

Human Trafficking, Its Issues and Challenges in India: A Study from Human Rights Perspective

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ABSTRACT:

Since ages, Human trafficking has been prevalent in the society. It is a curse for the whole country that leads to unending sufferings which not only lower the physical strength but also feeble the mental status of a person. Growth and development are the words which are unknown to their world. They have to suffer discrimination and humiliation to a large extent. It is a serious contemporary social justice and human rights issue. A recent U.S. government report estimated that as many as 27 million persons around the world are victims of human trafficking. It is highly important to protect their basic human rights and provide them with such environment that paves way for their consistent growth and protect them from atrocities of the world. In the current scenario, though there are various laws and government policies working towards the betterment of such people yet there are various hurdles in the path. Therefore, there is a need to generate a better understanding of an issue like this in order to provide for a status to all the victims of human trafficking in the country and to promote their growth and development. The paper discusses the manifold difficulties faced by the victims of trafficking in India while many of whom face intimidation, shame, difficulty in prosecution, high likelihood of re-victimization in their own country. The paper ultimately concludes that broader, victim-based initiatives are necessary both to assist victims and to provide a firm basis for the future trafficking prosecutions. Thus it aims to analyze the status of human trafficking laws in India and the issues and challenges faced by the victims in the country.

I. INTRODUCTION

Human trafficking is a serious human right as well a contemporary social justice issue. It is the trade of human beings for various purposes like sexual exploitation, forced labour, forced prostitution, sexual slavery, etc. It may also cover a spouse of any male or female in the context of forced marriage. It is a serious crime against the human being and a violation of their fundamental or basic human rights. It inhibits the free movement of the citizens through coercion or commercial exploitation in their own country. Thus, it can occur within a country or even out of the country i.e. transnationally.

Human trafficking is a trade among all the peoples especially in children and women. According to a report released by the International Labour Organisation (ILO), an amount of \$150 billion in profits was generated by only through forced labour in 2014.¹ While in 2012, it was estimated by the ILO that around 21 million victims were trapped in modern day slavery. Out of these 21 million victims, around 14 million were exploited for labour, 4.5 million were exploited sexually and rest of the 2.2 million victims were exploited in the forced labour.²

¹Profits and poverty: The economics of forced labour, by the International Labour Organization. p. 4.

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243027.pdf

²“21 million people are victims of forced labour.” [according to International Labour Organisation \(ILO\).](#)

Among all the victims of human trafficking, the ILO reported that the child labourers, minorities and migrants were exploited in the extreme nature and they all were at the considerable risk of more and more exploitation. Even the data shows that more than half of the world's 215 million workers are engaged in various hazardous sectors which also included forced sexually exploited and street begging workers.³ Various ethnic and highly marginalized groups were estimated to be engaged in the most hazardous and exploitative nature of the industries like mining, stone quarrying, tanning, etc.⁴

Human trafficking is considered to be one of the fastest growing criminal activities among various transnational criminal organizations.⁵ It is condemned to be as a violation of human rights of the victims by various international conventions. Apart from that, it is a subject to a directive in the European union. The US State Department released a report and according to which there are some countries like Belarus, Turkmenistan, Iran, Russia, etc. remain among the worst performing countries when it comes to providing protection against the forced labour and human trafficking.⁶

Human trafficking can occur at national as well as international level. At the international level, its significance has been recognized by the United Nations by implementing various protocols to prevent, suppress, punish trafficking in persons especially in women and children which is known as Trafficking Protocol or Palermo Protocol. It is an agreement which was exercised by the United Nations internationally under the UN Convention against Transnational Organised Crimes (UNTOC) which was implemented on 23 December, 2003.

Human trafficking differs from the smuggling of the peoples, which involves the person who voluntarily requests or hires other persons to transport all of them secretly across the international border. It is usually practiced because the smuggled persons are barred from entering into the country through the legal channels. Thus after the smuggled person enters into the country and arrives to his ultimate destination, the person is free to find his own way. Though it may be illegal, but there is no deception or coercion involved in it.

