



A STUDY OF HUMAN TRAFFICKING IN INDIA: AN OVERVIEW

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Abstract

The concept of human trafficking refers to the criminal practice of exploiting human beings by treating them like commodities for profit. Even after being trafficked victims are subjected to long term exploitation. Human trafficking particularly trafficking in women and children has developed as an important social subject matter of concern in many parts of the world. UN protocol definition trafficking of human beings includes different actions such as to recruit, transport, transfer, harbor or receive by means of threat or force or other forms of coercion, within the purpose of exploitations. Children particularly females, teenagers, orphans and women are the most prominent victims of human trafficking in the world. The subject of human Trafficking is defined as a trade in something that should not be traded on for various social, economic or political reasons. Trafficking both for commercial sexual exploitation and for non sex based exploitation is a transnational and complex challenge as it is an organized criminal activity, an extreme form of human rights violation and an issue of economic empowerment and social justice.

Key words: Women Trafficking, Social Justice, Women Education, Constitutional and Legal Provisions.

Introduction:

The concept of human trafficking refers to the criminal practice of exploiting human beings by treating them like commodities for profit. Even after being trafficked victims are subjected to long term exploitation. Human trafficking particularly trafficking in women and children has developed as an important social subject matter of concern in many parts of the world. UN protocol definition trafficking of human beings includes different actions such as to recruit, transport, transfer, harbor or receive by means of threat or force or other forms of coercion, within the purpose of exploitations. Children particularly females, teenagers, orphans and women are the most prominent victims of human trafficking in the world.



Definition of Trafficking:

According to United Nations protocol definition : Trafficking in persons can be defined as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefit to achieve the consent of a person having control over another person, for the purpose of exploitation, exploitation should include, at a minimum, the exploitation of the prostitution of others or others or other forms of sexual exploitation, forced labor or services, slavery or practices similar slavery, servitude or the removal of organ.

sociologist Kevin bales explains is the Human trafficking as – modern day slavery, is the second largest and fastest growing illicit activity in the world, women and girls are disproportionately affected by trafficking, as criminal syndicates exploit women and girls in marginalized socioeconomic conditions, coercing women and girls into sexual slavery and or forced labor. When women and girls are trafficked for the purpose of sexual slavery and prostitution, it is called sex trafficking.

Article 3 of the protocol defines trafficking as:

- a) “trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or another forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation, exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs.
- b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d) “Child” shall mean any person under eighteen years of age.



Methodology:

The study is primarily based on qualitative literature survey method. It facilitates in depth analysis of the issues related to human trafficking in India and the crime against women India. Extensive review of the literature provided useful insight about the various factors that are responsible for the human trafficking of Indian women. The present study is exclusively based on secondary data which has been collected from the various issues of annual reports, books, magazines, bulletins, other related documents and national crime record bureau reports. Information collecting from different sources was analyzed in a qualitative way for taking inference.

Objectives of the study:

The present study comprises of the following objectives.

- This present tries to find to deliver an analytical framework for planning more effective laws against human trafficking.
- The main aim and objectives of this paper are to understand the impacts, reasons and social taboos incorporated with women trafficking in India and attempt to analyses its impact on society, preventive measures and also to study how women education can bring awareness and knowledge about human trafficking.
- To study the causes of vulnerability to trafficking among women.
- To study the range and magnitude of the impact of this crime among women

What are children trafficked for?

- 1) **Labour:** Bonded labor, Domestic work, Agricultural labour, Construction work, Carpet industry, Garment industry, Fish/ shrimp export as well as other sites of work in the formal and informal economy.
- 2) **Illegal Activities:** Begging, Organ trade, Drug peddling smuggling.
- 3) **Sexual Exploitation:** forced Prostitution, Socially and Religiously sanctified forms of Prostitutions, Sex Tourism, Pornography.
- 4) **Entertainment and Sports:** Circus, Dance troupes, Beer Bars, Camel Jockeys
- 5) **For and through Marriage**
- 6) **For and Through Adoption**
- 7) **As Child Soldiers or Combatants in armed Conflicts**



Scenario of human trafficking in India:

The trafficking in persons report 2011, observes that India is a destination of women and girls from Nepal and for the purpose of commercial sexual exploitation. According to the report, India does not fully comply with the minimum standards for the elimination of trafficking. However, the report also points out that India in making significant efforts to control it. Despite the efforts there has not been sufficient progress in its low enforcement to address human trafficking. Child-trafficking for so called ‘sex – tourism’ is increasing in places like Goa, Kerala, Karwar, Himachal Pradesh as poor parents use their poverty as an excuse. Agents enter the picture; they bribe the police to turn a blind eye. Andhrapradesh, West Bengal, Maharastra, Tamilnadu, Karnataka, Bihar, Orissa and Delhi have been identified as the most affected states. All the cross border level, the major victims trafficked into India for the purpose of commercial sexual exploitation, belong to Nepal and Bangladesh

Causes and Effects of trafficking:

Human trafficking is a global problem which result in a number of factors which include the widespread of poverty, lack of livelihood opportunities, deep-rooted gender discrimination, displacement, the demand for young girls (in part due to the fear of HIV/AIDS), the upheaval associated with natural disasters conflict in parts of the country and the profits to be made. In some cases, socio-cultural and religious factors have an impact on child trafficking, as where religious figures have made use of their position to traffic girls prostitution. Frequently, trafficking is accomplished through the deception of girls and their families. In many villages in west Bengal it is reported that traffickers have obtained access to girls by pretending to be grooms without dowry demands. In other cases, trafficking has been facilitated by relatives or friends of the victims, as well as teachers and placement agencies. Girls who have been exploited are also commonly used to lure girls from source area.

