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FROM BORDERLANDS TO BROTHELS: TRAFFICKING OF WOMEN FROM NORTH-EAST INDIA AND THE FAILURE OF PROTECTION

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Abstract

Human trafficking is one of the most widespread forms of gender-based exploitation in India, and women from North-East India are considered more vulnerable due to their geographical isolation, socio-economic marginalization, ethnic distinctiveness, and continuous exposure to conflict and migration pressures. Notwithstanding constitutional guarantees and statutory provisions, legislation meant to deter trafficking in persons and protect victims, women of this region have remained over-represented within trafficking networks connected to labour urban informal markets and commercial sexual exploitation. The paper discusses structural and institutional vulnerability to trafficking of women from North-East India and critically analyses effectiveness of existing legal and policy mechanisms that address the phenomenon.

The study adopts a socio-legal and doctrinal research methodology, analyzing key legislative instruments such as the Immoral Traffic (Prevention) Act, 1956; relevant provisions of the Indian Penal Code; constitutional safeguards; and India's obligations under international instruments, including the Palermo Protocol and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Additionally, the paper draws upon secondary data, government reports, judicial decisions, and civil society documentation to assess patterns of recruitment, transit, and exploitation affecting women hailing from borderland regions.

The study finds that trafficking from North-East India is facilitated not only by economic deprivation but also by weak enforcement of anti-trafficking laws, jurisdictional challenges in border areas, limited victim-centred rehabilitation, and inadequate coordination between law enforcement agencies across states. It puts forward the view that protection failure lies less in the absence of law but more in systemic gaps in implementation, monitoring, and access to justice for victims. The paper concludes by recommending region-specific, gender-responsive

legal reforms, strengthened inter-state coordination, and community-based preventive strategies to address trafficking and ensure meaningful protection for women from North-East India.

Keywords: (*Human trafficking, North-East Indian women, Gender-based exploitation, Anti-trafficking laws, Implementation failure*)

I. Introduction

Trafficking in women is a grave human rights violation that afflicts many regions of India, with the North-Eastern (NE) states emerging as disproportionately high-risk areas.¹ The eight NE Indian states are: Assam, Arunachal Pradesh, the state of Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and the state of Sikkim,² which are geographically, economically, and socially distinct and relatively isolated, and have a set of unique socio-political and economic conditions, making the region comparatively more vulnerable to trafficking. In recent years, the region has been identified as a “hotspot” concerning human trafficking, particularly as “females from economically disadvantaged and marginalized social segments are lured or compelled into exploitative labour, and sexual exploitation, within or outside the region, particularly within other Indian states, as well as across international borders, to countries such as Myanmar, Bangladesh, and Nepal.”³ In these regards, recent reports have recognized victims as trafficking from Assam, Manipur, Mizoram, and Arunachal Pradesh to industrialized townships such as Rourkela, Bangalore, or Delhi, as well as across International Borders to Myanmar, Bangladesh, Nepal, among others.⁴ Furthermore, the region's geography, characterized by imprecise borders with Bangladesh and Myanmar, as well as recurrent natural disasters such as floods & landslides, has further contributed to displacement & increased vulnerabilities to trafficking. In 2015, Assam alone recorded 22% of all trafficking cases recorded in the Country, a stark reflection of the problem, and a reflection, to a degree, of just how little attention has been drawn to it thus far.⁵

The paper will consider the issue of “Trafficking of Women from North-East India and the Failure of Protection” through the evaluation of the prevailing laws. The aims of the research

¹ Changmai & Boruah, supra note 1.

² Ministry of Home Affairs, Govt. of India, North-East Region Profile.

³ Agenzia Fides, Child Trafficking in Northeast India (2017).

⁴ Karmakar, Trafficking via Trains, Deccan Herald (Nov. 6, 2023).