According to International Centre for Migration Policy Development (ICMPD), smuggling of the peoples is totally a violation of the national immigration laws of the destination country while it does not require the violation of the right of smuggled peoples. On the other hand, human trafficking is a crime against a person because of the violation of the fundamental and human rights of the victims through coercion and exploitation.⁷

³ International Labour Organization. Children in hazardous work. Geneva: ILO, 2011. (27 Oct 2017)

⁴ Srivastava R. Bonded Labor in India: Its Incidence and Pattern. Geneva: 2005. (27 Oct 2017)

⁵ Louise Shelley (2010). Human Trafficking: A Global Perspective. Cambridge University Press. p. 2. ISBN 978-1-139-48977-5.

⁶ "The Worst Countries for Human Trafficking". RadioFreeEurope/RadioLiberty.

⁷ "Difference between Smuggling and Trafficking". Anti-trafficking.net. Archived from the original on 21 February 2013. Retrieved 30 December 2012.

Human trafficking requires travelling while smuggling does not require it. The victims of human trafficking are held against their own will through the act of coercion and exploitation. They are forced to work for others or provide the services to the traffickers. The works or services includes anything from bonded and forced labour to commercial sexual exploitation.⁸ There is an arrangement for them to work under a work contract but with low or no wages or on some of the terms which are highly exploitative in nature for the victims.⁹

II. HUMAN TRAFFICKING IN INDIA

In India, human trafficking is considered as a major challenging issue. Though, there are several anti-human trafficking laws which exist in the country but it remains a quintessential problem. Men, women, children are trafficked in the country for different purposes like commercial demand for sex, labour trafficking, prostitution, etc. Women and girls are trafficked within their own country in those areas where there are large of men or the sex ratio is highly biased in favour of men.¹⁰ While men and boys are trafficked especially for bonded labour or labour trafficking.

All the victims including men, women, children, etc. are sexually exploited many a times and are coerced to work as escorts, whores, prostitute, gigolos, massage experts etc. against their will.¹¹ A large part of trafficked children in the country are forced to work as child labourers, domestic servants, factory workers, beggars, household servants, etc. while infringing their fundamental and basic human rights.¹² Many a times children are kidnapped across the country and are forced to work as armed combatants by various terrorist organisations and insurgent groups.¹³

In India, trafficking of young girls into the prostitution in the country are often being initiated by the women who have been trafficked themselves. While as adults, they are capable to use their personal relationships and trust in their villages of origin to recruit the additional girls.

The Government of India penalizes the human trafficking for commercial sexual exploitation through various anti-trafficking laws like Immoral Trafficking Prevention Act (ITPA), in which there is a prescribed penalty of seven years to the life imprisonment.

There are various other anti-trafficking acts which are being implemented in the country and prohibits the forced and bonded labour like Bonded Labour Abolition Act, Child Labour Act, Juvenile Justice Act, etc. The Indian Penal Code (IPC) also provides sections 366 (A) and 372 to arrest traffickers and these provisions

⁸ "UNODC on human trafficking and migrant smuggling". United Nations Office on Drugs and Crime. 2011.

⁹ "Amnesty International – People smuggling". Amnesty.org.au. 23 March 2009. Archived from the original on 9 March 2011.

¹⁰ Trafficking in Persons Report 2008. U.S. Department of State, 4 June, 2008.

¹¹ <http://www.india.com/lifestyle/the-reality-of-male-sex-trafficking-how-our-blind-spots-hinder-equality-1072947/>

¹² <http://indiatogether.org/realities-of-male-sex-workers-society>

¹³ *ibid*

prohibits kidnapping and the selling off minors into prostitution and also prescribes a maximum penalty of ten years' imprisonment along with a fine.

