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# **A CRITICAL ANALYSIS OF THE ISSUE OF HUMAN TRAFFICKING IN INDIA**

AUTHORED BY - ANKIT BHARTI<sup>1</sup>

## **ABSTRACT**

From the very first inspection, from the knowledgeable aspect that trafficking of humans is done by inhumanly character humans, or a society, association, or a generation or the communities, it has always been the rough standard of the world of crimes. Human trafficking, is the concept of movement of the victims from their freedom to unusual acts done to them, or usage of them. Every generation is defining what they are capable of , not only in good theme, but also in the theme of criminal acts and the thing that is commonly observed in this particular phenomena is that in the need of something, a person also get trapped in trafficking of a person. From the perspective of Indian nation, how everything about this is recognized and what gap should be filled in order to terminate this crime is the relevant step to fight against this. From the ancient to the modern era, peeping through a lens of shadow of terrible outcomes, people are trafficked, and that seems unthoughtful for any family, and to a bigger frame for the country. In the previous arena of British colonies, or older Mughal rule , to present democratic front , trafficking is done, and it may get resolve in future but what will be the measures to judge this perspective. So to find , what can be the thought for the improvement to present unhealthy, bringing of the phenomena of human trafficking in India, and being able to give a solution that what can be done to help , save, control the issue inside India of human trafficking. Why there is a need felt to discuss this, in this type of framed topic, this means that there is a need for that, it is not a circumstantial issue, there is a need for improvement, so here it is written, in this frame of words to give more to the issue across India. This research has been majorly conceptualized through the doctrinal research method. May be this research will make a helpful impact, or may be of no use, but this will be in force of natures, may be in typed sheet, or in a formatted data. The findings, that whatever will be tried to find out the analystic approach to trafficking of humans inside India, to fulfill many or a one but major gap not seen.

**KEYWORDS - INDIAN PENAL CODE 1860, THE CONSTITUTION OF INDIA, THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956.**

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## INTRODUCTION

Human beings have categorically high lightened themselves in the realm of successful ruler among all types of species exist. To be astonishing and qualified in all fields, the transverse nature of humans have done all the things that are also termed as crimes.

So what is in course of action is the defined arena of success in the matter of immense co relation with each other.

The humans in this world, unlike animals are transferred from their freedom by the humans for the greed purpose majorly as for money.

The humans impact of doing such type of thing is prohibited by law, law of the humans, and law of the nature also. Everyone has the right to live free from any form of dependence.

In Indian context, year to year the data said about there is immoral trafficking, and there are rules, framework, laws and judgements.

Some says that trafficking is a bigger scope of kidnapping in wider sense or two different set of same major concern of loss of freedom.

Many times things are in the hand and many times things are in the eyes of law.

In the eyes of law, the nature is justified, with a terminology, that there is a ban of any type of trafficking of humans for any reason.

The effect of removal of any member from a family always cause hardship and the time like covid-19 already have caused so much harm after the delta wave high disturbance in India, that now death is equal a person lost or trafficked.

Person whose family member got trafficked, knows a different level of pain, which can be understood only by those who have gone through that pain. In the influence of pain, only the disturbed nature is seen by the level of thinking about that how the people are going through is the major concept mentioned here.

The triggering point of any issue lies in the focus diverted towards the things other than the one which demands the thing to be happened.

This is not a new thing to be seen as a major problem, but this is a serious problem for all those who can be trapped in this easily. Many persons under this phase, even does not knows that what has been tolerated and what has been diminished.

Focusing on the welfare, the rights are always important, and are in the classic point to be learnt from the philosophical and the psychological dilemmas of the trafficking channelized history and the present.

This research will highlight the issue in the best possible side from the writer, so that the problem should be addressed accordingly.

Many times the goal are classified and many times the goal are justified, so the dignity is upon the fact that which chosen path is going to create an impact.

## **HISTORY TO PRESENT UPBRINGING**

Focusing from the British era is a non corruptive approach which looks classified to discuss this further.

Britishers have define human trafficking as abduction and transportation of women for prostitution.

This is the image of the India's slavery period in the language of britishers and this type of unjustified relative imagination, disregards the concern and the main rights of consenting adult sex workers.

Sex workers, if look from a deeper analysis, no person wants that their generation shall involve in this culture.

But they are, so this is the slavery of some other person which can be justified in a crucial element of history to patterns.

In the British era, due to diseases like syphilis in British soldiers, the British administrators also enacted acts and regulate the area for commercialized sex, of course for British soldiers. This was the humanity existed in their mind, but only for their people, not for those who were Indians.

In 1920's and 1930's, The Suppression of Immoral Traffic Acts (SITA) was introduced to control this which was later reintroduced after India's independence, and later replaced by the Immoral Traffic (Prevention) Act, 1956 (ITPA)<sup>2</sup>.

So basically focusing on the preventive step to control, is mentioned in the act, but why they are on the grassroot level and are not been functioning. When something is challenged in the court, the decision, or a legislation is made, this is the true fact, no one stood for this fact until and unless these activities knocks their house.

