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Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

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Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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HUMAN TRAFFICKING: AN ANALYSIS ON HOW HUMAN TRAFFICKING LEADS TO FORCED PROSTITUTION.

AUTHORED BY: CHIPPY.P

ABSTRACT

Every human being has the right to live their life as they wish. It is a right ensured under Article 21 of the Constitution of India.¹ Even being that our moral duty to live and let live others with dignity, people tend to break the morality for sexual pleasure and forced sex culture that victimises people both mentally and physically. The worst our world has seen and is facing is the trade of humans. This trade is termed as 'HUMAN TRAFFICKING'.

Human trafficking is the trade of humans for money. They are trafficked for various illegal purposes like forced sex slavery, pornography, forced labour work, extraction of organs, domestic service and much more without considering their gender or age.

This paper will be mainly focusing on forced sexual slavery and how it is globally termed as prostitution. This paper will also look into how the trafficking can be brought out to the world and how measures can be drawn to eradicate this despicable issue.

INTRODUCTION

Human trafficking, which is also named as Modern Slavery² is the greatest violations of human rights the world is facing. This trade is deep rooted to the mankind where humans are traded over the borders and states. The number of cases of human trafficking in the country is increasing and the main existent affray of human trafficking is prostitution.³

The barbaric traffickers mainly target helpless individuals who are ill-fated, unusual and immature at many at many levels. These traffickers use the victim's vulnerability and influence them to

¹ Constitution of India: It is the supreme law of India.

² Modern Slavery: severe exploitation of others for commercial purposes.

³ Prostitution: the practice or occupation of engaging in sexual activity with someone for payment

surrender under their words. The victim somehow wants to come out of their miserable lives, oblige to the words of the traffickers who give false promises of better life.

To be more precise, human trafficking is the buying and selling of humans for monetary gain.

There are 3 elements of trafficking:

- I. THE ACT: What is done? {Recruitment, transformation, transfer, harbouring.}
- II. THE MEANS: How it's done? {Threat, force, coercion, abduction, fraud, deception, abuse of power, giving payments.}
- III. THE PURPOSE: Why it's done? {Sexual exploitation, forced labour, slavery, organ trade}⁴

No woman, child or adult is safe in a country like India, with a wide range and rapid growth of trafficking rates. Even though India has developed and flourished from the olden decades, still the concern of poverty remains the same. People on the very verge of poverty line and below the poverty line are increasing in number and this leads to large scale of illiteracy rate.

These points out that, people have to work hard to meet their needs which is usually labour works. As per their knowledge the only job they will ever find will be of work which offers them less wages for their hard work. The world is growing expensive and these people find it hard to live with the money they earn. Human existence is getting agitated. Due to this situation, the victims fall into the trap of traffickers who tries to take benefit out of their weakness by assuring them with false hopes and works.

Predominantly, these people are trafficked and are sold to people across borders or interstates. Mostly in India, only 10% of the people are trafficked across the border. The rest of the 90% are trafficked within the country. That is, the people are trafficked inter-state. No information about the victims is then found after being trafficked. Nobody knows what happened to them or where they went. The victims' family thereafter live their rest of the life longing for the comeback of them which sadly never happens.

So, from this it's clear that it is this particular section of the society which is worst pretentious by trafficking. This does not imply that the trafficking only focuses on doing such inhumane acts on

⁴ www.unodc.org, The United Nations Trafficking Protocol's definition

poor people only. They dwell their way and come for people belonging to middle class people who are economically stable.

Within the economical society, the most affected by the trafficking is the modelling and acting industry. It is sell known that trafficking happens in these place which draw bad images onto them. Majority of the industries have linked their hands in human trafficking where they get into contract with innocent women and without their knowledge they will be sold to bidders across the state or the country.

According to the 2023 statistical report, the number of human trafficking cases in India from 2015-2021 has increased 1.6% cases per million population. Comparing to the values recorded a year before it is reported as an increase.⁵

Human trafficking focuses on illegal purposes and trading like exploitation, forced labour, organ trade and much more. But mainly it aims on women, children and adults to be trafficked in to the most heinous and dangerous part, i.e. forced sex slavery or forced prostitution.⁶ It is a spiteful scenario if looked deeper and the information gathered is shocking. It is unbelievable to know that across the other side there are actually humans who are willing to pay and bid money on humans to be tamed as their slaves. Mostly women and children are bided to become bidder's slaves. Men are also sold to the buyers but mostly for labour than sexual exploitation. Their main targets are younger women and children who have not attained puberty.

As per reports of The National Crimes Report Bureau⁷ a total of 4172 people were trafficked in 2020 from India, which includes 1952 women, 2222 children and other individuals.

HISTORICAL BACKGROUND OF TRAFFICKERS AND TRAFFICKING

The human traffickers or the exploiters are from the wide range of criminals or criminal enterprises, that arrange, implement, and gain profit from trafficking human beings. They mostly

⁵ www.statista.com

⁶ The Immoral Trafficking Prevention Act, 1956

⁷ NCRB was set up in 1986 to function as repository of information in crime and criminals. It is entrusted to maintain national database of sexual offenders.

rely on enablers who provide them with goods and services to conduct their business –both legal and illegal- which makes human trafficking possible and profitable.

