

Human Trafficking in India

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Over the centuries, the human race developed its conscious gingerly and has become one of the sophisticated social creature of the nature. With experiences and a sense to have a dignified life and to serve the fellow members of the race, the mankind tried to establish certain set of obligations and limitations within their community so that the essence of humanity deliver collectiveness instead of individualism. These obligations and limitations developed the phenomenon of rules, norms, values, moral and ethics, that an individual has to accept and follow, being a member of the same creature. The acceptance of these phenomenon by humanity resulted to the emergence of society and social values as well as its commitment to serve for the welfare and prosperity of all of its members, irrespective of colour, region, religion, culture, ethnicity, language, age and gender. However, over a period of time, the difficulties in having access to limited resources led to the violations of these social norms and values. The individual interest became a priority than the collective interest or than the interest of society. The result of these violations led towards vulnerabilities, marginalisation and the losing prosperity and well being of mankind. The extent of vulnerabilities has reached to such a level that one member of this human family has become exploitor of the those who have low accessibility to resources and no hold on social structure. Human trafficking in the present century, is one of the worst kind of exploitation and abuse that human being ever had or thought of.

Definition:

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

Human trafficking is one of the major concern of twenty first century that has taken a rapid pace with the advent of the free movement and free trade under the shadow of globalisation. One should not be confuse about Human Trafficking as a form of human smuggling and migration. On the one side, smuggling involves illicit crossing of nation-state border with proper intention and consensus of the individual and migration is nothing, but voluntary movement of individuals. On the other side,

Human-trafficking has been subjected to the act without the wishes of the individuals leading to vulnerability and exploitation.

The Process:

The first stage through which the human-trafficking initiates, is the transportation of victim from source area. This process of trafficking include different stages and stakeholders. At the initial stage, the process start with the place of origin, commonly known as source areas, where the victim is being recruited or taken through fraud and then transported towards the demand market with the help of local or professional traffickers. The process of trafficking initiates at this stage and this stage is the 'origin' for the whole trafficking crime. The origin of trafficking may be different at different stages as per to the extent and networking of the traffickers. For example, the origin may be a small town or a village for domestic trafficking process whereas it may be a country for internationally networked trafficking. After the origin phase, next stage is the '*Transition stage*', where the victim has to stay for a limited period of time or has to stay over for a few days, weeks or months. The transit may also become an origin for next transportation. The final stage is the '*Destination stage*' where the trafficked victim is finally delivered to owner and then is asked to provide services to the customers and thus, become this victim of this modern slavery.

The Extent:

As per the record, in India, there are 1794 identified places of such origins from where females victims are being trafficked. The whole chain of this transportation process has involved number of stakeholders in this crime of trafficking. In fact, it is a billion dollars bussiness industry and a complete chain of networking and lobbying from powerful to the gross root village/ local level trafficker. The extent is that, it has resulted to make this industry as one of the organized crime industry in the world. It is the world's third largest crime after drugs and arms trafficking. Moreover, the activities and involvement of thousand criminals working like a professionals in the organised crime industry has led to several other social discourses and has become a fuel for other criminal activities as well. It includes Human trafficking, in terms of prostitution, in context of migration, as a human rights problem, as a labour issue, as a criminal problem and trafficking in children. The criminal and organized act of human trafficking is working as a base for the growth and rise of other criminal activities as well. The organisation of human trafficking in such a professional manner has also been taken as a backdrop of the emerging phenomenon of globalisation, feminization of international migration and state policies to sustain in the present competitive economic scanerio. The impact of new international policies with the emergence of agencies like World Bank, the World Trade organization, International Monetary Fund, is the increasing

displacement of rural population, lower wages and abject poverty. The result is the decrease of social programme and increase in the incentives to consumption where sex and trafficking is not exempted. In fact, nearly 2.5 million people in forced labour including sexual exploitation at any point of time. It is found that majority of trafficking victims lies between the age group from 18 to 24 years. An estimated 1.2 million children are trafficked every year. Around 161 countries across the globe are being infected by this heinous crime of human-trafficking as per the 2006 report of UN Office on Drugs and Crime, Trafficking in Persons, Global Patterns. Human trafficking has become a 32 billion dollar profit making industry, as per ILO.

However, as far as India is concerned, India remained in the Tier 2 watch list having one of the lowest ranking in trafficking in person report, annually issued by the state department of U.S. Remaining in Tier 2 list means that the government is making significant efforts but does not yet meet the standards of countering human-trafficking. A report by a non-government organization in India estimated that 45,000 children are missing in India each year. It stated that most of these kids end up as prostitutes, bonded labour or among the homeless population in big cities. It has been found that there are 300,000 to 500,000 children working in the prostitution industry in India. India also has the highest number of child labour in the world with an estimate of 12.66 million children involved in hazardous work as per Census 2011.

