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IN THE SHADOWS OF EXPLOITATION: HUMAN TRAFFICKING'S GRIP ON INDIA

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Abstract

In the Article entitled 'IN THE SHADOWS OF EXPLOITATION: HUMAN TRAFFICKING'S GRIP ON INDIA,' the author will critically analyze the unruly Human Trafficking in India. The author in this article throws light on the causes of this heinous crime and how our culture is paving the way for this crime. The author also mentions why it is important to curb this problem and how it is difficult to do so. The central idea of this article is to create awareness amongst the people to not practice Human Trafficking in the shadow of culture as this crime is against one's dignity and freedom of life.

KEYWORDS – HUMAN TRAFFICKING, CULTURE, CAUSES, FREEDOM, HUMAN DIGNITY, PROSTITUTION, FORCED LABOUR.

Introduction

The issue of Human Trafficking has been in society for a very extended period of time. It is a national plague that weakens people's mental and physical well-being while causing unending suffering. In the contemporary world, it is an important issue for human rights and social fairness. There are currently several laws and government programs aimed at bettering these people's lives, but there are also many obstacles. Many different reasons, such as Forced work, forced prostitution, forced sexual exploitation, and sexual slavery, etc., lead to human trafficking. It can also apply to any man or woman who is married against their will. It is a major human rights violation and an offense against people's fundamental or most basic rights.

In India, human trafficking is considered to be a severe issue. Despite the country's numerous anti-human trafficking legislation, the problem persists. Little girls are typically trafficked into prostitution by women who have previously been victims of human trafficking. With the help of their adult contacts and local networks, they may enlist the extra females.

India is very concerned about human trafficking, especially concerning women and children. It is a heinous act that seriously infringes upon human rights and has an impact on society all around the world. Millions of people, especially the most vulnerable members of migrant communities, asylum seekers, refugees, and stateless people, are victimized by it. For every victim of human trafficking, the cruelty and injustice are unnerving. Almost all states are now touched by this social and criminal threat due to how far crime has spread.

Between 70,000 and 4 million individuals are reportedly trafficked every year for employment and sexual exploitation worldwide.¹ The Indian Penal Code, 1860², was used to record 8,132 cases of human trafficking in India in 2016, according to the National Crime Records Bureau. There has been a 15% increase as compared to the cases that were reported the previous year. In the same year (2016), 23,117 victims of human trafficking were freed. The largest percentage of them were trafficked due to forced work (45.5%), followed by prostitution (21.5%)³.

Human Trafficking Definitions:

UN Convention on Transnational Organized Crime and the Protocol

According to Article 3⁴ of the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress, and Punish Person Trafficking in Persons, Especially

¹ Ibu Sanjeeb Garg, Human Trafficking in India, THE SHILLONG TIMES (12th July 2017) <http://www.theshillongtimes.com/2017/07/12/human-trafficking-in-india>

² THE INDIAN PENAL CODE, 1860 ACT NO. 45 OF 1860

³ 8132 cases of human trafficking reported in 2016, average of 63 victims rescued a day, Hindustan Times, Dec 03, 2017, <https://www.hindustantimes.com/india-news/8132-cases-of-human-trafficking-reported-in-2016-average-63-victims-rescued-a-day/story-OguqzIq50jiFZrv51hrmL.html#:~:text=More%20than%20%2C000%20cases%20of,National%20Crime%20Records%20Bureau%20data.&text=Last%20year%2C%20a%20total%20of,the%206%2C877%20cases%20in%202015.> (last visited 19th November 2023, 6:26 PM).

⁴ Office of the High Commissioner for Human Rights, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, [https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons#:~:text=\(a\)%2022Trafficking%20in%20persons,giving%20or%20receiving%20of%20payments,](https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons#:~:text=(a)%2022Trafficking%20in%20persons,giving%20or%20receiving%20of%20payments,) (Last Visited - 14th October 2023, 1:14 PM)

Women, and Children, there is no such thing as human trafficking if someone is recruited, transported, or transferred, harbored, or received using any of the following methods: abduction, fraud or other deception, abuse of authority or a position of vulnerability, or payment or benefit-giving to obtain consent from someone in a position of control over another individual for exploitation. Using someone else for forced labor or services, prostitution, or other forms of sexual exploitation, slavery or activities closely associated with slavery.

