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HUMAN TRAFFICKING AS MODERN-DAY SLAVERY: A THREAT TO HUMAN RIGHTS

AUTHORED BY - MOHAMED ALI. S

INTRODUCTION

India is a secular country with diversified languages, customs & traditions. It holds the second most populous country of the world. With over population comes high level of poverty rate where to own even a piece of land seems difficult for most of the citizens. Unfortunately, & as a matter of shame India has become a leading player of human trafficking in the entire globe. What is Trafficking? Trafficking, in simple words, means an illegal trade. So, human trafficking means illegal trade of human beings in varied forms for varied purposes like sexual slavery, forced labor, forceful extraction of organs, human beings being sold out in exchange of money, forced marriage, sexual favor, prostitution & what not. All these acts are a sheer infringement of fundamental rights. These utterly create those inhumane conditions which inflicts lifetime pain on the victims.

Child trafficking & women trafficking is the major kind of trafficking being carried out for the sake of sexual exploitation, oppressing & extracting huge lump sums of money. Human trafficking has become one of the major problems that India is facing for centuries. Since earlier times, women and young girls are forcibly dragged away from their houses & are sold for purpose of getting sexual favors, for being maid or prostitute. People deem this to be as an intentional run away but in reality they are being forcefully traded in exchange of money.¹

Even after being a secular country & a home to people of every religion, India failed to protect its women, its children. Even after implementation of law against human trafficking, there's no body to properly enforce it in each corner of the country. Owing to free liberalization & globalization, people can easily migrate from one corner to other in the name of searching better opportunities, but along with this these policies have been proved to be as a green flag for smuggling of people outside the border of the country, to illegally sell them without any point of doubt. As a matter of disgrace, not all girls get a chance to attend school, as most of

¹ Sidhant Kampani, "Human Trafficking in India: A Critical Analysis", (2020) <http://probono-india.in/blog-detail.php?id=77> (Visited on August 07, 2022)

them are forcibly taken into marriages at a very young age. What is the reason? Money! In this contemporary world, the hunger for money has majorly driven people against which they forget their own human conscience, morals & ethics.

RISE OF HUMAN TRAFFICKING IN INDIA

India is a country where human trafficking still persists, some are noticed while some goes unnoticed. The *UN recently reported*² that countries like Bangladesh, Bhutan, India, Maldives constitutes the most inflated number of human trafficking cases, especially among children.

According to UNICEF, “nearly half of the female population is married by the age of eighteen”.³ Even in the 21st century, most of the girls are forced into marriage, where they are forcibly without their will are made pregnant. And girls between age group of fifteen to nineteen have to face huge complications in delivery owing to getting pregnant at such a young age without proper nutrition & diet.

LABOR TRAFFICKING IN INDIA

In a country like India, around 100 million children are the victims of forced or bonded labor, working in factories or mining factories under no safe or humane working conditions, thereby making them work as slaves. They are mandated to work for 12 hours with less or sometimes no remuneration. In the year 2000, it was evaluated that around 12.07 per cent from the age group of 10-14 years are economically active.

According to the reports of *National Labor Institute*,⁴ 12.6 million children from the age group of 5 to 14 are forced into full-time employment without any food or water. Instead of sending children to schools for education, 87 million of them are dragged to work alongside with their parents, in retails shops, in farm lands, do house chores as labors. Most surprisingly yet unsurprised, the nation is yet to know about the status of 74 million children, which implies they have been subject to child trafficking.

² https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_Chapter6.pdf (Visited on August 07, 2022)

³ “Human Trafficking of Females in India”, <https://www.123helpme.com/essay/Human-Trafficking-of-Females-in-India-356972> (Visited on August 07, 2022)

⁴ “Human Trafficking in India”, (2019) <https://paperap.com/paper-on-essay-human-trafficking-india/> (Visited on August 07, 2022)

According to *Human Rights Watch*, 40 million people in India are under the clutches of forced labor among which 15 million are children.

The children, their entire families are made trapped in such a vicious cycle of bonded labor that they can't even escape. Certain families tend to experience bonded labor where the debts of the ancestors after their death are transferred to their children and other family members.

The COVID-19 pandemic has witnessed an increase in bonded labor. As people were losing their jobs during this pandemic & there was few scope of getting employed, the traffickers found it to be the right time to trap the unemployed in the name of huge advances.

SEX TRAFFICKING IN INDIA

Sex trafficking is in itself the worst form of human trafficking which includes trafficking for forced marriage, forced criminal activity, sexual favors, etc. in exchange of money. It is evident from the name itself that most of the victims are women & young girls. What traffickers do is to persuade girls in the name of fake promises of marriage, a romantic relationship with falsely guaranteed luxurious life, buy them or make them run away from their home and then sell them.