⁵ National Crime Records Bureau, Crime in India 2015.

include the determination of the vulnerabilities of women from the Northeast, the adequacy of protective laws or the Indian Constitution (Article 23),⁶ as well as the lapses in the implementation of the laws against sexual trafficking.

Research questions include:

- 1) In what way do social, economic, and geopolitical factors in the Northeast contribute uniquely to trafficking in this region?
- 2) How has legislation and international policy responded to the trafficking of women from this region?
- 3) Where are the failures with respect to the application of these safeguard mechanisms?
- 4) What needs to be done to protect and prosecute the victims?

This research focuses specifically upon the trafficking of women and girls out of the North Eastern States of India, particularly for cross border trafficking for commercial sex and forced labour. It specifically excludes trafficking inside the North Eastern States of India, trafficking inside India in general, and focuses upon only those trafficking issues which have relevance to the trafficking of women. It generates its conclusions from secondary sources such as official documents, legislation, judgments, studies, and media.

II. Literature Review

The literature that already exists about human trafficking in India has recognized the complex vulnerability of women and girls, though most of these studies were more concerned with national data than with identifying region-specific issues.⁷ However, recent studies remark that while India as a whole is vulnerable to human trafficking, especially sex trafficking, being “geographically isolated” as well as having “cultural distinctiveness” makes the Northeast region of India even more vulnerable against social menaces like sex trafficking.⁸ Studies such as those published by Changmai & Boruah in 2020 observe that though poverty, unemployment, and ethnic marginalization make the NE a region of potential victims, demand for inexpensive labourers and brides in various Indian states is likewise fuel. In these respects, studies by non-profit organizations such as Caritas India report massive cases of women trafficked from states like Assam, Manipur, and Mizoram, lured by liars who sell these women

⁶ INDIA CONST. art. 23(1)

⁷ Borah, supra note 3

⁸ Changmai & Boruah, supra note 1

into prostitution or marriage.⁹ In fact, these studies further reported that though missing women cases in India reached thousands of reports, over 1,500 cases of human trafficking were recorded, especially within recent years, where 1,494 cases were recorded in Assam alone in 2015.¹⁰

III. Research Methodology

In this study, a socio-legal and doctrinal approach has been used. To start with, the doctrinal analysis of primary legal sources was performed: the Immoral Traffic (Prevention) Act, 1956 (ITPA) and its 1986 Amendments, the applicable sections of the Indian Penal Code (including the previously mentioned Sec.370 in 2013), and the constitutional provisions (particularly, Article 23(1) that prohibits human trafficking). The paper also examines international documents to which India is a signatory (e.g. the UN Trafficking Protocol and CEDAW) and recent legislative changes such as the Bharatiya Nyay Sanhita (2023) criminal code, which identifies trafficking under Sections 143-144. The case law (principally Supreme Court directive on trafficking and child safety) was reviewed in order to know how the courts have interpreted and guided the application of anti-trafficking laws.

Parallel to this an empirical synthesis of secondary data sources was carried out. This will contain official statistics (state-by-state data on trafficking, provided by the National Crime Records Bureau, accessible via parliamentary reports), government press releases and parliamentary question and answer responses. Published research articles, NGO reports, and well-known media investigations were used to retrieve qualitative information (examples of this are newspaper articles on recent trafficking raids). Contextual data on the anti-trafficking activities in India was obtained through international reports (e.g. state department of the U.S. reports on human trafficking and the UN report on the same).

This methodology is also limited in the sense that it uses existing materials. There was no main fieldwork done and there might be under-reporting of the official data. However, the triangulation of various sources (legal, statistical, and narrative) contributes to the creation of a full picture of the issue. The study is more qualitative in nature, and does not involve testing of a statistical hypothesis but rather the nature and effect of the enforcement gap. This method is appropriate in the intention of the study of critically evaluating legal protection measures.

⁹ Caritas India, Trafficking of Women in North-East India (2016)

¹⁰ National Crime Records Bureau, Crime in India 2015.