ENABLERS: Enablers are those individuals or entities that provide the traffickers with goods and service either knowingly or unknowingly for the trafficking to happen. This usually happens through criminal activities. Human trafficking can happen legally or illegally. Perpetrators bribe officials, actors in transportation, and advertising and finance groups for their services. Some businesses knowing that their services are used keep quiet and play along. And some unknowingly get exploited. Mostly it's the legal businesses that get exploited by traffickers and are forced to provide good position and aids in its services. Even consumers are unknowingly enablers by purchasing goods and services from supply chains that induce the hard work and labour of victims of human trafficking⁸.

There are 2 types of traffickers: PRIMARY TRAFFICKERS and SECONDARY TRAFFICKERS.

PRIMARY TRAFFICKERS: Brothel owners, trafficking gangs and organizations, crime syndicates and travellers.

SECONDARY TRAFFICKERS: Parents, relatives, friends, leader's abusive spouse.

To know about the background of trafficking is very much important to know the current stage of the same. As from the history of trafficking of humans it is clear that this is a never ending circle of trade of humans. From centuries the trade of humans are happening. It is also evident that many measures were taken to reduce the human trade but at last it all failed miserably. Prostitution was prevalent in the society from 2000 years ago. This shows how normal the said service is in our life.

But later it was found that the women working as prostitutes are not willingly doing their service but they were forced, threatened and brought by fraudulent manners into it⁹. It was also found that most of the women were not from the same country and was trafficked and brought from across the borders. After rigorous legislations only the depth of human trade was brought out to light. It was in 1904, when the word trafficking was ever used as part of the white slave trade.

⁸ The Protection of Human Rights Act, 1993 prevents the exploitation against humans and provides aids and punishments against the offenders.

⁹ The Abolitionist Movement,[1783-1888]

PROSTITUTION AND HUMAN TRAFFICKING

From the above information gathered we know what human trafficking is. But what is Prostitution? Is it same as forced sex slavery? Why is that both prostitution and sex slavery termed the same globally? These are some questions that lure behind our mind and head when we read or see news, articles and reports on this topics. Firstly sex slavery and prostitution are different from each other. They apparently hang on the same thread but there is a thin grey line between them.

Prostitution¹⁰ is the service women do voluntarily for their daily living. A proper definition of prostitution is provided in the Prevention of Immoral Trafficking, 1956. Currently, the definition says exploitation or sexual abuse of persons for commercial purposes.

Prostitution was already present this society from the beginning. One cannot remember when it started or how. In India, some women took that as an occupation for their livelihoods. The most affected part of India is the north eastern parts of India. The human trafficking is at its high risk because of the prostitution. Where women willingly sell themselves for money, traffickers take that opportunity and throw innocent women and girls into it. Every year 1000s of women and girls are thrown into the racket of sex slavery that are trafficked from many countries and brought to unfamiliar places for them. It's heart wrenching to know that those victims neither know where they are, why they are brought there or the language to communicate.

Many women who are uneducated or are from impoverished areas tend to fall into this work to run their family. Married woman, widows voluntarily start to do sex work because of their livelihood. They commit to do this to because of empty stomach or to provide for their children. They do this because either they have an abusive partner or they can't provide for their family from their current work. From this work she can make money faster. She may be under the pressure of her family to make more money and prostitution tends to allow her to make the money she wants. Maybe that's her only option in sight seemingly.

Studies have showed that majority of the prostituted women have to go through sexual assaults and violence. Many were raped and they all said that they want to escape this urgently.¹¹

¹⁰ Prostitution is defined in Prevention of Immoral Trafficking,1956

¹¹ Times Of India

Prostitution and the women doing it are termed dirty and derogatory by the same men in the society who go to the brothels and satisfy their lust. This shows the double standards of our society. The shaming these women have to endure is out of contrary and they are never seen with the eyes of humanity or helplessness of their situation. The root of prostitution is so old that it is included in the Hindu mythology¹² too.

THE GREY LINE BETWEEN PROSTITUTION AND HUMAN TRAFFICKING

The narration is not between former and the latter, it's about the non-ending sexual exploitation in the country. There are individuals who choose to work as prostitutes willingly but they are also controlled and threatened by the pimps. It's not just elderly women who are engaged in this institution but children also willingly work to earn money. But they are also considered as human trafficking victims as they are under age. And there are other women and children who seem to be willingly working but in reality they are trafficked from their country or state and are brought here and sold to brothels. They agree to do it because of their outstanding debts to be paid and some understand the situation that there is no escape out of it.

