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Human Trafficking in India

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ABSTRACT

This paper addresses the situation of human trafficking in India. It argues that the focus on trafficking either as an issue of illegal migration or prostitution still dominates the discourse of trafficking, although illegal under Indian law, remains a significant problem. People are frequently illegally trafficked through India for commercial sexual exploitation and forced/bonded labor. Estimate this problem affects 20 to 65 million Indians. Men, women, and children are trafficked in India for diverse reasons.

Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of 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 the victims. Human trafficking has been identified as the third largest source of profit for organized crime. Women and children are generally trafficked for begging, organ trade, drug smuggling, bonded labor, domestic work, agricultural labor, construction work, carpet industry, forced prostitution, sex tourism, and pornography, and also for entertainment and sports which include beer bars, camel jockey and circus troops. This paper argues that emphasis needs to be given to such underlying root causes and modes and also crimes related to human trafficking, that threaten the human security of the trafficked persons in India. Accordingly, it provides some preventive measures to address and deal with the problem.

Keywords: *Trafficking, Human trafficking, causes and modes, Preventive measures.*

I. INTRODUCTION

Human trafficking in India Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons of the United Nations defines Trafficking as the recruitment, transportation, transfer, harboring or receipt of persons, using threat the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of

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organs.

The Constitution of India there are three articles in the Constitution of India relating to this subject. Article 23 which prohibits trafficking in human beings and beggars and other similar forms of forced labor and Articles 39(e) and 39(f) which ordain that the health and strength of individuals are not abused and that no one is forced by the economic necessity to do work unsuited to their age or strength and that childhood and youth should be protected against exploitation. Immoral Traffic Prevention Act, 1956: It is the only legislation that specifically addresses Trafficking. It penalizes the trafficking of women and children for commercial sexual exploitation. Legislations there are some more legislations that directly or indirectly deal with human trafficking: - the Indian Penal Code, 1860, Bonded Labor System (Abolition) Act, 1976, Child Labor (Prohibition and Regulation) Act, 1986, Juvenile Justice Act, 2000, Goa Children Act, 2002, Prohibition of Child Marriage Act, 2006 and Protection of Children from Sexual Offenses (POCSO) Act, 2012.

- Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1)
- The Immoral Traffic (Prevention) Act, of 1956 (ITPA) is the premier legislation for the prevention of trafficking for commercial sexual exploitation.
- Criminal Law (Amendment) Act 2013 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 the 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.
- Protection of Children from Sexual Offences (POCSO) Act, 2012, which came into effect on 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, and sexual harassment.
- There are other specific legislations enacted relating to trafficking in women and children Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 deal with selling and buying of girls for prostitution.
- State Governments have also enacted specific legislation to deal with the issue. (E.g.

The Punjab Prevention of Human Smuggling Act, 2012)

In 2023, the government reported identifying 5,934 trafficking victims and 753 potential trafficking victims, compared with 6,622 victims and 694 potential victims identified in 2022, and 5,145 victims and 2,505 potential victims identified in 2021. Of the 5,934 identified victims in 2023, traffickers exploited 3,885 in labor trafficking, including 667 in bonded labor, and 2,049 in sex trafficking. In 2022, authorities identified 5,156 labor trafficking victims, including 2,837 in bonded labor, and 1,466 in sex trafficking; authorities did not report the type of trafficking for the 694 potential victims. More than 98 percent of trafficking victims identified were Indian; of the total, approximately 56 percent were adults 44 percent were children, 62 percent were female and 38 percent were male. Uttar Pradesh, Tamil Nadu, Jharkhand, and Gujarat states accounted for most bonded labor victims identified, overall accounting for 86 percent of the country's total identification of bonded labor victims.

II. TRAFFICKING IN PERSONS REPORT INDIA

The National Human Rights Commission (NHRC) and state-level human rights commissions provided templates to improve law enforcement interaction with trafficking victims. Some states also had SOPs for sexual assault victims, including trafficking survivors, to prevent re-traumatization in their referral to care. The National Commission for Women began the development of a new SOP on victim identification and referral to care for AHTUs, women welfare agencies, and NGOs to address the trafficking of women and girls. Some states such as Andhra Pradesh, Delhi, Karnataka, Odisha, Tamil Nadu, and Telangana had SOPs on victim identification and referral to care to address bonded labor or other forms of human trafficking; however, these SOPs often addressed only certain forms of trafficking and did not include specific procedures to identify victims among historically underserved communities or marginalized groups. Madhya Pradesh began using a trafficking indicators checklist, developed with civil society assistance, to identify potential trafficking victims. Women and child welfare committee representatives from Andhra Pradesh, Karnataka, Kerala, Odisha, Tamil Nadu, and Telangana signed a declaration of intent to collaborate on anti-trafficking efforts between them by increasing data sharing and legal cooperation, establishing ministry focal points, and extending services to victims.

