

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

---

Volume 3 | Issue 3

---

2020

© 2020 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

---

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at [editor.ijlmh@gmail.com](mailto:editor.ijlmh@gmail.com)

---

# Legal Framework to Counter Human Trafficking

---

TANYA SACHDEVA<sup>1</sup>

## ABSTRACT

*The focus of this research paper is to throw some light on the issue of 'Human Trafficking.' The introductory chapter seeks to discuss the issue, the different types of human trafficking prevalent, reasons, and the impact of human trafficking on the victims. This is followed by the discussion of various legal provisions in India to combat human trafficking. A gist of multiple conventions and treaties signed at the International level, to deal with human trafficking occupies the next chapter. The Indian judiciary's role in dealing with the issue is discussed in the chapter that trails by. The paper also discusses the Anti – Trafficking Bill, 2018 in a nutshell. Lastly, the author's suggestions will conclude the paper.*

## I. INTRODUCTION

Times have gone by, but human trafficking has existed in numerous forms in almost all cultures and civilizations. It is a trade that feeds on the helplessness of human beings, specifically women and children. It results in ample violations of their human rights. It objectifies human beings, who are for financial transactions. It can occur within any country or trans-nationally. Human trafficking is the trade-in people, which does not necessarily involve the movement of the person from one place to another.<sup>2</sup>

India has constitutionally forbidden traffic in human beings. The right against exploitation is vested in every citizen of the country. Contravention of this right is also made punishable.<sup>3</sup> However, despite all the efforts, the issue of human trafficking is still prevalent in India. The majority of victims of trafficking belong to highly disregarded segments of society. They have been side-lined because of socio-economic deprivation and discrimination prevailing in society.<sup>4</sup> Victims are trafficked from nearby countries, i.e., Nepal and Bangladesh. Millions have been trafficked for sexual abuse, forced/bonded labour, and

---

<sup>1</sup>Author is a student of Amity University, Noida, India

<sup>2</sup>Global Report on Trafficking in Persons, United Nations Office on Drugs and Crime. 2018.

<sup>3</sup>Article 23, Indian Constitution 1949

<sup>4</sup>Jubilee Action, Child Prostitution in India, May 31, 2002

exploitation worldwide. The central issue here is that human beings' trade is made in an extremely private and concealed manner. Despite various international initiatives to eradicate the problem, trafficking is typically under-reported and not brought to the public eye. In India, the problem is prevailing due to the low urgency of law enforcement and justice delivery authorities; coordination is absent among various departments of Government. These include women, police, health, and children.

#### **(A) TYPES OF HUMAN TRAFFICKING**

Depending on the purpose of trafficking, human trafficking is segregated as follows:

##### **1. TRAFFICKING FOR SEXUAL EXPLOITATION**

This is the most common form of trafficking that is prevailing in India. Women and children are trafficked for sexual exploitation. Most of the victims find themselves trapped in abusive situations that are difficult and dangerous to the outbreak.<sup>5</sup> The exact number of victims who have been trafficked for sexual exploitation is difficult to estimate. Promising and well – paid jobs in other countries are offered to women. Their passports are confiscated once they cross the borders, and they are forced to work in brothels. The women are also locked up and are promised freedom only after earning their purchase price and their visa and travel costs through the prostitution<sup>6</sup>. People of the upper-class purchase and sexually exploit these victims.

##### **2. TRAFFICKING FOR FORCED LABOUR**

A large number of victims who are trafficked for forced labour and services belong to developing countries. This type of trafficking is most common in the domestic, agriculture, construction, manufacturing, and entertainment sector. The migrant workers and indigenous persons are at the highest risk of becoming victims of this type of trafficking.

##### **3. TRAFFICKING IN ORGANS**

This type of trafficking is swiftly increasing as criminal activity in many countries, including India. It can occur to a person of any age. Organs such as kidneys, liver, etc. are removed and used for such illegal trade and sold at high prices to people who need a transplant. This can take various forms. The victim can be forced to give up an organ, or the organ is removed without the victim's knowledge (when he is being treated for other medical problems). The victim can also sell his organ when he is promised money in return. Nevertheless, these

---

<sup>5</sup>Siddharth Kara (2009). *Sex Trafficking: Inside the Business of Modern Slavery*.

<sup>6</sup>Migration Information Programme. *Trafficking and prostitution: the growing exploitation of migrant women*, International Organization for Migration, 1995.

victims are generally paid less.