Furthermore, it is also noted that most of the victims and their families are not coming forward for reporting because of the social stigma associated with it. Therefore, the magnitude and the extent of human-trafficking in India is still unclear due to lack of significant and proper availability of data. Since poverty, exclusion and lack of awareness are the main driving forces for human-trafficking, the tribal belts and the areas populated by marginalized caste have become a fertile ground for the traffickers since the task of recruiting the victim is an easy process and people can be motivated and convinced by the traffickers with less efforts and with a promise of good economic returns in these regions.

Purpose and Forms :

Historically, the term 'trafficking' was used for the movement of persons for the purpose of such acts that are immoral and hidden from the society, for example, prostitution. But, over the years, the purposes and the spectrum of human-trafficking has been expanded apart from that of prostitution. Though sex trafficking still constitutes one of its major forms in which children and women are forced and exploited for the purpose of prostitution. But, several other intentions, motives and purposes have been included in this phenomenon of human-trafficking. It ranges from commercial sexual exploitation to the extent of slavery. The various purposes of human-trafficking include the trafficking in human beings for sexual exploitation, forced labour, services, slavery,

entertainment, illegal activities, drug trafficking, servitude, removal of organ etc.

In India, as far the types of commercial sexual exploitation is concerned, it includes forced prostitution, socially and religiously sanctioned forms of prostitution, sex tourism, pornography, paedophilia, massage parlours, bartending etc. The trafficking for labour activities is taken for the benefits in the industries when children are employed and exploited in number of trades, bonded labour, domestic work, agriculture labour, construction, carpet industry, garment industry, aquaculture etc. Moreover, trafficking for illegal activities have begging, human organ trade, drug peddling and smuggling, mock adoption, false marriage/ bride trafficking etc in the loop.

Methods:

In India, the Modus Operandi through which the trade of human-trafficking is flourishing has been adopted by the traffickers as per the demand and the circumstances of the victims. Different strategies and tactics have been adopted, in order to lure the innocent masses and exploit them further. There are various methods through which the human-trafficking is being organised. As per the study of National Human Rights Commission of India, the several methods through which victims are being trapped and human-trafficking is happening, includes: Offering jobs as domestic servants, Promising jobs in the film world, Promising jobs in factories, Offering money, Luring them with 'pleasure trips', Making false promises of marriage, Befriending them by giving goodies, Offering shelter to girls who have run away from home or street children, Offering them to take on pilgrimages, Coercion including kidnapping and drugging, In lure of adoption and etc. Moreover, the recruitment of children as child soldiers or for underground arm groups is also being involved in this process. The traffickers use different approaches like sometime they employ local source, relatives and also are known to various languages especially, the language of their zone of trafficking. The recent trend that has been noticed, especially in case of India, is the trend of traffickers using marriage bureaus, placement agencies and tutorials agencies. It has been found in most of the literature that, in the process of trafficking, there are informers, enforcers, supporting personnel and specialists, debt-collectors, money-movers and transporters who gather information on matters such as border surveillance, immigration and transit procedures, asylum systems, and law enforcement activities. There are also agents, who pay the recruiter, arrange for travel documents, hold the women until they are ready to leave and brokers who meet the women on arrival and pay the agent for delivering them. Further, a recent report by a leading newspaper of India has come up with a new trend for the trafficking of children. It says that children have been trafficked by the NGOs from a backward and poverty effected region, in order to attract the donors and get the heavy donations from abroad. Moreover, the emergence, rise and excessive use of social media can also be viewed or considered as a new mean and method for luring the younger

generation and then being exploited by the traffickers.

Legal interventions:

As far as the legal framework and perspective on the issue of Human-trafficking is concerned, several International and National Conventions, laws and protocols have been adopted by the international and state agencies and departments. The international interventions include: International agreement for suppression of white slave traffic (1904 and 1910), International convention for the suppression of the traffic of the women and children (1921), Slavery Convention (1926), ILO Forced Labour Convention (1930), International Convention for suppression of traffic in women of full age, Universal Declaration of Human Rights (1948), Convention for the suppression of the traffic in persons and of exploitation of the Prostitution of others (1949), UN convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Tourism Bill of Rights and the Tourist Code (1985), Convention on Protection of Rights of Migrant Workers (1990), Optional Protocol to the Convention on the elimination of all forms of discrimination against Women (1999), UN protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, 2000 etc.

However, the legal framework within the ambit of Indian territory has a strong foundation as the issue has also been taken under the fundamental rights, in the constitution of India. Article 23 (1) in the constitution of India prohibits trafficking in human beings and forced labour. The Suppression of Immoral Traffic in Women and Girls Act, 1956 was enacted with an objective of abolishing the immoral trafficking in women and girls. This act was later amended and renamed as The Immoral Traffic (Prevention) Act, 1986 (ITPA). ITPA is a special legislation that deals exclusively with trafficking.

But, irrespective of the legal sanctions and constant watch, it is the fact of the matter that the phenomenon of human-trafficking has not reduced yet. In fact, it is still expanding and flourishing its existence among the vulnerable groups and has huge impact on their basic fundamental rights of having a dignified life with full liberty as guaranteed by the constitution.