An anti-trafficking training program was also introduced by the Central Bureau of Investigation (CBI) of the country. While it was led by Dr. Gilly McKenzie of Interpol Trafficking and Organised Crime Division and it was added into its standard curriculum. While an action plan was also developed by the State of Maharashtra to combat the human trafficking in the country.

The Ministry of Labour and Employment publishes various types of advertisements against child labour and human trafficking in the national newspapers at regular intervals. The government has also initiated a pre departure information session for the domestic workers who migrate to some country on the pretext of exploitation. Various other measures which are instituted by the Government of India includes 'Emigration Check Required' (ECR) and 'Emigration Check Not Required' (ECNR) passports.

On February 2014, the Government of India also launched an anti-human trafficking web portal. It was launched to serve as an important IT tool for sharing of all kinds of information across all the stakeholders, states, union territories, civil societies, etc. for the effective implementation of anti-human trafficking measures.¹⁴

III. CATEGORIES OF HUMAN TRAFFICKING

Sex Trafficking: Sexual trafficking include sexploitation and coercion of a migrant into a sexual act as a pre-condition for them by the traffickers for allowing or arranging their migration. This type of trafficking often uses physical or mental exploitation and coercion, abuse of power, deception and bondage incurred through the forced debt.

A lot of times, trafficked women and children are being promised to work under service or domestic industry but instead of it, they are taken to brothels or somewhere else where they are required to work as a sex worker. While their passports and other identification documents are being confiscated by the traffickers.¹⁵

In major cases, it has been found out that the victims of sex trafficking have been beaten or locked up by the traffickers and they were promised their freedom only if they earn through prostitution.¹⁶ It was claimed by the International Labour Organisation (ILO) that around 4.5 million people are affected through sex trafficking in a

¹⁴ Launching of Web Portal on Anti Human Trafficking - PIB. 20 February 2014. (<http://pib.nic.in/newsite/PrintRelease.aspx?relid=104002>)

¹⁵Trafficking and Prostitution: The growing exploitation of migrant women from Europe. Geneva, International Organization for Migration, 1995.

¹⁶Chauzy JP. Kyrgyz Republic: trafficking. Geneva, International Organization for Migration, 20 January, 2001.

worldwide.¹⁷ While most of the victims find themselves in a coercive or abusive circumstances and from which escapement is like impossible, difficult as well as dangerous.¹⁸

Labour Trafficking: They are like unfree labourers which includes all kinds of slavery like debt slavery, serfdom, labour camps, etc. Most of the works are covered under the forced labour and the International Labour Organization (ILO) also defines it as an involuntarily work or service which is performed by the victims under the menace of a penalty.

Labour trafficking is a movement of the workers for the purpose of forced labour or services which involves bonded or child labour, domestic or involuntary servitude.¹⁹ Most of the time, it happens in the domain of agriculture, manufacturing, construction, domestic work, entertainment, etc. While migrant workers and indigenous peoples are especially at the risk of becoming victims.

It is more often instituted and enforced on the migrant workers who have travelled long from their houses and came to another country just for earning money. They are easily identified because of their physical, linguistic, cultural or ethnic differences from the common population since they are not capable enough to complain about pathetic situation to the appropriate authorities.

Child Trafficking: Child Trafficking is a major challenge and it is still prevalent in our country. It is defined as the recruitment, transportation, harboring, transfer or receipt of the children for the purpose of slavery, forced labour or exploitation. Exploitation of the child can take many forms like commercial sexual exploitation which includes forcing a child into prostitution or any other kind sexual activity like pornography.

According to an estimation released by the International Labour Organisation (ILO), around 1.2 million children are trafficked every year.²⁰ In 2012, The United Nations Office on Drugs and Crime (UNODC), reported that the percentage of child victims had risen from 20 to 27 percent in a 3 year gap.²¹ It was also reported that every year around 3 lakh children are being taken all over the world and sold by the traffickers as slaves.²²

Article 34 of The United Nations Convention on the Rights of the Child states that State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. The Hague Convention on Protection of Children is an international convention which deals with international adoption and it aims to prevent child laundering, trafficking and various other abuses which are related to international adoption.

