
A STUDY ON TRAFFICKING IN INDIA

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ABSTRACT

By trafficking means, a trade, in something that should not be carried out, for numerous public, economic or political reasons. Thus, we have expressions like drug trafficking, arms trading and human trafficking. The idea of human trafficking denotes to the criminal practice of take benefit of human beings by using them like material tolls for profit. Even after being handled victims are exposed to danger for extensive term abuse.

Trafficking together for profitable sexual mistreatment and for non-sex grounded misuse is a multinational and multifarious challenge as it is a organized criminal activity, a risky form of human rights violation and an issue of economic empowerment and social justice. The trafficking of females and children triggers innumerable agonies as it encroaches upon the rights and self-esteem of the human in numerous ways. It interferes with the person's rights to life, dignity, security, personal life, wellbeing, education and redressal of grievances.

KEYWORDS:

Human, trafficking, education

INTRODUCTION

Human trafficking has augmented considerably over the last few years both globally and in South Asian countries. India is an epicentre for men, women, and children trafficked for the purposes of bonded labour and profitable sexual exploitation. Those from India's most adversely affected social economic strata are particularly vulnerable to bonded labour and sex trafficking. Women and girls are transferred within the country with the object of profitmaking sexual exploitation and forced marriage. Skewed sex ratio is one of the reasons responsible for this. Due to persistent disparities globally, women are more vulnerable to this exercise, which is a result of structured gender disparity in the form of violence.¹ Trading in human beings and exploitation in different forms by traffickers in human beings is most grave forms of violation of human rights. It is a crime that denies people of their human rights and independence, increases global

¹ *Infra no.79 p.34*

health risks, fuels growing networks of planned crime, and can sustain levels of poverty and delay growth in certain areas. Trafficking clearly infringes the fundamental rights to life with self-esteem. Victims may suffer bodily and emotional abuse, rape is threat against self and family and even life. The common catalyst of trafficking is the use of force, deception, or coercion to abuse a person for profit. Traffickers can get victims into labor exploitation, sexual misuse, or in cooperation. Trafficking for labor mistreatment, the form of trafficking displaying the maximum number of victims comprises orthodox chattel slavery, involuntary labor, and debt slavery. Trafficking for taking sexual advantage normally contains abuse within the profitable sex industry². Illegal and underground nature of trafficking makes it extremely difficult to establish precise figures of the numbers of persons trafficked.³ The International Labor Organization (ILO)—the United Nations agency, charged with stating labor standards, occupation and social safeguard issues—estimates that there are at least 12.3 million grown-ups and offspring are in forced labor, bonded labor, and moneymaking sexual enslavement at any specified time. Of these victims, the ILO evaluations that at least 1.39 million are sufferers of commercial sexual slavery, both transnational and within countries. As per ILO, 56 percent of all forced labor victims are womenfolk and girls. Trafficking in India takes place both across the borders, as well as, with in borders between the states and districts. Men and women citizen of Bangladesh and Nepal are trafficked through India for imposed labor and profitable sexual exploitation in the Middle East. In India, 72 percent trading for commercial Sexual abuse in Intra-state, and 28.26% interstate (Situational Inspection of HIV/AIDS, Trafficking, Shaktivahini). India is a terminus for women and teenagers from Nepal and Bangladesh traded for the purpose of money-making sexual abuse. There are also sufferers of labor trafficking amid the thousands of Indians who migrate gladly every year to the Middle East, Europe, and to the America, for work as domestic helps, and low-skilled labourers. Sometimes, such workforces are the victims of deceitful recruitment practices implemented in India that puts them directly into conditions of forced labor, together with debt bondage; in other cases, high debts to give employment fees leave them exposed to abuse by corrupt employers in the destination states, where some are subjected to circumstances of involuntary slavery, comprising non-payment of wages, movement restraints, illegal withholding of passports, and physical or sexual exploitation.⁴

MAJOR FORMS OF TRAFFICKING

² US Trafficking in Persons Report, 2009 *available at*: <http://www.state.gov/j/tip/rls/tiprpt/2009/> (Visited on May 1, 2020)

³ Asha Shukla and Jaya Phookan, “Trafficking of Women in India: Status and Challenges with special reference to Madhya Pradesh”, *available at*: <http://prativad.com/articles/Trafficking-of-Women.htm> (Visited on June 9, 2017)

⁴ Coomaraswamy, Radhika. 2001. Addendum Report to the Human Rights Commission Regarding Mission to Bangladesh, Nepal, India on the issue of trafficking in of Women and Children (October – November 2000).