Reasons behind expansion of Human trafficking in India:

The common push factor that has been identified as the main driving force behind human-trafficking is the abject poverty. However, caste based discrimination, lack of resources, lack of human and social capital, social insecurity, gender discrimination, commodification of women, social exclusion, marginalisation, inadequate and outdated state policies, lack of governance, nexus of police and traffickers, unemployment, breaking down of community support system, cheap child labour, child marriage and priority to marriage, attraction of city life, corruption, employment

trade, migration policies conflict and lack of awareness among the victims are also some the factors leading to human-trafficking. Globalization has also become one of the emerging push factor leading to human-trafficking. Further, the report of the International Organization for Migration, says that *90 percent* of the victims trafficked as sex slaves experienced domestic violence before they were trafficked. The decreasing sex ratio and the increasing demand of women in women starve areas would also been considered as a factor behind bride trafficking in India. There are also certain other factors that are responsible through direct and indirect means and mode but, all kind of these push factors forced the victim to get further exploitation, vulnerabilities and to become an element of this modern kind of slavery throughout their life span.

Conclusion

Human-trafficking is one of the worst criminal activity that has spreaded its infection over the planet. It is one of the wicked act that has made the lives of millions as worse as the hell. This kind of modern slave trade has washed away the humanity among those who are being involved. The moral values, ethos and sense of belongings as a member of same human race has been cruded by the indiviual interest and pleasure. The victimization of poor and vulnerable masses has excluded them from the human race and commodified them like animals and vegetables in the market. Their right and access to justice has no signifacant meaning and worth for them. The procedures, process, means, methods as well as the rate of involvement is increasing in this crime eachday due to lack of resources, highest demand in the market, very few income options and impotent legal watch system. It is, thus, imperative to have a careful watch and monitoring mechanism as well as strong interventions and committment through which we can attempt to clean out this crime across the globe.

References:

- Afroza Anwary, 2007, *Anti-Sex Trafficking Movement of Bangladesh and the Theories of Transnational Social Movements*, Social Thought & Research, Vol. 28, pp. 109-142 , Allen Press
- Aditya Dev, 2013, *UN report highlights grim scenario of child trafficking in Haryana*, The Times of India
- Anti Trafficking Cell, Ministry of Home Affairs, Availabe at http://mha.nic.in/ATC_new
- *Anti-trafficking units in all districts soon: Crime Branch*, 2014, Times of India
- Biswajit Ghosh, 2009, *Trafficking in women and children in India: nature, dimensions and strategies for prevention*, The International Journal of Human Rights Vol. 13, No. 5, pp.716–

738, London, Routledge publication

- Biswajit Ghosh, 2014, *Vulnerability, Forced Migration and Trafficking in Children and Women: A Field View from the Plantation Industry in West Bengal*, vol XLIX, Nos 26 & 27, pp 58- 65, Economic & Political Weekly
- Charles Anthony Smith and Heather M. Smith, 2010, *Human Trafficking: The Unintended Effects of United Nations Intervention*, International Political Science Review vol 32, No 2, pp 125-145, Sage Publications
- Constitution of India
- John R. Miller, 2008, *Call It Slavery*, The Wilson Quarterly Journal Vol. 32, No. 3 pp. 52-56, The Wilson Quarterly Publications
- Marina Tzvetkova, 2002, *NGO Responses to Trafficking in Women*, Gender and Development, Vol. 10, No. 1, Trafficking and Slavery, pp. 60-68, Taylor & Francis Ltd.
- Meghan R. Sobel, 2014, *Chronicling a crisis: media framing of human trafficking in India, Thailand, and the USA*, Asian Journal of Communication, Vol 24, No 4, pp.315-332, London, Routledge publication
- Ministry of Women and Child Development
- Nair PM, 2010, *Human Trafficking: Dimensions, Challenges and Responses*, Delhi, Konark Publishers
- Patkar, Praveen & Priti Patkar, 1999, *Interventions in the Situation of Trafficking of Children for Prostitution and Children of Prostitutes: A Six District Report of Rapid Assessment*, Mumbai, UNICEF
- Sadika Hameed, Sandile Hlatshwayo, Evan Tanner, Meltem Turker, & Jungwon Yang, 2010, *Background Information on Human trafficking in India*, The Asia Foundation report
- Tameshnie Deane, 2010, *Cross-Border Trafficking in Nepal and India-Violating Women's Rights*, Springer Publications
- Trafficking in Persons Report, 2014, Washington, US Department of State
- UNODC, 2007, *Synergy in Action : Protocol on the Structure and Function of the Integrated Anti Human Trafficking Unit (IAHTU) in India*, New Delhi, United Nations Office on Drugs and Crime
- United Nations, 2000, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime*, New York, United Nations
- UNODC, 2006, *Trafficking in Persons: Global Patterns*, United Nations

- Vanessa E. Munro, 2006, *Stopping Traffic: A Comparative Study of Responses to the Trafficking in Women for Prostitution*, The British Journal of Criminology, Vol. 46, No. 2, pp. 318-333, Oxford University Press

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