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Human Trafficking has only one Role: Exploitation of Victims

**A dissertation to be submitted in Partial Fulfilment for the Award of Degree of Masters
of Law**

In

**School of Legal Studies
(2020-21)**

By-

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Session 2020-21

LL.M (2020-21) CSL

Human trafficking has only one role : Exploitation of victims .

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I wish her success in life.

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Research Supervisor

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ABSTRACT

In the history of mankind, it has been found women have been subjected to repeated injuries and exploitation. It has become the rule of law that women can never be considered as equal to men nor claim themselves as an autonomous being. India being considered as a country made up of patriarchal form of society, from Vedic period till today physical and mental harassment are meted out to her in the name of religion, discipline and morality. As a major population of our country are living in poverty, illiteracy, women/girls become vulnerable to all kinds of exploitation. They are lured on false promises of luxurious life, jobs and marriage and they are subjected to exploitation. Today the major human rights violation issue faced by the world is trafficking of women and girls. World statistics shows that it has been considered as the most lucrative business second to drug trafficking where millions of dollars are earned by the traffickers at the cost of this weaker section of society. As there is huge demand in the market women and girls are trafficked and sold at a price fixed on the basis of their age and beauty. Even though number of Conventions, Protocols, treaties have been brought into force by the UN and at the National level number of Acts, policies and programmes have been drafted with sole object of protecting them, the magnitude at which trafficking of women and girls are growing has become a serious concern of the world. It has been found that women are trafficked for various purposes like domestic servitude, forced labor, bonded labor, organ transplantation, prostitution, and surrogacy. But as per the crime records in India they are trafficked mainly for sexual exploitation. As there is no proper coordination among the law enforcement authorities, government, judiciary and NGOs the traffickers easily go Scot free. Unless the loopholes in the legal system are properly identified and necessary steps are taken to plug in, human rights violations of women will continue to prevail for generations to come. Protection of women's rights specified in the law will remain as dead letters.

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CHAPTER- 1

INTRODUCTION AND REVIEW OF LITERATURE

1. INTRODUCTION

Trafficking is one of the most common criminal activities happening everywhere across the world and it just seems to be ever expanding and growing. Human trafficking can be understood as the trade of the human beings in different forms which includes human being exchanged for money to be indulged in acts of sexual slavery, sexual exploitation or forced labor which ranges from forcibly getting their organs or tissues extracted, forced marriage, forced prostitution and to what not. These rights not only violate the fundamental rights given to a citizen but also create inhumane conditions of violence and pain in the victims. Human trafficking is one of the critical and prevailing social problems in India for which legal framework and policy interventions are not enough. Increasing trafficking in the country can be traced back to poverty, underemployment, and abundance of poor population in our country which acts as an enticement for the traffickers.

Human trafficking is a global crime that trades in people and exploits them for profit. People of all genders, age and backgrounds can become victims of this crime, which occurs in every region of the world.

The poor law enforcement further exacerbates the whole situation. Globalization and liberalization have also made it easier for offenders to trade people across borders. While the trend of people migrating by their own free will looking for better opportunities is positive, it comes attached with many complex problems such as cross border smuggling of people and illegal migration such as unscrupulous assaulters and agents that have also emerged over the years. All of these factors together have led to India being identified as a source, destination and transit country for trafficking for various purposes such as commercial, sexual exploitation and labor.

1.1 Meaning of important terms

Trafficking-“Illicit and clandestine movement of persons across national borders, largely from the developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for profit of recruiters,

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traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labor, false marriages, clandestine employment and false adoption....”¹

General meaning of trafficking denotes a trade activity in certain things which is prohibited is traded, for instance arms trafficking, drug trafficking and human trafficking.²

The terms ‘trafficking’ and ‘prostitution is usually used as synonyms but they are not.

Human Trafficking-

Human trafficking is the trade of humans for the purpose of forced labor, sexual slavery, or commercial sexual exploitation for the trafficker or others. This may encompass providing a spouse in the context of forced marriage, or the extraction of organs or tissues, including for surrogacy and ova removal. Human trafficking can occur within a country or trans-nationally. Human trafficking is a crime against the person because of the violation of the victim's rights of movement through coercion and because of their exploitation. Human beings are trafficked for many purposes like domestic servitude, organ transplantation, beggary, prostitution, false promise of marriage, job opportunities etc. in this woman voluntarily give consent to the false offer made by the traffickers' unknown about the evil consequences. Women are treated as commodities and they are bought and sold without their consent; this leads to dehumanization of womanhood as destiny is decided by the traffickers.

Prostitution- In this trade it involves procurers, pimps, brothel-keepers, and the victims. The income is shared by others who are involved in these illegal activities. All prostitution need not be the outcome of trafficking. Prostitution is one of the forms of exploitation of trafficking it may be that women would have voluntarily accepted this profession where she cannot be considered as trafficked victim, only when her consent was obtained by fraud, undue influence or threat she can be considered as victim of human trafficking.³

The United Nations consider trafficking of human beings as movement of people across borders accompanied by coercion and subjected to considerable human rights violations.

Meaning of Traffickers

People who illegally entice the vulnerable section of society and exploit them for different purposes and make a huge profit out of it are called traffickers. It includes both men and women acting as traffickers for commission of this criminal act.

¹ United Nations General Assembly 1994

² <http://www.merriam-webster.com>.

³ K.K.Mukherjee, Flesh Trade A Report, (The Gram Niyojan Kendra, UP, 1989)

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Profile of traffickers

Traffickers do not isolate themselves from the society but they are present and live within our surroundings or area as our neighbor, friends, relatives etc. They act as intermediaries who have links within and outside the country. They are usually young men and middle-aged women who are usually older than the persons whom they are going to traffic. They might have been victims themselves, or they are trying to escape from the abusers and are forced to do an act unwillingly. The criminal network may consist of procurers or recruiters, organizers, document forgers, financiers, auto rickshaw drivers or rickshaw pullers, visa/passport officials, doctors, police, corrupt public officials or protectors, brothel operators, owners and managers of brothel, travel companies etc. thus it is very difficult to ascertain the modus operandi of the traffickers as the traffickers involved in the criminal act does not have full information of plan of action. Thus, even if one of the traffickers in the network is caught it will be difficult to crack the criminal activities network.

Facilitators

There are a number of persons performing different roles within these criminal organizations. They are investors, recruiters, transporters, corrupt public officials or informers, money launderers etc. who are called as facilitators of the crime. Not all facilitators are traffickers because a corrupt official is not a trafficker, security guards appointed to prevent the victims from escaping cannot be considered as traffickers.

Victims

They are vulnerable sections of society who become easy prey to the traffickers. They are men, women/girls, and children. They are trafficked for different purposes and exploited.

Victims of trafficking can be any age, any gender and from anywhere in the world. According to UNODC's 2020 Global Report on Trafficking in Persons which is compiled using official figures from over 148 countries, female victims continue to be the primary targets. The Report shows that in 2018, 46 percent of detected victims were women and 19 percent girls. For male victims the Report shows that 20 percent of detected victims were men and 15 per cent were boys. The Report shows that the share of children among detected trafficking victims has tripled while the share of boys has increased five times over the past 15 years. Globally, one in every three victims detected is a child. Girls are mainly trafficked for sexual exploitation, while boys are used for forced labor. The share of detected male victims has risen from around 10 per cent in 2003 to 20 per cent in 2018.

1.2 Some important questions related to human trafficking

WHY ARE PEOPLE TRAFFICKED?

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Traffickers target people who are marginalized or in difficult circumstances. Undocumented migrants and people who are in desperate need of employment are vulnerable, particularly to trafficking for forced labor. Victims may be forced or tricked into an exploitative situation which constitutes trafficking after the traffickers use violence, deception or blackmail. Criminals trafficking children target victims from extremely poor households, dysfunctional families or those who are abandoned and have no parental care.

HOW WIDESPREAD IS HUMAN TRAFFICKING?

According to the international statistics on detected victims of human trafficking since 2003. These show that human trafficking occurs in every region of the world. States can be the origin, transit or destination country for victims, or even a combination of all. The collected data provide information on victims that were in contact with authorities and do not reflect the actual prevalence of the crime or the hidden number of victims. The data collected for the 2020 Global Report on Trafficking in Persons shows that in 2018 about 50,000 human trafficking victims were detected and reported by 148 countries. Europe, the Middle East, North America and some countries in East Asia and the Pacific are destinations for trafficking victims from a wide range of origins. For the period 2017-2018, countries in Western and Southern Europe detected victims of 125 different citizenships. During the same period, victims from East Asia and Sub-Saharan Africa were detected in a large number of countries in almost every region of the world. Central and South-Eastern European victims were detected in large numbers but mainly in European destinations.

WHAT ARE THE MOST COMMONLY IDENTIFIED FORMS OF HUMAN TRAFFICKING?

Human trafficking has many forms. These include exploitation in the sex, entertainment and hospitality industries, and as domestic workers or in forced marriages. Victims are forced to work in factories, on construction sites or in the agricultural sector without pay or with an inadequate salary, living in fear of violence and often in inhumane conditions. Some victims are tricked or coerced into having their organs removed. Children are forced to serve as soldiers or to commit crimes for the benefit of the criminals. The 2020 Global Report on Trafficking in Persons shows that 50 percent of detected victims in 2018 were trafficked for sexual exploitation, 38 per cent were exploited for forced labour, six per cent were subjected to forced criminal activity, while one per cent were coerced into begging and smaller numbers into forced marriages, organ removal, and other purposes. The detected forms of exploitation vary widely across different subregions. The share of detected victims trafficked for forced labour has steadily increased for more than a decade.

WHAT TYPES OF INDUSTRIES ARE AFFECTED BY HUMAN TRAFFICKING?

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No industry or economic sector is immune to human trafficking. There are high-risk sectors, in which victims are most frequently found, such as agriculture or horticulture, construction, the garment and textile industries, catering and restaurants, domestic work, entertainment and the sex industry.

WHAT IS THE ROLE OF TRANSNATIONAL ORGANISED CRIME GROUPS IN HUMAN TRAFFICKING?

The criminals who engage in trafficking range from organized criminal groups to individuals operating on their own or in small groups on an opportunistic basis. The more organized groups are commonly involved in other serious crimes, such as trafficking in drugs, arms and other illicit commodities, as well as corruption and the bribery of officials. When organized criminal groups are involved, many more victims are trafficked, often for longer periods, across wider distances and with more violence.

DO MANY TRAFFICKERS GET CAUGHT AND CONVICTED?

While most countries have had comprehensive trafficking in persons legislation in place for some years, the number of convictions has only recently started to grow. The increased number of convictions broadly follows the increases in the number of detected and reported victims, which shows that the criminal justice response is reflecting the detection trend. However, several areas continue to have very low numbers of convictions for trafficking, and at the same time detect fewer victims. Limited numbers of detected victims and few convictions does not necessarily mean that traffickers are not active in these countries. Victims trafficked from regions with low detection and conviction rates are found in large numbers in other regions.

IS THERE A LEGAL INSTRUMENT TO COMBAT HUMAN TRAFFICKING?

The main international legal instrument is the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, that was adopted by the United Nations General Assembly in 2000. The Trafficking Protocol, which supplements the United Nations Convention against Transnational Organized Crime, is the only international legal instrument addressing human trafficking as a crime. The purposes of the Protocol are to prevent and combat trafficking, protect and assist the victims, and promote cooperation among countries that have ratified the Protocol to meet these objectives. The Trafficking Protocol provides the world's first definition of human trafficking, and it requires ratifying States to criminalize such practices. Learn more about the Trafficking Protocol [here](#).

WHAT IS THE ROLE OF TECHNOLOGY IN HUMAN TRAFFICKING?

Traffickers have integrated technology into their business model at every stage of the process, from recruiting to exploiting victims. Many children are approached by traffickers on social media. UNODC has identified two types of strategies, “hunting” involving a trafficker actively pursuing a victim, typically on social media

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and “fishing”, when perpetrators post job advertisements and wait for potential victims to respond. Technology can be misused by traffickers to launder or transfer illicit profits. It can also have a positive use in helping to combat trafficking, such as by aiding investigations, enhancing prosecutions, raising awareness, and providing services to victims.

Modus Operandi

Recruitment

Human trafficking is a well-planned and premeditated procedure where it requires the traffickers to be very efficient in brainwashing the girls and take them into their confidence. In this process the traffickers first identify the victims and seduce the victims, now-a-days recruitment is mainly through the internet. The method adopted is use of employment agencies, false promises as to job and payments, fake romantic relationship and adoption. The Central Government in order to check illegal emigration and also to protect the vulnerable sections from being exploited and also those persons who have become victims of trafficking has come out with a number of programmes especially to protect the women and girls.

Indian government since 2016 has made it mandatory to get the emigration clearance of all female workers having ECR passports, for employment in 18 ECR countries. This has to be made through six state-run recruiting agencies only. They are Overseas Manpower Corporation Ltd. (OMCL) of Tamil Nadu, Uttar Pradesh Financial Corporation (UPFC) of UP, Overseas Manpower Company Andhra Pradesh Limited (OMCAP) of AP, Telangana Overseas Manpower Company Limited (TOMCOM) of Telangana, NORKA Roots and Overseas Development and Employment Promotion Consultants (ODEPC) of Kerala. It is mandatory for the foreign employer to deposit US \$ 2500 for recruiting the workers directly. Registration of foreign employees in the e-migrate system has been made mandatory from June 2015.⁴

Transportation

Once consent is obtained the victim is transported from place of origin to the destination where they are sold at the prevailing market price to the next trafficker in the chain of network or to the buyer directly. Traffickers chose the routes where corrupt officials are posted; this may be within or outside the country. Government of India has made age restriction to women emigrants as 30 years (except nurses) emigrating on ECR passports for overseas employment in Gulf Countries.

Documentation

⁴ <http://mea.gov.in/rajya-sabha.htm?dtl/27853/question+no3226+indian+migrant+domestic+workers+in+gulf+countries>

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In case of smuggling of traffickers into another country, documents are forged like visa and identification documents, fraud involved in buying of passports through corrupt officials in the embassies.

Exploitation

Exploitation of victims differs from place to place and country to country on the basis of demand. Victims may be subjected to various kinds of human rights violations like forced labour, bonded labour, domestic servitude, prostitution, surrogacy, organ transplantation etc. Next step when the victim's revolt they are either demoralized which have various degrees like persuasive method, mental torture, physical torture etc. Final stage the victims are forced to accept the conditions and obey them. The victims are unable to revolt to this situation as they are incompetent to fight back the traffickers. The traffickers keep shifting the victims from one place to another which is one of the reasons it is difficult to trace the victims. The network cannot be easily cracked down as the trafficker will be one among us pursuing some other occupation along with this illegal trade.⁵ As per the report submitted to Rajya Sabha from the Indian Mission in Gulf countries the number of Indian migrant domestic workers in the Gulf countries are as follows Bahrain 19,214⁶, Kuwait 2,80,854⁷, Oman 438, UAE is not available as Domestic workers do not register with the Mission, Qatar 65 and Kingdom of Saudi 300 this statistic is on the basis of security deposit made in the Indian Mission. The Ministry by the Indian Mission/Posts in six GCC countries have reported that they have received a number of complaints alleging physical abuse, non- payment of salary, wages and other grievances. Complaints were addressed by Indian Mission in coordination with concerned foreign authorities. As for complaints in relation to employment, Indian Mission had contacted the concerned foreign employer/Labour officials in that country, or the concerned recruiting agents in India for immediate redressal and also for follow up action to be taken by the Protection General of Emigrants in the Ministry of External Affairs. All measures were taken to provide necessary assistance to the victims.⁸

Elements of Human Trafficking

Human trafficking involves certain elements in the commission of offence. They are:

- a. There must be an act which includes recruitment, transportation, transfer, harboring or receipt of the persons(victims)

⁵ K.K. Mukhejee, Flesh Trade A Report, (Published by The Gram Niyojan Kendra, UP, 1989)

⁶ Bahrain Labour Market Regulatory Authority's data,2016

⁷ General Department of Immigration, Kuwait, 2016

⁸ <http://mea.gov.in/rajya-sabha.html?dtl/26517/question+no1456+indian+workers+in+gulf+countries>

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- b. The means adapted to accomplish the task may be threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability or giving payments or benefits to a person in control of the victims.
- c. The purpose or the forms of exploitation includes forced labour, bonded labour, domestic servitude, prostitution, slavery, or organ transplantation.

When above specified elements are present in an act then it can be concluded human trafficking, offence has been committed and victim's human rights has been infringed.

Macro level factors enabling trafficking

Factors contributing to the increase in the magnitude of trafficking are illiteracy, unemployment, poverty, desire for luxurious life, crisis in family situation, domestic violence, gender inequality, and economic uncertainty, conflicts and natural disaster. High rate of smuggling and human trafficking is also due to high labour cost which has created a demand for cheap labour.

Impact of human trafficking

a) Social Impacts-The women survivors of trafficking are not easily accepted by society. Many women who are unable to share their suffering or exploitation and with no means or source of income to lead a life may be compelled to voluntarily accept to be trafficked.

b)Economic Impacts-Human trafficking is a secret act which generates huge profits to the traffickers but these amounts are unaccounted and escape the tax liability. This results in huge amounts of income remaining hidden and it does not freely circulate for productive purposes. At the same time the expenses incurred by the government in the rescue operation of trafficking victims adds to the burden of limited government resources.

c)Health Impacts-Trafficked victims (women) undergo psychological trauma and depression and in some cases, they are most prone to get STD's, HIV/AIDs, and other diseases. In such cases it becomes difficult to rehabilitate the HIV/AIDs survivors of trafficking as they cannot be completely cured.

d)Custom Impact-Our society even in the 21st century is bound by various customs in the name of values and cannot easily accept the survivors (women) of human trafficking. Society always expects a girl to be virgin and a woman to be sincere and honest to her husband in her body and soul. This expectation is not permitted from men; this mental attitude or mind set of society has to change. The possibility of women or

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girls being victims of trafficking have to be taken into consideration before branding the survivors as offenders or violators of our rigid customary practices.

Human rights and Women's rights

Human rights are considered as inherent, inseparable and inalienable rights. It is also called as fundamental rights which are necessary for survival or essential for life. Human Rights have become significant because there is an increase in abuse rather than enjoyment. Women do not enjoy the same status in the society as that of men. There is a need for enhancing women's status and providing her with equal rights on the basis of rights enjoyed by men. Empowerment of women is the need of the hour as they are subjected to exploitation and subjugation. There is a gross violation of human rights which has to be seriously taken into consideration by the law enforcement authorities.

Major causes for trafficking-

1.Poverty

Poverty plays a major role in driving the poor people into the trap laid by the traffickers. Both men and women migrate to other parts of the State/country with a hope of leading a better life. In this process girls and women are vulnerable to trafficking who are treated as commodities in this crime .

2.Migration

People with an ambition to earn more money in other parts of their State / country or abroad invest their hard-earned money or borrow money at high interest rate with the hope of repayment after they get the desired job. With this hope they migrate to another country but only after they reach the promised destination of their job, they realize that they are trafficked by the agents or the moneylender who willingly lent the amount to the victim. Victim's passport and all other documents are taken away by the traffickers, which prevents them from escaping from the clutches of the traffickers.

3.Organ trafficking

In India around 200,000 people need a kidney every year, but only around 3% of the demand is met. This is the main cause for the traffickers to illegally remove the organs of the trafficked victims to make huge profit without much pain and investment.⁹ 'Transplant tourism' has become a flourishing business as there is growing demand for organs on the local, regional and international levels. This has resulted in exploitation of the poor and weaker section of society and violation of their basic human rights mainly the right to life and right to health

4.Forced Labour

⁹ <http://www.livemint.com/Politics/pxj4YasmivrvAhanv6OOCJ/Why-organ-trafficking-thrives-in-India.html>

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Workers are forced to work for long duration for lesser wages by the employer. Some are kept in captivity as bonded labourers. Due to high rates of unemployment, illiteracy and poverty these vulnerable sections of society do not revolt in spite of being aware that they have been exploited by their employers. The employers take advantage of this situation and continue exploiting the poor people.

5.Involuntary Domestic Servitude

A unique form of forced labor is that of involuntary domestic workers, whose workplace is informal, connected to their off-duty living quarters and often shared with other workers. Such an environment is conducive to exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. As there is a lot of demand for domestic servants abroad and the wages offered by the placement agencies are attractive, the vulnerable sections of society easily fall prey into the clutches of the traffickers.

6.Refugee

Women and children who have fled their country during armed conflict and taken shelter in the refugee camps are vulnerable to exploitation from the persons in charge of refugee camps and also the militia. Same threat exists to women when they are internally displaced either on account of internal strife or due to development projects in their area.

7.Debt Bondage

Persons who have taken a loan for high interest when they are not in a position to repay it, are compelled to work for the creditor as a laborer. The duration of their work and the time is not fixed and debt is never cleared as the work done by the debtor is deducted only for the interest and not for the principal amount. Parents are compelled to sell their children due to debt and girls are subjected to exploitation. This has resulted in the debt bondage from which they can never be released. However various laws have been enacted yet, debt bondage continues in rural areas.

8.Corruption and in action

Corruption among the police officials and the civil servants in protecting the traffickers is the main hurdle in checking the trafficking problems. Corruption is nothing but a compromise with the traffickers. The Political authorities are more concerned about their position in the government and ignore the responsibility to protect the vulnerable population of the society.

9.Natural disasters

People in the post natural disaster areas become easy prey to the traffickers as they become destitute without shelter and loss of their family members. It was reported that after a severe cyclone in Orissa in the year 1999 trafficking of especially children was very high in these areas. Deadly earthquake in Nepal, in 2015 and flood in Kerala in the year 2018 has created a fear that traffickers may take advantage of this situation and traffic women and children. An NGO reports that the women and girls are more vulnerable for human trafficking during natural disaster or natural calamities. It has reported West Bengal has been a trafficking hub since

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Aila hit the shores, recurrent floods in Assam are major cause where women are forced to abject poverty and to overcome or escape from this disaster, they become easy prey to the traffickers.

India is amongst worst countries in the world in the seriously affected list of top 10 human trafficking countries. Human trafficking is a major problem in India (Trafficking in Persons Report 2020). Many Indian women trafficked out, ending up either in the Middle East for sexual exploitation or in Europe, the USA.¹⁰

2. BACKGROUND OF THE STUDY

Getting an idea of what exactly HUMAN TRAFFICKING is demands a lot of perspective. This is because every case and situation of human trafficking is unique in its own course. To substantiate this, in a general case of human trafficking it is seen that a person (who later on becomes the victim) is taken from their village or town or city to another place, based on false promises of employment in a promising sector (commonly domestic help or laborer) with a handsome pay. Now this pay is made to look more than what this person gets in his/her own region. Such lucrative deals are the base or the main reasons for trafficking to start off in a region in the first place. Nevertheless, when they arrive at the destination, what welcomes them is a shock of reality. They either never get the job that they were promised in the first place. The pay that they were promised is below their imagination. And from thereon, the situation starts deteriorating. In many cases it is unacceptable. They are handed over to placement agencies where they are further sent to different houses as domestic help and to different industries for different kinds of small-scale labor jobs. Initially if we see this situation is that of human smuggling. But since the recruiter makes misleading promises, this case is molded into the shape of human trafficking.

In transnational trafficking, it is commonly seen that those people who are taken away from their home country in the pretext of being given good jobs, their passports are taken away from them. And other such related personal documents are confiscated (Shelley, 2007). There is no escape for these victims. They are held as hostages and are drowned in huge debts which can cost them their lives, if they ever tried to escape. Therefore, whilst giving a global perspective to Human Trafficking calls for understanding the concept of it as well as educating civilians as to how they must recognize and respond and tackle the traffickers and trafficking happening in their communities and periphery. It is very important even for students of social sciences to open their eyes and broaden their perspectives and vision about human trafficking in a global arena. Identifying these intricate details of the dynamics of human trafficking is much more important than just haphazardly going forward with new laws and policies or whatsoever.

¹⁰ Sadika Hameed, Sandile Hlatshwayo and ors. Human Trafficking in India: Dynamics, current efforts, and Intervention opportunities for the Asia Foundation, 2010

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3. IMPORTANCE OF THE STUDY

Increasing incidence of trafficking has threatened the social fabric of the country. A large number of girls and women are reported missing in India. Out of them, the highest cases reported are from the metropolitan cities. This research on trafficking of girls and women highlights the vulnerable sections of the society who become victims of trafficking, to ascertain the causes for weak law enforcement and to help provide data for the creation of proper programmes and policies to check trafficking effectively. There are very few studies available on the subject and whatever is available is limited in terms of their area of coverage, issues, and population involved. In the absence of a comprehensive study of the subject it is difficult to formulate programmes and policies for its effective control and prevention.

The Research is conducted with the object to highlight the lacunae in the existing laws, the actual problems faced by the survivors of trafficking, reason for low conviction rate of traffickers, causes for increase in the magnitude of trafficking of women and failure of laws in effectively tackling the issue. Actual scenario prevailing in the society to curb the problem of trafficking is ascertained, findings during research are presented with suggestions to be adopted.

4. RESEARCH HYPOTHESIS

1. Women are the most vulnerable section of the society as a result they are subjected to sexual exploitation.
2. Law enforcing authorities have failed due to which traffickers go scot free, and women are subjected to sexual exploitation
3. A trafficked person is subjected to social stigma and due to which some of their family members and the society abandon them.
4. In the name of God, women are dedicated to the deity as devadasis and are compelled to lead the life of a prostitute with religious sanctions.
5. The law enforcement authorities are not considering the magnitude of the trafficking issue seriously as a result it is increasing at an alarming rate.
6. Women associations are reluctant to tackle this problem in the present day due to lack of cooperation from law enforcement authorities.
7. The present laws are not adequate to meet the problems of women trafficking.

5. OBJECTIVES OF THE STUDY

1. To know to what extent India is successful in combating human trafficking.

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2.To study the Central and State government policies and programmes related to the welfare of the trafficked persons.

3.To study the position of women and children under Indian laws.

4.The study of prostitution has been inhibited by fear that a social stigma will be placed to one who conducts research on prostitution. To overcome such fear this study is conducted.

5.To identify and examine the violation of human rights.

6.To study the causative factors for trafficking of victims.

7.To analyze the strategies adopted by Courts in India to protect the interest of the victims.

8.To study what protection and assistance is given to victims of trafficking, the problems and difficulties faced by them and their children.

6.RESEARCH METHODOLOGY

The methodology adopted in this research work covers both ‘Doctrinal’ and ‘Non- Doctrinal’ methods. For doctrinal method authoritative textbooks, magazines, journals, periodicals and reported cases are relied upon. For non-doctrinal methods original information would be collected from the field study in which the respondents, government officials, NGOs will be consulted by pre- pre-structured set of open ended and closed ended questions.

Research work is confined to Bangalore city as trafficking instances reported are more from Bangalore.

7.SOURCES OF DATA COLLECTION

For the purpose of research work the following sources and tools are used;

***Primary Sources**

It includes interview, enquiry, ancient scripts, judicial pronouncement of Supreme Court of India and High Courts, Statistics recorded by police.

***Secondary Sources**

It includes data collected from the Journals, Newspaper’s report, statistics provided by various NGOs, periodicals, e-book, and the internet.

8. REVIEW OF LITERATURE

1. **Jayanta Choudhury & Purbita Gupta** “Trafficking in Women and Children Tripura Perspective” the author discusses the different forms of trafficking and also the geographical magnitude of trafficking in India and other regions. It highlights the efforts taken by various international organizations and UN agencies like UNIFEM, UNICEF, ILO, UNDP, UNODC etc. towards prevention and combating of trafficking in

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women and children. It also points out various steps taken by the Government and Non-Government Organization (NGO's) in India. An empirical investigation on trafficking in women and children in Tripura has been conducted. The authors have opined that the end purpose of trafficking is prostitution which is not true in all cases. The purpose may differ from case to case.

2. **P.M.Nair, IPS** "Trafficking in Women and Children in India" this book is based on the research project commissioned by the National Human Rights Commission (NHRC) and the study carried out with UNIFEM support and conducted by the Institute of Social Science (ISS). In this research trafficker, victims are interviewed; it gives the multidimensional nature of the problem, loopholes in the law, the gaps in the law enforcement, the involvement of organized mafia and the agonies of the victims. It reveals that India serves as a source, transit and destination country where thousands of women and children are exploited every day. The study has illustrated a strong link between migration and trafficking and has established that addressing the vulnerability of the migrants is an important tool for preventing trafficking. The report states that the law enforcement has a critical role to play in combating trafficking, but it is unfortunate that in India, the numbers of law enforcement officials who fully comprehend the human dimension and practice a right approach to the problem are few.

3. **S.K.Ghosh** "The World of Prostitutes" the author begins with the status of prostitution in ancient civilizations and recounting its historical evolution, the author's survey of prostitution appropriately focuses on its modern manifestations and confronts us with the rude reality that the story of prostitution is not simply the life history of "fallen angels" but an intricate and worldwide deprivation, exploitation and persistent violation of human dignity. Various International Conventions brought into force for combating evils associated with prostitution is also discussed in detail. The author gives the statistics about the inter-country adoption of children. In some third world countries, unscrupulous intermediaries persuade people to sell their child claiming that it will be adopted by well-off couples from rich countries, when the child is really intended for exploitation.

The author states that in the world today, there have been three different trends with regard to state involvement with prostitution since the second half of the 20th century. The *first* deals towards complete ban, declaring prostitution as illegal. The *second* is towards regulation, which involves government control of prostitution through procedures such as registration and licensing of prostitutes, their mandatory medical checks, fingerprinting and carrying of identification cards issued by the police. The *third* has been towards decriminalization which consists of freedom from the police and court actions and ending the degrading system under which prostitutes are repeatedly arrested, fined and released to go back to work.

Some recommendation given by the author is the suppression of forced prostitution and international traffic in women and children for the purpose of prostitution, media can play a most effective role by increasing the public awareness and knowledge of prostitution and its exploitation.

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The author has explained the concept of prostitution and trafficking as one and the same. In fact, prostitution is one of the consequences of trafficking all trafficking offences do not result in prostitution.

4. **K.C. Tarachand** ``Devadasi Custom Rural Social Structure and Flesh Market " the author has attempted to study many problems such as origin of the Devadasi custom, its working, factors which influence its working, role of political situation in the society. The author has thrown out many questions which may open space for many more research studies especially in the field of sacred complex studies, Sanskritization and allied areas. The author has studied commercial prostitutes in a city located in the ritual region of the shrine. It was found that as many as 35% of the commercial prostitutes in his sample were devadasi. His probing further into the matter also revealed that some of these girls were victims of rape and abduction and were later dedicated to devadasihood untraditionally, to save their family's Honour and to bring a legitimate status to their children. Ritual tradition and the deity are abused and misused. The authors conclude stating that the same type of situation is bound to prevail in the shrine in future also and till the devotees are educated to change the rural structure by improving their financial and educational position. This is not sufficient; the persons involved should be punished. The victims should be rehabilitated so that they are not forced to re-enter the profession.

5. **Jean D'Cunha** "The Legalization of Prostitution" this author makes a modest attempt at evaluating the desirability of legislation of prostitution from the ideological point of view, its feasibility in implementation and whether or not prostitutes will be benefited from the system. The experience of western countries that have legalized prostitution has also been drawn upon to assess the feasibility to legalization. The author presents a comparison of the data for arrests and release on bail of brothel keepers and procurers. The statistics reveal that all brothel keepers and procurers arrested were released on bail. The Statistics shows failure of proper implementation has resulted in the accused escaping from the clutches of law. By legalization of prostitution will not solve the problem of trafficking of women and girls. It will only increase the number of women and girls being trafficked.

6. **Paola Monzini** , translated by **Patrick Camiller**" Sex Traffic-Prostitution, Crime and Exploitation" the author presents the trauma the survivors of trafficking undergo after being rescued from the traffickers the approach of the society and their family members psychologically affects them. The causes for growth of human trafficking and the steps or measures taken by the origin, transit and destination countries are discussed and also the reason for its failure is also clearly identified. It discusses the situation prevailing in Europe, Italy, Germany, Japan and states that lack of proper coordination among the government bodies, NGOs is one of the main causes for failure of trafficking laws. The author has identified the trafficking issues and the causes for failure and the status of women as survivors of trafficking but fails to give proper recommendations or suggestions to resolve this issue.

7. **K.K.Mukherjee** "Flesh Trade" A Report gives a clear picture of the flesh trade prone areas, nature of the trade, victims of socio-economic background, and factors contributing to the occurrence, perpetuation and

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continuation of flesh trade. He also suggests some rehabilitative measures for victims of flesh trade/ trafficking and how NGOs involved could control and prevent this.

8. **William W. Sanger** “The History of Prostitution its extent, causes and effects throughout the world” the author of this book gives a detailed explanation about the practice of prostitution in parts of the world and the pathetic condition during their old age.

9. **KumKum Roy** “Women in Early Indian Societies” the author explains about the status of women from Vedic period to the present. The prostitutes were required to pay taxes regularly. They were considered as a commodity or chattel thus she was a part of dakshina fees to sacrificial priests. They had scant provision for old age and infirm persons.

10. **B.Joddar in** his book “Prostitution in Nineteenth and Early Twentieth Century Calcutta” discusses about the district wise distribution of the prostitute of Bengal origin in Calcutta and suburbs, number of women prostitutes in Calcutta region- wise. Inter alia showing region wise population, number of women engaged in various different occupations.

11. **Laxmi Devi** “Crime, Atrocities and Violence Against Women and Related Laws and Justice” Encyclopedia of women development and family welfare series. The author states the reason for the flourishing of prostitution trade in India. SITA and its limitations are also discussed. Rehabilitation procedures are also suggested.

12. **Roger Matthews**, ‘Prostitution, Politics and Policy’ deals with why prostitution has become an issue. The HIV/AIDs panic during 1980’s in the U.K the fear that there was no Known cure, and claims in the media that the spread of HIV/AIDS could be more devastating heightened the anxieties. During the 1990’s the issue of young people involved in prostitution came to the fore, both nationally and internationally. Various legislations passed are also discussed.

13. **B.R.Beotra’s** “The Immoral Traffic (Prevention) Act, (With State Rule) the present revised edition of this commentary makes a thorough probe into the various aspects of the Act, bringing out the loopholes and the success achieved in seeking to eliminate the evil of prostitution. It is an analytical, critical and comparative study of the totality of the case-law bringing it up-to-date in a lucid systematic presentation.

14. **Davesh Soneji**, “Unfinished Gestures, Devadasis, Memory and Modernity in South India”. The author has efficiently depicted the devadasi's role and the life they led in the society and it addresses the position they held during 200 years. It also clearly proves that the devadasis system prevailed in South India and the suffering they had undergone.

15. **Dr. Shamsuddin Shams**, “Women, Law and Social Change” The author discusses on the status of women who are subjected to discrimination and exploitation in spite of Constitution guarantees equality before law and equal protection of law. The author has critically analyzed the Immoral Traffic (Prevention) Act, 1956 and highlights the lacunae in the International Conventions and National laws by stating that the legislators had no intention to ban prostitution but only prevention, Children of victims of trafficking are not considered

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in the Act and they remain unaddressed section of society. Valuable suggestions are given by the author in order to overcome the failures in implementation of law.

16. **S.K.Ghosh**, “Women in Changing Society”, the author provides with the details of the position of women in different parts of the world during ancient times and violation of human rights in the form of dedication of girls to the temples, in Greece, in Great Britain prostitutes were arrested and treated as criminals, Indian Scenario from Vedic period, Mauryan period, British ruling and the laws enacted till date to tackle the problem of trafficking is discussed by the author. The author highlights the defects in the Trafficking laws and also the main factor which is contributing to the failure of this law.

17. **Dr. S. Ram** “Women through Ages”, the deplorable conditions of women through the ages has been discussed by the author. The author discusses the devadasi system that was prevailing in South India by elaborately explaining on the origin, development and the evidence available on record in the form of inscriptions, literary works, and the obstacles in weeding out the system.

18. **Dr.Surinder Khanna**, “Violence Against Women and Human Rights” the author states the type of violence women are subjected to and the loopholes in the legislation to protect the women from violence inflicted against them. Child trafficking, prevalence of traditional and religious practices in some communities is highlighted. The statistics of NGOs and National Crime Record Bureau on human trafficking has been analyzed by the author. The author insists on ratification of the trafficking convention to all the countries and also to add a new protocol to the Convention by making the country accountable for non- compliance.

19. **Mita Bhandra**, “Girl Child in Indian Society” the author presents the scenario of girl child being subjected to sexual exploitation and the factors contributing to the dehumanizing act which is going to be detrimental to the future generation. The ambiguity that prevails as to the age of child to be classified as child prostitute is stated and suggests that in spite of age difference the author insists on special attention on this offence as it is children who are deprived of their childhood. The author imposes equal responsibility on the society to initiate action against this social evil, and to change their attitude towards prostitutes and consider them as a suppressed section and not as a stigmatized section, contributing in bringing these victims into the mainstream.

