

JUDICIAL COLLOQUIUM

ON

HUMAN TRAFFICKING

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(District Judiciary, Jashpur)

District – Jashpur (C.G.)

HUMAN TRAFFICKING

1. INTRODUCTION

"Trafficking is any activity leading to recruitment, transportation, harbouring or receipt of persons, by means of threat or use of force or a position of vulnerability"

What is Human Trafficking?

Human trafficking involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act. Every year, millions of men, women, and children are trafficked worldwide – including right here in the United States. It can happen in any community and victims can be any age, race, gender, or nationality. Traffickers might use the following methods to lure victims into trafficking situations:

- Violence
- Manipulation
- False promises of well-paying jobs
- Romantic relationships

Language barriers, fear of their traffickers, and/or fear of law enforcement frequently keep victims from seeking help, making human trafficking a hidden crime.

Traffickers look for people who are easy targets for a variety of reasons, including:

- Psychological or emotional vulnerability
- Economic hardship
- Lack of a social safety net
- Natural disasters
- Political instability

The trauma caused by the traffickers can be so great that many may not identify themselves as victims or ask for help, even in highly public settings.

Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad.

Almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims.

Human trafficking has been identified as the third largest source of profit for organized crime, following arms and drug trafficking, generating billions of dollars annually at the global level. An estimated 6,00,000 to 8,00,000 women and children are trafficked. This estimate does not include those trafficked within their own countries or missing children.

Women and children are generally trafficked for Begging, Organ Trade and Drug smuggling, Bonded labour, Domestic work, Agricultural labour, Construction work, Carpet Industry, Forced prostitution, Sex Tourism, Pornography and also for entertainment and sports which include Beer Bars, Camel Jockey, Circus Troops.

The 2022 report estimates that 50 million people were victims of modern slavery in any given day in 2021. Out of these, an estimated 27.6 million people were in situations of forced labour and another 22 million people were in a forced marriage.

ELEMENTS OF HUMAN TRAFFICKING

Trafficking in persons has three constituent elements:-

The Act (What is done) – Recruitment, transportation, transfer, harbouring or receipt of persons.

The Means (How it is done) – Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.

The Purpose (Why it is done) – For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

UNDERSTANDING THE DYNAMICS OF HUMAN TRAFFICKING

Human trafficking is a complex and dynamic crime that is difficult to detect. The dynamics of human trafficking are multifaceted and include many causes and push factors that are interconnected and vary by country, community or family. Some of these factors include: History, Culture, Politics, Economics and Society. Human trafficking is a difficult crime to detect and occurs

in a variety of contexts. Some challenges to developing effective counter-trafficking response include: Lack of reliable data on the scale of human trafficking and Lack of reliable data on the scale of victims.

Some other factors that contribute to the vulnerability of trafficking victims include:

- Poverty
- Social exclusion
- Previous experience of violence
- Lack of access to education, employment and housing
- Racial or ethnic discrimination

DYNAMICS OF TRAFFICKING IN INDIA

- The most prevalent sectors employing victims of TIP in India are commercial sex work, bonded labor (i.e. in both the industrial and agricultural sectors), domestic work, Entertainment (circuses, camel jockeying), and begging.⁷⁹ Commercial sex work and labor accounts for a large share of trafficking.
- The main cause of trafficking in India is poverty. Poor individuals that engage in migrant labor are particularly susceptible to the manipulation of traffickers when false jobs are promised, and women are easily allured by the attraction of fake marriage as a way of escaping poverty. Those states with the highest levels of poverty are where the largest numbers of victims of trafficking originate (e.g. Orissa, Bihar, Jharkhand, Chhattisgarh, and West Bengal). Poverty's impact on trafficking is amplified by the impact of globalization on both poor and wealthy areas of the country.
- Social practices and cultural factors. Such as patriarchal bias, low regard for women's rights, Low levels of girls education, marginalization of women, And the dowry practice negatively influence trafficking almost as much as poverty.⁸⁰ Many families and communities perpetuate and institutionalize (e.g. through traditional practices) the act of trafficking. One study indicated that 62% of women in commercial sex work were from scheduled castes and 30% were from scheduled tribes. In addition to being historically disenfranchised, these

groups are known for several cultural practices that are adverse to women.

- Lesser, but still important, root causes for trafficking in India are conflicts /natural disasters and governance. Orissa's cyclones and rebel groups in Jharkhand and Chhattisgarh have all contributed to an increase trafficking. Despite the existence of legislation, poor implementation and information asymmetries ensure that marginalized segments vulnerable to trafficking are not aware of, or able to access, protection through the law. Migration policies that are especially harsh on unskilled workers, forcing them to resort to alternative livelihood options through illegal means.
- On the demand side, globalization and economic booms have increased the demand for sex workers and cheap labor, leading to a resultant increase in the supply of trafficked victims, especially in Delhi and Goa. Both low levels and high levels of economic development can encourage trafficking, implying that states can transition from being sources to destinations as they develop economically. There are very few efforts to address the demand side of trafficking.
- • Trafficking has social, economic and health impacts. Trafficking re-enforces discriminatory behavior and, in terms of the lost potential returns to human capital, economic losses from human trafficking to communities are enormous. Finally, victims, especially those engaged in sex work, are highly vulnerable to HIV/ AIDS, malaria, tuberculosis, and other diseases.

In India, Human Traffickers Target Tribal Women and Girls

According to India's National Crime Records Bureau (NCRB), over 6,500 human trafficking victims were identified in the country during 2022 – 60% of them women and girls. Experts believe the actual numbers are much higher, due to acute underreporting.

"Traffickers take advantage of their [[tribal women and girls']] intersecting vulnerabilities like food insecurity, unstable housing and lack of legal protection to seduce, trick and force them,"

With a tribal population of almost 9 million and the highest percentage of outgoing migrants in the country, Jharkhand is one of the primary spots in India targeted by human traffickers, according to the Economic Survey of India of 2017 and the NCRB.

Most of these victims are taken to cities by "placement agencies"— a euphemism for organized trafficking groups. These 'agencies' lure tribal girls from remote parts of India with the promise of a better life. They sexually exploit these girls, before forcing them into domestic slavery with little to no pay at a stranger's residence. Sometimes, their last resort is suicide.

Trafficking of tribal girls in Chhattisgarh

Media carried a report on the 1st September, 2009 that the trafficking of girls is rampant in the regions of tribal population in Chhattisgarh. Quoting a survey conducted by an NGO, the report alleged that 1433 girls were missing from 17 villages. Most of the girls in the tribal regions in the state are being lured under the false promise of jobs in the metropolitan cities and then forcibly pushed in flesh trade as either a sex worker or a maid servant without any payments to them. The Commission issued a notice on the 10th September to the Chief Secretary, Government of Chhattisgarh, calling for a report in the matter considering that if true, the matter amounts to serious violation of human rights of the girls.

The Role of Technology in Human Trafficking

Research conducted by the United Nations Office on Drugs and Crime (UNODC) shows how victims are being targeted and recruited

via social media and online dating platforms where personal information and details of people's locations are readily available.