Domestic Law of India:

At the Central level, India's domestic legislation lacks a thorough definition of trafficking. The Immoral Traffic (Prevention) Act or ITPA, 1956 does not define trafficking, but it defines "prostitution" as sexually abusing or exploiting people for financial gain⁵, which includes components of trafficking. Numerous clauses in it penalize various sorts of trafficking without designating it as such. The Act is currently being changed, and as part of those modifications, a proposed definition of trafficking is included. Anyone who solicits, transports, transfers, harbors, or receives a person for prostitution via the use of coercion, threats, or actual use of force; kidnapping; fraud; or deceit; or abuse of authority or vulnerability.

The Indian Constitution, which is the supreme law of the nation and the source of all other laws, forbids the trafficking of human beings and upholds equality as a basic right. Article 23(1)⁶ explicitly forbids the trafficking of individuals, including beggars and instances of coerced labor. It is important to note that the prohibition outlined in this article does not specifically target prostitution; rather, it focuses on the trafficking of individuals.

The Indian Penal Code of 1860 identifies the trafficking of persons as a major offense. It encompasses actions such as (i) recruiting, (ii) transporting, (iii) harboring, (iv) transferring, or (v) accepting an individual for exploitation through the use of specific coercive methods.⁷ Other rules govern trafficking for particular reasons. The Immoral Traffic (Prevention) Act, passed in 1956, addresses trafficking for sexual exploitation⁸. The Child Workers Regulation Act of 1948 and the Bonded Labour Regulation Act of 1947 both focus on addressing the mistreatment and

⁵ The Immoral Traffic (Prevention) Act, §2(f), No. 104, Acts of Parliament, 1956 (India)

⁶ INDIA CONST. art. 23, cl. 1.

⁷ The Indian Penal Code, §370, No. 45, Acts of Parliament, 1860 (India)

⁸ Supra note 2

exploitation of bonded workers⁹. Each of these legislations operates autonomously, establishing its enforcement mechanisms and prescribing penalties for offenses related to trafficking.

As reported by the Global Slavery Index 2014 from the Walk Free Foundation, India harbors around 14 million individuals who are subjected to human trafficking. This encompasses victims of sex trafficking, bonded labor, child labor, domestic servitude, and forced marriages.¹⁰ This statistic serves as evidence that human trafficking is still an issue around the world. The magnitude of the problem is substantial, as highlighted in India's 2008 Integrated Plan of Action to Prevent and Combat Human Trafficking, citing the significant count of trafficked individuals and the rising number of affected locations.¹¹ It is because of ineffective law enforcement and limited prosecution, that human traffickers are motivated by significant gains and minimal risks. To address human trafficking, it is essential to pursue legal measures aimed at seizing the assets and income of traffickers, as well as prosecuting and imposing penalties on those responsible.

Modern-day slavery takes the form of human trafficking. It comprises the most inhumane behaviors, which go against the fundamental principles of a free man's existence and dignity. Additionally, it is considered a danger to a nation's security and integrity. Therefore, future administrations must take all necessary steps in the direction of a multi-sectoral strategy to eradicate this threat from the face of the Earth.

Causes of Human Trafficking

Rather than being perceived as an isolated incident, the trafficking of humans should be regarded as a systematic process. It starts with the kidnapping or recruitment of a person and goes on to involve the person's transportation to and admittance into another area. The victim is then pushed into sexual or labor slavery or other types of exploitation during the exploitation phase, which follows. There might be another stage that just involves the perpetrator and not the victim. The scale and sophistication of the trafficking enterprise will determine if the criminal (organization) feels the need to launder the profits of crime.

⁹ Supra note 2

¹⁰ Vimal Vidushy, Human Trafficking in India: An Analysis, Volume 2, International Journal of Applied Research, 168, (2016), <https://www.shram.org/uploadFiles/20180319102934.pdf>

¹¹ Ibid

The perpetrators of trafficking typically commit several offenses at once. Trafficking activities and other criminal crimes like the smuggling of narcotics or weapons may be related in some way. Additionally, crimes are committed to support or safeguard the human trafficking enterprise. Preserving the illicit proceeds from trafficking operations is a key focus, but it is also essential to address other criminal activities such as money laundering and tax evasion.