Human trafficking progressively is being recognized as multifaceted process and there are multi-layered factors that make a human prone to being traded. It involves a series of chaos for the traded person which might begin with the desire or necessity to leave their family/ community or migrate, followed by an happenstance with a trafficker chief, to oppression, or fraud and to highly harmful and abusive working situations. For others it might begin with family members handing over responsibility for their well-being and safety of others known to them and then end up traded by a third set of handlers. Desperate circumstances often make migrants to take hard decisions and lead them into circumstances of great risk and helplessness. Traffickers all over South Asia lure their victims by means of good-looking promises such as high paying jobs, desirable employment options, wealth and fraudulent marriages. It is assessed that 35% of the total number of girls and females trafficked to India have been kidnapped under the excuse of fabricated marriage or good jobs⁵. Poor families in debt or struggling with uncertain livelihoods may be forced to hand over a person or may decide to migrate legally or unlawfully or take a job readily. However once that work or service is no longer deliberate, that person turn out to be a victim of forced labor or involuntary prostitution and should accordingly get the protections envisioned by the 2000 UN TIP Protocol. Once a person's work is hired or compelled by the use or threat of physical violence or the exploitation or threatened abuse of the legal procedure, the person's earlier consent or effort to acquire employment with the trafficker turn out to be irrelevant. Parents and family members are also deceived by false promises and deception. However studies confirm where victim's family members and relative collude with traffickers in order to receive payments⁶.

Causes of trafficking

The universally identified push factor driving the trafficking process is poverty, lack of human and social capital, gender discrimination, social exclusion, lack of governance, deprivation marginalization and vulnerability may also cause trafficking. Macro factors such as impact of globalization, employment trade, migration policies conflicts, and environmental disasters can set into circumstances that increase vulnerabilities. Global monetary crisis has elevated the spectre of augmented human trafficking all over the world. As a result of the predicament, two parallel trends—a lessening global demand for labor and a mounting supply of workers eager to take ever greater dangers for economic prospects—seem a recipe for augmented forced labor cases of refugee workers and women in prostitution. Many international organizations have notified of the trafficking concerns of the on-going global economic crisis⁷. In its 2013,

⁵ Report of South Asia Workshop on Trafficking in Women and Children, 1996-*Formulating Strategies of resistance* (October, 1996).

⁶ *Ibid*

⁷ *Supra note no. 79* p.34

global occupation report, the ILO said that in the fifth year after the occurrence of the global financial predicament, global growth has slow down and unemployment has started to upsurge again, leaving a mount up total of some 197 million people deprived of a job in 2012. Furthermore, some 39 million individuals have dropped out of the labor market,, as employment prospects proved beyond reach, opening a 67 million global jobs gap since 2007. Despite a moderate pick-up in output growth expected for 2013–14, the unemployment rate is set to surge yet again and the total of jobless worldwide is anticipated to rise by 5.1 million in 2013, to more than 202 million in 2013, and by another 3 million in 2014. A quarter of the rise of 4 million in international unemployment in 2012 has been in the progressive economies, whereas three quarters has been in other areas, with noticeable effects in East Asia, South Asia and Sub-Saharan Africa⁸. It has been noted that “vulnerable workers – particularly migrants, including young women and even children – are more exposed to forced labor, because under conditions of hardship they will be taking more risks than before.”⁹Gender Dimensions of the Problem: “Women still comprise the majority of the world’s poor, unfed, and unschooled. They are still subjected to rape as a tactic of war and exploited by traffickers globally in a billion dollar criminal business⁹.”

1 Some factors accountable for Prostitution

Amplified trafficking in women and adolescents are taking place in a background of rapid economic transition, globalisation, transformation, employment trade etc. Changes such as broadening social and economic disparity, rural unemployment and increased poverty, new methods of mobility, breakup of societies, and destruction of traditional values are aggregating the vulnerability of vast segment of population to trafficking predominantly women and girls to sexual exploitation and trafficking. Susceptibility of females to trafficking is deep-rooted in the limitations forced by socio-economic and cultural circumstances on the control which women have in their life situations and selections, including sexual situations. These underlying aspects increases the vulnerability of females and girls to be caught in the increasing web of trafficking in the area, taking them into circumstances which remove the last vestiges of choice, violate their human self-esteem and safety, and further increase the danger of exposure to HIV/AIDS.