IV. Analysis and Discussion

The North-East women and girls are trafficked in various circumstances. Inter-state trafficking is the general phenomenon: e.g. unemployed tribal women can be attracted under the pretext (promises of jobs or marriage) and moved to the metropolitan cities or industrial towns.¹¹ It is reported that women in the state of Arunachal Pradesh and Mizoram have been transported to factories and brothels in Odisha, Assam and even Bangalore.¹² There is also cross-border trafficking that is brought about by the international borders of the region. Criminologists are concerned because traffickers use porous borders with Myanmar, Bangladesh and Nepal¹³ to either ship victims to other countries or into India or bring women there. Indicatively, UN as well as NGO reports has recorded North-eastern girls being smuggled through Myanmar into Thailand and further.¹⁴ Seasonal movement and displacement (because of floods or war) can open access to traffickers, who are tempting to get victims with the references to free education or employment.

Data on police and NGOs reflect the human cost. Assam, by example, reported 308 trafficking cases and 201 in 2018 and 2019 respectively with victim numbers of 369 and 248 respectively.¹⁵ Sources related to NCRB testify to the fact that Assam had a particularly large number of victims (e.g. 295 minors were detected in 2018). These numbers are deemed by experts to be the tip of the iceberg of trafficking in the Northeast. The statistics also show some increasing tendency: the Caritas-India report states 1,539 cases in 2015 (1,494 Assam cases)¹⁶ but in 2013, the number is just 186 cases. Such results are consistent with the fact that the U.S. Trafficking Report has found that, some NE states traditionally were police traps because they had registered most people trafficked under missing-children or kidnapping, rather than trafficking.¹⁷

V. Domestic Legal Frameworks

Provisions in the Constitution: The highest level is the Constitution of India which expressly prohibits trafficking. Article 23(1) states that forced labour including traffic in human beings and beggars and other such forms are not allowed. This renders trafficking as a key violation

¹¹ Changmai & Boruah, supra note 1.

¹² Karmakar, supra note 5.

¹³ U.S. Dep't of State, Trafficking in Persons Report.

¹⁴ United Nations Office on Drugs and Crime, Global Report on Trafficking in Persons.

¹⁵ National Crime Records Bureau, Crime in India 2018 & 2019

¹⁶ Caritas India, supra note 4.

¹⁷ U.S. Dep't of State, Trafficking in Persons Report.

of rights and gives a strength to legislation. Other constitutional rights (e.g. right to life provided under Article 21)¹⁸ have also been construed to the right to dignity and security, which also further promotes the anti-trafficking norms. Art.51A is also the basic responsibility by India to promote international human rights treaties. These provisions, however, being a normative standard, do not prescribe enforcement procedures.

Anti-Trafficking Statutes: The major anti-trafficking law is the Immoral Traffic (Prevention) Act 1956 (ITPA) which was initially written to deal with prostitution and other forms of exploitation thereof. The ITPA criminalizes brothels keeping, pimping and using women to engage in commercial sex. Its goals (as tackled by the Ministry of Home Affairs) are to avert prostitution and human trafficking to commercial sexual exploitation. Some of the Indian Penal Code (IPC) also addresses trafficking: the updated version of the document that includes changes in 2013, under the name of the IPC Sections 370-370A,¹⁹ trafficking of persons (including minors) due to any sexual or labor exploitation is defined and penalized. These also encompass more recent crimes such as selling out children to adopt them or forcible removal of organs. Other legislations play a part indirectly: the Protection of Children against Sexual Offences (POCSO) Act, 2012 covers debts of trafficked children to sexual abuse, and the Bonded Labour (Abolition) Act in Assam implies that these general laws do not address the cross-border, or ethnic aspects of trafficking.