Several reasons contribute to the trade in humans, notably in women and children. The causes of women's and children's trafficking can be categorized into push and pull factors¹². The push factors, that compel individuals into trafficking include the impoverished socioeconomic conditions of numerous families, persistent poverty exacerbated by frequent natural disasters such as annual floods that leave some individuals financially destitute, a shortage of educational, skill, and income prospects for women and their family members in rural areas, unawareness of traffickers' activities, the obligation to accumulate dowries compelling parents to send daughters to distant places for employment, and dysfunctional family dynamics marked by domestic violence against women, the low status of girl children, and similar issues.¹³

Impoverished families in India face a significant challenge due to the limited communication abilities of their members beyond the household. A considerable number of them lack literacy skills, preventing them from reading or writing. Consequently, they depend on others to communicate with their family members through phone calls or written correspondence. Legal authorities often fall short in advocating for the rights of the victims. There is a common assertion that law enforcement officials tend to harass the victims more than the actual criminals.

Factors that attract individuals into trafficking involve alluring employment opportunities in large cities, the prospect of quick and substantial earnings, enticing promises of better wages and an improved lifestyle by trafficking intermediaries and agents, a demand for young girls for marriage in different regions, a need for low-paid and underage labor in sweatshops, an increasing demand for young children for adoption, rising demand for women in the rapidly expanding sex industry, demand for young girls in areas with military concentration such as Kashmir in India in recent

¹² Dkmohanty, Human Trafficking in India, Legal Service India E-Journal, <https://www.legalserviceindia.com/legal/article-10207-human-trafficking-in-india.html#:~:text=poor%20socio%2Deconomic%20conditions%20of,areas%2C%20absence%20of%20awareness%20about> (Last Visited – 14th October 2023, 6:27 PM)

¹³ Ibid

times, the misconception that engaging in intercourse with a virgin can cure HIV/AIDS and impotence, or the misconception that physical contact with young girls reduces men's risk of contracting the disease.

If you think of victims of human trafficking as the supply and abusive employers or sexual predators as the demand, then human trafficking is a worldwide market. Various factors, including poverty, the attraction of improved quality of life in other locations, fragile social and economic frameworks, a scarcity of job prospects, organized crime, violence targeting women and children, gender inequality, government corruption, political instability, armed conflicts, and cultural practices like traditional slavery, collectively contribute to the provision of victims.

On the demand side, the sex industry and the rising need for exploitable labor are two elements that fuel human trafficking. Due in large part to technology like the internet, which greatly broadens the options accessible to customers and allows for quick, practically untraceable transactions, sex tourism, and child pornography have grown into global enterprises¹⁴. The growing gender differences in densely populated India are a fresh source of demand for young women as concubines and brides. Due to the low sex ratio brought on by sex-selected abortions, brides are in great demand in the State of Haryana and neighboring States¹⁵.

The worldwide desire for low-cost, hapless, and illegal labor is another factor driving trafficking. In the Middle East, as well as, to some extent, in Southeast Asia, the United States, Europe, Southern Africa, the Caribbean, and other nations¹⁶, some Indians voluntarily move every year in search of employment as domestic servants and low-skilled laborers find themselves as forced labor. Some of these workers are enticed away from their villages through deceptive recruiting, which places them right into conditions of forced labor, including debt bondage; in other cases, they have accumulated substantial debts from paying recruitment fees, which leaves them exposed to trafficking in persons. Indian border crossings are used to smuggle nationals of Bangladesh and Nepal into the Middle East for forced work and commercial sexual exploitation.

¹⁴ Sankalp Sreenath, Human Trafficking in India, Centre for Security Studies (August 2020), <https://jgu.s3.ap-south-1.amazonaws.com/JSIA/Sankalp+Sreenath++Human+Trafficking+in+India.pdf> (last visited- 14th October 2023, 6:50 PM)

¹⁵ Neeraj Nagar, Human Trafficking, IPEM Blog (31st July 2020), <https://www.blog.ipemgzb.ac.in/tag/human-trafficking-in-india>, (last visited- 14th October 2023, 7:13 PM)

¹⁶ Supra note 11

The biggest human trafficking issue in India is forced work. In debt bondage, which is sometimes passed down from past generations, men, women, and children are compelled to labor in agricultural, rice mills, brick kilns, and needlework factories.

National attempts were hampered by the absence of political will within the government to address bonded labor. Law enforcement documented 592 instances of bonded labor under the Bonded Labour System (Abolition) Act, 1976 in 2021, down from 1,231 instances in 2020¹⁷. Officials used the BLSA to condemn 40 people in 38 cases in 2021, but they also acquitted 64 people in 49 cases or around 62 percent of the time. This was a marginal rise from the 17 people found guilty in 16 instances under the BLSA and the 69 people found not guilty in 40 cases in 2020, representing about 80% acquittal percentage. Despite continued allegations of bonded labor victims, 22 of India's 36 states and union territories did not disclose identifying any bonded labor victims or filing any charges under the BLSA in 2021¹⁸.