This mostly happens in rural India where girls from the age group of 8 to 15 are sold to the traffickers to get sexual favors forcefully. They are forced to provide services to 25 to 30 customers a day, which often takes place in pubs & bars, locked rooms in hotels, in highways & after getting services, they are thrown away somewhere in the gutters or in the roads where they go unnoticed for days.⁵

Bangladesh & Nepal has been the hub & transit for trafficked individual where most of the NGOs reveals that around 8,000 to 10,000 girls are trafficked annually into India from Nepal. The same statistics is in the case of girls being trafficked from Bangladesh.

According to the *2022 Trafficking in Persons (TIP) Report by the United States Department of State*, India remained in Tier 2 for human trafficking.

According to a research conducted by the *Ministry of Women and Child Development in*

⁵ Laura Parker, "Human Trafficking in India" (2022) <https://theexodusroad.com/human-trafficking-in-india/> (Visited on August 08, 2022)

2008,⁶ there was presence of around 3 million sex workers in India but the number of reported cases were much less.

Most surprisingly yet unsurprisingly, sometimes the family members themselves like the fathers or brothers don't bother to sell their own daughters into prostitution or marriage, whatsoever, to get some money & earn a livelihood. They don't care about the plight at which their daughters are after getting what they actually needed i.e. financial benefit implying money & fulfilling material demands by the traffickers. Even in the workplace, in the name of promotion, they are forced to have sex with the clients.

REASONS FOR HUMAN TRAFFICKING

There are various causes & growth factors of human trafficking in India which can be categorized under political, social, economic & cultural factors.⁷ Owing to the lack of education, skills, awareness and employment opportunities among people living in rural areas, people there are obliged to face social as well as economic damage. They can't even afford to have two square meals a day. Therefore, victims from rural & poor areas are the target of human traffickers. Due to lack of awareness, they are not informed about those illegal trafficking activities & unfortunately become the victim.

Due to low-cost products & inexpensive labor with low-priced services, people from villages tend to migrate to big cities looking for employment opportunities with a stable income. Traffickers search for these kind of unemployed & helpless persons willing to work & give them guarantees of better compensation and a luxurious life which automatically leads to an increase in the demand for young girls in exchange of all facilities including monetary benefits. This leads to an increase in the sex industry & demand for girls for sexual abuse. People who migrate from villages to cities are most open to the exploitation, violence & abuse.

SIGNS OF HUMAN TRAFFICKING

A person who has undergone or is undergoing the trauma of human trafficking includes:

- Works for long hours but having limited earning or you can say still there's no earning;

⁶ Sidhant Kampani, "Human Trafficking in India: A Critical Analysis" (2020) <http://probono-india.in/blog-detail.php?id=77> (Visited on August 08, 2022)

⁷ Divyaupreti, "Human Trafficking in India" <https://www.legalserviceindia.com/legal/article-982-human-trafficking-in-india.html> (Visited on August 09, 2022)

- Have minimum or no social interaction even with their own families;
- Display certain kinds of signs indicating towards that their movement is being restricted;
- Ignorant about his own home or work address;
- Do not have the authority or capacity to negotiate for a better working or humane conditions

CONSEQUENCES OF HUMAN TRAFFICKING

The stain of the victims of trafficking is so huge & are exploited & sexually abused in such a condition that it leaves a permanent scar upon those victims both physically & mentally. They had to undergo a life-time physical & psychological attacks which forces them to commit suicide or end their life.

The consequences of human trafficking are terrible especially for the victim's families. Consequences like aggression, depression, hallucination & lack of concentration are direct. Victims suffer the traumas in her entire life & sometimes fail to gain normalcy ever. They don't open up in front of anyone, not even the counselor.

Sometimes the rehabilitation process & the centers established for them fails to get the positive outcome.⁸ Human trafficking is in itself such a cruel & gruesome act that hearing about a single case of it shakes a person from core. We cannot even imagine the pain, the trauma, the injuries the victim suffers through her lifetime. Even if they gain normalcy, the trauma never leaves their way.

The worst thing is that the action is taken & the offenders are penalized after the crime is committed, after the pain has already been inflicted. Can it really help that victim to restore normalcy? Can the victim be happy once again as she used to be? The answer is NO!

In most of the countries, proper mechanisms have been implemented with proper enforcement schemes to protect citizens from being illegally trafficked. But in India, although law is there but there's no enforcement mechanism.