20. **Dr. D.K. Bansal** “Gender Violence” The author provides with the statistics as to the traffickers targeting children as there is increase in demand, there is increase in child trafficking to meet the same. Inter-provincial and cross-border trafficking are becoming increasingly common as there is corruption, lack of initiative to consider as a serious offence by law enforcement authorities.

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CHAPTER 2

Historical Background of Trafficking of Women

2.1 Introduction

The exchanging of human beings has been by and by from days of yore in all pieces of the world however the gravity of the offense was not thought about genuinely. Certain segments of society were exposed to abuse and denied their fundamental human rights. Particularly women were not considered as human beings and they were overwhelmed by the male individuals from the general public. Women and minor girls have been dealt from time in pre historic for either with the end goal of homegrown bondage, slavery or for prostitution.

2.2 Position of Women during Vedic Age

Women were consistently leveled out and managed by men for the duration of their life. As a child's father, as a spouse's better half's and as a widow child's control. The infringement of human rights has been in presence since the Vedic time frame.

It is said that trafficking in women was basically for the purpose of flesh trade in Vedic period. They are viewed as two of a kind which are indivisible. In this way, trafficking and flesh trade had become a common part of Indian Civilization.¹¹ During the sixth century, most Puranas composed make reference to the presence of dancing girls committed to the temples and this is verification for the presence of women being abused for the sake of God.¹²

2.3 Position of Women during Epic Age

¹¹ S.D.Punekar and Kamta Rao, A Study of Prostitution in Bombay,(Allied Publishers Private Ltd, Bombay,1962)

¹² www.flickr.com/photos/kd_saurav/3236194520

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Two epics composed during this period show the pitiful states of women and the enduring gone through by women. A woman was given the prize to the victor of the fight or contest or wagering. Her situation in the public arena was that of a product which can be purchased and sold and a matter of bet.¹³ There are references about dancing girls and prostitutes of free ethics in the country of Ramayana, which affirms that women in those days may have been traded as joy giving items except for not many. There is reference in Ramayana that women were considered as a product and subject of joy and there was practice of committing young women to temples with few exceptions.¹⁴

Men reserved the privilege to associate loyalty and exemplary nature with women without appropriately investigating the real truth. Women were required to be pure and unassuming and that was not appropriate to men. This could be plainly demonstrated through examples in Ramayana Sita in the wake of being saved by Rama in the wake of killing Ravana presumed Sita's virtue. She needed to re-establish a fire trial to demonstrate her virtue. She was again sent to exile as the subjects of the kingdom suspected her chastity.¹⁵

Rama in order to please his subjects had abandoned his wife. This incident clearly shows that even in our ancient literature women had neither any equality before men , nor had the right to oppose injustice inflicted to her.

Valmiki's Ramayana, however it is considered as a famous epic in the Hindu sacred writings, but it is pitiful to take note of that women are portrayed as subordinate to men and reserved no option to speak more loudly against the men despite the fact that she was continually exposed to embarrassment and infringement of her human rights. This epic has been considered holy and women are required to consider Sita as a good example in their life.¹⁶ It is a pity, why Sita and different Goddesses didn't go against such demonstrations of Rama. This pitiable condition proceeds and it is acknowledged even today with no substantial explanation.

In Mahabharata the sufferings of Kunti, Draupadi and Gandhari the female characters shows that even women belonging to a royal family were also not in a better situation. These women were constrained by conditions to sacrifice their interest for the sake of the kingdom. There are various references in Mahabharata where women were sent as wedding settlement, women were treated as slaves with no option to look for any help or any cure.

¹³ Sri.K.M.K.Murthy, Mahabharata Saram, The Cultural Heritage of India, (Sri.Ramakrishna Mutt, Chennai, 2002)

¹⁴ H.N.Ranga Swami, Valmiki Ramayana "Ayodhya Canto" Sarga 8, Sloka 12 (Bharath Darshan Press, Bangalore, 1987)

¹⁵ Supra note "Yudha Canto", Sarga 115, Sloka 1-2

¹⁶ Prof.Dr.B.S.ChandraBabu, Dr. Mrs. L.Thilagavathi "Women: Her History and Her Struggle for emancipation." (Published by Bharath Puthkalayam, Chennai,2009),

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In the epic Mahabharata, the situation of women has been portrayed as commodities with no option to practice essential rights. King Virata to praise his achievement in the battle had coordinated "public women" to entertain the ones who had gathered to commend the triumph. There is additional reference to numerous rulers who had sent women as endowments to entertain the men gathered to partake in the Ashvamedha service (horse penance) performed by King Yudisthira. Brahmins who performed shradha (memorial service) were given many pretty female servants as blessings as thought for their work.¹⁷ It is accounted for that housekeepers talented just few had the option to discover spouses and a large portion of them became sex laborers they were at risk to pay burdens consistently at fixed rate to the state. There is additionally reference with respect to some of sex laborers were designated by the state to function as state spies.¹⁸

In Vishnu Samhita there is a mention of trafficking of women which express that it was an inexcusable sin to take away a girl from her parents and subject her to sexual abuse (prostitution) and the individuals who kills a pimp or procurer is excluded from any retribution or punishment, there was additionally limitation forced on individuals from taking food prepared by sex laborers.¹⁹

***Arthashastra by Kautilya**

Arthashastra , a well – known Sanskrit writing which contains compositions of economics and legislature of that period. It is said this book was composed between 300 BC and 500 BC by Kautilya, a researcher instructor who had assumed an essential part in Maurya King Chandragupta to ascend the throne. In this artistic work there is mention of women who were thought of or gathered in the class of prostitutes, when women were bought by men, punished for infidelity or adultery, daughters of prostitutes, or if women were caught in war. Their references show that during this time women had not partaken or enjoyed any rights and they were considered as belongings, despite the fact that they were not liable of any crime, they were exposed to embarrassment and exploitation.²⁰

***Age of Mauryas**

The reference made by Kautilya shows that a daughter of a prostitute is likewise boycotted as a prostitute for no fault of hers despite the fact that she has not committed any unlawful act. Women bought were also

¹⁷ Mahabharata ,XIV,80.32

¹⁸ Mahabharata IV.34.17,18

¹⁹ Moni Nag, "Sex Workers of India-Diversity in Practice of Prostitution and ways of life" (Allied Publishers Pvt. Ltd. New Delhi,2007)@,

²⁰ Kautilya , Arthashastra, Book II Chapter XXVII , "Superintendent of Prostitutes "(Ganikadyaksha),(Penguin Books India,1992)

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considered as prostitutes. This definitely shows that women were like commodities who can be purchased or sold in the market on the basis of their beauty and their age. Women captured in war were treated in a pathetic condition. From ancient periods women were under the control and guardianship of men. They reserved no right to take part in any decision making yet they were punished for the offense of adultery despite the fact that the men were the genuine guilty party. Assortment of taxes from the prostitutes shows that the state was concerned mainly with the methods of accumulation of income to the depository as opposed to ensuring the interest of the weak segment of society. These mention of occasions referenced in the Arthashastra features that women were slaves or puppets in the possession of men, who were exposed to abuse and human rights infringement directly from birth to death.

A study of epigraphic records shows that by the ninth century the practice of devoting girls to the temples called as devadasi had gotten profoundly established and it was discovered rehearsed in various pieces of the country with various names. The Tezpur copper plate engraving dated back to the ninth century records the devotion of the dancing girls to a Shiva temple.²¹

2.4 Position of women during Medieval Period

The Custom of devoting the first child(girl) to the temple to fulfill the promise taken by the childless couples was one of the fundamental reasons for increasing the dedication of girls as devadasis. The engraving recorded in Jogimara Cave in Northern India, Ravgurh slope in the past Surguja State, Central regions specifies that the devadasi Sakuntala became hopelessly enamored with Devadonna (Devadatta). This engraving is proof to demonstrate that the detestable custom of devotion of a girl without her free assent was by and by which adds up to trafficking of young women. In the appearance of serving the God the minister abused the girls and constrained them into prostitution. Kautilya in his extraordinary work Arthshastra has made reference to both prostitution and traffic in women where he has depicted the individual who secures women as Srivyavaharinah.²²

Some of them took to this profession willfully and some were constrained into it. Along these lines, the object of devoting girls to temples to serve the God gradually transformed into a house of sex-recreation center and the ones who had high regard in the society got into offensiveness.

These realities demonstrate that prostitution and traffic in women were drilled or common in any event, during Vedic period and post-Vedic period. It was a socially supported component and in light of socio-strict traditions and practices.²³

²¹B.N.Sharma, 'Social and Cultural History of Northern India' c100-1200, New Delhi,p.75

²² Vidyadhar Agnihotri, Fallen Women, (Maharaja Printers, Kanpur)

²³ Bishwanathe Jaurdar, Prostitution in Historical and Modern Perspective,(Inter-India Publication, New Delhi,1984),

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2.5 Position of Women during Delhi Sultanate Mughal

Aurangzeb, the son of Shah Jahan became emperor (1658-1707). He took every step to wipe out the evil practice of dedication of women to temples and then leading to their exploitation . He prohibited girls from dancing and singing at temples or at any public spots, he made a decree that all dancing girls to get married or they will be exiled from the kingdom. This can be considered as a powerful and strong measure to check or totally forbid the malicious act of devadasis framework which was stylish in the affection of custom and God. This order safeguarded the women from the grip of the rich men and the priest who were the root cause for the growth of the evil practice in the name of custom and authorizing the abuse and infringement of human rights exacted on young women, the more vulnerable segment of society.²⁴

Shivaji totally limited female slaves or dancing girls from going with his military on dynamic administrations. In the event that any warriors were found disregarding this request were obligated for a serious discipline in the idea of the violator's head being decapitated.²⁵

The Arab voyager Abu-Zeid who had visited India in 867 has recorded that the income of devadasis committed to temples were gathered by the ruler as obligatory assessments and were used with the end goal of armed force expenditure.²⁶ The reality stays hazy concerning whether the state expanded any assurance after assortment of duties from these weak gatherings of women.

2.6 Position of women during British Rule

It is accounted for that when the Portuguese, French and English traders attacked India the extent of misuse of women expanded. Women were primarily misused for prostitution in the ocean ports of Bombay, Calcutta, Cochin and Madras. Some unfamiliar traders had kept Indian women having a place with lower rank as their mistresses. During the British guideline, the unmarried British men or the individuals who have left their family in their country misused the helpless and poor women.²⁷ In 1770, in Bengal there was extreme starvation and more than 33% of the populace passed on. This brought about the survivors selling their youngsters. It is accounted for that the original of sex laborers in the market economy of pioneer Bengal was made out of country independently employed women fallen on detestable days, casualties of enchantment and kidnapping, widows and little girls from Kaling Brahmin families, female slaves looking for escape from

²⁴ Elliot (H.M) , The History of India as told by its Own Historians, (London: Trubner and Co.,1867)

²⁵ S.K.Ghosh, "Women in a Changing Society",(ed,1st Ashish Publishing House, New Delhi, 1984), @ 141

²⁶ B.P. Mazumdar, 'Social Economic History of Northern India ; 1030-1194 A.D ,Calcutta

²⁷ S.K.Ghosh, "Women in a Changing Society",(ed,1st Ashish Publishing House, New Delhi, 1984),

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imprisonment and the young women auctions off by their families-stricken parents.²⁸ women have been exposed to infringement of their human rights. Bad form has been perpetrated on women for the sake of God. Dazzle convictions are the principle reason which has brought about genuinely convincing individuals to follow such insidious practice. This training has been solely trailed by specific segments of the general public.

In 1907 to nullify this illicit exchange of women East Bengal and Assam Disorderly Houses Act was passed which announced that keeping massage parlors as unlawful and given to arraignment of the whorehouse attendants with the approval of District Magistrate. This Act was pertinent just to specific regions in East Bengal and Assam. Later The Bombay Prevention of Prostitution Act, 1923 was passed, and furthermore in Calcutta in 1923 Professor S.C.Mukerjee presented a bill in the Bengal Legislative Council called as the Calcutta Suppression of Immoral Traffic Bill, this bill had demanded for better arrangements for concealment of houses of ill-repute, trafficking of women, sales and for comparative reason. The primary goals of this Bill were to progressively smother the massage parlors and unethical traffic. This Bill likewise gave ideas:

Punishments for enchantment to be expanded

Law implementation specialists to be given more ability to take the minor young women in the house of ill-repute into their authority

Existing Law which gives forces to the police to be revised also, met with the ability to seal the massage parlor place

To furnish the Commissioner of police with the ability to prohibit the procurers, pimps, directors of houses of ill-repute from his purview.

This 1923 Act is viewed as first in nature which had made a public mindfulness regarding the need to safeguard minor young women from the whorehouses and furnish them with covered homes. This Act likewise accommodated the salvage of young women under sixteen years and to be delivered under the watchful eye of the adolescent court and according to the court request set in appropriate guardianship.

This milestone Act to stifle shameless traffic in women and young women has gone about as an impetus to different states to establish comparable law on this genuine wrongdoing they are:

²⁸ Moni Nag “Sex Workers of India-Diversity in Practice of Prostitution and Ways of Life” (Allied Publishers Pvt. Ltd, New Delhi,2007)

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The Uttar Pradesh Minor Girls Protection Act VIII of 1929

The Madras Suppression of Immoral Traffic Act V of 1930

The Bengal Suppression of Immoral Traffic Act VIII of 1933

The Uttar Pradesh Suppression of Immoral Traffic Act VIII of 1933

The Bombay Devadasi Protection Act X of 1934

The Punjab Suppression of Immoral Traffic Act IV of 1935

The Mysore Suppression of Immoral Traffic Act VIII of 1936

The Madras Devadasi (Prevention and Dedication) Act XXXI of 1947

The Bihar Suppression of Immoral Traffic Act II of 1948

The Saurashtra Prevention of Prostitution Act VII of 1952

The Hyderabad Suppression of Immoral Traffic Act of 1952

The Travancore-Cochin Suppression of Immoral Traffic Act IV of 1952

The Madhya Pradesh Suppression of Immoral Traffic Act of 1953

The Ajmer Prevention of Prostitution Act, 1953

The All-India Suppression of Immoral Traffic in Women and Girls Act,1956

This load of Acts passed by various states in the country regarding concealment or avoidance of improper trafficking shows the size of the issue that was winning during that time. Despite the fact that UN contract and Universal Declaration of Human Rights, 1948 notices about the privileges of women and commitment of the state to defend the interest of women the worry for assurance of weak part of society was at that point taken into genuine thought by each state in the country by sanctioning reasonable enactments for forestalling or smothering the improper trafficking of women. The states have taken all actions to battle trafficking however due to different lacunae the issue couldn't be vitally tended to. The present circumstance actually wins disregarding Immoral Trafficking Prevention having been drafted after cautiously dissecting the advantages and disadvantages.

Chapter 3

Magnitude of Human Trafficking Problem

3.1 Introduction

It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized

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crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name - - modern slavery.”- **President Barack Obama, September 25, 2012**

Human Trafficking influences each country all throughout the planet, paying little heed to financial status, history or political construction. Human dealers have made a global market for the trade in human being founded on the high benefits and interest for business sex and modest work. Trafficking has influenced 161 nations around the world. Human trafficking can be for the trade in humans, most regularly with the end goal of sexual slavery, constrained work or for the extraction of organs or tissues, including surrogacy and ova expulsion. It is an exceptionally hazardous occupation however the dealers have set up such a solid organization all throughout the world that the worldwide police are thinking that it's hard to check these activities. Human trafficking is driven by request and supply, if there is an interest for constrained sexual administrations or constrained work, dealers utilize all way to satisfy those needs by focusing on weak individuals who are unconscious of the damage and bogus affection under which they are enlisted.

3.2 Worldwide Statistics

The quantity of grown-ups and youngsters at present in constrained work, fortified work and constrained prostitution is 12.3 million. Around the world, 1.8 per 1,000 people is a survivor of human trafficking, expanding to 3 people for each 1,000 in Asia and the Pacific. women make up 56% of the 12.3 million dealt grown-ups and youngsters. 62 nations presently can't seem to convict a dealer under the U.N. Convention to Prevent, Suppress and Punish Trafficking nations presently can't seem to convict a dealer under the U.N. Convention to Prevent, Suppress and Punish the trafficking in Persons, 2000 and 104 still can't seem to set up laws and guidelines in regards to human trafficking. Casualties are dealt both inside and across global boundaries. Transients just as inside dislodged people are especially powerless.²⁹

It is assessed that human trafficking universally creates 32 billion dollars per year. That is 32 billion dollars being illegally traded on the planet with no assessments being paid every year (more than 15 million dollars coming from industrialized nations). With this numerous individuals being misused and this much cash being wrongfully utilized, obviously this issue influences us all.³⁰

US State Department's Annual Trafficking in Persons Report, 2020 the worldwide monetary emergency has expanded the overall trade in dealt people. Secretary of State Hillary Clinton says the report points "to focus the light brilliantly on ... present day slavery." The State Department's Annual Trafficking in Persons Report

²⁹ <http://www.polarisproject.org/human-trafficking/international-trafficking>

³⁰ <http://www.polarisproject.org/human-trafficking/international-trafficking>

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additionally says trafficking has expanded in Africa and slaps six African countries on a boycott of nations not fulfilling the base guideline of battling trafficking. The report, ordered by Congress, highlights information and insights from 175 nations all throughout the planet in regards to the measure of human trafficking that goes on inside their lines." This is a sort of current slavery.³¹

It is tracked down that 79% of women who are dealt are exposed to sexual abuse. Casualties are caught by the women from their own town and known people on the appearance of improving life. These women might be taken to different pieces of the country or might be globally dealt with.

Numerous nations don't report the specific number of trafficking in their country as they dread that their country might be positioned in the rundown of defaulting nations. Until the public authority presents its definite insights on the degree of trafficking and the conviction measurements, it gets troublesome not exclusively to survey the size of trafficking on the planet and in every country yet additionally to take measures to check the issue.³²

A Global Problem:

As per a September 2017 report from the International Labor Organization (ILO) and Walk Free Foundation:
*An assessed 24.9 million casualties are caught in current slavery. Of these, 16 million (64%) were abused for work, 4.8 million (19%) were sexually misused, and 4.1 million (17%) were misused in state-forced constrained work.

*Forced work happens in a wide range of enterprises. Of the 16 million trafficking casualties abused for work

*7.5 million (47%) constrained work casualties work in development, assembling, mining, or friendliness

*3.8 million (24%) constrained work casualties are homegrown specialists

*1.7 million (11%) constrained work casualties work in horticulture

*71% of trafficking casualties all throughout the planet are women and young women and 29% are men and young men.

³¹ <http://dsc.discovery.com/tv-shows/curiosity>

³² A Global Report on human trafficking in Persons 2013, Australia-based Walk Free Foundation

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*15.4 million casualties (75%) are aged 18 or more seasoned, with the quantity of youngsters younger than 18 assessed at 5.5 million (25%).

*The Asia-pacific locale represents the biggest number of constrained workers—15.4 million (62% of the worldwide aggregate). Africa has 5.7 million (23%) trailed by Europe and Central Asia with 2.2 million (9%). The Americans represent 1.2 million (5%) and the Arab States represent 1% of all casualties.

*Human trafficking doesn't generally include travel to the objective of misuse: 2.2 million (14%) of survivors of constrained work moved either inside or globally, while 3.5 million (74%) of casualties of sexual abuse were living external their country of home.

*Victims spend a normal of 20 months in constrained work, albeit this changes with various types of constrained work.

Human Trafficking is Big Business

Human trafficking procures benefits of generally \$150 billion every year for dealers, as per the ILO report from 2014. Coming up next is a breakdown of benefits, by area:

\$99 billion from business sexual misuse

\$34 billion in development, assembling, mining and utilities

\$9 billion in agribusiness, including ranger service and fishing

\$8 billion dollars is saved every year by private families that utilize homegrown specialists under states of constrained work

While just 19% of casualties are dealt for sex, sexual abuse acquires 66% of the worldwide benefits of human trafficking. The normal yearly benefits created by every woman in constrained sexual bondage (\$100,000) is assessed to be multiple times more than the normal benefits produced by each trafficking casualty around the world (\$21,800), as indicated by the Organization for Security and Co-operation in Europe (OSCE).³³

³³ ILO Report 2016

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OSCE considers that sexual exploitation can yield a profit from speculation going from 100% to 1,000%, while a subjugated worker can deliver over half benefit even in less productive business sectors (e.g., agrarian work in India).

In the Netherlands, examiners had the option to ascertain the benefit produced by two sex dealers from various casualties. One dealer acquired \$18,148 each month from four casualties (for an aggregate of \$127,036) while the subsequent dealer procured \$295,786 in the 14 months that three women were sexually abused by the OSCE.

While sexual misuse produces benefits, constrained work saves costs. In one case, Chinese kitchen laborers were paid \$808 for a 78-hour work week in Germany. As indicated by German law, a cook was qualified to procure \$2,558 for a 39-hour work week as per the OSCE.

The Number of Prosecutions of Human Traffickers is Alarming Low

According to the 2017 State Department Trafficking in Persons (TIP) report, there were only 14,894 prosecutions and 9,071 convictions for trafficking globally in 2016.

*1,251 prosecutions, 1,119 convictions and the identification of 18,296 victims occurred in Africa

*2,137 prosecutions, 1,953 convictions and the identification of 9,989 victims occurred in East Asia & the Pacific

*2,703 prosecutions, 1,673 convictions, and the identification of 11,416 victims occurred in Europe

*996 prosecutions, 1,187 convictions, and the identification of 3,292 victims occurred in the Near East

*6,297 prosecutions, 2,193 convictions, and the identification of 14,706 victims occurred in South & Central Asia

*1,513 prosecutions, 946 convictions, and the identification of 8,821 victims occurred in the Western Hemisphere

*Of the estimated 16 million forced labor victims worldwide, only 1,038 cases of forced labor were prosecuted globally in 2016, according to the US Department of State.

*In 2016, the Department of Justice convicted a total of 439 human traffickers, up from 297 in 2015 and 184 in 2014.

Human Rights First's anti-trafficking campaign focuses on disrupting the "slavery exploitation network" – the range of criminal enterprises that organize and profit from modern day slavery. Our goal is to reduce the incidence of trafficking and disrupt the business operations of traffickers, by promoting policies and

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generating political will to increase the risks, penalties, and punishments for those who exploit other human beings.

3.3 Major causes for human trafficking

a)Poverty

The UN report expresses that India has one fourth of the world's mal nourished population, over 33% of the world's underweight youngsters, and furthermore has the world's almost 33% food-unreliable population.³⁴

As per the measurements on destitution in India it shows that 28.5 percent of Indian populace is set beneath the neediness line. In the States of Jharkhand, Bihar, Odisha, Madhya Pradesh, Chhattisgarh, Uttar Pradesh and Uttarakhand in excess of 60% individuals are living in destitution. This is on the grounds that 85% of ancestral individuals live in these states and these states are put in the classification of more poorer states.³⁵

As per the Poverty Development Goals report 2011, it is normal that destitution in India is required to drop by 22% by 2015. It is expressed that because of high populace development in India it has influenced the per capita pay and furthermore makes the per capita pay a lot lower. An UN report expresses that in the year 2012 insights showed 270 million Indians stayed caught in outrageous destitution. The extent of individuals living in outrageous destitution in India would make it hard to address the difficulty attempted by India to be satisfied.

By 2026 India's population is required to arrive at 1.5 billion and in the event that it happens India will be positioned as the biggest country on the planet. The populace development and India's financial development isn't developing at a similar speed which has brought about deficiency of occupations and if this status proceeds India needs to make 20 million new positions in future.

When there is lack of occupation accessibility, untalented laborers have no choice except to acknowledge any work despite the fact that the wages paid is exceptionally less for their endeavors.

Destitution assumes a significant part in driving the needy individuals into the snare laid by the dealers. The two people relocate to different pieces of the State/Country with an expectation of having a superior existence. In this interaction young women and women are helpless against trafficking who are treated as products in this wrongdoing.

³⁴ India and the MDGS, 'Towards a Sustainable Future for All' United Nations, Economic And Social Commission for Asia and the Pacific

³⁵ <http://www.mapsofindia.com/my-india/society/poverty-in-india-and-its-causes>

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Dealers persuade the guardians of young women of steady employment and more pay to their children and in that guise, they bait the young women and the trafficking endeavor is effective with the assent of casualties' folks.

b) Migration

In the event of sporadic movement passage, stay or work in the condition of business is unlawful or there is infringement of method set up either by unyieldingly controlling relocation measure in the accompanying way:

(I) Entry is legitimate yet work or stay is sporadic for example an individual enters on traveler, understudy or travel visas and is associated with unlawful activities like running medication trafficking, trafficking of human beings, control of individuals on obligation servitude and so forth

(ii) passage into the country with controlled archives or keeping away from the boundary and movement control either by paying off the concerned authorities

(iii) An individual's entrance, stay and work is viewed as sporadic.

Individuals with an aspiration to bring in more cash in different pieces of their State/country or to travel to another country put away their well deserved cash or get cash at exorbitant financing cost with the expectation of reimbursement after they land the ideal position through the arrangement offices. With this expectation they move yet solely after they arrive at the guaranteed objective of open positions, they understand that they are dealt by the specialists or the moneylender who enthusiastically loaned the sum to the person in question. Casualty's visa and any remaining archives are removed by the dealers, which keeps them from getting away from the grasp of the dealers.

Indian transients who eagerly look for work in low talented areas in different nations like the Middle East regularly deal with the issue of constrained work, enrollment misrepresentation; work intermediaries expenses charged would have been excessive which may have constrained them into obligation servitude. Numerous nations have taken tough measures to check cross boundary movement, section necessities, and have likewise diminished the chances to enter the country by legitimate relocation. As the interest for inexpensively untalented work is expanding on the planet it has prompted an increase in unpredictable trans-line development and illicit movement.

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Transients who are unlawfully moved to different nations deal with the issue of language and furthermore, they can't look for legitimate assistance as they don't have substantial archives for their entrance into that country. In this way, Victims like to keep on enduring with the expectation of procuring some add up to reimburse their obligations as opposed to getting back to their country. The Embassy or the High Commission office has been compromised to help the casualties found in their country. The Central Government has perceived a few offices to be enrolled to ensure the casualties of our country found in different nations. The casualties can move toward them and look for the essential help to get back to their country of beginning.³⁶

3.4 Trafficking through Illegal Recruitment Agencies

The Emigration Check Required (ECR) is stamped on the Passports of individuals whose schooling capability is beneath ninth Pass. A Person with ECR stamp in their Passport can't leave India on work visa (for work from these 17 Countries: Afghanistan, Bahrain, Brunei, Kuwait, Indonesia, Iraq (Emigration Banned), Jordan, Lebanon, Libya, Malaysia, Oman, Qatar, Sudan, Syria, Saudi Arabia, Thailand, United Arab Emirates (UAE), Yemen. Displacement of Indian laborers looking for work in 17 Emigration Check Required (ECR) told nations is controlled under the Emigration Act, 1983. On the off chance that an individual has an ECR stamp she or he needs to get an Emigration leeway from the Protector of Emigrants-Ministry of Overseas Indian Affairs (POE). Its primary intention is to shield these Indians from being swindled in far off country by the dealers and put them in a vulnerable situation.³⁷ Despite the current system to work with lawful relocation and the endeavors made by the public authority to forestall unpredictable movement, grumblings in regards to fake proposals of abroad business and cheating of occupation searchers are gotten by the Ministry of Overseas Indian Affairs every now and then. Such protests include:

*fraudulent ads for occupations abroad;

*fake enrollments for non-existing managers or;

*for unfamiliar businesses who never approved the specialists, subsequently delivering the laborers without occupations; and

³⁶ <http://mea.gov.in/rajya-sabha.html?dtl/26517/question+no1456+indian+workers+in+gulf+countries>

³⁷ <http://moia.gov.in/service.aspx?ID1=109&idp=104&mainid=73>

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*Offers of misrepresented advantages to draw work searchers.

These grievances are gotten against enrolled enlisting specialists, unapproved middle people just as some unfamiliar businesses.³⁸

a) Organ trafficking

In India around 200,000 individuals need a kidney consistently, however just around 3% of the interest is met. This is the primary driver for the dealers to unlawfully eliminate the organs of the dealt casualties to make immense benefit absent a lot of torment and speculation.³⁹ 'Relocate the travel industry' has become a thriving business as there is developing interest for organs on the nearby, local and global levels. This has brought about abuse of poor people and more fragile segments of society and infringement of their essential human rights, for the most part the right to life and right to health⁴⁰. Demand for organs has expanded lately as many experience the ill effects of organ disappointment and because of logical improvement in the organ transplantation. To fulfill the need the stockpile is additionally to be similarly met by the specialist; clinical professionals exploit the present circumstance in bringing in cash by assuming an indispensable part. The assent of the casualties are acquired forcibly or deluding them or by getting their assent by promising exorbitant cost available to be purchased of their organs yet paid exceptionally less after the transplantation. Casualty's organs are taken out in the appearance of treatment of some infirmity without their insight. Liver, kidney and different organs which can be effortlessly eliminated are topics of organ transplantation. Examinations have tracked down that the dealer would pay around 100,000 rupees (approx. USD 1,800) to the individual fooled into giving the kidney.⁴¹

United Nations Convention against Transnational Organized Crime (UNTOC)

³⁸ Indian Country Assessment Report: Current Status of Victim Service Providers And Criminal Justice Actors on Anti-Human Trafficking 2013.

³⁹ <http://www.livemint.com/Politics/pxj4YasmivrVahanv6OOCJ/Why-organ-trafficking-thrives-in-India.html>

⁴⁰ WHO, "WHO Proposes Global Agenda on Transplantation," 30 March 2007

⁴¹ <http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html>

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The point of the enactment is to prohibit " 'transplant tourism', wherein the medical establishments openly take advantage of the disparities between the situation of the donor and the receiver, with significant risks for both persons involved in the transplant.." ⁴²

The clinical foundations exploit the circumstance that wins between the recipient and the contributor and they benefit at the expense of the wellbeing of both the gatherings. The expectation of the Convention to check the coordinated wrongdoings and enactments established fizzles as the organization among the dealers, clinical professionals, staff, carriers is efficient. It is exceptionally hard to recognize them or their working which is the fundamental explanation. It has gotten hard to learn the size of this offense in India.

Worldwide Conventions have forced a commitment on the State Parties to regard and satisfy the right to wellbeing as an essential human right, every individual ought to be permitted to partake in the most elevated achievable norm of physical and psychological well-being. ⁴³

b) Forced Labor

In **People's Union for the Democratic, Rights v. Union of India** Supreme Court ⁴⁴ has characterized the word 'power' incorporates physical or lawful power as well as power emerging from the impulse or financial conditions which leaves no selection of options in contrast to an individual to satisfy his needs and the circumstance forces him to give work or administration despite the fact that the compensation got for it is not exactly the lowest pay permitted by law."

As indicated by the International Labor Organization 'Constrained Labor' alludes to circumstances in which people are forced to work using brutality or terrorizing or by more unobtrusive means like collected obligation, maintenance of personality of papers or dangers of impugning to migration specialists. Constrained work, contemporary types of slavery, obligation servitude and human trafficking are firmly related terms however not indistinguishable from a legitimate perspective. Laborers are compelled to work for a long span for lesser wages by the business. Some are kept hostage as reinforced workers. Because of high rates of joblessness, lack of education and neediness these weak segments of society don't revolt notwithstanding staying alert that

⁴² Report from the Special Rapporteur on the sale of children, child prostitution and child Pornography, presented to the Human Rights Council, no. A/HRC/4/31, issued on 26 Dec. 2006.

⁴³ Article 12 of the International Convention on Economic, Social and Cultural Rights, 1966

⁴⁴AIR 1982 SC 1943

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they have been misused by their bosses. The businesses exploit the present circumstance and keep misusing the destitute individuals.⁴⁵

International Labor Organization estimates show that 20.9 million individuals all throughout the planet are as yet exposed to forced labor. Of the complete number of casualties of forced labor, 18.7 million (90 percent) are abused in the private economy, by the people or endeavors, and the excess 2.2 million (10 percent) are in state-forced types of constrained work. Among those misused by private people or ventures, 4.5 million (22 percent) are survivors of constrained sexual abuse and 14.2 million (68 percent) of constrained work abuse. Constrained work in the private economy produces US \$150 billion unlawful benefits each year: 66% of the assessed aggregate (or US \$ 99 billion) come from business sexual misuse, while another US \$ 51 billion outcomes from constrained financial abuse, including homegrown work, agribusiness and other monetary activities. Worldwide Labor Organization expresses that the constrained work circumstance of an individual can be controlled by the idea of the connection between an individual and an 'business' and not by the sort of work performed, or the legitimacy or illicitness of the work. A few instances of constrained work remember manhandled homegrown specialists and misused laborers for the spaces of farming, neighborliness and development.⁴⁶

The United States Department has assessed that trafficking of Indians entering constrained work is going from 30 to 65 million individuals and greater part of them are youthful weak young women. In this some are sent into homegrown market and some into organ trafficking and others sold in brothels. US Senate Foreign Relations Committee Chairman Senator Bob Corker expressed that India has truly abused human rights which are as human trafficking, sexual orientation viciousness and separation and mistreatment of minorities and strict opportunity issues to slavery. He expressed that according to 2016 report there are 27 million slaves on the planet and India has 12 to 14 million slaves, more than any country in the world.⁴⁷

National Crime Record Bureau report 2014 states that police investigated 3,056 trafficking, cases, which includes prosecutions, and convictions under several relevant laws. In these 2,604 cases of sex trafficking has been reported, 46 cases of bonded labour, and 406 uncategorized trafficking cases; an additional 2,336 cases were pending investigation at year's end. In 2014, 2,782 people involved in various crimes were reported, in these 2,538 were alleged sex traffickers, 195 were alleged labour traffickers, and 49 uncategorized traffickers were prosecuted, resulting in 577 traffickers convicted, 1990 persons acquitted,

⁴⁵ http://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang--en/index.htm

⁴⁶ http://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang--en/index.htm

⁴⁷ <http://www.rediff.com/news/special/the-crime-no-one-wants-to-talk-about/20160621.htm>

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and 29 persons discharged. Notably, the acquittal rate was 77 percent and only six of the convictions were for bonded labour.

It is expressed that numerous cases were not registered by police or were settled at the grievance stage itself.⁴⁸

This report is clear to show that the quantity of cases explored and the quantity of casualties indicted and sentenced has an extremely wide hole. The measurements shows the dealers cleared are more when contrasted with conviction this is chiefly in light of the fact that the methodology embraced for indictment is protracted and the casualties think that it's hard to proceed with the arraignment of dealers as they are unsure about the span of the judicial actions to the psychological desolation they go through during this cycle, propels them to pull out themselves or concur for a trade off with the dealers this is the fundamental justification drop in the conviction pace of dealers. Another explanation is the casualties who take a striking choice in indicting the dealers are compelled to go into compromise when they attempt to enroll an objection in the Police Station by the police specialists by expressing the hardships she would be constrained to go through during the arraignment, and furthermore declining to enlist the First Information Report.

c) Involuntary Domestic Servitude

An exceptional type of constrained work is that of involuntary domestic workers, whose work environment is informal, associated with their off the clock living quarters and regularly imparted to different specialists. Such a climate is helpful for misuse since specialists can't review private property as effectively as they can assess formal work environments. As there is a ton of interest for homegrown workers abroad and the wages offered by the arrangement organizations are appealing, the weak segments of society effectively succumb into the grasp of the dealers.

Trafficked victims are compelled to function as cooks, guardians, grounds-keepers, they are made to stay at work longer than required and denied the essential offices also they are not paid wages as guaranteed. There are numerous cases' women (homegrown workers) are exposed to physical and mental badgering.

Migrants from undeveloped nations are compelled to function as domestic laborers in foreign nations and they are exposed to different sorts of exploitations. Their passports are seized by the business' which prevents them from escaping away from that place.