#### **4. DOMESTIC SERVITUDE**

When the victims are forced to work in a private household, it falls under trafficking for domestic servitude. They are forced to perform household tasks, and their movement is mostly restricted. These victims perform these tasks for long hours and are paid very less in return.

#### **5. TRAFFICKING FOR MARRIAGE**

Trafficking for marriage includes the forced exchange of women and young girls in return for money. The victims are abducted and sold/married off without their consent. The women are pushed into slavery and bonded labour. They survive on the mercy of the families who purchased them. The trafficked brides belong to the lower economic classes of society. Their parents and trusted family members even trade these women.

#### **6. TRAFFICKING FOR ADOPTION**

Under this type, the children are taken away from impoverished rural families and sold as orphans, who are up for adoption, in urban areas. This is generally done by parents who want to gain income from the exchange of their child and pay debts. The traffickers also deceive the parents by assuring better education and the future of the children, and as a result, parents are compelled to sell their child.

#### **(B) REASONS FOR HUMAN TRAFFICKING**

Various multifaceted factors result in human trafficking. Political, economic, and cultural factors mainly determine these. Human trafficking depends on the principle of demand and supply.

Globalization has been a boon for an economy but a bane for labour migration. It brought in great opportunities and opened up national borders for the exchange of goods and services—however, the economic effect of globalization impels people to make choices and defencelessly surrender to trafficking. The demand for cheap labour and low-priced services in developing countries largely influences human trafficking. There is also a high demand for organs in developed countries. The traffickers seize this opportunity and sell organs at colossal profits, without reimbursing the victims.

Lack of education, poverty, and economic prospects influence the women's decision to

migrate and be trafficked into sex work<sup>7</sup>. Globalization has led to an increase in the use of technology and the internet. However, it has also further smoothed human trafficking. Traffickers use unambiguous websites to the market, employee, and exploit women.

Political factors such as unethical and ineffectively trained police officers can be involved in human trafficking and exploit trafficked victims. Political situations, such as wars and social conflicts, can also promote migration and trafficking.

### **(C) IMPACT OF HUMAN TRAFFICKING ON THE VICTIMS**

Trafficking victims are exploited continuously and abused, which can result in psychological and physical damages for either long term or short term. The victims might also contract severe diseases such as H.I.V. and other sexually transmitted diseases. There can also be permanent disability or even death of the victim.

Studies have shown that trafficking can mentally and emotionally scar the victims even after the person is free from exploitation. Even rehabilitation centres are not able to assure the betterment of traumatized victims. Some victims also find it challenging to lead a healthy life that they previously carried out. Many people also face re-victimization. The direct impact of the trafficking of the victims includes depression, aggression, anxiety, panic attacks, self – alienation from society, etc.

## **II. LEGAL PROVISIONS AGAINST HUMAN TRAFFICKING IN INDIA**

### **(A) THE CONSTITUTION OF INDIA, 1949**

Article 23 prohibits trafficking in persons and guarantees some internationally acknowledged human rights norms.<sup>8</sup>It also guarantees rights such as the right to life and personal liberty<sup>9</sup>, right to equality<sup>10</sup>, right to constitutional remedies<sup>11</sup> And the right to freedom<sup>12</sup>. Judicial decisions and academic decisions are broadly impacted and concluded only after considering these rights. The citizens of India also have a right to live a life free from exploitation.<sup>13</sup> Contravention of Article 23 of the Constitution is punishable under Article 23 (1)<sup>14</sup>

### **(B) THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES)**

---

<sup>7</sup>Weitzer, Ronald. "The social construction of sex trafficking: ideology and institutionalization of a moral crusade." (2007)

<sup>8</sup>Indian Constitution, 1949 Article 23

<sup>9</sup>Id. Art.21

<sup>10</sup>Id. Art.14 and 15

<sup>11</sup>Id. Art.226.

<sup>12</sup>Id. Art.19

<sup>13</sup>Id Art 17

<sup>14</sup>Id. Art 23(1)

**ACT, 1989****Section 3 - Punishment for Offences of Atrocities**

A large number of victims belong to the side-lined groups of the society. The Government of India framed this act to deliver justice to the backward communities. Practices like untouchability, in any form, has been made a cognizable and non-compoundable offence, and practicing of these offences has been made punishable. The traffickers take advantage of the people of the backward and lower class.