Benefit for one and disturbance of others is always seen an impact of corrupted declination of faith towards humanity and it is not the government part, it is from the part of country's people. Many times someone lies on a road, due to an accident, no one try to touch in first instant, because of the scene of involvement on the crime scene, not wanting to go to courts to testify, who have done wrong.

The justification of this fact, sometimes given by the some people who are not educated, because they thinks of humanity first, may be later about what will happen and this a core concept that education also tells that we should not remove the hand of humanity on the other's back.

The suspicion nature of individual always causes dilemma of objectiveness and unclassified justification on the part of suspicion.

Bringing humanity is the channelized dilemma of any research, because there is hope, and hope is the best think to consider blindly.

Blindly making others responsible sometimes saves the dignity of a community.

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<sup>2</sup> [Human Trafficking \(mea.gov.in\)](https://mea.gov.in) (LAST MODIFIED ON 21-12-2023)

## AFTER INDEPENDENCE

Whatever be the cause, whatever be the welfare, the independence of India have caused a tremendous change, in the whole established procedures of britishers.

Some will inspire, some will aspire, some are negligent and some are the torch bearers.

Nobody questions why India being a huge populated country, can't stand in comparison with Japan, united states of America and China, in the medal tally of Olympics games. May be some are not understanding this, may be some don't want to understand this, but the best part is no one catch the fire of thoughts that where are we wrong.

We also have resources, but than also we lack discipline of highest approach, and a discipline of the arrangements of distributing powers in the concept to, get a high standard theme in any disciple. We are doing best but we lacks discipline, we see corruption, we see people loosing big things by fighting on small things which sometimes not even exist.

So same applies here, the corruption is in every field, that's why there are so much regulations for controlling this, but every of any time, some flew away from the procedure.

The earn money is the cause for freedom in minds in giving expressions also.

The truth about the trafficking lies in these types of patterns only. Human can do donation for the protection of a child, but can't step forward to find strategies against these types of heinous crime.

On the calculated dilemma, there is also a major shift, when any child get lost, his parents try their best until they find the child, even the state help them, but when they are not able to find out the child, they undergo a deep sad feeling which is unbearable to a young boy or to also a old man who have lived his life peacefully.

Many times, or we can say every time when the offence is done, the offenders are caught, and they after police remand, tells everything, and what is everything, that is for some money a child is going to be used for the purpose of trafficking or any other issue that means for humans, some

humans are so much involved in the greed of money that they don't understand that what will be the consequence if seen through a humanity filled eyes.

Trafficking of humans have caused a disturbance in the eyes of humanity also in the all aspects of crime, if we say that a baby is born after being nurtured in her mother's womb, and after delivery, someone takes her away, who can imagine, what loss has been felt by that women.

This is the harsh truth that trafficking girls by kidnapping and sending them to foreign countries that is shown on movies may be a false scene but the question arises, why does the need arised to show this in movies, it is there, and as it is wrong, morally, legally, and in any terms it is wrong. The beauty lies in the eyes of the looking person, that means even an acid attack victim's lover if truly loves her, he would take care afterwards also.

There are many approaches to classify the necessary dilemmas of stopping trafficking but the best is harsh major act and harsh major punishment that enables the wrongdoer to think, to not commit the crime.

Section 370<sup>3</sup> of Indian penal code is the major act that governs the trafficking principle in India, the punishment, the definitions all are mentioned under this and it is the helpful hand for the victims.

Any form of slavery is the first principle underlying in trafficking, and it is the way of slavery in inhuman nature that glorifies it in negative sense.

The basis of all this things implies one common philosophy that there are laws and there are the law breakers, we have to come forward to stop this, and how this can be done is the matter of research. Whatever is mentioned here is for the balance in society and for the welfare.

We, now in the artificial intelligence, with the help of this, we can do many activities at a particular time, but the thing is, we also have power, natural or under state obligation, under those conditions also, we can motivate the persons, or the vulnerable area people to how to be cautious at the time of terror. This is the first phase, if roots are strong, then anything can be achieved,

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<sup>3</sup> [IPC Section 370: Trafficking Of Person \(theindianconstitution.com\)](https://www.theindianconstitution.com/section-370-ipc/) (LAST MODIFIED ON 21-12-2023)

and the best part of this is that it is known to the generations to go and may be to the generations to come and the present generations for sure. But no one want to get their hand dirty. Everybody is following the philosophy that wrong is done to wrong people or wrong done to right people is not going to make their life unpleasant, and this is the beauty of selfish love.

Most of the person, belonging to various community, knows freedom fighters, their struggles, their death for nation but no one wants that their son or daughter became a revolutionary, because they fear and the fear of love makes them to illustrate an image of selfishness in these terms.

The principles of letting go of the things, will one day make the things go away from close to infinite.