¹⁷"Forced labour, human trafficking and slavery". ilo.org.

¹⁸Siddharth Kara (2009). Sex Trafficking: Inside the Business of Modern Slavery. Columbia University Press.

¹⁹"Trafficking for Forced Labour". ungift.org. Archived from the original on 4 April 2013.

²⁰ILO-IPEC (2010). "Child Trafficking - Essentials" (PDF). Geneva: ILO.

²¹ Child trafficking Statistics, US and International, Ark of Hope for Children. (<https://arkofhopeforchildren.org/child-trafficking/child-trafficking-statistics>)

²² "Human Trafficking Statistics | #HelpERASE Child Trafficking". ERASE Child Trafficking. 20 October, 2016.

Organ Trade Trafficking: Trade in organs is another kind of human trafficking and it can take place in various forms. There are some cases in which the victims are being forced to give up their organs while in some other cases, the victims agree to sell off their organs in exchange of money or goods but they are not paid at all or paid very less by the traffickers.

There are various cases in which the body parts of the victims are being removed without their knowledge especially when the victim is being treated for any other medical ailment. In this case, some people are at extreme vulnerable risk like migrant workers, illiterate or homeless persons and they are especially targeted for the exploitation.

Trade of Organs in human trafficking is considered as an organized crime and involves several kinds of offenders like recruiters, traffickers, buyers, transporters, medical staffs, middlemen, etc.²³ Trafficking of kidneys are often thought to be the main body parts in the organ trade. Also it is a very profitable business for the human traffickers to involve in this because there are already very long waiting lists for patients who all need transplants of the body parts while there is a lack of donors at the world level.²⁴

Forced Marriage Trafficking: The United Nations termed forced marriage as an abuse of human rights because it is violating the freedom and autonomy of the victims. According to Universal Declaration of Human Rights (UDHR), it is a central point of their life and dignity that every person has a right to choose their spouse and to enter freely into a marriage.²⁵

The Roman Catholic Church considers the forced marriage as a ground for granting an annulment and for the valid marriage, both the parties should consent for the marriage freely. In various situations, a forced marriage qualifies as a form of human trafficking.

For instance, if a woman is being forced to marry someone and sent to abroad and if continuously she is being compelled to engage in sexual activities with her new husband, then her experience would be amount to sex trafficking. In another case, if a bride is being treated as a domestic servant by her in laws or husband, then it would be amount to the labour trafficking.²⁶

IV. ISSUES AND CHALLENGES OF HUMAN TRAFFICKING IN INDIA

There is a complex set of major issues and challenges of human trafficking in India and that needs to be resolved.

²³ "Trafficking for organ trade". ungift.org. on 9 November 2014.

²⁴ "Types of human trafficking". interpol.int.

²⁵ "Ethics - Forced Marriages: Introduction". BBC. 1 January 1970.

²⁶ "Forced Marriage and the Many Faces of Human Trafficking". theahaafoundation.org.

Commercial Demand for Sex: The nature of sex trafficking is considered to be an economic supply by the traffickers and many abolitionists tries to end this nature while explaining the detrimental causes of a demand model. In this demand model, males ask out for a female prostitute which leads to be a market of sex workers which in turns out to be fostering sex trafficking, illegal trade, coercion of peoples into sex work. While pimps and traffickers becomes distributors and supply a chain of women for the sexual exploitation.

There is always been an increase in demand of sex among peoples and their demand, in most of the cases, is been facilitated by pimps and traffickers. Trafficked women are also being exploited as workers and harassed by them because they do not require any kind of wages, safe working conditions, agency while choosing customers, etc.²⁷

Poverty, Globalization and Unemployment: Lack of poverty, educational and economic opportunities may lead women to migrate voluntarily and then they may be compelled into trafficking involuntarily for sex work.