Special laws have been framed as a safety measure for women and young girls belonging to Scheduled Castes and Scheduled Tribes. The act, also known as the SC/ST Act, P.O.A., the Prevention of Atrocities Act, or the Atrocities Act, is successfully used to tackle human trafficking Scheduled Caste and the Scheduled Tribes. Section 3 of the Act deals with atrocities committed against people belonging to the Scheduled Castes or Scheduled Tribes. It covers various forms of trafficking, including forced labour, bonded labour and sexual exploitation of women. Minimum punishment of 6 months has been provided under this section. It can further be extended up to 5 years.

**(C) THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000**

Brought in compliance with the U.N. Convention on the Rights of the Child (1989), the Juvenile Justice (Care and Protection) Act of 2000 provides for efforts towards prevention and treatment of offenses by minors. It also provides a framework for the treatment and rehabilitation of children under the juvenile justice system.

Section 2 of this act defines several terminologies, which have to be considered while interpreting provisions of the Juvenile Justice Act. Under the act, all persons who are under 18 years of age are considered as children. A child who has been trafficked is considered a child in need of care and protection.<sup>15</sup> A Child Welfare Committee (C.W.C.) has been constituted under this act. In *Prerana V/s State of Maharashtra*<sup>16</sup>It was held that all the children who are in need of care and protection. Children should not be arrested or treated as accused. They must be simply produced before the C.W.C.

**(D) THE INDIAN PENAL CODE, 1860**

IPC, 1860 extensively prohibits the Trafficking of humans. The act provides for ruthless punishment of trafficking of women and young girls into forced prostitution in India.<sup>17</sup> The

---

<sup>15</sup>Juvenile Justice Act 2000, sec 1 (d)

<sup>16</sup>2003 BomCR Cri, (2003) 2 BOMLR 562, 2003 (2) MhLj 105

<sup>17</sup>Indian Penal Code 1860, Sec 366B

act also lays down that if a trafficker buys or sells any child, for immoral purposes, shall be liable to imprisonment for up to 10 years and shall also be liable for fine.<sup>18</sup>

IPC also recognizes cross border trafficking into prostitution. Whoever imports any girl into India, from outside India, who is under the age of 21, who is under the age of 21, with intent, that she may be or knowing it to be likely that she will be forced into prostitution, shall be punishable with imprisonment, which may extend up to 10 years and shall also be liable for fine.<sup>19</sup>

The act also defines rape as an act of sexual intercourse with a woman, without her consent, or with consent which has been obtained by threat or fear of death or injury, or with consent when she is incapable of understanding the consequences of her consent, or with or without consent when she is under the age of 16.<sup>20</sup> The minimum term of punishment for rape is seven years.<sup>21</sup>

All the laws framed under I.P.C., 1860 apply directly to brothel owners, brothel staff and customers who engage in sexual intercourse with minors, with or without their consent or women, under threat of force.

#### **(E) THE IMMORAL TRAFFIC PREVENTION ACT, 1986**

The Suppression of Immoral Traffic in Women and Girls Act (SITA) was enacted to give effect to constitutional provisions and to provide coherence with the conventions on trafficking. This act was later amended and renamed as the Immoral Traffic Prevention Act (ITPA). However, the act had many provisions that were discriminatory towards the victims of prostitution. The victims were seen as an offender. However, with time, these provisions have been amended.

### **III. INTERNATIONAL CONVENTIONS ON HUMAN TRAFFICKING**

Violation of humanity has been in practice for the past 200 years. It has still not been eradicated. It is both a national and international issue. There are various treaties and conventions which are taking measures at eradicating the heinous crime.

#### **(A) UNIVERSAL DECLARATION OF HUMAN RIGHTS**

Universal Declaration of Human Rights is an important document that the U.N. General Assembly adopted on December 10, 1948. It was drafted because of historical and social

---

<sup>18</sup>Id, Indian Penal Code 1860, Sec 373

<sup>19</sup>Id, Indian Penal Code 1860, Sec 366B

<sup>20</sup>Id, Indian Penal Code, 1860, Sec 375

<sup>21</sup>Id, Indian Penal Code, 1860, Sec 376 (1) (2)

causes. The declaration recognizes "the inherent dignity of all members of the human family is the foundation of freedom, justice, and peace in the world"<sup>22</sup>. It states that human rights are general and to be exercised by all the people, no matter where they reside or who they are. The UDHR includes various rights, such as the right to life, liberty, dignity, free speech, and privacy. Economic, cultural, and social rights are also covered under the declaration.