The central and state governments offered shelter and services for child and adult female trafficking victims; the quality and availability varied by state. Before accessing any government services, including shelters, the government required trafficking victims to appear before the court, and police required court permission to place trafficking victims in shelters.

While judges could reportedly refer bonded labor victims to care, there were no reports officials did so in practice. Police could refer all adult and child trafficking victims, except bonded labor victims, to state judiciaries and Child Welfare Committees (CWCs) to determine appropriate care. Access to government services for trafficking victims often required support from civil society organizations. Women and child development departments in some states provided counseling services, shelter, and health care to trafficking survivors. In April 2023, the cen²tral government approved the Mission Vatsalya program to support state- and union territory efforts to expand access to protection services for child victims of crime, including trafficking.

The State/UT-wise details of the number of children (below 18 years) missing and traced in the country during the year 2021-23

S L	State/ UT	2021-22		2022-23		2021-23	
		Missing	Traced	Missing	Traced	Missing	Traced
		20	2	20	2	20	3
1	Andhra Pradesh	2746	2737	2745	2658	3720	3589
2	Arunachal Pradesh	44	41	13	13	44	20
3	Assam	1410	1389	877	1232	1161	1116

4	Bihar	7299	5208	4868	4773	4578	5269
5	Chhattisgarh	3143	2872	2459	2530	3278	3019
6	Goa	31	25	15	22	13	14
7	Gujarat	1439	1354	1204	1208	1395	1490
8	Haryana	2815	2610	1904	2047	2343	2137
9	Himachal Pradesh	393	429	288	293	444	456
10	Jharkhand	356	517	340	481	400	371
11	Karnataka	835	832	1085	1056	1575	1550
12	Kerala	2183	2195	1505	1517	1609	1638
13	Madhya Pradesh	11022	11256	8751	9944	11607	12486
14	Maharashtra	4562	4322	3356	4804	4129	4311
15	Manipur	112	109	51	57	63	50
16	Meghalaya	104	116	44	58	66	71

6	lay a						
1	Mizor	0	0	0	0	0	0
7	am						
1	Nagala	37	44	21	27	26	25
8	nd						
1	Odisha	3151	1490	2899	3641	4133	4596
9							
2	Punja	894	792	655	537	1045	720
0	b						
2	Rajast	3655	3626	3179	3015	4936	4940
1	han						
2	Sikkim	38	38	11	13	8	8
2							
2	Tamil	4519	4263	4591	4373	6399	6301
3	Nadu						
2	Telang	3308	3911	3100	2978	3956	4079
4	ana						
2	Tripur	169	149	127	121	153	161
5	a						
2	Uttar	3184	3872	2380	2831	3522	2764
6	Prades						
	h						
2	Uttara	539	440	399	701	626	679
7	kha nd						
2	West	8952	8526	7648	7937	9996	9045
	Bengal						

8							
	TOTAL	66940	63163	54515	58867	71225	70905
29	A&N Islands	43	43	21	24	25	27
30	Chandigarh	202	172	153	153	180	181
31	D&N Haveli and Daman &	20	16	3	10	19	22
32	Delhi	6355	5880	4299	5292	5772	5408
33	Jammu & Kashmir	277	260	230	183	279	24
34	Ladakh	-	-	1	1	0	3
35	Lakshadweep	0	0	0	0	0	0
36	Puducherry	48	40	40	43	35	41
	TOTAL	6945	6411	4747	5706	6310	5922

	L UT(S)						
	TOTA L (ALL INDIA)	73885	69574	59262	64573	77535	76827

Source: Crime in India

Note: '+' Combined data of erstwhile D&N Haveli UT and Daman & Diu UT for 2023.

*' Data of erstwhile Jammu & Kashmir State including Ladakh for 2023.