As globalization has opened up the national borders for smooth exchange of goods and services, its economic impact has also pushed peoples especially women and children to migrate and be vulnerable to trafficking. Gender inequality also pushes women to migrate towards informal sector which is more hazardous for them.²⁸

Unemployment, Globalization and Internet Technology as well has facilitated a lot more towards human trafficking. Also long waiting list for the organs in countries like US, UK has created a thriving international black market of human trafficking. Wealthy countries are unable to meet their demand of organs within their own borders thus it perpetuates human trafficking.

Globalization has nurtured the new technologies which may aggravate sex trafficking, while technology can also be used for assisting law enforcement and anti-trafficking methods.

Gender Based Discrimination: It is a cultural norm which is followed in our country that sons are considers as superior, authoritative and more useful in a family than daughters in our patriarchal society. Thus this society leaves girls with no or very limited access to education and it leads to gender gaps between boys and girls in both literacy rates and financial earning potentials.

According to 2011 census, the literacy rate for men was around 82 percent and for women, it was around 35 percent while men were paid 25 percent more than women. So, as a result of gender based discrimination, the sex ratio in India is too wide.

²⁷ Berger, Stephanie M (2012). "No End In Sight: Why The "End Demand" Movement Is The Wrong Focus For Efforts To Eliminate Human Trafficking". *Harvard Journal of Law & Gender*. 35 (2): 523–570.

²⁸ Chuang, Janie (2006). "Beyond a snapshot: Preventing human trafficking in the global economy". *Indiana Journal of Global Legal Studies*. 13 (1): 137–163. doi:10.1353/gls.2006.0002.

So if there are very number of men in India than the young women, then it is high possibility of bride trafficking, illegal sale of women just for marriage and it is becoming prevalent in our country. In the rural areas of northern states of Haryana, Punjab, UP, etc. where the sex ratio is too exacerbating than the national average, there bride trafficking has become a normal problem. It has perpetuated a societal structure which favors males over females and men are unable to find a wife for themselves, thus it is driving the self-destruction and a more demand for human trafficking of women in our country for the marriage,

Urban Policies and Human Rights Violation: I think the grave urban policies of the government and the violation of human rights of the victims have tremendously increased the scope of human trafficking in our country. For instance, if we look at the urban apartheid, its manifestations have become increasingly extreme. Therefore, it is challenging the fight which is being going on against the poverty and the threats of democracy in the country.

Thus, we need to re consider our urban policies so that, along with the security of our peoples, our public space would also be renewed ethically, politically, culturally, etc. So, for changing our lives in this 21st century, we also need to care about the human rights violations of the peoples of our country.

The developments anticipated in the human rights violations are highly extreme and grave but in no way inevitable. Governments need to apply their civic sense by protecting the rights of the citizens of the country and prevent them from any kinds of threat or dangers and to implement the measures which are needed to protect the social equality, social justice, human rights and sustainable human development.

Other challenges: There are some other challenges related to political and institutional which increase the scope of human trafficking in India. There are corrupt and inadequately trained police officers which in most of the cases involve or commit violence against the victims of human trafficking or sometimes abuse them as their personal property.

Some political circumstances which are difficult to handle like civil war, social conflict between various groups are the structural factors for the migration and human trafficking. It was also reported that the larger countries or poorest or richest or countries with the restricted freedom of press are likely to be engaged more in human trafficking. Especially, if a country has the transitional economy, then it is 19 times more likely to be ranked in the highest trafficking categories.²⁹

Men, women or children are made to believe under the human trafficking that all of them will be provided a better job in different countries or place and even they blindly believe to the human traffickers. But then, the

²⁹ Rao, Smriti and Christina Presenti, Understanding Human Trafficking Origin: A Cross-Country Empirical Analysis, vol. 18, no. 2, April 2012, pp. 231–263, esp. pp. 233–234.

victims are covertly sold by the traffickers to some other person in different country. Thus, human trafficking is considered as the third largest organized crime in the whole world.

