Chapter – II
Review of Literature

Introduction

This chapter is meant to review the available literature by the following chronological order. The review covers the sources of trafficking i.e. countries, regions and areas, characteristics of traffickers and trafficking victims, forms of violence against trafficked victims, magnitude of trafficking, reasons for trafficking, structural factors for trafficking, places used for prostitution, types of prostitutes, link between migration and prostitution, types of sex tourism and reasons for sex tourism, link between poverty and trafficking, link between lack of women empowerment and trafficking, impact of trafficking on individuals, family and household, health problems of trafficking victims, implications of repatriation of trafficking victims, legal implications of trafficking and role of state in preventing trafficking and reasons for failure in preventing the trafficking. Certain court judgments have also been referred in the review for having a holistic view of the issue of human trafficking. It is very important to record that, not many academics ventured into this area of research, as collecting data and information are difficult from the original sources of trafficked victims, who, generally, refuse to share information. Hence, most of the studies reviewed here include reports, monographs and court judgments.

Cross Border Trafficking

*Soma Wadhwa (1998)* explained about the size, modus operandi, cost and areas of cross borderer trafficking from Nepal to India. She said that as per the estimates from the NGOs, every year between 5,000 and 7,000 Nepalese girls are trafficked into the red light districts in Indian
cities. Many of the girls are hardly between 9 and 10 years old and, already 2, 50,000 Nepalese women and girls are in Indian brothels.

Author points out that, the girls are sold by poor parents, tricked into fraudulent marriages, or promised employment in towns only to find themselves in Indian brothels. With regard to making the girls and women to agree for prostitution author believes that, they are locked up for days, starved, beaten, and burned with cigarettes until they learn how to offer service up to 25 clients a day. Some girls go through 'training' before being initiated into prostitution, which includes constant exposure to pornographic, films, tutorials in how to 'please' customers and repeated rapes.

She also explained the modes operandi of traffickers in the border areas. Trafficking in women and girls is easy along the 1,740 mile-long open borders between India and Nepal. The author reports that trafficking in Nepalese women and girls is less risky than smuggling narcotics and electronic equipment into India. According to author, the traffickers ferry large groups of girls at a time without the hassle of paperwork or threats of police checks. The procurer-pimp-police network makes the process even smoother. Having bought them for just Rs. 1000 Nepalese girl has been known to fetch up to Rs. 30,000 in later transactions. Policemen are paid by brothel owners to ignore the situation. Girls may not leave the brothels until they haverepaid their debt or they are sick with serious diseases like HIV and/or tuberculosis, and often have children of their own.

The areas used by traffickers to procure women and girls, according to the author are the isolated districts of Sindupalchow, Makwanpur, Dhading and Khavre in Nepal where the population is largely illiterate.
Jean D ‘Chunha (1998) in his study it is critically examined the scale and magnitude of prostitution and sex trafficking in South Asian countries. According to him, approximately 70,000 to 2 million women were engaged in prostitution. Author believes that the principle means of supply for commercial sexual exploitation of women and children is trafficking, abduction, deceit-lure of good jobs, fake marriage contracts, befriending and sale into prostitution. For insistence around 5000-7000 Nepali women and girls are being annually trafficked across the borders into Indian brothels.

A Status and Action Report by the Central Advisory Committee on Child Prostitution (1991) estimates that there are between 70,000 and 1,00,000 women trafficked and entered into prostitution in the six metropolitan cities of Mumbai, Delhi, Calcutta, Madras, Bengaluru and Hyderabad.

Krishna Prasad (2006) in his analysis covering India, Bangladesh, Pakistan and Nepal pointed out that the Indian scenario of human trafficking is quite similar to that of other South Asian countries. India is an origin, transit and destination country for women, men and children trafficked for the purpose of sexual and labor exploitation. Indian men and women are trafficked into situations of involuntary servitude in countries of the Middle East, and children are forced to work as camel jockeys. Bangladeshi women and children are trafficked to India or trafficked through India en route to Pakistan and the Middle East for the purpose of sexual exploitation, domestic servitude and forced labor. Nepalese women and girls are trafficked to India for sexual exploitation, domestic servitude and forced labor. India is also a growing destination for sex tourists from Europe, the United States and other western countries. India is also home to millions of victims of trafficking.
Madhusudhana (2006) in his study conducted in the state of Andhra Pradesh mentioned the spread of trafficking in India. He opined that trafficking in women became part of transnational organized crime and has been referred to as the ‘dark side of globalization’. Within the South Asian region, Nepal and Bangladesh have been designated as ‘sending’ countries or countries of origin in the regional web of trafficking. India and Pakistan are usually referred to as countries of ‘transit’ or ‘destination’. Due to illicit nature of people trafficking, the number of children and women trafficked for commercial sex work is difficult to quantify in nature. He also believed that the global trade in trafficking has increased substantially over a decade.

He said that as per some estimations, 600,000 to 800,000 persons especially women and children, are sold each year across international borders. According to him, South Asia is the highest contributor, sacrificing 1, 50,000 persons to this heinous trade. He refers to the recent estimate by United States suggesting that globally trafficking of women and children is an operation worth $5-7 billion annually. He also refers to the estimate that more than 2 million women of Indian, Nepalese, and Bangladeshi origin are engaged in the commercial sex trade in India, of which, at least 500,000 are under the age of 18 years.

He said that trafficking involves to some extent involuntariness in mobilizing the people from known place to unknown place, and the laws do not always provide for compensation/rehabilitation allowance from the State or from the exploiter to the victim. Author believes that this makes it much less risky for organized crime syndicates to indulge in human trafficking. He suggests that it is necessary to identify the victims of trafficking and the reasons for their vulnerability – their age and gender, the regions from which they are trafficked. He further believes that, social, economic or political compulsions including local customs make these victims vulnerable to traffickers and the impact of natural calamities on vulnerability.
Based on his observations, author believes that it is necessary to keep the focus on the victim, the need for preventive measures, for early rescue operations, proper law enforcement, measures for rehabilitation of the rescued and the fixing of responsibility for rehabilitation and reintegration.

He concluded that there is a link between gender discrimination, poverty, deprivation and trafficking. According to him discrimination also means for the girl child, deprivation of education, lack of economic opportunities, an early marriage, early child bearing and risks to health and wellbeing. He recognizes that many tribal customs also do not permit women to own land, which is the main source of income in a rural community, thus making women far more vulnerable than men. He concludes that ‘the victims not only face the danger of being psychologically abused, but also the reality of being infected with HIV/AIDS. It is also likely that they will become procurers after a few years of victimization’. He says that the existing discrimination and stigmatization by the own family members in addition to the community people while reintegrating in the society making women further vulnerable for trafficking.

Ratna Kapur (2007) in her study said that according to the Indian government, human trafficking in India is thought to be largely an internal phenomenon, but there is evidence that people from Bangladesh and Nepal have been trafficked via India to the Middle East. While most of the laws and policies in India have focused on the trafficking of people for sexual exploitation, a study carried out by the National Human Rights Commission (NHRC) of India provides strong evidence of trafficking for the purposes of factory work, performing in circuses, camel jockeying, begging, domestic labor, adoption, organ removal, marriage, and bonded labor. The study records that there are no accurate or reliable statistics available regarding the number of persons who are either trafficked into or out of India, or internally within India. It agrees that
‘millions’ of men, women and children are internally trafficked. Hundreds and thousands of women and girls are alleged to be trafficked for the purpose of commercial sexual exploitation.

In her stringent critical remarks against anti-trafficking laws in India, author criticizes that they have largely been framed based on the UN Suppression of Traffic Convention, though in many situations government policy has appeared at odds with the Convention, by seeking to regulate prostitution rather than to prohibit it. Author identified two primary concerns that have drawn the government’s attention to the issue of anti-trafficking. These include a concern over the spread of HIV in India and the concern over the exploitation and trafficking of minors, in particular, young girls into sexually exploitative situations, quite specifically, prostitution. According to the author, the anti-trafficking laws in India display a profound misunderstanding of the phenomenon of human trafficking. The laws failing to make a distinction between human smuggling, irregular movement, illegal migration and trafficking, denies those who choose to migrate for better life opportunities and undermines the gravity of the abuses suffered by trafficked persons. Criminalizing various aspects of prostitution in order to prevent trafficking, as is the case with the existing law or criminalizing the purchase of sexual services and penalizes those trafficked for sexual exploitation rather than their traffickers. It renders persons trafficked for sexual exploitation more vulnerable to their traffickers, their clients and the police. Finally, failing to expand the application of anti-trafficking legislation beyond the cases of trafficking for sexual exploitation has the effect of denying the harm done to persons who experience similar abuses but who are trafficked for other purposes.