Aim and ambition is planned for lives, as usual as finite, someone wants to be become doctor, someone wants to be a philosopher, but there are conditions for the said align, that's why the channelization of the human consciousness is so much balanced and channelized with this frame. Another source for the controversy is that we all know what prostitution is, we know how they get treated, we know in which areas they do their work. But only few have guts to tell them to be sanitized, to take proper measures, because as taken as an old tradition, it is not completely banned in India, and trafficking is a major relative to prostitute.

Another significant attention towards the basic force of nature towards the defined topic is that, this is an old culture theme also, and it is in force in current generation also, no one has channelized that in how much time it will be diminished. There are various activities that are done, for their welfare, but the thing is that they are not implemented forcefully.

Many human rights came and gone and made significant changes but are unable to end this because this is very bigger issue than the thinking used by the humans normally.

It requires a development of philosophy to push out the roots of this tree.

And may be a day will come when all will feel independent in every aspect of proper prescribed disciplinary manner.

International framers have also impacted this, The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children<sup>4</sup> (also referred to as the Trafficking Protocol or UN TIP Protocol) is a protocol to the United Nations Convention Against Transnational Organized Crime. This is an international resource that guides that how much it is in the course of significant legislature, more implementation is needed. The focus that is grasping for the toleration of the theme of the organized crimes has been impliedly mentioned in this.

The Indian situation is a major attaining country to the very fact that how we can learn from other countries and can take advantage to remove this problem by using international framed strategies. This is the true dignified purpose for a research to be concluded.

Other scenario for Indian strategy is the step taken by government by signing memorandum of understanding with many countries like UAE, Bangladesh, and Cambodia to prevent this heinous human trafficking. This is a greater blessed philosophy that we are making situation above the ground level to the upper level and the day will come, limit will be the sky.

On the other hand, the ministry of women and child development have channelized the bill for human trafficking control, for strict measures, and it is saluting in nature.

The national crime records bureau<sup>5</sup> have shown that there is a decline in 3 years for human trafficking in 2018,2019,2020. If it is seen through a data based approach, it is good for the upcoming years, but the need is that it remains always in a high tide work philosophy.

In the years to come, many things are going to change, especially the visible nature towards a particular thing, people have started assuming things from others point of view also. This is the regard and this is the path to be followed, and in the interesting channels of history patterns followed, a day will come when the issue of human trafficking will be solved.

In future what is written, and in present, what we are forgetting, and in the past, what is left is a situation of channelizing faith and a possible emerging truth for the respective theme of the

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<sup>4</sup> [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime | UNHCR](#) (LAST MODIFIED ON 21-12-2023 )

<sup>5</sup> [pib.gov.in/PressReleaseIframePage.aspx?PRID=1779262](http://pib.gov.in/PressReleaseIframePage.aspx?PRID=1779262) (LAST MODIFIED ON 21-12-2023)

information communicated.

Being conclusive to this factor research should have a thoughtful impact.

## CONCLUSIVENESS

Being able to make others think that there is a hardship for the writer to establish the impact that human trafficking causes.

So the major route to success about this is being cautious which is the ultimate solution and who are cautious always get their work secure.

In the passage of time, whatever that is learned from social media, television, books, listening about others view the basic principle is that this type of work require steady and pleasing time. And this is a failure in history that this has been passed to future generation. and what will be in the present time, will be the outcome for future, resembling through the framed objectives and through the research goal is the sole dignified work for this topic.

In the essence of understanding the British faith for their soldiers, and the principles of building a law for stoppage of this crime is the true nature, and if there is a decline is shown then it is a food for thought. High intelligency is required in this field for a described platform of imaginations to fill the gap, because of which the todays generation still faces this type of failure. And under the conclusive dimension, what has been treated, what has been judged, what has been tolerated, what has been in corrupt nature, what has been a flow of thoughts, all requires hard work.

In the domain of disturbance due to trafficking, many lives are lost, many relations have been broken, many thoughts are crushed, many times were perished, most of the intelligency was unvalued, many criticism was justified, many irregular acts keep on regulating and the best part, the relation such as between mother and son also got broken.

We living in this generation know what to tolerate and what to not, so think about those who does not have that type of choice available, and are daily living in an unhygienic condition.

That is also a psychological analysis as well as an analysis of corruptive truth. We all know what is good and what is bad , and even then the bad many times possess the majority .These are the words to be understood from the point of social- research analogy that what is to be ignited and what is to be crushed. Living life, does not include that we live in the framework of a happy living, this includes the framing of welfare of others also. To dream this portfolio is the conclusive factor in the terminology many have channelized themselves, and many are trying, but the need of the hour is a disciplinary framework which is always missed by some criteria, or procedures.

And to the effect of a research, to be understood by a citizen, and to give him an impact, or motivate him to find the gaps is always the required obligation.

The things that changes with time, sometimes changes the time, and the things that does not change with time, many times loses their significance.

In the gratitude for all regarded phases, discussed in this platform, heartiest admiration always goes to the makers or providers of the platform to justify the statement by a researcher.

