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# Human Trafficking in India

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**ABSTRACT:** Human trafficking in India, although illegal under Indian law, remains a significant problem. People are frequently illegally trafficked through India for the purposes of commercial sexual exploitation and forced/bonded labour. Although no reliable study of forced and bonded labour has been completed, NGOs estimate this problem affects 20 to 65 million Indians. Men, women and children are trafficked in India for diverse reasons. Women and girls are trafficked within the country for the purposes of commercial sexual exploitation and forced marriage, especially in those areas where the sex ratio is highly skewed in favour of men. Men and boys are trafficked for the purposes of labour,<sup>[1]</sup> and may be sexually exploited by traffickers to serve as gigolos, massage experts, escorts, etc.<sup>[2][3]</sup> A significant portion of children are subjected to forced labour as factory workers, domestic servants, beggars, and agriculture workers, and have been used as armed combatants by some terrorist and insurgent groups.<sup>[1]</sup>

India is also a destination for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation. Nepali children are also trafficked to India for forced labour in circus shows. Indian women are trafficked to the Middle East for commercial sexual exploitation. Indian migrants who migrate willingly every year to the Middle East and Europe for work as domestic servants and low-skilled labourers may also end up part of the human trafficking industry. In such cases, workers may have been 'recruited' by way of fraudulent recruitment practices that lead them directly into situations of forced labour, including debt bondage; in other cases, high debts incurred to pay recruitment fees leave them vulnerable to exploitation by unscrupulous employers in the destination countries, where some are subjected to conditions of involuntary servitude, including non-payment of wages, restrictions on movement, unlawful withholding of passports, and physical or sexual abuse.<sup>[1]</sup>

**KEYWORDS:** human trafficking, exploitation, labour, India, commercial, terrorist, insurgent, children, abuse

## I. INTRODUCTION

Human trafficking in India results in women suffering from both mental and physical issues. Mental issues include disorders such as PTSD, depression and anxiety. The lack of control women have in trafficking increases their risk of suffering from mental disorders. Women who are forced into trafficking are at a higher risk for HIV, [1,2]TB, and other STDs. Condoms are rarely used and therefore there is a higher risk for victims to suffer from an STD. Traffickers of young girls into prostitution in India are often women who have been trafficked themselves. As adults they use personal relationships and trust in their villages of origin to recruit additional girls. The Government of India penalises trafficking for commercial sexual exploitation through the Immoral Trafficking Prevention Act (ITPA), [3,4]with prescribed penalty of seven years' to life imprisonment. India also prohibits bonded and forced labour through the Bonded Labour Abolition Act, the Child Labour Act, and the Juvenile Justice Act.<sup>[1]</sup>

Indian authorities also use Sections 366(A) and 372 of the Indian Penal Code, prohibiting kidnapping and selling minors into prostitution respectively, to arrest traffickers. Penalties under these provisions are a maximum of ten years' imprisonment and a fine.<sup>[1]</sup>

Bonded labour and the movement of sex trafficking victims may occasionally be facilitated by corrupt officials. They protect brothels that exploit victims and protect traffickers and brothel keepers from arrest and other threats of enforcement.<sup>[1]</sup>

Usually, there are no efforts made to tackle the problem of government officials' complicity in trafficking workers for overseas employment.<sup>[1]</sup> The bulk of bonded labour heads for Middle East to emerging economies and there are several media reports which report on the illegal and inhumane trafficking of Indian workers. India's Central Bureau of Investigation incorporated anti-trafficking training, by Dr. Gilly McKenzie of the Interpol Trafficking and Organised Crime



Division, into its standard curriculum.[5,6] In November, the State of Maharashtra developed an action plan to combat trafficking; it did not, however, allocate appropriate funding to accomplish the objectives of this plan.<sup>[1]</sup>

The government does not break down these statistics by sections of the law, meaning that law enforcement data regarding trafficking offenses may be conflated with data regarding arrests of women in prostitution pursuant to Section 8 of the ITPA.<sup>[1]</sup>