She said that rescuing of trafficking victims is a responsibility of both government and civil society. The phenomenon of brothel raids carried out by the police with the assistance of information provided by NGOs has been one of the most problematic strategies pursued under
the provisions of the ITPA. The raids are justified in order to ‘rescue’ women and children forced into prostitution, yet there is evidence that these raids have occasioned abuse by the police and are also counter-productive. There have also been suggestions that these raids are at times politically motivated by communal or anti-migrant groups, since most sex workers in India are from lower castes, tribal groups or neighboring countries. While the raids are justified on the grounds that they are a means through which exploited women and children can be ‘rescued’, several problems have been identified with the raid process. These include a lack of sensitivity and legal knowledge by the police with respect to trafficking; the bribing of the police by brothel-owners before, during or after raids; the serious human rights violations occurring during raids; the arrest of ‘rescued’ women for soliciting while brothel-owners remain at liberty; and the failure to inform women of the reasons for which they have been arrested.

She also said that the repatriation of trafficking victims is a challenging task. There is currently no law on repatriation in India and there are no repatriation agreements in place between India and neighboring countries such as Bangladesh, Nepal or Pakistan. However, the courts in India and a number of NGOs have successfully repatriated a number of trafficking victims. Furthermore, the NHRC has taken up the issue of repatriation, and formal repatriation arrangements between India and Bangladesh and between India and Nepal are being considered.

*Sakthi Prakash (2009)* said that reliable estimates suggest that every year, one or two million people are trafficked worldwide and among them half a million are from South and South East Asia. Among the trafficked, most are women and children and majority of prostitutes in Asian countries are minors. Author points out that, child sex trafficking is one of the most inhuman crimes against children. Traffickers, including their family members are part of an organized criminal network and they find means and ways to force girls to take up prostitution as
a way of life for their survival. Young and virgin girls especially children are highly preferred by traffickers due to the belief that younger girls are less likely to be the carriers of the AIDS virus. The myth that sex with virgins will cure sexually transmitted diseases also fuels this demand.

The United States Agency for International Development (USAID) in its report (2009) said that, India is a source; destination and transit country for men, women and children trafficked for the purpose of forced labor and commercial sexual exploitation. Internal forced labor may constitute India’s largest trafficking problem; men, women and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. Although no comprehensive study of forced and bonded labour has been carried out, some NGOs estimate this problem affects tens of millions of Indians. Those from India’s most disadvantaged social economic strata are particularly vulnerable to forced or bonded labor and sex trafficking. Women and girls are trafficked within the country for the purpose of commercial sexual exploitation and forced marriage. Children are also subjected to forced labor as factory workers, domestic servants, beggars, and agricultural workers. In recent years, there has been increase of sex trafficking to medium-sized cities and satellite towns of large cities. India is also a destination for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation. There are also victims of labor trafficking among thousands of Indians who migrate willingly every year to the Middle East, Europe, and the United States for work as domestic servants and low-skilled laborers.

The Reports point out that, in some cases, such workers are the victims of fraudulent recruitment process committed in India that lead them directly into the situation of forced labor, including debt bondage; in other cases, high debts incurred to pay recruitment fee leave them vulnerable to exploitation by unscrupulous employers in the destination countries, where some
are subjected to conditions of involuntary servitude, including nonpayment of wages, restrictions on movement, unlawful withholding of passports, and physical and sexual abuse. Men and women from Bangladesh and Nepal are trafficked through India for forced labor and commercial sexual exploitation in the Middle East.

The report alleges that, the Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, India has not demonstrated sufficient progress in its law enforcement efforts to address human trafficking, particularly bonded labor and commercial sexual exploitation; therefore, India is placed on Tier 2 Watch List.

The UNGIFT (2011) explained the cross border trafficking from Bangladesh and Nepal to India. The illegal movement of persons is from Nepal and Bangladesh into India and sometimes beyond, through the borders that these countries have with India which are porous and very long. There are about twenty check posts across the length of the Bangladeshi border. Crossing the border is not a cumbersome process, and money may change hands. With Nepal, there are fourteen legal entry points, but illegal cross border movements take place easily. Since India has an open border policy with Nepal, trafficking may be difficult to identify. Bangladeshis don't have similar access, but trafficking from both these countries takes place.

The Report also explained the in-country trafficking. Within the country, a number of factors operate influencing trafficking of Indian men, women and children. Women and girls in India may be trafficked due to cultural practices such as the devadasi system though banned or due to poverty. There are again many women who willingly migrate to the Middle East, Europe and the United States to work as domestic labor that are defrauded by placement agencies and sometimes trafficked. Men, women and children are trafficked within India and abroad and kept
in conditions of involuntary servitude with characteristics such as withholding payment of wages, confiscation of travel documents, Non-adherence to conditions of work, inordinate profits to middlemen with bonded labor to pay off the profits/charges, etc. India is also one of the destination countries for persons from Bangladesh and Nepal, and a bulk of those trafficked from these countries are women and children. In both cases, the initial migration, legal or illegal, may be voluntary, and subsequently migrants may be trafficked. The numbers are very large, though precise figures are lacking and need to be tackled urgently.

The Report also points out weaknesses in the laws meant to prevent trafficking and need for the ratification of international covenants. India needs to ensure that major Conventions especially UNTOC and Protocols are ratified for a more uniform system of anti-trafficking frameworks for tackling cross border trafficking. While in Goa there is a definition of trafficking, this is not true for the rest of the country, and clear definitions on trafficking and organized crime must be formulated. The internationally accepted norm of a child being a person below the age of eighteen years must be incorporated in all statutes, including those on labor. India needs to cooperate with its neighbors, especially with Nepal and Bangladesh, to tackle cross border trafficking. Although some measures exist, these need to be formalized in law and policy and operationalized through training programs for different stakeholders. Crossborder trafficking in the region cannot be tackled without India's commitment matched by law, policy and action.

**Cross Border and Inter State Trafficking**

Providing a national level assessment in 1988, *Rita Rozario* pointed out the source of women trafficking, causes for women trafficking, routes of women trafficking, forms of violence against women in trafficking and modus operandi adopted by traffickers. According to her assessment, trafficking from neighboring countries accounts for only 10 percent of the
coerced migration, with approximately 2.17 per cent coming from Bangladesh and 2.6 percent from Nepal. The share of interstate trafficking is estimated to be around 89 per cent of the total trafficked women. Further she also explained the demand for the tender age girl is more than middle-aged women. She also identified that poverty and unemployment are the major causes for women trafficking. According to her the State of Andhra Pradesh is the source and destination for trafficking victims.

Her study also provided the details of the internal trafficking routes in India, where centers of commercial sexual exploitation are located, and the location of interstate flesh trade triangles. Interstate movement for prostitution was found to be high between Mumbai and Karnataka. Women from Karnataka constitute 45.6 per cent of the prostitutes in Mumbai. Interstate movement in case of women in Bangalore was as high as 72.11 per cent, and 93.60 per cent of the prostitutes in Hyderabad are from Andhra Pradesh itself. Her study also pointed out those geographical belts of exploitation; for instance, the pink triangle between Agra (Uttar Pradesh), Jaipur (Rajasthan) and Delhi (NCR region) and the southern supply belt between Kadiri (Anantapuramu district), MadanaPalli (Chittoor district) and Rayachoti (YSR Kadapa district).

*Meena Meenon (1997)* explained the patterns and supply zones for women for commercial sexual exploitation. According to her, Karnataka, Andhra Pradesh, Maharashtra, and Tamil Nadu are considered ‘high supply zones’ for women in prostitution in India. Bijapur, Belgaum and Kolhapur are common districts from which women migrate to the big cities, as part of an organized trafficking network. Districts bordering Maharashtra and Karnataka, known as the ‘devadasi belt’, have trafficking structures operating at various levels. The women here are in prostitution either because their husbands deserted them, or they are trafficked through coercion.
and deception. Many women and children are *devadasis* and dedicated into prostitution for the goddess *Yellamma*. In one Karnataka brothel, all 15 girls were found to be *Devadasis*. Children of prostituted women are victims of sexual abuse as well. Children are forced to perform dances and songs for male buyers, and some are forced to sexually service the males. According to the author, there are at least 400 children in prostitution in Goa.

**Estimates of Trafficking Victims**

*Umaria (1991)* tried to estimate the children of commercial sex workers in India. This study conducted in 25 States and 4 Union Territories. This study revealed the worst situation and vulnerability of the children as commercial sex workers. The study estimated that there were about 20 Lakh prostitutes in India in 817 red light areas; with more than 5 million children whose father’s identity was not known to the mothers. It was estimated that Mumbai had 17,000 prostitutes, and they had 45,000 children. Besides being born with the stigma of illegitimacy, they grew up in red light areas, where pimps, brothel keepers, ‘hafta’ receiving police and anti-social elements existed all around. These children lived in small dingy, ill ventilated rooms, lacking toilet facilities had insufficient water for bathing and moved around in inadequate clothes, in unclean bye lanes in the area. To have a physically and emotionally healthy generation, these children need a better environment to grow and become responsible citizens.

