

**INTERNATIONAL JOURNAL OF LAW**  
**MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

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**Volume 4 | Issue 6**

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**2021**

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# Prostitution, Slavery and Human Trafficking: Worldwide practices of eliminating it

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SHUBH MATHUR<sup>1</sup>

## ABSTRACT

*Prostitution, slavery and human trafficking constitutes to the most evil crimes. Prostitution worldwide is one of the oldest profession practiced from 2400 BC. Prostitution is not only the engaging of people into sex activities for a payment in money or some valuables. Slavery is the exploitation of weaker section of the society for the monetary gains of people who have using them. People are being trapped into this and it has been really hard for them to get out of it. Human trafficking is a heinous crime against humanity. Globalization has made human trafficking an easier task for the criminal organizations. There is no data available on the volume, research trends, and tycoons in this field.*

## I. PROSTITUTION

Prostitution is a process in which a body is exchanged for the money or anything of utility. There are mostly women involved in this profession as compared to man and others. Prostitution basically means exchange of sexual pleasure for monetary benefits. There is no age limitation in this profession. Prostitution has turned out to be a really big business in most of the countries. It is a big example of violation of human rights. There are different laws relating to this which is different in every country and at different types. Generally, laws relating to these types of matters are dynamic in nature and keeps on changing according to the needs of the society. It is clear that it is a crime against humanity.

### (A) Provisions

- In an already existing research it is found that in 53 countries prostitution is legal, 12 where it is legal with certain restrictions including India and 35 where it is illegal.
- According to The Immoral Traffic (Prevention) Act, 1956 few activities like running brothels, trafficking and pimping are punishable. In the Indian penal code, 1860 as per section 372 and section 373 the selling and buying of minors for the purpose of

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<sup>1</sup> Author is a student at Law College Dehradun, Faculty of Uttaranchal University, India.

prostitution will be punished with imprisonment for a term which may not exceed 10 years and shall also be liable to fine. Section 366A, 366B and 370A are various other sections relating to the procreation of minor, importation of Indian or a foreigner girl for sexual purposes are offences under the Indian penal code. According to article 23(1) of the constitution of India forced labour is an offence and shall be punished in accordance to the law.

- In 1950 a declaration was signed by the member states against human trafficking. In this declaration managing a sex racket was said to be illegal but private sex with consent for money was said to be legal.
- The Immoral Traffic (Suppression) Act (SITA). According to this law, prostitutes can practice their trade privately but cannot legally solicit customers in public.

## **II. SLAVERY**

Slavery is one of the oldest concepts running in our country. It has been present in the Indian culture from centuries. It is a structure in which humans are serving as a property of others. The lower caste people are mostly involved into this slavery. They're forced to work as a slave of the upper caste people.

According to the international Labour Organization forced labour means "Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities."

There are majorly three types of slavery:-

1. **Debt Bondage**:- In this the labour is forced to work to waive off a debt. They're paid only a little amount or no amount of the work they are doing and there is no account of their debt. This situation passes on from generation from generation to generation. This is the most common practice in African countries and south Asian countries like India and Pakistan.
2. **Chattel Slavery**:- In this the humans are traded like a commodity, they are bought and sold where there is no scope of escaping. They are forever treated as slaves and even their children born are to be treated as slaves forever.
3. **Forced labour**:- In this the people are forced to work as slaves because of their economic conditions, they are mostly threatened or are given some sort of punishment.

In *Dhanurjaya putel v. State of orissa*<sup>2</sup> a labourer was put to work for 18 hours daily and was paid a nominal amount of Rs 30/-. The worker didn't had any right for expressing his grievances against the exploitation done against him. In this case fully agreed that this falls under the meaning of terms 'slave' and 'slavery'.

**4. Forced marriage and Sex Slavery:-** In this the women are used as slaves by their husband. They are forced to marry a man against their will. It is a very common practice in most countries of the world. Women of smaller age are forced to marry man older to them for their sexual benefits. In this way women becomes a sexual slave.

#### **(A) Provisions**

- The Indian Slavery Act,1843 discovers the provisions related to slavery India. This act got its existence during the rule of East India Company. This act states that sale of any person as a slave is banned and the person found violating it will be liable under the provisions of Indian Penal Code,1860 with strict punishment.
- Labour laws in India provide protection to labourers working as slaves. They are provided with various rights and are paid wages according to job profile they are working in. They must be given good working conditions.