India's efforts to protect victims of trafficking vary from state to state, but remain inadequate in many places. Victims of bonded labour are entitled to ₹ 10,000 (US \$185) from the central government for rehabilitation, but this programme is unevenly executed across the country. Government authorities do not proactively identify and rescue bonded labourers, so few victims receive this assistance.[7,8] Although children trafficked for forced labour may be housed in government shelters and are entitled to ₹ 20,000 (\$370), the quality of many of these homes remains poor and the disbursement of rehabilitation funds is sporadic.<sup>[1]</sup>

Some states provide services to victims of bonded labour, but non-governmental organizations provide the majority of protection services to these victims. The central government does not provide protection services to Indian victims trafficked abroad for forced labour or commercial sexual exploitation. Indian diplomatic missions in destination countries may offer temporary shelter to nationals who have been trafficked[9,10]; once repatriated, however, neither the central government nor most state governments offer any medical, psychological, legal, or reintegration assistance for these victims.<sup>[1]</sup> Section 8 of the ITPA permits the arrest of women in prostitution. Although statistics on arrests under Section 8 are not kept, the government and some NGOs report that, through sensitisation and training, police officers no longer use this provision of the law; it is unclear whether arrests of women in prostitution under Section 8 have actually decreased.[11,12] Because most law enforcement authorities lack formal procedures to identify trafficking victims among women arrested for prostitution; some victims may be arrested and punished for acts committed as a result of being trafficked.<sup>[1]</sup>

Some foreign victims trafficked to India are not subject to removal. Those who are subject to removal are not offered legal alternatives to removal to countries in which they may face hardship or retribution. NGOs report that some Bengali victims of commercial sexual exploitation are pushed back across the border without protection services. The government also does not repatriate Nepali victims; NGOs primarily perform this function. Many victims decline to testify against their traffickers due to the length of proceedings and fear of retribution by traffickers.<sup>[1]</sup>

The Ministry of Labour and Employment displays full-page advertisements against child labour in national newspapers at periodic intervals. The government has also instituted pre-departure information sessions for domestic workers migrating abroad on the risks of exploitation.<sup>[1]</sup> These measures include distinguishing between 'Emigration Check Required' (ECR) and 'Emigration Check Not Required' (ECNR) passports. ECR passport holders must prove to government authorities that they shall not be exploited when travelling abroad, if they wish to travel. Many Indian workers pay large sums of money to agents who facilitate their emigration outside the official channels and willingly emigrate despite the risks, drawn by the hope of higher salaries abroad[13,14]. Therefore, a dream of better future often lures the people abroad and hence trafficking cannot entirely be prevented. India ratified the 2000 UN TIP Protocol 2011.<sup>[1][6]</sup>

The Government of India launched an anti human trafficking web portal in February 2014 that they hope will be an effective way for interested parties to share information about this topic.<sup>[7]</sup>

The Salvation Army has a program that provides safe places for children of women who work in the red district in India.<sup>[8]</sup>

## **II.DISCUSSION**

Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of women and children fall into the hands of traffickers in their own countries and abroad. Almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for the victims. Human trafficking has been identified as the third largest source of profit for organized crime, following arms and drug trafficking, generating billions of dollars annually at the global level. An estimated 6 to 8 lakh women and children are trafficked each year globally.[15] This estimate does not include those trafficked within their own countries or missing children. Women and children are generally trafficked for begging, organ trade, drug smuggling, bonded labour, domestic work, agricultural labour, construction work, carpet industry, forced prostitution, sex tourism, pornography and also for entertainment and sports which include beer bars, camel jockey and circus troops. The Constitution of India: There are three articles in the Constitution of India relating to this subject;



Article 23 which prohibits trafficking in human beings and begar and other similar forms of forced labour and Article 39(e) and 39(f) which ordain that the health and strength of individuals are not abused and that no one is forced by the economic necessity to do work unsuited to their age or strength and that childhood and youth should be protected against exploitation. Immoral Traffic Prevention Act, 1956: It is the only legislation which specifically addresses Trafficking and is currently pending amendment. It penalizes trafficking of women and children for commercial sexual exploitation. Other Legislations: There are some more legislations which directly or indirectly deal with human trafficking like:- Indian Penal Code, 1860; Bonded labour system (Abolition) Act, 1976; Child labour (Prohibition and Regulation) Act, 1986; Juvenile Justice Act, 2000; Goa Children Act, 2002; Prohibition of Child Marriage Act, 2006 and Protection of Children from Sexual offences (POCSO) Act, 2012. The Criminal Law (Amendment) Act 2013, known as the Nirbhaya Act has come into force wherein Section 370 of the Indian Penal Code has been substituted with 370A (IPC) which provides for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude or the forced removal of organs.[16]