**Source of Trafficking**

*The DWCD and UNICEF Report* (1996) explained various vulnerable groups and risk factors related to geographical locations. They have analyzed the relation between vulnerable groups and their spatial or geographical locations in relation to women and children. Though the list is not exhaustive, places where poor women in India (rural and urban) are located have been
identified. Contrary to the general perception, a study from Orissa found that ‘developed areas with improved infrastructure have invariably been the source as well as the destination of trafficking in women’, though in these areas 80 per cent of the population are victims still belonged to landless households and families dependent on daily wage labor for survival. This suggests that a further examination of the spaces where there is an intersection of the affluent and the not-so-affluent maybe needed to fully understand and explain vulnerability. Street children and those living in slums; the orphaned and the disabled; children living in brothels or in communities practicing religious and cultural prostitution; children who have been stigmatized by abuse or molestation; children born to victims of AIDS; children in custodial and educational institutions away from families; and children of bonded laborers and those working as domestic help have been identified as those at risk.

*Sanghera (1999)* in her study conducted in Maharashtra explained about the lack of information on the issue of trafficking for commercial sexual exploitation. Adequate information on the involvement of organized crime is not available; it is merely hinted at. Nor is there enough knowledge about traffickers, their networks and organizations. There is insufficient clarity about the role of various players in trafficking networks. The characteristics of traffickers, including their socio-economic profiles, have not been thoroughly studied. Nor has the organized nature of trafficking, where the power equations are against the victim, been dealt with. She has urged that methodological guidelines are to be developed on how to study an underground phenomenon and to fill the gaps in the data on traffickers and organized crime syndicates.

She said that patterns and trends of demand side of trafficking have not been adequately examined, and hardly any attempts have been made to understand it. Another important question that needs to be answered is whether ‘the demand side of the equation is driven by customer
interest or merely that trafficked women are more profitable for sex industry entrepreneurs’ or both factors operating simultaneously, ‘serving a mutual interest between suppliers and customers’.

Sanghera has called for greater clarity on the concept of trafficking pointing to the need to broaden it to include other purposes besides prostitution. The absence of reliable data, inadequate advocacy efforts, and the lack of analysis of laws, insufficient understanding of the human rights framework, limited interventions for prevention, and the lack of human standards for the treatment of victims are some of the gaps in the anti-trafficking initiatives that she has pointed out. Her study describes trafficking as a crime whose victims have to be rescued and protected. However, anti-trafficking initiatives are usually dressed up as anti-migration programs, adopting strategies for preventive or safe migration. It has also been observed that ‘sex workers and migrants are the groups currently challenging the anti-trafficking measures, which also testifies to the fact that anti-trafficking measures are not dealing with the problems that they set out to address.

*Mukherjee et al. (2007)* in their study covering 25 States/Union Territories in India have observed that, 75-77 per cent of the respondents have been inducted into the trade through the process of trafficking. It includes 74.05 per cent of the women have been inducted by family members and relatives, 18.40 per cent cases of induction by friends, lovers and neighbours etc., 9.31 per cent cases of induction by strangers including pimps. About 20-22 per cent of the respondents entered into prostitution under various circumstances / situational compulsions.

He says that the victims of prostitution in India entered the profession through various means, and trafficking happens to be the primary means of entry in about three-quarters of the total cases. He says that women trafficking for prostitution primarily covers three groups of
persons i.e., inductor/procurers/traffickers, the purchasers, (brothel keepers/flesh traders) and the victims. Author believed that the last category entered as victims for the financial benefits primarily of the first two categories.

He also classified the States and Union Territories into three categories in terms of magnitude of the problem as high, average and low concentration areas of trafficking. In high concentration category, he included 13 States and Union Territories namely, Arunachal Pradesh, Andhra Pradesh, Chandigarh, Daman and Diu, Goa, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Nagaland, Rajasthan, Tamil Nadu and West Bengal which collectively contributes 73.44 per cent of the total girl/women in prostitution in the country. Five states namely Chhattisgarh, Haryana, Jharkhand, Sikkim and Tripura fall in the low concentration zones, and cover 1.76 per cent of the total prostitutes. The remaining thirteen States and Union Territories which fall under medium concentration zones comprises Assam, Bihar, Delhi, Himachal Pradesh, Jammu and Kashmir, Kerala, Meghalaya, Manipur, Orissa, Punjab, Pondicherry, Uttar Pradesh and Uttarakhand that covers 24.80 per cent of the total prostitutes.

He says that ensuring strict vigilance by revitalizing the existing infrastructure and instilling administrative will, creating awareness among the rural people, effective implementation of rural development programs, active participation of the panchayaths and people in the local issues and strengthening of the rural livelihood base would help prevent trafficking of women and girls for commercial sexual exploitation.

He also suggested some measures to rehabilitate the trafficking victims: organizing both formal and non-formal education; awareness generation programs relating to their situation; condensed courses and coaching classes for the victims who are willing to go for higher
education; imparting vocational and entrepreneurial training programs; providing free legal aid; and setting of a marriage bureau for helping the young trafficked victims in their marriage.

Considering trafficking of women and children as one of the worst violations of human rights, Sankar Sen (2007) says that, every year worldwide one million women and children are trafficked for forced labor, domestic servitude or sexual exploitation. He believed that trafficking is the third largest source of profit for organized crime behind only drugs and arms.

 Trafficking is a problem today that affects virtually every country in the world. According to him, normally the flow of trafficking is from less developed countries to advanced countries. He also explained the contributory factors for trafficking. He opined that though it is a global phenomenon, the problem assumed serious dimensions in different countries of Asia, and particularly in south Asia. The trafficked women and children are used for a variety of purposes like prostitution, domestic work, camel jockeying, and illegal adoption of children, organ transplant, begging, drug trafficking, forced marriages and various explorative forms of work.

Some of the key pushes factors for trafficking; according to the author, are inadequate employment opportunities, absence of social safety net, globalization, and open boarder facilitating movement of population. And the pull factors for trafficking are erosion of old family system, unabashed pursuit of consumerism and practice in some community of dedicating girls to gods and goddess. He also believed that, in India, social acceptance of prostitution in some communities encourages this reprehensible trade.

He also explained the modus operandi of the traffickers. They acquire the victims in much number of ways. Sometimes women are kidnapped outright in one country and forcibly taken to another country. Victims are also some times lured with job offers. Traffickers entice victims with false promises of paying jobs in foreign countries as models, dancers, domestic
workers etc. they advertise these phony jobs as well as marriage opportunities in local newspapers. For instance Russian trafficking gangs repeatedly use marriage agency databases and matching parties to find their victims.

Many of the traffickers are older women who are most probably former prostitutes or they are forced into prostitution and now trying to escape by providing a substitute. Often these agents speak several languages and have multiple roles. The use of words like ‘mafia’ or depictions of traffickers as villain outsiders do not often correspond to the actual grab taken by most traffickers.

He said that the important feature of trafficking network is an efficient coordination of what appears to be a fragmented process. The actors in the trafficking network collaborate and protect one another. Persons who operate at the recruiting end often do not know the people or their activities at the receiving end. Each other concentrates on his or her responsibility in a chain of activities that involve recruitment, passage, forging the relevant documents and placement in work places. Another principle in management in the sex trade is mobility. Women are very regularly rotated among different brothels after a fixed period of time. This serves two purposes. One is to disorient the women and is to prevent them from establishing a long lasting contact with clients to seek help.

He also pointed out the problems in the laws related to trafficking. One of the primary problems of the Suppression of Immoral Trafficking in Women and Girls Act, 1956 (SITA) is that, it makes prostitution as the only form of trafficking. Keeping in mind the new trends in commercial sexual trade, the Act has to incorporate larger aspects in prostitution itself instead of being confined to brothels. The act provides for constitution of special courts and summary trails,
but it does not prescribe procedures. In view of powerful network of traffickers it should provide for victim protection and rehabilitation.

According to the author, poor law enforcement is one of the key factors responsible for upsurge in trafficking. It is a paradox that in India, though there is a sharp increase in trafficking, the total number of crimes reported under Immoral Trafficking Prevention Act, in 2002 was 5691, which is 35 per cent less than in 2001.

**Sudhir Varma (2010)** said that one million children in the world are forced into prostitution every year and the total number of prostituted children must be around 10 million. Both boys and girls as young as 10 years are victims of the trafficking. Most of them are exploited locally but the number being exploited by foreigners is rapidly growing. The number of such children is the highest in India – 4 to 5.75 lakh, followed by Brazil (1-5 lakh), USA (3 lakh), Thailand (2 lakh) and China (2 lakh).

He said that currently worldwide, lakhs of children are suffering from sexually transmitted diseases, (HIV/AIDS) and have to undergo abortions, make attempts to commit suicide or raped. One of the reasons for the growing cases of sex with tender aged girl child is a myth about the curative powers of sex with young, virgin girls for HIV/AIDS.

He said that in India, out of an estimated 9 lakh sex workers, 30 percent are children. The number of such children is growing by 8 -10 percent per annum. In India, commercial sexual exploitation of children is also a part of some of its age-old customs like devadasi system and tribal prostitution. From surveys of brothels, it emerges that; the average age of girls supplied to them has decreased from 14 to 16 years to 10 to 14 years. The younger the girl, the higher is her price.
State and Trafficking

After examining the existing law enforcement scenario Kiran Bediet al. (2005) in their study identified lack of priority, insensitivity, victimization of the victims, improper investigation, lack of organized crime perspective in investigation, lack of comprehensive data base, lack of synergy among the various departments of government, lack of coordination with NGOs, lack of appreciation and lack of emphasis on rehabilitation are the some of the important lacunas in arresting women trafficking in law enforcement scenario.

