



Human trafficking in India: Realities and realization

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Abstract:

The present paper is a piece of pure theoretical work based on crime reports and consists of a simple research aimed at finding realities and vulnerability that alarming human trade in India. This paper also seeks to provide some legal arrangements for the protection of human rights and empowerment of women and children in the Indian context and the efforts which the government ought to take in order to eradicate this evil are suggested. The paper concludes by discussing briefly the contribution and role played by Government and civil society groups in India towards the issue.

Key words: Human rights, Gender discrimination, Human trafficking, Women empowerment, Commercial Sexual Exploitation.

Human trafficking is an open wound on the body of contemporary society, a scourge upon the body of Christ... It is a crime against humanity. - Pope Francis

Introduction:

Human trafficking is very bad and an offensive human rights violation that occurs throughout the world. Due to its complex cross-border nature, human trafficking requires a coordinated, multi-disciplinary national and international response. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the UN Trafficking Protocol) provides a roadmap for cross national collaboration as well as recommendations for enacting effective domestic human trafficking laws. In India too, over the decades, the volume of human trafficking has increased though the exact numbers are not known, it became one of the most lucrative criminal trades, next to arms and drug smuggling undertaken by highly

organized criminals all over the world. In May 2011, India ratified the three protocols of the United Nations Convention against Transnational Organized Crime, including the UN Trafficking Protocol. Yet despite its ratification of the Protocol, India continued to lack a unified comprehensive policy for human trafficking. Rather, its anti-trafficking policies have largely operated under a fragmented and piecemeal set of laws addressing various components of human trafficking such as slavery, child labour, and child marriage. Until recently, Indian law did not contain a comprehensive definition of human trafficking. The Constitution of India prohibits trafficking of human beings and forced labour, but it does not define either term. India penalizes many forms



of forced labour under the Bonded Labour System (Abolition) Act, as well as the Child 1920 Labour (Prohibition and Regulation) Act, and the Juvenile Justice (Care and Protection of Children) Act. The Immoral Traffic (Prevention) Act (hereafter referred to as the ITPA) criminalizes most forms of sex trafficking.

Objectives of the Study:

- This paper tries to find to deliver an analytical framework or planning more effective laws against human trafficking.
- This article explores into the core reasons for human trafficking in India, both a source and a destination of trafficking, as it continues to grow globally.
- To study the range and magnitude of the impact of this crime among Children.

Methodology: Theoretical research methodology has been adopted in the preparation of the paper. With the help of primary sources and published records like books, journals, magazines, newspaper articles, reports along with internet resources, important terms and concepts related to Women and Children trafficking have been examined.

The Concept of trafficking: The Oxford English Dictionary defines traffic as 'trade, especially illegal (as in drugs). It has also been described as 'the transportation of goods, the coming and going of people or goods by road, rail, air, sea, etc. The word trafficked or trafficking is described as 'dealing in something, especially illegally (as in the case of trafficking narcotics)'. The most comprehensive definition of trafficking is the one adopted by the UN Office of Drugs and Crime in 2000, known as the "UN Protocol to Prevent, Suppress and

Punish Trafficking in Persons, Especially Women and Children," 2000 under the UN Convention against Transnational Organized Crime (UNTOC). This Convention has been signed by the government of India.

What are Children & Women trafficked for?

- Labour
 - Bonded labour
 - Domestic work
 - Agricultural labour
 - Construction work
 - Carpet industry, garment industry, fish / shrimp export as well as other sites of work in the formal and informal economy.
- Illegal Activities
 - Begging
 - Organ trade
 - Drug peddling smuggling
- Sexual Exploitation
 - Forced prostitution
 - Socially and religiously sanctified forms of prostitutions
 - Sex tourism
 - Pornography
- Entertainment and Sports
 - Circus, dance troupes, beer bars etc.
 - Camel jockeys
 - For and through marriage
 - For and through adoption
 - As child soldiers or combatants in armed conflicts

Children at particular risk for trafficking include:

- Orphans and children in custodial/educational
- Institutions away from families
- Children from broken families
- Disabled children
- Children living in rural poverty



- Children living in slums or on the streets
- Children in brothels
- Children in communities practicing religious and cultural prostitution
- Children stigmatized by abuse
- Children born to victims of AIDS
- Children of bonded laborers children from scheduled castes and tribes

Human trafficking in India:

India is a source, destination and transit country for labour and sex trafficking. In India, 90% of trafficking occurs domestically (intra-state or inter-state), and 10% occurs across national borders. The majority of trafficked persons in India, including men, women, boys and girls, are trafficked for purposes of forced labour. There is no comprehensive statistical data available on child trafficking in India. We know that child trafficking in India can be identified in various forms like sexual exploitation, domestic labor, agricultural labor, exploitative work in the informal economy, forced marriage, adoption, and even organ harvesting. Sexual exploitation is a well-documented form of trafficking. At least 25,000 children are found to be engaged in prostitution in six major metropolitan cities of India Bangalore, Chennai, Delhi, Kolkata, Hyderabad, and Mumbai (Mukherjee & Das, 1996). Another report says that in Mumbai alone, 40,000 girls ages ten to sixteen are undergoing commercial sexual exploitation.

Sex tourism and the exploitation of children have increased with the boom in the tourism industry. These cities includes Some of the notorious sites visited by pedophiles are Kovalam(

Kerala), Mammallapuram (Tamil Nadu), and Goa. The latest reports on child sexual exploitation refer to an increase in offenses in other areas such as Verkala, Cochin, and Kumily in Kerala, Gokarna and Karwar in Karnataka, Puri in Orissa, and some parts of the Delhi-Agra-Jaipur triangle (Protection Project, 2002; Terre des Hommes, 2001).

