

Assessment of Human Trafficking in India

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ARTICLE DETAILS	ABSTRACT
Research Paper	The phenomenon of human trafficking has been facilitated by the
Keywords :	process of globalisation in the context of the sex trade. The persistence
Human Trafficking,	& exploitation of this undesired occurrence can be attributed to factors
Exploitation, Women and	such as poverty, misogyny, detrimental cultural practises, civil unrest,
Children, Human Rights.	natural calamities, and a dearth of political determination. When
	considering annual revenue, people trafficking ranks as the third most
	profitable enterprise within the realm of organised crime, surpassed
	only by the trafficking of weapons and drugs. The prevalence of sexual
	exploitation as a form of human trafficking is alarmingly high, with
	around 79% of victims worldwide falling prey to this egregious violation
	of human rights. This study aims to examine the phenomenon of human
	trafficking in India and elucidate the extensive repercussions it imposes
	upon its victims.
	Human trafficking comprises a broad spectrum of illicit acts,
	encompassing the exploitation of individuals through sexual
	exploitation, forced labour, and various other methods. This study
	explores the legislative framework pertaining to human trafficking in
	India and analyses the administrative protocols and interventions
	implemented by the Government of India to address this problem. This
	paper is to outline the structured analysis of the multifaceted nature of
	human trafficking in India, with the objective of proposing practical
	strategies that might be employed to effectively address this issue. The

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abuse of human rights is occurring among victims on the pretext of pursuing financial gain and exerting authority, necessitating urgent intervention to halt these violations.

The main objective of this paper is to explain the readers with an educational understanding of the significant issue of human trafficking in India. It aims to shed light on the various elements that contribute to the perpetuation of this abhorrent activity and to suggest feasible ways to address this problem. In order to promote the well-being and security of vulnerable individuals, it is imperative to eradicate the abhorrent and exploitative phenomenon of human trafficking. The achievement of this goal necessitates collaborative efforts from governmental entities, civil society organisations, and international counterparts.

Introduction

Human trafficking represents a severe violation of human rights and constitutes a reprehensible offence that has a significant impact on numerous women and children globally. Human trafficking has a significant impact on a yearly basis, affecting approximately 600,000 to 800,000 individuals. The victims of this crime predominantly consist of young individuals, however adults are also affected. Numerous businesses, like sex tourism and the entertainment sector, get economic benefits from exploiting individuals who are in vulnerable circumstances. The individuals in question encounter various sorts of mistreatment, including but not limited to begging, organ trade, drug smuggling, forced labour, domestic work, agriculture, construction, and sexual exploitation.

Sexual exploitation represents a significant issue within the realm of human trafficking, particularly with regards to the diminishing populations of women and children. Despite the presence of legislation such as the Immoral Trafficking Prevention Act (ITPA), its effectiveness in combating the issue of trafficking in India as a comprehensive problem remains inadequate. Numerous nations have entered into agreements aimed at prohibiting the heinous act of human trafficking; nonetheless, victims persistently endure ongoing infringements of their fundamental rights. It is of utmost importance to disseminate information regarding the hazards linked to human trafficking, particularly within marginalised communities. There is a pressing need for the implementation of more stringent legislative measures to address the escalating criminal enterprise of human trafficking, which exerts a profound impact on a substantial number of



individuals. Based on the findings of the Global Slavery Index 2014, as reported by the Walk Free Foundation, it is projected that a population of around 14 million individuals in India has been liberated from situations of human trafficking, wherein they were subjected to numerous kinds of exploitation such as sexual exploitation, slavery, or forced marriage. The number of human trafficking victims in India witnessed a rise to 6,616 in the year 2019, as compared to the preceding year. The observed decline in the conviction rate for this heinous offence indicates a pressing need for the implementation of more efficacious strategies to address and mitigate its occurrence. According to Indian legislation, the act of human trafficking with the intent of engaging in sexual abuse, enslavement, bondage, or organ removal is deemed illegal. One example of a recently revised statute is Section 370 of the Indian Penal Code. The Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as IMT Act, 1956) and the Protection of Children from Sexual Offences Act, 2012 share the common objective of mitigating the prevalence of child prostitution and sexual offences. While the aforementioned legislation represent a commendable initial step, they do not possess the necessary efficacy to effectively eradicate the pervasive issue of human trafficking in India. This plan should encompass elements like as education, a strong law enforcement system, support for victims, and international collaboration.