A total of 8,132 incidents of crime under various provisions of laws relating to human trafficking were reported with a crime rate of 0.6 in the country during 2016. 15,379 victims (5,229 males and 10,150 females) were trafficked and 23,117 victims (10,347 males and 12,770 females) were rescued out of which 22932 victims belonged to India, 38 victims were from Sri Lanka and Nepal each and 36 victims were from Bangladesh during 2016. A maximum number of victims were trafficked for the purpose of Forced Labour (10,509 victims) followed by Sexual Exploitation for Prostitution (4,980 victims) and other forms of Sexual Exploitation (2,590 victims) A look into the incidences of human trafficking shows that there is a trend of steady rising of such cases during the period from 2012–2016. From 3,554 cases relating to human trafficking reported during 2012, it rose to 3,940 cases in 2013. It further rose to 5,235 cases in 2014, 7143 cases in 2015 and 8,132 cases in 2016. For State wise details of cases of trafficking reported/disposed during 2016. The UNODC offers practical help to States, not only helping to draft laws and creating comprehensive national anti-trafficking strategies but also assisting with resources to implement them. States receive specialized assistance including the development of local capacity and expertise, as well as practical tools to encourage cross-border cooperation in investigation and prosecution. The adoption in 2000 by the UN General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children marked a significant milestone in international efforts to stop the trade in people. As the guardian of the Protocol, the UNODC addresses human trafficking issues through its Global Programme against Trafficking in Persons.[17]

### III.RESULTS

Project on “strengthening the law enforcement response in India against trafficking in persons through training and capacity building”: The Government of India through the Ministry of Home Affairs, in association with the United Nations Office on Drugs and Crime has initiated a two year project for training the Law Enforcement Officers on human trafficking in four States, namely Maharashtra, Goa, West Bengal and Andhra Pradesh. A Project Steering Committee has been constituted for steering, guiding and monitoring the project. Through a series of training programmes, the project is expected to raise the awareness levels of the Law Enforcement Officers (police & prosecutors) on the problem of human trafficking and further build up their capacity to better investigate the crime and prosecute the offenders perpetrating such crime. Coordination Meetings: The Ministry of Home Affairs conducts regular coordination meetings with the Nodal Officers of Anti Human Trafficking Units (AHTUs) of States/UTs. These meetings are instrumental in according priority to the crime of human trafficking at the ground level and for effective Inter-State coordination and have been useful as the Government has been regularly monitoring the implementation of the (AHTUs) and the Ministry of Home Affairs outlines various action areas to each State which becomes the focus of the work in these States. The Nodal Officers meetings have also led to the exchange of information among various States and strengthening of inter-State investigations. IGNOU Certificate Course: To develop a comprehensive and functional understanding on anti human trafficking and coordination amongst learners about various stakeholders/agencies associated with the process of human trafficking directly and to build awareness and practical skills in the area of law, policies, rehabilitation and prevention aspects of human trafficking, a Certificate Course has been launched by the Indira Gandhi National Open University (IGNOU) in partnership with the Ministry of Home Affairs. The said course has been made mandatory for the Officers/Officials who are dealing with the subject of human trafficking. In this regard an advisory dated 12 January 2011 had been issued. Anti Trafficking Cell: The Ministry of Home Affairs has set up a Nodal Cell for dealing with matters relating to trafficking in human beings. Since ‘Police’ is a State subject, registration, investigation and prevention of human trafficking is primarily the responsibility of State Governments. However, the Government of India has taken various steps for combating the menace of human trafficking. The Home Ministry has issued