India’s biggest trafficking problems has been linked to men, women and children who are held in debt bondage and face forced labour working in bricks factories. Rice mills, and other small scale rural workings. While no inclusive study of forced and bonded labour has been concluded. NGOs have calculated approximately that this problem affects 20 to 65 million Indians. Women and girls are trafficked inside the country for the purpose of commercial sexual exploitation and forced marriage especially in those areas where the sex ratio is extremely distorted in favors of men. Children are forced to work in factories or employed as agriculture workers, and however some others have been used as armed combatants by some terrorist and rebel groups.

Impact of Human Trafficking on Human Security:

The impacts of human Trafficking on human security include the following:

- Threats to border integrity, as millions of people are transported annually across national boundaries under false pretences.



- Threats to human health, through the spread of HIV/ AIDS and STDs to the victims, their clients, their clients, wives, and so on.
- Threats to national and international security, since it is believed that many of the world's major sex traffickers are connected to organized crime groups, which many then use the proceeds to fund other criminal activities such as terrorism.
- Threats to the very health of our global human conscience, since slavery often proudly touted as having been wiped out in the 19th century is actually alive and well, right in all our own backyards.

Role of Women Education in Human Trafficking:

An important aspect of prevention of human trafficking is education making sure people is aware of the existence, as well as the nature of human trafficking. Education further helps empowerment of women by developing “intrinsic capacity, inner transformation of one’s consciences to overcome barriers, access resources and traditional ideologies”. It is through education that we can elicit the most direct influences in the fight against human trafficking. Promotion of technical education emphasizes on the acquisition of employable skills and therefore well placed to train skilled and entrepreneurial workforce that developing countries needs to create wealth and emerge out of poverty. Technical education can be delivered at different levels of sophistication can respond to the different training needs of learners from different social economic and academic backgrounds and prepare them for gainful employment and sustainable livelihood. The ultimate aim technical education is employment. This means it has to be linked with job market and therefore enhance its social economic relevance. Where there is employment, poverty level goes down, which therefore means the vulnerability to human trafficking will be reduced. Therefore, promotion of technical education among women is also necessary to reduce the serious problem of human trafficking.

Methods and strategies of prevention with women trafficking in India:

The UN’s protocol contains a number of provisions aimed at preventing trafficking. State parties are required to establish policies, programmes and other measures aimed at preventing trafficking and protecting trafficked persons from re-victimization. The existence of vulnerable situations of inequality and injustice coupled with the exploration of the victim’s circumstances by the traffickers and others cause untold harm to the trafficked victim who faces a multiplicity of rights violations.

Therefore policies, programmes and strategies that address prevention have to be unique with a focus on and an orientation towards all the issues.



- The best method of prevention is its integration it with prosecution and protection, prosecution includes several tasks like the identification of the traffickers bringing them to the book, confiscating their illegal assets.
- The strategies should address the issues of livelihood options opportunities by focusing on efforts to eradicate poverty, illiteracy etc.
- Gender discrimination and patriarchal mindset are important constituents and catalysts of the vulnerability of women and girl children.
- Natural calamities and manmade disturbances do exacerbate the vulnerability situation, Therefore relief and aftercare programmes need to have specific components focused on the rights of women and children.
- Political will is an essential requirement to combat trafficking.
- Creating legal awareness is one of the most important functions of any social action programme because without legal awareness it is not possible to promote any real social activism.
- Immigration officials at the borders need to be sensitized so that they can network with the police as well as with NGOs working on preventing trafficking.
- At the micro level the prevention of trafficking in the source areas requires a working partnership between the police and NGOs, public awareness campaigns and community participation are key to prevention programmes, prevention is best achieved by community policing.
- The ministry so social justice and empowerment is considering collaboration between government agencies and NGOs for setting up help lines and help booths that can provide timely assistance to child victims. it will be appropriate if the child lines all over India.

Constitutional Provisions and Legal Framework to Address Trafficking in India:

Article 14 – Equality before Law: The state shall not deny to any person equality before the law or equal protection of the laws within territory of India.

Article 15 – Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth: (1) the state shall not discriminate against any citizen on grounds only of religion, caste, race, sex, place of birth or any of them. (2) Nothing in this article shall prevent the state from making any special provision for women and children.

Article 21 – Protection of life and personal liberty: No person shall be provided of his life or personal liberty except according to procedure established by law.

Article 21-A – Right to Education: The state shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state may, by law, determine.