Sexual abuse and other forms of exploitation are taking place virtually and photos and videos sold further on different platforms to customers worldwide, resulting in even more money for the traffickers at no additional cost.

This week, experts from around 100 countries met online and in Vienna, Austria to discuss strategies to combat this phenomenon and make the best use of technology to prevent [human trafficking](#) and investigate cases of this crime.

The discussion formed part of the annual intergovernmental [Working Group on Trafficking in Persons](#) and centres around an in-depth [background paper](#) on this topic produced by UNODC's Human Trafficking and Migrant Smuggling Section.

“Traffickers are quick to adapt their business model to suit their needs and increase their profits, so of course they follow online trends,” explains Tiphonie Crittin, a UNODC Crime Prevention and Criminal Justice Officer.

“Traffickers are currently using technology to profile, recruit, control and exploit their victims as well as using the Internet, especially the dark web, to hide illegal materials stemming from trafficking and their real identities from investigators.”

The illicit proceeds from this highly profitable crime are also being laundered online through crypto currencies, which makes it easier for traffickers to receive, hide and move large amounts of money with less risk of being detected.

Today, the Internet provides easy access to a much larger group of potential victims because traditional physical and geographical limitations no longer exist.

Traffickers create fake websites or post advertisements on legitimate employment portals and social networking websites.

Some of these sites feature the option of a live chat. This gives the trafficker immediate contact and the opportunity to obtain personal information, such as passport details, enhancing their power over the targeted victims.

Victims can be repeatedly exploited through live streaming on multiple websites, and there is no limit on the number of times videos of their abuse may be viewed and by how many people.

The global nature of human trafficking and the abuse of technology makes it even more difficult for law enforcement authorities to tackle this crime, explains Ms. Crittin.

“When a crime is planned in one country, with victims in another country, and a customer in a third one, law enforcement authorities face practical challenges such as finding and securing evidence, as any investigation requires cooperation across borders and a certain level of digital expertise,” she says.

Traffickers use technology to control their victims remotely, sometimes without having ever met them in person.

Location-tracking applications and use of global positioning systems in mobile phones can be used to know the victim’s location, while cameras in smartphones used during video calls enable traffickers to see their victims and their surroundings.

Traffickers also maintain control over their victims by threatening to release intimate photos or videos of them to families and friends if they do not comply with their demands.

One of the panellists at the Working Group, Alexandra Gelber, the Deputy Chief for Policy and Legislation at the Child Exploitation and Obscenity Section of the U.S. Department of Justice, highlighted the links between trafficking and online technology in her country.

“Data shows that in the United States approximately 40% of sex trafficking victims are recruited online, making the Internet the most common place where victim recruitment takes place,” she says.

“For over a decade, online advertising has been the main tactic used by traffickers to solicit buyers for commercial sex. In 2020, over 80% of the U.S. Department of Justice’s sex trafficking prosecutions involved online advertising.”

Ms. Gelber adds that technology is also being used to commit “virtual child sex trafficking” which takes place when an offender in the United States sends a digital payment to a trafficker in another country.

“The trafficker will then sexually abuse a child in front of a web camera, while the offender in the United States watches a livestream of the abuse.”

The COVID-19 pandemic has provided further opportunities for traffickers due to the increased use of the Internet, in particular social networks and online video gaming sites.

“Containment measures to control the spread of the virus meant that people spent much more time online, especially children since schools were closed. We have seen an increase in child sexual exploitation materials created and shared online during the pandemic,” says Tiphonie Crittin.

Despite the increasing criminal uses of technology by traffickers, technology can also be used to identify victims and support police investigations and prosecutions.

“However, when investigators enter the digital world of citizens, they have access to personal information. It is crucial to have strict frameworks around such access and use of data to make sure that the right to privacy and human rights are respected,” says UNODC’s Ms. Crittin.

The UNODC [background paper](#) shares numerous examples of existing or promising partnerships and tools which countries are using or developing. These include digital forensics, data scanning tools, smartphone apps and successful collaborations with technology, social media and Internet companies.

UNODC has also co-organized “[DataJams](#)” with IBM and the Colombian non-governmental organization Pasos Libres in which

students compete online to develop technology-based solutions to identify and protect victims of trafficking and support prosecutions.

HIDDEN CHAINS OF CHILD TRAFFICKING

Child trafficking across the globe has failed to receive adequate attention even though it takes place in large numbers and in various forms, for various purposes, some of them being absolutely gruesome. While data available on child trafficking is inadequate and scattered, it surely provides useful insights on the various forms and purposes of trafficking in children. An attempt has been made in this analysis to present them systematically and as explicitly as possible. Based on available literature, it can be seen that many of the forms and purposes for trafficking are the same as it was in 2000. However, some new forms and purposes are also to be found:

☪ Sexual Exploitation

- Forced prostitution
- Socially and religiously sanctified forms of prostitution
- Sex tourism
- Pornography

☪ Illegal Activities

- Begging
- Organ trade
- Drug peddling and smuggling

☪ Labour

- Bonded labour
- Domestic work
- Agricultural labour
- Construction work
- Carpet industry, garment industry, fish/shrimp export as well as other sites of work in the formal and informal economy.

☪ Entertainment and Sports

☪ Adoption for and through Marriage

❧ Marriage for and through Marriage

❧ New Forms and Purposes

- Commercial Surrogacy
- ‘In the name of charity’ and education.
- Massage parlours
- Escort services and use of online services.

As pointed out by the Stanford University Report for the Asia Foundation,⁷⁷ the nature of trafficking differs across the states of India. While the said report identifies the same forms and purposes as the ones listed in this report (above), it adds that while trafficking for any of the listed purposes can be found in many countries, bonded labour and forced marriages are more prevalent in India than most other countries.⁷⁸ This is corroborated by the data presented earlier.

This is affirmed by the NHRC report where it says –“ In India, a large number of children are trafficked not only for the sex ‘trade’ but also for other forms of non-sex-based exploitation that includes servitude of different types, viz. domestic labour, industrial labour, agricultural labour, begging, organ trade, camel jockeying, false marriage, etc.” This is also affirmed by the report published by UNODC in 2013.

A perusal of the news items as well as experience of working on trafficking over the past few years reveals that children are also being trafficked ‘in the name of charity’ and ‘education.’

Massage parlours are yet another reason for trafficking and escort services and use of online services. These are new forms and purposes and was not listed in the 2000 HAQ Report.

The UNODC report, 2013 has also identified - Kidnapping Rackets and Identified Tribes; Trafficking of Children by Unregistered Homes in South India along with the above. It also dwells in detail on the role of placement agencies in trafficking of children.

What is also new are the number of countries that the children from India are now sent to. A collation of information from the TIP reports over the years shows that India is not just a destination or a transit country, it also a source country to 18 countries, across continents- in Africa (Uganda, Kenya and South Africa), South Asia (Nepal, Pakistan and Bhutan) S.E Asia (Singapore and Malaysia), Middle East (UAE and Kuwait), Pacific Islands (Fiji), Europe

(Cyprus, Belgium, Italy, Greece, Norway, Austria, Finland). Based on the various TIP reports, an attempt has been made to see which countries the women (which includes girls) and children sent to.