Many people in our country are still not aware of trafficking and its cons. They hear news that people are being kidnapped and there are no trails behind them to find them out. They talk about it for few days and forget it. But the people who have been taken away against their will suffer for their entire life. Their families who were tricked to believe that their loved ones were going to find better job for their better life live with the hope that they will return. Mostly women are targeted and lured into the lies and taken away with the promise of better work. But only after reaching the destination they will understand the conspiracy behind it. They cannot reach out to their near ones as all their identities will be confiscated before they reach. And at last they are thrown into brothels and are sold as sex slaves against their will. They will be kept behind closed doors without food or light until they agree to it. And at the end, the trafficked women and the women willingly coming into this service are globally termed as prostitutes.

¹² Devadasi: The Sacred Prostitute of India

PROSTITUTION AND INDIA

Prostitution is an old profession practised from ages in our country India. It's said that prostitution is illegal in India but that's not correct. On May 27, 2022 the Supreme Court of India issued a verdict that Prostitution is like any other profession in the country. Sex workers are to be treated equally as any other person with equal status and protection under the law of the country. A three-judge bench was headed by Justice L Nageswara Rao. The bench said "Sex workers are also entitled to equal protection and dignity in the eyes of the law. A sex worker is an adult and is doing so subject to consent. In this case, the police will not be able to intervene unnecessarily. Article 21 of the Constitution gives every citizen of the country the right to live a dignified life."¹³

So from this it's clear that Prostitution is legal in India but some activities relating to it is illegal like pimping, owning and managing brothels, living with the money earned by the prostitutes, kidnapping or inducing girls for prostitution, detaining girls in brothels, seducing a person under custody for prostitution and carrying out prostitution within 200 meters of any public place like schools, colleges, temples, hospitals, etc.¹⁴

There are laws to prevent forced prostitution in our country like Indian Penal Code, 1980¹⁵ which penalizes child prostitution namely selling and buying of minors for prostitution. Section 372 of IPC issues punishment up to 10years for selling minors into prostitution. And Section 373 of IPC issues punishment up to 10 years for buying minors for prostitution.

FORCED PROSTITUTION AND CHILD ABUSE A MAJOR FACTOR OF HUMAN TRAFFICKING

Child prostitution is the worst form of child abuse. To know child prostitution it is must to know what prostitution is and who comes under the term child.

What is prostitution was clearly mentioned above. Now who is a child? This is explained in the Prevention of Immoral Trafficking Act, 1956. According to the definition in Prevention of Immoral Trafficking Act, 1956 Section 2{aa} defines child as 'a person who has not completed 16 years of age. A minor under this Act means a person whose age lies between 16 and 18 years.' Child prostitution happens when someone earns benefits from some commercial purposes for

¹³News report from zeenews.india.com

¹⁴ Prevention of Immoral Trafficking Act, 1956

¹⁵ Indian Penal Code, 1980 defines and provides crimes and punishments for the wrong actions done.

which the child is sexually exploited. Exploiters or intermediary people control the children and manages the transactions and negotiate directly with the children. Children get involved in prostitution when they get sexually engaged for their basic needs. At times the child prostitution is not just an organised activity but small scale acts when handled by pimps and large scale when handled by any criminal networks.

In the present era, men are indulging themselves into sex and for their mere pleasure they are breaking all norms and morality by exploiting the children sexually. Just for their sexual pleasure and to release their lust they are becoming blind to see the difference a grown adult and children. Child prostitution and sex trafficking are the menace of our country which is increasing a rapid pace and the aftereffects are heart breaking. The people who get affected by these horrendous acts are the victim and their families. The most heart wrenching part of this scenario is that the traffickers are left to live freely¹⁶¹⁷. Child prostitution is used to confine them by threatening and forcing them to do child labour as the traffickers know they cannot do anything to release themselves. It is a commercial exploitation of children and minors who are sexually abused for money. They kidnap these children and abuse them mentally and physically to do pornography, prostitution and other illegal purposes. They are thrown into forced labour, slavery and other unlawful activities for the gain of the traffickers. The kids are treated as slaves and abused in all kinds. They are kept as captives and for their rest of their lives they have to live a submissive life without proper food and safety. Many of the children are malnourished and get caught of diseases. Deceased former Supreme Court Chief Justice J.S. Verma, released an investigation report in response to the outcry to end violence against women and children in India on January 2013. The report showed that millions of girls around the age of 11 years are made to do prostitution in which majority of them were trafficked¹⁸.

CONCLUSION

This paper mainly tries to bring out the current situation of our country to the daylight. Human trafficking is not a small problem but a massive syndicate which is trying to ruin our society. From various news reports, statistic reports, and investigations it is clear that not human trafficking is

¹⁶ Vishal Jeet vs. Union of India and Ors (1990 AIR 1412)

¹⁷ Again in the Bachpan Bachao Andolan vs. Union of India (2011) 5 SCC

¹⁸ www.equality.org.

mainly focusing on prostitution. women, children, and adults are being subjected to the darkness of sex slavery.

Together we can join hands and take initiatives to bring our country back to light and can save our future nation from darkness. The only way is to eradicate poverty from our country and to help built better lives for the needed ones.