They also explained the role of anti-human trafficking units (AHTUs) in preventing trafficking particularly in the state of Andhra Pradesh. The existing AHTUs in several states are established by UNODC, New Delhi in partnership with several state government agencies and civil society partners. The AHTU is a special task force set up under the state police, by involving selected police officials, NGOs and others who are especially trained for the purpose. These AHTUs are making tremendous impact in the law enforcement scenario. For example, in a span of six months; the AHTUs in Andhra Pradesh have rescued more than 700 victims of which more than 100 are children below 18 years of age. They have also arrested more than 1000 offenders including 300 customers. Four traffickers have been convicted and eight hotels where CSE was noticed have been closed down under section 18 of ITPA. And the victims who have been rescued are being promptly taken care by the government departments as well as NGOs; most of them have been rehabilitated with the help of the corporate and business houses. Excellent examples of rehabilitation have been contributed through this synergy in action.

Trafficking and Migration
Radhika Coomarswamy (2000) report provides important indicators for the possible relation between trafficking and migration. The relationship is stated to be important because an understanding of migration trends and patterns, factors promoting migration and the processes involved in migration will play an important role in combating trafficking. Unlike the relationship between trafficking and migration and trafficking appear to intersect at almost all levels. It seems that the exploitation of migration by trafficking is the dominant nature of this relationship. Evidently, they first intersect at the crossroads of physical movement. At a structural level it looks as though migration provides the basis and the context in which trafficking occurs. The fact that these contexts create a high degree of vulnerability for the people within them is apparent. The character of the migration process provides an opportunity and means for enactment of trafficking. The relationship between these two processes suggests a possibility that trends in migration influence trafficking.

She said that the commonality of the element of movement between the phenomenon of migration and trafficking is the central factor around which this relationship is built. This gives rise for some clarifications at the conceptual level in the Indian context. In the international situation on trafficking, physical movement to a site of exploitation is an inherent component of the concept. However, in the Indian situation on trafficking, traditional practices followed by Indian tribal populations and the practice of bonded labor creates a dilemma. In such cases the site of exploitation and the place of origin may be the same. These are classified as cases of trafficking, although the component of movement is missing. This particular argument then, points towards a need for further classification and exploration into the question of how people end up in various exploitative circumstances. For instance, should traditional practices be considered a distinct form of recruitment in commercial sexual exploitation or should they be
classified under trafficking? If they were to be classified as distinct categories, then it would be possible to have cases of trafficking within recruitment practices based on tradition. Similarly in cases of bonded labor, a distinction may need to be made – between a migrant bonded labor (mostly trafficked) and local bonded labor. But these arguments are not applicable in the case of children.

**Factors Responsible for Trafficking**

*Mukherjee (1985)* conducted a study on prostitutes in 26 districts of Uttar Pradesh covering 1000 victims of trafficking and explained various factors influencing the growth of flesh trade. In his study he explained the nature and extent of the problems of flesh trade and trafficking in women. He said that flesh trade and trafficking are interrelated and is the result of multiple factors. However, the most common factors that are highly influencing the flesh trade, according to him are poverty, ignorance, social acceptance of the trade, etc. He also pointed out that the victims of the trafficking are a heterogeneous group, and are from the lowest socio-economic group.

*Fernandez et al. (2001)* in their study conducted in Mumbai city has explained various factors that are responsible for raise in trafficking. Insufficient or inadequate laws, poor enforcement, ineffective penalties, minimal chances of prosecution, relatively low risks involved, corruption and complacency, invisibility of the issue, failure of governments to implement policies and provide adequate services for victims all play a role in perpetuating trafficking. They also assessed the process of recruitment. According to them recruiters can be neighbors, friends of families, relatives of friends, acquaintances returned from abroad, women who have migrated or who have been trafficked, husbands, parents, boyfriends or lovers. Some recruiters were gay men who were trusted by women because of their sex orientation. They can be drug
peddlers, head masons at construction sites, even bandleaders in dancing/live bars and labor contractors. They either use friends and acquaintances to recruit or rely on word of mouth. Terms like dalal or dalali (middlemen or broker) are used to refer to traffickers.

They said that traffickers are very violent during the procurement of trafficking victims. They have identified up to 16 forms of violence faced by women trafficked for prostitution. They may be starved, locked up in a dark room, beaten, burnt with cigarette butts, bound, forced to drink, strangled, stabbed or killed. The women face threats of torture and physical abuse, and they maybe murdered if they do not cooperate. Attempts are made to create dependency on drugs and alcohol among the victims. Most ‘children relent within 7 to 10 days under psychological pressure’ and the other tactics used by their exploiters.

**Radhika Coomarswamy (2000)** observes that low levels of literacy, awareness and information are the risk factors. Economic deprivation due to various reasons and its associative conditions are among the most important factors that lead to vulnerability. It is found in the study on Mumbai sex workers that a high percentage of trafficked people belong to lower income groups. Greater the degree of impoverishment, higher is the risk of falling prey to trafficking. People with disabilities or women who may suffer from disfigurements are also vulnerable. A dysfunctional home environment break-up of the family, marital discord, physical abuse and torture, sexual abuse and assault, drug use, family pressures, large families, families facing uncertain times, children in substitute care, gender discrimination within the family, desertion by husbands, husbands acquiring a second or a third wife makes people vulnerable to trafficking. This study shows that most trafficked women were unmarried, divorced, separated or widowed and involvement of another family member in commercial sex work also creates vulnerability in most number of cases.
She said that trafficking occurs in a wider context of increasing instances of human rights violation against women. These include the violation of their reproductive rights and the rights of female infants and fetuses to live, domestic violence against women, custodial violence against women, violence against women in markets and other public places, and the violation of women’s rights to decision-making and to land assets and other resources. In some cases where their families or guardians push women or girls into trafficked circumstances, many do not consider this as harmful; as they are considered chattels of their father or guardian and further protection from their community would be inappropriate. Instances of male relatives making periodic visits to collect a girl’s earnings have also been reported. Thus, there is a non-recognition and non-acceptance of such practices as being exploitative. Early marriage, lack of choice regarding marriage partner and their socialization into women who remain servile and bear injustice silently are other factors that render them more vulnerable.

*Kiran Bedi et al. (2005)* in their study explained the factors causing trafficking. They mentioned that the trafficking in any form is demand driven. That means more demand, more crime. This is an accumulation of several factors like lack of awareness of rights, lack of access to rights, illiteracy, disparities in income, scope of exploitation of the person, poor law enforcement, lack of public awareness, existing ‘culture of silence’ to violations of rights of others etc.

*Trafficking In Persons (TIP) (2005)* report explained the causes of trafficking. According to that Report, the causes of human trafficking are complex and often reinforce each other. Victims constitute the supply, and abusive employers or sexual exploiters (also known as sex buyers) represent the demand. And the people who act as conduits to trafficked persons are
traffickers and represent distribution. Typically demand side and distribution side gain economically and the supply side suffers from all angles.

The supply of victims is encouraged by many factors including poverty, attraction of perceived higher standards of living, lack of employment opportunities, organized crimes, and violence against women, regional imbalance, economic disparities, socially challenges, government corruption, politically instability and armed conflict.

On demand side, factors driving trafficking in persons include sex industry and growing demand for exploitable cheap labor. Sex tourism and child pornography have become worldwide industries, facilitated by technologies such as the Internet, which vastly expand the choice available to ‘consumers’ and permit instant and undetectable transactions. Trafficking is also driven by the global demand for cheap, vulnerable and illegal labor. For example, there is great demand in some prosperous countries of Asia and the gulf for domestic servants who sometimes fall victim to exploitation or involuntary servitude.

The TIP report also explained the social cost of trafficking. According to the report, the trafficking victims as well as survivors are paying a horrible price - psychological and physical harm, including disease and stunned growth, which often have permanent affects. In many cases the exploitation of trafficking victim / survivors are progressive. A child trafficked into one form of labor may be further abused in to another. Another brutal reality of the modern day slave trade is that its victims are frequently bought and sold many times, often sold initially by family members.

Victims forced into sex slavery can be subdued with drugs and subjected to extreme violence. Victims trafficked for sexual exploitation face physical and emotional damage from sexual abuse, substance abuse and exposure to sexually transmitted diseases including
HIV/AIDS. Some victim/survivors suffer permanent damage to their reproductive organs. When he or she cannot speak or understand the language, this compounds the physical damage caused from isolation and domination by traffickers.