Article 4 of the UDHR states individual rights<sup>23</sup>. It says that no person should be detained under servitude and slavery. The Indian Constitution recognizes the right of persons to freedom of movement and residence<sup>24</sup> Furthermore, it recognizes the right to nationality.

As the universal declaration is not a treaty, there is no legal obligation for the signatories to follow it. It is an expression of values shared by all the country members of the declaration. It led to a profound impact on the growth of international human rights law. It has also led to various other international agreements such as International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights.

#### **(B) INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

The multilateral treaty, International Covenant on Civil and Political Rights, was adopted by the United Nations General Assembly Resolution. The signatories of the covenant are committed to respecting the civil and political rights of every individual. These include rights such as the right to life, freedom of speech, due process, and fair trial.<sup>25</sup> Article 8(1) and (2), respectively, states that the person should not be apprehended under bondage and servitude. All the trade about such slavery and servitude should be forbidden in all forms.<sup>26</sup> The article also prohibits forced labour, military, and civil obligations.<sup>27</sup>

Overall, the Human Rights Committee addressed trafficking and forced prostitution under Article 8. the parties to the covenant are bound to take measures to eliminate trafficking and forced prostitution within and across the border. They are also bound to furnish information about the same.

#### **(C) INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS**

Another covenant that took place after the United Nations Human Rights Declaration was the International Covenant on Economic, Social, and Cultural Rights. It is a multilateral treaty,

---

<sup>22</sup>Universal Declaration of Human Rights

<sup>23</sup>Universal Declaration of Human Rights, Article 4

<sup>24</sup>Indian Constitution 1949, Art 13

<sup>25</sup>International Covenant on Civil and Political Rights Office of the United Nations High Commissioner of Human Rights

<sup>26</sup>International Covenant on Civil and Political Right, Article 8 (1) (2)

<sup>27</sup> ICCPR, Article 8.3.

which was adopted by the United Nations General Assembly.<sup>28</sup> The signing parties work towards granting economic, social, and cultural rights, which also include labour rights, right to education, and right to an adequate standard of living.<sup>29</sup>

According to article 10(3) of the Covenant on Economic, Social and Cultural Rights, every child and young person should be given assistance and protection, without any discrimination based on caste, or any other condition. Protection from economic and social exploitation should be provided.<sup>30</sup>

It is also provided that the employment of children and young people in industries which are dangerous and harmful for health should be prevented. Such employment has also been made punishable by law. The parties are also bound to fix a specific age, below which employment of child will be considered as child labour and will be made punishable by law. India is a signatory to the covenant.

#### **(D) CONVENTION ON THE RIGHTS OF THE CHILD**

The convention recognizes a child as an individual, and as a member of family and community, with rights and responsibilities according to his age and stage of development.<sup>31</sup>

It focuses on the following principles:

- 1. Every child has special needs, requires support and protection, and the child's veracity should be protected.*
- 2. The child has his rights and a right to express his opinion.*

It was necessary for the states which were part of this convention to bring their national legislation at par with the provisions of the convention on the Rights of the Child. Every right provided to the child under this convention is relevant and universal. These rights are nationally binding on the signing states.

India ratified this convention, agreeing to the articles except with particular reservation on the issues relating to child labour<sup>32</sup> Under Article 24 on the Indian Constitution, the child under the age of 14 should not work. However, there is no outright ban on child labour; the restriction is only concerning employment in hazardous industries.<sup>33</sup> However, after the introduction of the Child and Adolescent Labour (Amendment) Act in 2016, the economic

---

<sup>28</sup>"International Covenant on Economic, Social, and Cultural Rights." *www.refworld.org*.

<sup>29</sup>U.N. Treaty Collection: International Covenant on Economic, Social and Cultural Rights"

<sup>30</sup>International Covenant on Economic, Social and Cultural Rights, Article 10 (3)

<sup>31</sup>Convention on Rights of a Child, Articles: 1, 11, 19, 32(1), 34, 35, 36

<sup>32</sup>CESCR General Comment 18, paragraph 23.

<sup>33</sup>Constitution of India, 1949, Article 24

employment of children under the 14 years was prohibited. Furthermore, the employment of adolescents was prohibited in any hazardous industry.