Purposes and Forms of Child Trafficking

Sexual Exploitation

Trafficking of minor girls – the second-most prevalent trafficking crime – surged 14 times over the last decade and increased 65 per cent in 2014, according to data⁸⁷ from the National Crime Records Bureau (NCRB).

Further, girls and women are the main targets of immoral trafficking in India, making up 76 per cent of human trafficking cases nationwide over a decade. Other cases registered under human trafficking over the last decade include selling girls for prostitution, importing girls from a foreign country and buying girls for prostitution. Investigators also found a large no of women who had passports and are in the gulf countries which indicates a well-organised international prostitution racket.

According to the NHRC study (2003), the majority of the traffickers had said that it was the high demand for virgin girls and young children that motivated them to traffic in children. According to this research, this pressure comes from clients, other traffickers and other stakeholders in the exploitative world. The report found that three-fourths of the respondents trafficked virgin girls because many clients demand them for safe sex, in view of the popular myth that sex with virgins can cure them of HIV and other serious diseases. Another reason cited was the high premium placed on sex with children, making it more profitable for brothels and traffickers to trafficking children.

Trafficking for Marriage

It must be mentioned at the outset that not ALL child marriages are cases of trafficking. But over the years it is also true that marriage is often the end and also the means used for trafficking. With skewed sex ratio in many of the northern states such as Haryana and some districts of Rajasthan and even Gujarat, there is a scarcity of girls. This has led to girls being ‘bought’ as brides. According to the UNODC report- “The demand for ‘marriageable age’ girls is so intense that organised trafficking rackets have started operating in Haryana, Punjab and Uttar Pradesh”.⁹⁴ It is because of the gravity of

the situation that this phenomenon has found recognition in the Prohibition of Child Marriage Act 2006, where it categorically states that a child marriage is invalid and hence null and void in cases where it is a result of kidnapping/ abduction and trafficking.

There are reports of Bengali-speaking Muslim women being trafficked from Bengal and Bangladesh to Kutch, where they are sold off as brides helped by the districts skewed sex ratio and unmarried men desperate hunt for wives. A large number of these women get pushed into flesh trade.

Trafficking for Adoption

Children who are orphans or born out of wedlock or born into families that cannot afford to bring them up are put up for adoption. Although, these adoptions are meant to be through registered agencies which are meant to ensure the antecedents of the adopting couple and ensure that the child is protected in its adopted home, this is not always the case.

A fact-finding mission initiated by CACT in the year 2005 in Tamil Nadu clearly brought out the competition among adoption agencies for getting babies from the Government's Cradle Baby Scheme and the mal-treatment of children in the cradle baby reception centres. Several agencies have been in the news for misuse of the adoption guidelines, charging huge amounts of money as adoption fees, donations from adoptive parents, and using the law (allowing adoption of surrendered children) for procuring children through fraudulent surrendered deeds. In 2001, it was the Tender Love and Care Home and the Bethany Home in Andhra Pradesh that made news on adoption scandals. In 2005, it was the Malaysian Social Service Society in Tamil Nadu and then Preet Mandir in Maharashtra that made the headlines in leading press.

Illegal adoption agencies and even hospitals are targeting mostly poor families in vulnerable positions. They either telling them their children were selected to go abroad or demand large fees from the mothers for their service after the delivery of the child and then forcefully take the child away if the demands can't be met.

The NCRB data shows that there has been 1400 per cent increase in the kidnappings for the purpose of adoption with the total number of 225 crimes reported in 2014. This is very important in the context government of India's increased attention to promote

adoption. Of late, cases from Jharkhand, Andhra Pradesh, Maharashtra and Delhi have been reported.

And even though the Indian Government has notified a Central Agency (Central Adoption Resource Agency, CARA) to monitor adoptions there is a booming and lucrative underground market of babies sold for adoption.

Commercial Surrogacy

According to newspaper reports trafficking for surrogacy is a new trend emerging in the lucrative business of the human trade since the legalisation of surrogacy in India in 2002. The laws concerning surrogacy are still vague and leave a lot of room for exploitation. The Assisted Reproductive Technology (Regulation) Bill, ART, based on recommendations by the Indian Council for Medical Research has not been drafted yet and is still pending.

The forms of trafficking for surrogacy are diverse and have many faces. There have been reports of cases where young girls from Jharkhand are lured to Delhi and forced to act as a surrogate mother.

“The CWC in Gumla came across another case of trafficking for surrogacy from Lotwadugdugi village in Palkot block. The girl was trafficked to Delhi when she was just eight years old. Now 29, she returned to Jharkhand last year and alleged that she was forced to deliver at least 10 babies, said Alakh Singh, a member of the CWC. ‘It is not a regular pattern, but we have come across a few such cases in the past. It is a major concern if such practices are happening in the state,’ said additional director general of police (CID) SN Pradhan.”

The fact that commercial surrogacy in India is legal and relatively cheap compared to western nations, leads to a vast amount of couples coming from abroad to have their baby born via a surrogate mother. Those deals are usually conducted through agencies which on average are six times cheaper than Western alternatives, the majority of the agencies are registered and provide support and health assistance to the surrogates there are however questionable practices as recruiting women from slums, making them sign contracts they can't read and once the baby is born, sending them back without paying them the full compensation they were promised.

Child Trafficking for Organ Trade

On 28 May 2015, it was reported that a four-and-a-half year old girl got operated upon at a hospital in Delhi in March. Two months later, her father alleged that one of her kidneys disappeared after the surgery. The supply-demand gap for donor organs paves the way for illegal transplant and trade of human organs. Organ trafficking, according to World Health Organization (WHO), is a commercial transplantation, where there is profit, or transplantations occur outside of national medical systems. Terms like 'organ trafficking', 'illegal organ trade', 'transplant tourism', 'organ purchase' and others are often used interchangeably with trafficking in persons for the purpose of organ removal, even where they would not refer to the same phenomenon.

Trafficking for Labour

Child labour is both traditionally accepted and widely prevalent in India. However, accurate data on child labour has always remained a big challenge as there are varying estimates of the number of working children in the country due to differing concepts and methods of estimation. This is particularly true of children engaged in 'culturally more acceptable' sectors such as domestic work and dhabas and eateries, even though these are the sectors with significant concentration of child labour evident to the naked eye.

That children are trafficked for labour from one state to another within the country, and also across countries is now well known and well established. However, as with marriage, not all movement of child labour can be traced to trafficking. Also, Although trafficked for labour, many face sexual exploitation and abuse as well apart from physical abuse. This was highlighted in the 2000 report as well. What is however new is the attention that this has been receiving from NGOs, government and courts. In 2006, government of India passed a notification that now extended the prohibited occupations to domestic work, dhaba and hotels and circus. This meant that employing children upto the age of 14 years in these occupations was illegal.