VI. International Obligations

India as a signatory to major international instruments is under extra obligations towards the issue of trafficking. The historic United Nations Convention against Transnational Organized Crime (2000)²⁰ and its Protocol to Prevent, Suppress and Punish Trafficking in Persons (the "Palermo Protocol") - obligates state parties to criminalize human trafficking, help victims and cooperate across borders. In May 2011, India signed this and its protocols across Borders, identification of the victims and repatriation services are some of the measures that India has to adhere to.²¹ Nevertheless, experience indicates that there are loopholes in practice: in the Northeast, surveillance at the border is unequal, a fact has been reported where local officials lack extensive use of foreign-government agreements to deport missing women in Bangladesh or Myanmar.

¹⁸ Prescot v. State of Tamil Nadu, (1983) 3 SCC 471

¹⁹ Criminal Law (Amendment) Act, 2013.

²⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Nov. 15, 2000, 2237 U.N.T.S. 319.

²¹ Ministry of External Affairs, Govt. of India, Press Release (May 13, 2011)

Likewise, in 1993 India signed the Convention on the Elimination of All Forms of Discrimination against women (CEDAW). Article 6 of CEDAW²² clearly requires states to extinguish all the types of girl traffic and prostitution exploitation of women. The Convention monitoring body (CEDAW Committee) has been urging India to act more to protect trafficked women and increase in the number of rehabilitation services. Gender dimension in NE India is further complicated by the ethnic minority factor, yet gender-oriented approach suggested by CEDAW gives a valuable framework to the equality-oriented reforms. The inability of India to perfectly apply the CEDAW norms to trafficking like the failure to prosecute those who turned a blind eye to it or stigmatize victims is an example of the implementation gap between international commitments and the reality on the ground.

VII. Implementation Challenges

Poor Enforcement and Low Conviction.

One of the most important issues is that sexual trafficking crimes are hardly successfully prosecuted. The latest statistics indicate that a large number of cases are registered though minimal conviction rates are recorded. In one of the critical reviews, it is noted that even though several anti-trafficking laws have been implemented, the implementation process remains fragmented, low conviction rates, lack of victim support mechanisms, and interagency coordination remains poor.²³ The courts have observed that police and courts tend to consider trafficking as a petty offence instead of an organized crime thus leading to bailable offences or plea-bargaining that easily grant criminals a light sentence.²⁴ This will defeat deterrence; traffickers will be able to conduct business with relative impunity. In the border districts of the Northeast, the police are also understaffed and undertrained, in some cases, they submit to the pressure of the traffickers.

Issues of jurisdiction and Coordination.

One of the complications unique to the Northeast is the many jurisdictions. The trafficking routes can originate in a state (e.g. a village in Nagaland), travel to Assam and end up in another country (e.g. Bangladesh). Anti-Human trafficking Unit (AHTU) of each state might have a restricted scope. No authority is in existence which can coordinate multi-state cases.²⁵ When

²² Convention on the Elimination of All Forms of Discrimination Against Women art. 6 (1979).

²³ ijrl.com

²⁴ Sampurna Behrua v. Union of India, (2011) 9 SCC 801

²⁵ Ministry of Home Affairs, Govt. of India, AHTU Guidelines

the victims cross the boundaries of states or countries, they can slip through the bureaucratic loopholes. An example is when Manipur survivors escape they can be taken to an Assam shelter, after which they must be rejuvenated by working closely with Manipur police. In other cases, bureaucracy or interstate wrangles causes victims to remain in shelters without referring them to their respective states. According to a government report released in 2025, the State subjects are Police and Public Order adding that in such a case, inter-state cooperation is a requirement, in reality though this is not a uniform cooperation.

Identification and Protection of a Victim.