The State/UT-wise details of the number of children (below 18 years) trafficked and rescued in the country during the year 2021-23

SL	State/UT	Child Trafficked Victims			Child Rescued Victims		
		2021	2022	2023	2021	2022	2023
1	Andhra Pradesh	18	23	58	15	8	11
2	Arunachal Pradesh	4	13	3	3	13	3
3	Assam	80	84	215	73	67	188
4	Bihar	294	123	311	294	123	311
5	Chhattisgarh	113	35	43	112	39	43
6	Goa	2	1	0	2	1	0
7	Gujarat	2	65	5	2	65	5
8	Haryana	6	7	21	6	7	21
9	Himachal Pradesh	1	2	4	1	2	4
10	Jharkhand	172	114	146	102	77	145
11	Karnataka	42	2	5	42	1	5
12	Kerala	177	184	219	179	179	169

13	Madhya Pradesh	123	79	87	124	75	87
14	Maharashtra	95	49	52	95	65	62
15	Manipur	5	4	4	4	4	4
16	Meghalaya	30	1	1	29	1	1
17	Mizoram	25	0	0	25	0	0
18	Nagaland	2	0	0	2	0	0
19	Odisha	202	159	497	202	159	399
20	Punjab	9	65	11	18	61	8
21	Rajasthan	653	815	417	653	815	417
22	Sikkim	0	2	0	0	2	0
23	Tamil Nadu	43	24	16	42	23	38
24	Telangana	71	32	222	71	31	222
25	Tripura	1	2	0	2	2	0
26	Uttar Pradesh	32	61	40	32	58	40
27	Uttarakhand	16	9	9	16	8	9
28	West Bengal	108	53	50	63	56	58
	TOTAL STATE(S)	2326	2008	2436	2209	1942	2250
29	A & N Islands	0	0	0	0	0	0
30	Chandigarh	1	3	2	1	3	2
31	D&N Haveli and Daman & Diu +	0	2	0	0	2	0
32	Delhi UT	536	202	437	536	202	437
33	Jammu & Kashmir *	0	2	2	0	2	2

34	Ladakh	-	0	0	-	0	0
35	Lakshadweep	0	0	0	0	0	0
36	Puducherry	0	5	0	0	0	0
	TOTAL UT(S)	537	214	441	537	209	441
	TOTAL {ALL INDIA)	2863	2222	2877	2746	2151	2691

Note: Human Trafficking data published is based on annual data as provided by States/UTs from their **Anti-Human Trafficking Units**

+ ' Combined data of erstwhile D&N Haveli UT and Daman & Diu UT for the year 2023 *' Data of erstwhile Jammu & Kashmir State including Ladakh for the year 2023.

(A) Methodology of the study:

The study aims to identify the root causes and modus operandi of child trafficking. It also aims to find out the status of child trafficking in union territory and the initiatives taken by the state agencies. The need for the study arises because Manipur in particular and North East India, in general, is also one of the sources, transit, and destination for women and child trafficking, especially for sexual exploitation, prostitution, and child labor. The region has been a fertile ground for human trafficking for various reasons such as armed conflict, ethnic tension, lack of development and job opportunities, and illiteracy. The issue of trafficking seems to be increasing despite the intervention by the government by way of constituting (i) State Level Committee to Combat Human Trafficking chaired by the Chief Secretary, Government of Manipur; (ii) Anti Human Trafficking Units in all the districts by the state Home Department (under the guidelines of the Ministry Home Affairs, Government of India; (iii) Anti-Trafficking Squads at the State and District level by the Department of Social Welfare, Government of Manipur and (iv) Grant-in-Aid given to NGOs for prevention, rescue and rehabilitation of trafficking victims. For instance, MHA Anti Human Trafficking, UNODC Country Assessment Report on Anti Human Trafficking, 2023, and another available source on Child Trafficking examined by NCPCR revealed that North East India has emerged as a high source of area for trafficking of women and children. However, there are very limited studies in trying to understand the issue through a multidisciplinary. It is in this regard, that the study was undertaken to analyze and examine the data compiled by the Department of Social Welfare, Government of Manipur. The study will help to anticipate ways and means to combat child trafficking in Manipur effectively. To respond to the objectives, the study followed the

combined methodological approach of quantitative supplemented by qualitative methodology. It was an exploratory research design. The data for the study was mainly based on the official compilation of the Department of Social Welfare, Government of Manipur. There are two sets of data or rather two ways of documenting the data of child trafficking in Manipur. Since the pattern of documentation was different, the two data sets could not be developed as one single data set for the study. So, for the study, the first data set was used as it has the scope to examine the cases than the second data set. Besides, the number of cases in the second data set was very low as compared to the first data set. This does not mean that the first data set is perfect for the study. It has several limitations, particularly in developing individual profiles of the traffic victims and other socio-economic parameters. Thus, the findings were presented in simple frequency tables as there is limited scope for statistical analysis. However, the study incorporates the data from the second data set, whenever it gets the opportunity. The table and figures which are developed by combining the two data sets were specifically