Mostly young girls from regions struck by poverty, natural disasters, lack of employment and education like Jharkhand, Chhattisgarh, Odisha, Assam, West Bengal, Madhya Pradesh and even Nepal are being lured to Delhi or Mumbai by placement agencies under the guise of being able to earn a decent wage to

support their families' back home. Upon arrival those girls suffer horrible working conditions, sexual and physical abuse and the absence of fair, even regular payment by their employers.

Trafficking for Begging

Forced child begging involves forcing boys and girls to beg through violence, the threat of violence or other forms of physical or psychological coercion. In a study that HAQ participated in with Anti Slavery International, it was stated –“This extreme form of abuse and exploitation, and the lack of action by governments to tackle it sensitively and effectively, is particularly troubling because the children involved are clearly visible to everyone on the streets of cities around the world.”

Laws on begging in India are made at the state rather than national level. New Delhi's anti begging laws are based on the 1959 Bombay Prevention of Begging Act (the Begging Act) which defines begging as either soliciting alms or appearing to be in the process of soliciting alms. The Begging Act has been criticised for criminalising the poor, and for failing to address the roots of the problem.

Many of these children who are found begging are also trafficked children. For example, as per a news report, children from Bihar, Andhra Pradesh, Chhattisgarh, Rajasthan and, recently, from Bangladesh are forced into begging in Bangalore. They said begging here is more lucrative than in Delhi and Mumbai.

Trafficking for Filling up Charity Homes and Education

The last decade has seen a completely bizarre phenomenon. These are reports of children being trafficked into child care and educational institutions. And this is a phenomenon that cuts across all religious institutions.

Trafficking for Drug Peddling and Smuggling

Children are mostly initiated into drug use and then forced to work for traffickers. They are usually not suspected and therefore become an easy target for traffickers. A report which appeared in the Deccan Herald pointed out how sympathy was a strong tool used by smugglers across the Indo-Bangladesh border and was the primary reason why children are used extensively for this purpose.

The use of children as smugglers is pretty common on the Indian borders. The post 2015 Nepal earthquake saw children aged 10-15 years being used rampantly to smuggle essential goods and

petroleum for money. Reports also suggest, school going children residing in the bordering villages of Bangladesh are hired by cattle smugglers for as low as Taka 100.

It also appears that children, who are neglected, including children of slum dwellers, children of homeless persons as well as children who sell balloons at traffic signals, are at a risk of exploitation at the hands of drug traffickers. These traffickers subsequently make these vulnerable children a part of their network.

Trafficking for Entertainment

Trafficking of children, especially young girls for entertainment as part of dancing troupes –Nautanki in North India and Jatra in the East (Bengal and Orissa) is common and well known. These entertainment forms have acquired a modern guise in the cities as these young girls dance in clubs and hotels or are taken into the circus as acrobats. Many children from Nepal and Bangladesh have been rescued from circus in India where they are not only made to work but are also sexually abused. The conditions in which these children are made to work is inhuman.

Trafficking for Sports

In HAQ's 2001 report on Child Trafficking in India - A Situational Analysis¹⁴⁴, cases of children being trafficked for the purpose of camel jockeying was highlighted. Interestingly, only young boys are trafficked to serve as camel jockeys. These boys are required to be young and slim in order to be light on the camel's back. They are tied to the back of the camels during a race so that they do not jump off in fright. The camels are made to run down a track. The camels often go mad and berserk, killing the boys on their back. Children who fall risk being trampled to death by the other camels on the track, and if they refuse to ride the camels, they are beaten and forced to ride anyway.

4. CONSTITUTIONAL AND LEGISLATIVE PROVISIONS RELATED TO HUMAN TRAFFICKING

1. Constitution of India

There are three articles spread over the Constitution of India in Part-III and Part- IV which deal with Fundamental Rights and Directives Principles of State Policy (DPSP). Article 23 of the Constitution of India is a Fundamental Right which prohibits trafficking in human beings and forms, of forced labour and Article

39(e) and 39(f) which are DPSPs direct at ensuring that health and strength of individuals are not abused and that no one is forced by economic necessity to do work unsuited to their age or strength and also states that childhood and youth should be protected against exploitation.

Article 23 emphasizes the importance of protecting individual freedom and dignity, ensuring that no person is subjected to exploitation or degrading conditions of work. It safeguards the right to receive fair and reasonable remuneration for work done.

The objective of Article 23 is to eradicate practices that exploit and subjugate individuals, particularly vulnerable sections of society. It upholds the principles of equality, justice, and respect for human rights.

a) Beggar- Beggar means forcing a person to do some work against his will and that on the basis of non-payment or grossly inadequate payment. However, this condition shall not apply to a case where forced labour is a part of punishment as in a prison house or some such work forms part of the service conditions or agreement.

b) Bonded Labour/ Debt Bondage- Article 23 prohibits bonded labour as it is a form of forced labour as per this article. This is a practice under which a person is forced to work to pay off his debt. The money they get is very little and the work they do gets doubled. Often these debts get passed over to the next generations. Hence, it is known as a form of forced labour.

c) Traffic in human beings- It means to deal in men and women like goods such as to sell or let out or sell or let out or otherwise get them disposed. It includes immoral traffic in women or girls or subjecting children to immoral or such

practices. For this sake, the Suppression of Immoral Traffic in Women and Girls Act, 1956 had been put in operation. The validity of this Act has been upheld by laying down that it is not inconsistent with the fundamental right to carry on a business, trade or profession.

Devdadsis are also covered under the term “traffic in human beings”. Though ‘slavery’ is not expressly mentioned, there is no doubt that the expression ‘traffic in human beings’ would cover it.(Dubar v Union of India)

In Gaurav Jain v Union of India⁴ it was held Children of the prostitutes have a right to equality of opportunity, dignity, care, protection and rehabilitation so as to be a part of the mainstream of social life. The Supreme Court held that the children of the prostitutes have the right to equality of opportunity, dignity, care, protection and rehabilitation so as to be part of the mainstream of social life without any pre-stigma attached on them.

The Court directed for the constitution of a committee to formulate a scheme for the rehabilitation of such children and child prostitutes and for its implementation and submission of periodical report of its Registry. Taking note of the relevant provisions of the Constitution, viz. Arts 23, 21, 13, 14, 15, 16, 38, 39(f), 46, 32, etc., and the provisions of Immoral Traffic (Prevention) Act, 1956 and Juvenile Justice Act, 1986, the Supreme Court came to the conclusion that prostitutes have a right to enter the social mainstream and and their children have right to equality of opportunity, dignity, care, protection and rehabilitation so as to be part of the mainstream of social life without any pre- stigma attached on them.

It's important to note that to address the issues related to trafficking, forced labor, and other forms of exploitation, the Indian government has enacted specific laws such as the [Immoral Traffic \(Prevention\) Act](#), [Bonded Labor System \(Abolition\) Act](#), and other relevant legislation to provide legal frameworks and mechanisms for preventing and combating such offenses.

