ITEM NO.303 COURT NO.5 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 530/2022 in W.P.(C) No. 56/2004

PRAJWALA Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)

[FOR DIRECTIONS].....[HEARD BY: HON. J.B. PARDIWALA AND HON. R. MAHADEVAN, JJ.]
IA No. 38087/2022 - CLARIFICATION/DIRECTION
IA No. 38089/2022 - EXEMPTION FROM FILING AFFIDAVIT

Date : 13-10-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :Ms. Aparna Bhat, Sr. Adv.
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Mr. Saransh Khandelwal, Adv.
Mr. Sudharshan Lamba, AOR
Mr. Amrish Kumar, AOR

For Respondent(s) :Ms. Aishwarya Bhati, A.S.G
Ms. Shivika Mehra, Adv.
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M/S. Corporate Law Group- 1337, AOR
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Meel Kirti Mishra, Adv.
Mr. Dinesh Kumar Mudgal, Adv.
Mr. Amit Kumar Chawla, Adv.
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Ms. Kavya Venkatesh, Adv.
Mr. Rhishigesh K.S., Adv.

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Ms. Lebina Baby, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. The matter was listed today for the first time after we delivered the final judgment. It has come up today to give us a fair idea, how the Union of India and other stakeholders have proceeded to comply with various directions issued by us in the main judgment.

2. We dealt with a very delicate, rather a very important and sensitive issue relating to the human trafficking of women and children for commercial sexual exploitation. We, in fact, provided an extensive 'Victim Protection Plan' for strict adherence by all stakeholders in exercise of our plenary powers under Article 142 of the Constitution. We had also dealt with, in detail, the prayer as regards the constitution of the Organized Crime Investigation Agency (OCIA). Moreover, from paragraphs 387 to 424, we had provided certain recommendations and suggestions for serious consideration by the Union of India.

3. Ms. Aparna Bhat, the learned senior counsel appearing for the petitioner has provided us today with a compliance table which identifies each and every stakeholder involved in the implementation of the 'Victim Protection Plan'.

4. The stakeholders involved are as under:-

(i) All Authorities

(ii) State Governments and Departments

(iii) High Courts

(iv) Magistrates

(v) Anti Human Trafficking Units

(vi) Rescue Teams and Leaders

(vii) NGOs and NGO Workers

(viii) Protective Homes

(ix) Social and Case Workers

(x) DLSA and Lawyers

(xi) Police Officers and Police Stations

(xii) Child Welfare Committees

(xiii) Medical and Mental Health Professionals

(xiv) Crime Records Bureau

(xv) Committees Overseeing Protective Homes

(xvi) Anti-Human Trafficking Cell

5. Thereafter, in the note, the learned senior counsel has delineated the exact 'Roles and Duties' assigned to each stakeholder under the 'Victim Protection Plan' in a tabular format and also indicated the corresponding paragraphs/clauses from our judgment for ease of reference.

The learned senior counsel is of the view that this tabulation would better enable each stakeholder to grasp and understand the nature and extent of responsibilities cast upon them under the Victim Protection Plan.

6. The learned senior counsel has undertaken a very commendable exercise and it will go a long way in monitoring the compliance of our directions.

7. We also heard Ms. Aishwarya Bhati, the learned A.S.G, appearing for the Union of India.

8. Ms. Aishwarya Bhati has provided us with a status note highlighting what all has been done so far after the judgment was pronounced by this Court. The note specifically deals with the compliance of the additional directions issued by us under paragraph 456 of the main judgment.

9. A plain reading of the status note furnished by the learned A.S.G. reveals that the four additional directions issued by us have not been fully complied with by all the States/UTs, as on date.

10. We would like to remind the all States/UTs that, (i) notifying "recognized welfare institutions/organisations" in accordance with the explanation to Section 15(6A) ITPA and for the purpose of Section 17A ITPA, (ii) preparation of a State/UT-wide list of social welfare workers eligible to form a part of the non-official advisory board under Section 13(3)(b) ITPA and the panel maintained by the Magistrate under Section 17(5) ITPA, (iii) designation of a Police Nodal Officer (PNO), and (iv) designation of a Government

Nodal Officer (GNO), are absolutely necessary for the ground-level implementation of the 'Victim Protection Plan'. Therefore, by the next date of hearing, the Union of India must ensure that the four additional directions as mentioned in paragraph 456 of the main judgment are fully complied with by all States/UTs.

11. The learned senior counsel appearing for the petitioner has shared one copy of her compliance table today with the learned A.S.G.