III. FINDINGS

The main cause of child trafficking in India is mostly due to the need for quality school education and not merely because of poverty. The mode of recruitment for child trafficking is mostly through the state agents who, almost in all cases, are members of the community or from the same villages where the victim resides. However, due to a lack of factual information, it is not able to ascertain the direct involvement of these local agents. The victims were recruited by convincing their families and relatives by promising free school education and free boarding plus Employment and Skill Training. This indicates that the trafficker seems to have studied and understood the traffic scenario of the state and more particularly at the local level from where they are planning to recruit children.

The incident as well as the number of trafficked children for the years 2020 and 2021 was reported to be the same. However, it is observed by child activists that the year 2020 and 2021 should not be considered a good year. It may be because of the lack of documentation either with the government or with the NGOs working on issues of trafficking. Unfortunately, there was no NGO exclusively focused on child trafficking as it was a club under the issue of child rights. In the year 2022, as compared to the subsequent years, the number of trafficked children is less (53), but, the number of incidents is the highest (11). The majority i.e. 31 (79.5 %) of the rescued victims are reported to be from Manipur, while only 08 (20.5%) are from other states of India, particularly from North East India.

This may be because the government interventions that are specific to child trafficking seem to

be taking a backseat. The route for trafficking seems to be multiplied with the increasing number of trafficking incidents. For instance, we have different routes to go to Guwahati from Impala. But our concern is the change of direction. For instance, the main route for trafficking was towards Guwahati-Kolkata and finally to South Indian states, particularly Tamil Nadu. But, we have noticed that the number of cases relating to the trafficking of children in the name of providing quality education has been increased and distributed all over India. It is also found that the victims of inter-country trafficking were carried out by air through Impala -Guwahati – Kolkata and then to Singapore. In addition to Guwahati's direction, now we noticed that the victim is being trafficked through the Impala–Moreh in India and towards Myanmar and finally destined for Singapore. It does not mean that this new route is the main route of inter-country trafficking. But, there is also a possibility of using multiple routes. In terms of rescued children, 48.7% of the cases of rescued children were reported from different part of Manipur but the majority of the cases (51.3%) was reported from outside the State of Manipur. Out of the 51.3 % cases reported, 28.2% of the cases are reported only in South India, particularly Tamil Nadu (15.4%), Karnataka (7.7%), and Kerala (5.1%).

The remaining cover the different regions of India such as Eastern (West Bengal), Western (Maharashtra), Northern (Haryana), Central (Uttar Pradesh), and North Western (Rajasthan) etc. Further, Tamil Nadu with 33.3% is shown as one of the favorite destinations for the trafficked children of Manipur. It is closely followed by Karnataka (7.7%) and Kerala (5.1%). It was also reported that rescuing from unauthorized children's homes was very prominent. Tamil Nadu topped the number with 42.9 % of the unauthorized home followed by Karnataka (21.4%) and Rajasthan (14.3%). In terms of number of children rescued, 151 children (54.51%) were reported only from the State of Tamil Nadu.

1. Awareness-Raising Measures:

With the help of NGOs and Police officials there can be some types of advertisements through the popular media in particular locations and by conducting some awareness programs in villages, local schools, among kids of the poor society and public to be alert of being victimized.

2. Legislative Measures:

Adopting or strengthening legislative, proper law enforcement, incorrupt officials, educational, social, cultural, or other measures and, where applicable, penal legislation, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women, and children, and that leads to trafficking.

IV. CONCLUSION

Human trafficking jeopardizes the dignity and security of trafficked individuals and severely violates their human rights. Constitutions of India guarantee the equal rights of men and women, but they are often merely rhetoric when it comes to the question of practical implementation. To combat trafficking and thus protect the human rights of vulnerable people, the strong political will of the government is vital in implementing their anti-trafficking mandates. Thus we can say any crime that can be used as business one day becomes a big social evil as in the case of human trafficking. The problem is still in our hands to be solved if strong steps are taken deliberately and policies are made and implemented strictly. If timely steps are not taken then in a very short time it will remain late but too late.

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- 11 Data of erstwhile Jammu & Kashmir State including Ladakh for the year 2023
- 12 The State/UT-wise details of the number of children (below 18 years) missing and Traced in the country during the year 2021-23