V. HARMFUL EFFECTS OF HUMAN TRAFFICKING TO CIVIL SOCIETY

Impact on Women and Children: Women and girls are always at the risk of unwanted pregnancies, sexually transmitted diseases (STDs), HIV/AIDS, maternal mortality, etc. They are also affected by the drugs and harmful medicines or other addictions which result in physical and mental deterioration. They also have a threat of emotional well-being like deprivation from their family life, threat to their social support systems, isolations, constant fear of arrests.

Most of the times, they are scared of humiliation and abuses which resulting in serious and emotional stress which also causes psychological consequences. They have a threat of their physical safety by police, unscrupulous agents, custom officials, employers, etc. They may also face the economic slavery, difficulties in social integration, etc.

Impact on all other Victims: All the victims of human trafficking have to face various kinds of threats of violence which includes traffickers, pimps, customers, whores, corrupt local law official persons. The challenges which they have to face is too gruesome to handle and it makes very difficult for them to integrate into their host community. It is a very traumatic experience for the trafficked victims that in most cases, they have to face the Social Alienation in their host or home country.

Stigmatization, Intolerance and Social Inclusion acts as a deterrence for the victims to reintegrate to their former society. A lot of times, they are being scared from arresting in police custody and because of the potentially complicated law enforcements in our country, they themselves have a fear of arrest which creates stress and other emotional trauma for the trafficked victims.

Short Term Impact: There is a short term impact on the victims of human trafficking which in a psychological manner is totally like a life threatening disease for them. The perpetrators often expose them of the high amount of psychological stress which is affected by threats, fear, physical or emotional violence. The basic motive of the traffickers is to turn a victim to a slave and to exploit them sexually, emotionally, verbally, economically, etc.

During short term impact, the victims usually feels the attack of depression, numbing or extreme stress, anger or rage, guilt or self-blame. Thus under these kinds of pressures, victims may fall into hopelessness state and feels helpless which affects their mental and physical body for a short period of time.

Long Term Impact: All the victims of human trafficking may face a long term effect on their body or they may face a complex trauma for a long period of time. For instance, there are repeated cases of intimate

relationship trauma which includes sexual abuse, gang rape, domestic violence, forced prostitution, etc. According to a report by the psychology researchers which says that the complex trauma is more expansive in diagnosis due to the effects of the prolonged trauma.³⁰

The victims often experience severe trauma on a day to day basis and it devastates their healthy development, self-worth, biological integrity over a long periods of time. The victims who grow up in a continuous environment of exploitation, they often exhibit their antisocial and sexualized behavior, aggression, distrust of adults, complex trauma in their whole life.

Economic Impact: There is an estimation by the International Labour Organisation (ILO) that every year around US \$ 32 billion is been generating through the human trafficking. Out of these, half of which i.e. around US \$ 15 billion has been generated in the industrialized countries and a third of total i.e. around US \$ 9 billion has been generated in Asia.³¹

According to a research paper which was published in Human Rights Review namely, "Sex Trafficking: Trends, Challenges and Limitations of International Law", states that the number associated with the sex trafficking have been rising since 2000 but the costs which is involved in this trafficking has been declining.

As of 2018, it was estimated that the profits coming from the human trafficking were around US \$ 150 billion and it was ranked as one of the most profitable transnational crimes along with the drug trafficking.³²

VI. MEASURES TO COMBAT HUMAN TRAFFICKING IN INDIA

The government need to re organize their anti-human trafficking policy in this mean time, we need to think about some more structural factors which effectively can build up a nationwide anti-trafficking plan in our country. Also nothing is exhaustive here nonetheless, the plan would be comprised of most of the well effective factors which we all ask for a better criminal justice framework to address human trafficking as a serious crime. While it is also based upon the approach with respect to human rights norms and standards.