⁴⁸ National Crime Record Bureau report 2014, Ministry of Home Affairs

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A Geneva based International Labor Organization report found that India has 2.5 million to 9.0 million homegrown specialists which is considered as the biggest labor force however tragically, they stay unseen and unprotected from the law of the country.⁴⁹

A survey conducted in New Delhi with respect to the situation with domestic workers, it was found that there were 5000 unrecognized domestic workers placement agencies working in Delhi. Agents recognized young girls from very poor families and dealt with them with propositions for employment in the city. These young women are sold by the specialists to homegrown laborers arrangement organizations for about US \$ 600 each and these offices exchange the young women to an in family need of homegrown specialist at a cost going from US \$ 600 to US \$ 700. These young women are made to work for 14 to 16 hours of the day and do all family works however the wages paid is less or at times the wages are paid to the specialists. These young women are routinely moved starting with one family then onto the next and they are likewise exposed to sexual abuse.⁵⁰

d)Refugees

Women and childrens who have escaped their country during outfitted struggle and had taken temples in the outcast camps are powerless against misuse from the individual responsible for displaced person camps and furthermore the civilian army. Same danger exists to women when they are inside dislodged either because of interior struggle or because of improvement projects in their space. It is accounted for that Burmese – Rohingya, Sri Lankan Tamil and other outcast populaces have been exposed to constrained work in India. India has not marked the Refugee Convention, 1951 and its Protocol on the Status of Refugees, 1967 therefore there are no particular laws or strategy to ensure the premium of outcasts. Government has bound itself to impromptu measures to secure the outcasts, which have left the evacuees with little insurance for their common and political rights and there is no arrangement for their wellbeing and welfare.³¹ India is signatory to number of United Nations and World Conventions on Human Rights, exiles' issues and related issue subsequently India has a commitment to perceive and stretch out assurance to the displaced people. India turned into an individual from the Executive Committee of the High Commissioner's Program (EXCOM) in the year 1991 which additionally forces a commitment on Indian government to stretch out more prominent interest and obligation to evacuee's issues. According to the measurements in the year 1990, there were 212,743 evacuees in India and in the year 2014 there were 199,937 outcasts taken haven in India.⁵¹

e)Debt Bondage

⁴⁹ International Labour Organization Report,2013 Geneva

⁵⁰ <http://www.womenundersiegeproject.org/blog/entry/silent-slaves-stories-of-human-trafficking-in-india>

⁵¹ <http://data.worldbank.org/indicator/SM.POP.REFG>

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People who have taken advances for exorbitant interest when they are not in a situation to reimburse it, are constrained to work for the loan boss as a worker. The length of their work and the time isn't fixed and obligation is never cleared as the work done by the indebted person is deducted uniquely for the interest and not for the chief sum. Guardians are constrained to sell their youngsters because of colossal obligations due to be paid and they agree to the dealers for offers of rewarding positions in different pieces of the country or world. Particularly young women are sold are constrained into homegrown slavery or exposed to sexual abuse. This has brought about the obligation servitude from which they can never be delivered; they are caught into awful circles and prey is little youngsters. In excess of 3000 individuals have been delivered from slavery, in excess of 140 slave holders and dealers were captured in India.⁵²

e)Corruption and in action

Corruption among the police authorities and the government workers in protecting the traffickers is the principal obstacle in checking the trafficking issues. The Political specialists are more worried about their situation in the public authority and overlook the obligation to ensure the weak populace of the general public. Dealers have a coordinated criminal organization which assists them with planning counterfeit records for movement and at times police and the boundary security power likewise help them in this wrongdoing. Delhi High Court Justice Nandra jag had expressed that as for Challenges looked in restoring survivors of trafficking that reviews demonstrated that 22% of dealers had political support and in excess of 54% of the police staff didn't consider trafficking and constrained work as an issue and debasement among some law requirement authorities is one of the reason for disappointment of proportion of government in viably handling the trafficking issues.⁵³ Some bad cops connive with the dealers and whorehouse proprietors by taking hush-money and secure them at the hour of strike or salvage activity from law requirement specialists by giving tip off to the dealers.

f)Marriage practices

Marriage of the girl is viewed as a central obligation and ceremony in India. Guardians think that it's hard to get their daughters married on time because of the evil practices of dowry, yet when an individual methodologies with a proposal to wed with no interest to share the guardians feel that they are lucky to get such a child in-law. Guardians neglect to ask into the subtleties of the people who have offered to wed their girl before marriage. Dealers exploit the present circumstance and sell the young women after they take them

⁵² <http://www.freetheslaves.net/where-we-work/india/>

⁵³ <http://indianexpress.com/section/cities/>

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to their objective. Helpless guardians are of the assumption that their girl is very much settled abroad with her significant other however the reality stays that their girl is for all time lost in the criminal organization of the dealers.

The National Crime Records Bureau report expresses that 24,749 youngsters and women between the ages of 15 and 30 were grabbed and sold into marriage across the nation.⁵⁴ Drishti Stree Adhyayan Prabodhan Kendra, a NGO led a field study and tracked down that more than 10,000 families in Haryana more than 9,000 wedded women were purchased from different states.

g)Mental and health disability

Women who are intellectually impeded or experiencing different sorts of inabilities, regardless of whether they are with their family or in a foundation are viewed as a weak gathering. The equivalent is valid for the individuals who might be in a halfway house or in a permanent spot for the down and out. Frequently there is no different "home" for girl youngsters who are dejected and they are kept in a similar insurance home where safeguarded women are likewise kept. This makes these young women considerably more helpless against trafficking since the dealers have simple admittance to such children.⁵⁵

h)Conflicts/Natural calamities

Individuals in the post conflict regions and natural disaster regions become easy prey to the dealers as they become destitute without shelter and loss of their family members. It was accounted for that after a serious cyclone in Orissa in the year 1999 trafficking of particularly children was extremely high here. Deadly earthquake in Nepal, in 2015 and Kerala flood in 2018 had made a dread that dealers may exploit the present circumstance and traffic women and children. Nepal earthquake which happened in 2015 had prompted expansion in the pace of trafficking as the dealers exploited the powerless states of women struck in the cataclysms, on bogus guarantees and number of Nepali women was dealt into Middle East and Africa⁵⁶. According to Ministry of Home Affairs information, human trafficking has expanded three crease from Nepal after the earth shudder in 2015 when contrasted with 2014 catastrophe. The information shows that human trafficking on Indo-Nepal Borders in the year 2012, 8 cases were accounted for and 7 dealers were captured and 72 casualties were safeguarded, in the year 2013, 14 cases were accounted for and 19 dealers were

⁵⁴ National Crime Records Bureau Report, 2013,Ministry of Home Affairs

⁵⁵ Justice Sujatha Manohar "Trafficking in women and girls" (National Human Rights Commission Nov 2002, Glen Cove New York, USA)

⁵⁶ Trafficking in Persons Report 2016 - Country Narratives – India, U S Department of States

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captured and 108 survivors were saved. In 2014, 8 instances of human trafficking were accounted for, 8 dealers were captured and 33 survivors were safeguarded.⁵⁷ In 2015 preceding quake 8 instances of dealers were captured, 47 casualties were safeguarded. In any case, in the year 2015 after the earth shake 46 cases were accounted for, 59 dealers were captured and 159 casualties were protected.

3.5 Trafficking as a Market /Business

Human trafficking is a market where casualties are dealt with like products and are brought, sold, traded and utilized. Concerning the stock side of the trafficking, "unceasing human longing for further developing one's life makes individuals powerless against the draws of trafficking". The consistent stockpile of people attempting to work on their lives, or those of their children, is established by an environment of (relative) destitution and political and/or social prohibition; absence of instructive or business openings; segregation and savagery against women, youngsters or ethnic minorities, government defilement; catastrophic event and war.⁵⁸

All in all, people compute openings, benefits, dangers and expenses and afterward decide. Openings are created by people willing to move from source nations and an interest for their administration in objective nations. On account of inward trafficking, movement regularly happens from poor, country regions to more well-to-do metropolitan regions. It is the quest for financial security and the craving to further develop one's life that frequently gives a huge pool of likely casualties.

While trying to ascertain the benefits produced by criminals in trafficking humans, the ILO (International Labor Organization) made the accompanying computations: Based upon a gauge of 1.1 million survivors of human trafficking for constrained financial abuse, the all-out benefits added up to USD 3.8 million. The greater part USD 2.2 Million was created in modern nations. While confining the evaluation to benefits from constrained business sexual abuse because of trafficking, the ILO found "... that the worldwide benefits produced using trafficking into constrained business sexual misuse added up to USD 27.8 billion. Practically 50% of all benefits – USD 13.3 billion-are made with individuals dealt with most elevated benefits are in Asia (USD 9.5 billion), trailed by progress economies (USD billion), Middle-East and North Africa (USD 1.0 billion), Latin America (USD 0.6 billion) and Sub-Saharan Africa (USD 0.1billion). As indicated by the investigation, every woman is compelled to sexual bondage was assessed to produce around USD 100,000 benefit each year.⁵⁹

⁵⁷ <http://images.indianexpress.com/2015/11/capture1.jpg>

⁵⁸ U.S Department of State (2005), Trafficking in Persons Report (Washington D.C.2005)

⁵⁹ J.Pennington et al, "The Cross-National Market in Human Beings", (Journal of Macro marketing, Vol.29, No.2 (2009))

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3.6 Human Rights Violation against casualties

Crimes executed against the survivors of trafficking are a human rights infringement at each phase of the cycle. During the trafficking cycle, violations propagated against the casualties incorporate illicit hardship of freedom, dangers, pitiless and/or debasing treatment, robbery of reports or property, irritated and/or sexual attack, constrained prostitution, assault or even demise. Work infringement happen also and incorporate the non-installment of wages, infringement of wellbeing measures and inability to regard the most extreme number of working hours. Offenses submitted against the State incorporate archive imitation, infringement of movement and work laws, defilement of government authorities, carrying of travelers; illegal tax avoidance and tax avoidance. Dealt casualties can be discovered working in salon, asking, cafés, industrial facilities, horticulture ranches, industry. They are made to work for extended periods with least or immaterial wages.

Trafficking in Human beings and other related crimes

Survivors of trafficking are exposed to hijacking, their archives are manufactured to go into different nations, illicit selection with an aim to offer them to dealers, misuse which might be attack, assault, constrained prostitution, evacuation of organs, exposed to unlawful compulsion, murder, coercion, and so on.⁶⁰

3.7 Trafficking in person and smuggling of migrants

Trafficking in people and sneaking of transients are two ideas effectively befuddled on account of a couple of likenesses and halfway cover frequently existing between the two marvels. They have normal components yet a few contrasts between both criminal activities exist.

Assent of the travelers is gotten and in trafficking it might possibly be. Casualties in carrying are ignorant that they are snuck until they arrive at their objective however in trafficking casualties are exposed to abuse whenever they are dealt. Pirating is consistently transnational though trafficking might be inside the country and furthermore transnational.

3.8 Global Scenario as to origin, transit and destination of human trafficking

Origin

⁶⁰ Vienna: United Nations Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute, 2003.

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As indicated by UNODC Report 2005, China, U.S.A, Canada, Europe, are appraised as nations with extremely high trafficking cases revealed, as to nations of beginning for trafficking. India is accounted for as a country of beginning with high trafficking cases.

Travel

India is viewed as arranged in a "the brilliant triangle" as India is considered as the beginning, travel and objective for human trafficking. Casualties are sent from India to USA, from USA to Asia, from SouthEast Asia to US, from South Africa to Australia, South America to Asia, Africa. Each country has gotten influenced with the wrongdoing of human trafficking.

Objective North America has been accounted for as the objective country with high trafficking cases. India, China, Australia, Canada, Saudi Arabia, France, Spain, Poland are nations evaluated as high revealing of instances of human trafficking.

Trafficking Index 2019 states that India, China, Africa, Pakistan, Iran, Arabia, Mexico, Columbia, Kazakhstan are under outrageous danger of individuals being exposed to abuse because of human trafficking. Brazil, Argentina, Bolivia, Angola, Algeria, Oman, Japan are nations under the classification of high danger nations for trafficking cases.

Euro detail Report 2016 states that human beings are dealt for different purposes and for misuses, the report expresses that 62% of trafficking of women are with the end goal of sexual abuse, 25% of them are dealt are exposed to constrained work, 14% are exposed to different sorts of abuse and utilized for criminal activities which incorporates evacuation of organs, selling of childs and constrained asking. childs are likewise utilized as medication dealers as they are not effectively suspected by the police specialists.

The UN positions each country based on the degree of the public authority's consistence with the standard rules to ensure the interest of the trafficking casualties. Nations which ceaselessly disregard the standard will be dependent upon financial assents. There are numerous administrations which have not made an endeavor to take measures in these angles.

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Significant human trafficking courses run among Nepal and India and among Thailand and neighbors like Laos, Cambodia and Myanmar. A significant number of the casualties are youthful teen young women who end up in prostitution.⁶¹

3.9 Indian Scenario as to human trafficking Issue

The Asian mainland is a beginning district just as an objective for trafficking in people. At a country level, China and Thailand are both positioned exceptionally high in the reference list as beginning nations, with Bangladesh, Cambodia and India.⁶²

India remains in the fifth situation on the planet in the truly influenced rundown of top 10 human trafficking nations on the planet. Human trafficking is a significant issue in India. In spite of the fact that it is unlawful in India human trafficking laws are not carried out as expected. Humans are dealt with, out and across India for different purposes like constrained work, constrained prostitution, constrained organ implantation and so on Young women are compelled to become proxy moms without wanting to. "The vast majority of India's trafficking issue is inside, and those from the most burdened social layers least position Dalits, individuals from ancestral networks, strict minorities, and women and young women from avoided bunches are generally vulnerable.⁶³

Traffickers execute their business through versatile applications, sites, and online cash moves to work with business sex. Dealer have prime objections for unfamiliar and Indian female casualties in Kolkata, Mumbai, Delhi, Gujarat, Hyderabad and along the India-Nepal Border demarked for criminal activities, for example, human trafficking.

The Trafficking in Persons Report (TIP) expresses that India is a source, travel and objective country for men, women and children exposed to trafficking in people, exceptionally constrained work and business sexual abuse. The constrained work of an expected 20 to 65 million residents establishes India's biggest trafficking issue, men, women and youngsters in the red subjugation are compelled to work in businesses like block ovens, rice plants, farming, and weaving production lines. Numerous Indian women dealt out end up either in the Middle East for sexual abuse or in Europe, the USA. According to International Organization for Migration; there are 32.5 million worldwide travelers in Asia out of which India has the greatest number of 5.4 million in the year 2015.

⁶¹ P.M.Nair, Trafficking in Women and Children in India, (Oriented Longman Pvt.Ltd, New Delhi, 2005)

⁶² United Nations Office of Drugs and Crime (UNODC), Trafficking in Persons: Global Patterns

⁶³ Trafficking in Persons Report 2015, U S Department of States

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The report by the Thomson Reuters Foundation and Freedom Fund expresses that albeit illicit, trafficking is far and wide across India while culprits go unpunished and numerous casualties can't acquire equity and remuneration. India is home to in excess of 14 million survivors of human trafficking.⁶⁴

The US State Department expresses that North East India has arisen as a high source region for trafficking of women and children. Young girls from Manipur, Nagaland, Meghalaya and Mizoram have been protected from different trafficking rackets in Goa, Maharashtra, Andhra Pradesh and Karnataka.⁶⁵

The public authority of India doesn't completely follow the base principles for the disposal of trafficking: However, it is putting forth critical attempts to do as such, especially with respect to the law authorization reaction to sex trafficking.

Notwithstanding these endeavors, the Indian government has not exhibited adequate advancement in its law authorization, security, or anticipation endeavors to address work trafficking, especially fortified work; hence, India is set on Tier 2 Watch list for the seventh sequential year. Presently India has moved to Tier 2 according to introduce report.

3.10 Magnitude of human trafficking in India

The constrained work of an expected 20 to 65 million residents establishes India's biggest trafficking issue; men, women, and youngsters under water subjugation are compelled to work in ventures like block ovens, rice plants, farming, and weaving industrial facilities. A typical quality of reinforced work is the utilization of physical and sexual brutality as coercive means. The vast majority of trafficking in India is inside, and those from India's most burdened social layers, including the least stations, are generally defenseless. Trafficking between Indian states is ascending because of expanded versatility, quick urbanization, and a development in various businesses that utilization constrained work like development, materials, link, bread roll processing plants, and forticulture⁶⁶.

During the revealing time frame, the National Crime and Records Bureau (NCRB) gave its 2017 and 2018 Crime in India Reports, which utilized an unexpected technique in comparison to earlier years. In 2018, the public authority detailed 1,830 trafficking cases under the IPC, a proceeded with decline from 2,854 cases

⁶⁴ Global Survey Report, 2014, United Nation Office on Drugs and Crimes

⁶⁵ Trafficking in Persons Report 2013, U S Department of States

⁶⁶ Trafficking in Persons Report 2016, Country Narrative India, U S Department of States

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trafficking cases revealed in 2017 and 5,217 cases in 2016. It was indistinct what segments of the IPC this information included. In 2018, the public authority finished indictment in 545 trafficking cases, sentenced 322 dealers in 95 cases, and absolved 1,124 suspects in 450 cases. The vindication rate for trafficking cases expanded to 83 percent in 2018. These measurements were contrasted with the public authority finishing arraignment in 670 cases, indicting 249 dealers in 165 cases, and absolving 1,155 suspects in 505 cases in 2017, with 76 percent of cases bringing about vindication. This denotes a 29 percent expansion in the quantity of people sentenced, yet a 42 percent decline in the quantity of case feelings. Three of India's 36 states and regions revealed 43% of all trafficking cases, in all probability because of more complex detailing as opposed to bigger trafficking issues. Five states and domains – Nagaland, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, and Lakshadweep—didn't report any trafficking cases in either 2017 or 2018. Assam and Jharkhand states just submitted information for the 2017 report. Overall, trafficking cases under the IPC started preliminary 5.9 years after they were first detailed.

3.10.1 Trafficking Routes in India

Trafficking examples and courses are frequently profoundly intricate, going from trafficking inside one country and cross-line streams between adjoining nations on between mainland and globalized trade. The overall arrangement is that the development of dealt individuals is from less evolved regions to more created locales, from nations in financial, social and political emergencies to all the more socially and politically stable nations, or from rustic to metropolitan regions.

Courses are generally isolated into beginning, travel and objective focuses and a few reports likewise notice assortment and dispersal focuses. Correspondingly, countries are arranged as sending, travel or objective nations. A few nations may have a place with more than one class, as on account of India, which is an objective, a source and a travel point.

Nepal and Bangladesh are the two fundamental providers of trafficking casualties for India⁶⁷. The quantity of legitimate or recorded Bangladeshi transients into India is definitely not exactly the undocumented numbers. The undocumented relocation of exceptionally poor, landless families from provincial Bangladesh into India is orchestrated by specialists. The travelers join the casual work power as uneducated, untalented workers and are helpless against abuse and extortion rehearses.

⁶⁷ Times of India, June 24,2002,p.4

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With the passage into power of the United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocols, the global local area made a significant stride in the battle against coordinated wrongdoing. The Protocol specifically gives the principal extensive meaning of human trafficking. It obliges States to criminalize this training, and many have received enactment making an interpretation of the Protocols' commitments into public law. Reaffirming its obligation to forestall and control trafficking in people, India approved the UNTOC and the Trafficking Protocol in 2011. UNODC with help of the European Union is executing a Global Project zeroed in on 'Advancing the execution of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly Women and Children (Trafficking Protocol), and the Protocol against Smuggling of Migrants via Land, Sea and Air (Smuggling Protocol), both enhancing the UNTOC'. It is felt that in numerous nations, there is an absence of a climate that sufficiently helps and ensures survivors of trafficking. Additionally, numerous nations don't sufficiently perceive the requirement for insurance of the privileges of dealt survivors and exclusion from criminal responsibility as called for in the Trafficking Protocol.

The human trafficking racket was busted after the Delhi Police enrolled a case and began an examination following the recuperation of 105 identifications in unclaimed things at India Gandhi International Airport on January 2, 2011. The Customs Department at the air terminal had opened the stuff a very long time after its appearance in 2011 and gave it over to the Delhi Police as of late

The four were important for a racket wherein individuals were wrongfully shipped off the US. The group had dealt with the illicit passage of in excess of 1,000 Indians to the US through a novel course in the course of recent years. They used to assemble their customers in Delhi, fly them to Istanbul and afterward to Guatemala, where they would attempt a trip across the thick wildernesses of Mexico to move over to the Texas boundary to enter the US from India to US by means of the wildernesses of Guatemala. The human trafficking network, dynamic in excess of five states - Delhi, Gujarat, Punjab, Andhra Pradesh and Mumbai - charged around Rs.6-12 lakhs for working with passage into Guatemala and Rs.25-30 lakhs for US. Furthermore, the young people, for the most part from Punjab and Gujarat between the age gathering of 18-30 years were accessible in swarms to hit manages the agents⁶⁸.

3.11 Major traffickers in India

(a) Job Placement Agencies

⁶⁸<http://indiatoday.intoday.in/story/human-trafficking-racket-busted-arrested-passports-igi-airport-us/1/169888.html>.

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An expanding number of occupation position organizations draw grown-ups and youngsters for sex trafficking or constrained work, including homegrown bondage, under bogus guarantees of business. Activists gauge 20% of homegrown specialists who are saved from Delhi homes grumble of sexual maltreatment, either by the business or those in work situation offices. Notwithstanding reinforced work, youngsters are exposed to constrained work as assembly line laborers, homegrown workers, vs, farming specialists, and, in certain spaces of provincial Uttar Pradesh, as rug weavers. Asking, ringmasters some of the time harm child as a way to bring in more cash. Young men from Nepal and Bangladesh are exposed to constrained coal mining in the territory of Meghalaya.⁶⁹

(b) Tourism

Sex trafficking of women and young women inside the country is boundless. Strict journey habitats and urban communities famous for homegrown the travel industry keep on being helpless against youngster sex the travel industry. Countless Nepali and Bangladeshi females, most of whom are youngsters and an expanding number of women and young women from Uzbekistan, Ukraine, Russia, Azerbaijan, Serbia, Kazakhstan, and Afghanistan are likewise exposed to sex trafficking in India. There are expanding reports of women and young women from northeastern states and Odisha being sold or pressured into constrained relationships in states with low female-to-male sex proportions, including Haryana and Punjab, some of whom are in this manner constrained into prostitution or work by their new "families." Indian women and young women are additionally exposed to conditional sexual abuse in the Middle East under the appearance of brief relationships.

A few Modes of Trafficking

Trafficking takes various structures like: trafficking of women and youngsters for prostitution; trafficking of young men as racers for camel hustling; trafficking of infants and small child through selection for tricky purposes like asking, Stealing, drug trafficking, and so forth; trafficking of women as "mail request" women; trafficking of women and child for their organs; trafficking of small child for modest fortified work.

Inter and Intra –State Trafficking

It is not always that other countries are involved but interstate trafficking is very much prevalent in India. A simple survey in any one of the major metropolitan cities like Delhi or Mumbai will reveal this factor. Ninety nine percent of the trafficking in India takes place internally. By categorizing the girls according to their place of origin this can be easily demonstrated. A survey done by the National Commission for Women revealed

⁶⁹ Trafficking in Persons Report, 2013, India U S Department of States

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that in Delhi's famous red-light area, girls came from Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh besides Bangladesh and Nepal. Similarly for Mumbai's brothels; girls are recruited from Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Uttar Pradesh, West Bengal, Delhi, Goa and Nepal. Besides Delhi and Mumbai, girls from West Bengal are taken to Uttar Pradesh, Maharashtra, and Rajasthan right up to Jammu and Kashmir and also to the Gulf countries, Pakistan and other foreign countries.

Further, girls from tribal communities where prostitution is a traditional practice are regularly transported to major cities. For instance, Bedia girls can be found in Nagpur, Indore, Raipur, Delhi, Calcutta and Mumbai, as these girls are constantly under the control of men of their tribe.

Kidnapping Rackets and Denotified Tribes

Police investigations have in Delhi, Agra, Madhya Pradesh and Rajasthan found that the denotified tribes (also known as criminal tribes) like the Bedia, Nat, Kanjar, Banjara etc. practicing prostitution as a tradition in the family have been found to be involved in kidnapping of minor girls from across North India. They kidnap minor girls and rear them as their own children. They use hormones like oxytocin on the minor girls to make them look older. The victims are then supplied as dancers in the bars of Mumbai and also for further supply to Middle East countries including Dubai for prostitution rackets. Police investigations in a village in Alwar district of Rajasthan have found that women from these villages have a large number of passports. Madhya Pradesh police investigations in Mandsaur district have also found similar activity in prevalence.

Indo-Nepal Trafficking

Nepal is one of the poorest countries in the world with per capita income of about US \$ 210. About 90 percent of its twenty million people live in rural areas and depend on subsistence agriculture. Nepal is one of the only three countries in the world where the life expectancy at birth for females is 53.52 years as compared to 54.88 years for males and the infant mortality rate is 92 per 1000. Sixty percent of the population is illiterate.

Health and education indicators for women are particularly discouraging. Female literacy is very low at about 25 percent.

The social status of Nepalese women is very low. Even from birth the girl child is discriminated against. The main reason for the discrimination is age-old patriarchal social values and norms, which give very high importance to the son. The birth of a baby boy is welcomed by celebrating and rejoicing. There is a saying "let it be late, but let it be a son" which sufficiently reveals the psyche of the Nepalese traditional society. The son symbolizes success. Daughters are described as "someone else's property". Nepal reportedly has one of the highest indices of son preference in the world.

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Economic stress and the oppression of the Nepalese girl child, combined with the immense profits that accrue to the successful traffickers of Nepalese girls, all contribute to the rapidity of the flow of Nepalese girls to India. Nepali girls who are fair skinned, delicate features and complexity are the most demanded category of prostitutes in the Indian and Gulf brothels. Traffickers are, of course, well aware of the huge profits that Nepalese girls can bring to them, so they are particularly eager to lure these girls from their homes.

NGOs estimate that at least 7,000 girls are trafficked into India from Nepal every year. They mostly end up in brothels in metros, condemned to a life of deprivation and torture. Children who are trafficked end up either in the flesh trade or become child labor.⁷⁰

Indo Bangladesh Trafficking

Bangladesh is a developing country with a poor economic background. Nearly eighty- five per cent of the population has to face economic hardships. As a result, poor and disadvantaged women and children are often trafficked and subjected to exploitation. The victims are either abducted or enticed away with promises of a better life. Often, they are bluffed with fake marriages. The truth is that the poor and disadvantaged women of Bangladesh often fall into the trap of the underworld mafia. Bangladesh is surrounded by India on three sides- in the north, east and west.

In the South, there is the Bay of Bengal. Mostly, the women are taken out of the country through land routes, along the border areas of Bangladesh and India. Calcutta is the important transit point for the traffickers for Mumbai and to Pakistan. The collection points of women are usually far from the border points. Bangladeshi women are sold as bonded labour and for prostitution and to India, Pakistan, and the Middle East.

Every day in South Asia children and young women are lured or taken from their homes with promises of a job, marriage or a place in the entertainment industry. Instead, they end up in the sex trade or as forced labour. India is the hub of this trade, with organized crime syndicates trafficking women and children both within the country and from across the border in Nepal or Bangladesh.⁷¹

Causes for low conviction rate

The Government of India did not report comprehensive law enforcement data on human trafficking. Information publicly released as human trafficking data by the National Crimes Record Bureau actually contained aggregated data under the Immoral Traffic Prevention Act ITPA,1956 (which included statistics on the government's penalization of trafficking victims), and a limited number of IPC provisions which only

⁷⁰ The Times of India, Mar 28, 2005 timesofindia.indiatimes.com/home/opinion/edit-page/VIEW-This-will-force-us-to-clean-up-our-act/articleshow/1063699.cms

⁷¹ Sanjoy Majumder, BBC News, Delhi, 10 October 2007 news.bbc.co.uk/2/hi/south_asia/7037154.stm

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addressed sex trafficking of girls rather than a broader range of human trafficking crimes; in addition, the data provided did not specify the number of investigations, prosecutions, and convictions.⁷²

The government did not report on steps taken to investigate an Indian consular official accused of forcing a domestic worker to work for him in the United States without adequate compensation for three years and subjecting her to physical and mental abuse, as noted in the TIP Report.⁷⁵ There was no information on the status of arrests and investigations of a border security officer, a former member of parliament, and an Indian administrative services officer as noted in the 2011 and 2012 TIP Reports for their involvement in human trafficking. Immoral trafficking was followed by human trafficking (2,605), under section 370 & 370A of Indian Penal Code, which includes men and boys trafficked to work sites such as brick kilns and construction sites to counter the surge targeting girls and women, a 2013 amendment to the law, Criminal Procedure Code provides rigorous punishment from a minimum of three years in prison to life imprisonment to address the trafficking of children, including physical exploitation or any form of sexual exploitation, slavery, servitude or the forced removal of organs.

Measures taken by Indian Government

India and Bangladesh signed an Anti-Trafficking Pact in June 2015. The MoU (Memorandum of Understanding) is for prevention of all forms of trafficking and there is a task force made up of officials from both countries which have been set up to look into this. The pact aims to strengthen cooperation and information sharing to ensure speedier investigations and prosecutions of traffickers and organized crime syndicates in either country. It also covers issues such as better border checks to catch traffickers and save victims and how to work together to send home and rehabilitate victims more effectively. India is also planning to have a similar kind of MoU with other countries like Nepal and the Gulf because the Gulf is being used as a destination.⁷³

The central government released Rs 2.65 crore in 2014 to Arunachal Pradesh, Gujarat, Haryana, Kerala, Nagaland, Odisha, Uttar Pradesh and Uttarakhand for establishment of anti-trafficking units to work for combating human trafficking.

The Home Ministry has also launched a web portal on anti-human trafficking, and the Ministry of Women and Child Development has implemented Ujjawala, a programme that focuses on rescue, rehabilitation and repatriation of victims.

India has taken sincere effort to prevent trafficking by implementing the provisions of trafficking laws by arresting the offenders and rescuing and rehabilitation of victims and the judiciary has played a vital role rendering landmark judgments to rehabilitate the victims and direction to rescue the children working in circus

⁷² Trafficking in Persons Report –2013 India U S Department of States

⁷³ <http://www.thenational.ae/world/south-asia/india-seeks-cooperation-with-use-to-curb-human-trafficking>

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under unhygienic conditions and the order to the collectors to inspect the factories to ascertain the working conditions of labourers and wages paid is reasonable or not and if any violations are found, to take strict action against the employer. Even though India has taken initiative to curb the menace, trafficking report has placed India under Tier 2 from Tier 2 Watch List which position India was continuously rated for 7years.⁷⁴

Recently, the **National Crime Records Bureau (NCRB)** has released a study on **missing persons (especially on women and children) in India.**

- The analysis was **directed by the Supreme Court of India in 2019 to identify** the areas prone to **child and women trafficking.**
- Some parts of the country report higher incidents of missing children and women which could be one of the sources, transit or destination for child /women trafficking.
- The data for the study has been taken from the annual [Crime in India \(CII\) report](#) compiled by the NCRB for the years 2016, 2017 and 2018.

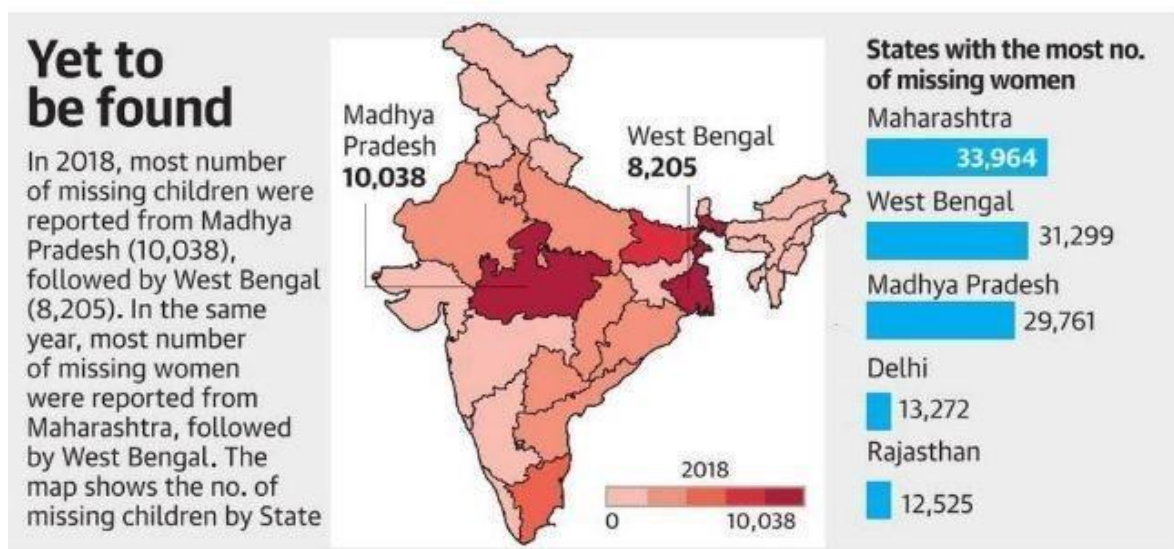
Global Scenario

- The [United Nations Office on Drugs and Crime \(UNODC\) Global report 2018 on trafficking in persons](#) indicates that the vast majority of the detected victims of trafficking for sexual exploitation are females.
- More than half of the victims of trafficking for forced labour are men and 35 % of them are females.
- The reasons for missing include mental illness, miscommunication, misadventure, domestic violence, and being a victim of crime. Whereas the common cause of trafficking is forced marriage, child labour, domestic help and sexual exploitation etc.

National Scenario

⁷⁴ Trafficking in Persons Report 2015 U S Department of States

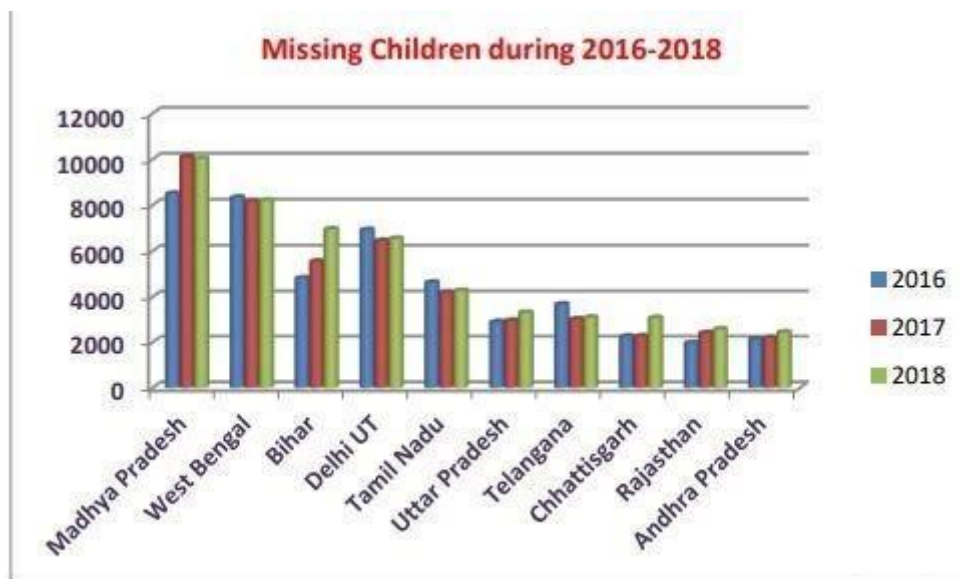
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- **Missing** **Women**
- **Maharashtra** registered the maximum number of missing women followed by **West Bengal**.
- Maharashtra, West Bengal and Madhya Pradesh are three most vulnerable states.
- Mumbai and Pune (Maharashtra), Kolkata (West Bengal) and Indore (Madhya Pradesh) recorded the highest number of such incidents.

- **Missing** **Children**
- The number of missing children are **maximum** in the State of **Madhya Pradesh, West Bengal, Delhi and Bihar**.
- Indore reported the highest number of missing children. Whereas **West Bengal's Nadia district, bordering Bangladesh**, showed a **steep increase** from 291 missing children reports in the year 2017 to 474 in 2018.

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Chapter 4

International and National Initiatives for the Combating Trafficking of Women

4.1 INTRODUCTION

Trafficking of women and children is not a recent issue faced by the world community. This has been in existence from time immemorial but the gravity of the crime is felt only recently. Today trafficking of human beings and especially women and children has reached such an extent that every country has been affected by this. Thus, it has become a global issue and the countries have come together to curb this menace through Conventions and legislations. Trafficking of human beings includes men, women and children but the trafficking of women and children are high when compared to men. Women and children being the weaker section of society, they easily become victims of trafficking. This aspect is taken into consideration by the nations while drafting the Conventions to suppress the

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immoral trafficking. The causes for trafficking, vulnerable sections of society, various forms of exploitation, who are the traffickers, and the reason for failure to curb the offence are taken into consideration and the Convention is drafted and national laws with respect to above offence are drafted in compliance with the provisions of the Conventions.⁷⁵

India has shown keen interest in protecting the human rights of its citizens in its all endeavor. By ratifying the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, Convention on Elimination of all kinds of Discrimination Against Women. It has shown its concern for protection of basic rights of women. India has incorporated the provisions in these conventions in Indian legislature thus giving full effect to the rights conferred in the Convention.

Union and State government has taken initiatives; number of policies drafted and has also variety of projects and programmes enlisted to curb the menace of human trafficking. Special powers were conferred on law enforcement authorities, agencies and NGOs to tackle the problem of trafficking.