Women and children are increasingly subjected to sex trafficking outside of the typical red-light districts, in tiny hotels, cars, huts, and private homes. Traffickers utilize websites and mobile applications more and more.

The majority of India's trafficking issues are internal, and the most susceptible are those from the most disadvantaged socioeconomic strata, including Dalits, tribal people, religious minorities, and women and girls from excluded groups¹⁹.

Another factor contributing to the surge in trafficking in India is corruption on the part of security personnel at international borders. By accepting money from sex trafficking businesses, sexual services from victims, and tipping off sex and labor traffickers to obstruct rescue operations, some corrupt law enforcement officials shield suspected traffickers and brothel owners.

Most occurrences of human trafficking in India involve politicians. The chief of the party's women's wing and a politician by the name of Chowdhury was the brains behind a "baby

¹⁷ 2022 Trafficking in Persons Report: India, U.S. Department of State, <https://www.state.gov/reports/2022-trafficking-in-persons-report/india/>, (last visited- 14th October 2023, 7:36 PM)

¹⁸ Ibid

¹⁹ The Big Picture- War against Human Trafficking, Dristi IAS, <https://www.drishtias.com/loksabha-rajyasabha-discussions/the-big-picture-war-against-human-trafficking>, (last visited- 14th October 2023, 8:03 PM)

trafficking racket" that sold two dozen infants for tens of thousands of dollars²⁰. In this case, the Indian political system's felony laws are on display. On the one hand, politicians assert that they are protecting the public's dignity, but on the other, the perpetrators of these crimes acted solely for financial gain and to establish connections for their political careers which shows the double standards of politicians.

Landmark cases of Human Trafficking in India

*Bachpan Bachao Andolan v. Union of India*²¹

In response to major abuse and abuses of children who are often kept in circuses against their will without contact with their families and in very inhumane conditions, this petition has been filed in the public interest under Article 32²² of the Constitution.

Following a string of encounters with several kids who had been trafficked to perform in circuses, the petitioner decided to file this lawsuit. The children's fundamental rights are violated by the actions that take place in these circuses. The majority of them are trafficked from underdeveloped parts of India as well as from some sections of Nepal. After thorough investigation and analysis, the petitioner discovered that child trafficking for Indian circuses, notably from Nepal, is a widespread organized crime. Most often, these kids are sold to circus owners by agents or their relatives. Occasionally, though, destitute parents are enticed into the system by promises of great pay, a glamorous lifestyle, etc. Children are often sexually, emotionally, and physically abused.

The Supreme Court talked about the subject of trafficking, the causes of trafficking, the laws that are in place, India's commitments under international and regional agreements, national plans and policies to combat human trafficking, and the current child protection systems.

In this landmark case, the Supreme Court recognized human trafficking as an organized crime and characterized it by the United Nations Convention against Transnational Organization Crime

²⁰ Anuradha Nagaraj, Subrata Nagchoudhury, Thomson Reuters Foundation, Ruling party politician charged in Indian 'baby trafficking racket' (1st March 2017), REUTERS, <https://www.reuters.com/article/us-india-trafficking-babies-idUSKBN16852A>, (last visited- 14th October 2023, 8:26 PM)

²¹ Bachpan Bachao Andolan v. Union of India & Others, [2011] 5 SCC 1

²² INDIA CONST. art. 32, amended by The Constitution (Eightieth Amendment) Act, 2000

(UNCTOC) optional protocol²³. The employment of minors in circuses was likewise completely outlawed by the court. Additionally, it was decided that no kid shall be denied a basic right guaranteed by the Indian Constitution, involved in child trafficking, or suffer maltreatment of any kind.

*Vishal jeet v. Union of India*²⁴

This public interest lawsuit was filed as a writ petition under Article 32²⁵ of the Indian Constitution, at the behest of an advocate, asking for the issuance of specific directives to investigate Red Light Districts and Forced Prostitution from a Law Enforcement Perspective; to rescue victims of Commercial Sexual Exploitation and give them proper medical aid, shelter, education, and training in various disciplines of life to enable them to choose a more dignified path in life and to look into issues about dedication of young girls as Devadasi and Jogin²⁶.