Be Specific Regarding the Scope of Human Trafficking: Before proceeding further, I think the most important question here which needs a well-researched answer is what constitutes a human trafficking crime and what is the scope of it. Through this, we need getting rid of all the conceptual ambiguities surrounding the issue of human trafficking in our country. Though the issue has already been defined in various protocols but our national laws are not so expansive about it.

³⁰ Courtois, C. A. (2004). "Complex trauma, complex reactions: Assessment and treatment". *Psychotherapy: Theory, Research, Practice, Training*. 41 (4): 412–425. doi:10.1037/0033-3204.41.4.412.

³¹ "A Global Alliance Against Forced Labor, Global Report Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work". Geneva: International Labor Office. 2005. p. 55.

³² Ibid.

For instance, article 23(1) of the Indian Constitution puts a prohibition on human trafficking and forced labour but stated only that —” Traffic in human beings and begging and other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.” Since human trafficking in India applies mainly for prostitution, thus most provisions in Indian Penal Code (IPC) which are related to human trafficking are mainly those which focuses on the forced prostitution.

For example, section 366 of IPC which talks about kidnapping or abducted women but it can be applied to human traffickers also even when there is no specific mention of illicit trafficking in girls and women for forced prostitution. Also the government passed an act namely, “Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA),” it was amended in 1986 and now it is known as the Immoral Traffic in Persons (Prevention) Act or PITA Act and here the act is restricted only to trafficking of women and girls for the forced prostitution and they totally exclude the male from its protective regime.

Thus, I think this kind of restriction or we can say discrimination to the males should be stopped and we should include female, children, men, transgender and among all because human trafficking can be occurred to any of the persons mentioned above. Meanwhile, it is ridiculous that only female can be sexually exploited but the males can also be hunted for this horrible act.

Judiciary Must be Held Responsible: In India, judiciary acts as an independent, constitutional body and it is considered as a sole protector for advocating our fundamental and human rights violations by the individuals in our country. But the main problem pertains to the judiciary is that there are not sufficient number of judges to deal with all the cases which appear before our courts and it is the root cause of high number of pending cases before the courts.

Thus most of the cases have a span of about 5 to 6 years or 10-12 years depending upon the nature of the case. Thus it is very difficult for the investigating officers to provide the protection to the victims or witness or to stop the witness from becoming hostile for such a long period of time. Due to this, the accused persons in human trafficking cases get acquittals and due to this inability of the court to solve the human trafficking cases expeditiously, it is very difficult for the prosecution, with every passing year, to secure the testimonies of victims and witness against the accused traffickers.

Meanwhile, the traffickers may change their names, address, identities, etc. and may continue their human trafficking by exploiting more victims in some other place with their change identity. Thus, it creates difficulty for the police officers to again nab the culprits and to bring them back for the trials. That’s why, it is need of the hour to fill the vacancies in our judiciary in an expedite manner so that judiciary can work smoothly and we should also set up the fast track courts in every district especially for the human trafficking cases and the

proceedings will be on daily basis and its priority must be to reduce the backlog of cases pertaining to human trafficking.

Must be Conviction of Traffickers to Deter Others: There must be a conviction of the alleged human traffickers so that the examples can be set to deter the other traffickers from committing human trafficking and not to exploit any other victim otherwise, they would have to face harsh convictions. Also the prosecution of all the alleged human traffickers should be on the basis of adequate criminal provisions that means alleged traffickers should be punished and not the victim who is being trafficked.

Through the adequate criminal provisions, there should be any legal lacunae under which the conviction cannot be made more likely. There is an example regarding various legal types of lacunas in our IPC under which, the traffickers can use the defense system to evade the criminal prosecution from the alleged crime.