Human trafficking is a pervasive global phenomenon that necessitates collaborative efforts from governmental bodies, non-governmental organisations (NGOs), and individuals alike. Through collective action aimed at addressing the issue of human trafficking, safeguarding vulnerable populations, and ensuring the preservation of fundamental human rights, we have the potential to significantly improve global conditions and foster a more just and fair society for everyone.

Review of Literature

The extant body of literature on human trafficking encompasses reports, research articles, and recordings from conferences and workshops organised by non-governmental organisations (NGOs) at both global and domestic levels. Article 23 of the Indian Constitution explicitly mandates the prohibition of all manifestations of trafficking. Following India's ratification of the International Convention on Suppression of Immoral Traffic and Exploitation of Prostitution of Others in 1950, the legislative framework known as the Suppression of Immoral Traffic Act, 1956, underwent amendments and was subsequently rebranded as the IMT Act, 1956. The issue of human trafficking has been a subject of significant concern since the mid-20th century, but it has gained heightened attention throughout the 1980s. However, throughout that particular era, there was a dearth of a comprehensive and well-coordinated national endeavour aimed at tackling the problem of trafficking (D'Cunha, 1998).



According to Sanghera (1999), the feminization of poverty and migration contribute to the increased susceptibility experienced by women and children to traffickers. Individuals in vulnerable circumstances are susceptible to exploitation by traffickers who exploit their desperation and assist illicit cross-border migration as a result of limited economic opportunities in their respective countries of origin.

Janani and Pandiaraj (2018) emphasise the importance of enhancing legislation as a means to effectively combat human trafficking. Additionally, they advocate for governmental assistance aimed at safeguarding individuals from falling victim to human trafficking, particularly those who are economically disadvantaged.

In their 2016 publication, Vidushy and Vandana Shiva assert that the prevailing perspective of human trafficking as solely associated with illicit migration or the sex trade serves to obfuscate the broader complexities inherent in the phenomenon of trafficking. The study emphasises the significance of governmental political determination in effectively executing measures to combat human trafficking.

Iyer and Radha (2016) identified poor poverty and limited educational opportunities as the primary factors contributing to the occurrence of trafficking. The importance of effective national coordination in combatting trafficking and protecting the rights of victims is underscored. The report also suggests the creation of a centralised governmental entity aimed at tackling the issue of human trafficking.

The scholarly discourse around human trafficking in India sometimes exhibits a lack of comprehensive examination of the issue of commercial sexual exploitation. Despite the abundance of relevant literature, a comprehensive comprehension of the challenges faced by women and children who fall prey to trafficking in India remains difficult. India has enacted many legislative measures, such as the IMT Act of 1956, in order to address the issue of human trafficking, specifically in the context of commercial sexual exploitation. The Criminal Law (Amendment) Act of 2013 has measures that effectively prohibit a range of illicit activities, including as child trafficking for sexual exploitation, bonded work, and organ removal. The main aim of this legislation is to enhance the existing legal framework that is specifically tailored to tackle and alleviate the problem of trafficking in its various forms. The Prevention of Children from Sexual Offences (POCSO) Act of 2012, in conjunction with other legislations like the IMT Act, 1956, aims to safeguard children against instances of sexual abuse and exploitation. The aforementioned objective is accomplished by the establishment of a comprehensive framework that effectively delineates various categories of sexual misbehaviour. The issue of trafficking is effectively addressed by the implementation of many legislative provisions encompassed within this

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classification consist of the Prohibition of Child Marriage Act of 2006, the Bonded Labour System (Abolition) Act of 1976, the Child Labour (Prohibition and Regulation) Act of 1986, and sections 372 and 373 under the Indian Penal Code of 1860.

According to the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, the act of trafficking in persons is characterised by the recruitment, transportation, transfer, harbouring, or receipt of an individual using a range of methods such as force, coercion, abduction, fraud, deception, abuse of power, or exploitation. Examples of exploitation encompass various activities such as prostitution, other manifestations of sexual exploitation, coerced labour or services, types of enslavement or practises akin to enslavement, and the illicit trade of organs.

Effectively combating human trafficking necessitates the utilisation of a comprehensive approach encompassing legislative frameworks, awareness campaigns, victim care networks, international coordination, and political determination. In order to safeguard the rights and uphold the dignity of those who are particularly vulnerable, it is imperative to recognise human trafficking as a separate and grave offence, and strive towards its eradication.