The petition highlighted the reality that poor parents were selling their young girls and children in the hopes that they would only be used for manual labor or home chores because of their extreme poverty. However, pimps, brokers, and keepers use dishonest tactics to either buy or abduct them unfairly and violently forcing them into the "flesh trade."

The supreme court issued guidelines for safeguarding and rehabilitating kids who were forced into devadasi pits by their families or for cultural reasons, as well as kids who were sold by pimps and brokers for the flesh trade²⁷. The Honourable Court also ruled that rather than using a strictly legal approach, the cases involving this delicate topic should be handled humanistically. The court ruled that this was a socioeconomic issue in addition to a social one²⁸. Therefore, rather than being punitive, the actions performed should lean more towards preventive. The court further ordered the relevant law enforcement agencies to act promptly and appropriately by the law to end child prostitution.

²³ Supra note 18

²⁴ Vishal Jeet v. Union of India, AIR 1990 SC 1412

²⁵ Supra note 19

²⁶ Supra note 21

²⁷ Ibid

²⁸ Supra note 21

***Bandhua Mukti Morcha v. Union of India & Ors.*²⁹**

This public interest litigation lawsuit (PIL) was submitted to the Supreme Court of India under Article 32³⁰ of the Indian Constitution, asking the court to order the State of Uttar Pradesh (UP) to take action to abolish child labor. After that, a court-appointed commission revealed the extent of child exploitation in the UP carpet business, concluding that many of the victims were physically abused and that many of the stolen children were from Bihar³¹.

After noting grave violations of their basic human rights and fundamental freedoms, the court explained the rehabilitation of bonded labor and ordered the Government of India to grant compensation to those who were freed or saved from bonded labor under the terms of The Bonded Labour System (Abolition) Act, 1976³².

***People's union for Democratic rights v. Union of India*³³**

In this landmark judgment, the court determined that the right to a minimum wage was part of the prohibition against forced work. As it related to the application of Article 23³⁴ of the Indian Constitution, the Hon. Supreme Court defined "forced labor."³⁵ It was said that any circumstance may be regarded as a "force" if it prevents a person from having these options and forces him to choose a specific course of action. Forced labor is used to describe any labor or service that is required as a result of such an event. They would have to accept the offer made to them since they are unable to negotiate with the employer.

Therefore, the term "force" must also refer to pressure brought about by economic hardship, which prevents someone in need from choosing another course of action when the compensation offered to him is significantly less than the minimum wage³⁶.

²⁹ Bandhua Mukti Morcha v. Union of India, 1984 AIR 802

³⁰ Supra note 19

³¹ Supra note 26

³² Bonded Labour System (Abolition) Act, Act No. 19 of 1976.

³³ People's Union for Democratic Rights Vs Union of India AIR 1982 SC 1473

³⁴ INDIA CONST. art. 23, amended by The Constitution (Eightieth Amendment) Act, 2000

³⁵ Supra note 30

³⁶ Ibid

Culture paves the way for Human Trafficking

In India, there is a widespread problem with both prostitution and sex trafficking. Trafficking and prostitution have become frequent due to factors including poverty, gender inequality, and corruption. Approximately 40% of India's 3 million prostitutes are minors, meaning they are under the age of eighteen, according to the Ministry of Women and Child Development (Government of India 2008)³⁷.

Around the world, prostitution and civilizations have always coexisted. The oldest explanations of its origins are found in historical reports of social rituals and religious beliefs that were formerly common in the community. The Ramayana and the Mahabharata, two of the most revered Hindu texts, are replete with references to prostitution.

The dancing females, known as Raja Veshya (Royal Prostitute), belonged to the king's court³⁸. The fact that prostitutes traveled with monarchs and their armies to fight suggests that women might be used for anything the warriors wanted, including exposing themselves to the risks of combat or providing sexual pleasure. However, the nature of prostitution in India has evolved throughout time.

Despite being an anti-social practice, prostitution has a long history dating back to ancient India. Furthermore, because the dirt from brothels is thought to be clean in Hindu society, it is also used to create the idol of Durga during religious celebrations like "Dasera," or the festival of Goddess Durga³⁹. Therefore, prostitution has been accepted as a part of Indian culture and religion, and it is still practiced in many regions of the nation.