4.2 Historical Background of evolution of Treaties and Convention for Human Trafficking

The history of origin of illegal exploitation is indistinct as there are various assessments. One assessment is that it is said it began when Africans were caught by slave traders and they were sent across the Atlantic to America to fill in as slaves. It is said essentially 20% of them passed on ready yet it is just a measurement not the real rate it very well might be more. Other assessment is during 1700 children were taken to function as constrained work as this can be considered as the start of illegal exploitation. The principal nation to sanction law to check slavery which disregards common freedoms of the weak section was the British in the year 1807 which announced the Transatlantic Slave Trade unlawful.

It is expressed that before the First World War a great many Europeans crossed the Atlantic and many thousands, more Chinese, Japanese, and Koreans crossed the Pacific for North and South America. Every year a large number of casualties of illegal exploitation were likewise stowed away in that development. A considerable lot of these casualties were trapped in the nets of dealers on the grounds that their rural networks were progressively underestimated in the worldwide economy or in light of the fact that, as women, their financial possibilities were exceptionally pitiable. China sent men from rural districts abroad to places like

⁷⁵ http://www.freedomfromfearmagazine.org/index.php?option=com_content&view=article&id=99:a-short-history-of-trafficking-in-persons&catid=37:issue-1&Itemid=159

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California and Malaysia to function as workers and women were shipped off Southeast Asia and Pacific bank of North America to fill in as "Sing young women" or prostitutes.⁷⁶

4.3 Five Major International Treaties against Human Trafficking

There are at least five international treaties that paved the way for the development of laws against human trafficking.

1) International Agreement for the Suppression of White Slave Traffic of 1904

The principal deal was the International Agreement for the Suppression of White Slave Traffic of 1904, the Contracting Parties to this Agreement were United Kingdom of Great Britain, Ireland, and of the British past the oceans, India, Germany, Russia, Belgium, Denmark, Spain, the French Republic, Italy, Netherland, Portugal, Sweden, Norway. Article 1 of the arrangements of the Agreement expresses that this understanding applies to the states where the slavery and segregation was practically speaking. This deal had the arrangements for guarding the railroad stations and ports of embarkation. Commitments were forced on the authorities to check the women and young women in these predetermined regions and to gather their subtleties to find out the reality whether they are exposed to trafficking in case they are, data as to crimes are to be learned from the people in question. Data is given to ambassadors, Consular specialists or different authorities on appearance of such people who are occupied with the wrongdoing. The nation of origin is educated about the safeguarded casualties, and important courses of action are taken for bringing home. The settlement requires the State to endow the dejected survivors of trafficking to public or private magnanimous organizations or people who may offer the required security.

This Treaty doesn't preclude trafficking, it is just worried about checking the women and young women from being dealt and they are securely restored by the origin country. The Treaty doesn't determine acts which would establish illegal exploitation and the discipline to be forced on the guilty parties. When there is no predefined law to forestall the illegal exploitation, nor a particular demonstration is considered as illegal exploitation then the demonstration of illegal exploitation can't be rebuffed as it isn't considered as wrongdoing. It doesn't accommodate restoration of the people in question or for making mindfulness as excessively intense of trafficking of women.

2)International Convention for the Suppression of the White Slave Traffic of 1910

⁷⁶ <http://www.globality-gmu.net/archives/3271>

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To defeat the lacunae in the 1904 deal, the International Convention for the Suppression of the White Slave Traffic of 1910 was embraced. It required the Contracting Parties to alter their enactment to oblige the arrangements in this Convention. It given to discipline for the people who gets or allures or leads away a woman or girl under age for indecent purposes or for satisfaction of another regardless of whether the equivalent is submitted in various nations. Article 2 of the Convention gives discipline to the guilty parties who have dealt a woman or girl either through danger, power, compulsion or prompting, in any event, expanding the ward of the nations for offenses submitted outside borders. This arrangement checks the odds of the nation trying not to make a move against the dealers on the ground that the offense isn't submitted inside their country. Article 3 of the Convention accommodates removal of the wrongdoer to rebuff him in the nation of his origin. The fundamental downside of this Act is if a casualty is found in a massage parlor the contracting parties are allowed to uphold their own law either to save, restore or to rebuff.⁷⁷

This would be a bad form done to the casualties who are constrained into this trade and who are keen on being protected from the house of ill-repute. The reason for the Convention neglects to handle the primary issue of shielding the casualties from being abused by the dealers despite the fact that the casualties are recognized.

Size of Trafficking fluctuates based on identity, age and sex. Identity based deals are Anti Human Trafficking Treaty 1904, which was entitled Agreement for the Suppression of the White Slave Traffic which was drafted by League of Nations. This arrangement is viewed as the most punctual measure to battle International trafficking in women and young women.

Global Convention for the Suppression of the White Slave Traffic 1910 was sex explicit and tended to human traffic of women as it were: grown-up women and female minors (21years).

Meaning of white slavery was the "acquirement by utilization of power, duplicity, or medications of a white woman or girl without wanting to for prostitution." This deal neglected to consider the trafficking of different women and young women who are likewise casualties of trafficking. At the point when the extent of the trafficking offense expanded it acquired the consideration of the legislatures to meet up to battle against this infringement of basic freedoms of women and young women. In 1899 and in 1902, International Conferences were coordinated at Paris to battle against the white slavery. The 1904 Convention was the principal peaceful accord on illegal exploitation which pointed toward guaranteeing the bringing home of the people in question.

⁷⁷ Statutes at Large," International Convention for the Suppression of the White Slave Traffic." May 4, 1910

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Criminalization of white slavery was maintained uniquely in International Convention for the Suppression of the White Slave Trade in 1910.

Outcome of the World War I prompted the constitution of the primary worldwide association of countries, the League of Nations and the nations to go into consent to outline rules and guidelines which would be made required to be gone along by the Contracting Parties to secure the basic freedoms of individuals and particularly trafficking in women and children could be checked.

3) International Convention for the Suppression of Traffic in Women and Children, 1921

The commands not just pointed out worldwide trafficking of white women yet to all women and young women; it likewise included children of both genders. In 1921, 33 nations at a League of Nations International Conference marked the International Convention for the Suppression of Traffic in Women and Children however the Convention covered just illegal exploitation for reasons for sexual abuse and prostitution and overlooked different types of illegal exploitation and misuse.

This settlement depends on nationality. Yet, the Anti-Human Trafficking Convention 1921 and International Convention for the Suppression of the Traffic in Women and Children perceived the dealt individual as casualty of illegal exploitation with no further characterization. It consolidated casualty recognizable proof into against illegal exploitation arrangements and approved the duty to movement and migration authorities to distinguish the survivors of trafficking, which incorporates checking at the take-off points, appearance and during excursion of movement and resettlement. It makes a reference to the restoration of dealt casualties by guiding the public authorities to mastermind the presentation, in rail line stations and in ports, sees notice women and children of the risk of the traffic and showing where they can acquire convenience and help. This unmistakably states how much the State Parties to Convention had stepped up and salvage the survivors of illegal exploitation.

The International Convention for the Suppression of the Traffic in Women and Children of 1921, pointed toward shielding the children of both genders from being dealt and the age of the youngster to be shielded from trafficking has been expanded to a long time from 20 years determined in 1904-1910 settlement. Work agencies are brought under reconnaissance under Article 6 which forced a commitment on the contracting gatherings to be careful while giving licenses to them and furthermore to recommend essential guidelines to guarantee that the women representatives looking for business abroad through work agencies ought to be under exacting management of the Government. 1904 settlement limits the meaning of casualties of trafficking just to 'white young women' which shows that solitary white young women are dependent upon

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illegal exploitation this order has been taken out in 1921 Convention in bringing woman and young women as survivors of illegal exploitation.

4)International Convention for the Suppression of the Traffic in Women of Full Age, 1933

Not at all like 1910 Convention this Convention incorporates casualties of both genders and children, Anti Human Trafficking Convention 1933 again made a sex explicit definition for trafficking alluding just to 'a woman or a girl of full age.' It neglects to address the children of both genders; additionally, the convention needs Preventive measures for illegal exploitation and is quiet about making public mindfulness as to genuine of the issue which is generally significant.

5)United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 1949

The part countries of United Nations after the Second World War received the primary legitimately restricting peaceful accord on illegal exploitation, which viewed as a basic freedoms report known as United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 1949. This has been approved by 66 countries up until this point. Convention on the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others, 1949 made explanation to the lacunae present in 1933 Act, on the issue of sex, as immaterial in the event of survivors of illegal exploitation. Article 17 of this Convention guides the State Parties to check the traffic in people of one or the other sex with the end goal of prostitution. Article 18 of the Convention expresses that the State gatherings to take from the saved survivors of trafficking a revelation, with respect to the subtleties of dealers, sort of abuses caused on them, this would assist the lawful authorities with effectively distinguishing the dealers. Subsequently, this Convention has bound itself to the prostitution as the lone reason for which individuals are dealt and exposed to abuse and totally disregarded different types of misuse associated with this interaction.⁷⁸

The United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1949 confined the definition of trafficking to exploitation of women for prostitution. The State parties have undertaken to punish person who procures, entices or leads a woman with consent to exploit her for business of prostitution. The convention has failed clearly to distinguish between 'trafficking' and 'exploitation for prostitution'. Women are trafficked for other purposes like domestic servant, bonded labour, organ transplantation, surrogacy etc.

⁷⁸ tatutes at Large," International Convention for the Suppression of the Traffic in Women of Full Age." October 11, 1933

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4.4 Human Rights in UN Charter

The UN Charter re-affirms the confidence in protection of fundamental human rights of individuals. It has fused a few arrangements concerning basic freedoms. It is said that the worry for security of common liberties is woven in the UN Charter as a brilliant string. The Charter guarantees insurance of pride and worth of individuals of equivalent rights among people. It likewise underscores on the disallowance of segregation on the ground as to sex, religion, caste etc .

4.5 Universal Declaration of Human Rights, 1948

Article 3 to 21 of UDHR also recognizes the inherent rights of human beings and the right to enjoy freedom of speech and belief. It also reaffirms equal rights of men and women and is determined to promote social progress and better standards of life in greater freedom. The Civil and Political Rights enumerated are;

- i. Right to life, liberty and security of person
- ii. Prohibition of slavery and slavery trade
- iii. Prohibition of torture, cruel, inhumane or degrading treatment or punishment
- iv. Equality before law and equal protection of law against any discrimination in violation of Declaration.⁷⁹

4.6 The United Nations adopted the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000

To eliminate the lacunae in the 1949 Convention UN Protocol to Prevent, Suppress and Punish Trafficking in Persons 2002 came into power. The United Nations received the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000. This was viewed as the principal arrangement that recognized current slavery, just as the chance of men being casualties of illegal exploitation. The definition was likewise extended to organ collecting, slavery, and constrained work movement.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000 characterizes trafficking as 'The enrollment, transportation, move, holding onto or receipt of people, through the danger or utilization of power or different types of intimidation, of snatching, of extortion, of duplicity, of the maltreatment of force or of a place of weakness or of the giving or getting of installments or advantages to accomplish the assent of an individual having command over someone else, with the end goal of abuse.

⁷⁹ <http://hankeringforhistory.com/the-history-of-human-trafficking/v>

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Articles 4-6 of the Convention characterizes the term 'People' in the Protocol incorporates men, women and children who are exposed to trafficking, examinations and indictments and furthermore in removal of the dealers. To set up common liberties assurances for the casualties of trafficking which will incorporate giving safe house, clinical assistance, legitimate help, directing and bringing home to the casualty's country.

Hostile to Human Trafficking Protocol 2000 is the result of the endeavors of each administration on the planet. The introduction of the Protocol states:

"Pronouncing that viable activity to forestall and battle trafficking in people, particularly women and children, requires a thorough global methodology in the nations of origin, travel and objective that incorporates measures to forestall such trafficking, to rebuff the dealers and to secure the survivors of such trafficking, including by ensuring their universally perceived common freedoms."⁸⁰

This Protocol unmistakably targets halting illegal exploitation internationally. It manages the repartition of illegal exploitation casualties; it forces an obligation on the state as to security of the casualties just as get back to their place immediately. It additionally forces a limitation on the state not to urge the casualties of illegal exploitation to give declaration in judicial procedures against their dealers.

In all the above Conventions and Protocol, it is extremely evident that the targets were to recognize the people in question, restore them, make public mindfulness about the reality of illegal exploitation, admittance to lawful help to the people in question and to check the exercises of the dealers. The 2000 UN Anti Human Rights Protocol guides the State gatherings to take the duties to guarantee the physical, mental and social recuperation of survivors of trafficking which incorporates legitimate lodging, directing, lawful help, schooling, business and preparing openings. It is the obligation of the State Parties to help the casualties in getting appropriate remuneration for the sufferings gone through by them from the dealers. Contingent upon the age of the survivors of trafficking the state needs to settle on the recovery measures to be received. With respect to the assent of casualties of trafficking it plainly states in Article 3 of the Protocol that the assent of casualties is immaterial when the casualty was enrolled, moved, moved, held onto, compromised, constrained. Pressured, childnapped or hoodwinked. The assent of the casualty is additionally superfluous when the dealers manhandled his control over

⁸⁰ UN, United Nations Convention against Transnational Organized Crime: Annex II Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,"

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the person in question, the casualty's weakness or gave or got installments or advantages to accomplish the assent of an individual having authority over the person in question, with the end goal of misuse. Misuse incorporates the prostitution of others, different types of sexual abuse (like constrained work, or administrations, slavery or practices like slavery, bondage or the expulsion of organs) concerning removal of dealers however there is no arrangement in the 2000 Protocol straightforwardly yet in the United Nations Convention against Transnational Organized Crime to which the Protocol has a place. Removal is conceivable in:

"Situations where an offense ... includes a coordinated criminal gathering and the individual who is the subject of the solicitation for removal is a situated in the area of the mentioned State Party, given that the offense to which removal is looked for is culpable under the homegrown law of both the mentioning State Party and the mentioned State Party."

How many countries have ratified the protocol?

As of May 2020, Trafficking in Persons (TIP) Protocol has been ratified by 178 countries.⁸¹

4.7 United Nations Convention against Transnational Organized Crime (UNTOC)

The General Assembly in 2000 adopted the United Nations Convention against Transnational organized Crime (UNTOC) which came into force in 2003. The main objective of this Convention was to fight against transnational organized crime. The States that ratified have undertaken themselves to take appropriate measures to prevent and control transnational organized crime which includes the criminalizing of the participation in an organized criminal group, adoption of frameworks for extradition, mutual legal assistance and international cooperation. This Convention aims at creating an international co-operation to effectively combat this transnational organized crime. It covers five offences whether it is committed by individuals or corporate entities that are participation in an organized criminal group, corruption, money laundering, obstruction of justice, and 'serious crime.' "Serious Crime" is defined in such a way as to include all significant criminal offences. Intention is to make it convenient to all modern criminal activity including trafficking and related exploitation as well as migrant smuggling. This is especially important in view of the fact that states may become parties to the convention without having to ratify any or all of the protocols. This victim-friendly protocol provides for preventive measures (Article.9), victim's compensation and privacy protection (Article 6), repatriation (Article 8) and strengthened border control measures (Article 11 &12)

As there is no proper communication and cooperation among the State parties in tackling trafficking and smuggling offences as far as the domestic laws are concerned it was the main obstacle to check the trafficking

⁸¹ <http://www.unodc/en/treaties/CTOC>

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offences effectively. This Convention has provided measures to be adopted to tackle the problem effectively and also provides for a detailed legal framework on mutual legal assistance in investigations, prosecutions, and judicial proceedings.⁸²

Articles 4-6 of this Convention has taken all precautionary measures to protect the victims of trafficking by directing the State Parties not to subject the victims to criminal prosecution under the grounds that they have been smuggled. These victims have to be protected from the human rights violation such as torture or other cruel, inhumane or degrading treatment or punishment. Special protection is to be given to women and children who are victims of trafficking. Protocol requires the ratifying countries to provide assistance to other countries in investigations and prosecutions and also in extradition of the traffickers. To establish human rights protections for the victims of trafficking which shall include providing shelter, medical help, legal assistance, counselling and repatriation to the victim's country.

However, the Protocol does not provide protection from prosecution for the acts victims are forced to perform. Therefore, victims could be prosecuted for a crime they were coerced into committing- such as prostitution, working without a permit, or having false identification documents and be summarily deported for these violations. Also, most of the positive measures, especially victim assistance, are discretionary. Thus, victims who remain in a country in order to serve as witnesses for the prosecution could be detained for months without critical services or employment. This could create unwillingness in victims to offer testimony, which would be detrimental to the case and undermine the law enforcement objectives of this Protocol. Also, these victims are still at risk of physical harm from the traffickers. There is no mention of 'reintegration' or providing services upon repatriation to ensure that a victim is able to re-enter the mainstream of the society. The Protocol refers only to co-operation between State Parties to ensure safe repatriation of victims to their countries of origin. The victims are likely to be delivered back into the same conditions from which they were trafficked and are at risk of re-victimization.

India has signed the United Nations Convention against Transnational Organized Crime in December 2002 but in 13th May 2011, the Indian Government ratified two UN Conventions - the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime (UNTOC) and its three protocols. India is one of the five countries in South Asia, including Afghanistan, Pakistan and Sri Lanka and Nepal to ratify the UNTOC. The three Protocols which are aimed at targeting the organized crime are:

a. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children - This Protocol provides a clear definition of trafficking in persons – it aims at comprehensively

⁸² Jayantha Choudhury & Purbita Gupta, Trafficking in Women and Children-Tripura Perspective, (ed, 1st, Naba Chandana Prakashani, Tripura 2012)

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addressing trafficking in persons through the so-called three P's - Prosecution of traffickers, Protection of victims and Prevention of trafficking

b. The Protocol against the Smuggling of Migrants by Land, Sea and Air- It also provides for definition of smuggling of migrants and aims at preventing and controlling smuggling of migrants, promoting cooperation among State Parties, while protecting the rights of smuggled migrants

c. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

India has ratified the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002 and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare, 2002 in South Asia.

4.8 UDHR and the Seven Core International Human Rights Treaties

UDHR is an important instrument from which anti human trafficking policies can be enacted to protect the victims of human trafficking from severe violation of human rights. UDHR and the Seven Core International Human Rights Treaties emphasis on human rights approach to combating human trafficking at the international level. The seven core treaties are:

4.8.1 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965

By late 1959 the incidents of racial, religious and national hatred occurred in a number of countries, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Human Rights Commission and the General Assembly expressed their concern about such incidents. This led to the adopting the ICERD on 20th November, 1963. General Assembly affirmed the urgent need of eliminating racial discrimination all over the world and securing, understanding of and respect for the dignity of the human person and called upon the Member States to take national and international measures to that end including teaching, education and information, in order to secure the universal and effective recognition and observations of the principles proclaimed in the Declaration.⁸³

4.8.2 International Covenant on Civil and Political Rights, 1966

It provides for the right to self-determination. It imposes a responsibility on the state parties to promote the rights of self-determination. State Parties are liable to provide effective remedy to the victims of trafficking for violation of any of the rights conferred by the Covenant. State Parties to covenant, undertake to ensure the

⁸³ Article 6 to 27 of International Covenant on Civil and Political Rights 1966

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principle of equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant.

4.8.3 International Covenant on Economic, Social and Cultural Rights (ICESCR),1966

The State Parties to the Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social, origin, property, birth or other status. It provides for various rights like, education, adequate standard of living for himself and his family member, social security; work freely, enjoyment of just and favorable conditions of work.

4.8.4 Convention on Elimination of All Kinds of Discrimination Against Women (CEDAW), 1979

Main objectives of the UN Charter and UDHR are to promote universal respect for human beings and fundamental freedoms without any distinction. It states that any discrimination against women is incompatible with the human dignity and the welfare of the society. Article 1 CEDAW Convention states that the term discrimination means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercised by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field.

State Parties are under obligation to establish a legal protection, refrain from any act or practice of discrimination and to take appropriate measures to eliminate it. State parties undertake to repeal all national penal provisions which discriminate against women.

As of 2021, 189 countries have ratified the Convention on CEDAW, 6 countries have failed to ratify, and these nations are the United States, Iran, Sudan, Somalia, Palau and Tonga. India signed the Convention on 30th July, 1980 and ratified it on 9th July 1993 with certain reservations.

Why many countries have not ratified CEDAW?

The US feels that if the Convention is ratified, American women would come under the supervision of the UN and it would infringe the liberty of women. It contends that it has already provided protection and equal rights to women in the US Constitution. They also justify by stating that they have spent more to protect the rights of women when compared to CEDAW.

4.8.5 Convention against Torture and Other Forms of Cruel, Inhumane or Degrading Treatment or Punishment (CAT), 1984

The General Assembly with a desire to make more effective, the struggle against the torture and other cruel inhumane or degrading treatment or punishment throughout the world adopted the above convention. Article

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1 defines the term 'torture' as any act which serves pain or suffering , whether as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity .

4.8.6 Optional Protocol Convention against Torture and Other Forms of Cruel, Inhumane or Degrading Treatment or Punishment (CAT), 2002 it provided for the establishment of sub-committee on prevention which shall have the authority to visit the place where there are violation of human rights and make recommendation to State Parties concerning the protection of persons, deprived of their liberty against torture and other cruel, inhumane or degrading treatment or punishment. It assists the State Parties in evaluation of needs of deprived persons.

4.8.7 Convention on the Rights of Child (CRC),1989

The General Assembly after adoption of this Convention proclaimed "Mankind owes to the child the best it has to give. "UDHR Article 25(2) proclaimed that motherhood and childhood are entitled to special care and assistance. This convention provides for special protection and opportunities to the child without any discrimination. Wherever possible it shall be allowed to grow up in the care and under the responsibility of his/her parents. Every Child shall be given free and compulsory education at least in the preliminary stage to be given by the state. They shall be protected against all forms of neglect, cruelty and exploitation. He/She shall not be the subject to traffic in any form and not admitted to employment before an appropriate minimum age, and not be permitted to engage in any occupation, employment which would prejudice his/her health or education or interfere with his/her physical, mental or moral development.

4.9 Impact of the Convention

The Universal Declaration of Human Rights has impacted different public constitutions drafted after the appropriation of the Universal Declaration. The Indian Constitution bears the effect of the Universal Declarations and this has been perceived by the Supreme Court of India.

In *Chairman, Railway Board and others v. Mrs. Chandrima Das and other* the Supreme Court suitably saw that the International Covenants and Declarations as embraced by the United Nations must be regarded by all the signatory states and the significance given to the words in such assertions and pledges need to, for example, would help in successful execution of those rights. Part 7 of the draft Soviet Constitution contained "the Basic Rights, Freedoms and Duties of Citizens of the U.S.S.R".

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4.10 Additional protocol of migrant smuggling and human trafficking especially of women and children 23rd Dec 2003

Item and Scope of this Protocol was to defeated the lacunae in before Trafficking Protocol. All Conventions and Protocols bound the meaning of survivors of dealing to women and childs and men were completely disregarded. This Protocol incorporates men likewise into the meaning of survivors of dealing.

The State Parties have embraced to mastermind fundamental preventive measures, assurance of casualties and hostile against the criminal center of the business. All things considered, regardless of whether assent has been given by him to relocate, the objective nation is needed to offer important help and assist them with incorporating the general public. While the nation of beginning should help in the reintegration exercises for the casualties of dealing getting back from abroad to shield the casualties from being re-dealt or held in the objective country. There is additionally an arrangement in the convention to give pay to the casualties of dealing from the assets seized from the dealers. Germany, Italy, Japan, Thailand, United Kingdom and the United States have marked the Protocol however they have not yet approved however these nations are positioned as primary objective nations in dealing. Italy, Belgium and the Netherlands and the United States and Europe have showed new drive in changing the movement law and they have presented extraordinary home licenses for women without legitimate papers on the off chance that they demonstrate they are the casualties of genuine types of abuse of dealing.

4.11 The Protocol to the Forced Labor Convention, 2014

This Protocol was received by the administrations, managers and laborers at the ILO International Conference to offer stimulus to the worldwide battle against constrained work incorporating dealing with people and bondage like practices. This Protocol supplement the Forced Labor Convention, 1930 (No.29) and supplements the current global instruments by giving explicit direction on compelling measures to be taken to dispose of all types of constrained work. State Parties embrace to forestall and secure the casualties of constrained work and furthermore to give solution for the casualties as pay.

4.12 National Framework of Laws for battling dealing with India

(a)Constitutional provisions relating to immoral trafficking

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The Constitution of India, the key rule that everyone must follow, disallows trafficking people. Article 23 of the constitution explicitly forbids "traffic in individuals and hobos and other comparative types of constrained work". Other essential rights cherished in the Constitution pertinent to dealing are Article 14 which accommodates uniformity under the steady gaze of law and equivalent insurance of law, Article 15 expresses that there will be no separation on grounds of religion, race, standing, sex spot of birth, Article 21 ensures right to life and individual freedom, Article 39(e) provides a guidance as to assurance of women and youngsters' privileges and expresses that the wellbeing and strength of women and furthermore the youthful period of childs not be mishandled and ought not be compelled to accomplish any work or enter any side interests which is unsatisfactory to their age and strength because of their monetary need. Article 30(f) provides a guidance that childs ought to be shielded from being abused and particularly the young ought to be given freedoms and offices which would help them to create in a solid and noble way. Article 51 An It forces an obligation on each resident of India that they ought to take a stab at killing the slanderous practices which abuse the nobility of women, and foster humanism and practice sympathy.⁸⁴

(b)The Suppression of Immoral Traffic in Women and Girls Act, 1956.

The idea of illegal exploitation however it has acquired energy as of late, infringement of common freedoms has been in presence in one or other structure yet the size of infringement changed. Independent of sex, men, women and youngsters were exposed to genuine types of abuse and the weak part of society never brought up any criticisms nor rebelled against merciless unfeeling and corrupting treatment delivered on them. Individuals from more fragile areas of society become simple prey to the snare laid by the wrongdoers or lawbreakers and they experience in their grasp without any way to escape from their grip. One difficult issue which has formed into worldwide level is the dealing of women for abuse. As there is tremendous interest for women in the market the dealers to meet the stock solicitation, are receiving different unlawful intends to bait the honest women and they are sold at a cost winning on the lookout.

In India women and youngsters were found to become survivors of dealing as they are uninformed of their privileges, as they are particularly from monetarily and socially denied segments of the general public, these variables are significant reasons for expanding the pace of dealing. India has become a beginning, travel and objective nation and furthermore is positioned alongside different countries in the major dealing with influenced nations the world rundown regarding the quantity of women and childs being dealt with a year. India approved the International Convention on Prevention of traffic in individuals and misuse of prostitutes on ninth May 1950, at New York. To viably battle dealing of women India came out with an enactment

⁸⁴ Jain M.P, 'Indian Constitution Law', (vol 1&2 Wadhwa & Co.,Nagpur,2003

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consolidating the arrangements in the above Convention, this Convention was named as The Suppression of Immoral Traffic in Women and Girls Act, 1956

This Act intended to save the abused women and young women, to forestall decay of public ethics and to annihilate the underhanded calling which was uncontrolled in India that is prostitution existed in many pieces of the country. women and young women had to take up this calling by the danger of the dealers. Prostitution is likewise considered as the infringement of fundamental common liberties of women and young women and it added up to dealing which is culpable under this Act.

India sanctioned the International Convention on Prevention of traffic in people and abuse of prostitutes on ninth May 1950, at New York. To carry out the arrangements of this show in Indian law, Parliament passed the Suppression of Immoral Traffic in Women and Girls Act, 1956. It was in short called SITA. Article 23 of the Constitution or in International Convention there is no notice of avoidance of improper traffic in women and young women. It specifies just traffic in individuals as it were. Along these lines to defeat the lacunae in this Act and to give a more extensive definition to the term dealing this Act was subsequently corrected; its title is changed now as The Immoral Traffic (Prevention) Act, 1956. This Act rebuffs the individual who acquires or endeavors to secure, incites or takes or endeavor to take an individual starting with one spot then onto the next with the end goal of prostitution is culpable with fine of 2,000 rupees and detainment for a term of seven years which might be stretched out to fourteen years. This Act accommodates the constitution of an extraordinary cop in every space determined by the State Government for managing offenses identifying with dealing. Judge is deliberated with the capacity to coordinate the casualties of dealing to be given safe house either in the defensive home or restorative foundation under the oversight of an individual named by the Magistrate.

The downside of this Act is in the greater part of the cases the people who were sentenced were women and young women (casualties) under Section 8 of the ITPA which punishes enticement or requesting for prostitution. The genuine guilty party or wrongdoers got away from the grip of law as the dealing network has number of dealers working for various stages and when their job indicated in illegal exploitation is refined, he/she is out of site. In the vast majority of the cases the casualty is treated as hoodlums when they are really casualties of dealing, the explanation is just casualties are followed or made at the hour of the assault submitted by the police specialists.

Change Proposal

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At present the legitimate arrangements to forestall dealing have been made more rigid. Certain corrections are proposed to the Immoral Traffic (Prevention) Act, 1956 to extend its degree to zero in on dealing, basic liberties of casualties and to make its execution more viable. The significant revisions incorporate cancellation of Section 8 which accommodates discipline for tempting or requesting with the end goal of prostitution and Section 20 which is identified with the expulsion of a whore from any spot. Cancellation of these segments have been proposed keeping in see that women engaged with prostitution are survivors of dealing and taking a gander at them under these areas 8 and 20 re-deceive them.

The other significant revision incorporates inclusion of new areas characterizing the offense of "Dealing with Persons" on lines of meaning of dealing as accessible in discretionary conventions on dealing to UN Convention on Transnational Organized Crime) (UNCTOC), discipline for people engaged with "Dealing with Persons" and discipline for an individual who visits or is found in house of ill-repute with the end goal of sexual abuse. different revisions incorporate the constitution of a Central Authority just as State Authority with the end goal of successfully battling the offense of "Dealing with Persons" at Central and State level.

(c) Indian Penal Code, 1860

IPC provides a number of provisions relating to trafficking. Like

Section 366 provides punishment for kidnapping, abducting or inducing woman to compel her for marriage, etc.,

Sec 372 deals with selling minors for purposes of prostitution,

Section 373 deals with buying minors for purposes of prostitution etc.,

Section 339 deals with wrongful restraint and *Section 340* deals with wrongful confinement.⁸⁵

Amendments

The Government of India has recently amended the Code of Criminal Procedure 1973 as amended by the Code of Criminal Procedure (Amendment Act, 2008(5 of 2009) has now added new provision in the form of the section 357-A on victim Compensation.

357-A .Victim compensation scheme-

i) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victims or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

(d) The Bonded Labour System (Abolition) Act, 1976

⁸⁵ Ratnanlal and Dhirajlal, The Indian Penal Code, (ed, 18th , Wadhwa & Company Nagpur,1992)

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This Act completely abolishes the bonded labour system no one can be compelled to render service for less than the wages fixed by the government. Section 4 states that any agreement to bind a person to be a bonded labourer or forced labour is void, Section 5 states that the objectives of this Act is to abolish the practice of bonded labour as the weaker sections of society like women, children are exploited by offering false promise of job opportunities.

(e) The Indecent Representation of Women (Prohibition) Act, 1986

This Act characterizes 'foul portrayal of women' as the portrayal of women in any way of the figure of woman her type of body or any part thereof so as to be disgusting or defamatory to, or criticizing of women, or is probably going to debase, ruin or harm public profound quality. This puts a limitation on the distributing, sending by post of books and flyers containing revolting portrayals of women and denies all people from getting included straightforwardly or in a roundabout way in the distribution or show of any commercial containing disgusting portrayal of women in any structure. The destinations of the Act are to keep the dealers from disgustingly addressing the casualty of dealing (women and young women) in any way with goal to make benefit out of it.

(f) The Transplantation of Human Organs Act, 1994

As indicated by the UN Committee on Economic, Social and Cultural Rights expresses that "the acknowledgment for the right to wellbeing might be sought after through various, reciprocal methodologies, like the plan of wellbeing strategies, or the execution of wellbeing programs created by the World Health Organization (WHO) or the selection of explicit lawful instruments.

Article 12 of the Convention on Economic, Social and Cultural Rights, 1966, forces a commitment on the signatory states to recognize the infringement of the right to wellbeing. Infringement may happen because of disappointment on piece of the states to make vital lawful strides against the wrongdoers, or activity of outsiders like dealers who are not controlled by the state which would bring about organ-dealing mafia. As the weak segments are uninformed of the risks of organ transplantation activities and lawful cures accessible it turns out to be extremely challenging to check this hazard.⁸⁶

Lately there has been an incredible interest for organs. The primary explanation is advancement in clinical innovation and furthermore numerous individuals experience the ill effects of organ disappointment because of their wellbeing and food propensities. This has brought about dealing of guiltless individuals for exchanging

⁸⁶ General Comment No. 14 (2000), UN Committee on Economic, Social and Cultural Rights, para 1.

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their organs, the weak areas of society effectively succumb to the snare laid by the dealers (Organ Traders). To check the illicit human organ exchanging The Transplantation of Human Organs Act was passed.

The primary targets of the Transplantation of Human Organs Act 1994 are:

i) To accommodate the guideline of expulsion, stockpiling and transplantation of human organs for helpful purposes

ii) The Act additionally accommodates the guidelines and enrollment of clinics occupied with evacuation, stockpiling and transplantation of human organs.

4.13 Justice Verma Commission Report

A three-member Committee headed by Justice J.S. Verma, (former Chief Justice of the Supreme Court), was constituted on December 23, 2012 to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The Committee recommendations on laws related to rape, sexual harassment, trafficking, and child sexual abuse, medical examination of victims, police, electoral and educational reforms. On the basis of recommendations made by this committee amendment of Indian Penal Code was carried out, Criminal Law (Amendment) 2013 has added Section 370 A to protect the victims of trafficking from exploitation which states;

- 1) Whoever, knowingly or having reason believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.
- 2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also liable to fine.⁸⁷

The Verma Committee also made recommendation of issues of trafficking stating that the Immoral trafficking Prevention Act, 1956 failed to provide a comprehensive definition to the term 'Trafficking' as it has confined its definition only to prostitution and it criminalized trafficking for the purpose of prostitution. It recommended for amendment of the provision of the IPC on slavery to criminalize trafficking by threat, force or inducement. It also recommended criminalizing employment of a trafficked person. The juvenile and

⁸⁷ Justice Verma Commission Report, January 23, 2013

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women protective homes should be placed under the legal guardianship of High Courts and steps should be taken to re-integrate the victims into society.⁸⁸

Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2016

Indian Government has moved forward to check the dealing of people as the extent of the offense is expanding quickly regardless of different laws, projects and approaches have been started by the public authority. Dealing of Persons (Prevention, Protection and Rehabilitation) Bill 2016 has been drafted keeping the destinations of Article 23 of the Indian Constitution which forbids dealing of people and bums and other comparable types of constrained work. The Bill likewise accentuates on the significance of Article 21 of the Indian Constitution which ensures Right to life and Personal freedom to residents of India. While drafting the Bill the arrangements of the UN Charter and different Conventions which India has approved and has a commitment to fuse in their public laws are additionally mulled over, Like the Immoral Trafficking of Persons Act,1956, this Bill likewise perceives that dealing of people should be precluded and casualties need care, assurance and recovery.

Area 2(a) of this Bill confines the meaning of "after care" to a been regulated in casualty a unique home as characterized under Section 2(1). If there should arise an occurrence of casualties of dealing who flees, escapes or safeguards herself by her own organization from the dealers and furthermore those casualties who have been saved yet they have not selected to remain in the extraordinary home who was later re-dealt and again saved won't be qualified for the insurance under the previously mentioned Sections. The Bill engages the District Anti Trafficking Committee to choose with respect to the length of stay of the safeguarded survivors of dealing. Such optional forces may prompt constrained stay for the people in question if the casualties are not keen on proceeding to remain in the 'after care'.

Justice Verma Committee in its report had proposed correction to Criminal Law and furthermore recommended the progressions in the meaning of dealing of an individual to be fused in Section 370 of the Indian Penal Code.

Sec 1 of the said definition of Committee states

(1) Whoever, for the purpose of exploitation,

a) recruits,

b) transports,

c) transfers or

e) receives, a person or persons by

Firstly, by using threats, or

⁸⁸ <http://www.prsindia.org/parliamenttrack/report-summaries/justice-verma-committee-report-summary-2628/>

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Secondly, by Using force, or any other form of coercion. or

Thirdly, by abduction or

Fourthly, by practicing fraud, or deception or

Fifthly, by abuse of power, or

Sixthly, by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harbored, transferred or received, commits the offence of trafficking.