Article 23 – Prohibition of traffic in human beings and forced labour: (1) Traffic in human beings and beggar other similar forms forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. (2) Nothing in this article shall



prevent the state from imposing compulsory service for public purpose, and in imposing such service the state shall not make any discrimination on grounds only of religion, race, caste and class or any of them.

Article 24 – Prohibition of employment of children in factories, etc: No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39 A – Equal justice and free legal aid: the state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Some Suggestions and solutions of Human Trafficking: First of all raise awareness about human trafficking by different sources like media both print as well as visual and inform people about this crime and mobilize people to stop it. try to know the rare facts about human trafficking. Empowering women improving material health, combating HIV/AIDS, eradicating poverty, improving education and developing a global partnership for development. Society in general and police, doctors, and also their parents particular should treat these victims as human beings and psychologically motivate them in such a way so that they will live a new and happy life again.

Strengthen prevention warn vulnerable groups and alleviate the factors that make people vulnerable to trafficking. Such as poverty, underdevelopment and lack of opportunity enrich knowledge – deepen understanding of the scope and nature of human trafficking through more data collection and analysis, joint research initiatives and the creation of an evidence - based report on global trafficking trends having knowledge regarding state laws having knowledge regarding health care professionals and law enforcement professionals keep learning about trafficking.

- Raising Social awareness- informs the world of this crime and mobilizes people to stop it.
- Come out from social pressure and social fear
- Having knowledge regarding state law.
- Strengthen prevention – warn vulnerable groups and alleviate the factors that make people vulnerable to trafficking, such as poverty, underdevelopment and lack of opportunity.
- People have to be literate, hence illiteracy rate need to be reduced.
- Opportunity of employment and self-employment should be increased.
- Keep learning about trafficking, its victims and its survivors.
- Enrich knowledge- Deepen understanding of the scope and nature of human trafficking, through more data collection and analysis, joint research initiatives and the creation of an evidence-based report on global trafficking trends.



- Traditional works need more financial uplift by the government
- Empowering women- improving maternal health, combating HIV/AIDS, eradicating poverty, improving education and developing a global partnership for development.
- A child should be announced as a national property.
- Knowing the facts about human trafficking.
- Having knowledge regarding health care professionals, social services professionals and law enforcement professionals.

Women and children trafficked in India in 2016:

07th may 2016, New Delhi: as per government data, almost 20.000 women and children were victims of human trafficking in India in 2016, a rise of nearly 25 percent compared to 2015. Trafficking of child and women is a serious concern prevalent in India. According to a report published by the US department of state, India is the source, destination and transit country for human trafficking who then get involved in forced labor and sex trafficking. The statistics of the ministry of women and child development states that 19.223 women and children were trafficked in against 13,448 in 2015, with highest number of victims being recorded in the eastern states of west Bengal. People from the lower cast or the tribal communities and the women and children from the excluded groups of the society are generally lured of a better lifestyle and employment opportunity and sold by the agents.

Human trafficking is considered the third largest organized crime, globally and the number is increasing every year, poverty, uneven employment, gender discrimination harmful traditional and cultural practices and lack of proper policy implementation to end this grave condition are some of the causes of human trafficking in India.

Almost 80% of all worldwide trafficking is for sexual exploitation, with an estimated 1.2 million children being bought and sold into sexual slavery every year. India as a nation is still being used by the traffickers as receiving, sending and transit country. Women and girls are the main victims of human trafficking in India. They are than forced into prostitution, forced marriage, and domestic work. Based a report published by the Government of India, there are approximately 10 million sex workers in India out of which 1,00,000 belonging to Mumbai alone which is Asia's largest sex industry center. 300,000to 500,000 under 18 years of age children are involved in the sex trade. Such is the extent of trafficking within the boundaries of the country, forget about the trafficking in addition to trafficking for prostitution, girls and women are also bought sold into forced marriages in women deflect areas due to female infanticide. The forced children are subjected to physical and sexual abuse and treated as slaves. In many cases, trafficked children and women are at risk of all manner of ills, from unwanted pregnancy,



HIV/AIDS, cervical cancer, severe physical injury, violence, drug abuse and more, not to mention the emotional trauma and long-run psychological impact.

Conclusion: Human trafficking is one of the worst criminal activities that spread its infection over the planet. It is one of the wicked acts that have made the lives of millions as worse as the hell. This kind of modern slave trade has washed away the humanity among those who have been involved. The moral values, ethos and sense of belongings as a member of same human race has been curbed by the individual interest and pleasure. Human trafficking thrives because it generates lot of money and the desire to improve the standard of living and social status leads to trafficking. The procedures, process, means, methods as well as the rate of involvement is increasing in this crime each day due lack of resources, highest demand in the market, very few income options and impotent legal watch system. However, prevention through public awareness and education of professionals is not enough to combat human trafficking. Interventions by competent social work practitioners need to include not only case management and advocacy skills, but also an understanding of the ecological perspective in assessment and treatment techniques to work with the multidimensional and comprehensive needs of the survivor.

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