In *People's Union for democratic rights Vs. Union of India*<sup>3</sup> commonly known as the *Asiad* case, the Supreme Court held that a reduction of Rs.1/- per worker every day by the jamadars from the wages owed to the workers employed by the contractors for the *ASIAD* project is illegal. Since the labourers did not receive the minimum wages of Rs 9.25 per day, it amounts to a violation of Article 23 of the Constitution and is forced labour. Every form of forced labour, beggar or otherwise, is 'unlawful compulsory labour' within the existence of Article 23. It makes no difference whether the person who is forced to give his labour or service to another person is remunerated.

### **III. HUMAN TRAFFICKING**

Human trafficking is a mixture of forced labour, prostitution and slavery.

According to the United Nations Office on Drugs And Crime "Human Trafficking is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. Men, women and children of all ages and from all backgrounds can become victims of this crime, which occurs in every region of the world. The traffickers often use violence or fraudulent employment agencies and fake promises

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<sup>2</sup> *Dhanurjaya putel and another v. State of Orissa* 2002 II OLR 412

<sup>3</sup> *People's union for democratic rights v. Union of India* 1982 Supreme court,1473

of education and job opportunities to trick and coerce their victims.”<sup>4</sup> Human trafficking is a kind of illegal commercial business which mainly involves women, children, migrants, marginalized groups and war victims.

In *Laxmi Kant Pandey v. Union of India*<sup>5</sup> the Supreme Court Of India while supporting inter-country adoption said that massive care is to be taken when a child is adopted by a foreign person then it is the responsibility of the authority to take care that the child is not admitted into any sexual abuse or forced labour or experimentation for medical. The authorities must look into inter-country adoption carefully so that no child is trafficked.

Begging is also a type of human trafficking where any person is forced to beg. Mostly children are trafficked and forced for begging. The children are kidnapped and put into this profession.

#### **(A) Provisions**

The immoral Traffic(prevention) Act penalizes a person for Procuring, inducing or taking person for the sake of prostitution with rigorous imprisonment which shall not be less than three years but not more than seven years and with fine or with imprisonment for a term of seven years to fourteen years or with fine or both.

Anti-trafficking cells have been setup by the Government of India in 4 states namely Maharashtra, Goa, West Bengal, Andhra Pradesh for the purpose of human trafficking. This was started in association with United Nations Office On Drugs And Crime(UNODC).

The Bonded Labour System (Abolition) Act, 1976 has made all forms of bonded labour illegal. Anyone who forces any another person to render any bonded labour is punishable with imprisonment for a term which may extend to three years and also with fine.

There are various states in India that have specific laws to tackle the issue of bonded labour. For example:- Tamil Nadu (The Tamil Nadu Compulsory Labour Act, 1858), West Bengal (Bonded labour Abolition Act 1978), Punjab (The Punjab Prevention of Human Smuggling Act, 2012).

Child Labour (Prohibition and Regulation) Act, 1986 The Act prohibits employment of children below specific age and in certain specified occupations. It also imposes punishment for the employment of minor children.

Juvenile Justice (Care and Protection of Children) Act, 2000 the law is relevant for children who are vulnerable and are therefore likely to be the victim of trafficking. It protects juveniles

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<sup>4</sup> United Nations Office on Drugs and Crime Human-Trafficking (unodc.org)

<sup>5</sup> *Laxmi Kant Pandey v. Union of India* (1984) 2 SCC 244

in need of care and protection.

#### **IV. THE WORLDWIDE PRACTICE OF ELIMINATING IT**

- Various International Organizations are taking up the matter of slavery and human trafficking and prostitution as a matter of concern. These Organizations are United Nations Office On Drugs And Crime, United Nations Human Rights Commission, International Labour Organization, United Nations Educational, Scientific and Cultural Organization, United Nations Security Council.
- Various Multi-National Companies are working to eliminate various practices like human trafficking, bonded labour etc.
- The NGO's are playing an important role in spreading awareness about the various legal rights available to the infringed person and by providing legal assistance.
- Various organizations have provided with their toll-free numbers for contacting them whenever they feel that they are being humiliated.
- STOP, India, a nonprofit located in Delhi, India, focuses on the eradication of Trafficking and Oppression against Women and Children.
- The legally-binding ILO Protocol on Forced Labour aims to strengthen global efforts towards combating forced labour, trafficking and slavery-like practices. Governments now have the opportunity to ratify the Protocol and integrate new measures at the national and regional levels to combat this crime.

#### **V. CONCLUSION**

All the aforesaid are heinous crimes against Humanity for which various steps have been taken from time to time and awareness has been brought into the people. The governments are also trying to eliminate such practices. There are still many places where Bonded Labour, Forced Labour are practiced. The people indulged into such activities should be identified and must be rigorously punished. The people who have been affected by any of the crimes should be provided with education, monetary benefits, societal benefits like equal status, rehabilitation and good infrastructure. The mental health of the people in such cases are compromised.

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