Due to the long-standing issue of prostitution and religion, female dancers and singers affiliated with temples are commonly referred to as "Devadasis" throughout most of the nation. The term Devadasi translates to "female slaves of the deity."⁴⁰ Their commitment to attending temple

³⁷ Arun Kumar Acharya, Impact of Cultural and Religious Practices of Prostitution on the Trafficking of Women in India, Redalyc.org, <https://www.redalyc.org/pdf/607/60724509005.pdf>, (last visited 20 November 2023, 2:23 PM)

³⁸ Ibid

³⁹ Supra note 34

⁴⁰ Zoya Hussain, Who Are Devadasis, Their History And Current Status, India Times, <https://www.indiatimes.com/explainers/news/who-are-devadasis-their-history-and-current-status-587888.html>, (last visited 20th November 2023, 5:32 PM)

services is seen as a sign of their marriage to the divine.

The cult of dedicating girls to temples under various names and forms is prevailing all over India. Some examples of these include the names Devadasi in Karnataka, Maharis in Kerala, Natis in Assam, Murlis in Maharashtra, Jogins and Basavis in Andhra Pradesh, Thevardiyar in Tamil Nadu, and Bhavins in Goa⁴¹.

Young girls from lower castes are frequently selected out by wealthy or influential members of the community, or even by their parents, even before they reach puberty. The dedication event is financed with great pomp by the highest bidder. The little girl is designated as Devadasi, Jogin, Bhavin, etc., and the entire community is asked to participate in this rite⁴².

Bhavin's system is practiced in the Goa state of India, where ladies serve the god Ganesh. In this line of labor, a girl's family devoted her to the temple when she was a baby⁴³. The girl works at Bhavin's, where she fills the lamp of the deity with oil⁴⁴. After reaching puberty, the girl was legally married and began working as a prostitute in that area.

The women of the Bedia tribe have been involved in prostitution, dancing, and singing since they were young. After the arrival of British control spread, this tribe, who had previously supported the princely forces of their area, switched to criminal activities. The tribal members began thieving to make ends meet. According to this institution, a girl's mother must decide while her daughter is young, in front of the local deity "Narsima," whether to put her daughter in prostitution or marry her⁴⁵. It is a joyous moment when a daughter gets initiated into prostitution. Every household is required by caste law to set aside at least one daughter for prostitution.

Similar to the Bedia tribe, the Banchara tribe in the state of Madhya Pradesh likewise engages in prostitution within the society and offers worship to the local god⁴⁶. The exorbitant cost of brides makes marriages in this society challenging. Due to a lack of available brides, young females in

⁴¹ Ibid

⁴² Supra note 37

⁴³ Supra note 34

⁴⁴ Ibid

⁴⁵ Rana, U., Sharma, D. & Ghosh, D. Prostitution in northern Central India: an ethnographical study of Bedia community. *Int. j. Anthropol. ethnol.* 4, 2 (2020). <https://doi.org/10.1186/s41257-020-0027-5>

⁴⁶ Ibid

society who are married to gods engage in prostitution.

Indian women have a poor status in society, with men controlling them, according to cultural and religious customs. Thousands of young girls in India give themselves up to God every year to escape the poverty of their own country; these young girls then become prostitutes in their villages and communities. While these practices were in place in rural India, the demand for prostitutes in their community has decreased over time, negatively impacting the family's income. As a result, the parents are selling their daughters to traffickers with the permission of the temple priest to obtain a high income. The women are then brought to large cities and forced to work as prostitutes.

Is it difficult to stop Human Trafficking?

While there has been a global increase in legislation against human trafficking, the prosecution of traffickers has not seen a corresponding rise. Despite the collaborative efforts of governments, international organizations (IOs), non-governmental organizations (NGOs), and businesses to raise awareness about suspicious job offers, identify high-risk groups, and educate individuals on their rights and migration procedures, the security governance approach, which prioritizes prevention in countries of origin, has proven inadequate in addressing the supply side of trafficking. Moreover, the effectiveness of awareness-raising programs in countries of origin designed to educate the public about the nature of trafficking is a matter of debate.

The United Nations ratified a protocol on human trafficking in 2000⁴⁷. The objective of this protocol was to establish worldwide benchmarks for addressing human trafficking, compelling nations that ratified it to enact laws prohibiting human trafficking within their jurisdictions. Currently, 61 nations have enacted legislation against human trafficking, as reported by the United Nations.⁴⁸ The effort to promote the passage of legislation has proven successful in terms of inspiring an increasing number of countries to enact such laws.