In, [Sanjit Roy v. The State of Rajasthan, AIR 1983](#), court held that payment of wages which is lower than the minimum wage to a person who is working in famine relief work is against the provisions of Article 23. The State cannot take advantage of the situation of the person who is engaged in famine relief work.

In, [Deena v. Union of India, AIR 1983](#), the court held that the labor which is taken from prisoners without paying them proper remuneration of their work is against the provisions of Article 23. They are entitled to reasonable wages according to their work.

In, [Vishal Jeet v. Union of India \(1990\)](#), the Supreme Court emphasized that the right to receive timely and fair wages is an essential component of the prohibition on forced labor under Article 23. The court held that delayed payment or non-payment of wages could be considered as forced labor, violating the constitutional rights of workers.

[Budhadev Karmaskar v. State of West Bengal](#), the Court directed for the rehabilitation of the sex workers. The Supreme Court also directed to form the Sex workers rehabilitation panel and directed the State and Central Government to provide funds for the working of this panel.

Relationship between Human Trafficking and Fundamental Rights

Fundamental Rights as provided under part III of Indian Constitution have unequivocally claimed the wrongness of human trafficking in terms of morality and legality both. There is a well-established link between Human Rights, Fundamental Rights, and Human Trafficking. Indian Constitution recognizes the fundamental right of non-discrimination, equality, education, constitutional remedies, freedom of speech and expression that includes right of free movement, right to life and liberty, etc.

Article 23 talks about the prohibition of traffic in human beings and forced labour and provides its citizens altogether a right against trafficking. And if there have been no separate article or fundamental right for prohibition for human trafficking it would have been a violation of fundamental

rights by the virtue of the golden triangle of fundamental rights that is constituted by Article 14, 19 and 21.

Dealing further with this, Article 19 protects certain rights regarding freedom of speech and expression that protects the right to move freely throughout the territory of India under subclause (d). It is one of the directly related rights and there are numerous rights that are going to be affected or violated as of right of practicing the profession of carrying business, it is more of a consequence of human trafficking.

Article 21 protects the very Right to Life and Liberty of people in India, both citizens, and noncitizens. Referring to the interpretation made in the case of *Kharak Singh v. State of Uttar Pradesh*⁶ It was stated: life is not a mere animal existence and there is more to it. Hence humans cannot be sold like commodities or animals hampering their Right to life. As very rightly said in the case of *Maneka Gandhi vs. Union of India* , right to life embodied in Article 21 of the Indian Constitution, is not merely a physical right but it also includes within its ambit, the right to live with human dignity. And hence dignity cannot be hampered by any act of contractual human dealing.

2. The Immoral Traffic Prevention Act, 1956

It is the only legislation which specifically addresses Trafficking . It penalizes trafficking of women and children for commercial sexual exploitation.

The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the most important benchmark legislation for the prevention of trafficking and sexual exploitation. ITPA is supported by Section 370 – 373 of the Indian Penal Code (IPC). The framework seeks to prevent trafficking for sex work and also aims to eliminate other manifestations of sex work and its sources, and thus elements such as the operation of brothels. Sex workers are directly impacted by law relating to public soliciting and doing sex work in public places which are offenses under ITPA. These public spaces include

educational institutions, places of religious worship, hostels, hospitals, and any notified area.

This specific provision and the ambiguity due to the broadness of the term leads to regular arrests and detainment in rehabilitation spaces creating negative consequences on sex workers. Sex workers can be removed from such places and the premises can be sealed. ITPA also allows police and Non -Governmental Organizations (NGOs) to conduct raids and rescue operations. Police can evict any person found on the premises where sex work is carried out, irrespective of their age and consent.

The Act also criminalizes living through the earnings of prostitution if one is above the age of eighteen. Section 5(A) of the Act criminalizes trafficking including the recruitment, transportation, transfer, harbour, or receive of a person for prostitution through abuse of power or force. The Act of trafficking on first conviction can be punishable with imprisonment for up to three months alongside a fine of twenty thousand rupees.

AMENDMENTS TO IMMORAL TRAFFIC PREVENTION ACT, 1956

To protect the victim:-New section where Trafficking is defined

1. Age of child raised from sixteen years to eighteen year.
2. Deletion of Sections which re-victimized the victims.
3. In-Camera proceedings in court cases to safeguard privacy of victims.
4. New Section 5B which provides punishment for trafficking in persons
5. Enhancement of punishment to traffickers, brothel keepers, pimps etc.

6. If the trafficked victim is a child the punishment can extend to life.

7. New section for punishment for a persons who visits brothel for sexual exploitation.

3. Criminal Law (amendment) Act 2013

It has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.

Despite these legislative provisions, there have instances of delayed justice or lack of evidence to prove the guilty beyond reasonable doubt. Human trafficking through these laws aren't adequately addressed. They have disregarded the victims' rights to rehabilitation and protection from harm. The victims face challenges dealing with the prosecution, such as repeated adjournments, a lack of an interpreter, the production of the rescued persons in a court of law alongside the offender, and the witness's lack of protection. The cases against the trafficker's relapse as a result of the victim pleading guilty, the victim and witnesses becoming hostile, and so forth. The loopholes in the prosecution systems are highlighted as repeated adjournments, easy bail for the trafficker, court harassment and humiliation of the victim, insensitivity of the courts, and so on.

However, it has to be noted that the practice and methods of law enforcement are gradually changing. The practice of arresting, charging, prosecuting, and convicting trafficked victims on the basis of solicitation has decreased. Police and prosecutors are increasingly conscious of the need of identifying victims of human trafficking rather than defendants.

An example of this gradual change can be emphasised through the case of **Munni v. State of Maharashtra**. The case facts reveal that the police raided a red light arena, rescued several juvenile girls. The Bombay High Court addressed the necessity of emotionally and psychologically protecting young children, particularly girls, so that they do not fall prey to the cruel trap of human trafficking. The importance of the Child Welfare Committee's responsibility in assisting the rehabilitation and protection of "children in need of care and protection" in this regard, has been stressed upon. It emphasised the significance of childfriendly rehabilitative techniques in the event that a child strays and must be reintroduced into the safety net.

4. Protection of Children from Sexual offences (POCSO) Act, 2012,

It has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.

5. BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

Bonded labour has been designated as a prohibited practice in various international conventions and as well in various Indian Laws and Legislations. The harsh reality is that despite formulation and implementation of the Bonded Labour System (Abolition) Act in 1976, the menace of bonded labour still exists in our society and country at large.

In the case of **Neerja Chaudhury v. State of Madhya Pradesh**, the honourable Supreme Court ruled that it is the plainest requirement of Articles 21 And 23 of the Constitution that bonded labourers need to be identified and. Moreover, they must be suitably rehabilitated on release. Any failure of action on the part of the state governments in implementing the provisions of the Bonded Labour System (Abolition) Act would be the direct violation of Article 21 and Article 23 of the Constitution. In this Case, the Apex Court correlated the issue of bonded labour system with the person's fundamental right enshrined in Article 21 Of the Constitution and gave a clear inflict to the state to implement Article 21 and Article 23 of the Constitution which is their responsibility too.