Women constitute the poorest of the poor as a result of gender insensitivity, discrimination, lack of social status and basic rights, together with arduous domestic responsibilities, which reduce their access to resources, education training and labor markets. Within families women and particularly girl children, generally have less access to food and health care as well as to educational opportunities. Anti-female

⁸ Global employment trends 2013: Recovering from a second jobs dip / International Labour Office. Geneva: ILO, 2013 at p.10

⁹ <http://biusvspa.blogspot.in/2011/03/causes-of-human-trafficking.html> (Visited on Oct.25, 2017) Secretary Hillary Rodham Clinton, March 7, 2009 (*Trafficking in Persons Report*, 2009)

biases are reflected in the fact that South Asia is one of the few regions in the world where men outnumber women.

2 Domestic Violence and Human Trafficking

Trafficking occurs in South Asia in a climate of denial and silence at all levels. There is prevailing silence about violence against women and girls, particularly domestic violence, and silence about their circumstances, including the abuse and exploitation they often face in their living and working environments in the process of earning a living. This silence manifests itself in a denial in families and communities and in society at large that trafficking of girls is taking place.

There is a continuum of violence against women which ranges from deprivation of resources and lack of access to property, education and health care, to institutional discrimination imposed by religious and cultural sanctions, dowry harassment and domestic violence, sexual harassment and rape. In India , for example, it is estimated that every 26 minutes a woman is molested, every 34 minutes there is a rape, every 43 minutes a woman is kidnapped and every 93 minutes a women is killed (UN India: 2001)¹⁰

Research links the unbalanced demand for female trafficking victims to the progress of certain “feminized” commercial sectors (commercial sex, the “bride trade,” domestic service) and other parts categorised by low wages, harmful conditions, and an absence of joint bargaining mechanisms. Unfair employers prefer to use traded women—traditionally seen as passive, cheap, and flexible—for simple and tedious tasks in agriculture, food dispensation, labour-intensive trade, and domestic slavery. In countries where women’s financial status has improved, considerably fewer local women partake in commercial sex.

Traffickers transport more female sufferers to address the claim and take benefit of women who travel willingly to work in any industry. As profit-making sex is unlawful in most nations, traffickers use the causing illegal status of migrant females that have been traded into commercial sex to intimidate or coerce them to stop from leaving. Gendered defencelessness nurtured by social and institutional flaws in some communities—biased laws and practices that tie a female’s legal recognition, assets rights, and pecuniary opportunities to someone else—make womenfolk more likely than men to become trading victims. A woman who survives only through a male caretaker who controls her earnings, identification, nationality, and physical well-being is more vulnerable to becoming a trafficking prey (Trafficking in Persons Report, 2009).

¹⁰ *Id at p.36*

3 Interlink Between Migration and Trafficking

“The basic causes of migration and trading greatly overlay. The lack of rights given to women assists as the primary contributory factor at the core of both women’s immigrations and trafficking in females...By being unsuccessful to protect and promote females’ civil, political, financial and community rights, governments make conditions in which trading flourishes.” – Radhika Coomaraswamy, former UN Special Reporter on Violence Against Women Trafficking in women results both form social inequality and susceptibility to exploitation. The feminisation of poverty leads women to look for any work and ways to improve their material well-being without regard for possible negative consequences.

As per ILO, the most of people transferred for sexual misuse or subjected to involuntary labor are female. According to investigators, together the supply and demand sides of the trade in human beings are nourished by “gendered” susceptibilities to trafficking. These weaknesses are the result of governmental, financial, and development processes that may leave some females socially and economically reliant on men.