Research Gaps in the literature

Human trafficking literature faces a special difficulty since it deals with a topic that has been written about extensively but is still too serious to be ignored. Despite the plethora of data accessible, a complete picture of trafficking is difficult to gather due to the illegal and hidden nature of the industry. While most reports do provide useful information, the covert nature of trafficking makes it difficult to obtain. While numerous studies have different definitions, points of view, and methods for combating trafficking, they all aim to uncover effective answers to this critical issue.

The lack of studies based on primary data greatly limits our understanding of human trafficking in India. The information gathered over the years has been inadequate, unfortunately. There has not been a concerted attempt to comprehensively and imaginatively collect data on a large scale. Most of the information we have comes from infrequent news reports, which occur at various rates in different parts of the country. Due to its incompleteness, this information is of little use in the fight against trafficking. Information and data already available need to be carefully organised, collected, and analysed as soon as possible to help with this problem.

Literature about human trafficking reveals the depth of the problem. Researchers and groups have worked hard to collect data and publish reports on this horrible murder. However, because traffickers often operate



in secret, accurate information is difficult to come by. Since trafficking networks are typically clandestine, it is challenging for investigators to gain access to relevant data. Human trafficking in India is difficult to study because there is so little source data available. The capacity of politicians and law enforcement authorities to develop effective policies to combat trafficking is hampered by the prevalence of reports and studies that rely on secondary sources or anecdotal information.

To fill this information gap, we need to conduct extensive and methodical studies. There is a need for innovative approaches to data collection, such as conducting surveys and conducting in-depth interviews with survivors, law enforcement professionals, and other stakeholders. Hidden or sensitive information can be accessed with the help of NGOs, government agencies, and international organisations. Better insight into trafficking trends, at-risk demographics, and traffickers' methods can be gained by a coordinated effort to gather and analyse relevant data. Having this data at hand is crucial for creating efficient and effective measures of prevention and intervention. The ability of researchers and policymakers to identify patterns and evaluate the efficacy of anti-trafficking efforts relies on their ability to compare and contrast data collected by different locations and agencies. This kind of collaborative effort is essential if we are to learn as much as possible about human trafficking and make progress towards ending this heinous practise.

Status of Human Trafficking in India and its impact

Based on data from the National Crime Records Bureau, it was observed that Mumbai and Kolkata exhibited the highest incidence of trafficking incidents involving women and children throughout the year 2019. The trafficking largely involved the coercion of individuals into forced marriages, exploitation of children for labour purposes, imposition of domestic slavery, and engagement in sexual exploitation. According to a 2014 analysis by Dasra, it was found that over 16 million women in India experience sexual exploitation annually, with 40 percent of these victims being adolescents and children. In addition to the challenge of sex trafficking, India also contends with the problem of organ trafficking, despite the existence of the Human Organ Transplantation Act of 1994, which explicitly prohibits the trading of organs within the nation. In July 2019, a clandestine network engaged in the illicit trading of kidneys and livers was uncovered in Delhi, revealing the involvement of law enforcement officers, medical professionals, and hospital staffers. According to Sinha (2020), the Covid-19 pandemic has intensified pre-existing inequalities in India, leading to a blurred distinction between labour that is voluntary, forced, and associated with human trafficking. According to News18 Networks (2020), reports have also shown a rise in trafficking incidents throughout the epidemic. In response to the aforementioned concerns, the

Women Safety Division of the Ministry of Home Affairs, under the auspices of the Government of India, published a cautionary advisory in July 2020. This advisory urged all states and Union Territories to build novel Anti-Human Trafficking Units (AHTUs) and enhance the capabilities of pre-existing units (Janyala, 2021). Anti-Human Trafficking Units (AHTUs) are specialised law enforcement entities that are exclusively focused on the prevention and suppression of human trafficking activities.

Nevertheless, according to a recent study conducted on 16 states and Union Territories (UTs), it has been found that a significant number of 225 Anti-Human Trafficking Units (AHTUs) were just existing on paper, with only a meagre 27 percent of them being operational (Janyala, 2021). The issuance of the MHA warning has generated increased awareness and calls for the prompt formation of Anti-Human Trafficking Units (AHTUs) in all areas (Janyala, 2021). The case emphasised in the report serves to demonstrate the insufficiency of the existing strategy. Simply providing warnings and establishing Anti-Harassment and Threat Units (AHTUs) is insufficient. The proposed intervention has a deficiency in acknowledging the regional context and ongoing policy discussions, leading to occasional confusion between human trafficking and the consensual engagement in adult sex work and migration. The redefinition of human trafficking and the implementation of interventions have resulted in the disproportionate utilisation of state authority and regulatory control (Tandon, 2015). These endeavours exemplify a misdirected emphasis on legal enforcement, rather than comprehensive human rights-oriented approaches that empower and safeguard employees.

