

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (C) NO.56 OF 2004

PRAJWALA

... PETITIONER(S)

VS.

UNION OF INDIA & ORS.

... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Heard the learned counsel.
2. We have gone through the affidavit dated 16th November, 2015 filed on behalf the Ministry of Women & Child Development, Government of India.
3. It has been submitted in the said affidavit that the Ministry of Home Affairs shall set up the "Organized Crime Investigative Agency" (OCIA). We hope that before 30th September, 2016, OCIA shall be set up and also hope that it is made functional before 1st December, 2016 looking to the importance of the issue before us.
4. We also record the fact, as mentioned in the Office Memorandum dated 16th November, 2015, that the Ministry of Women & Child Development has taken a policy decision to constitute a Committee under chairmanship of the Secretary, Ministry of Women & Child Development, Government of India, for preparing a comprehensive legislation dealing with the

subject of trafficking.

5. The afore-stated Committee is to work on the following terms and reference :

- To study the various Acts/Legislations under the purview of different Ministries/ Departments relating to various aspects of trafficking.
- To consider the gaps in the existing legislation, from the point of view of prevention, pre-rescue, rescue, post-rescue and rehabilitation aspects.
- To strengthen victim protection protocol so as to ensure that victims are treated as victims not as offenders.
- To draft a comprehensive legislative framework covering all aspects of trafficking, as may be considered necessary.
- To provide for adequate shelter homes for the rescued victims.
- To prepare a comprehensive policy for law enforcing agencies, including for lady police officers for handling the victims of trafficking.

6. We are sure that the Committee shall do the needful at an early date so that appropriate law can be enacted on the subject. We hope that the Committee shall prepare and submit its report preferably in six months.

7. In view of the above development in the matter, this petition does not survive. The writ petition is, accordingly disposed of.

8. We record our appreciation for Prajwala and Dr. Sunitha Krishnan for bringing such an important and humanitarian issue to our notice and for able assistance rendered by learned Senior Counsel Mr. Dushyant Dave and Ms. Indu Malhotra, learned Additional Solicitor General Mr. N.K. Kaul and learned Advocate Ms. Aparna Bhat, National Legal Services Authority and other learned advocates in the process of disposing of this case relating to social problems.

I.A.Nos.3 to 5 of 2015 (For impleadment):

9. A statement has been made on behalf of the Union of India that if any suggestion is made by anybody including the applicants to the Ministry of Home Affairs, the same will be looked into.

11. In view of the above statement made on behalf of the Union of India, I.A.Nos.3 to 5 of 2015 are disposed of.

.....J.
[ANIL R. DAVE]

.....J.
[MADAN B. LOKUR]

.....J.
[KURIAN JOSEPH]

New Delhi;
9th December, 2015.