*The United Nations Office on Drugs and Crimes (UNODC) (2006)* Report said that, in general, almost every country in the world is facing the problem of trafficking. Countries can be divided roughly into countries of origin (usually the resource poor countries or countries that are politically or economically unstable), countries of destination (usually resource-rich developed countries, where demand is located) and transit countries (countries along a trafficking route, where traffickers have safe passage and harbor). Some countries, such as India, Thailand and Nigeria are countries of origin, transit and destination. Human trafficking is widespread – data taken from the United Nations Office on Drugs and Crimes (UNODC) Database on Human Trafficking Trends document the trafficking of human beings from 127 countries to be exploited in 137 countries worldwide.

Even though all human trafficking cases have their individual characteristics, most follow the same pattern. People are abducted or recruited in the country of origin, transferred through transit regions and then exploited in the destination country. If, at some stage, the exploitation of the victim is interrupted or ended, they can be rescued as victims of trafficking in persons and it is possible they might receive support in the country of destination. Either immediately or at some later point, victims might be repatriated to their origin country; in some cases, relocated in a third country. It also happens, that they are deported from destination or transit countries as illegal migrants with no home; vulnerable yet again; and sitting ducks to traffickers once again.

*The Asian Health Agency (TAHA) (2006)* Report tried to define the demand for trafficking. According to them, the demand for trafficking can be defined by demand for low
status and low paid workers, demand for commercial sexual exploitation – particularly of children, demand for labor in sectors in which national of the country are not willing to work for a variety of reasons, such as dangerous conditions of work.

According to the Report opportunities for traffickers exist when the act of trafficking is rewarded, when traffickers can act with impunity, or when it results in a low risk of consequences for traffickers. Increased border controls, and crackdowns on the smallest, poorest links in the migration chain, push people into more and more organized and dangerous forms of migration, thus adding to opportunities for traffickers. Lack of access to justice for victims and potential victims allows traffickers to operate with impunity.

This Report also explained the vulnerability factors, which are playing a role in pushing people into the hands of traffickers. Some of these factors are regional imbalances that force people to migrate and become vulnerable in the places of living, shift from rural to urban areas in search of livelihood that makes people dependent and gullible in the hands of exploiters, poverty and economic disparities between countries and regions encourage migration in search of survival or better opportunities, limited job prospectus for adults force them to leave, unemployment of bread earners force their children to earn money, abusive family environments encourage children to leave home, lack of education and lack of access to information regarding the realities of migration do not allow people to make informed choices.

*Indrani Sinha (2006)* explained the root causes of trafficking in women and children for commercial sexual exploitation. The root causes include extreme disparities of wealth, continuing and pervasive inequality due to class, caste and most importantly gender biases throughout the region, erosion of traditional family systems and values, iniquitous social conventions, lack of transparency in regulations governing labour migration (both domestic and
cross border), poor enforcement of internationally agreed-upon human rights standards, and enormous profits ensured by the trafficking business to the traffickers.

She also explained about the pull and push factors about trafficking. Child Marriage, manmade disasters, natural calamities, political and social stigma, female infanticide and feticide, unemployment, acute poverty, domestic violence, false promise and the lure of job/marriage/love, traditional prostitution etc. is the most important push factors. And the important pull factors are growing demand for cheap labour, migration from rural to urban areas, economics of the trafficking business, living environment, conditions of work and treatment, low wages etc. are the important push factors of trafficking.

She explained the difficulties in rescue, rehabilitation and reintegration of trafficking victims. Rescue operation of minors in prostitution or any kind of commercial sexual exploitation or illegal work purposes is primarily the State’s responsibility. The NGOs, however, have done a much better job by themselves throughout the country. They have been able to identify the minor victims from the red light areas and more specifically from brothels. They have been able to rescue them with the involvement of the police. More rescues have to be handled professionally by the special police officers designated to look into trafficking cases.

And the rehabilitation has so many hurdles. The rehabilitation that is being done for these rescued women and children are all the result of NGOs’ initiatives. But it has been observed that the rehabilitation is always difficult. The following may be stated as the reasons for this are loss of self-esteem, loss of trust, impatience to return to family, refusal from the family and the community, illiteracy, lack of skill, unstable temperament and social stigma associated with them are the major problems in rehabilitation of trafficking victims.
Mohammad Imran Ali (2005) says that the issue of human trafficking over the past decade has reached epidemic proportions. He believed that no country in the world is untouched by this evil phenomenon. While recounting the reasons for flourishing this trade, he laments that the search for work abroad, economic disparities, high unemployment and disruption of traditional livelihoods which drive people to look for greener pastures in other countries or within the country as the important ones. The complexities include different political contexts and geographical dimensions of the problem, ideological and conceptual differences of approach, mobility and adaptability of traffickers, different situations and needs of the trafficked persons, inadequate legal framework and insufficient research and coordination on the parts of actors/agencies involved at the regional, national and international levels.

He says that in general, the gender based differences and attitude play an important role in both the supply and demand dynamics of the trafficking. The worst forms of trafficking relate to the illegal movement of women and children for the purpose of exploitation in sectors such as commercial sex workers and child laborers of all forms.

He says that Indian laws against trafficking for labor purposes, however, are inadequate as they do not offer sufficient criminal penalties for those who are responsible for forced or bonded labor, child labor and domestic servitude. In addition, the law status of women increases their vulnerability as targets of traffickers and limits their options as survivors seeking new life.

Geeta Kutty et al. (2008) conducted a field study in Nallachervu and Tanakallu mandals of Kadiri region of Anantapuramu district. The purpose of the study was to collect firsthand information on trafficking in women and girls that is prevalent in that tract. They pointed out that the issue of trafficking in women and girls is widely prevalent in these two mandals and surrounding areas. In Balepallithanda, out of 150 families, 6 women are trafficking victims and
in Kothurthanda, out of 100 families, 5 women are trafficking victims. And the rural society including children and youth in Kadiri are well aware of the existence of the threat of trafficking in women and girls in the area and people are not reluctant or afraid to discuss the issue in public domain.

They also explained the role of local self-government in preventing human trafficking. The existing Panchayath Raj system could play greater role in combating trafficking in the villages. Some of the elected women representatives of the mandal are very much aware of the dangerous dimensions of trafficking and active in surveillance and prevention of trafficking. Training of elected representatives of Panchayath Raj Institutions on the issues of trafficking and HIV/AIDS is to be identified as one of the priorities.

They concluded that there is an urgent need of a comprehensive and integrated approach in combating trafficking in the country. Along with the departments of Police and Women and Child Welfare, who are at present directly involved in the issue, other departments like rural development, agricultural and allied sectors, industries, local administration, health, education and judiciary are also to be catalyzed to be sensitive and proactive to tackle the issue of trafficking. The personnel, who are dealing directly with the victims, at the cutting edge, are to be made sensitive and better skilled for providing counseling based support to the victims. The needed sensitivity and commitment are to be created in various state level agencies. Similarly youth, NGOs, CBOs and corporate are also to be motivated and supported to take greater roles and responsibilities in combating trafficking.

**Vandana Shiva (2009)** in her study explained the worldwide estimates of child trafficking. She said that 50 percent of the trafficking victims worldwide are children. Moreover victims are often afraid to come forward, which makes difficult to estimate and get accurate
numbers. In India and worldwide so many explorative practices are used to traffic the children. Important explorative practices include labor exploitation, domestic work, commercial sexual exploitation, military conscription, marriage on false grounds, illicit adoption and dangerous sports (camel jockeying) and begging.

She explained the determinants of child trafficking. Majority of the trafficking victims often come from poor families and lack economic opportunities. Children who have minimal education, lack vocational skills or have few prospects for job opportunities are mostly at risk. These factors, when compounded by gender, racial or ethnic discrimination will create the ideal and suitable environment for trafficking networks to thrive. Some of the other important determinants of child trafficking are poverty, inequality of women and girls; children without caregivers, disasters and armed conflict, demand for explorative sex and cheap labor are the some of the important determinants of child trafficking.

Further, she also explained the prevention strategy of human trafficking. Building a protective environment for children is essential for reducing child trafficking. The protective environment begins at home, with the family as the first line of defense. And it is nonetheless the task of everyone – governments, teachers, religious leaders, police and children themselves – to help children live in safety. Providing a protective environment will help ensure that children are safe from other forms of abuse, harm and exploitation.

Sakthi Prakash (2009) conducted a study in Chennai with 68 sex workers to find out the circumstances leading to sex work and its consequences. Purposive sampling with snowball technique is adopted to conduct this study. She identified that 64.7 percent of sex workers are under the age of 25 years and the remaining 35.3 percent are aged between 26-35 years. Among the respondents who are forced into sex work, 46.1 percent were cheated by the brokers in the
name of decent employment opportunities, 28.2 percent sold by their parents to the brokers, 20.5 percent kidnapped and sold in brothel homes and 5.2 percent run away from the home along with their lovers and get sold to the brothel home by their lovers. Crop failure and drought and famine are the major causes for many parents from Andhra Pradesh, Kerala and Tamil Nadu to send their daughters along with the brokers for seeking work or to sell their daughter to the brothel home for earning money to cope with their financial problems. And majority of the girls from the above mentioned States are trafficked in the name of employment.