NHRC plays a worth mentioning role by constantly encouraging and urging the state governments to conduct surveys and provide rehabilitation to the bonded labourers but sadly the results continue to remain colossally poor due to aforementioned reasons. Till the point the law does not install its existence even at the lowest sections of the society, it would be regarded as insufficient, despite having a statutory recognition and guarantees. Therefore, preventive as well as reformative methodology must be followed. The bonded labour system must severely be condemned and eliminated from the grass-root levels of the society.

6. DEVADASI SYSTEM ABOLITION ACT

Sri Chaitanayadev had defined devadasis as ‘Sebaets’ who served God through dance and music. Devadasi system is a religious practice in India. It is a Sanskrit words that can be split into “deva” meaning God and “dasi” meaning female slave of God, this practice is usually found in some Hindu Communities, especially in Southern India, where minor girls are dedicated to Hindu Temples to be “married” to a deity. Traditionally, once a girl is decided to be dedicated as a devadasi, she undergoes a ceremony after which she is married to a deity and is prohibited to marry anyone else.

7. NATIONAL INVESTIGATION AGENCY AMENDMENT ACT, 2019

The National Investigation Agency of the Government of India has been empowered to take up investigation of crimes of human trafficking w.e.f 2nd August 2019. Under the section 6 of the NIA Act, the Central Government can ask the NIA to take over a case, on the request of the State Government concerned. The Central Government has even powers to take over the case suo motu, vide Section 6(6). Though the amended schedule of offences, which the agency can investigate includes only 370 and 370A IPC, the section 8 of the Act empowers NIA to investigate any other offence connected with the offence and, therefore, if ITPA or any other law is involved, the NIA can investigate them too. By the same amendment of 2019, NIA has been empowered to register a crime and investigate an offence in the schedule to the Act, even if it has been committed

anywhere outside India. Here is a perfect chance for the NIA to take over or counter important crimes, especially those having trans-border ramifications and even trafficking of Indians committed abroad.

Government of Chhattisgarh, Law and Legislative Affairs Department, Mantralaya Mahanadi Bhawan by its notification dated 15/01/2021 notified the special Courts of Jagdalpur, Dantewada, Bijapur, Kanker, Kondagoan and for the rest of the Districts of the state Bilaspur, for the purposes of sub-section (2) of section 22 of the said Act for the trial of scheduled offences.

5. Other Legislations

There are some more legislations which directly or indirectly deal with human trafficking like:- Child Labour (Prohibition and Regulation) Act 1986, Juvenile Justice Act 2000, Goa Children Act 2002, Prohibition of Child Marriage Act 2006, Women and Children Prohibition of Child Marriage Act, 2006, Transplantation of Human Organs Act, 1994. State Governments have also enacted specific legislations to deal with the issue. (e.g. The Punjab Prevention of Human Smuggling Act, 2012)

6. GOVERNMENT MEASURES TO COMBAT THE BURNING PROBLEMS OF HUMAN TRAFFICKING

Project on “strengthening the law enforcement response in India against trafficking in persons through training and capacity building”:

The Government of India through the Ministry of Home Affairs, in association with the United Nations Office on Drugs and Crime has initiated a two-year project for training of Law Enforcement Officers on human trafficking in four States, namely Maharashtra, Goa, West Bengal and Andhra Pradesh. A Project Steering Committee has been constituted for steering,

guiding and monitoring of the project. Through a series of training programmes, the project will raise awareness of Law Enforcement Officers (police & prosecutors) on the problem of human trafficking and further build up their capacity to better investigate the crime and prosecute the offenders perpetrating such crime.

- **Coordination Meetings**

The Ministry of Home Affairs conducts regular coordination meetings with the Nodal Officers of Anti Human Trafficking Units of all States/UTs. Since 2007, eighteen Coordination Meetings have been held and minutes of these meetings are available at web portal (stophumantrafficking-mha.nic.in). These meetings have been very instrumental in according priority to the crime of human trafficking at the ground level and for effective Inter-State coordination and have been a success as the Government has been regularly monitoring the implementation of the (AHTUSs) and the Ministry of Home Affairs outlines various action areas to each State which becomes the focus of the work in these States. The Nodal officers' meetings has also led to exchange of information among various States and strengthening of inter-State investigations.

- **IGNOU Certificate Course**

To develop a comprehensive and functional understanding on anti human trafficking and coordination amongst learners about various stakeholders/agencies associated with the process of human trafficking directly and to build awareness and practical skills in the area of law, policies, rehabilitation and prevention aspects of human trafficking, a Certificate Course has been launched by Indira Gandhi National Open University (IGNOU) in partnership with the Ministry of Home Affairs. The said course has been made mandatory for the Officers/Officials who are dealing with the subject of human trafficking. In this regard an advisory dated 12 January 2011 had been issued.

- **Bilateral mechanism with Bangladesh**

The Ministry of Home Affairs, the Ministry of Women and Child Development and the UNICEF prepared draft protocol and Standard Operating Procedure (SOP) for dealing with cross border trafficking between India and Bangladesh to address the various issues relating to prevention of Trafficking, Victim Identification and Repatriation and make the process speedy and victim-friendly.

- **Implementation of International Conventions on Trafficking**

India has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. The Regional Task Force (RTF) of SAARC for implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution met for the first time in New Delhi on 26 June 2007 in New Delhi, second time in July 2008 and third time on 28 and 29 May 2009 at Shimla. The main achievement of this Conference has been the adoption of the SOP on combating Trafficking in Women and Children for Prostitution by all SAARC Member States. During the Special Session of RTF for implementation of the SAARC Convention at Kathmandu in April 2010 decision has been taken regarding Uniform Tollfree number for women and children. Fourth Meeting of the RTF was held in Kabul, Afghanistan from 25 and 26 November 2011. Fifth meeting of the RTF was held in Paro, Bhutan from 11 and 12 April 2013.

- **Anti Trafficking Cell**

A Nodal Cell has been set-up for dealing with matters relating to trafficking in human beings. The Cell is, inter-alia, responsible for collecting and analyzing the data related to trafficking from the State Governments/UTs Administrations, identifying problem areas and analyzing causes for their being source/transit/ destination areas, monitoring the action taken by the State Governments/UT Administrations.

- **Anti - Human Trafficking Units (AHTUs)**

The Ministry of Home Affairs is implementing a comprehensive scheme of “Strengthening law enforcement response in India against Trafficking in Persons through Training and Capacity Building”, wherein it is proposed to establish 330 Anti-Human Trafficking Units (AHTUs) throughout the country and impart training to 10,000 police officers through Training of Trainers (TOTs) component in three years. The Ministry of Home Affairs released funds for the same.