Justice Verma Committee has included in its definition to the term “exploitation” prostitution, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the forced removal of organs. As far as the consent of the victims is concerned it clearly states it’s immaterial to determine the offence of trafficking. But Section 370 of Indian Penal Code did not include the term “forced Labour or services”.

Drawbacks of this Bill – It fails to give accurate definition to terms like Protection, Prevention and Rehabilitation which are considered to be the objectives of this Bill.

What are the Protections to be afforded to the victims of trafficking?

What are the preventive steps to be taken by the law enforcement authorities, and the government?

What are the measures and modes to be adopted to rehabilitate the victims of trafficking to prevent them from being re-trafficked?

These are thoroughly missing in this Bill which is generally essential to offer life to this Bill to turn into a compelling institution. The Bill accommodates restoration of survivors of dealing which might be long haul or momentary stay in cover homes given by the State government yet the troubles is determining the what sort of recoveries to be given and furthermore whether the casualties will be adequately certain to proceed in the after-care homes as there is all prospects that the casualties will be under a worry with regards to their security in that temple homes. This may prompt casualties turning threatening and carelessness with respect to the law authorization experts in taking fitting measures in ensuring the interest of casualties will bring about guilty parties despite the fact that arrested by the legitimate specialists' conviction of the dealers becomes troublesome in those conditions. The Bill has totally neglected to address the dealing of people from abroad to India (importation of people from unfamiliar nations). Idea of "coordinated wrongdoing" isn't tended to at all in the Bill which is a genuine worry as of now. The Bill has neglected to characterize the main idea "Dealing" and what are the offenses which can be brought under its definition. Every one of the laws identifying with dealing so far focus on just a single offense of dealing that is dealing of women for sexual misuse and totally overlooking different offenses like organ transplantation, homegrown subjugation, constrained work, obligation servitude, illicit reception, constrained marriage and so forth This vagueness

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may prompt mis-translation of the law and aim of the lawmaking body will bomb wretchedly and would bring about making hurt survivors of dealing particularly women as opposed to stretching out assurance to her life and security

4.14 International Instruments ratified by India

India has attempted to forestall and battle dealing by being signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly Women and Children, enhancing the United Nations Convention against Transnational Organized Crime. India has likewise sanctioned other related Conventions like Convention on the Elimination of All Forms of Discrimination Against women (CEDAW), Convention on the Rights of the Child (CRC) and its discretionary conventions, and the SAARC Convention on Preventing and Combating Trafficking among Women and Children.

4.15 Institutional Mechanisms

a. The National Commission for Women (NCW)

The designers of the Indian Constitution were very much aware that the women in this nation were abhorring rights equivalent to those of men. That is the explanation they had fused Article 14 which declares the standards of uniformity under the watchful eye of law or equivalent security of laws inside the domain of India. Article 15 which manages disallowance of segregation on grounds of race, religion, rank, sex or spot of birth likewise gives in its proviso (3) that nothing in this article will keep the State from making unique arrangement for women and childs. Other than this Article 39 sets out specific standards to be trailed by the state which gives:

The State will, specifically direct its arrangement toward getting:

a) that the residents, people similarly, reserve the option to a satisfactory method for business ;

b)that there is equivalent compensation for equivalent work for all kinds of people,

c) that the wellbeing and strength of workers,men and women, and the young time of childs are not manhandled and the residents are not constrained by monetary need to enter side interests inadmissible to their age or strength. These arrangements were a long way from good and neglected to achieve the ideal outcomes. This was the motivation to cure the current circumstance and to work on the states of women; the Parliament sanctioned the National Commission for Women Act, 1990. To implement the arrangements in

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the Act the National Commission for Women (NCW) was established on 31st January,1992 as a legal body at the public level, to shield the interests of women it has the forces to explore and analyze the legitimate protections given to women under the Constitution and different laws; survey the current arrangements the Constitution and different laws influencing women and prescribe alterations to meet any lacunae, deficiencies or inadequacies in such laws; investigate protests and take suo motu notice of issue identifying with hardship of women's privileges and take up the issues with fitting specialists; take up examinations/research on issues of pertinence to women; and take part and exhort in the arranging interaction for financial improvement of women.⁸⁹

In August 2003, NCW comprised an 'Experts Committee' on 'Women Trafficking'. This board headed by the administrator of NCW, has a few specialists from the public authority just as from non-legislative offices, who have been working in the field.

b. National Human Rights Commission (NHRC)

India to gives change to casualties of common freedoms infringement set up, National Human Rights Commission under Protection of Human Rights Act, 1993. As indicated by Section 2(1) (d) of the Human Rights Protection Act, 1993 characterizes common freedoms as the rights identifying with life, freedom, balance and respect of the individual ensured by the Constitution or epitomized in the International Covenants and enforceable by courts in India. Indian Constitution depends on the insurance of basic freedoms it forces an obligation on the State to shield the resident from any infringement. It has delivered signal assistance in the space of privileges of women, custodial demise, and assault in Police authority. It plans short movies to spread mindfulness among individuals concerning common freedoms infringement issues like dealing of women and youngsters,

child work and female foeticide. The Human Rights Act has accommodated the foundation of a Human rights Court in each locale in the State.

Public Human Rights Commission Women Helpline has been set up with state level complementary numbers, for example, 181 which would be made widespread for giving 24 hour prompt and crisis reaction to women influenced by brutality including salvage, data, guiding and reference administrations to any woman in trouble the nation over.⁹⁰

⁸⁹ Dr.S.K.Kapoor, Human Rights under International Law & Indian Law, (ed,4th 2009, Central Law Agency, Allahabad 2009) @333

⁹⁰ http://nhrc.nic.in/Documents/Publications/Schemes_and_Programmes_of_Government_of_India_on

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c. National Plan of Action for Human Rights-

NHRC has comprised an Advisory Body and a Working Group to advance National Plan of Action for Human Rights on six essential issues

i) Right to Food Security;

ii) Right to Education;

iii) Right to Housing;

iv) Right to Health;

v) Right to Custodial Justice;

vi) Trafficking in Women and Children

As indicated by Section 12 of the Protection of Human Rights Act, NHRC has the accompanying forces:

To ask, suo moto or on an appeal introduced to it by a casualties or any individual for his benefit or on a bearing or request of any court into objection of a) infringement of basic freedoms or abetment thereof; or b) carelessness in the counteraction of such infringement, by a local official;

Visit, despite anything contained in some other law for the time being in power any prison or other foundation heavily influenced by the State Government, where people are kept or stopped for reason for treatment, reconstruction or insurance, for investigation of day to day environments of the detainees thereof and makes proposals subsequently to the Government.

Along these lines this Act has stepped up and shield the privileges of people from the grass root level. NHRC guarantees that the saved survivors of dealing are given insurance during the legal actions and furthermore amicable admittance to women staff working around here.

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d. The National Crime Records Bureau (NCRB)

It was set up in 1986 and is the focal organization answerable for the support of wrongdoing related records at the public level. The NCRB gets data from the different State Crime Records Bureau and other significant organizations. The data is aggregated, dissected and distributed as yearly reports.

Focal Advisory Committee (CAC) for Preventing and Combating Trafficking of Women and Children for Commercial Sexual Exploitation

The Ministry of Women and Child Development has established a Central Advisory Committee (CAC) what capacities under the Chairpersonship of Secretary, MWCD, and Government of India. The panels comprises of agents from the Central Ministries like Home Affairs, External Affairs, Tourism, Health and Family Welfare, Social Justice and Empowerment, Law and Justice, State Governments, self-sufficient bodies, for example, the National Human Rights Commission, National Commission for Women, Central Social Welfare Board, National Institute for Public Corporation and Child Development, Law Enforcement Agencies like National Crime Records Bureau, Border Security Force, Intelligence Bureau and Central Bureau of Investigation, worldwide offices like United Nations Children's Fund (UNICEF), UNIFEM and UNODC and the rumored Non-Governmental Organizations (NGOs) and specialists. The CAC meets each quarter to talk about significant issues and methodologies for forestalling and battling dealing of women and youngsters.⁹¹

4.16 Government initiatives to tackle human trafficking

a) Integrated Plan of Action to Prevent and Combat Human Trafficking with special focus on Children and Women,1998

The Ministry of Women and Child Development had planned a National Plan of Action (NPA) to battle trafficking and business sexual misuse of women and childs in 1998, with the target of mainstreaming and re-incorporating women and child casualties of business sexual abuse into the local area. To form a more all-encompassing strategy and program for trafficking in people which will join all types of trafficking (like sexual misuse, youngster work, reinforced work, organ exchange and so on) and empower a coordinated way to deal with tackle the issue the MWCD, in a joint effort with the Ministry of Home Affairs (MHA), Ministry of Labor and Employment, National Human Rights Commission and National Commission for Protection of Child Rights, analyzes and surveys the shields gave by or under any law for the security of child rights and

⁹¹ <https://www.unodc.org/pdf/india/publications/India%20Country%20Report.pdf>

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suggests measures for their compelling execution. Commission for Women is fostering an "Coordinated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women." Besides fighting trafficking, the salvage and restoration of the survivors of trafficking and CSE was likewise given need in the National Plan of Action (NPA). The Department of Women and Child Development (DWCD) gave rules to the States/Union Territories for the successful execution of NPA. A three level observing component was set up to regulate its execution from the region level to the Central level. At the Central level, the Central Advisory Committee screens the execution of the NPA in the States. At the State level, a State Advisory Committee comprised under the chairmanship of the Chief Secretary/Additional Secretary executes the NPA. Audit gatherings are held by the State Advisory Committee of all the significant source and objective States/Union Territories where the issues exist like West Bengal, Bihar, Maharashtra, Delhi, Andhra Pradesh, Karnataka, Tamil Nadu, Rajasthan, Goa, Pondicherry. These State Level Committees have started to tell exceptional cops, set up warning sheets of social specialists and NGO's in red light regions, lead customary strikes and furthermore have started to take measures to ensure and restore casualties.⁹²

b) National Policy for Empowerment of Women, 2001 of the MWCD

This approach targets achieving the progression, advancement and strengthening of women. A portion of the destinations are establishing a climate through certain financial and social strategies for full advancement of women to empower them to understand their maximum capacity; they ought to partake in every single basic liberty and key opportunity on equivalent premise with men in all circles political, monetary, social, social and common; equivalent admittance to cooperation and dynamic of women in friendly political and monetary existence of the country; equivalent admittance to women to medical services, quality training at all levels, profession and professional direction, work, equivalent compensation, word related wellbeing and wellbeing, government backed retirement and public office; reinforcing general sets of laws focused on disposal of all types of oppression women and girl youngster; and building and fortifying associations with common society, especially women associations.

c) Protocol for Pre-salvage, Rescue and Post-salvage Operations of Child Victims of Trafficking with the end goal of Commercial Sexual Exploitation –

A unique convention created by MWCD gives rules to requirement offices and NGOs engaged with the salvage of casualties from their place of abuse, clinical and lawful systems to be followed and rehabilitative measures to be given to the people in question.

⁹² P.M. Nair Trafficking in Women and Children in India, (Oriental Longman Private limited 2005), @ 235

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d) Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labor–

This convention objective is to guarantee that the interaction of salvage, bringing home and recovery of dealt transient youngster work is done adequately and furthermore without influencing their advantage.

4.17 National Plan of Action (NPA)

Schemes and Programmes of Government of India

In order to protect the vulnerable sections of society especially women and children from trafficking and to provide them with economic and social empowerment it has implemented number of programme they include:

a) Swadhar program.

The Government dispatched a plan for the salvage, reintegration of dealt casualties called "Swadhar" in 2001. It has a focal plan to offer types of assistance to women in troublesome conditions like dejected widows abandoned by their families in strict spots like Brindavan and Kashi, women detainees delivered from prison yet without family support, women overcomers of catastrophic events who have been delivered destitute and are without social and monetary help, dealt women/young ladies safeguarded or flee from houses of ill-repute and different spots or survivors of sexual wrongdoings who are repudiated by family or who would prefer not to return to their individual families for different reasons. The plan likewise upholds a helpline for women in trouble. The plan expects to give food, cover, clothing, directing, social and financial restoration through schooling and expertise up degree, clinical and lawful help, help lines and so forth NGOs are collaborating with the public authority in this comprehensive exertion. The public authority has chosen to focus on all significant metros for salvage endeavors and restoration under pilot projects are its significant objective focuses for trafficking for business sexual misuse.

b) SABLA

The Government of India presented the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG) called SABLA in 200 locales in November, 2010 to enable juvenile young ladies in the age group of 11-18 years. It tends to be about well-being, status, and girl's multi-dimensional issues. It supplanted the Kishori Shakti Yojana (KSY) and the National Program for Adolescent Girls (NPAG) The targets of the

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Kishori Shakti Yojana program were to work on the sustenance and wellbeing status of young ladies in the age gathering of 11-18 years, prepare them to improve and update their locally established and professional abilities and to advance their general advancement including mindfulness about their wellbeing, individual cleanliness, nourishment and family government assistance the board. Under the National Program for Adolescent Girls (NPAG) Scheme, each undernourished juvenile girl was provided 6 kg free food grains each month. The primary targets of RGSEAG are:

self-improvement of juvenile young ladies

further develop sustenance and wellbeing status of young ladies in the age gathering of 11-18 years

spread about wellbeing, cleanliness, nourishment, Adolescent Reproductive and Sexual Health (ARSH), family and youngster care among juvenile young ladies

iv. improve and overhaul their locally situated abilities, fundamental abilities and professional abilities to advance their general turn of events and standard, out of school juvenile young ladies into formal/non-formal instruction

v. Educate and guide them about existing public administrations, for example, Primary Health Centers, Community Centers and so on

RGSEAG program has covered the whole spaces of worry for Adolescent young ladies to ensure their wellbeing too improvement of their abilities according to their ability and subsequently empowered them to furnish themselves with a wide range of challenges throughout everyday life.⁹³

c) Ujjwala Program

The Central Government executed the "Ujjwala" (another day break of light) plot which was dispatched in 2007. A far reaching plan for anticipation of trafficking and rescue, rehabilitation and reintegration of survivors of trafficking for business sexual misuse. It is basically being executed through non-administrative organisations.⁹⁴This new Scheme has been imagined fundamentally to forestall trafficking from one perspective and salvage and restoration of casualties on the other. Notwithstanding, sex laborers who are

⁹³ Women Trafficking, September 7, 2011 by NNLRJ India

⁹⁴ Ministry of Women and Child Development 2015-2016

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deliberately in the exchange and wish to be restored can likewise profit of restoration administrations gave under the Ujjwala conspire.

A cost of Rs.5 crores was supported for this plan in 2009-10. 96 tasks of Ujjwala with 58 Rehabilitation homes are functional all around the country.

This Scheme has five parts:

i. Anticipation: This comprises of development of local area watchfulness gatherings/young adult's gatherings, mindfulness ages and refinement and holding workshops and so on

ii. Salvage: Safe withdrawal of casualties from the spot of misuse

iii. Restoration: This incorporates furnishing defensive and rehabilitative homes with essential conveniences, clinical consideration, lawful guide, professional preparing and pay age exercises and so forth To give restoration administrations both prompt and long haul to the people in question.

iv. Re-coordination: This incorporates reestablishing the casualties into the family/local area and the going with costs.

v. Bringing home: To offer help to cross-line casualties for their protected bringing home to their nation of beginning. Government has doled out the obligation of execution to the Social Welfare/Women and Child Welfare Department of State Department Centers, Urban Local Bodies, rumored Public/Private Trust or Voluntary Organizations. The associations should have satisfactory involvement with the field of trafficking, social guard, managing women and youngsters needing care and insurance, childs in struggle with law and so forth

d) Integrated Child Protection Scheme (ICPS)

ICPS was dispatched in 2010-11 with the target of giving a free from any danger climate in the State for exhaustive advancement of childs who are needing care and assurance just as children struggle with the law. ICPS gives preventive and legal consideration and recovery administrations to any weak families and families in danger, offspring of socially prohibited gatherings like traveler families oppressed or influenced by separation and minorities, childs tainted and/or influenced by HIV/AIDS, vagrants, youngster drug victimizers, offspring of substance victimizers, child poor people, dealt or physically misused childs, offspring

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of detainees, and road working child. For the current monetary year, a consumption of Rs. 3855.22 lakh has been brought about out of an assignment of Rs.7000 lakh. A budgetary arrangement of Rs.402.23 crore including.40 crore for North Eastern Areas has been dispensed during 2015-16.

The Ministry of Women and Child in May 2008 dispatched a 'Research organization' program. The object of this is to foster short-, medium-and long haul procedures to forestall trafficking of individuals. It will investigate the chance of preparing and expertise working of self improvement gatherings and women in weak regions. The individuals from this 'Research organization' incorporate pastors, for example, Home, Labor, Commerce, Corporate Bodies like CII, ASSOCHAM, FICCI and extraordinary agents from attire and articles of clothing industry, the travel industry and worldwide associations. Consequently, it empowers the corporate area under open private association to assume a larger part in forestalling and battling trafficking by enhancing and supplementing the Government's endeavors.

The Government has authorized sums under different plans dispatched by the public authority for insurance of women who are considered as weak areas of the general public.

Government has endorsed various plans for upliftment of women in India and furthermore for its effective working, sensible assets are designated.

e) Protective Homes

Defensive homes have been set up by the public authority under Section 21 of ITPA for young ladies/women confined under this Act and furthermore for the individuals who look for assurance from being constrained into Commercial Sexual Exploitation (CSE).The Government of India likewise runs a broad organization of in excess of 351 short stay homes.

f) The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005 covers the whole country except for areas that have 100% metropolitan populace. In each monetary year each grown-up individual from a provincial family is promised 100 days of business in case they will accomplish untalented manual work at the legal least wages. The goals of this Act is to work on the situation with provincial individuals living beneath the destitution line and furthermore to overcome any barrier between the rich and poor people, it additionally demands that 33% of the specified work power should be women.

The main angle is that provincial women are additionally offered a chance in this Act to work on their monetary status and accordingly the odds of women being driven by the dealers' guarantee of rewarding

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positions in metropolitan regions can be checked partially. The Ministry of Rural Development, Government of India is checking the whole execution of this plan in relationship with state governments, which will certainly profit individuals in provincial regions, as the concerned State Government has a commitment to carry out and report back to the Ministry. The Act offers a motivation to the States for giving work, as Rs.100 per wage cost is borne by the Center on default submitted by the State in its obligations they are responsible to bear the twofold reimbursement of joblessness and the expense of joblessness recompense.

g) Trafficking Police Officers

The Department of Women and Child Development (DWCD) gave a notice on 28th August 2001, naming the officials over the position of auditor of police in the Central Bureau of Investigation (CBI) as "Trafficking Police Officers" with forces and capacities in the entire of India. This notice engages the CBI to research trafficking cases.

h) Action Research on Trafficking in Women and Children

It was started by NHRC, UNIFEM and the Institute of Social Sciences (ISS), New Delhi. The principle object was to lead examinations to gather information on the extent of trafficking in the country. This was done in participation with State organizations, police, casualties of trafficking and the social researchers. Information gathered was to make mindfulness among individuals in regards to the greatness of trafficking and furthermore to feature the weak segments of Society.

4.18 Enforcement Machineries of human trafficking legislations

The Ministry of Home Affairs is answerable for guaranteeing the implementation of the different enactments and shows identified with the crime of trafficking, 'Police' and 'Public Order'.

a) Integrated Anti-Human Trafficking (IAHTU's)

The United Nations Office on Drugs and Crime (UNODC) worked with setting up Special Task powers including the essential responders, who need to cooperate in resolving the issues of illegal exploitation. The Integrated Anti-Human Trafficking (IAHTU's) is an extraordinary unit set up inside the current police hardware to manage wrongdoings of illegal exploitation in an all encompassing way. Each state has assigned nodal cops who go about as the point people on the issues of illegal exploitation. In 2007, a few states set up Anti-Human Trafficking Units (AHTUs). These units, consisting of a coordinated group of

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around seven people including cops, NGO faculty and advisors, are assigned to react to violations identified with illegal exploitation.

b) Anti Trafficking Nodal Cell State Program.

The Anti-Trafficking Nodal Cell was set up in the Ministry of Home Affairs (MHA) to go about as a point of convergence in 2006. All States have been selected with Anti Trafficking Nodal Officers who might impart and work connected at the hip with the Central Government. This has been done through the Anti-Trafficking Nodal Cell State Program. UNODC in a joint effort with the Ministry of Home Affairs, Government of India and the Border Security Force (BSF) coordinated a "Public level Training workshops for line control officials, cutting edge officials and other significant entertainers in casualty's distinguishing proof and alluded for fitting treatment and reintegration of dealt survivors." This Cell is to arrange, organize and give criticism to the State Governments and other concerned offices on a maintained and constant premise to forestall and battle trafficking in people. This Cell has additionally been made capable to report 'best practices' in forestalling and battling trafficking in people just as offer information contributions with different partners. To survey the general status of trafficking in the country, the Cell proposes to gather customary gatherings each quarter with all partners.⁹⁵

Since India being a starting place, travel and objective for illegal exploitation it has been organizing with different state governments, state police, offices and NGOs. To check the trans-line trafficking, gatherings were coordinated between law requirement authorities, NGOs and so forth at different spots. For example, the February tenth, 2002 gathering between Indian authorities and Nepal authority was held, and in December 2002, a gathering with Bangladesh National Women was coordinated.⁹⁶

c) Ministry of Overseas Indian Affairs Protection of Emigrants

It ensures the interest of traveler Indian laborers, advances legitimate relocation and shields the transient specialist from misuse by private selecting specialists and unfamiliar bosses. It was discovered that women are selected for family administration abroad and they are exposed to different sorts of misuse. To check this the Ministry has given itemized rules, which incorporates a base age of 30 years, for women

⁹⁵ Integrated Plan of Action To Combat Human Trafficking With special focus on children and women

⁹⁶ Government of India Ministry of Home Affairs Rajya Sabha unstarred Question No. 1469.18th December 2013

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to be enlisted for family administration abroad, business agreement to be drawn between the specialist and the business, recommended least wages and prepaid versatile office to be given by the business, to every Household Service Worker. The Ministry has proposed changes to the Emigration Act, 1983 for fortifying the administrative system to forestall misuse of travelers, including women exiled people. The Ministry is additionally proposing to detail a National Plan on International Migration, patch up the current enlistment framework, present e-administration and is likewise concluding a bi-sidelong Memorandum of Understanding (MoU) on work organization issues with significant work getting nations.

An obligatory Insurance Scheme to secure the displaced person laborer called as "Pravasi Bharatiya Bima Yojana" (Overseas Indian Insurance Scheme) has been presented by the Ministry of Overseas Indian Affairs. It has likewise mentioned the Indian missions to set up cover homes for rampant or saved women to give transitory facilities to Household Service Workers until they are localized back to India.⁹⁷

d) South Asian Association for Regional Cooperation (SAARC)

India has approved the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002 and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare, 2002 in South Asia. India has played the position of authority among the SAARC nations with respect to SAARC Convention on 'Forestalling and Combating Trafficking of Women and Children in Prostitution.' The pondering among the SAARC nations has brought about setting up a typical helpline number, reception of Standard Operating Procedures (SOPs) and upgrading and up-degree of local preparation and limit.

On September 2015 government had made a genuine move against the public authority social government assistance officials and 2 administrators who were working at an asylum home for women in Delhi who were suspended on the ground for abandonment of obligation and blunder and it was tracked down that the conditions in the sanctuary home were unhygienic and needed clean water and satisfactory food.⁹⁸

The MOU was endorsed by the Government of India and Bangladesh with the destinations of giving casualty care. This arrangement accommodates a system where examiners may demand the casualties be

⁹⁷ <http://mea.gov.in/rajya-sabha.htm?dtl/27290/question+no2802+increase+in+indian+women+working+in+gulf+countries>

⁹⁸ Trafficking in Persons Report 2016- Country Narrative India

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allowed to affirm by video or behind a screen, it totally restricts admittance to media and public, it likewise precludes any immaterial and possibly destructive inquiry being posed to casualties. In Feb 2016, a Bangladeshi trafficking casualty gave declaration by means of video meeting from Dhaka; this was the first run through an affidavit was given by means of live-video in a cross-line trafficking case.

The downside of this undertaking is it has bound its following of children who are unaccompanied yet in trafficking cases the dealers are constantly found with the casualty except if they are discarded at the objective point.

The Ministry of Overseas Indian Affairs (MOIA) converged with the Ministry of External Affairs to expand the public authority's capacity to screen the government assistance of Indian Migrant Workers abroad. MOIA dispatched e-Migrate, an online framework for enrolling unfamiliar enlistment organizations, and enrolled more than 20,000 homegrown specialists in India and 7,000 unfamiliar offices. It keeps on managing a government assistance store in 43 Indian Mission worldwide and gives haven to transients in trouble in a few nations in the Middle East.

Saved reinforced workers are given 'discharge testament which would assist them with acquiring government subsidized pay and administrations. In any case, the safeguarded fortified workers can't get the advantage of this plan as there is excessive deferral in issuance of the declaration because of absence of coordination among government and NGO.

4.19 The State Governments Initiative

Each state government in India has legislative power and has policies in place for combating human trafficking, as per the requirements of the central anti-trafficking acts, but policy status and implementation varies from state to state.

UTTAR PRADESH-

To rein in human trafficking, the Uttar Pradesh government has ordered setting up Anti-Human Trafficking Units (AHTU) in 40 districts of the state with the status of a police station, thereby enabling the units to have the power to register FIRs, carry out investigation and take required legal action in the matter.

1. Challenges of Uttar Pradesh:

*Has a population of nearly 22 crores?

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*Has perforated international border of 619 kms with Nepal

*Has borders with –Uttarakhand, Delhi, Haryana, Rajasthan, Madhya Pradesh, Chhattisgarh, Bihar

*It is assumed that only 30% of the total cases are reported, so the actual number is pretty high.

*Till date no concrete study has been conducted so far to know the exact number of trafficked.

2. Scenario of Uttar Pradesh:

*Has 40 Anti Human Trafficking Units (AHTU).

*Operation Smile – to make safe return of missing children.

3. Anti Human Trafficking and safety and protection of women and children has been taken up the Hon'ble CM of UP as a priority area.

4. UP has made Human Trafficking punishable under the Goonda Act and Gangster Act of UP (presently waiting for Presidential assent)

5. UP is among the front runners which has implemented Victim compensation scheme for specific crimes including human trafficking and the 6 sections of POCSO Act.

6. In last couple of years Uttar Pradesh Government has taken several measures to address violence against women such as:

*Setting up of special cell called Mahila Samman Prakoshth,

*Women Power Line 1090

*CM Helpline 1076

*Dial 112- State wide emergency response system

*Victim Compensation Scheme

*Asha Jyoti Kendra.

*Rani Laxmi Bai Sahayta Prakoshth

*Swift action for prevention of cross border trafficking particularly aftermath of Nepal earthquake

Reconstitution of the State advisory Committee against Human Trafficking under the mentorship of Chief Secretary.

7. Ongoing Efforts of the Home Department of Uttar Pradesh

*Efforts to inform the public and all stakeholders about the Uttar Pradesh Victim Compensation Scheme and relevant laws regarding protection of children.

*Home Department has included not only rape, human trafficking, murder, loss of limb and life to earning member/non-earning member, acid attacks, but also six relevant punishable sections of POCSO for compensation under UP Victim Compensation Scheme.

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*2 crores handed over to State Legal Services Authority, as mandated by Hon'ble Supreme Court for distribution among District Legal Service Authorities, when they decide victim compensation claims.

* Human Trafficking made punishable under UP Goonda Act and UP Gangster Act by ordinance, 2014

Following the Hon'ble Chief Minister's announcement for preventing combating Human Trafficking:

State Advisory Committee and Taskforce for combating Human Trafficking has been revitalized

State Advisory Committee on Anti Human Trafficking

8. Decisions:-

* Approval of a State Task Force to implement the decisions of the Committee

* Task Force to be headed by Secretary Home, with representatives from WCD, Health/Medical, Law, Labour, Social Welfare, NGOs, UNICEF, Child line, Police, SSB

* Task Force to review implementation on the ground of Anti Human Trafficking initiatives

* Will meet once in 3 months or at shorter duration as per need of Approval in principle, to extend cooperation and coordination with neighboring states like Chhattisgarh, Jharkhand, West Bengal, Delhi, Maharashtra by signing MoU on rescue and rehabilitation of trafficked victims, after following due process

*Approval in principle to have a Placement Agency Regulation Act in the model of Chattisgarh to tackle the menace of human trafficking.

ANDHRA PRADESH-

The Women Development Child Welfare and Disabled Welfare Department (WDCW&DW Department), Government of Andhra Pradesh has undertaken a number of proactive steps to prevent and combat trafficking:

Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989

This Act is passed to prohibit the unlawful practice of dedicating a girl to the temple. These women are exploited by society. This act punishes the persons who abets, performs, promotes or takes part in a dedication ceremony with three years' imprisonment and fine.

The WDCW&DW provides Rs.10,000/- to each victim of trafficking as immediate relief. The Nodal NGOs like Prajwala, Ankuram, Sthree, Reeds and Help contribute to the government's efforts in providing support for pre-rescue and rescue assistance and post-rescue rehabilitation.

An insurance based "Girl Child Protection Scheme (GCPS) was introduced to support girl children. Around 128,049 girls are benefiting under the scheme.

Balika Mandals (Adolescent Girls Groups-AGG) have been constituted and they provide training programmes to the adolescent girls on issues related to trafficking, HIV/AIDS, Skill Development etc.,12,408 adolescent girls were trained as 'Change Agents' who provide information on to their Balika Mandal

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members regarding trafficking related issues such as prevention, identifying the traffickers and protecting peers from traffickers etc.

GOA-

Goa Children's Act, 2003

This Act was passed by the Goa Government to address the child rights issues. This Act has made the hotel owner accountable for the safety of the child and also if the child is allowed to enter a room without registration. It provides for strong action against making children available for commercial exploitation including posing obscenely, selling or abetting sale of children even under the grab of adoption, or the dedication of a girl child as a devadasi.

The State Government of Goa provides to victims of trafficking 'Shelter Home' and also runs a rehabilitation scheme for trafficked women. Goa Medical College provides medical facilities to the rescued victims. The State Government in coordination with 'ARZ', an NGO, provides counselling and training in various disciplines to the rescued trafficked persons.

In collaboration with NGOs and UNODC, training programmes for police officers and public prosecutors have been conducted on matters relating to trafficking of women and children.

NGOs recognized by the government provide to the victims in the stay homes education, vocational training, counselling and victims who are educated are given computer education to make them financially independent. Awareness is created about the magnitude of the trafficking of women through media, newspapers, short films, street play etc.

Other Initiatives by the State Governments

State Governments have constituted a State Advisory Committee, shelter homes, reception center for rescued women, certain NGOs working for protection of trafficked are recognized as Protective homes, Superintendent of police are given the power to nominate any NGOs in the advisory body. The Director General of Police is authorized to constitute a special Anti-Vice Squad which has the power to exclusively deal with trafficking of human beings. Counselling centers are constituted to counsel the rescued victims of trafficking as per the requirement. The Welfare Fund is constituted for the rehabilitation of rescued victims of trafficking.

NGOs recognized by the government provide to the survivors of trafficking in the stay homes education, vocational training, counselling and victims who are educated are given computer education to make them financially independent. Awareness is created about the magnitude of the trafficking of women through media, newspapers, short films, street play etc.

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Core International Treaties and their Optional Protocols ratified by India till date:

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),1965

International Covenant on Civil and Political Rights (ICCPR),1966

International Covenant on Economic, Social and Cultural Rights (ICESCR),1966

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

Convention on the Rights of the Child (CRC),1989

Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution and child pornography,2000

Core International Labour Organisation (ILO) Conventions ratified by India

Forced Labour Convention,1930, ratified on 30th November 1954

Abolition of Forced Labour Convention, 1957, ratified on 18th May 2000

Core International Human Rights Treaties, Optional Protocols and Core ILO Conventions not ratified by India

Convention against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment (CAT), 1984
this Convention was signed by India on 14th October,1984

International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED),2006,
India signed this Convention on 6th February 2007

Core International Human Rights Treaties, Optional Protocols and Core ILO Conventions not signed by India

Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1969

Optional Protocol to Convention against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment (CAT) 2002

Worst Form of Child Labour Convention, 1999

India's ratification and non-ratification of the various Conventions, Treaties, Protocols provided in the list mentioned above is evidence to the extent of concern the Indian Government has towards its citizens and especially vulnerable sections of the society. India has failed to ratify core Conventions and Protocols which are necessary for the protection of basic human rights of people. Convention relating to torture and cruel inhumane and degrading treatment of punishment is major social evil or violation of human rights which has been growing at an alarming rate in India and has become a serious concern in the present society. India's failure to ratify these Conventions and not incorporating in the national laws shows India is not concentrating in the burning issues prevalent in society.

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Chapter 5

Judicial Response and Role of Non-Governmental Organization in combating Trafficking in Women and Children

5.1 Introduction

Courts are viewed as unprejudiced and free organs of the state. Our constitution has consulted the legal executive with power as a translator and gatekeeper of the Constitution. The Supreme Court is likewise watchman of the Fundamental Rights of individuals and last mediator of the Constitution. Article 32 of the Constitution engages the Supreme Court to give headings or orders in the idea of the writs of habeas corpus, mandamus, forbiddance, quo warranto and certiorari, for the authorization of central rights. Article 32 gives a fast solution for the requirement of the central rights. High Courts of states have likewise been allowed comparable forces under Article 226 of the Constitution. This article presents a wide force on the High Courts to cure foul play any place it is found.

Conventional guideline of locus standi that a solicitor under Article 32 must be documented by an individual whose key right is encroached has been loose. Its way of thinking has been that where a legitimate off-base or lawful injury is caused to an individual or to a determinate class of people by reason of infringement of their basic rights or lawful rights and such individual or class can't move toward the Court for alleviation because of neediness or socially and monetarily impeded position, any open lively residents can record public interest case or social interest case for requirement of Constitutional and lawful privileges of any individual or gathering of people may document appeal or application for writ, request or course in the High Court under Article 226 and if there should be an occurrence of infringement of the essential rights in the Supreme Court under Article 32 of Constitution of India.

Article 23 of the Constitution of India forbids trafficking of people and any negation of this arrangement is culpable as indicated by law. India having marked and approved different International Conventions like Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1951, endorsed on ninth May 1950, sanctioned on ninth January 1953, Slavery Convention, 1926

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confirmed on 1954, Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices of Slavery, 1956, endorsed on seventh September and approved on 23rd June 1960, Convention against Transnational Organized Crime, 2000, endorsed on twelfth December 2002 and sanctioned on fifth May 2011, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, enhancing the Convention against Transnational Organized Crime sanctioned on fifth May 2011 have prompted a few enactments being authorized to ensure the blameless individuals being dealt by deceitful people.⁹⁹

Indian legal framework has been consulted with huge forces to manage the above offenses. High Courts and Supreme Courts have forces to engage allure, survey and unique locale. They are likewise deliberated with writ ward and ability to engage Public Interest Litigation. Legal executive has purview to engage petitions recorded by the distressed or approved individual and it can likewise make a suo motu move against any infringement of common freedoms. Legal executive has assumed a crucial part in wiping out different lacunae in the enactments, downsides in execution, qualities and shortcomings of police, indictment and local area.

The expression "non-legislative association" has no concurred legitimate definition and these are named as "Common Society Organizations "in numerous wards. The actual term "non-legislative associations" entered normal use by means of the United Nations (UN) Charter toward the finish of World War II. At the UN Congress in San Francisco 1968, an arrangement was made in Article 71 of Charter of United Nations structure that certified NGOs in the field of monetary and social improvement to get consultative status with the Economic and Social Council .Amongst the most persuasive NGO's of the late and mid nineteenth century were the numerous abolitionist servitude bunches set up in the Atlantic world soon after the development on the Pennsylvania Society for the Relief of Free Negroes unlawfully held in subjugation 1775. These associations impacted not just public enactment, for example, the British Slave Trade Act of 1807, yet additionally worldwide exchanges. Abolitionist campaigning contributed, for example, to the giving of worldwide assertions on the slave exchange the harmony congresses following the Napoleonic conflicts. Another gathering, the Quakers, had been basic to the improvement of the abolitionist development, and was additionally fundamental to the arrangement of probably the most punctual harmony social orders that created in Great Britain and the United States (US) from 1815.

The advancement of current NGO has to a great extent reflected that of general world history, especially after the Industrial Revolution. NGOs have existed in some structure or another as far back as 25,000 years prior. Since 1850, a bigger number of than 100,00 private, not-revenue driven associations with a worldwide center

⁹⁹ Article 23 of the Constitution prohibits traffic in human being and beggar and other similar forms of forced labour and any contravention of this provision shall be an offence punishable in accordance with law.