The victimization and treatment of victims is ineffective even in cases where the trafficking is reported. Rescue and rehabilitation is a requirement under the law and with the resources on the ground being limited. Ministry of Home Affairs runs the schemes such as Ujjawal and Swadhar²⁶ on victims, though in many NE districts there are no state shelters; others depend on NGOs. This will discourage reporting since families would fear social stigma and non-trust in the system. Poor legal literacy among the victims (particularly victims in remote localities) also interferes with compensation and support. According to one study, the support systems of victims are so inadequate in India that women tend to get into exploitative conditions to survive.²⁷

Legal and Procedural Gaps

There are instances where the cases of trafficking are misclassified or dropped procedurally. According to the reports by human rights watch and U.S state department, certain police documents have documented trafficking of women as kidnapping or missing persons to evade the more difficult anti-trafficking allegations. Moreover, the investigative agencies might not operate by new guidelines (such as neglecting mandatory FIR registration of missing children). The instructions of the Supreme Court in *Bachpan Bachao Andolan v. UOI*²⁸ call to have compulsory FIRs in cases of trafficking, as well as victim-friendly procedures, but they are not equally enforced. The Northeast has also not been given attention in terms of law enforcement as they have other priorities like counter-insurgency and as a result, the traffickers have not been monitored.

²⁶ Ministry of Women & Child Development, Ujjawala & Swadhar Schemes.

²⁷ IJIRL, supra note 1

²⁸ *Bachpan Bachao Andolan v. Union of India*, (2011) 11 SCC 538.

Social Factors and Demand

Demand-side factors also should be analyzed. Cases of bride trafficking in Assam and West Bengal have been reported in other states with an imbalanced sex ratio such as Haryana and Punjab. Such trends form continual market in the traffickers though this is not the concern here. In the NE, prostitution is normalized in certain urban centers and women have few livelihood alternatives, which drive recruitment. The combination of gender roles and poverty implies that traffickers usually recruit families in need, capitalizing on the need to get married and raise children.

VIII. Findings

The study produces some important conclusions about trafficking of women in Northeast India and the inefficiency of the protection systems:

Inequalities in NE Women: As has been demonstrated by prior research, the data indicates that Northeast states - and Assam in particular - are disproportionately represented in the cases of trafficking.²⁹ Women and girls located at the NE border areas, whose conditions contribute to poverty, social marginalization, and displacement caused by conflicts, and those who are close to international borders make them authentic hubs of trafficking.

Extensive Legal Framework, but poor enforcement: Indian laws (Constitutional provisions, ITPA, IPC and amendments and so on) are, theoretically well-developed and mostly compliant with international standards. The implementation is however poor. The results emphasize that the low conviction rates, the insufficient support of the victims, and the absence of coordination are systematic, i.e., there are rules of law but there is lack of enforcement.

*Inefficiency of Victim Protection and Rehabilitation*³⁰: The report indicates that women rescued usually do not get much help. The number of shelters is insufficient, as well as psychological, legal and economic assistance to provide rehabilitation in real sense. ITPA (Swadhar, Ujjawala) programs are not well-funded. There were cases reported which were not followed up proactively and left the survivors to take care of themselves.

Coordination Failures: The response is divided between agencies and states. The study revealed high numbers of cases of trafficking victims of one state being sold across state

²⁹ National Crime Records Bureau, Crime in India.

³⁰ Ministry of Women & Child Development, Swadhar & Ujjawala Schemes.

governments without any definite responsibility. Such inter-state and state-centre coordination, which is particularly essential in the border areas, hinders rescue and repatriation activities.

IX. Sex Trafficking is a Global Transmitter of HIV/AIDS

Sex trafficking serves as a structural element of the worldwide HIV/AIDS crisis in that it forms the practical, forcible and medically unregulated sexual networks which are vastly accelerant in the spread of the virus. Repeated non-consensual sexual encounters, often unprotected by condom use and in a violent setting with results in genital damage, are consistently inflicted on trafficked women and minors, putting them at high biological risk of HIV infection. The manipulative quality of trafficking does not leave any room to negotiate safe sex acts, and the lack of access to healthcare and testing, and treatment of infection enables undiagnosed and untreated infections to spread freely in trafficking networks. In addition, trafficking networks also tend to be superimposed with the high-mobility labor networks and cross-border migration networks, which also effectively change trafficking networks into transnational HIV transmission networks to connect high-risk populations with the rest of the community. Therefore, sex trafficking should not be viewed as merely a serious breach of human rights but as an epidemic making it the leading cause of HIV/AIDS spread worldwide.