several advisories to the States and UTs from time to time providing guidance on addressing the issue of trafficking in an effective manner. Anti –Human Trafficking Units (AHTUs): As stated earlier, the MHA’s project on “Strengthening law enforcement response in India against Trafficking in Persons through Training and Capacity Building”, approved a proposal to establish 332 AntiHuman Trafficking Units (AHTUs) in various districts across the country. The Ministry provides financial assistance to the States for setting up the AHTUs. So far, 264 AHTUs have been set up all over the country. State-level Conference and Judicial Colloquiums: Financial assistance is offered to States and UTs to hold Conferences on Human Trafficking to sensitize and generate awareness among the law enforcement agencies and other stakeholders for curbing the menace of trafficking. Financial assistance is offered to Judicial Academies of the High Courts to hold Judicial Colloquiums in order to sensitize Magistrates and Judicial Officers for expeditious disposal of trafficking cases. Advisory/Standard Operating Procedure (SOP) to State Governments on Human Trafficking: The Government of India has issued exhaustive and consolidated advisories enumerating various steps for improving effectiveness in tackling the crime of human trafficking and increasing the responsiveness of the law enforcement machineries from time to time to all States/UTs; the latest was issued in July 2015. In addition, a Standard Operating Procedure (SOP) to handle trafficking of children and measures to be taken for rescue of trafficked children and action against traffickers/employers was issued on 12 August 2013.[18]

#### IV.CONCLUSIONS

Web Portal on Anti-Human Trafficking: A Website on Anti Human Trafficking ([stophumantrafficking-mha.nic.in](http://stophumantrafficking-mha.nic.in)) was launched in February 2014. It is a vital IT tool for sharing information among stakeholders, States/UTs and civil society organizations for effective implementation of Anti-Human trafficking measures. Ujjawala Scheme: The Ministry of Women and Child Development is implementing “Ujjawala” –a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation. The number of beneficiaries under the scheme in the year 2017-18 and 2016-17 each is 6,175. The Schemes provide shelter, food and clothing, counseling, medical care, legal aid and other support, vocational training and income generation activities for the victims. Trafficked victims are also given shelter in Short Stay Homes and Swadhar Homes, meant for women in difficult circumstances. The Details of the funds allocated during the last three years and current year are as under: Year Budget Estimates (Rs. in Crores) 2014-15 16.00 2015-16 20.00 2016-17 35.00 2017-18 as on 05.03.2018 50.00 Integrated Child Protection Scheme (ICPS): The Ministry of Women and Child Development is implementing the Integrated Child Protection Scheme (ICPS) for creation and management of infrastructure and human resources necessary for establishing a safe and secure environment for children, especially for children in difficult circumstances. Financial assistance is provided to States/UTs for improving, setting up and maintenance of Homes, Specialised Adoption Agencies (SAAs) and Open Shelters for children in need of care and protection. Besides, financial assistance is also provided for setting up of dedicated service delivery structures at State and District levels, with staff exclusively engaged for providing services to children including need assessment, training and sensitization, awareness generation, etc. The Scheme also focuses on non-institutional care through adoption, foster-care and aftercare. 8. Bilateral and Multilateral Mechanisms: India has signed Bilateral Memoranda of Understanding with Bangladesh and UAE for prevention of human trafficking. India has been engaging with several countries and has responded positively to the proposals for entering into MOUs on human trafficking with interested countries to curb the menace. India is a signatory to the SAARC Convention on Prevention and Combating Trafficking in Women and Children in Prostitution. India has ratified the UN Convention on Transnational Organized Crime (UNCTOC), which has as one of its Protocols, “Prevention, Suppression and Punishment of Trafficking in Persons, particularly Women and Children”. 9. New Legislation: Presently trafficking of persons is dealt under the provisions of various Acts but there still remain some deficiencies in the existing legislations and after considering the issue relating to prevention, rescue and rehabilitation of victims of trafficking, the Union Government has drafted a comprehensive legislation, namely, the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018, covering all aspects related to trafficking of persons and is expected to be introduced in the monsoon session of Parliament. Trafficking in human beings, especially children, is a form of modern day slavery and requires a holistic, multi-sectoral approach to address the complex dimension of the problem. It is a problem that violates the rights and dignity of the victims and therefore requires essentially a child rights perspective, while working on its eradication. In the fight against trafficking, governmental organizations, non-governmental organizations, civil society, pressure groups and international bodies, all have to play an important role and work in concert. Law cannot be the only instrument to address complex social problems[18]

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