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have been established every year. The development of NGOs truly required off after the Second World War, with around 90 International NGOs established every year, contrasted and around 10 every year in the 1890's. Just around 30% of early global NGOs have endure, albeit those associations established after the conflict have had a superior endurance rate. A lot more NGOs with neighborhood, public or local center have been made, however like their worldwide partners, not all have endure or have been fruitful.¹⁰⁰

5.2 Judicial Response to Issues of Trafficking in Women and Children

In this chapter the decisions of the Supreme Court and High Court which have contributed to the protection, rehabilitation of the trafficked victims has been discussed.

5.2.a Landmark decisions of Supreme Court

***People's Union for Democratic Rights v. Union of India** *People's Union for Democratic Rights*, also known as the Asiad Games Case, was brought by means of a letter addressed to Justice Bhagwati of the Supreme Court of India. The letter, sent by a public interest organization and based on an investigation by three social scientists, alleged violations of labour laws by the Union of India, the Delhi Development Authority and the Delhi Administration, based on their employment of workers on construction projects for the Asian Games. The letter was then treated as a writ petition for enforcement of a constitutional right.

Principally Article 23, which prohibited forced labour. The respondents and the petitioner both submitted affidavits and the petition was argued on the basis of these affidavits. The principal allegation was that the contractors paid wages to *jamadars* crew bosses who deducted a commission and then paid the actual workers less than the legal minimum wage of 9.25 rupees per day. The issue before the Supreme Court was whether the forced labour provision of Article 23 was applicable to a situation of workers being paid less than the minimum wage.

First, the Court referred to ILO Convention 29, the European Convention on Human Rights and the ICCPR, and noted that Article 23 "is in the same strain and it enacts a prohibition against forced labour in whatever form it may be found". The Court held that Article 23 was intended to strike "at every form of forced labour even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service". The Court then devoted most of its analysis to an examination of what is meant by the term 'force' in 'forced labour'.

After considering and rejecting objections to the writ petition, the Court, by order dated 11 May 1982, directed that the minimum wage or a higher wage if applicable should be paid by the contractors to the workmen directly, without the Intervention of the *jamadars*, and that the *jamadars* were not entitled to deduct or recover any amount from the minimum wage as commission.

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By the same order, the Court appointed three ombudsmen and charged them with making periodic inspections of the worksites to determine whether the labour laws were being carried out, and whether the workers were receiving the benefits and wages due to them. The Supreme Court of India's conclusion was that work performed and the wages paid for is less than the Minimum wage is forced labour has in general not been accepted by the ILO. (It may no longer even be accepted, in absolute terms, by India. One government report indicated that not all cases of payment of wages below the minimum wage could be brought under the Bonded Labour System (Abolition) Act.84) The Committee of Experts rejected the proposition that economic constraints that pressure a worker to accept low or underpaid work could, taken alone, come within the scope creating a rebuttable presumption of Forced Labour.

There are a number of cases where the contractors take commission on wages paid to the labourers as they have provided them with the job. The labourer even though they have the knowledge that they are not paid minimum wages they do not revolt because they have no other source of income and they prefer to receive whatever wages paid instead of losing the job and starving. The Supreme Court has upheld the basic human rights of bonded labourers receiving minimum wages by passing an order that full wages be paid directly to the labourers instead of the contractors. Court gave directions to the government to take necessary steps for punishing the violations of fundamental rights of citizens guaranteed by Article 23 by private individuals. This direction imposes a duty on the concerned State Government to take the responsibility of protecting the vulnerable sections of the society from being exploited by the employers.

Traffickers taking advantage of the poor economic conditions of the vulnerable sections offer them or give false promises of lucrative job cities or in foreign countries. The innocent victim's bonafidely believe them and give their consent. They finally land up as trafficked victims who are forced to work as bonded labourers, slaves, their organs are transplanted etc. The labours of human beings are outsourced by the traffickers and make lucrative business out of this trade and the innocent victims are exploited in various forms. As the victims have no other alternative except to bear the exploitation as neither they have the capacity to revolt against the traffickers nor to escape from the clutches of traffickers.

***Deena v. Union of India**¹⁰¹ In this case the Court held that the prisoners working in the prison are also entitled to proper wages. The court has also stated that the Court is under duty to enforce their claim. If there is a failure of this condition it would amount to 'forced labour' and it violates Article 23 of the Constitution. This decision has upheld the basic human rights of the prisoners. It is found in most of the cases the convicted persons, under trials, are given the long and hardest nature of work but as far as payment of wages is concerned Payment of Minimum Wages Act is never followed. The direction given by the Court to pay as per the work done by the prisoners and any failure on the part of the Government would result in the court's intervention to impose it.

¹⁰¹ AIR 1983 SC 1155

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***Bandhua Mukti Morcha v. Union of India**¹⁰² Human beings are trafficked for various purposes and the traffickers not only target women but they also target men and children. Women are mainly trafficked and are exploited as domestic servitude or for sexual exploitation. But other types of exploitation of trafficked victims include bonded labour, forced labour, organ transplantation and also for begging etc. In this case NGO named as Bandhua Mukti Morcha (Bonded Labour Liberation Front) addressed a letter to Justice Bhagwati alleging that there were large numbers of workers in the stone quarries of Haryana who were bonded laborers, in violation of the Bonded Labour System (Abolition) Act, 1976 and that in addition to being held in bondage they were working in inhumane conditions.

The Court treated the letter as a writ petition and appointed two lawyers as commissioners to visit the stone quarries and to interview the workers named in the petition. The commission found that the workers were not allowed to leave the quarries, had no clean water to drink, were living in huts made of straw, and had no blankets or even mats on which to sleep. Most of the workers interviewed stated that they “got very little by way of wages from the mine lessees or owners of stone crushers since they had to purchase explosives with their own money and they had to incur other expenses”. Other workers stated that they were “forcibly kept by the contractor and they were not allowed to move out of their place and they were bonded labourers”. In order to evade the rehabilitation requirements for bonded labourers imposed on states by the Bonded Labour System (Abolition) Act, the State of Haryana argued that although the workers might be providing ‘forced labour’, they were not bonded labourers within the meaning of the Act.

The Court first noted that the Act was “enacted with a view to giving effect to Article 23 of the Constitution which prohibits traffic in human beings and begar and other similar forms of forced labour”. The Court found self-evident the proposition that “bonded labour is a form of forced labour”. The Act itself authorized district magistrates to inquire whether “any bonded labour system or any other form of forced labour is being enforced” in their jurisdiction. Although the “thrust of the Act was against the continuance of any form of forced labour.

The Supreme Court directed the State Government to act as a Welfare State and ensure that workers are continuing in work with improved conditions. In this case the court has directed that the Government had the responsibility of protecting the basic human rights of the weaker sections of the society. This can be done by encouraging PIL filed by these vulnerable sections of the society. It is also bound to provide basic requirements to the society and to punish the violators of human rights. The facts of the case prove how the weaker sections suffering from poverty and urge to survive accept to suffer even though they knew very well they are being exploited. They would prefer to be bonded labourers than to die out of hunger. This is the main reason why bonded laborers' existence in the society has not been reported. Main drawback in the Government policy is there is no proper rehabilitation procedure adopted for the rescued bonded labourers,

¹⁰² AIR 1984 SC 820

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as they would have incurred heavy debts this would result in them voluntarily accepting once again to work as bonded labourers.

Trafficking is considered to be trading of human beings for various purposes which has been prohibited as it violates the human rights or the fundamental rights of a person. It is considered as criminal practice as human beings are traded as commodities which can fetch enormous profit to the traffickers. Trafficked victims are subjected to various forms of exploitation, vulnerable sections of society become easy prey to this trafficker from which they can never escape.

The Supreme Court after taking note of serious violation of Fundamental and human rights of the bonded labourers, directed the Government of Haryana to rehabilitate the bonded labourers and directed for awarding compensation to them under Bonded Labour System (Abolition) Act, 1976.

The Court also stated that the bonded labourer who is released would prefer slavery to hunger, a world of 'bondage and (illusory) security' as against a world of freedom and starvation. Therefore, the court directed the State Governments that they must therefore concentrate on rehabilitation of bonded labour and evolve effective programmes for this purpose.

The practice of a bonded labour system has been in existence in our country. But the State Governments had not taken any initiative to check this. Article 23 of the Constitution of India imposes constitutional obligation on the Government to prohibit forced labour. The Supreme Court has passed a number of judgements directing the governments to follow the directions issued by the court to check the exploitation but it was in vain. It was only after the Bonded Labour System (Abolition) Act, 1976 was passed which provided for the abolition of the bonded labour system with a view to preventing the economic and physical exploitation of the weaker section of the people the exploitation rate was reduced.

***Laxmi Kant Pandey v. Union of India**¹⁰³ A writ petition was filed on the basis of a letter complaining of malpractices indulged in by social organisation and voluntary agencies engaged in the work of offering Indian citizenship in adoption to foreign parents. It was alleged that in the guise of adoption Indian children of tender age were not only exposed to the long dreadful journey to distant foreign countries at great risk to their lives but in case they survive they were not provided any shelter and relief homes and in course of time they become beggars or prostitutes for want of proper care.

Supreme Court gave directions to all State Governments and the Governments of Union Territories to direct their concerned law enforcing authorities to take appropriate and speedy action under the existing laws in eradicating child prostitution without giving room for any complains of remissness or culpable indifference. Court also gave direction for setting up a separate Advisory Committee within their respective zones consisting of the secretary of the Social Welfare Department or Board, the Secretary of the Law Department, Sociologists, Criminologists, members of the women's organisation, members of Indian Council of Child

¹⁰³ 1984 2 SCC 244

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Welfare and Indian Council of Social Welfare as well the members of various voluntary social organizations and association etc., They were assigned the duty of making suggestions on

- a. eradicating the child prostitution
- b. The Social Welfare programmes to be implemented for the care, protection, treatment development and rehabilitation of the young fallen victims namely the children and girls rescued either from the brothel houses or from the vices of prostitution.
- c. To provide adequate rehabilitative homes manned by well-equipped trained social workers, psychiatrists and doctors.
- d. Evolve welfare programmes to be implemented on the national level
- e. To devise a machinery of its own for ensuring the proper implementation of the suggestions of the respective committees.
- f. The committees go in deep into devadasi system and Jogin tradition and give their valuable advice and suggestions as to what best the Government could do in that regard.

Supreme Court direction to the Governments to take initiatives to eradicate this evil of human trafficking will surely give a positive result as the concerned governments will be in better position to analyse and make suggestions to resolve the problem by identifying the lacunae in the law enforcement agencies in their concerned State.

Adoption is one of the modes adopted by the traffickers from escaping from the clutches of law. The children are trafficked in the guise of adoption by the foreign couples and they are sold in foreign countries. By ordering the Government and various agencies to strictly follow the directions of the court and to ensure the welfare of the child will surely check the illegal trafficking of the children by the foreign couples.

Social and Welfare organisations complained of illegal sale of babies despite the court's directions in the earlier case. The Laxmi Kant case constitutes a valuable piece of judicial legislation making special provisions for the children under Article 15(3) and Article 39(f) meaningful. The Court issued detailed directions regarding the adoption of Indian children by foreign parents.

Some of the important directions are as follows:

- i. When the court makes an order appointing a foreign parent as guardian of a child with a view to its eventual adoption in the foreign country, the court will provide that such amount shall be paid to the scrutinizing agency for the services as the court thinks reasonable. The same principle will apply mutatis in cases when an Indian parent makes an application for appointing himself or herself as guardian of a child or a Hindu parent applies for permission to adopt a child under the Hindu Adoption and Maintenance Act, 1956.
- ii. All nursing-homes and hospitals coming across abandoned or destitute children will immediately inform with regard to the discovery of such children to the social welfare department of the government

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concerned or to the Collector of the District and copies of such intimation would also be sent to the foster care home.

iii. No recognised placement agency shall make and process an application for appointment of a foreigner as guardian of a child with a view to its eventual adoption unless the child has been in the custody of the recognised placement agency for a period of at least one month before the making of the application and it shall not be permitted to act merely as a post office or conduct pipe for the benefit of the unrecognised agency.

iv. whenever a child is produced before a juvenile court by a recognised placement agency for a release order declaring that the child is abandoned or destitute as to be legally free for adoption, the juvenile court must in all such cases complete the inquiry within one month from the date of the application and proper vigilance should be exercised by the High Court for the purpose of ensuring that the directions given by the Supreme Court is complied by the juvenile court.

v. where a child is relinquished by its biological parents or by an unwed mother under a deed of relinquishment executed by other, it should not be necessary to go through the juvenile court or social welfare department or Collector to obtain a release order declaring the child free for adoption but it would be enough to produce the deed or relinquishment before the court which considers the applications for appointment of a foreigner as guardian of the child.

vi. The Government of India should publish once in a year the list of recognised placement agencies and other associate child or social welfare agencies and send to the district court in each district through the High Court, a list of recognised placement agencies.

vii. The Supreme Court's intention is that there are thousands of children who are deserted by their parents and who are in need of parents to take care of their welfare. In this judgement the court has justified in restricting the unlawful placement agency from selling the babies to the foreign parents in the pretext of adoption and at the same time has recognised agencies under the supervision and control of the High Court are permitted to give the destitute children in adoption under certain conditions. Thus, children are able to get the love and affection from the adoptive parents at the earliest age.

viii. Adoption procedure in India is if a foreigner or an Indian citizen intends to adopt an orphan or destitute child they have to comply with certain conditions and procedures imposed by the Ministry of Women and Child Development. Indian and non- Indian are also treated on par as far as adoption of orphans is concerned. According to this notification if a person intends to adopt a child, they have to register online in the Child adoption Resource Information and Guidance System. When the registration procedure is completed home study of the prospective parents are conducted by the specialised agency in the state in order to confirm the information given by the applicant. A report of the same is submitted to the local jurisdiction Court in the form of a petition. The proceedings are held in-camera. The progress of the child is taken care of by this specialised agency in follow up action. If the child is not in position to adjust to the adoptive family the child

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is taken back and brought up under the care and protection and rehabilitation through the child protective services of that country.

***Vishal Jeet v. Union of India and others**¹⁰⁴ This case is a landmark decision where the Supreme Court took it upon itself to give directions for the protection and rehabilitation of those who had been dedicated as devadasis by their families or communities for cultural reasons were currently in prostitution. A Public Interest Litigation was filed against the forced prostitution of girls, devadasis and jogins and an appeal for their rehabilitation. The Supreme Court held that, in spite of stringent and rehabilitative provisions under various Acts results were not as desired and, therefore, called for the evaluation of the measures adopted by the Central and State governments to ensure their implementation.

The court called for stringent and speedy legal action against the exploiters such as pimps, brokers and brothel owners. The Court has given certain directions to the Central Bureau of Investigation (CBI) to bring all inmates of the red-light areas and also those who are engaged in the flesh trade to protective homes of the respective States to provide them with proper medical aid, shelter, education and training in various disciplines of life so as to enable them to choose a dignified life and bring up their children along with the other children in the society.

Devadasis or the practice of dedicating young girls to the temple who are exploited by the temple priest, landlords are found in different parts of India in different names. This practice of dedication has been in existence for a long time and it has become a recognized custom. The Supreme Court has through its judgment has laid a check on the evil practice by imposing stringent action against the violators who are involved in this practice. This judgment has created a fear in the minds of persons who had so long encouraged dedication of girls to temples as recognized custom and escaped the clutches of law on the ground it was done with the consent of the girl and her family members. Karnataka state government passed the Karnataka Devadasi (Prohibition of Dedication) Act, 1982 and Andhra Pradesh government passed Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989 to check the evil practice that prevailed in their state. As the desired result was not achieved the Supreme Court issued directions to the Central and State governments to evaluate the measure taken by them in this. This would highlight the magnitude of the problem in each state.

***Gaurav Jain v. Union of India**¹⁰⁵

The Supreme Court stated that the prostitutes also have a right to live with dignity under Article 21 of the Constitution of India since they are also human beings and their problems also need to be addressed. Court passed an order directing, inter alia, the constitution of a committee to make an in- depth study of the problems of prostitution, child prostitutes and children of prostitutes to help evolve suitable schemes for their rescue and rehabilitation. The Schemes should mention in detail who will give the technical/vocational

¹⁰⁴ 1989 3 SCC 318

¹⁰⁵ AIR 1997 SC 3021

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training and in what manner they can be rehabilitated and settled by offering them employment. Arrangements also should be made for the products manufactured or produced by them, failing which the women would be driven back to poverty. Court stated that prostitute's children should not be permitted to live in undesirable surroundings of prostitutes. This is particularly so for young girls whose body and mind are likely to be abused with growing age for being admitted into the profession of their mothers. While separate schools and hostels for prostitute children are not desirable, accommodation in hostels and other reformatory homes should be adequately made available to help segregation of these children from their mother living in prostitute homes as soon as they are identified.

These two cases **Vishal Jeet v. Union of India and others and Guarav Jain v. Union of India** have laid down the ground rule for the several executive decisions and for the commencement of many programmes. These judgments flagged off the importance accorded to the individual human rights and have brought into focus the mandatory role and responsibility of the state in ensuring that such violations do not take place.

***Upendra Baxi v. State of U.P¹⁰⁶**

Two law professors had initiated a PIL for improving the living condition of the inmates of a protective home in Agra in Uttar Pradesh. The Supreme Court had issued more than a dozen directions to the government of U.P on this issue. But the government had followed in the beginning some directions and the efforts made by the petitioners were nearing successful and the condition of the neglected girls were improving under the supervision of the District Judge. The accommodation on the premises in Vijay Nagar Colony had also been made fairly satisfactory. But some time in 1985, the efforts of the court and the petitioners were put to naught by the State Government by shifting the protective home for its location in Vijay Nagar Colony to Adarsh Nagar. The District Judge revisited the move and asked the government to take the prior permission of the Supreme Court before shifting but the government paid no heed.

It was found that the new building was located in the most unhygienic surroundings with no cross-ventilation or security or privacy and it was unsuitable for human habitation. The court issued ten fresh directions in respect of matters of urgency and commencement of the necessary steps in respect of other deficiencies which were pointed out and those which were discovered after inspection of Home. District Judge Agra was also requested to ensure a proper scrutiny by judicial officers before making an order of discharge of an inmate of Agra.

This case highlights the negligence on the part of the government in implementing the directions of the court. The shifting of the shelter home to an unhygienic place in spite of objection from the District Judge shows basic human rights of the girls in the protective homes are not recognized. Until strict supervision and

¹⁰⁶ (1998) 8 SCC 622

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absolute responsibility is imposed on the state government on the implementation of the schemes and the directions of the Court, any number of landmark judgements will not be effective.

***Prajwala v. Union of India¹⁰⁷**

In this case a PIL was filed in the Supreme Court for formulating a pre-rescue, rescue and post-rescue victim protection protocol for the entire country. This PIL was filed in wake of a mass raid conducted by police in the brothels.

Those victims who were taken into custody by the police were housed in sub human jails, and the victim's basic human rights were not assured and they were treated like criminals. It was also found the victim protection programmes were totally inoperative and they were deprived from access to legal aid, information, counselling, compensation or protection from the traffickers. Long trials created further trauma to the victims. PIL sought from the Supreme Court directions for trauma counselling, rights of the child victim of trafficking, right to confidentiality and information for victims, right to minimum standards of health, nutrition, diet and clothing at the Protective Home and provision of sustainable livelihood skills and options.

Absence of basic needs for rescued victims in the protective homes and treating a victim as criminal shows the law enforcement authorities had failed to heed to the instruction of the Supreme Court in various landmark judgements to treat the trafficked persons as victims and not as criminals. The court has imposed a duty on the state to take necessary steps to rehabilitate them and provide them with the necessary medical aid, legal assistance and training them to be self-satisfied with the financial aspects. The present scenario of the victims clearly shows that there are all possibilities that victims will be re-trafficked and the efforts of the Supreme Court in passing suitable directions to the states after spending a huge amount on investigation and reporting on the rescue, rehabilitation of the victims will be futile. Victims will be subjected to harassment by the police and also by the traffickers this will create in the minds of survivors of trafficking lack of trust towards law enforcement authorities and the State.

***Geetha Kancha Tamang v. State of Maharastra¹⁰⁸**

The Supreme Court in this case refused to release the applicant on bail on the ground that she was running a business of a brothel in which, inter alia, a child was detained. This child was ill-treated by the accused. Minor along with her several other girls were rescued from this brothel. It was proved that the accused who was mother of two children involved them in this trade. The court considered that act as the grossest violence of the Human Rights of the victim child. The facts of this case states that learned APP had brought to the knowledge of the court that despite the specific provision under Section 18 of ITP Act, no steps were taken for closure of the brothel or for eviction of the offenders from the brothel premises. The brothel was not sealed. It is quite evident from the above case as to the fact, to what extent law enforcement authorities are

¹⁰⁷ (2005) 12 SCC 136

¹⁰⁸ (2009) 15 SCC 75

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effectively taking initiative to curb the human trafficking. Corruption among the government officials, reluctant attitude to take action against the offenders and lack of follow up and stringent action against the governments and government officials for dereliction of duty is main reason for this kind of violation of human rights to prevail in the country.

***Guria Swayam Sevi Sansthan v. State of U.P¹⁰⁹**

Supreme Court discussion on the issue of grant of bail to the victims of immoral trafficking stated that the most of the trafficked victims are minors or young girls are let off on bail. They again in most of the cases are forced to go back to the brothels from where they have been recovered and are subjected to prostitution again at the instance of the same persons. Bails are also granted to other accused who are arrested from the brothels without bearing any distinction in mind as to whether they work from behind or may be held to be guilty of the offences of higher magnitude. The question as regards grant of bail, therefore, should be considered having regard to the gravity of the offence wherewith the accused had been charged.

The Court also pointed out the objectives of the Immoral Trafficking Prohibition Act, 1956 was to prevent these innocent victims being trafficked. However, it is unfortunate that the investigating officers and the courts ordinarily fail to bear in mind a distinction between the rescued children including girls, on the one hand, and the persons who have been organizing such immoral traffic in a systematic manner and have otherwise been aiding and abetting the commission of offences there under. The legislature and the executive have also failed to draw a well- thought-out plan for rehabilitation of the rescued children in the society by bringing in suitable legislations or schemes.

The Supreme Court has rightly pointed out the lacunae in the enforcement machinery. Trafficked persons are to be treated as victims of the crime but our legal system considers them as criminals. This has resulted in the failure of not providing the victims with necessary protection from the state. Instead of providing the victims with rehabilitation and protection measures they are allowed to be released on bail on an application filed by the traffickers or the relatives of the victims. This has resulted in victims being re-trafficked by the traffickers as the victims have no other alternative to lead a normal life but to be subjected to control of the traffickers.

***Budhadev Karmaskar v. State of West Bengal¹¹⁰**

Supreme Court heard the appeal by the accused in case of murder of a Sex Worker and discussed on the pathetic condition of women who are pushed into this trade because of their abject poverty. Court stated that they also have the right to live with dignity under Article 21 of the Constitution of India since they are also human beings and their problems also need to be addressed. In order to enforce the fundamental rights guaranteed under the Constitution, the court directed the Central and the State Governments through Social Welfare Boards should prepare schemes for rehabilitation of physically and sexually abused women all over

¹⁰⁹ Criminal Appeal No 1373, 1990

¹¹⁰ (2011) 11SCC 538

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the country. This would help the women to learn some skills and earn their livelihood. Court also pointed out that the Ujjawala scheme of the Central government has provision only for rescued trafficked women and not for those sex-workers. Therefore, measures to be taken to protect the interest of sex- workers also. In this case the Court has taken into consideration the sufferings of the sex workers and has taken initiative to direct the governments to make provisions for their survival. It is true that women are compelled or forced to practice this trade as they have no other source of income which would help them to survive. If an alternative source of income earning is shown they will surely take the benefit out of it. The law till now considered the prostitutes as accused and they were punished, but this decision has clearly highlighted that they are victims and they too have the right to live with dignity and their human rights has to be protected by the concerned government.

***Bachpan Bachao Andolan v. Union of India and Ors¹¹¹**

Petition alleged that the police station authorities failed to file a complaint of the missing child into the First Information Report and no appropriate steps were taken to trace the child. The Court considering the contempt petition against the police authorities stated that it created an element of doubt on behalf of the State of Madhya Pradesh regarding the recording of First Information Report relating to a missing child having regard to the provisions of section 154 of the Code of Criminal Procedure, 1973 which related to information in cognizable cases.

It also stated that an entry in the Book to be maintained for the purposes of Section 155 Cr.P.C and after referring the information to the Magistrate concerned, continue with the inquiry into the complaint.

The Magistrate, upon receipt of the information recorded under Section 155 Criminal Procedure Code (Cr.P.C), shall proceed, in meantime, to take appropriate action under sub-section (2), especially, if the complaint relates to a child and, in particular, a girl child. The reason for the contempt of court is that the law enforcement authorities especially the police authorities do not consider human trafficking as serious violation of human rights. As for missing persons is considered they presume that they have run away from their home due to various circumstances, this attitude has prevented the police authorities in registering the missing complaints into First Information Report and proceeding with serious investigation into the crime. Awareness with respect to seriousness of the crime has to be created and they should be properly trained to tackle this crime. Any negligence on the part of the police authorities in not taking necessary steps to protect the interest of women should be considered as serious violation and the concerned police authorities must be subjected to stringent disciplinary actions.

***In Re: Jaydeb Das v. State of Calcutta¹¹²**

Facts of the case is in the year 2004 defacto complainant daughter aged about 14 years was enticed away by the accused 1 and 2 on the assurance that they will arrange a lucrative job for her and she was trafficked to

¹¹¹ (2014) SCC 1108

¹¹² (2014) SCC 1108

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some unknown place for utilizing her service for some immoral purpose. When the incident was reported to the police no steps were taken so the complainant moved the court and pursuant to the court order passed under Section 156(3) Cr.P.C, his complaint was treated as FIR and case was registered.

An Anticipatory Bail filed on behalf of the accused was dismissed on the ground that the nature of allegations and the gravity of the offence shows that this is a case of trafficking of minor girls for immoral purposes and the materials collected against him proves he has committed an offence of trafficking.

The facts of the case states that the complainant had brought to the notice of the police the details of the accused who had enticed his daughter and the person who was running a domestic help centre at Delhi. In spite of the complete information about the accused persons being given to the police authorities no steps were taken by them to arrest the traffickers and release the victim for the clutches of the criminals. This is another case which shows the extent of irresponsibility or dereliction of duty, or lack of awareness about the seriousness of the crime on the part of the police authorities.

***Bachpan Bachao Andolan v. Union of India**¹¹³ A Writ Petition was filed by the Bachpan Bachao Andolan on child labour and exploitation that prevailed in circuses. These young children are kept in bondage and forcible confinements and were frequently subjected to sexual harassment and abuses. Petition also brought to the knowledge of the court that Central and the State Governments response to these issues were not satisfactory.

Supreme Court on the basis of the report prepared by the Ministry of Women and Child Development issued following directions to the Central, State Governments and Union Territories;

- i. There should be a constant monitoring of circuses, both static and mobile; to ensure that child labour is not used in these circuses. The monitoring should also ensure that the children are not exploited in any other manner.
- ii. In the event the law enforcement machinery is made aware of any instance of use of employment of child labour or any other violation of law by the circuses, prompt action should be taken to stop the violation of law and take necessary follow-up action;
- iii. The Central Government should monitor the activities of the circuses through the National Commission for the Protection of Child Rights and the State Governments so that directions are complied
- iv. Court has given liberty to any person to approach appropriate court of law or the appropriate authority in case of child labour or child abuse is found in any circus, both static and mobile.

This judgement has indirectly permitted the child labour in the circuses to prevail. When the petition has clearly proved that there is child labour in existence and children are not provided with basic necessities like good food, shelter, health protection and also, they are exploited by the owner of the circus; instead of

¹¹³ (2015) SCC 988

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prohibiting the employment of children in circuses the court has given direction to Governments the responsibility of monitoring the issues. From the facts of the petition, it is very clear that the State Governments have not complied with the earlier direction of the Supreme Court relating to issues pertaining to the children; it is sure that this direction will also have no response from the government.

5.2.b Decisions of High Courts in India on Trafficking issue

***Suja Abraham v. State of Maharashtra¹¹⁴**

The Facts of the case states that in seven factories female employees were found staying in the factory premises itself. They were not allowed to go out of the premises without the permission of the contractor. If they are required to go out, some gate passes are issued only on the grounds of medical treatment or visiting religious places. Because of force or fear of the contractors, free movement at will by the employees was not possible. The places of workers living were not adequately ventilated and poorly illuminated. It was completely overcrowded. Overall living condition was inhumane.

There was no fixed time schedule for work, their working hours depended on the time of receipt of fish consignment in the factory. It was proved in the case that Managing Director and Manager of this factory have treated Ms. Suja Abraham as bonded labour and brutal inhumane treatment was meted out to her by confining her to the factory premises and even dragging her back when she tried to escape, which forced her to attempt to commit suicide.

The Writ Petition prayed for direction by the Hon'ble High Court Mumbai to issue Writ of Mandamus directing M/s. Ravi Fisheries Ltd. to comply with all labour legislation in respect of the workers employed in its establishment, including those migrant workers and especially with the Minimum Wages Act, 1948, Employees State Insurance Act, 1948, Provident Fund Act, 1996, Factories Act, 1948, Payment of Wages Act, 1936 and Contract Labour (Regulation and Abolition) Act, 1970 and directed the Deputy Labour Commissioner, Thane to randomly visit the factories of Ravi Fisheries Ltd. at least once in a month and check that the M/s Ravi Fisheries is complying with the labour legislation in respect of the workers and is not maltreating them.

The Court also authorized the Bharathiya Mahila Federation (NGO) to visit the premises where women employees are working and to find out their grievances. All factory owners, particularly the respondents, were directed to allow free access to the office bearers of above-mentioned NGO to places where women employees are working or residing.

¹¹⁴ (1998) Bom H.C 564

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***Savera v. State of Goa and Others¹¹⁵**

The petition was filed in the interest of women who are the victims of commercial sexual exploitation. These women were born poor, ill-fed, ill-housed, and ill-educated and on top of it being illiterate, certain women, most of whom were migrants from other states, have been trapped in the unorganized flesh trade. The petition filed was with the object of their readjustment and rehabilitation of the persons in the red-light areas in Baina, Goa, by economic empowerment, social justice and self-sustenance, giving them equality of status and dignity as persons in truth and reality and for their social integration in the mainstream of society. The High court took into consideration the various views in the replies filed by the petitioners, respondents, etc., as well as the report of the Kamat Committee. The High Court directions included;

- i. Ensure the effective implementation of the judgments of the apex court in *Gaurav Jain v. Union of India*
- ii. The district Collector needs to take steps under ITPA and other relevant laws to ‘close down the 259 cubicles being used for sex trade on Baina beach’.
- iii. State Government to take advantage of steps to prevent women and girls being brought into Goa for Commercial Sexual Exploitation on a contract basis as noted by the Juvenile Kamat Committee.
- iv. Since the ‘sex workers’ are being brought from outside the state, the Goa government does not take initiative to rehabilitate them except to the extent mentioned by specific directions in the judgments of the apex court. The rescued women are to be deported to the state where they came from. The Goa State Commission for Women, along with the National Commission for Women to take steps, so that the said women are rehabilitated in the state from where they hail with the assistance of the respective state governments and The National Commission for Women to report in nine months on the action taken in the implementation of the Kamat Committee Report.
- v. These directions of the court have drawn the attention of the NGOs to the fact that proper rehabilitation of the rescued victims of trafficking is the most important step to prevent the victims from being re-victimized by the traffickers. The Court’s directions to the National Commission for Women to report within nine months to the court on the compliance of the directions imposes responsibility on the State Government to protect the victims of trafficking.

***Prerana v. State of Maharashtra¹¹⁶**

The Bombay High Court has given certain directions to the State Government of Maharashtra for the welfare of the children of the commercial sex workers. This petition sought directions to be given to the State Government in respect of Kasturaba Sadan, a rescue home established by the State Government of Maharashtra for such victims. In this case the High Court of Bombay issued certain directions for the proper

¹¹⁵ (1998) Bom H.C 564

¹¹⁶ 2003(2) Mah.L.J.105

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implementation of the related Acts, keeping in view the rights of the trafficked persons. The court order addressed several issues regarding child rights, viz. the role of advocate and NGOs and child friendly procedures in dealing with rescued persons and also brought out clear guidelines for compliance by all the authorities concerned.

vii. A PIL was filed in the Supreme Court by HRLN on behalf of Prajwala, and anti- trafficking organisation requesting the government to create a 'victim protection protocol' so as to protect the rights of victims of trafficking. They contended that the existing laws to protect the welfare of women and children who have been rescued from trafficking and sexual exploitation are inadequate.

viii. The petition highlighted the magnitude of trafficking in India. Women and Children are vulnerable to trafficking and exploitation which involves prostitution, pornography and sex-tourism. Out of the millions of women and children trafficked annually, approximately 25percent of the victims are children in the world. This rate has been increasing tremendously accompanied by a steady decrease in the average age of victims. It was argued that today, it is not unusual to find children as young as nine years being trafficked for sexual exploitation.

Thus, three-quarters of the women rescued return to the sex industry within a year, either voluntarily or by coercion from former employers. This is because brothel owners, pimps and traffickers have easy access to victims once they have been 'rescued' and placed in places of protection.

Victims may resist rescue because of their fear or mistrust on police officials who often treat them harshly and have been known to have close nexus with brothel owners and pimps. Conditions in protection homes for women and children are inadequate. Strict rules and regulations make them feel imprisoned again and there is a severe lack of much-needed medical and mental health services. There is little or no follow up steps taken.

The ITPA, 1956, contains provisions for special courts to be set up by the Central and the state governments and there is also provision for summary trials.

***Bachpan Bachao & Ors. v Union of India & Others¹¹⁷**

A Writ petition was filed by Bachpan Bachao Andolan and another N.G.O regarding the problem of several thousand minors who were childnapped and trafficked from various states and brought to Delhi and sold for the purposes of prostitution, begging, drug peddling, slavery, forced labour including bondage, and for various other crimes. This crime is committed by various illegal placement agencies who are about 2300 presently running in Delhi and from where around 39 children were rescued. All the rescued girls and boys

¹¹⁷ (2010) Del H.C 435

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were trafficked from Jharkhand and West Bengal. Three rescued girls said that they were not given food for the last three days.

The petitioners prayed for the immediate rescue and release of all minor children. Court was requested to issue suitable directions to the government for the protection of fundamental rights of the trafficked children and for their proper rehabilitation. They also prayed for the stringent law to be enacted to punish the illegal placement agencies who are involved in the human trafficking.

The Court gave directions that all the placement agencies to be mandatorily registered.

This decision of the court will prevent all the illegal placement agencies from committing the offence of human trafficking. Unemployment is the main cause for poverty and the vulnerable sections are easily cheated or trafficked by offering false promises of lucrative jobs in cities or in foreign countries. Once the government brings all the placement agencies under its surveillance by making it mandatory to register, the illegal placement agencies will be forced to close down.

***World Human Rights Protection v. State of Punjab and Others¹¹⁸**

A Writ petition was filed in the High Court of Punjab- Haryana regarding the problem of missing persons/children in the states of Punjab, Haryana and Chandigarh.

On the basis of the suggestions given the Mr. Anil Malhotra, Advocate, who was appointed to act as amicus curiae in this case and the affidavit filed by the CBI it was found that in the State of Haryana, the total missing children for the year 2009- 2011 were 3237 and 1,517 have remained untraced. Out of untraced children, 899 were boys and 618 were girls. On the basis of the report the court gave the following directions

1. Publish photographs of missing persons in the Newspaper; telecast them on Television within one week from the date of receipt of complaint. Wide publicity, at all the prominent outlets of the city/ town/ village concerned at the Railway Stations, Interstate bus Stands, airport, regional passport office and through law enforcement personnel at Border checkpoints. Photos of minor or major missing girls should not be published without the consent of their parents/guardians.
2. Prompt inquiries in all places possible to trace the missing persons
3. When a student is missing the Principal, Class teacher of the educational institution to be contacted. If a woman or a girl is missing her employer and her colleagues at the place of employment to be contacted to collect the information.

The Court gave directions that as and when a report is made regarding missing of any individual, FIR should be registered immediately. A Nodal Officer who is of rank of Inspector General of Police shall be head of the Cell set up by the States of Punjab and Haryana who shall monitor the entire process of tracing out the

¹¹⁸ (2012) P&H High Court 876

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missing individuals. He shall also immediately send intimation to the special cells set up by the C.B.I to trace out the missing persons.

In this case the Court has given all possible modes to trace the missing persons. In most of the missing cases the police authorities may or may not register a F.I.R and the investigation usually is concluded as not traceable. But the court has made it mandatory not only to register F.I.R but also imposed a duty on the police authorities to publish the missing persons photograph in cities, village's railway stations, bus station, airport and other specified areas. The reason is by this it would be easy to trace missing persons as these are the transit point for trafficking as well as the public will be made aware of the offence happening in the city so that they can be cautious. Announcing a reward for a person providing clues about the missing person will create an interest among the public to take initiative to trace the missing persons. This decision has elaborately provided for the means to trace the missing persons and for their rehabilitation.