The demand created by sexual exploitation often leads to child trafficking. A cultural system that has been exploited by traffickers is the Devadasi system, which is a relic of medieval times. Devadasi, a term that literally means "Servant of God," refers to the practice among certain communities in India in which families dedicate their daughters to the service of the temple deity. These girls, devadasis who are dedicated to the goddess when they are very young and considered to be married to the goddess, are often sold into prostitution. This custom is prevalent in Karnataka and Andhra Pradesh (Vahini, 2004).

Law and Law Enforcement to address Trafficking:

i. Immoral Traffic (Prevention) Act, (ITPA) 1956:

This act later renamed as such by drastic amendments to the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA). It deals exclusively with trafficking and objective is to inhibit / abolish traffic in women and girls for the purpose of prostitution as an organized means of living. Generally offences specified are as:

- Procuring, including or taking persons for prostitution;
- Detaining a person in premises where prostitution is carried on;



- Prostitution is or visibility of public places;
 - Seducing or soliciting for prostitution;
 - Living on the earnings of prostitution;
 - Seduction of a person in custody; and
 - Keeping or allowing premises as a brothel or used it for brothel.
- ii. **Child Labour (Prohibition and Regulation) Act, 1986:**
Prohibits employment of children in certain specified occupations and also lays down conditions of work of children.
- iii. **Information Technology Act, 2000:**
Penalizes publication or transmission in electronic form of any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive and corrupt persons to read, see or hear the matter contained or embodied therein. The law has relevance to addressing the problem of pornography. India has also adopted a code of conduct for Internet Service Providers with the objective to enunciate and maintain high standard of ethical and professional practices in the field of Internet and related services.
- iv. **Juvenile Justice (Care and Protection of Children) Act, 2000:**
 - Enacted in consonance with the Convention on the Rights of the Child (CRC);
 - Consolidates and amends the law relating to juveniles in conflict with law and to children in need of care and protection;
 - The law is especially relevant to children who are vulnerable and are therefore likely to be inducted into trafficking.
- v. **Indian Penal Code, 1860:**

There are 25 provisions relevant to trafficking; the most significant among them are:

- a) Section 366A – procurement of a minor girl (below 18 years of age) from one part of the country to another is punishable.
- b) Section 366B – importation of a girl below 21 years of age is punishable.
- c) Section 374 – provides punishment for compelling any person to labour against his will.

Some state Governments also enacted their own Acts just to protect women and children from social evils, illegal activities and trafficking and girls from immoral customs like Devadasi are as follows.

- a) Karnataka Devadasi (Prohibition of Dedication) Act, 1982
- b) Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989
- c) Goa Children's Act, 2003

Initiatives of Indian government for rehabilitation:

1. **Establishing Child Line:** This 24-hour phone service can be accessed by a child in distress or an adult on his/her behalf by dialing the number 1098. Child Line provides emergency assistance to a child and is based upon the child's need.
2. **UJWALA Scheme:** Launched by the Ministry in 2007-08 for the benefit of women and girls in difficult circumstances, with specific focus on the special needs of trafficking victims.
3. **Swadhar Greh:** This scheme for Women in Difficult Circumstances, also under the Ministry of Women and Child Development, represents another such programme. The Swadhar Greh Scheme is meant "to provide temporary accommodation, maintenance and rehabilitative services to women and girls rendered homeless due to family



discord, crime, violence, mental stress, social ostracism or [who] are being forced into prostitution and are immoral danger."

4. **Kishori Shakti Yojana:** A holistic initiative supporting the development of adolescent girls (11-18 years) to promote awareness of health, hygiene and nutrition, as well as link girls to opportunities for learning life skills, returning to school and developing a better understanding of their social environment.

5. **Scheme for rescuing trafficking victims:** This scheme is to address trafficking in women and children for commercial sexual exploitation through small pilot projects.

6. **Community-based prevention measures on Child Trafficking:** Preventing children from sex traffickers is the first step that must be taken in the range of comprehensive measures needed to guarantee the protection of every child. Prevention encompasses a broad range of multi-dimensional interventions from mobilization and awareness building among families and the general public to more targeted and specific interventions that reach children at risk and vulnerable due to specific conditions in their lives.

7. **Integrated Plan of Action - 2008 to Prevent and Combat Human Trafficking :** The Indian government launched in 2008 an *Integrated Plan of Action to Prevent and Combat Human Trafficking with special focus on Children and Women*, with the objective to mainstream and to reintegrate the women and child victims of trafficking in society. This Plan of Action contains several community-based initiatives to prevent

trafficking such as awareness-raising programs directed to particularly vulnerable communities and the involvement of communities to act as watchdogs and informants on traffickers and exploiters.

Conclusions:

Human Trafficking in India is a more widespread phenomenon than generally we acknowledged. This is a socio-economic offence and greatly affects the society. Education is crucial tool in halting the flow of women, children and men into forced bondage. We need an effective criminal justice system, community policing to bridge the gap between police common public, vigilant citizens, NGO's can help to check trafficking. Multidisciplinary approach in combating trafficking is essential to deal the serious issue. All the ministerial departments should work together for the integration of policy, programmes and projects on this issue. We need for bilateral agreements to combat trafficking and implement / operationalise the SAARC Convention on human trafficking. To fight against trafficking, government organizations, non-governmental organizations, civil society, pressure groups, international bodies, all have to play an important role. Law cannot be the only instrument to take care of all problems associating human Trafficking. Hence, it is the combined duty of the state and society to fight human trafficking and protect the vulnerable groups of our society.

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