

Change Stories

First ever Cash Card as Victim Compensation for Foreign Nationals

On 6th January 2022, an operation was conducted by the Tilak Nagar Police Station and Vihaan rescuing three victims of (of Nigerian nationality) sex trafficking. The victims were trafficked to India on the false pretext of providing them lucrative jobs and were forced into prostitution. They were sexually exploited, wrongfully confined and physically assaulted. The victims were threatened and their passports were confiscated as a consequence their movement was restricted and they could not escape. The victims were threatened of dire consequences if they tried to resist or approach the police for help.

Post rescue, to facilitate the reintegration of the survivors, Vihaan filed compensation application on 9th February 2022 under section 357A of The Code of Criminal procedure Code and the Delhi compensation scheme, 2018. Identification and verification process of victims was done by 3rd week of the February 2022 and within 3 weeks of that the District Legal Services Authority (DLSA) decided to award one lakh rupees each to the 3 victims with condition that their bank accounts should be open.

However, the task of opening bank account was a challenge due to the unavailability of required documents of the victims. Vihaan team met the DLSA secretary at Patiala House Court regarding the possibility of transfer of compensation into embassy's official bank account as a no objection to that effect was given by the 3 victims. The secretary to the DLSA asked the west DLSA at Tis Hazari to find out if an account could be opened with a passport. On 31st March, we received information from the DLSA that a temporary account can be opened for the victims with passport, court order and form 60 and a local address certificate from the embassy. However, on further negotiations/consultation with the bank the technical challenges continued and no such temporary account could be opened.

As a resort to seek solution on a larger level with respect to such situations we filed a Writ Petition before the High Court of Delhi seeking grant of compensation for the victims and appropriate orders to the Delhi State District Legal Services Authority, Patiala. Advanced notice regarding the petition was served to the concerned judges and office of the Delhi State District Legal Services Authority, Patiala. After receiving the notice, they started taking steps with immediate effect and met the victims at the Shelter home. The DLSA decided to expedite the process and give cash cards to the victims. For further purpose, we need to open the email accounts of the victims.

It is an important milestone to achieve as it would be first time in the history of DLSA that compensation will be given in the form of cash card under the victim compensation scheme.

Light at the end of the tunnel...

On 11th April 2017, we along with the police conducted a rescue operation in 2 brothels in Haldia, West Bengal. Through this operation, 20 girls (12 minors and 8 majors) were rescued from commercial sexual exploitation and 13 accused were arrested. Out of the 20 survivors, 7 minors and 2 majors were from Bangladesh. The survivors were provided safe custody by the state and underwent due procedures as prescribed under the law. The 12 minor girls were admitted to Sanlaap, Sneha Home, South 24 Parganas owing to the high risk posed to their lives and for appropriate psychosocial and counselling support.

Within a few months, one of the minor survivors passed away due to the extreme torture she had been subjected to in the brothel. The remaining six Bangladeshi minor girls continued staying at the Sanlaap Sneha Home eagerly awaiting repatriation. However, in spite of all efforts, the repatriation order continuously got delayed as the court was of the opinion that without recording testimony in the case, the victims could not leave the country. All petitions for video conferencing were rejected. As the girls continued to languish in the shelter home, with passing time, their health conditions became very critical. They began exhibiting self-harm tendency, mood swings and symptoms of depression.

In the meantime, all 13 accused were granted bail by the Haldia Court. The prime accused whose bail petitions were earlier rejected, also was granted bail on 5th June, 2020. This was a major setback for the girls who felt cheated. They were completely taken aback by the fact that while the accused were allowed to roam around freely, they were compelled to remain within the four walls and denied the right to return home. We took immediate steps and filed for bail cancellation before the Supreme Court, against the High court order. The matter is pending for the final hearing. On the other end, the trial in the matter at the Haldia court was delayed several times due to frivolous reasons. The evidence of the complainant was pending for 2 years and there was no progress in it.

The team at Vihaan ran from pillar to post knocking at every possible door to get the evidence of the girls recorded and facilitate their return to Bangladesh. The team met the West Bengal Commission for the Protection of Child Rights (WBCPCR) and submitted a written petition informing them about the challenges and requesting their support. A team from WBCPCR visited Sanlaap to meet the girls and hear their stories. The team also met the Director of the Department of Women and Child Development (DWCD), West Bengal and submitted a written petition seeking immediate redressal in the matter. On account of the letter, the DWCD sent a team to visit Haldia Court to meet with the concerned authorities. But still things did not move. In April 2022, another submission was made before the Court citing the challenges faced by the survivors. This time, the Court directed to expedite the matter and in spite of repeated objections from a strong team of defence lawyers, the evidence of the 6 Bangladeshi girls were completed in three days.

Immediately thereafter, the team filed the repatriation petition for the girls and it was allowed by the court. The team supported the court with all the necessary documents to facilitate the repatriation process. The final date for repatriation was fixed for 28th June 2022. All six girls were accompanied to the Indo-Bangladesh border for the cross-over. Four of them bid goodbye to the team here and returned to Bangladesh with the hopes of a brighter future. Unfortunately, two of the remaining girls could not leave the country due to name mismatch. The team has been in touch with the all stakeholders to facilitate their repatriation at the earliest.



Crossing the border

*Names changed to maintain confidentiality.