But IPC also has some strict provisions regarding the punishment of traffickers of girls indulged in the sex market. For instance, section 366 (A) of IPC punishes the domestic traffickers whose work is to transport the trafficked girls from one part to another in our country. While section 366 (B) punishes any person for importing any Indian girl who is below 21 years for the purpose of prostitution. But both the provisions are not strict because it requires an intention to prove that the girls are bring forced or seduced for the illicit intercourse. In this provision, it may also happen that the girl is below 18 years and being coerced for prostitution and to stay in the sex market, then the original trafficker has not committed any offence under this section which is a huge lacuna.

Adopt Various Anti Trafficking Initiatives: At present time, we need to modify already taken anti-human initiatives or we need to adopt some methods for resolving the problem of human trafficking in our country. For instance, corruption, police reforms or the professionalism of police officers while investigating the human trafficking in India, reformation of criminal justice system.

Various anti-trafficking awareness campaigns and fundraising programmes must be started at the district level under the appropriate authority. Since they have a very significant role for the anti-trafficking initiatives.³³For example, In Asia, there is an anti-trafficking initiative namely “The 24 Hour Race” and it focuses totally on increasing the scope of anti-trafficking awareness among the high school students in Asia.

The major issue which boosts the human trafficking is the corruption within the police itself which causes a disagreement between the officials and NGOs resulting a controversy between them. According to UN Special Rapporteur on Violence Against Women, it is understood that the due to police corruption, the human

³³ "Responsible Public Awareness Campaigns for Human Trafficking". Laboratory to Combat Human Trafficking. 2017-02-13.

trafficking issue is getting more strong and continuously, as a horrible issue, spoken up by the various women groups and victims of human trafficking.

Accept the Human Rights Principles: The most reasonable and genuine measure to combat the human trafficking in India is to ratify the International Human Rights Conventions or treaties which are initiated by the United Nations or any other renowned international organization. Here is a major problem which we need to confront that our national laws do not operate according to the international human right framework. In other words, to combat the human trafficking, we do not have a powerful human rights normative framework.

For instance, India ratified a Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993 which provides a framework for the non-discrimination steps against the trafficking of girls and women for prostitution in India. Its article 6 requires to take all necessary steps like a legislation to stop all types of trafficking in India. Though after ratification, India made a reservation on articles regarding acceptance of discrimination in cultural and customary practices which are done in our India.

On this reservation pertaining to gender discrimination and private sphere in marriage, then many international human rights organizations questioned the effect of CEDAW on gender inequality in India. For example, if Indian law are not compatible with the CEDAW, then its violation cannot be challenged under the principle of this convention. Thus, while adopting these reservations, there is a passive inaction on the violation of articles 5 and 16 of CEDAW. Moreover, it undermines the goals of CEDAW and for the parties involving in the contract.

Thus the anti-human trafficking is a process in which we all worried along with the infringements of human rights violations. Thus, all are concerned about the human right violations and human trafficking process must come together at an international level and join their hands for the active cooperation to fight all this menace of human rights violations and human trafficking process.

VII. CONCLUSION

The issue of human trafficking in India must be addressed in a whole comprehensive manner. It requires a multi-faceted strategy to combat the menace of human trafficking in our country. While efforts include that there should be a process of rehabilitation and reintegration for all the victims of human trafficking and it should be conducted in a large manner. Otherwise, it will not be successful to address the issue successfully in the long run and strategically, we would be failed in it.

I think the core principal of removing this menace will not be successful if the countries itself are not contributing towards it and without the unwavering commitments from various developed or developing countries and other material actors to address the harmful effects of human trafficking on the victims.

Thus, there is a need to conduct this cycle at every stage like from prevention to recruitment, rescue to reintegration or providing the transport facilities to the bonded labour. Thus without this intervention by all of us, the anti-trafficking efforts fundamentally will not be able to affect the human trafficked victims and their human rights violations will be continued from this exploitative trade.