If that backing from men turns limited or withdrawn, females become seriously vulnerable to abuse. They frequently have no individual shield or recognition under the law, insufficient access to healthcare and learning, poor work prospects, little prospect to own property, or high levels of social seclusion. All this turns some women obvious targets for persecution, violence, and human trading. Girls are lured with promises of jobs in the city, or by pledges of marriage, while many are sent by their families to earn extra income for the household, other are escaping from domestic abuse and violence and still others are tempted to look for a better life and wider opportunities away form the rural drudgery and the narrow limitations imposed on women and girls in the villages. Lack of education, knowledge of the world and the life skills can make these girls vulnerable. They trust people who dupe them and subsequently sell them, generally into sex work. In many cases the trafficker is a person they know or a person known to others in the source areas. Many of the immediate causes for leaving home identified by women and girls in the STOP study are related to underlying discrimination against women. These include polygamy, abuse of girl children and child marriage, and dowry. Forty per cent of the trafficked girls in the study had experienced family breakdown, mostly due to the prevalence of polygamy and sometimes because women were abandoned when they failed to bear children or to bear sons in particular. At the same time the socio-cultural climate of the region fosters a high sense of duty in women towards their children, younger siblings and older parents. It is not unusual to find women who resort to lower end jobs and sexual labor in order to support their families and to pay for the education of male family members. If they are trafficked and end up in the worst forms of commercial sexual exploitation, the majority continue to bear it and do

not protest or break way. They feel that it is there 'sacrifice' and duty to provide better opportunities for others within their family.

.4 Commodification of Women

Defilements of Universal human rights of womankind occasioning from their use as material goods of trafficking take place in nations from which they are traded as well as states into which they are smuggled. They have slight control over their situations, bodies and day to day lives. When females and young girls have slight control over their everyday lives and occupy a secondary status, it is extremely hard for them to negotiate for safe sex, even if they recognize the need for it. Females and girls who are physically more vulnerable to HIV Infection if open to the virus are put into the risk of exposure because of the approaches and sexual conduct of men within social structures that openly and incidentally indiscriminate against women and in support of men. As stated by Bhaiya and Dhar, "Passivity begins to define the Women's role in 'sex' and as a result, it develops as an instrument for all the ways in which females are repressed and subordinated, controlled, intruded upon, dishonoured and objectified" (cited in UNIFEM, 2001)

5 Cultural Traditions

Implications on Trafficking of Women - Another form of social exclusion is inequity rooted in the belief and enforcement of caste differentiation and tribal systems. The systems can be seen as cultural and structural social inequities perpetuated by tradition leaving female member of the caste or tribal group particularly vulnerable to increasing poverty as well as trafficking. ST/SC Womenfolk and girls tolerate the triple load of exploitation-they are deprived, they belong to groups which are traditionally side-lined and they are female-are amid the most defenceless to being trafficked. The devdasi tradition in Karnataka, Andhra Pradesh and Maharashtra, the jogin in Andhra Pradesh, and the *bedias* in M.P, are the societies illustrate this connection between sex and traditions. These practices also inspire trafficking of womankind. The economic causes among tribes and groups like Bedias, Jahats, kanjars, banchra, mahar, matang and sansi, too endorse sex trade. These societies have socially approved system of prostitution. These practices have been unlawful since 1988.

.6 Law Execution and Deterrence

International cooperation in the legal field has grown markedly against the trafficking in persons, especially children. There are age old treaties on the issue of trafficking. These include the International Agreement for the suppression of White Slave Traffic (1904), the International convention for the suppression of White Slave Traffic (1910), the International convention for the suppression of traffic in women and children (1921), the International convention for the suppression of Traffic in women in full

age (1933) and the convention on the suppression of trafficking and exploitation of the prostitution of others (1949). All of them, to a lesser or greater extent, were aimed at crime prevention and suppression. However, early treaties were not gender sensitive enough and were not broad enough to cover the range of the trafficking situations.

The persistence and apparent recent increase in human trafficking can perhaps be understood in part as an inextricable aspect of the 'modernization' or development process. Poverty or the failure to meet the basic needs, social exclusion, insecurity or stigmatization is often identified as the initial motivating factor and these issues are needed to be addressed. In many cases, court withdraw cases related to trafficking on the basis of parental consent. There is need on the part of police authorities to recognize the problem.

CONCLUSION

To fight these types of child trading, law accomplishments must send a strong note that these practices will not be abided. The hardships of daily life, combined with prevalent gender stereotypes the view women as sexual objects and young girls and widows as a household burden, also contribute to placing women and girls at the risk of trafficking. Gender discrimination, violence against women and male-controlled mind-set are significant constituents and facilitators of the susceptibility of women and young girls. Accordingly the prevention of trafficking needs to be addressed not only in relation to the source areas but also in the demand areas the transit points and the trafficking routes.

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