*Nair P.M (2009)* said that human trafficking is an organized crime and one of the gravest violations of human rights transgressing boundaries of official jurisdictions and other man made restrictions of time and space. He said that human trafficking is a ‘high profit and low risk business.’ Very often the victims remain un-noticed, un-cared and not addressed. The prevailing ‘culture of silence’ ‘culture of tolerance’ and the ‘culture of non-concern’ not only permits but promotes and perpetuates human trafficking and it gives a free hand to the traffickers to continue with impunity the merchandise on human suffering.

He said that the abusers and exploiters are the part of the society and they do not mind violating anybody who is vulnerable. The exploiters ‘fish around’ to identify the vulnerable persons and there upon violate them. Therefore the violated are the most vulnerable and violators are those in position of authority, command and control over the violated. Being an organized and networked crime, trafficking is a manifestation of the misuse or abuse of power and authority by a few over many in the very same society and therefore is a challenge to the very conscience of the society. More over trafficking is demand driven. It is a myth that trafficking can be eradicated simply by resorting to development or welfare measures in the source areas. It is also a myth that prevention of human trafficking means simply poverty alleviation. Prevention
requires much more. It calls for professional policing. And it calls for multi-pronged activity and multi stakeholder involvement containing the demand.

**Religion and Trafficking**

*Farida Lambey (1997)* conducted a study on commercial sexual exploitation of women by tradition in Bijapur, Shimoga, Bellary districts in the state of Karnataka. She said that the age-old traditions like *Basivini, Jogini, and Devadasi* are still prevalent in many parts of India, which continue to legitimize child prostitution. A *devadasi* is a woman married to a God and thus *sadasuhagan* or ever married, and hence at all times blessed. As such, she becomes the wife of the powerful in the community. *Devadasīs* known by different names in different states. In the Bijapur district of Karnataka, girls are given to the Monkey God (Hanuman, Maruti), and known as Basvi. In Goa, a devadasi is called Bhavin (the one with devotion). In Shimoga District of Karnataka, the girls are handed over to the goddess *Renuka Devi*, and in Hospet, to the goddess *Hulganga Devi*. The tradition lives on in other states in South India. Girls end up as prostitutes in Bombay and Pune. The *Banchara* and *Bedia* people of Madhya Pradesh also practice ‘traditional’ prostitution.

*Pandey (2004)* explained about ancient forms of commercial sexual exploitation of women and children in the state of Uttar Pradesh. Even today a few communities like *Nat, Sansi, Kolta, Bedia, Jahal, Kanjar, Mahar, Bhil, Matang, Banchara* etc. have also socially sanctioned the age-old practices of prostitution. *Jogini, Devadasi, Basari, Venkatswami* etc. are some of the age-old practice of prostitution in India. Though these practices are banned, they are still followed in some form or other in different parts of the country. The recent decision of ban on bar girls in Mumbai has resulted in returning back of these girls and converting into call girls in small cities and districts of Uttar Pradesh. It is because of the fact that a large number of girls
belonging to *Tawaifs*, professional singers, dancers and theatre players, including prostitute’s children went to metropolitan cities in search of livelihood and they adopted the livelihood as bar dancers. After the ban on bar dancing, they were forced to come back in their origin areas.

**Susmita Guru (2011)** explained the genesis and patterns of caste-based prostitution in the state of Madhya Pradesh. The author said that way back in 1500 AD; the cast-based prostitution was started in *Banchhara* caste, which is considered as a sub-caste of *Kanjars*. The *Banchhara* caste was a nomadic caste, which is located in the border of Rajasthan and Madhya Pradesh. She said that being a girl child in the *Banchhara* community is not in one’s hand but it is a curse. The human rights of a *Banchhara* community girl child are not at all a concern to her own family. She said that it is a grave concern that even after 64 years of independence, the cruel practice of forcing a girl child into prostitution in the name of the caste prevails in India. The terms ‘equality’ and ‘opportunity’ guaranteed by the Constitution of India have no meaning for these poor girls. Further she said that the caste-based prostitution is an organized crime where the entire family is involved in the offence. Father, brother and other male members in the family play the role of procurer or a tout, mothers and sisters play the role of pimps and mediators. These girls are used by their parents as money earning machines and are forced to entertain as many clients as possible in a day for the upkeep of their families. The entire *Banchhara* family lives on the money earned through prostitution.

**Child Sex Tourism**

**Nishtha Desai (2001)** in her study conducted in Goa reveals the crucial factors affecting the growth of child sex tourism. The factors influencing the growing phenomenon of child sex tourism are; the feeling among foreign tourists that children of third world countries can be exploited and that the chances of detection are slender; a belief that children are less likely to
have contracted sexually transmitted diseases and hence sex with them is safe; the mistaken notion that sex with virgin girls cure HIV; and the governments of many developing countries, with a view to encouraging tourism, turn a blind eye to this problem.

She also explained the source for procuring the children for sexual exploitation. The most vulnerable children for sexual exploitation are children living in hutsments on the beach, children of migrant laborers left unattended by their families and the children brought to Goa by foreign tourists from other states. The intermediaries are beach boys, shack owners and former victims of pedophiles, serving as procurers.

Vidya et al. (2002) in their study conducted in Kerala, Tamil Nadu and Andhra Pradesh covering a sample of 150 children who are living in the tourism spots of the above-mentioned states explained the nexus between tourism and trafficking. The growth of the tourism industry has contributed to increase in sexual exploitation of children, which often assumes intolerable forms. Sex tourism, or tourism for purposes of sex, has found its way into the mainstream tourism market. Tourism creates conditions, which facilitate an easy indulgence. The benefit of anonymity offered by the host country reduces the element of the external inhibitory factors to the minimum. South Asian countries are preferred because of lax law enforcement. Sex tourism involves travel agencies, tour operators, hotels and others in the tourism industry; some companies even openly ‘advertise availability of child prostitutes’. Pedophiles are said to be the dominant ‘clientele’ in sex tourism.

The Report also mentioned about different types of sex tourism. The commercial sexual exploitation of children ‘differs based on the type of tourism that exists’. Sex tourism is reportedly prevalent in the states of Rajasthan, Goa (a major destination) and Kerala in India, while Mumbai is believed to be the ‘biggest centre for pedophiliac commerce in India’. The tourism-related
commercial sexual exploitation of children on the eastern coast of India found that out of a sample of 150 children, 60 per cent had come to the tourist area on being promised a better job, accompanied by a ‘neighborhood uncle.’ It also found that 40 per cent of the children interviewed mentioned ‘force’ as the means used for instance, moneylenders forcing parents to sell their children to repay debts. This Report states that ‘hotels have contacts with adult sex workers, pimps and other middlemen—rickshaw pullers, van pullers, petty traders. These people make contact with street children and bring them to tourist lodges and hotels as per the demand placed by customers’.

**Conditions of Women in Trafficking**

*Rozario* has identified up to 18 forms of violence faced by women trafficked for prostitution. They may be starved, locked up in a dark room, beaten, burnt with cigarette butts, distressed, forced to take alcohol, strangled, stabbed or killed for not trading their bodies. The women face threats of torture and physical abuse (even their families are not spared), and they may be murdered if they do not cooperate with the brothel owners and customers. Attempts are made to create dependency on drugs and alcohol among the victims. According to the author, most ‘children relent within 7 to 10 days under psychological pressure’ and due to other tactics used by their exploiters.

*Anuradha Patil (1999)* conducted a study on the situation of women and children who are involved in commercial sexual exploitation in the State of Maharashtra. The study was undertaken in five cities in Maharashtra. This study reveals the role of legal enforcement bodies in rescue and rehabilitation of trafficking victims. According to the author, poor implementation of concerned Acts is one of the major drawbacks in preventing human trafficking.
Mohini V Giri (1999) in her study conducted in three States covering 450 trafficked women and children has explained the impact of trafficking on individual as well as family. Trafficked persons are reportedly traumatized by their experiences. Depression and suicidal thoughts are commonly reported among them. The mental and emotional state of the survivors may include malevolence, helplessness and withdrawal, disassociation, self-blame and identification with the aggressor, distraction. a foreshortened view of time; normalization and shaping, whereby the victims convince themselves that their experiences had to happen instead of viewing them as traumatic. Some of the psychiatric disorders among survivors of trafficking are listed as post-traumatic stress disorder, depressive disorder, dissociative disorders, psychotic disorders and eating disorders. Girls are made to bear the responsibility of upholding the family honour through their sexual purity/chastity. If they are trafficked into commercial sexual exploitation, they face additional stress because of the prevalent moral obligations. Besides being stigmatized as outcasts and facing moral and legal isolation, trafficked people are vulnerable to HIV/AIDS infection, drug addiction, and high-risk abortions and teenage pregnancies, which may affect their reproductive health. Since it usually remains unaddressed and unresolved, they turn into abusers, with a high probability of becoming criminals. Then forcibly the victims of trafficking are compelled to lead illegal lives. Illegality taints every dimension of their lives, converting into criminals. Their criminalization as workers and persons severely stigmatizes them. It intensifies their victimization several folds and leaves them with no recourse for redress.