Administrative measures and interventions by Government of India

The Anti-Trafficking Nodal Cell was formed by the Ministry of Home Affairs, Government of India, in 2006 with the purpose of functioning as a centralised communication hub for the exchange of information and monitoring the implementation of measures undertaken by State Governments in their efforts to address the issue of human trafficking. Periodically, the Ministry holds coordination meetings with the authorised Nodal Officers of Anti-Human Trafficking Units in all states and Union Territories. In order to enhance efforts in combatting human trafficking, the Ministry of Home Affairs has allocated funds for the establishment of Anti-Human Trafficking Units in 270 districts nationwide. Furthermore, at the High Court level, judicial colloquia are organised with the purpose of providing education to judicial officials regarding the multifaceted aspects of human trafficking and facilitating efficient court processes.

In response to the imperative for a comprehensive comprehension and harmonisation among diverse agencies and stakeholders engaged in combatting human trafficking, the Indira Gandhi National

Open University (IGNOU) has initiated a Certificate Course in partnership with the Ministry of Home Affairs. The primary objective of this course is to cultivate knowledge and proficiency in the domains of legislation, policies, rehabilitation, and prevention pertaining to the issue of human trafficking. In February 2014, the Ministry of Home Affairs initiated the launch of a website dedicated to Anti-Human Trafficking with the aim of facilitating improved information dissemination and the efficient execution of anti-trafficking strategies. This website functions as a collaborative platform for stakeholders, governments, Union Territories, and civil society organisations to engage in information exchange and cooperation.

India has demonstrated noteworthy efforts on the global stage by adopting the United Nations Convention on Transnational Organised Crime (UNCTOC) and ratifying the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. In June 2015, India and Bangladesh entered into a Memorandum of Understanding (MoU) aimed at addressing the issue of crossborder trafficking, specifically focusing on the prevention of human trafficking. Notwithstanding these endeavours, there are certain inadequacies in the current legislation pertaining to trafficking. While multiple legislative Acts have been enacted to address the issue of human trafficking, it is evident that additional enhancements and reforms are necessary to optimise the efficacy of anti-trafficking measures.

Conclusion

The Constitution of India enshrines the principles of equality and human rights for all citizens. However, the practical implementation of these rights often faces challenges due to various social, economic, and cultural factors. Human trafficking, particularly the trafficking of women and children, is a deeply concerning issue that requires a holistic approach to combat effectively. To effectively combat human trafficking, it is essential to bring together various stakeholders, including government agencies, NGOs, civil society, and international organizations. Collaboration and coordination between these entities are crucial to ensure a comprehensive response to the problem. The fight against human trafficking cannot rely solely on law enforcement efforts; it necessitates addressing the root causes that contribute to its prevalence. One significant aspect of combating human trafficking is raising awareness among vulnerable populations, especially those living below the poverty line. Such individuals are often more susceptible to trafficking due to their precarious economic situations. Conducting workshops, seminars, and conferences across the country can help educate the public about the dangers of trafficking and empower them to take preventive measures.



India's approach to tackling human trafficking must go beyond legal measures, like establishing Anti-Human Trafficking Units. It requires a rights-based perspective that recognizes the distinct nature of human trafficking and avoids conflating it with other issues like consensual sex work or migration. This approach ensures that the rights of trafficking victims are respected and protected throughout the process of investigation, prosecution, and rehabilitation. It is important to recognize that human trafficking is not simply a criminal issue but is deeply connected to economic and social inequalities. Therefore, any intervention to combat trafficking must address the root causes that create an environment conducive to exploitation. By addressing socio-cultural factors and providing support and opportunities to vulnerable populations, we can disrupt the cycle of trafficking and reduce its prevalence. The risks associated with human trafficking are grave, and the consequences for victims can be long-lasting and devastating. It is essential to prevent such crimes from occurring in the first place through preventive measures like awareness campaigns and social programs. Additionally, providing comprehensive support and rehabilitation services for survivors is critical to help them rebuild their lives and integrate back into society.

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