***Shaktivahini v. Union of India.**¹¹⁹

The petitioners pleaded that the guidelines issued by the Supreme Court in Gaurav Jain v. Union of India were not being implemented in entirety and although a committee has been formed which has given elaborate recommendations, no part of the said report has been implemented so far. The deep nexus between law enforcement agency and the traffickers, low levels of sensitization, need for specialized training, amongst various agencies working with trafficked victims and the complete lack of commitment on behalf of the states to implement the recommendations set forth in the National Plan of Action has been brought out in the petition. Furthermore, the petitioners have observed that there has been no study relating to the economic cost of implementing the recommendations and the sources through which such cost could be met.

The Content of the petition in the above case clearly shows to what extent the law enforcement authorities and the State are seriously interested in tackling the problem of human trafficking. There are also serious lacunae in the part of the states in not abiding by the directions of the Supreme Court time and again.

***Apne Aap Women Worldwide Trust v. The State Of Bihar & Ors**¹²⁰

A writ petition was filed requesting the court to give directions to the Bihar state government to carry out their constitutional obligations enshrined in Article 23 of the Constitution by strictly enforcing the provisions of the Immoral Traffic (Prevention) Act, 1956 and also to raid in the red-light area in the presence of the petitioner. They also prayed that the rescued victims to be rehabilitated only in the shelter homes certified by the State Social Welfare Department as per ITPA norms. They also highlighted that Anti Human Trafficking Units set up in the country have miserably failed to check the trafficking network of national, international traffickers, which has permitted them to flourish in this lucrative trade. There is no exact statistics given by

¹¹⁹ WP Criminal No. 444/2013

¹²⁰ 2014) Pat H.C 234

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the concerned department authorized to check human trafficking about the number of human trafficking cases registered, rescued victims and the measures taken by them. They also brought to the knowledge of the court a noted trafficker had trafficked a minor girl who was later rescued and sent to her parents' house wherefrom she was re- trafficked within a week of the incident.

This writ petition highlights the situation which is present not only in Bihar but also in the entire country. The legislatures have enacted various laws to check the crimes and also made necessary amendments to meet the changing circumstances. The government has constituted various agencies as per the directions of Supreme Court. In spite of these efforts the human trafficking rate has not reduced nor can the network of traffickers be traced. This clearly shows that the implementation procedure has severely failed. It is necessary to identify the lacunae and rectify it.

5.3 Role of Non-Governmental Organizations

The term NGO embraces a wide variety of organizations, NGOs will mean 'exogenous or indigenous voluntary private non-profit organizations that are engaged in relief, rehabilitation and development programmes using finance raised from voluntary, private sources, and the donor agencies and managing themselves autonomously at local, national and or international levels.

This is fathering considerable momentum through claims that NGOs are efficient and effective, that they are innovative, participative, in the areas they work. NGO's have played a major role in creating public awareness of various problems in the society either through newsletter, publishing articles in the journals, organizing seminars, conferences, encouraging research on the human rights violation topics and also it conducts survey and exposes before the society the actual status.

5.4 Obstacles in functioning of NGOs

Functioning of NGOs is dependent on various factors like social, economic and political situations. Financial contribution from the government and the volunteers plays a major role in successful functioning of the NGO. NGOs working for the rescue and protection of trafficked victims are very few and they have taken initiative in rescuing, rehabilitating many victims. As they have direct contact with the victims, they are in a position to win their confidence which in turn helps them to prosecute the offenders. NGOs have been successful in identification of the trafficked victims, providing counseling, legal support and in many cases reintegration into their family.

NGOs run shelter homes have financial constraint as they are mainly depending on contributions to render service to the victims of trafficking, only few NGOs are funded by government but the fund allotted to them does not reach on time or the amount is misappropriated by the corrupt government officials, and there is

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shortage of trained personnel especially counselors and medical staff. These are the major obstacles faced by the NGOs who volunteer to work for the victim's rescue, rehabilitation and reintegration.

5.5 Mode of working of NGOs

NGOs have adopted various methods to tackle the menace of human trafficking. Their role differs from case to case. But they first decide on what type of assistance is required to the rescued victims, it may be medical help, counseling, psychological support, providing education or providing jobs based on their skills. In certain cases, they try to trace out the victim's family members and reintegrate them. Some NGOs meet the women at airport, railway stations in order to ascertain whether they are victims of trafficking. NGOs have played a vital role in prevention, protection, rescue, reintegration of the victims. They have provided the information about the traffickers to the police and also assisted them in the raid. NGOs find very difficult to tackle the problem as they government do not consider human trafficking as a serious offence. And the corruption among the police authorities, the governmental officials and the legal enforcement officials has led offenders to escape from the eyes of law.

Immoral Trafficking Prevention Act, Section 13(3) provides for an advisory body of NGOs in the enforcement of this social legislation. NGOs have taken the initiative to create awareness among the law enforcement authorities, provided training to the police officials in tackling this serious problem, they have also extended their assistance to the Central Bureau of Investigation and also the court in the rescue, rehabilitation and reformation of victims of trafficking. They have joined hands with corporate sectors to provide the victims with employment to prevent them from being re-trafficked due to the financial crisis.

5.5.1 Prevention

Prevention must address key vulnerabilities in legal systems: policies and implementation loopholes that allow trafficking to occur, tolerance within government procurement and contracting, unscrupulous labour recruiting companies, restrictive visa practices used as coercion tools, enforcement of labour laws. Effective prevention lies in targeted initiatives to protect the rights of marginalized, low-income workers, such as domestic servants, farm workers, miners and garment workers. These workers are too often subjected to offences that have led to labour exploitation, including at its worst, human trafficking.

Media plays a major role in creating awareness of any problem. Action against Trafficking and Sexual Exploitation of Children and Women (ATSEC) has developed a link with the media for this purpose. UNODC in collaboration with West Bengal State Council, Kolkata Police, and the private sector, among others, released a short film entitled "One life, No Price" that incorporated legendary Bollywood stars in order to draw attention to the issue. Apne Aap and the Bengal National Chambers utilize the media by sponsoring

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campaigns including a child labour movie screening and billboards. They have released “Red Light Despatch”, a magazine written by trafficking survivors to help tell their stories.

ATSEC Bihar joins together leaders from various religions in an Inter-Religious Priests Forum so that they can unite to denounce trafficking through the large religious networks that they have access in. This program is expanding nationally. Contact Base in Goa likewise utilizes faith- based organizations as a social safety net. Vimochana addresses the particularities of Indian religious practices, specifically the Devadasi tradition, pressing religious leaders to abandon the practice, creating vigilance committees, encouraging former Devadasis to help educate the community about the problem.

NGOs develop networking, coordination and co-operation with different agencies. Capacity building and sensitization efforts and awareness raising ventures are undertaken. Vulnerable sections are empowered with various schemes to prevent them from being trafficked.

5.5.1.a Apne Aap Mahila Mandal

It is situated at Kolkata. The main aim of this NGO is to concentrate on the source area for trafficking and strike at the traffickers and also to investigate the chain starting from source area where the victims are trafficked up to the national level where they are supplied or sold for various purposes like organ sale, domestic work, prostitution, slavery etc. This NGO has established anti-trafficking units in Maharashtra, West Bengal, Bihar and New Delhi which works for reduction of demand through awareness, advocacy and conviction of buyers and traffickers. In November 2006, Apne Aap Mahila Mandal’s approach to strike at various levels of trafficking i.e., from grass root level that is source area to the destination is the appropriate method to tackle the menace of trafficking.

5.5.1. b Manav Seva Sansthan

This is situated in Uttar Pradesh. They have developed a Seva Satarkta Prakosht, known also as the ‘Life Guard Centers.’ They have developed close collaboration with the police. There are 10 Life Guard Centers across the border transit points along the Indo-Nepal border of Uttar Pradesh, Uttaranchal and Bihar covering 1268 kilometers of Uttar Pradesh border adjoining Nepal.

5.5.1.c Panchayat Raj Institutions (PRIs) The governments of Tamil Nadu, West Bengal, and Andhra Pradesh have taken steps to involve Panchayat Raj Institutions (PRIs) to prevent trafficking. The Tamil Nadu example of setting up the village Defence Committees and empowering them with awareness and mandate to address the issues of missing children, dealing with the vulnerabilities in women and children and thereby preventing trafficking. It is, therefore, essential that the government agencies and the NGOs recognize their potential and involve them in anti-trafficking activities.

5.5.2 Protection

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It is futile effort if only a law is enacted with no proper enforcement and inadequate victim protection measures. This role is taken up by the NGOs in entering into partnership with the corporate sectors and they were successful in getting suitable jobs to the trafficking survivors. The corporate sectors as part of their Corporate Social Responsibility (CSR) programmes have extended their helping hands to these NGOs in their noble endeavor. NGOs such as Apne Aap, Arz, Bharatiya Kisan Sangh, Jabala, Prajwala, Rescue Foundation, Sanchaya Prayas, Sanlaap, Sthree, and STOP Delhi, along with many collaborators, have transitioned survivors into careers as beauticians, embroiderers, restaurant and cafeteria workers, hospital nursing staff, hotel caterers, housekeepers, security guards, ATM technicians and mobile phone repairs. If the victims are interested in reintegration into their families it is also taken care of by the NGOs. Just Trust is a NGO which takes the initiative to contact the relatives of victims and tries to identify the genuineness of the persons who come to take the victims.

There are several instances where communities have developed initiative and dynamics in protecting the interest and rights of the victims and survivors of the trafficking. It includes identification of victims, fact finding and rescue at source, transit, destination, care and attention during rescue and post-rescue situations, counseling. They also have networks with different agencies for rehabilitation of victims.

5.5.2.a Sanlaap

In West Bengal this NGO has been established with an aim of improving the lives of victims of trafficking. By their sincere efforts in this field to eradicate this evil has created a domain of themselves. It works with unifocal approach and commitment. It is not just active at the grass root level, but is also an important policy influencing organization on trafficking related issues in the South Asian region. It is one of the first organizations in the region to holistically approach the issues of trafficking measures from campaign, advocacy, and sensitization of various stakeholders on the issue of trafficking, to the rescue, rehabilitation, and socio-economic reintegration of trafficked persons.

5.5.2 b Prajwala

It means ‘eternal flame’ is an NGO based in Andhra Pradesh. It is actively devoted to the cause of women and child victims and potential victims of trafficking. Prajwala undertakes rescue, rehabilitation, counseling and reintegration. It also networks with government’s agencies as well as with corporations on various rehabilitation programmes. The Andhra Pradesh government, in consultation with Prajwala, framed several guidelines and a detailed plan of action to address the trafficking problem. This is a unique instance of dynamics and functional partnership between a state government and an NGO to combat trafficking.

5.5.2 c Prayas Bharati Trust (PBT)

This is situated at Muzaffarpur in Bihar. Under the Heading “Livelihood Option” promotion action for development of Bihar was started. In this programme Industry and NGOs work together to end trafficking in persons. They encourage individual artisans and their works are exhibited for sale. It provides rehabilitation

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to the victims of trafficking, destitute women and women who are mentally challenged. It has also helped the victims reunite with their families. Prayas Bharati Trust has been working efficiently and has been successful in creating awareness among the public, livelihood generation to the rescued victims, counseling and also providing free legal aid which would help them in recovering from their grievances and lead a normal life.

5.5.2 d Stop Trafficking, Oppression and Prostitution of Children and women (STOP)

It is situated in Delhi. It has for some time been tirelessly pursuing rescue operations. In 2002, High Court of Delhi, acting on a suo moto motion and in pursuance of a PIL pending in the High Court directed the Delhi police to associate this NGO with all rescue operations thereafter. STOP has been entrusted with the responsibility of rehabilitating victims. It fights for repatriation of foreign victims.

5.5.2 e Joint Women's Programme (JWP)

Situated in Delhi, has introduced several initiatives to study the aspects of trafficking in the red-light areas. It has also opened a school for the children of victims of commercial sexual exploitation. This provides them not only with education, but also inculcates awareness regarding their rights. Besides this, the children gain exposure to the wider world and receive help with choosing alternative means of livelihood, upon which, in turn would depend on the issue of prevention of trafficking.

5.5.3 Prosecution

Prosecution is primarily the responsibility of law enforcement and the judiciary, but it can be supplemented by NGOs and international organizations. Several NGOs have worked with police to intervene in transit areas to halt trafficking. Manav Seva Sansthan runs "Life Guards Centers" at cross-border transit points along the Nepal Border. Volunteers help to identify traffickers and collaborate with police to apprehend them. Prayas has local informers such as vendors and rickshaw pullers at railway stations, and have rescued more boys than girls, who had been trafficked for labour. Legal aid in trafficking cases is provided by many NGOs including Apne Aap, HAQ centre for Child Rights, Just Trust, Rescue Foundations, Save the Children India, Socio Legal Aid Research and Training Center (SLARTC) and STOP. These groups generally inform victims of their rights and prepare them for testimony.

Some NGOs have taken the initiative to file Public Interest Litigation in the court to punish the violators and to protect the victims of trafficking. The procedure involves investigations, identification of traffickers and other traffickers and other offenders, arrest and detention, interrogation, prosecution, conviction of offender .

5.5.3 a Just Trust This NGO is established in Tamil Nadu. It has innovative strategies in identification of offenders through the records of the Chennai City Police. They had created a poster consisting of photographs of the offenders along with their names. This was displayed in all police stations of Chennai City and in the outskirts of Chennai East. This will create awareness among the people of city about the seriousness of human trafficking and to take initiative or steps to prevent the commission of the offence.

5.5.3 b Bachpan Bachao Andolan

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They have created a significant impact on the prevention of trafficking of children for labour and servitude. They have filed writ petitions in the court to highlight the pathetic conditions that prevailed in the working conditions in circuses. Children in circuses were denied their basic needs. They were successful in releasing the children from the custody of the circus employer. Court gave directions that there should be a constant monitoring of circuses, both static and mobile, to ensure that child labour is not used in these circuses. The monitoring should also ensure that the children are not exploited in any other manner. Court has given liberty to any person to approach appropriate court of law or the appropriate authority in case of child labour or child abuse is found in any circus, both static and mobile.

5.5.3 c HAQ

It is a centre for child rights, a Delhi based NGO strives towards recognition, protection and promotion of children's rights. It has focused on child protection and justice through its legal aid and resource center and engaged with law enforcement agencies, judiciary, media and other civil society actors in order to become a support base for children in difficult circumstances. HAQ was able to intervene and draw light to illegal baby sale through exemplary collaboration between various agencies.

5.5.3 d Capacity Building

A variety of activities fall under capacity building, because of the importance of bringing many stakeholders and groups with different skills to the table in tackling a problem as complex as trafficking and anti-trafficking networks are critical to improve the effectiveness of all anti-trafficking groups. The largest network is Action against Trafficking and Sexual Exploitation of Children (ATSEC) India, which has more than 500 NGOs as members and functions in 26 states. Research into trafficking helps to shed light on the otherwise hidden trafficking world, and is conducted by groups including the Joint Women's Programme. Shakti Vahini, and the Institute of Social Science, New Delhi, Prerana conducts research, produces documentations and disseminates the information through training sessions at its center in Mumbai.

Conference is one approach where researchers can disseminate information to the trafficking networks. NGOs are also involved in strengthening the judiciary as well. The National University of Juridical Science and Sanlaap work together to train prosecutors.

CHAPTER 6

CASE STUDIES

6.1 A case of domestic servitude (Female)

Kiran was born in a village in Ballia district, Uttar Pradesh. She was born into a poverty-stricken family. Her father was an alcoholic and her mother was falling sick frequently. By the year 2009, her mother breathed her last after delivering a girl child. In 2013, her father also died due to severe alcoholism. She was in the 4th grade in her village school when her mother died. Her younger sister was sent off to one of her distant relative's places, because there was no one else to take care of her. After her parent's demise, her uncles got her elder sister married in 2016 June. Soon after her elder sister's marriage, she started getting visitors at her house, since she lived alone then. She used to feel threatened by their untimely visits. She had to cook for herself and the amount of food available was barely enough for her survival. She had very few friends in the village. She lived alone. After almost 10-15 days after her sister's wedding, her friend Sunita visited her. Sunita tried talking her into going out of the village for work. After having tried for a few times, Kiran finally gave into her repeated persuasion since she felt lonely at home. She had no source of income to support her studies further. So, she decided to go with Sunita to New Delhi. The thought of going to a new metropolitan city caught her fancy. The picture that Sunita had shown her was very fascinating to Kiran. She was excited to go out of her village into a city to work. The pay was supposed to be handsome enough to support herself. She saw this as an opportunity of a lifetime. More so because it was her trusted village friend who made the offer to her. She was happy to go because she was promised that she would be

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given good work in a bungalow and that she would get to see the city too. After all, New Delhi is the country's capital. Kiran was taken to New Delhi along with Sunita, three other girls and two of Sunita's uncles by train. After they reached New Delhi, Kiran was taken into a strange office which she found a little intimidating. This was the placement agency. Within a span of two days, the placement agency prepared fake documents (apparently an affidavit) with her name and age changed. She was asked to sign these documents. These documents were in English and Kiran did not know how to read them in English. Later on, when she learnt about the reality of these documents, she got to know that they had changed her name and age. At this time Kiran was hardly 14years old. To avoid troubles later, the placement agency people had changed her age from that of a minor to that of a major.

After the completion of these formalities, Kiran was sent to a household in a good locality as a domestic help. She narrates “there were other few good-looking girls who were sent to a hostel”. Here, by ‘hostel’ she meant a place where these girls were made to stay before they were employed. She was told that her monthly pay would be two thousand rupees. But this money was to be kept as a security amount at the placement agency until she finished her tenure of working at that household for one year. And some amount of her salary was to be paid to Sunita because she was the one who brought her along. Until this time Kiran did not know what exactly was going to happen to her dreams of working in New Delhi.

The house she was employed at had four members comprising a couple and their two little daughters. These girls went to school and the couple went to work in the daytime while Kiran learnt cooking. Her job was to cook and clean. While Kiran was hoping that Sunita shall come by and meet her, it never happened. She couldn't even communicate with her sister and brother-in-law over the phone. She was not allowed to step out of the house. When she did not manage to cook well, she was scolded and left hungry for the rest of the day with extra work to do. She worked for about 5 months in this household. Thereafter Sunita visited her and took her back to the placement agency. The people at the placement agency told her that they would send her back to her house but she won't be given any money that she had earned so far. So, they made a deal with her. She was told that if she worked for a few more months in another household, she would be allowed to go back to her village along with her salary that she would earn till that time. Seeing no other way out of this whole mess, Kiran decided to stay back.

She was now sent to a household in a better locality than the previous one. This household had a couple (both working and a little more aged than the couple in the previous household) and a daughter and son. The daughter was in college and was kind to Kiran. In fact, most of the people in this household were kind to her. They treated her well. They gave her good food to eat and clothes to wear. The daughter taught her to study. She worked in this household for about one year and three months. Sunita visited her around this time and said that she would help her go home very soon. But again, she was sent to another household.

This was the last household Kiran worked at. They had a couple and a man who was a brother to the woman in the household. The couple went to work but the other man stayed all through the day in the house. Kiran

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wasn't treated well in this household. They would beat her for not being able to cook fine. Even if they have a washing machine, they would still make her wash clothes with her hand. Worse of all, the man staying in the house also sexually abused her from time to time. He would then threaten her with dire consequences if she ever tried telling this to his sister or brother-in-law. This went on for a while until she decided to escape. This was the last straw. Every time there was a visitor, they would give her some paltry amount of money. She had saved up an amount of 500 rupees. One day in July 2018, when no one was around and while the old man was inside a room, she ran away. About 8 o'clock in the evening, she tried getting to the railway station to come back to her village. After having lost her way, she met a man who helped her by informing the local area police. The police took her to the 'thana' as she described and gave her food. She was kept there for a day and a half. Then she was taken to a shelter home named Nirmal Chaya. New Delhi police had informed the police of Ballia district by then. The district police took immediate action and tried to locate her family (sister and brother-in-law) with the help of CHILDLINE in Ballia. By the time her sister and brother-in-law got to know of her whereabouts 5 months had already passed. She stayed at the shelter home for about 5-6 months. The treatment at the shelter home was good and she had no work to do there. She was not used as a domestic labour. She was taken good care of. When she was brought back to Odisha, she was taken back to her family. Her sister and brother-in-law decided to keep Kiran with them.

Now Kiran stays with her sister and brother-in-law. She cooks while her sister goes to work as a maid. Her brother-in-law is a daily wage labourer. They have a little child who Kiran takes care of. When asked what she would like to do now, she says "I want to work in a safe place like a factory or a school near my village and come back home to my sister daily." She doesn't want to go out of her village to work anymore. She wants to finish her education, work and support herself financially.

New Delhi police had filed a 'suo moto' case at the Tees Hazari court. The case was against the party (which included all the three employers who Kiran had worked for) who paid a compensation amounting to rupees one lakh and eighty thousand. Since these households were not paying the wage directly to her, all the money used to go to the placement agency. Thereafter the compensation was paid; the police made a Fixed Deposit account for Kiran and deposited all the compensation money. She also mentioned that right now she has a passbook of her own to manage her finances. There is no news of Sunita and the placement agency.

6.2 A case of domestic servitude (Male)

Shankar was trafficked when he was 13 years old. An aunty of his took him to New Delhi to work as a coolie in 2017 April. He belongs to a slum in the outskirts of Bahraich. After the demise of his father, his mother has been looking after him. She works as a maid servant (washing dishes) in a restaurant in Rourkela. Presently he works on a fast-food stall assisting another man. Shankar's mother looks older for her age, because of extreme hard work and tedious labour. She works from 4am in the morning till 11pm in the night. That accounts for 16-19 hours per day. Shankar is a playful young boy who would play around with

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boys of his slum. They could barely have two square meals a day. Sending Shankar to school is a farfetched dream for his mother. During the summers of 2017, one fine day, Shankar's aunt (not family related), Meera told him that he could work as a coolie in New Delhi. She said that this was a very good opportunity for him if he wanted to earn more money and buy good clothes and a fancy mobile phone. Considering the age he was in, all of these goodies were what he wanted. She lured him into this and took him away along with 5 other boys. They went to New Delhi by train and were accompanied by a man who they addressed as Uncle. This man had looks that scared them so they never asked him where exactly they were headed to. The first destination before going to New Delhi was a village nearby Sitapur. This was the village where Meera lived.

After being taken to New Delhi he was directly taken to a house where he was kept as a domestic help. In this house his work was to clean, doing odd jobs and bringing groceries. He worked in this household for about 6 months. He had no freedom of talking or lest playing with the boys of that neighbourhood. He was beaten when he was found watching television. The food that was given to him was stale most times. His health started deteriorating. There was no medical supervision done on him. In the meanwhile, his mother here in Bahraich had informed CHILDLINE. She was helped by her employer who communicated with the authorities at CHILDLINE. They informed the police at New Delhi to locate Shankar. They scanned for him and started a search. One day, Shankar spotted another boy who had accompanied him on the train to New Delhi. He found out that this boy was also working as a domestic help in a locality which was not very far from where Shankar was located. Both of them decided to elope together. They looked for a nearby police station and decided to meet nearby on a weekend. The weekend came and Shankar waited for this new friend. But this boy never turned up. It so happened that Shankar went to the police on his own and reported about his friend. Since he did not know where exactly he worked. They couldn't immediately locate him. But Shankar was taken to an ashram school by the police and enrolled there. He stayed there for about 3 months. In the meanwhile, the police found out about his mother's whereabouts and informed her. It was not possible on her part to go all the way to New Delhi to get him because she hardly earned 130 rupees per day. Therefore, New Delhi police sent Shankar accompanied by 2 policemen to Bahraich. He was brought to the police station in Bahraich and handed back to his mother.

Even though Shankar managed to come back home to his mother, the other boys are still there in New Delhi. Shankar then found the job to work at the fast- food stall. His mother complains that he doesn't go to work regularly and simply idles away his time. He spends a lot of time gambling with his slum dweller friends. There are times she has to loan money to pay his debts. It is horrifying to see a boy of 15 years gambling and not living the life of an adolescent. Such involvement is spoiling his innocence too. Meera couldn't be tracked by the police of both the states because Shankar knew nothing of her whereabouts. When police went to her village, the people said that she had vacated her house and was gone forever.

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6.3 A case of sex trafficking

Anita was a girl from one of the villages in Gonda district, Uttar Pradesh. She belongs to a family where both the parents were diseased and they had no regular breadwinner. Some days they slept empty stomachs and some days they had food. But they had no medical help at their disposal. Anita's father had tuberculosis and her mother had some disease which wasn't diagnosed properly. They didn't have enough money to bear the medical expenses. During this time Anita was 11 and half years old. And in these tribal regions, they did not rely on doctors or medical practitioners. So, Anita's parents would seek help from the village people to get themselves treated. Her father was a feeble old man and her mother was rather weak. Anita had to drop out of school for their pitiable economic condition. Her parents couldn't afford her studies anymore. Her brother also had to go to the fields to work as a labourer. He was 4 years older than her.

Eventually Anita came in contact with one of her relatives who used to visit their house once in a while. He talked her into going with him to New Delhi. He said he would help her because she was capable of helping her parents. He told her about his work in New Delhi which paid him very well. Also, he promised to take her there as a domestic help so she could work. He also told her that she would get good money to satisfy her needs and also to send back home for her parent's treatment. She got baited and without informing her parents she went to New Delhi with this man named Sunil.

Sunil took her to an area where there were shabby lodges and women on the street. Anita was too young to know what this place was all about. Sunil met some man in that area and handed Anita over to him. She was locked up in a room for 2 days without food. After two days Sunil came back with some documents and forcefully made Anita sign on them. From there she was taken to another house where there were many girls. Some looked like her age and some looked older. There were fair girls speaking alien languages which she had no knowledge about. And there were girls who looked like they were brought from a tribal village like theirs. They stood in queue according to some order which Anita couldn't comprehend. She was made to stand with the girls who seemed to have been brought from tribal areas like her. They were not fair skinned like others. Anita could only decipher that there was some differential treatment happening there. By the time she could understand things better, she was sold. Her uncle Sunil left her with those scary looking men. Initially she was undressed by a woman who checked her private parts. Then she was sexually abused every night. She was raped multiple times. She had to endure this treatment for more than a year. She had no escape from that place. Every night she would get raped by one or more men. She had no one to talk to or go to. She had no pay and no medical treatment when she fell sick. Her sickness continued for a week or two when she finally fainted and a woman nurse was summoned. The nurse declared that Anita was pregnant. She was now 12 and half years old and she was pregnant. She did not know what the commotion was about. After 5 months of her pregnancy, she was taken to a deserted place (a bridge) and was thrown out of the vehicle. In those 5 months she was repeatedly raped and sexually abused. She got injured, knew nothing and had nowhere to go.

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After wandering for about 3 days without food, she was helped by an old woman who showed her the way to the railway station. The old woman told her that if she went to the railway station, she could get some food there if she would manage to beg and earn some. Anita followed instructions by instilling some faith in the old woman and headed for the railway station. She spent 5 nights at the railway station in a deserted corner when RPF (Railway Protection Force) personnel spotted her. Noticing that Anita was pregnant, he took her to the Railway Police Station. From there she was taken to the nearby Police station. The police officers sent her to a shelter home called Nari Niketan in Haryana because she was pregnant. They got her medically examined too. Having stayed at the shelter home for about 7 months, she was sent back home. During her stay there she delivered the baby. In the meanwhile, a worker from an NGO based in Haryana itself got this news. He tried to contact the police authority. By the time this news reached CHILDLINE, three months had passed. With a lot of difficulties Anita was finally traced because she did not know where she was and what she was supposed to do. Almost two years had passed by now. Anita was 14 years old when she returned back to Uttar Pradesh. The Child Welfare Committee (CWC), was informed about this matter. They made all the arrangements for Anita's return. She came back to Gonda accompanied by Haryana police personnel and the NGO worker in December 2018. Later she was handed over to CHILDLINE along with her 2 months old baby. CHILDLINE then produced the baby and Anita before the CWC (Child Welfare Committee) where she said that she didn't want to keep the baby. She did not know who this baby belonged to. She told them everything that had happened to her. CHILDLINE filed a case in the name of Sunil (the trafficker) at the local police station. Anita's parents were summoned and were eager to take her back. But they had a condition that they would not let her take the baby along. So, they surrendered the baby to CWC who was later sent to the Specialized Adoption Agency with an intention that the baby can be given for adoption there.

When Anita went back to her village with her parents, she was treated with utmost care. Later when the villagers learnt that she came back pregnant from New Delhi, they wanted her removed from the village itself. After a lot of drama over this, Anita was sent off to her distant relative's home to look after their children and do the household errands so as to spare her the mental turmoil. She already had had too much at this tender age. She went through hell. Since this was a case of sex trafficking, Anita was not taken to the shelter home. They refused to take her to avoid complications.

6.4 A case of group trafficking

This is a case of group trafficking. For this study only one of those girls could be contacted. Due to the time limitation other girls couldn't be located. Five girls from the village of Barabanki district were lured into fleeing to New Delhi with a middleman. This man got hold of these girls who were friends with each other through an agent named Rakhi. Rakhi was a village woman who helped the middleman in supplying girls for his racket. There were five girls. All of them were minors and were school dropouts. They assisted their

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parents in their agricultural works and also went to the nearby forests to collect minor forest products for their daily survival. Abject poverty and scarcity ruled their lives. Some of their parents were daily wage workers and labourers. Some were sick and some dead.

According to Rakhi these girls were vulnerable and an easy target. After some persuasion and having shown them false dreams, these girls decided to flee together. They were told that they would get to live the lavish lifestyles of a city like New Delhi. This fancied them and they were ready to leave together. So, they devised a plan to flee together. They packed their clothes and told their parents that they were going to the nearby village to attend one of their friend's weddings. They met the middleman and Rakhi outside the village. From there Rakhi took them to a house in a deserted area after having crossed a few villages. The girls spent one night there. These girls were happy and excited due to the allurements made. But they surely were unaware of the consequences that lay ahead of them. Meanwhile one of the parents got worried and suspected foul play. He enquired from one of the friends of these girls. After getting a hint that they had fled, he immediately went to the town nearby and informed the CHILDLINE officials. He was informed about the rescue operations of CHILDLINE through one of the villagers. These officials immediately got into action and sent search teams. Public places like bus stops, railway stations, and auto-rickshaw stops were searched. Meanwhile, one of the search team members spotted 5 girls together sitting inside an auto-rickshaw with a woman beside them. There was a man on a motorcycle with no number plate on it. He was standing beside the auto-rickshaw and was talking to the rickshaw driver. When the search team member asked where these girls were headed, the man on the motorcycle replied "I am taking them as labourers to Nagpur and they have come on their own will." The search team member suspected foul play and immediately informed CHILDLINE. Within a few minutes police personnel and CHILDLINE officials reached the spot and rescued the five girls who were about to get trafficked. In the meanwhile, Rakhi fled along with the auto rickshaw driver. These people with the help of police personnel captured the middleman who turned out to be the son of an editor of a reputed newspaper agency. Initially police officials were hesitant about arresting this man. But on the consistent pressure built up by the CHILDLINE officials, they were forced to arrest him and also forwarded him to the court for further judicial process. The bail petition that was filed by the man's father was also rejected by the court. Due to his influential position he tried to threaten the CHILDLINE officials and the police personnel too. These girls were also sent for medical checkup and it was confirmed that they were minors. This strengthened the case against the middleman. Later these girls were sent back to their families in the village. Their parents and some other villagers talked to the officials to start the rehabilitation process by setting up units where their daughters could work and earn some money. When asked, Gita suggested on her own that activities like poultry farming, rearing goats and milking cows could help them earn their livelihood. She also mentioned that her parents and the villagers have requested for some monetary support to start these units and for their training purpose. This was to be meant for all the village girls who were vulnerable like their daughters. This was with an intention to get an alternate

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source of earning their livelihood. Ever since the discussion, nothing has been done by the government, she says. Gita looks forward to working and earning for herself and her family. The case against the middleman is still on.

6.5 A case of Transnational Trafficking

This is a case of transnational human trafficking. A minor girl from one of our neighboring countries was trafficked through international waterways and land routes into India for the purpose of being sold into flesh trade. She was supposed to be taken to Gujarat for this purpose in the pretext of being employed in a textile industry, with a handsome pay scale of Rs.10, 000 per month. The agents who trafficked her out of her district had first tried to convince her parents to allow her to work during her summer vacations. She was in her 10th grade before she got trafficked. When her father did not accept the offer, the agents (a man and a woman from their neighboring village) directly contacted her. She saw the benefit of stepping out of home for such an amount and agreed to come along with them without informing her parents or her brother. Her journey started when she was brought by boat to India and then by road to Howrah, which was followed by railway route to Gujarat. During the train journey she learnt that she was going to be sold off into the flesh trade in Gujarat. That is when she started crying and attracted attention from co-passengers. They learnt the story from her and nabbed the agents. While crossing Rourkela railway station, they got off to inform the police. The police personnel arrested the agents and rescued the girl.

Later they informed CHILDLINE about this. The CHILDLINE staff immediately took action and rehabilitated her at the Open Shelter managed by the local NGO DISHA and CHILDLINE at Bisra. After a lot of counseling and assurance she gave her parent's phone number to get in contact with. CHILDLINE officials have already informed her parents and also UNICEF to take necessary action to send her back to her home country. She is in a state of trauma presently to give any more details.

CHAPTER 7

CONCLUSION AND SUGGESTIONS

7.1 Brief Review of Chapters

First Chapter deals with an introduction about the concept of trafficking, the status of women in the society and the various kinds of exploitations and violations of human rights inflicted on her. The researcher in this

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chapter has discussed the objectives & scope of the study, statement of problem, research questions, statement of hypothesis and the methodology adopted by the researcher to collect data. Women have been subjected to criminal victimization both inside and outside her home irrespective of the economic status she occupies in the society. In this chapter trafficking of women which was not considered as a serious offence so far and now it has become a global concern is discussed. Victims of trafficking have been considered a commodity and they are sold and bought in the market and the price is fixed on the basis of victims' age. In order to curb this menace various International Conventions have been drafted and National Laws have been enacted but the magnitude of the problem is still growing. There is a need for more stringent laws and coordination among the law enforcement authorities and the NGOs to tackle this global problem of human trafficking. In this chapter a brief discussion about the research topic is presented.

Second chapter deals with historical development which discusses the status of women from Vedic period till the present scenario. Origin and development of the practice of trafficking of women is discussed at different periods i.e., Epic period, Dharma shastras period, Mauryan period, Medieval period, British period and present scenario. In this chapter how customary practice of dedication of girls to temples and how girls were considered as movable property and transferred from one owner to other is presented in detail. British government had enacted various legislations to check trafficking of women and also for the first time the necessity to rescue minor girls was taken into consideration and also the importance of suitable shelter homes for them was taken as prime concern. In historical period trafficking of women was related only to one kind of exploitation that is prostitution but now the exploitations have various forms and magnitude. This has resulted in enacting International Conventions like The United Nations Conventions Against Transnational Organized Crime, Protocol to Prevent and Suppress and Punish Trafficking in Persons, especially women and Children. Universal Declaration of Human Rights, Suppression of Immoral Trafficking Act, Immoral Trafficking Prevention Act. During the historical period women had no human rights; they were always subservient to men.

Third chapter deals with the magnitude of human trafficking this has become a global issue. The present scenario is every country in the world is affected of human trafficking regardless of socio-economic status or political structure. Traffickers have created an international market for trading human beings and world statistics states that trafficking has been ranked as the second most profitable business. As the network of traffickers is difficult to trace, the countries are finding it difficult to identify the traffickers and in most trafficking cases the victims have knowingly or unknowingly given their consent to the false promises made by the traffickers. The trafficking cases are not reported unless the victim complains or the law enforcement authorities trace them out during investigation for some other purpose. As there are a lot of loopholes in the law enforcement machinery and lack of coordination the traffickers still remain scot free. There is an urgent need to plug in all these loopholes by taking appropriate measures and stringent action against the violators and treating the rescued persons of trafficking as victims rather than as criminals.

