Maharashtra State Legal Services Authority.</b></p>



<ul style="list-style-type: none"> <li>- One Stop Centres are not functioning in all districts.</li> <li>- The women are kept in the One Stop Centres only for 2-4 days after which they are sent back to the previous institution.</li> <li>- One Stop Centres are for providing temporary shelter only.</li> <li>- All government women institutions should be equipped with the necessary infrastructure as is the case with One Stop Centres whereby the women can be helped out properly because the women stay for a longer period of time in women institutions. And immediate assistance is provided to the needy women in the One Stop Centres.</li> <li>- There is no need to take the women from the institutions to the One Stop Centres for receiving assistance, rather the staff of the One Stop Centres only can visit the women institutions and provide the necessary assistance to the women.</li> <li>-</li> </ul>	
<b>6. Permitting women to go outside the institution for education/training/employment</b>	
<ul style="list-style-type: none"> <li>- It is risky to send women out for trainings or employment as there is a possibility of them running away.</li> <li>- In Navjeevan Mahila Vastigruha, we had tried this where the women were taken out for training in the vehicles of NGOs. But the women also need to cooperate with the institution staff otherwise it will be problematic to the staff.</li> <li>- If the court has ordered that the women be sent out of the institution for trainings then they can be sent. The institution staff will not face problems as they can show the rehabilitation plan of the respective women to the court. There is a need for police escort in this regard and also coordination with NGOs.</li> <li>- We had discussed this issue with the Department of Skill Development who informed us that in all the districts the Jan Shikshan Sansthan</li> </ul>	<p><b>Rule 34) Educational and vocational training of the inmates</b></p> <ol style="list-style-type: none"> <li>(1) Provision shall be made for general education in all protective homes and corrective institutions. Besides general education, each protective home and corrective institution shall, as far as possible, provide for the vocational training of the inmates. Training in housekeeping, tailoring, cooking, nursing, office maintenance, gardening, horticulture, para-medical, para-legal, social work, balwadi teacher's training, and the like may be provided. All courses of training shall be approved by the Commissioner or any person authorized by him in this regard.</li> <li>(2) Instructors shall be engaged for imparting general education and for giving vocational training to the inmates.</li> <li>(3) Instructors shall have a joint meeting with the Probation Officer to work out the rehabilitation prospects of every inmate and shall also have monthly meetings to review the progress made in each case.</li> </ol>

<p>is there which prepares an action plan everywhere in which they have many vocational courses and their fees are minimal. So instead of sending the women out of the institution, through this NGO we can provide trainings to the women. This plan can be implemented in all the urban and rural institutions but there is only a need of an Instructor in each institution.</p>	<p>(4) Training shall be divided into two parts. The basic training and certified courses under the guidance of the Government training institutes such as ITI, KVIC, MAVIM and other non-governmental agencies. On successful completion of such courses, certificates of training shall be issued by the training institutes. The certificate shall mention the name of the inmate and training received.</p> <p>(5) An inmate may be permitted to go out of protective home or corrective institution for training or for employment purposes, on specified days for specified hours, on the basis of a plan submitted to the Magistrate by the Probation Officer.</p>
<p><b>7. Other issues: Availing government schemes</b></p>	
<p><b>Maheer Yojana:</b></p> <p>We have sent a proposal in this regard to the government but there has been no increase in the amount of the Maheer Yojana scheme. As per the Maheer Yojana, a woman in institution gets Rs.1000/- p.m., Rs.500/- p.m. for one child and Rs.400/- p.m. for the second child. Besides this, they are provided food in the institution. And this scheme benefit is given to the women after completion of one month's stay in the institution.</p> <ul style="list-style-type: none"> <li>- A bank account is opened in which the beneficiary amount is deposited every month.</li> <li>- There is a need for the beneficiary amount to be deposited in the bank account every month. But the grants do not come in time due to which many women who are discharged from the institution cannot avail of the money at the time of their discharge.</li> <li>- As per a GR, every year the beneficiary amount of the Maheer Yojana needs to be increased. So in this regard, the department needs to take note of this and do the needful.</li> </ul>	
<p><b>Bal Sangopan Yojana:</b></p> <ul style="list-style-type: none"> <li>- As per circular issued in 2015 by the Department of Women &amp; Child Development, children of women rescued from prostitution should get the benefit of the Bal Sangopan Yojana. This is a good development.</li> </ul>	

<p>There is no need to find out whether these women have a spouse. In these cases, the role of the Child Welfare Committee (CWC) is very important because if the CWC gives its consent then we can definitely provide the benefit of the Bal Sangopan Yojana to the children of the women rescued from prostitution.</p>	
<p>Other issues: Documents</p>	
<p>Majority of the women who are admitted into these institutions do not have any citizenship rights documents with them. Due to this, it is very difficult to get their Aadhar Cards issued and open their bank accounts.</p> <p>It is very challenging to get Aadhar Cards issued and bank accounts opened of mentally challenged women.</p>	
<p>Other issues: Admission into shelter homes</p>	
<p>As per the GR issued based on the Justice Dharmadhikari Committee report, we cannot refuse admission to any woman based on any medical problem detected during the medical test, whereby she has to be immediately provided shelter in the institution.</p>	

### **Suggestions emerging from Participants' Responses**

1. Pretest and post-test counselling prior and after HIV testing should be arranged for residents.
2. Mandatory HIV testing should be avoided.
3. Filling of vacant posts requires urgent attention.
4. Training and guidance to staff must be given priority and regular workshops and refresher trainings should be arranged with the help of NGOs and academic institutions. For this purpose, the DWCD may sign MoUs with selected agencies and institutions.
5. Constitution of panel to help in rehabilitation of rescued women as per section 17(5) of ITPA should be done on an urgent basis.
6. Implementation of State Rule 34 on education and vocational training must be explored in consultation with government recognized agencies and assistance from NGOs may be invited. The DWCD may sign a MoU with the State Skill Development Society for this purpose.
7. The above provision may be used to also facilitate women's movement outside the protective home, for purpose of training, education and employment.

8. Duty counsels from the District Legal Services Authority for legal aid and guidance, and legal representation should be arranged. DWCD should approach the MSLSA to ensure that DLSA in every district takes initiative to arrange regular visits by legal aid lawyers to all women's shelter homes.
9. Victim compensation scheme to women asserting sexual assault prior to rescue including during their commercial sexual exploitation should be explored by counselling residents about this scheme (Manodhairya and Victim Compensation scheme under section 357A). DLSA should organise regular sessions inside shelter homes for this purpose and help women who want to file for victim compensation to file their applications.
10. Women residents should be helped to submit applications for accessing government schemes for which they may be eligible, for example, widow pension scheme, Sanjay Gandhi Niradhar Yojana, Bal Sangopan Yojana (for their children), etc. Regular awareness sessions should be organised by the DWCD District Officer in shelter homes about these schemes and the DPO/District Officer should help women to apply under these schemes.
11. Infrastructure for the training, counselling, indoor games, etc. inside the institution should be created with the help of CSR.