Conditions of Children of Women in Trafficking

Hema Agarwal et al. (1996) conducted a base line study on the situation of commercial sex workers and their children. The study covered six districts of Rajasthan viz. Dholpur, Bharatpur, Dausa, Alwar, Baran and Sirohi, covering a sample of 261 prostitutes and 724
children. The study highlighted that the most of the prostitutes belonged to Scheduled Castes and Scheduled Tribes category. On an average each prostitute had 3 children. Most of the prostitutes preferred to live in joint families for reasons of security, comfort, sharing, etc. The average age of children entering into prostitution was 16 years. Almost 55 percent of the prostitutes started their illicit trade as a child prostitute in these areas. The study highlighted the importance of informal education, vocational guidance and training of children and their family members.

Anuradha Patil (1999) in her study covered 458 commercial sex workers and 600 children. About 52 percent respondents had one child, 24 percent had three children and 23 percent of the children below 5 years were looked after other women looked after only 18 percent after by their mothers. About one third of the children went to school, while about 25 percent did not attend school. The children of prostitutes lived in an environment, which exposed them to harsh realities of life gambling, addiction, physical harassment of mothers by customers, etc., and girl children were especially vulnerable. The study concluded that the schemes need to be introduced for the welfare, employment and rehabilitation of prostitutes.

In PRERANA Vs. State of Maharashtra (1999) case, the Bombay High Court has given certain directions to the State Government of Maharashtra for the welfare of the children of the commercial sex workers. This petition sought directions to the State Government in respect of Kasturba Sadan, a rescue home established by the State Government of Maharashtra for such victims. In this case the High Court of Bombay issued certain directions for the proper implementation of the related acts, keeping in view the rights of the trafficked persons. The court order addressed several issues regarding child rights viz. the role of advocates and NGOs and child friendly procedures in dealing with rescued persons and brought out clear guidelines for compliance by all the authorities concerned.
The Court also directed that no Magistrate can exercise jurisdiction over any person under 18 years of age whether that person is a juvenile in conflict with law or a child in need of care and protection, as defined by sections 2(1) and 2(d) of the Juvenile Justice (Care and Protection of Children) Act, 2000. A Magistrate before whom persons rescued under the ITP Act, 1956 or found soliciting in a public place are produced, should, under Section 17(2) of the said act, have their ages ascertained the very first time they are produced before him. When such a person is found to be less than 18 years of age, the Magistrate must transfer the case to the Juvenile Justice Board if such person is a juvenile in conflict with law or to the Child Welfare Committee if such person is a child in need of care and protection. And any juvenile rescued from a brothel under the ITP act, 1956 or found soliciting in a public place should only be released after the Probation Officer has completed an inquiry. The said juvenile should be released only to the care and custody of a parent/guardian after such parent/guardian has been found fit by the Child Welfare Committee to have the care and custody of the rescued juvenile.

The High Court also said that no advocate can appear before the Child Welfare Committee on behalf of a Juvenile produced before the Child Welfare Committee after being rescued under the Immoral Traffic (Prevention) Act, 1956 or found soliciting in a public place. Only the parents/guardian of such juvenile should be permitted to make representations before the Child Welfare Committee through themselves or through an advocate appointed for such purpose. An advocate appearing for a pimp or brothel keeper is barred from appearing in the same case for the victims rescued under the ITP Act, 1956.

In Gaurav Jain Vs. Union of India case (1988), the Supreme Court has given certain directions regarding the welfare of the children of prostitutes. These children should not be permitted to live in undesirable surroundings of prostitute homes. This is particularly so for
young girls whose body and mind is likely to be abused with growing age for being admitted into the profession of their mothers. While separate schools and hostels for prostitute children are not desirable, accommodation in hostels and other reformatory homes should be adequately made available to help segregation of these children from their mothers living in prostitute homes as soon as they are identified.

Further the Court also has given directions for the constitution of separate committees to look after this issue and the Committee has to examine the matter from various angles of the problem taking into consideration the different laws on the matter and place its report before the court.

Health and Trafficking

_Sunitha Krishnan et al. (2002)_ explained about the relation between HIV and human trafficking. Though human trafficking is directly linked to innumerable diseases, mostly as a consequence of the exploitation, the relationship with HIV is more inmates, pronounced and real. More often it is hidden, as there is a strong tendency to suppress the information. Victim may be unaware of having contacted HIV. Medical checkups and treatment seldom exist, as is the case with prevention methods. The exploiters would suppress the fact so as to avoid publicity and ward off any challenge to their businesses. No doubt trafficking causes HIV and HIV causes trafficking. There is a cause effect linkage. Sexual exploitation by multiple persons, especially unprotected sex makes the victims of trafficking highly vulnerable to HIV. The sexual predators carry HIV to other women, including their spouses. There is snowballing effect. Once it is known that trafficked women have contacted HIV, she becomes unwanted ‘commodity’ and is virtually ‘thrown out’. The predators and traffickers scout for new victims of trafficking. Thus HIV leads to further trafficking.
They also said that children are more vulnerable to HIV and human trafficking. The children are more vulnerable to HIV as the demand for children is very high and they are not able to resist the predators from forcing unprotected sex on them. HIV is not gender specific. Even boys, trafficked into explorative labour, have been victims of HIV, as several of them have been subjected to constant sexual exploitation. The HIV is indeed as an essential part of the world of human trafficking.

Characteristics of Trafficked Women

Sanghera (2002) explained the characteristics of vulnerable people for trafficking. She believes that there is a broad agreement over the factors that lead to trafficking. However, there is uncertainty about precise role played by them. According to her, some view these factors to be the root causes of trafficking, others state that ‘they merely exacerbate the vulnerability of the marginalized and the disadvantaged groups and render them increasingly more amenable to a variety of harm’. These factors relate to the socio-economic and political contexts of people and are interlinked, and maybe divided into two categories personal circumstances and structural forces that influence the context. People with personal characteristics of low self-esteem and lack of self-control are reported to be vulnerable. Low levels of literacy, awareness and information are also risk factors. Economic deprivation due to various reasons and its associative conditions are among the most important factors that lead to vulnerability. Almost all the studies and reports under review found that a high percentage of trafficked people belong to lower income groups. Greater the degree of impoverishment, higher is the risk of falling prey to trafficking people with disabilities or women who may suffer from ‘disfigurements’ are also vulnerable.

She also explained the factors influencing the raise of human trafficking. The structural factors influencing and determining these circumstances are listed as industrialization and
globalizations; economic crises, decline, disruption or underdevelopment; economic policies like privatization, liberalization, promotion of sex tourism, withdrawal of subsidies and commercialization of agriculture; the consequent erosion of subsistence agricultural practices, loss of traditional livelihoods and inflation. Labor demand and policies also influence vulnerability. In a global market, women and girls are increasingly being hired as service providers, which put them at risk.

She also explained how the feminization of poverty and migration increases vulnerability to traffickers. Driven by the pressing need for gainful employment, with scarcity of jobs in their home bases, women and children is easy prey for the designs of unscrupulous agents, offering ‘choices’ and assistance with travel, particularly across borders for jobs.

**Gupta G R (2003)** in his study undertaken in New Delhi covering 6800 prostitutes estimated the problem of the women trafficking for commercial sexual exploitation. He explained that prostitution is carried out from individual rooms, apartments, small hotels and exclusive clubs, under the guise of call centers, friendship clubs, and beauty and massage parlors, along national highways. He named this emerging phenomenon as ‘flying prostitutes’. Based on rough estimates, a workshop report concluded that in Delhi “the number of prostitutes operating outside the purview of regular brothel system would be several times more, since GB Road accommodates only about 3,000 prostitutes and police sources state that there are ‘around 10,000 to 15,000 female prostitutes in Delhi’. Thus, commercial sexual exploitation takes place at various locations, which keep shifting. The working conditions may depend on the type of establishment.

**Sakthi Prakash (2009)** in her study observed that majority of the trafficking victims (more than 90 per cent) have undergone the sexual harassment of gang rape in the brothel home.
And on an average, the victims have to engage 15 clients per day. Among the 68 victims, 57.4 percent of them were forced into sex work and whereas remaining 42.6 percent voluntarily involved in sex work. Majority of the girls (61.5 per cent) are trafficked from Andhra Pradesh followed by Kerala (23.1 per cent) and various parts of Tamil Nadu (15.4 per cent). Majority of the women (89.7 per cent) trafficked for prostitution was at the tender age of 11-14 years and among them 85.7 per cent have first sexual experience at the age of 12 years. All of them have undergone sexual harassment and humiliation in the brothel homes, which made them to submit themselves for sex work.