X. Recommendations

As a result of the findings above, practical and policy recommendations could be suggested to enhance the measures of protecting the North-Eastern women against trafficking as follows:

Enforce Law and Prosecute: The Government and police agencies should make trafficking the top priority of the organized crime. The police and the judiciary should be regularly trained (as per the guidelines of Bachpan Bachao) to sensitize them to the problems of trafficking and to require FIR registration in all of them. Each NE state has to be better staffed and coordinated with central agencies (e.g. NIA specialized cells) through Anti-Human Trafficking Units (AHTUs).³¹

Enhance Inter-State and International Cooperation: Due to the fact trafficking networks cross borders and states, India needs to mobilize and scale up the mechanism of cooperation. As an illustration, the state governments in the Northeast ought to institutionalize the ad hoc task forces and common databases of the missing women. On the national level, nominate a central

³¹ onal Investigation Agency, Govt. of India.

anti-trafficking nodal officer of the NE.

Increase Victim Support Services: Rehabilitation and welfare services in the Northeast need to be increased. The government ought to establish additional shelter homes, crisis centers and vocational training centers in NE districts to take in victims of trafficking. NGOs can be financed in the community to offer counselling and legal assistance. The Victim Compensation Scheme that is proposed (based on Sec.396 BNS 2023) needs to be implemented within a short period in all NE states and such that all women who get rescued can get financial compensation. Particular attention is required in order to make tribal and isolated communities aware of the program (e.g. audio-visual materials in the native languages).

Legal Reforms and Policy Reviews: Revise the ITPA and the IPC further in an attempt to seal loopholes. An example of this is to expand the definition of ITPA to cover all types of trafficking (not just prostitution). Some activists suggest that the government should decriminalize consensual sex work to require those who exploit victims to be the ones enforced instead of the victims. Periodically revise legal provisions in collaboration with social workers according to the new trends (e.g. cyber-facilitated luring).

Community Engagement and Awareness: Community awareness is needed at the grassroots. Prevention should involve local civil society, women groups and tribal councils. Family awareness on trafficking strategies should be created through public education campaigns (radio, schools and community meetings). The survivors and victims returning can be assisted to be peer counselors and watchdogs within their communities. The cooperation with local authorities (including traditional village councils) is required to fight some of the detrimental cultural practices such as bride-selling or witch-hunting that overlap with trafficking in the Northeast setting.

Data Collection and Monitoring: Have a solid data system to monitor the NE trafficking cases. NCRB and NHRC ought to publish age and gender disaggregated and state-wise statistics on an annual basis. In addition, research studies are to be financed in order to examine the effects of the rescue and rehabilitation programs.

XI. Conclusion

The North-East Indian women trafficking is an intricate process based on marginalization of the region and enticed economic opportunities in other areas. It has been demonstrated in this paper that, despite India having a well-developed legal framework (the ITPA, the IPC provisions, the constitutional guarantees as well as the international commitments of the Palermo Protocol and the CEDAW), the practical application has failed in the Northeast context. Both statistical and anecdotal data indicate that NE states, in particular Assam, are overrepresented in the Indian statistics of trafficking. However, the structural malfunctions - such as the broken police forces to the lack of victim assistance - add up to the fact that the law cannot be taken seriously by a number of the victims.

To sum up, the long-standing sufferings of the trafficked women of the Northeast point to the inefficiency of the protection systems. The gap between jurisdictions (both geographic and administrative), as well as the necessity to prioritize victims over traffickers, will be the key to closing this gap. The results of this research highlight the fact that although the legislative framework is in place, it is up to Indian society and state to strengthen the institutional framework that will eventually render it functional.

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