Responsibilities of the Anti-Human Trafficking Units :

a) Ensuring total attention towards dealing with offences related to human trafficking through a multi-disciplinary approach with the collective response by all the stakeholders in the Unit.

b) Dealing trafficking crimes with an organized crime perspective

c) Working along with all the departments in cooperation with the police, other government agencies and departments which includes women and child, labour, health etc.

d) Conducting rescue operations with the help of NGOs whenever information regarding trafficking is received from police resources, NGOs and civil society.

e) Assuring a victim-centric approach which is to safeguard the best interest of the victim or survivor and preventing secondary/ re - victimization of the victim.

f) Gender sensitive and child rights sensitive approach to be maintained while dealing with trafficked victims. g) Functioning as the foundation unit for collection and development of a comprehensive database on all legal aspects of the crime including information on traffickers and their gangs along with their activity which would be stored to the District and

State Crime Record Bureau to transmission further in the National Crime Records Bureau Database.

- **Judicial Colloquiums**

Judicial Colloquiums are being held throughout the country to sensitise the Magistrates and Judges as to how women and children experience the process of law relating to trafficking, to enable the Magistrates and Judges to take proactive decisions and exercise discretion as provided under the law that will be most beneficial and just to the victim but most stringent to the trafficker. So far, 8 Judicial Colloquiums have been held.

- **Study Tour for SAARC Member States in India**

During the 5th meeting of the Regional Task Force held in Paro, Bhutan from 11 to 12 April 2013, India offered to organize a study tour for the SAARC Member States to learn from the experiences of the Integrated Anti-Human Trafficking Units established in various districts of the country. The said study tour was organized in India from 18 to 22 November 2013 where representatives of Bhutan, Sri Lanka and

Afghanistan participated.

- **Web Portal on Anti-Human Trafficking**

A Web Portal on Anti Human Trafficking (stophumantrafficking-mha.nic.in) has been launched on 20 February 2014 which will be a vital IT tool for sharing of information across all stakeholders, States/UTs and civil society organizations for an effective implementation of Anti-Human trafficking measures.

- **Ujjawala Scheme**

The Ministry of Women and Child Development is implementing “Ujjawala” – a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation. As on date, 276 projects have been supported by the Ministry, under which 153 rehabilitative homes have been sanctioned which can accommodate nearly 6450 victims. The Schemes provide for shelter, food, clothing for victims, counselling, medical care, legal and other support, vocational training and income generation activities. Trafficked victims are also given shelter in Short Stay Homes and Swadhar Homes, meant for women in difficult circumstances.

The Scheme shall have the following main components:-

1. PREVENTION -To fulfill the prevention component, awareness on this topic needs to be spread by organising workshops and seminar on sensitive issues like human trafficking in areas where people suffer due lack of resources, poverty and lack of education. People should be made aware with different techniques like street plays and other art forms like printing of pamphlets, leaflets and posters.

2. RESCUE - With the help of frontline workforces like NGO's, women and youth groups, Police, Panchayat and especially information shall be received if any such illegal activity is being reported then they shall take immediate action.

3. REHABILITATION- It was decided by the higher authorities that Protective and Rehabilitative (P&R) Homes will be established to deliver elementary facilities such as food, clothing, medicines, hospitalisation, appropriate linkages to de-addiction centres and other matters of private use. The sufferers experience extreme torture psychologically so they need a lot of help as soon as possible through a qualified clinical psychologist and psychiatrist.

4. RE-INTEGRATION - Setting of Half-Way Home because a half-way Home is for victims who are lucratively working and can live semi-independently with least management. Restoration to Families - This would cover travel of the victim from the terminus area to her hometown and the expenditures experienced to her food throughout her travel and incidental expenditures.

5. REPATRIATION- Facilitate repatriation procedures - The scheme would provide for expenses incurred in fulfilling various formalities for obtaining a repatriation order for the victim.

- **Integrated Child Protection Scheme(ICPS)**

The Integrated Child Protection Scheme(ICPS) extends the services like -

emergency outreach services through Childline toll free number 1098, open shelters for children in need in urban and semi urban areas, support for family bases non-institutional care through sponsorship, foster care, adoption and after care and institutional care for children and juveniles.

Functioning of District Administration

District Legal Service Authorities (DLSAs) must create awareness among the people about issues related to trafficking with the help of NGOs, Para-legal Volunteers and Social Media Platforms. DLSAs should appoint an advocate to provide requisite legal aid to the survivors in protected homes. DLSA should provide adequate compensation to the survivors of human trafficking in accordance with section 357A of Victim Compensation Scheme in the Criminal Procedure Code (CrPC). The Child Welfare Committee (CWC) must proactively take up the cases of rescued children in need of care and protection. The Juvenile Justice Board should conduct its proceedings within the premises of observation homes. Both CWC & JJB should discharge their roles and responsibility in sync with provisions of the Juvenile Justice (Care and Protection) Act 2015. Rehabilitation cum Placement Officer at CWC must monitor the progress of the individual care plan of the child, while DLSA must follow up with the cases of adult men and women survivors. A District Nodal Officer must be appointed from the Labour Department to follow up on cases of child labour.

7. How to protect yourself against human trafficking online

We live in a day and age where the internet has become an extremely useful tool but it has also become increasingly dangerous. To safeguard ourselves from potential risks, it's crucial to adopt a proactive approach to internet safety. In this blog post, we'll explore

key tips to help you stay vigilant and protect yourself from online trafficking.

Guard Your Personal Information:

The first line of defense against online threats is to be cautious about the information you share online. Avoid disclosing personal details such as your home address, phone number, and financial information on public forums or with strangers. Human traffickers often exploit such information to target and manipulate their victims.

- **Strengthen Your Online Presence:**

Review and strengthen your privacy settings on social media platforms. Limit the visibility of your personal information to trusted friends and connections. Be mindful of the content you share, and avoid posting location details in real-time, as this information can be misused by predators.

- **Educate Yourself on Online Red Flags:**

Understanding the [signs](#) of potential trafficking activities is crucial. Be wary of unsolicited friend requests, messages, or invitations. Traffickers often use deceptive tactics to establish trust before exploiting their victims. If something feels off, trust your instincts and err on the side of caution.

- **Be Skeptical of Online Relationships:**

While it's common to form connections with others online, exercise caution when engaging in virtual relationships. Traffickers often groom their victims over time, creating a false sense of trust. Avoid sharing intimate details with strangers and verify the identity of individuals you interact with online.

- **Keep Your Devices Secure:**

Regularly update your devices' security software and use strong, unique passwords for each of your online accounts. Enable two-factor authentication whenever possible. Secure devices help protect against unauthorized access, reducing the risk of personal information falling into the wrong hands.

- **Educate Yourself and Others:**

Stay informed about the latest online [threats](#) and educate yourself on ways to recognize and combat them. Share this knowledge with friends and family to create a collective awareness and a safer online community.

- **Report Suspicious Activity:**

If you come across any suspicious online activity or suspect someone may be a victim of trafficking, report it immediately to the appropriate authorities. Many countries have free, confidential resources and helplines for those who have been or are at risk of being trafficked. Make sure to know your National Human Trafficking Hotline.