⁸ Divyaupreti, "Human Trafficking in India" <https://www.legalserviceindia.com/legal/article-982-human-trafficking-in-india.html> (Visited on August 09, 2022)

LEGAL FRAMEWORKS TO COUNTER HUMAN TRAFFICKING IN INDIA

Indian Penal Code (IPC)

The Indian Penal code, 1860 entails provisions as to the gruesome crime of human trafficking under Section 370 and Section 370A. It provides that if any person buys or sells a person for sexual exploitation in any manner or other immoral purposes under the age of 18 years shall be punished with imprisonment for a term up to 10 years & also be liable to fine.

Also, whoever is indulged in trafficking of girls under the age of twenty-one years for the purpose of having illicit relations with her shall be liable for punishment which may extend to 10 years of imprisonment & also be liable to fine.

The *National Crime Record Bureau (NCRB)*,⁹ reports the number of human trafficking cases on the basis of definition entailed under Section 370. According to the data collected by NCRB, 95% of the trafficked persons in India are forced into prostitution. The recent NCRB report provides a list of 6,616 registered human trafficking cases, maximum of which is carried out for the sexual purpose.

Constitution of India, 1949

The Constitution of India, 1949 also provides safeguards as for the prohibition of human trafficking by acknowledging fundamental rights to the citizens like right to equality, right to life & personal liberty, right against exploitation, etc. human trafficking is a sheer infringement of fundamental rights under the Indian Constitution.

The Juvenile Justice (Care and Protection of Children) Act, 2000

According to this Act, all the person below the age of eighteen years will be considered as children who needs proper care & protection. It barred the distinction between a minor & a child.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

Most of the victims belong to the marginalized section of the country who has not attained any

⁹ Jaffer Latief Najar, "Human Trafficking in India: How the Colonial Legacy of the Anti-Human Trafficking Regime Undermines Migrant and Worker Agency" (2021), *LSE Blogs*

education & has no awareness as to the crime of human trafficking. Often they are the major target of the traffickers owing to their backwardness & ignorance.

This empowers the government to provide extra protection to women & young girls from Scheduled Caste & Scheduled Tribes. If the trafficker has the due knowledge of the background of the to-be victim, then this act can be effectively used to encounter the offense of trafficking & the trafficker.

Section 3 of this Act deals with the atrocities & violence faced by people belonging to Scheduled Caste & Schedule Tribe. This act covers both the type of human trafficking majorly faced by victims i.e. bonded or forced labor and sexual exploitation/trafficking of women and young girls. The level of punishment covered under this section is from minimum six months to maximum 5 years.¹⁰

There are many other legal frameworks & statutes like Immoral Traffic Prevention Act, 1986 to suppress or reduce the cases of immoral traffic in women & girls. The Government of India is making efforts to meet the basic standards for diminishing human trafficking.

SUGGESTIONS

There can be various preventive & precautionary measures that can be undertaken to curb this heinous crime of human trafficking which are as follows:

- Strict & stringent corrective measures are to be taken by ensuring proper coordination among the authorized agencies. The respective departments shall carry out their operations both effectively & efficiently by making a full proof action plan to drag those traffickers;
- The data collected shall be true & authentic so as to allow the government & other foreign institutions and organizations to battle this crime globally & diligently.
- The government shall join hands with international organization so as to gain international cooperation between agencies across the world to stop this illicit trafficking of women across the borders & bring into light. The return of a 900-year

¹⁰ Divyaupreti, "Human Trafficking in India" <https://www.legalserviceindia.com/legal/article-982-human-trafficking-in-india.html> (Visited on August 09, 2022)

old sculpture to India by UK authorities, in August 2018 is the perfect example of displaying the benefits of international cooperation;

- Along with stringer laws, there has to be stringent punishments against such crime;¹¹
- The most important measure is to increase awareness among the citizens especially among the people living in rural area about what is human trafficking & its consequences and which section is most likely to be their target. They have to be made alert as to the graveness of this crime. This will enable the agencies to make effective policies with proper enforcement schemes.

As a matter of fact, the government have been continuously making efforts & taking actions to fight against this illicit trade. But due to the lack of enforcement & inefficient execution, everything goes in vain. Now the time has come to re-evaluate all the schemes to counter this crime & their racket.

CONCLUSION

Human trafficking is indeed a ruthless act which puts in danger the life and dignity of those victims which takes years for them to regain while some are left to that mental trauma life-long. It has become our country's dire need to tackle this evil of human trafficking at any cost by any measure. People below the poverty line are to be made aware about the consequences of human trafficking as discussed earlier. People across the entire globe shall join hands together & take a pledge to eliminate this heinous crime from its entirety by spreading awareness through conducting various seminars and workshops. Mere implementation of laws is not enough. It has to be properly enforced to strongly & collectively fight this social evil.

¹¹ Anees Cherkunnath and Sreya Vaidyan, "Yes, India can prevent trafficking; here is how" (2022) *downtoearth blog*