⁴⁷ Why is Human Trafficking So Difficult to Stop?, Kinship United, [https://kinshipunited.org/why-is-human-trafficking-so-difficult-to-stop/#:~:text=And%20as%20already%20mentioned%20trafficking,in%20more%20than%20one%20country.\(last visited 21st November 2023, 3:45 PM\)](https://kinshipunited.org/why-is-human-trafficking-so-difficult-to-stop/#:~:text=And%20as%20already%20mentioned%20trafficking,in%20more%20than%20one%20country.(last%20visited%2021%20November%202023,%203%3A45%20PM))

⁴⁸ Ibid

Regretfully, laws are meaningless if they are not upheld. Globally, there are now more laws against human trafficking, but there aren't as many people prosecuting those who engage in this illegal activity. That's extremely low for a crime with as many cases as human trafficking. A low number of convictions implies that these nations aren't doing much to stop human trafficking within their borders, since it is evident that human trafficking still occurs.

Many efforts have been made to try and put an end to this terrible crime, but human trafficking is a complicated issue. However, the solution to putting an end to it is still pending. It appears that the governments of each country must uphold the laws that have been established for anything to change. Furthermore, given the lack of effective legislation against human trafficking, it is evident that non-governmental organizations are essential for the victory in this conflict.

Measures

First of all, prosecuting traffickers is a basic governance strategy that is connected to several actions like passing clear anti-trafficking legislation, apprehending traffickers, seizing their assets, and providing police, legal, and judicial training. Governments are the main actors, but IGOs—like the International Organization for Migration (IOM)—are heavily involved in judicial and law enforcement official training⁴⁹. NGOs that serve as watchdogs and use "naming and shaming" tactics come in second⁵⁰. However, it has been noted that "the identification of a broad range of human trafficking cases is not supported by the culture of police agencies and the perceptions of police officials regarding human trafficking."

To keep potential or confirmed victims harmless, they must first be protected and have their basic needs—such as clothing, food, and shelter—met. They also require legal and psychological support⁵¹. Governments must work in tandem with IGOs like IOM, which are spearheading the effort to repatriate and reintegrate victims of human trafficking, NGOs "on the ground," and the transportation and hospitality industries, which are obliged to tighten control.

⁴⁹ Mariya Grozdanova, Why Is It So Difficult to Fight Human Trafficking? E-International Relations, JUL 31 2016, <https://www.e-ir.info/2016/07/31/why-is-it-so-difficult-to-fight-human-trafficking/>.

⁵⁰ Ibid

⁵¹ Supra note 46

Conclusion

Human trafficking in India is a complex issue with deep-rooted causes, that impact individuals across socioeconomic strata. While legal frameworks and landmark cases signal progress, a sustained effort is needed to address the systemic challenges. Combating human trafficking requires a holistic approach that encompasses legislative measures, cultural transformation, and international collaboration. As India strives for socio-economic development, it is imperative to prioritize the protection of its most vulnerable citizens and ensure a future free from the shackles of exploitation. Only through collective and persistent efforts can the nation hope to eradicate the menace of human trafficking and safeguard the dignity and rights of its people.

Several interconnected factors contribute to the prevalence of human trafficking in India. Poverty, lack of education, unemployment, gender discrimination, and social marginalization create fertile ground for exploitation. The vulnerability of individuals, particularly women and children, is heightened by these systemic issues.

India has witnessed landmark legal battles against human trafficking. Cases such as *Bachpan Bachao Andolan v. Union of India*, *Vishal Jeet v. Union of India*, *Bandhua Mukti Morcha v. Union of India & Ors*, and *People's Union for Democratic Rights v. Union of India* have set important precedents. These cases highlight the significance of judicial intervention and the role of the legal system in combating human trafficking.

The cultural landscape of India plays a crucial role in either perpetuating or combating human trafficking. Deep-seated norms and practices sometimes contribute to the vulnerability of certain groups. However, there is also a growing awareness and activism within communities, challenging these harmful norms and fostering resilience against trafficking.

Addressing human trafficking requires a comprehensive approach. Legislative measures, law enforcement efforts, and international cooperation are crucial components. The Immoral Traffic (Prevention) Act, of 1956, and the Protection of Children from Sexual Offences (POCSO) Act, of 2012, are legislative steps aimed at curbing trafficking. Enhanced law enforcement efforts, victim rehabilitation programs, and public awareness campaigns are equally important.