**(E) CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS.**

The convention affirms that one of the significant reasons behind commercial sexual exploitation of young adults, children, and women is their dependence. Even if it is against their fundamental rights and dignity of the victims. The convention takes up various initiatives to prevent activities that lead to commercial sexual exploitation, including criminalizing any form of procurement. The signatories to the convention are committed to eliminating discrimination that excludes the victims of such exploitation. Suppression of human trafficking should be a priority for the member country. India is a party to the convention and is committed to eradicating human trafficking.

**(F) UNITED NATIONS CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, 1984**

Also known as the United Nations Convention against Torture (UNCAT) is a human rights treaty that focuses on the prevention of torture and other inhuman acts worldwide. The member states are required efficient measures to eradicate torture in any territory under their jurisdiction. The states are also responsible not to transport anyone to a country where they believe that they are tortured. India is a signatory to the convention but has not ratified it yet.

#### **IV. ROLE OF INDIAN JUDICIARY**

Many judicial decisions in India have been focused on the protection of 120 victims of trafficking. The few cases which have been decided were brought up by the public-spirited people, who raised their voices and represented victims of slavery and trafficking.

Under *Kaushailiya v/s State of Allahabad*<sup>34</sup>, the High Court of Allahabad struck of Section 20<sup>35</sup> of The Immoral Traffic (Prevention) Act, 1956. The section controlled the movement and residence of prostitutes. If a prostitute resides in the jurisdiction of a magistrate, he had the authority to expel her out of the area without any further ado. She could have been expelled from the whole district. It was struck on the grounds of unconstitutionality. It infringed the fundamental right guaranteed under Article 43<sup>36</sup> of the Indian Constitution.

---

<sup>34</sup>Kaushailiya v. State, A.I.R. 1963 ALL. 71

<sup>35</sup>SITA, Section 20

<sup>36</sup>The Constitution of India, 1949, Article 43

Under *Prajwala vs. Union of India*<sup>37</sup> a P.I.L. was filed by Prajwala, an anti-trafficking organization, in the Supreme Court of India. It petitioned that the Government creates a 'Victim Protection Protocol'. This was to ensure the rights of the victims trafficked. The women and children who are rescued after trafficking and sexual exploitation are not efficiently protected under the existing Indian laws. Hence, Prajwala invoked Article 32 of the Indian Constitution and filed a P.I.L. for the formation of the 'Victim Protection Protocol' for the rehabilitation of human trafficking victims.

Under *Gaurav Jain v Union of India*<sup>38</sup> The Court held that the State has the responsibility to protect, rehabilitate, and help women live a life of dignity. The Court has also taken a serious note on the unresponsive and careless approach of the State Administration towards identifying and rehabilitating forced labourers in the country.

*UpendraBaxi and Lotika Sarkar vs. State of Uttar Pradesh*<sup>39</sup> is a case questioning the disgraceful conditions of the protective homes. These protective homes were established under Section 17, 19 and 21 of SITA, in Agra<sup>40</sup>

The case began with a letter to the editor by UpendraBaxi and Lotika Sarkar. The letter was published in a daily newspaper, the Indian Express. A shocking picture of the protective homes was revealed. The letter was converted into a writ petition by the Supreme Court. The case went on for a span of 16 years. The order was passed for the Superintendent of homes. He was bound to explain the allegations presented in the writ petition. The supreme court closely monitored the case and found various omissions in the functioning of the homes.

In a landmark judgment under *Vishal Jeet vs. Union of India*<sup>41</sup>, the Supreme Court took upon itself to provide with orders and directions for rehabilitation and protection of the women who have been dedicated as 'Devadasis' by their families for cultural reasons. These women were stuck in prostitution. These orders were also applicable for Nepali women, stuck in the Indian brothels.

There have been various cases where the court has ordered that the victim should be compensated. In *Bodhisattwa Gautam vs. Subhra Chakraborty*<sup>42</sup>, the man promised marriage and even completed a wedding ceremony with the women. Later, it turns out to be all false. The man was asked to compensate the women. It was decided in *The Chairman,*

---

<sup>37</sup>Writ Petition (C) 56 of 2004

<sup>38</sup>A.I.R. 1997 SC 3021

<sup>39</sup>1998 (8) SCC 622

<sup>40</sup>UpendraBaxi and Lotika Sarkar v. State of Uttar Pradesh, (1983) 2 S.C.C. 308

<sup>41</sup>(1990) 3 SCC 318.