Tourism and Trafficking

Manoj et al. (2003) in their study conducted in the state of Kerala explained the relation between tourism and trafficking. Sex tourism has also become a problem in Kerala, which has witnessed a tourist boom since the early ‘80s. The National Geographic Channel has listed Kerala, as one of the world’s fifty ‘Must see destinations’. Along with the growth of tourism, there has been an increasing victimization of young children. Their research study explained the problems of sex tourism in Kerala. They mentioned that the Kerala Women’s Commission received numerous letters of complaint from women tourists, about sex tourism in Kovalam. They even rescued 11 girls belonging to Lambada community of Karnataka from Kovalam in October 1998. Brothels also arrange package tours to tourist destinations for their customers. In one case, a girl was deceived by the promise of a job and forced into commercial sexual exploitation. She was forced to accompany local tourists to various places like Ooty, Nelliampathy and other places and satisfy their sexual urges. The clients paid the victim an attractive amount.
Their study also reveals how hoteliers in areas like Qullion, Alleppy, and Ernakulam promote sex tourism, because such services bring them extra income. Victims are often projected by the agents as college girls in search of fun and excitement, wanting to earn extra money. In places like Alleppy, foreign tourists come and stay in houseboats. This houseboat sex tourism is a new and thriving concept. It is safe, as there are no raids on the houseboats by the police. In Kerala, although places like Kovalam and Fort Cochin have become sex tourism hotspots, police records indicate that enforcement agencies have turned a blind eye to the problem and cases have seldom been registered under the Immoral Traffic (Prevention) Act. The study mentions the case of a ‘sex worker’ from Mangalore and Goa who shifted her operations to Varkala, a major tourist spot, because of the growth of sex tourism. She earns well from sex work and possesses houses and vehicles of her own. She says that there is demand for sex not only from foreign tourists but also from among the locals, including a number of political figures.

Migration and Trafficking

Acharya P.K (2007) explained the nexus between migration and trafficking of women into commercial sexual exploitation. He said procurement of women to sex industry usually involves a three-stage pathway. The sex-agents are the first procurers who then hand over the women to the middlemen either in the guise of marriage or as maidservants. The middlemen finally sell the women to the professional buyers based in the red-light areas. In this nexus, the middlemen are the essential link between the red-light areas and the villages. These middlemen are the professionals in the art of deception. They locate the suitable places, which are affected by unemployment, poverty and natural disasters and offer friendship, marriage, job or entry to film industry and trap either parents who cannot afford to be cautious or girls who are easily tempted or desperate for work.
He also said that women migration and trafficking is a very complex human problem caused by the cumulative effect of a myriad of factors. In order to mitigate it, there is a need to assess the spread of its tentacles and roots and to take up a mission approach. For this purpose, there is requirement of region wise mapping and estimation of the extent and directions of women labor migration and trafficking.

*Tanuja Vohra (2009)* in her study explained the nexus between migration and trafficking. She explained that the growth in trafficking has taken place during a period where there has been an increase in international demand for migrant workers, which was not adequately acknowledged. The reason that the trafficking has flourished in recent years is because it has been a highly profitable and low risk business.

She also explained the violence against the migrant workers and trafficked victims. Most of the times the traffickers are using abusive words to call the trafficked victims. The traffickers are committing sexual abuse/rape towards the victims. In general the traffickers do escort migrants to and from the work place and lock them in the rooms and houses to stop them escaping.

She identified the characteristics of the trafficked victims. Most of the trafficked victims are tender aged girls, who are living in absolute poverty and who want to help their families by moving to urban places, so that they can earn money to send back home. In cases, these girls did not know that they were going to work as prostitutes when they left their homes.

She says that the main difference between women originating from developing countries and women from the central and eastern European countries are that that eastern European women are, on an average, younger and better educated then the victims from developing countries and more likely to be married and to have children.
She explained the modus operandi of traffickers. The women trafficking depend to a great extent on the scale of the trafficking network (small, medium or large scale) involved in the trade. And these networks are highly organized, extremely violent, and often involved in other major criminal activities like drug peddling, illegal arms dealing etc. This constitutes a danger to law and order and national security, as takeovers often end in gang warfare.

**Rehabilitation of Trafficking Victims**

In *Savera Vs. State of Goa (1997)* case, the petition was filed in the interest of women who are the victims of the commercial sexual exploitation. These women are born poor, ill-fed, ill housed, ill-educated and on top of it being illiterate, certain women, most of whom are migrants from other states, have been trapped in the unorganized flesh trade. The petition filed is with the object of their readjustment and rehabilitation by economic empowerment, social justice and self-sustenance, giving them equality of status and dignity as persons in truth and reality and for their social integration in the main stream of society.

The High Court of Goa directed State Government to take steps based on the Report of the Enquiry Committee headed by retired Supreme Court Judge Sri Kamat appointed by the National Commission for Women (NCW). Since the commercial sex workers are being brought from outside the State of Goa, into the State of Goa, the Government of Goa is not bound to rehabilitate them except to the extent provided by specific directions in the judgments of the Apex Court. The rescued commercial sex workers are deported to the state from where they come. The Goa State Commission for Women with the National Commission for Women to take steps so that the said women are rehabilitated in the State from where they hail with the assistance of the respective State Governments.
*Vishal Jeet Vs. Union of India (1989)* was a landmark decision where the Supreme Court took it upon itself to give directions for the protection and rehabilitation of those who had been dedicated as *devdasis* by their families or communities for cultural reasons and were currently in prostitution. While *devadasis* and *jogins* are from different states in India, this also could apply to Nepali women who are also dedicated, albeit in Nepal, and find themselves in brothels in India. The Supreme Court has given certain directions to the Central Bureau of investigation (CBI) to bring all inmates of the red light areas and also those who are engaged in flesh trade to protective homes of the respective States to provide them with proper medical aid, shelter, education and training in various disciplines of life so as to enable them to choose a most dignified way of life and to bring the children of those prostitutes and other children found begging in streets and also the girls pushed into ‘flesh trade’ to protective homes and then to rehabilitate them.

The Court has also given certain directions to the State and Union Governments on rehabilitation of trafficking victims. The Court directed all the State Governments and the Governments of Union Territories should direct their concerned law enforcing authorities to take appropriate and speedy action under the existing laws in eradicating child prostitution without giving room for any complaint of remissness or culpable indifference. They should also set up separate Advisory Committees for making suggestions for eradication of prostitution, implementation of the social welfare programs for the care, protection, treatment, development and rehabilitation of the victims. The Central Government and the Governments of States and Union Territories should devise a machinery of its own for ensuring the proper implementation of the suggestions that would be made by the respective Committees. The Advisory Committee
can also go deep into *devadasi* system and *Jogin* tradition and give their advice and suggestions as to what best the Government could do in that regard.

**State and Rehabilitation**

*Rozario (1988)* explained about the intervention strategies for rehabilitation of child trafficking victims for commercial sexual exploitation. Strengthening and implementing laws, policies and programs to protect children and to prohibit the commercial sexual exploitation, providing direct relief and care to prostituted children, long term plans for education and alternative skill training, improvising living conditions, gender sensitive training programs to teachers, social workers, doctors, and others working to help child victims of commercial exploitation on child development and child rights, providing social, medical and psychological counseling and other support services to the victims, promoting alternative means of livelihood with adequate support services to child victims and their families so as to prevent commercial sexual exploitation will help the victims in rehabilitation.

**Role of NGOs in the Prevention of Trafficking**

*Nair P.M (2009)* explained about the role of NGOs role preventing human trafficking. It includes assisting law enforcement officials in identifying victims, assisting law enforcement officials in rescue, providing counseling services to the rescued persons, providing information to the law enforcement agencies about traffickers and exploiters, (functioning as whistle blowers), assisting police in interviewing victims (a statutory function under ITPA), supporting police in law enforcement process, especially as witness for escorting victims for medical care
and legal process, facilitating victim empowerment and rehabilitation programs are the key roles of the NGOs.

He explained the importance of AHTUs in preventing the human trafficking. AHTU is a special task force, a vehicle of synergy of stakeholders and a means to ensure comprehensive and integrated action against trafficking. The UNODC has set up AHTUs in several States and they are functioning effectively. The AHTU is an area where NGOs can do a lot, despite the fact that it is basically a responsibility of the government agencies – law enforcement and rehabilitation departments. A fair assessment of the existing scenario shows that it is a myth that synergy with NGO is the need of the hour and a sine qua non for effectively preventing and combating human trafficking.

Child Trafficking

Sarala R.B (2011) explained the scenario of child trafficking in rural India. She said that the child trafficking might be caused by interplay of factors like economic, social, cultural, physical, emotional and psychological. The very basis of the child sex industry – designating of a child as a commodity for sale and purchase demeans and dehumanizes the child. Majority of sexually exploited children are either from marginalized families in the cities and destitute families in the rural areas or the children of the women who are already in the sex industry. The child trafficking involving the commercial sexual exploitation of children in which a child performs the services of prostitution for financial support. Nearly 80 per cent of the children enter into prostitution due to difficult circumstances like poverty, illiteracy, ignorance, and
deception. Apart from these many other factors which push children are economic disparities, inequitable socio economic structure, family disintegration, growing consumerism, rural-urban migration, gender discrimination, and irresponsible male sexual behavior, harmful traditional and religious practices which undermine fulfillment of the basic rights of the children.