- **Beware of strange friend requests**

Only accept friend or follow requests from people you know, even if you have friends in common. Traffickers have reached out to strangers to 'chat' via social media and then slowly work to build trust with the potential victim.

- **Don't over share**

Remember that everything you put online—photos, texts, etc.—is in the public domain. You no longer have total control over how it is being seen or shared. Traffickers have used people's photos and personal details to help them blackmail, contact, groom, or otherwise recruit and monitor victims. Never share personal information, such as your phone numbers, address, or live location online.

- **Beware of advertisements that seem too good to be true**

Traffickers often use catchy language in job advertisements online, promising high wages for simple work or a chance to become a model. Traffickers will often be vague about the company's credentials, details, or your terms of employment. If it seems too good to be true, it probably is.

- **Know the warning signs of trafficking**

Being aware of the warning signs of trafficking can help you to identify when you or a loved one is at risk of being 'groomed' or recruited online.

RECOMMENDATIONS

We need to put the efforts to prevent the commercial sexual exploitation and sex trafficking in India. Efforts to identify and respond to the commercial sexual exploitation and sex trafficking are emerging, with some noteworthy examples, but efforts to date are largely under supported, insufficient, uncoordinated, and unevaluated.

- With the aid of community mobilisation and participation of local societies, programmes spreading alertness among different age groups, organising workshops/seminars we all can put an end to this menace.
- Save victims from where they were exploited and put them in harmless guardianship.
- Deliver therapy services and also elementary facilities such as accommodation, nourishment, clothing, medical treatment.
- Facilitate reunion of the sufferers into the family and society at large.

NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

Victims of trafficking for commercial sexual exploitation face a great deal of trauma not just following such trafficking but also after their rescue. They need to be protected against the traffickers who would want them to come back or not pursue their case. There are also livelihood issues and if a viable alternative is not given, chances of being re-trafficked are high.

“The role of the legal services authorities as set out in the preliminary report is reiterated as follows:

- (a) Provide legal assistance to the victims of trafficking and sexual exploitation at the time of rescue and thereafter during trial.
- (b) Facilitate the accessing of the District Legal Services Authorities (DLSAs) for award of victim compensation under Section 357A Cr.P.C
- (c) To monitor and act as social auditors of the existing facilities available for rehabilitation of rescued victims of sexual exploitation and trafficking.
- (d) DLSAs can spread awareness in the community through the panel lawyers and para-legal volunteers about the issues of trafficking particularly in vulnerable areas and among vulnerable groups.
- (e) The DLSAs can act as converging nodes to ensure that the government schemes meant for the marginalized actually reach them as such access to the government support does have a positive impact in preventing trafficking and falling prey to traffickers.

(f) Initiate steps to sensitize the corporate world to support rehabilitation measures for trafficked victims including skill building and employment under the head of CSR.

(g) SLSAs can also assist in the training and sensitization of stakeholders, like police, lawyers including legal services lawyers, prosecutors, government servants and the judiciary.

(h) SLSAs may also collaborate with the local educational institutions and civil society organisations and NGOs working in this field.

The objective of the Scheme is to provide legal services to address the concerns of victims of trafficking including women of all age groups and at every stage: ie prevention, rescue and rehabilitation.

The strategy of the legal services must be guided by a 360 degree approach. Thus, children, young adults of whatever sex, adolescent girls, young women and older women should all be included in the action plan.

The legal services authorities must also develop an action plan for prevention, rescue and rehabilitation and not merely for one of these aspects. Further the legal services authorities must document each case and carry out a follow up at least for three years so that reintegration of the victim into the society is complete.

The Available Schemes

1. ICDS or Childcare development ---0-6 years, pregnant w o m e n and lactating mothers (as care givers)

2. Food security or ration cards

3. Social security or Pension for the elderly women

4. Educational schemes including midday meal, bridge schools, residential schools of Sarva Shiksha Abhiyan, Sabala; scholarships for the primary, secondary and higher education from Social Welfare Department for adolescents and specifically girls

5. Livelihood- Skill Development, Financial Inclusion, Micro Enterprise -from SC/ST/BC/Minority and Women's Development Corporation and CSR funds from government and public sector undertakings

6. Housing or Subsidy for Construction and Land Pattas from Urban Development, Housing Corporation

7. Universal entitlements-Jan Dhan, Aadhar, Voter Card, SHG membership

8. Legal aid Schemes- Legal Literacy, Para Legal Volunteers, Legal services clinics to ensure free legal aid and protection

In this background, the role of the SLSAs/DLSAs would be in:

Bridging the Gap- between all departments and trafficked women, women in sex work and those vulnerable to trafficking and extreme violence

Enhancing Engagement- Scheme Education Drive Organized by DLSA bringing together Community organizations and its members and government-department-district and sub-district administration

Facilitating Participation and Ownership- Led by DLSA in collaboration with community organizations through community meetings and camps

Sensitization- Enabling all departments and institutions to learn about dynamics of community, remove misconceptions Strengthening

Accountability- Through an MIS capturing all processes from identifying entitlement holder to scheme delivery.

Forging Partnerships- At the more micro level the collaborations will be with Community Organizations and NGOs working with sex workers and victims of trafficking and sexual exploitation. They will facilitate the process of reaching out to the many hidden members of the community and shape the process of community mobilization.

Student Legal Literacy Clubs should be encouraged to write about and talk and discuss about trafficking issues. These clubs could play the role of peer educators about the dangers of growing up and how to keep oneself safe.

The SLSAs/DLSAs should strengthen groups who are working to prevent child marriages and empowerment of women. Many times, child and forced marriages are a prelude to trafficking for sexual exploitation. Apart from spreading awareness, student groups should be formed in vulnerable areas and communities to report on child marriages and initiate preventive action.

While dealing with women already in sex work, the SLSAs/DLSAs should focus on the livelihood alternatives to help these women come out of the profession and prevent their children entering it. Women could be encouraged to save money and channelize the money into entrepreneurship which would ensure their

social recognition and assimilation. The SLSAs/DLSAs should help the women to protect themselves from domestic violence and provide legal assistance to follow up court cases. They should help these women access all government schemes as mentioned above.

Strategies of prevention and protection of victims of trafficking implemented by the Rural Livelihood Missions should also be understood and explored so as to replicate some of the successful methods and establish collaborative efforts.

CONCLUSION

Trafficking in human beings, especially children, is a form of modern day slavery and requires a holistic, multi-sectoral approach to address the complex dimension of the problem. It is a problem that violates the rights and dignity of the victims and therefore requires essentially a child rights perspective while working on its eradication. In the fight against trafficking government organizations, non-governmental organizations, civil society, pressure groups, international bodies, all have to play an important role. Law can not be the only instrument to take care of all problems.

The Supreme Court of India acknowledged that sex workers are deprived of the right to life and protection. According to Article 21 of the Indian Constitution, the State was instructed to provide recommendations for rehabilitation of sex workers that wish to leave the community. However, if they decided to continue working, conducive conditions were to be provided. In 2015, the apex court recommended that closing brothels and evicting “offenders” could be appealed against in higher courts.