12. We are of the view that by the next date of hearing, the Union shall call for the necessary information from all the stakeholders referred to in the note furnished by the learned senior counsel appearing for the petitioner, inquiring, in what manner each of the directions have been complied with and what has been done so far for meaningful implementation of the plan which we have provided in the judgment.

13. We take the compliance table provided to us by the learned counsel appearing for the petitioner as well as the status note provided to us by the learned A.S.G on behalf of the Union of India on record.

14. At this stage, the learned senior counsel appearing for the petitioner brought to our notice two additional aspects that need some urgent attention.

15. First, the learned senior counsel would submit that the Anti-Human Trafficking Unit (ATHUs) should be given status of a police station, in accordance with the directions

contained in Paragraph 362 b(iii) at page no.205 of the main judgment dated 29.05.2026, at the earliest.

16. In this regard, we direct all the State/UT Governments in their respective Home Departments to give effect to this direction at the earliest by issuing an appropriate notification, in accordance with law.

17. The Union shall also take up this issue at the earliest with all the States/UTs and see to it that appropriate notifications are issued.

18. Secondly, the learned senior counsel would submit that certain guidelines pertaining to the 'threshold inquiry' which is to be conducted by the Magistrate under Section 17 ITPA, are necessary.

19. In the 'Victim Protection Plan', at the stage of production of the rescued victim(s) who are adults (above the age of 18 years) before the Magistrate under Section 17 ITPA, we have incorporated some detailed directions pertaining to the conduction of a 'threshold inquiry' to identify voluntary sex workers and the manner in which their release/rehabilitation must be proceeded with. In other words, the need for an additional/parallel judicial determination to identify voluntary sex workers, by the Magistrate, within the framework of Section 17 ITPA, was emphasized by us. The rationale behind the need for such an inquiry is provided under paragraphs 330-356 of our judgment.

20. This judicial determination takes into account various

aspects including the consent of the rescued victim and her views on whether she wishes to be placed under long-term safe custody, her statement about the voluntary/non-voluntary nature of her work, the social worker's assessment of said voluntariness, whether the victim's position is influenced by any threats of coercion/undue influence/force, and whether there are any safety concerns placing the victim at real or immediate risk of danger/re-trafficking upon release, amongst others.

21. This threshold inquiry as regards the voluntary nature of the work of the rescued victim is triggered notwithstanding the opinion expressed by the rescued victim that her work is voluntary in nature. In other words, the magistrate must, under all circumstances, conduct this threshold inquiry to determine the further appropriate course of action for the protection, rehabilitation and re-integration of the rescued victim who is an adult.

22. The learned senior counsel appearing for the petitioner is of the view that this process needs to be articulated clearly and appropriate training must be imparted to the Magistrates across the country to enable them to implement our directions both in letter and spirit. The learned senior counsel is also of the opinion that the creation of such guidelines and imparting such training would ensure that the determination process is uniform across the country.

To that aim, we request the National Judicial Academy to prepare a comprehensive protocol/guidelines to enable the

Magistrates to conduct this inquiry. The Petitioner may provide assistance to the academy in the preparation of such protocol.

23. There is one another important aspect that we wish to address. Time and again, we have observed that, although this Court painstakingly issues a slew of directions in the form of guidelines or sets up a framework to ensure that the fundamental rights of citizens are safeguarded and enforced in reality, yet once these directions are committed to the paper in the form of a judgment, the matter marks its abrupt end. This Court, more often than not, has no means of knowing whether the frameworks, guidelines or plans are making any measurable differences in people's lives, or what hindrances stand in the way. The same anxiety grips us here. We have put in place a thorough 'Victim Protection Plan' but cannot tangibly ascertain whether it is having the desired impact or faltering in its implementation. To help us gauge this, we would like to hear from both the Petitioner and the Union of India on how they and other involved stakeholders can help us track progress and measure impact.

24. By the next date of hearing, let a fresh status report be placed on record by the Union of India. We would also like to the petitioner to provide us a fair idea of the progress made by the National Judicial Academy in connection with the preparation of the aforesaid protocol/guidelines for Magistrates. Lastly, we expect both the petitioner and the Union to suggest concrete ways and methods that we can

adopt to track the real implementation, progress and impact of the 'Victim Protection Plan'.

25. Post this matter on 14th December, 2026.

(HARPREET KAUR) **(POOJA SHARMA)**
COURT MASTER (SH) **COURT MASTER (NSH)**

(The compliance table and status note as mentioned at Para 13 are being sent along with this RoP to the concerned Section)