<sup>42</sup>(1996) 1 SCC 490

*Railway Board vs. Chandrima Das*<sup>43</sup>, that compensation can also be ordered for cases involving foreign nationals. Compensation was also ordered in *PUCL vs. Union of India*<sup>44</sup>, which was a case related to trafficking of children as forced labour.

In *Lakshmikant Pandey vs. Union of India*<sup>45</sup>. The court examined the helplessness of the children being trafficked for adoption. The children were stuck due to an ineffective protection mechanism. The court went ahead and created an appropriate protection mechanism for better implementation and protection of children.

Under *Prerana vs. State of Maharashtra*<sup>46</sup> The Court held the children who voluntarily trafficked themselves should be given proper care and protection. These are not children in conflict with law. In cases related to children sex workers, the Court held that these vulnerable children should be made to stay at desirable surroundings.

## V. ANTI – TRAFFICKING BILL, 2018

The Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill, 2018, has been passed in Lok Sabha on July 19, 2018. The Bill talks about prevention, rescue, and rehabilitation of victims of trafficking.

### (A) NEED FOR THE BILL

According to the reports of the National Crime Records Bureau, 8132 cases of human trafficking were reported under the Indian Penal Code, 1860, in the year 2016.<sup>47</sup> Out of these, the highest number of cases were prostitution and bonded labour.

The offences of trafficking are dealt with various Indian laws. It is generally an offence under I.P.C., 1860. Additionally, there are a variety of laws that deal with forced labour, commercial sexual exploitation, and exploitation of children. Each of these laws is applicable individually, is enforced through their machinery, and have their penalties.

After an order from the Supreme Court, a committee was constituted by the Ministry of Women and Child Development to identify the loopholes in the current trafficking legislation. It was also constituted to examine the feasibility of comprehensive legislation on trafficking<sup>48</sup> Subsequently, the Trafficking Bill was introduced in Lok Sabha by Ms. Maneka Gandhi in July 2018.

---

<sup>43</sup>AIR 2000 SC 988

<sup>44</sup>1998(8) SCC 485

<sup>45</sup>AIR 1984 SC 469.

<sup>46</sup>(2003) MLJ 105. (2003) MLJ 105.

<sup>47</sup>'Crime in India' 2016, National Crime Records Bureau.

<sup>48</sup>Prajwala vs. Union of India 2016 (1) SCALE 298.

**(B) OBJECTIVE**

Investigation of trafficking cases, rescue and rehabilitate the trafficked victims are the main objectives of the Bill. It includes law relating to trafficking, done for various purposes such as sexual exploitation, forced removal of organs, bonded labour, slavery, etc. these types of trafficking are made punishable.

The Bill recommends setting up of authorities, to investigate and rehabilitate, at all levels, i.e., district, state, and national levels. The initial investigation responsibility lies on the anti-trafficking officers and anti-trafficking units. These will be constituted at the district levels. The national-level authority can take up the responsibility and investigate cases referred by two or more states.

The Bill also recommends setting up of homes for protection and rehabilitation, to provide care and rehabilitate the Victims of trafficking. The rehabilitation efforts have to be supplemented by 'Rehabilitation Funds'. Every district to have a full trial of all the trafficking cases, within a year, through 'Special Courts'.

**VI. CONCLUSION**

The dignity and security of the victims of human trafficking get scarred for life. Trafficking violates the human rights of an individual severely. The Indian Constitution guarantees equality of rights to all. However, during implementation, these rights are hardly adequate. Strong political governance and strict implementation of trafficking laws are necessary to safeguard the trafficked persons. The researchers have concluded that this trade is more prevalent in the backward countries and states. Lack of information about the consequences and the impact human trafficking has on an individual are the main reason behind the exploitation of the poor. Awareness amongst individuals is also necessary, and alertness among the public will eradicate the well-organized flesh trade. N.G.O.s educate and stand for the rights of the poor. The N.G.O.s can also perform and carry out duties that cannot be carried out by the Government.

The National Human Rights Commission should conduct surveys and organize workshops to spread awareness about human trafficking. Shelters and schooling should be provided to orphans and needy children to make them aware and protect them from trafficking. The system, presently, is slowly and gradually working towards providing protection to the victims of trafficking and ensuring that the victims are entitled to the enjoyment of all the fundamental rights guaranteed under the Indian Constitution.