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In Fourth Chapter Various International Conventions, Protocols, agreements and treaties enacted to prevent human trafficking is analyzed by the researcher. In this chapter the objectives of each convention, treaties are discussed and also the drawbacks in the Convention, the obstacles that were faced at the time of implementation are also dealt with. In order to remove the ambiguity in the definition of trafficking Protocol has been enacted to give wider definition to the term and also the various modes adopted for trafficking, kinds of exploitation victims may be subjected to is also clearly defined. To address the problem of trafficking of women at global level the United Nations Protocol to Prevent, and Suppress and Punish Trafficking in Persons, Especially Women and Children has been enacted. Convention on the Elimination of All Forms of Discrimination Against Women insists the State parties to take all appropriate steps including enacting legislations to prevent and suppress all forms of trafficking against women in their country. Onus is placed on the state parties to protect the violation of human rights of women and also to impose severe punishment on the violators by adopting suitable measures. This chapter also discusses initiatives taken by the Central and State governments, to implement the provisions of the International Conventions, Protocols and treaties as signatories to these conventions is discussed in detail. The Central government has come out with various policies, projects and programmes for the welfare of the rescued victims of trafficking and also to prevent them from being re-trafficked. Special powers are conferred on the law enforcement authorities, agencies and NGOs to tackle this problem. Integrated Anti-Human Trafficking Units a special unit is set up within the existing police machinery to deal with trafficking issues. Government allots funds to create and also for functioning of these units. As there is lack of coordination among the law enforcement authorities, no proper funding or support is given to the NGOs working for cause of trafficking issues, and lack of proper infrastructure in the shelter homes the issue of trafficking of women has not been effectively addressed. There is need for creation of awareness among the law enforcement authorities as too serious of the offence and proper maintenance and funds to be allotted to establish and maintain the shelter homes.

Fifth chapter deals with the Judicial Response to the issue of human trafficking. In this chapter the decisions of the Supreme Court and High Courts which have contributed to the protection, rehabilitation of the trafficked victims has been discussed. Judiciary has played a vital role in eliminating various lacunae in the legislations, drawbacks in implementation, strengths and weaknesses of police, prosecution and in community. Supreme Court has dealt with various kinds of exploitation inflicted on the victims of trafficking it includes bonded labour, devadasi practice, forced labour, Illegal organ transplantation, prostitution, surrogacy etc. There are also serious lacunae in the part of the states in not abiding by the directions of the Supreme Court time and again. When the statistic as to number of persons trafficked, and rescued, number of traffickers arrested and convicted is considered, conviction rate is of negligible number. The reason is victims may turn hostile because of the long process of trial, threat from the traffickers, basic requirements are not provided in the shelter homes, family members refusing to accept the survivor. Under these circumstances survivors of trafficking prefer to be re-trafficked than to suffer.

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This chapter also deals with the role of NGO, in combating the trafficking issues. The obstacles faced by them are discussed in detail. Major NGOs working for rescue, rehabilitation and reintegration of victims of trafficking are specifically discussed and also the innovative method adopted by them to convert the survivors of trafficking into independent and resourceful persons the training provided and the job placement is taken care of by them. Many NGOs are reluctant to continue in this operation due to lack of cooperation and coordination from the law enforcement authorities and government.

Sixth Chapter deals with empirical research conducted to collect information on the research topic. Law enforcement authorities, NGOs, victims and advocates were interviewed. Based on those researches, case studies have been prepared about the people who were trafficked. There were a lot of difficulties faced during this process as almost no one wanted to speak about it to anyone. They could not trust enough to tell about their experiences.

Seventh Chapter deals with the Conclusion I have come across while making this dissertation. It speaks about the limitations I faced during this process. Various research questions analysed and findings. Moreover, I have provided my suggestions to the best of my understanding.

7.2.Limitation of the Study

There are several limitations of the study.

The number of case studies were limited because it was very difficult to trace and locate the respondents (rescued victims). There were alarming hindrances while pursuing this unexplored territory of a clandestine action like trafficking.

This was a case about rescued victims and none were found in rescue homes or the rehabilitation centres. Those women and girls who were rescued in the last few months were sent back to their homes. This made the task all the more challenging.

When locating the respondents became very difficult, the help of NGO workers was taken who worked actively in the anti-trafficking movement and also rescued those who were trafficked.

During the pilot study it was observed that the respondents were not very comfortable revealing what happened to them. During the actual interview, it was a very tough task asking them the questions which were very sensitive for them. So proper care was taken while articulating the questions.

Fear and doubts hovered over their minds. It was very difficult to build rapport with them.

Appropriate measures were taken to keep their identity and location anonymous. It was extremely difficult to coax them to give relevant information.

The questionnaire was semi structured and had open ended questions so that they don't feel that the information which they reveal is being recorded in any manner.

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Several times, the interviews were rescheduled, repeated, and postponed. Some of the respondents were not okay being visited at their residences, so they were summoned to the CHILDLINE office for the interview.

7.3. Research Questions analysed

Question 1

In What ways do the laws related to trafficking in girls/women in India address the issue of prevention of trafficking in girls/women from the perspective of the rights of women?

There are a number of legislations enacted to protect the interest of women. Suppression of Immoral Trafficking in Women and Girls Act, 1956 which has been amended in 1986 and as Immoral Traffic(Prevention)Act,it is the main renamed legislative tool for preventing and combating trafficking in human beings in India.

But its primary objective is to abolish traffic in women and girls for the purpose of prostitution as an organized source of living. There can be cases of children being trafficked and subjected to sexual assault but they are not actually into prostitution, this Act is silent about it. Article 23 of the Constitution, which provides for prohibition of traffic in human beings and forced labour, clearly emphasis that the term traffic in human beings includes beggary and other similar forms of forced labour, which are also prohibited and any contravention of the above provision shall be punishable offence in accordance with law ITPA was enacted to give effect to the provisions in ‘UN Convention for the Suppression of the Traffic in Persons and Of Exploitation of the Prostitution of Others,1950,’ and also to give effect to Constitutional mandate in Article 23 but the ITPA is incomplete legislation as it does not cover all the provisions specified in UN conventions and also the offences specified in the Constitution of India under Article 23 as human trafficking. Neither in UN convention nor in the Constitution there is any specification that immoral trafficking means only offence committed against the girls and women. This has resulted in delay in the prosecution of the traffickers as the court has to interpret the provisions of other legislation to prosecute the offenders. We have excellent laws and effective provisions are there to deal with trafficking but the drawback is they remain scattered in different statutes like the ITPA, Indian Penal Code, 1860, Bonded Labour System (Abolition) Act, 1976, The Transplantation of Human Organs Act, 1994, Domestic Workers Welfare and Social Security Act, 2010. ITPA lacks teeth as there are many provisions which are not used and in many cases, they are abused. For instance, Section 5 of the ITPA makes ‘procuring, inducing or taking a person for the sake of prostitution’ as a punishable offence but the conviction of offenders under this section is very few as law enforcement authorities hardly use this provisions and Section 8 of this Act it can be found that the women and children who are subjected to violations when they are taken into custody by the police officials they are

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arrested as ‘prostitutes’ even though they are victims of trafficking. The law enforcement authorities are sensitized that the survivors are to be treated as victims and not criminals or offenders in the trafficking crime.

Question 2

What are the objectives, scope and content of the Immoral Traffic (Prevention) Act, 1986 and other legislative provisions on Immoral Trafficking in India?

All the legislation enacted to check immoral trafficking has the main objective to protect the vulnerable sections of society especially women and children from being subjected to various kinds of exploitation inflicted by the traffickers. Scope of ITPA is to abolish traffic in women and girls for prostitution. The Act provides for provision to penalize brothel-keeping, pimping, procuring, detention of a woman or girl for prostitution and seduction of a woman in custody.

Immoral trafficking includes exploitations in the form of forced labour, bonded labour, organ transplantation, domestic servitude, surrogacy etc. All these violations of human rights committed under different categories are dealt with by specified laws enacted to protect the vulnerable sections of society from specified violations of human rights. For Instance, Article 23 of Constitution of India, 1950, is referred for offence committed is related to trafficking in human beings, and a person is forced into beggary and other forms of forced labour. The Bonded Labour System (Abolition) Act, 1976, deals with protection of workers who are compelled to work for long hour with very less wages, The Transplantation of Human Organs Act, 1994, deals with illegal organ trade which has become a lucrative business in recent days, in order to check illegal human organ trading by the organ traders and to protect the innocent sections of society from this crime, this Act has been enacted, Domestic Workers Welfare and Social Security Act, 2010, women and children who work as domestic servants are subjected to various kinds of exploitations as there is no legislation to check this violations they have become slaves in the hands of the exploiters. In order to protect the interest of domestic workers from trafficking and from unscrupulous placement agencies this Act has been enacted. India is the only country which had legalized surrogacy in 2002 and there is no law to regulate or forbid surrogacy as a result it resulted in the booming of surrogacy industry. Reproductive rights of women are traded for monetary consideration, mediators (agents) and the clinics make huge profit at the cost of surrogate women. In order to protect the weaker sections of society (women) the Surrogacy (Regulation) Bill 2020 has been drafted.

Question 3

What are the factors within the legal system which facilitate or hinder the process of preventing the trafficking in girls/women?

Legal System Facilitates

Legislation provides for rescue, rehabilitation and re-integration of survivors of trafficking. A government shelter home has been established for rehabilitation of survivors where they are trained in various skills on

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the basis of their interest and capacity to lead a dignified life. Awareness programme on evils of human trafficking is given to the students in the schools. Judges and law enforcement authorities are given training on handling trafficking issues.

Obstacles

Law enforcement authorities are not serious about the gravity of trafficking of victims. Trafficking cases are not registered by the police and they are brought under the category of victims. Police authorities prepare a list of missing persons for the purpose of displaying at various places like Railway stations, Bus stations etc, but there is no attempt to trace the missing girls. There is no proper Government support or encouragement and funding to the NGOs who have volunteered to support the government in combating the human trafficking issues. Judicial process is very long and cumbersome which has resulted in victims becoming reluctant to prosecute the offenders and the witnesses turning hostile as they are not provided with any monetary benefits for their cooperation in prosecution of the offenders.

Question 4

What are the changes required to be made in the legal framework for preventing the trafficking in girls/women from the perspective of the rights of women?

Survivors of trafficking are released on bail without any probe into the antecedents of the person seeking bail. Trafficking offences should be made non-bailable. During the empirical study it was found that the survivors were taken on bail within 3 days or in a week's time from the day of custody by the traffickers themselves by misleading the court as parents or guardian of the survivor. Even if the court finds that the trafficker has misled the court it can impose a maximum punishment payment of fine which is easily paid by the trafficker. There should be more stringent punishment imposed on the traffickers for misleading the court.

Police officials are enjoying the discretionary powers to decide whether to register missing girls under trafficking cases by filing an FIR or just recording the information in the General Station Diary. Information collected from the police stations situated in Bengaluru as to the number of trafficking cases reported, number of traffickers prosecuted and number of survivors rescued and rehabilitated for 5 years, the police record shows 'Zero FIR' except few cases registered in some police stations. Suitable provisions to be incorporated in the Immoral Trafficking Act to penalize the police officials who refuse to register an FIR as to the missing of girls/women when requested by the parents/ guardians/husbands.

NGOs who have taken initiative to combat trafficking of women and girls in Bengaluru have expressed their unpleasant experience with the police officials, some of the police officials refuse to support them in conducting raid at a particular place which is suspected to have trafficked persons, when they request the police authorities to register an FIR against the trafficker and victim being present and had given consent to prosecute the traffickers police officials have been reluctant to proceed with the issue. In most of the cases

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the police officials have threatened the survivors and instructed them to enter into compromise with the traffickers and not to opt for prosecuting the traffickers. Some police officials have a close nexus with the traffickers. This attitude of the police officials should be strictly condemned and serious action to be taken against them.

Government shelter home established for the rehabilitation of the Survivors in Bengaluru has very few staff (Chairperson and 1 woman staff) and the shelter home does not have adequate infrastructure to accommodate the survivors. As per the information given by the Chairperson of the Women and Child Development, the number of survivors rescued during the raid ranges from 5 to 100, this would result in overcrowding and also hard for a single superintendent to assume overall supervision of the institution. There is an urgent need to increase the number of staff as well as for adequate infrastructure to be provided in the shelter home.

7.4 Testing of Hypothesis

The researcher started the research work with the assumption that women are the most vulnerable sections of the society and subjected to trafficking and exploited for various purposes. It was assumed that the society was not serious about this problem and traffickers often go scot free, while trafficked victims are prosecuted but during empirical research it was found that some of the assumptions proved as incorrect (disproved) and some as correct (proved). The researcher in this section has tested the statement of hypothesis on the basis of the data collected through doctrinal and empirical study.

***Women and children are the most vulnerable section of the society as a result they are subjected to sexual exploitation.**

Study related to women and women related problems has been a global concern for a long time as they have been subjected to violation of human rights. Number of International Conventions, treaties and agreements such as United Nations Protocol to Prevent, and Suppress and Punish Trafficking in Persons, Especially Women and Children, Convention on the Elimination of All Forms of Discrimination Against Women has been enacted and also State parties who were signatories have enacted legislations incorporating the provisions of the Conventions. Trafficking Persons Report presented to the UN regarding the magnitude of trafficking and the compliance and non-compliance of Trafficking provisions, the National Crime Records Bureau of India states that the percentage of trafficking of women is on a higher side than men and children. The reason is they are considered to be weaker sections of society and are subjected to exploitation irrespective of the socio-economic status in the society. Doctrinal and empirical data collected clearly shows that the number of victims trafficked and rescued from the clutches of traffickers is very high as far as women are concerned when compared to men and children. This hypothesis is proved to be correct.

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***Law enforcing authorities have failed due to which traffickers go scot free, and women are subjected to sexual exploitation**

Human trafficking is considered as a criminal network created by the traffickers which is very difficult to break it. It was found during research that in most cases of trafficking of women, the traffickers have made false promises of marriage, lucrative job opportunities in other parts of cities or abroad, victims fall prey to this offer and consent is given. Victims realize the fact of being trafficked only after they are subjected to exploitation and promises are not performed. In that situation it becomes difficult for them to escape from the clutches of traffickers and report to the police.

Even if they report it was found during research that police either refuse to register the case and insists the victims to compromise with the traffickers, when the victims insist in prosecuting the traffickers with assistance of NGOs or other law enforcement authorities due to long procedure of trial and harassment meted out during trial forces her to turn hostile. It was found during empirical study women are trafficked mainly for subjecting them to exploitation and mainly for prostitution. When the police conduct a raid in brothels the victims are arrested along with the brothel owners but the trafficker who trafficked the victims and who sold the victims is not at all in the picture. Thus, traffickers go scot free even though they are criminals to be prosecuted. This hypothesis is proved to be correct.

***A trafficked person is subjected to social stigma and due to which some of their family members and the society abandon them.**

The researcher found during empirical study that the women who are subjected to trafficking are subjected to various kinds of exploitations and all the survivors were subjected to sexual exploitation. They were unable to escape from the clutches of the traffickers until the police rescued them. The rescued victims of trafficking who are sent to state shelter homes find it difficult to get back to their hometown or convince their family members or their relatives because the moment they get the information they were arrested by the police they are reluctant to accept the victims into the family as members. Survivors of trafficking are labeled as prostitutes or women of being a loose character which becomes an impediment in the reintegration process. In some cases, the survivor of trafficking accepts the life which they have come across out of compulsion and refuses to go back to their family even if all assistance is given by the government for their reintegration. Thus, this hypothesis is partly proved as to the fact that parents or husband refuse to accept the survivor of trafficking and partly disproved as to the fact even if family members or husband accept to take them back the victims refuse to go back.

***In the name of God, women are dedicated to the deity as devadasis and are compelled to lead the life of a prostitute with religious sanctions.**

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The practice of dedication of young girls to God has been practiced in different parts of the country and especially in North Karnataka. These women are exploited by the priest and sold to traffickers who in turn sell at different prices to other traffickers.

These women are forced to become devadasis. In spite of SITA (amended), ITPA legislation and state legislation enacted to eradicate the devadasis system like Karnataka Devadasi (Prohibition of Dedication) Act, (1982) the evil practice of devadasis system is still in vogue. The girls once sold to brothels have no other alternative to lead a decent life except to continue in this profession. Hence this hypothesis is proved to be correct.

***The law enforcement authorities are not considering the magnitude of the trafficking issue seriously as a result it is increasing at an alarming rate.**

Trafficking of women has been in existence for a long time but the offence was not considered as serious crime. The law enforcement authorities such as the police never considered missing girls' cases also include cases where women are subjected to trafficking. In the process of research, it was found that the police officials have not recorded even a single case of missing girls for a period of 10 years in Bangalore city and trafficking of women is nil. If we consider the report obtained from 16 police stations as accurate data, then the trafficking of women rescued and found in shelter homes should also be nil. But the researcher found that the rescued survivors found in the state shelter homes varies from 4 to more than 100 rescued and released on bail and it was also found that the survivors are not provided with sufficient necessary infrastructure, there is no proper funding from the government to run the shelter homes, shortage of staffs, improper accommodation, in congenial atmosphere rehabilitation process is not as effective as required. This has resulted in many women opting to go back to this unlawful trade and also acting as traffickers. This hypothesis is also proved to be correct.

***Women associations are reluctant to tackle this problem in the present day due to lack of cooperation from law enforcement authorities.**

The researcher found during the research process the NGOs working for the rescue, rehabilitation and reintegration of victims of trafficking are not properly funded by the government nor there is proper encouragement from the law enforcement authorities during the rescue operation. Victims even though interested in prosecuting the traffickers they are not encouraged in registering an FIR but they try to compel the victim to enter into compromise. This act has discouraged the Women association working for trafficking to become reluctant to tackle this problem as there is no proper encouragement, nor recognition for the contribution made by them in supporting the government in curbing the menace of trafficking of women. This hypothesis is also proved to be correct.

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***The present laws are not adequate to meet the problems of trafficking.**

Immoral Trafficking (Prevention) ITPA, 1956 deals with sexual exploitation and abuse of women and children and provides punishment for keeping or managing or acts or manages or assists in keeping or managing a brothel. But the term human trafficking includes forced labour, bonded labour, domestic servitude, organ transplantation, which has not been included in the definition of trafficking. The court has to interpret the provision of separate legislation enacted for instance for offence of bonded labour ,Bonded Labour System (Abolition) Act,1976, offences relating to illegal organs transplantation ,The Transplantation of Human Organs Act, 1994.Though number of laws has been enacted magnitude of the problem of human trafficking (girls/women) is growing at an alarming rate as there is no effective implementation of laws due to lack of interest in the law enforcement authorities to consider the trafficking offence as serious offence as other criminal offence, long legal process involved in prosecuting the traffickers, no proper infrastructure in the state shelter homes, no coordination among the law enforcement authorities and NGO's, no proper funding to NGO's working for rescue, rehabilitation of trafficking victims are the major cause for failure of the laws. Thus, it can be stated that there are number of laws to tackle human trafficking but they lack teeth. This hypothesis is disproved.

7.5 Findings

- It is not clear in any of the Conventions or Protocol with respect to identification of the victims of trafficking. e.g. In case of migration
- There is lack of inter-state cooperation to tackle human trafficking.
- The police departments do not cooperate in providing details of missing persons even if they provide it is not accurate data.
- NGOs working for rescue, rehabilitation and reintegration do not disclose their activities nor provide any access to the victims.
- Courts are already overburdened with cases which result in victims turning hostile in prosecution of traffickers due to long process and delay in proceedings.
- Law enforcement authorities do not have complete knowledge and awareness about the gravity of trafficking offences.
- There is no protection given by the government or law enforcement authorities to NGOs working in rescue operations.
- No financial assistance provided to the NGOs working in rescue operation, rehabilitation of the survivors of trafficking.
- An insufficient and ineffective rehabilitation measure adopted by the government has led to survivors opting to return back to the traffickers.

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- There is no proper coordination among the law enforcement authorities. Government and NGOs.
- Corruption, lack of coordination among law enforcement authorities, insufficient funding, and survivors of trafficking non co-operation to prosecute the traffickers is the major barrier in eradication of trafficking of women.
- Funds allotted by the government are not monitored as to utilization of the amount from prevention to rehabilitation process.
- Ineffectiveness in implementation of legislation is the result of failure of Acts and not on account of lack of teeth in the Acts.
- Credentials of persons offering bail and claiming to be related to the victims in shelter homes should be properly investigated before granting bail to victims. It was found that the traffickers themselves obtain bail misrepresenting themselves to the court as relatives or guardians of the victims.
- Lack of attention to forced labour trafficking as they go undetected as they are usually hidden criminal activities. This has low priority in the law enforcement category. Victims in State shelter homes are quickly sent home or they are released on bail within a week or months' time. Thus, the measures adopted to effectively rehabilitate the victims have failed miserably.
- There is deficiency in the number of state homes established and also it lacks adequate infrastructure and staff, this should be increased.
- It seems the mindset of people towards trafficked girls has not changed. Consequently, such trafficked girls will be upset and she may go back to the same place.

7.6 SUGGESTIONS

- **Establishment of Rehabilitation homes-** Government recognized Rehabilitation homes should submit the details and photos of the beneficiaries in such homes. They should submit an annual report to the government regarding the progress made and audited accounts.
- **Surveillance on NGOs-** State government should have strict surveillance on the working of the NGOs as to the implementation of the programmes, and utilization of the funds sanctioned by the government.
- **Monitoring rehabilitation homes-** State government should monitor the rehabilitation homes as to the duration of stay of the victims, their activities and their moving out of the home.
- **Lack of knowledge of trafficking issues-** Police staff and officials should be trained properly as to how to tackle the human trafficking problem, and they should consider this problem more serious as other criminal offences.
- **Establishment of Anti- human trafficking Units-** Constitution of Anti- Human Trafficking Units in the State should be made mandatory in all States and well-trained person should be appointed.

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- **Lack of resources-** NGOs **funding** / working for the rescuing, rehabilitation and reintegration should be assisted and funded by the government to encourage them in this endeavor.
- **Legal awareness to Law enforcement authorities-** Law enforcement authorities like police, advocates and the Judges should be enlightened with respect to the fact that the survivor of trafficking is not an offender but a victim in organized crime.
- **Compulsory education and empowering of victims-** Education is a powerful tool in the hands of the vulnerable sections of the society. Therefore, they should be provided compulsory education and according to their skills and capacity provided with employment with reasonable salary.
- **Need for coordination-** There should be proper coordination between the NGOs working for the trafficked victims and the Police authorities.
- **Social Responsibility-**It should be made mandatory for the Companies situated in India to provide job opportunities to the victims of trafficking according to their efficiency as Social Responsibility towards society.
- **Strict vigilance along borders-** State has to ascertain whether strict vigilance is maintained at the entry and exit points along the cross borders or boundaries of the country.
- **Victims returning to their trafficking situation-** Rehabilitated victims of trafficking should be kept in track with respect to their movements as there is all possibilities, they may be re-trafficked or they themselves will volunteer into it if they are not able to cope up in their life.
- **Immediate relief-**Compensation can be provided by the government to the victims to start a decent life. Assets acquired from the trafficking business (criminal conduct) by the traffickers to be confiscated by the court and order for distribution among the victims as compensation to be made and also used to finance states efforts to combat human trafficking, cost of victim rehabilitation and support victims.
- **Conducting community outreach-** Awareness programmes can be created among the students either through street plays, short films. Police authorities should give awareness lectures and involve the students in activities in this process.
- **Length of the investigations-**speedy disposal of prosecution of the traffickers is important or the victims will either turn hostile or lose interest in the prosecution process.
- **Corruption** - Prosecute the law enforcement authorities who are found guilty of indulging in corruption in human trafficking offence.
- **Statistics as offence-** Government should keep itself updated list of missing girls who have disappeared without any proper reasons and the investigation should be initiated to trace them.
- **Deficiency in infrastructure-** Number of State homes is inadequate and it lacks basic infrastructure and staff this should be increased.

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- **Coordination of public**-Involve women and children in creating awareness against trafficking issues as the message would be easily and effectively conveyed to the public.
- **Publication of Conviction** -Traffickers convicted to be highlighted through media and newspaper to create a deterrent effect in the minds of offenders.
- **Empowerment of victims**- The stay in the protective home should be reduced to 1 to 1½ years. Within this duration they should be trained according to their skills to financially maintain themselves. Long stay would surely create an atmosphere of punishment which may compel them to go back to the traffickers.
- **Creating awareness**- There is a need to start a counseling cell at every school and colleges for discussing about the status of missing girls and Human trafficking issues.
- **Establishment of monitoring cell**- There is a need to set up a Monitoring cell at all Bus stands and Railway Stations with the Help of Police to avoid the movements of pimps and picking up vulnerable girls from these points.
- **Concentration on grass root level**- At village levels involve the Sarpanch and women bodies like Shree Shakti in creating awareness and cautioning girls/women of being trafficked.
- **Need for increase in rehabilitation centers**- More rehabilitation centers should be established in collaboration with NGOs for those women and girls who are survivors of trafficking.
- **Display at public places**- Educate the public about laws and display them strategically in police stations and public places, like bus stops, railway stations, markets, malls etc.
- **Need for Deliberation** - Initiate interactive ongoing dialogue, round table meetings and seminars between NGOs and media centering the issue of missing or trafficking girls and women.
- **Coordination with the public to tackle the issues** - Develop police-public networks in order to check cross-border trafficking in the areas that are vulnerable to trafficking. The people in that area can be trained to identify the traffickers so that they can act as watchdogs and also informants to the police as to traffickers and exploiters details.
- **Role of Tourism departments**- Tourism departments corporate, hoteliers, tour operators and other stakeholders should be involved in the preventive steps as tourism promotion cannot be at the expense of women and children.
- **Micro credits to survivors**- Rehabilitation should be based on the skills and knowledge of the survivors. Micro credits other facilities to be provided to them and they should be under surveillance of the local administration to protect them from being re-trafficked.
- **Education or employment opportunity**- Potential sex workers like bar dancers, prostitutes should be provided with education or employment depending on the ability of the survivors in order to prevent them from re- entering into that profession.

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- **Sensitization as to modus operandi of traffickers**-Vulnerable sections of the society to be sensitized about the modus operandi of the traffickers like offer of lucrative job opportunities, marriages, good education etc. and the intention of exploiting the victims for illegal purposes.
- **Ban on Evil Practice** –Evil practice which still continues in the country in the form of custom like devadasi, bedin, Jogin, Nat in spite of laws prohibiting such practice should be strictly banned and severe punishment should be imposed.
- **Protection of children of survivors**-Rescuing and rehabilitation of survivors of trafficking and their children are most important. Children of survivors also should be given the same care and they also should be rehabilitated by providing education and counseling.
- **Creation of Awareness of Government schemes**- Government has to take effective steps like Ujjawala to protect the interest of the rescued victims of trafficking. It should be made known to the public and the NGOs, private sectors and the community can play an active role in creating awareness.
- **Need for immediate action**-Number of cases registered by the Police under Immoral Trafficking Prevention Act is very few. As in most of the cases when a complaint is given by the parents, they consider it as missing of girls and presume the girl might have eloped with her boyfriend as a result it is not taken seriously. Report on action taken by the police authorities in tracing the missing girls to be taken periodically by the government.
- **Lack of connection with immigration communities**- In order to tackle the trafficking problem there is a need to have cordial relationships within the country and the neighboring countries.
- **Need for Coordination**-There should be cooperation and coordination among the law enforcement authorities, government functionaries, NGOs and other activists.
- **Sensitization of policy makers**- Promote political will and advocacy on the issue as a violation of human rights. The sensitization of policy makers, parliamentarians and legislators is most important.
- **Creation of database**- Need for creation of “integrated country-wide database” for missing children. The information as to the number of trafficking cases reported, traced and traffickers convicted victim’s rehabilitation details to be maintained.

7.7 CONCLUSION

Literature available on trafficking mainly emphasis on commercial sexual exploitation which has resulted in not highlighting other major form of exploitation involved in human trafficking. This has created an impression in the mind of people that in human trafficking only women are vulnerable section of society even though quite a lot of information are available on trafficking of women and children those facts are not brought to the limelight.

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The long legal proceedings and the procedures adopted for trafficking cases creates a disinterest in the minds of the survivors and witnesses and they may turn hostile. There is a need for speedy disposal of the human trafficking cases and the compensation to be granted at the earliest so that the survivors will be in a position to lead a decent life. The lack of interest among the enforcement authorities is the major setback for the country to tackle this serious human rights violation issue. Need of the hour is that the Government should take serious measures to tackle these illegal activities and introduce the necessary amendments to the ITP Act to include all the trafficking related offences, client, traffickers, exploiters racketeers all should be brought under the purview of serious offenders and stringent punishment for the offenders should be incorporated in the Act. Women should be respected and her life and dignity to lead a respectful life should be recognized and the attitude of treating women as a commodity to be eradicated from the minds of people. Its high time for India to introduce sex education in the curriculum of their studies. Efforts should be taken by the Government in Central as well as State level to educate children about human trafficking and alurement given by the traffickers of lavish life in big cities.This can be done with the help of NGOs. Hence, it can be concluded that with mere awareness on behalf the people and with better initiative on the part of the government we can curb human trafficking which has become an alarming topic of todays time.

BIBLIOGRAPHY

BOOKS REFERRED

1. A.Joy "Status Of Women In India" Mouriya Publication, Chennai, 2008
2. Amit Kumar Gupta "Women and Society: The Development Perspective" ed,1st New Delhi: Criterion Publications 1986
3. C.M.Agrawal "Nari: Facets of Indian Womanhood" vol. II Delhi, Indian Publishers' Distributors, ed, 1 st 2000
4. Chetana Ka Bagh "Women's Struggles for Equality and Emancipation" Discovery Publishing House, New Delhi, 1992
5. Davesh Soneji "Unfinished Gestures: Devadasis, Memory and Modernity in South India", Permanent Black Publication, 2010

Human trafficking has only one role : Exploitation of victims .

6. Dr. D.K. Bansal “Gender Violence” Mahaveer & Sons Publishers, New Delhi, 2006
7. Dr. P. M. Nair, Trafficking in Women and Children for Sexual Exploitation Law Enforcement Agencies in India Published by UNIFEM, New Delhi
8. Dr. Shampa Deshpande “Violation against Human Rights of Women”, ed, 1st Chandralok Prakshan Publication 2008
9. Dr. Surinder Khanna “Violence against Women and Human Rights of Women” ed, 1st Swastik Publishers and Distributor 2009
10. Dr.G.B Reddy, “Women and Law” Gogia Law Agency, Hyderabad, ed, 2011.
11. Dr.G.B.Reddy “Women and Law” Gogia Law Agency Publication, Hyderabad, 2011
12. Dr.S.Ram, “Women Through Ages” Commonwealth Publishers, 2004
13. Dr.Shampa Deshpande “Violation Against Human Right of Women” Chandralok Prakashan, Kanpur, 2008
14. Dr.Surinder Khanna “Violence Against Women and Human Rights” Swastik Publishers & Distributors, New Delhi, 2009 221
15. Dr.V.Mohini Giri “Kanya- Exploitation of little Angels” Gyan Publishing House, New Delhi
16. Dwarka Nath Mitter, “The position of women in Hindu law”, Inter- India Publications, New Delhi, 1984
17. Government of Karnataka, Economic Survey of Karnataka 2013-14, Planning, Programme Monitoring & Statistics Department, February 2014
18. J.P.Bhatnagar “Law relating to women and their rights”, ed, 2nd Ashoka Law House, 1998
19. Jain M.P Indian Constitutional Law, vol 1 & 2 Wadhwa & Co, Nagpur 2003
20. Janice Lam and Klara Skrivankova “Opportunities and Obstacles: Ensuring access to Compensation for trafficked persons in the UK” Anti Slavery International 2009
21. Jayanta Choudhury & Pruebita Gupta “Trafficking in Women and Children” Tripura perspective, NABA Chandana Prakashani, Kolkata, ed, 1st 2012
22. Jayanta Choudhury “Trafficking in Women and Children-Tripura Perspective” NABA Chandana Prakashana, Tripura, 2012
23. Jogan Shankar “Devadasi Cult”: A Sociological Analysis, New Delhi: Ashish Publishing House 1990
24. K.C. Tarachand, “Devadasi Custom , Rural Social Structure and Flesh Markets”, Reliance Publishing House, New Delhi, 1992
25. K.K Mukherjee, “Flesh Trade”- A Report, Publisher The Gram Niyojan Kendra, Uttar Pradesh, India, 1989
26. Kamala Gupta, “Social Status of Hindu Women in Northern India”, Inter-India Publications, New Delhi, 1987
27. Lok Sabha Secretariat “Crime against Women” 2013, Karnataka
28. Mandakranta Bose “ Faces of the Feminine in Ancient, Medieval, and Modern India” New Delhi, Oxford University Press, 2000
29. Martin D. Schwartz “Researching Sexual Violence Against Women” Sage Publications, New Delhi, 1997
30. Ministry of Women and Child Development “Draft National Integrated Plan of Action to prevent and combat human trafficking with special focus on children and women” 2006
31. P.C.Joshi “kidnapping of Girls Problems, Issues and Suggestions” Almora Publication, U.P
32. P.M.Nair , “Trafficking in Women and Children in India” Orient Longman Private Limited Hyderabad , 2005

Human trafficking has only one role : Exploitation of victims .

33. P.M.Nair, "Trafficking in Women and Children in India" Orient Longman Private Limited, Hyderabad, 2005, Revised edition 2007
34. Phyllis Coontz and Catherine Griebel "International Approach to human trafficking: The Call for a Gender-Sensitive perspective in International law" Women's Health Journal 2004
35. Prarveer Ghuman "Responding to Human Trafficking-Comparing Canada and India" Centre for Indo-Canadian Studies July 2012
36. V.Mohini Giri "Kanya-Exploitation of Little Angles", Gyan Publishing House, New Delhi, 1999
37. Rajeswari Sunder Rajan "The Scandal of the State-Women, Law, and Citizenship in Post Colonial India", Permanent Black, Delhi 2003
38. Ranjani .K.Murthy, Lakshmi Sankaran Books for Change Publication, Bangalore 2001
39. Rashmi Sharma "Women, Law Judicial System" Regal Publications, New Delhi, 2009
40. Ratna Kapur "Feminist Terrains in Legal Domains-Interdisciplinary Essays on Women and Law in India" Kali for Women Publication, New Delhi, 1996
41. Roger Matthews, "Prostitution, Politics and Policy" Routledge-Cavendish, 2008
42. S.K.Ghosh, "Women in Changing Society", Ashish Publishing House, New Delhi, 1984
43. Udai Veer "Crime Against Women" Anmol Publications Pvt. Ltd, New Delhi, 2004
44. United Nations Office on Drugs and Crime, Government of India "Compendium of Best Practices on Anti-Human Trafficking by Non-Governmental Organisations", India Prints, New Delhi 2008
45. V.K Dewan "Law Relating to Offences Against Women" ed,4th Asia Law House, Hyderabad, 2011
46. V.K.Dewan "Offence Against Women" S.P.Gogia Publication, Hyderabad, 2011
47. William W. Sanger, "The History of Prostitution its causes and effects throughout the world" Inter-India Publications, New Delhi, 1986

Web Address

1. www.readperiodicals.com
2. <http://www.prajawalaindia.com/legal-advocacy.html>
3. <http://www.peperonity.com/sites/index.subha/34474350>
4. <http://timesofindia.indiatimes.com/city/pune/move-to-facilitatesaferreturnofvictims/articleshow/35861027.cms>
5. <http://traffickingnews.wordpress.com/tag/national-crime-records-bureau/>
6. <http://www.caringforourchildrenfoundation.org/women-child-trafficking-onincrease-in-karnataka/>
7. <http://www.unodc.org/unodc/en/frontpage/unodc-report-on-humantraffickingexposes-modern-form-of-slavery-.html>
8. <http://catt.empowerpeople.org.in/>
9. <http://timesofIndia.idiatimes.com/india/In-India-karnataka-stands-third-inhuman-trafficking/articlesshow/25234883.cms>
10. <http://www.unodc.org/southasia/en/frontpage/2011/may/indian-govt-ratifies-twoun-conventions.html>
11. <http://www.unodc.org/southasia/en/frontpage/2011/june/significance-of-theuntoc-to-address-human-trafficking-interview-with-mr-g-k-pillai.html>

Human trafficking has only one role : Exploitation of victims .

12.<http://www.persecution.in/content/india-ratify-palermo-protocols-gicwelcomes-and-demands-introduce-act-against-trafficking>

13.<http://catwinternational.org/Home/Article/124-saarc-convention-on-preventingand-combating-trafficking-in-women-and-children-for-prostitution>

14. <http://ncrb.nic.in/CD-CII2013/compendium%202013.pdf>

15. http://www.coe.int/t/dghl/monitoring/trafficking/Source/GRETA_2010_1_rev4_en.pdf

16.[HTTP://WWW.NEWINDIANEXPRESS.COM](http://WWW.NEWINDIANEXPRESS.COM)

17.<http://www.newindianexpress.com/>

18.<http://www.humanrightsfirst/>

19.antislavery.org/slavery-today-human-trafficking/

20.unodc.org/unodc/en/human-trafficking/human-trafficking.html

Human trafficking has only one role : Exploitation of victims .