Respected Sir/Madam,

I take the liberty to introduce myself as Mudasir Ahmad Bhat, a registered Ph.D scholar in the Department of Laws, Panjab University, Chandigarh. I am working on the Research Study entitled, “Emerging Dimensions of Human Trafficking: A Critique of the Efficacy of Legal Framework” under the supervision of Dr. Shruti Bedi, University Institute of Legal Studies, Panjab University, Chandigarh.

The basic objectives of my research study leading to the award of doctorate degree in law are:

a) To find out the dimensions, factors and responses related to human trafficking worldwide with focus on India. Besides, study will look into various other facets of trafficking, viz. the role of law enforcement agencies and NGO’s in detecting and curbing trafficking and to look into other forms of trafficking i.e. trafficking for domestic work, beggary, organ theft etc.

b) To reflect on the laws and supporting mechanism that presently exists so as to assess the situation and the conditions adequately and to study different impacts, social, psychological and economic on the lives of trafficked victims with focus on their health, life style, and sustenance.

c) To understand their needs and aspirations for bringing change in current conditions and to suggest interventions to improve their lives in the given constraints and provide them some opportunities for a better life.

d) To understand various mechanisms through which women and children are pushed into commercial sexual exploitation and to understand the nexus of trafficking and the pimps along with the gaps in the legal structure, which are to a great extent responsible in maintaining and promoting sex trade.

e) To make the masses aware of the magnitude of the problem and redeem their soul as a part of civil society to change the existing scenario.

I have collected substantial material on the subject and in order to analyze the material in the light of ground reality, I need your guidance on certain issues. I am
sure that your inputs and expert opinion/suggestions in the matter shall be of great importance in this academic venture. In this regard, I have devised a structured questionnaire, a copy of which is attached herewith.

I take the liberty to request you to kindly favour with your inputs on the enclosed questionnaire and it shall be highly appreciated, if you can favour with your comments and suggestions on the separate sheet. I assure you that your inputs, comments and observations shall be used only for the present research study and shall not be disclosed under any circumstances.

Looking forward for your kind co-operation in this academic venture.

Faithfully Yours,
Mudasir Ahmad Bhat (PhD Research Scholar)
Department of Laws,
Panjab University, Chandigarh.
Research Study:
Emerging Dimensions of Human Trafficking:
A Critique of the Efficacy of Legal Framework

PERSONAL PROFILE

Name: 
Age: 
Gender: Male/Female
Marital Status: Un-married/Married/Divorcee/Widowed
Occupation:
Educational Qualifications:
a) Matric
b) Under-graduate
c) Graduate
d) Post-graduate
e) MPhil/PhD
f) Other(Specify)_________________________
E mail ID:

(Note): Kindly, tick (√) the appropriate response. You are at liberty to tick (√) more than one response.

Q 1: Have you ever heard of human trafficking?
a) Yes
b) No

Q 2: If yes, what is the source of your knowledge about human trafficking? (You may specify more than one choice. While choosing more than one kindly give preferences as 1, 2, 3...)
a) Electronic Media ( )
b) Print Media ( )
c) Friends ( )

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Q 3: How would you rate your knowledge about human trafficking?
   a) Excellent
   b) Good
   c) Average
   d) Poor
   e) Not at all

Q 4: Do you think there is really a problem of human trafficking prevalent in our society?
   a) Yes
   b) No
   c) Don’t know

Q 5: Do you agree that human trafficking is currently a worldwide problem?
   a) Agree
   b) Neutral
   c) Disagree

Q 6: Do you agree that Human Trafficking will be a concern in future too?
   a) Agree
   b) Neutral
   c) Disagree

Q 7: What type of human trafficking according to you is most prevalent in our country? (You may specify more than one choice. While choosing more than one kindly give preferences as 1, 2, 3...)
   a) Trafficking for commercial sexual exploitation
   b) Trafficking for organ trade
   c) Trafficking for bonded labour
d) Trafficking for begging

e) Illegal Adoption

f) Fake marriages

g) Pornography

h) Other, specify

Q 8: What according to you are the underlying causes of human trafficking in our country? (You may specify more than one choice. While choosing more than one kindly give preferences as 1, 2, 3...)

a) Unemployment

b) Poverty/ Lack of livelihood

c) Awareness and Educational issues

d) Natural disasters

e) Armed Conflicts

f) Cultural issues

g) Poor laws

h) Insufficient law enforcement

i) Immigration

j) Other, Specify

Q 9: Who according to you are mostly trafficked?

a) Ruralite

b) Urbanite

c) Both Ruralite and Urbanite

Q 10: In your opinion who is likely to become a victim of human trafficking? (You may specify more than one choice. While choosing more than one kindly give preferences as 1, 2, 3...)

a) Mostly widowed

b) Mostly divorced women

c) Mostly Men

d) Street Children

e) Illegal migrants

f) Orphans
g) Children lacking parental care and control
h) People with low level of education
i) Drug addicts
j) Mentally Challenged
k) Maid helpers
l) Don’t know
m) Other, specify________________________

Q 11: In your opinion who is to be blamed for people getting into the trap of traffickers?(You may specify more than one choice. While choosing more than one kindly give as 1, 2, 3...)
a) It is the victim’s fault since they chose a wrong life style
b) It is the criminal’s fault
c) It is the police fault since they cannot defend the people
d) It is the family’s fault since they did not support and care enough for the victim
e) Other, specify________________________

Q 12: Are you aware of cases of parents selling their children?
a) Yes
b) No

Q 13: Are you aware of the fact that people (women, men, and children) are coerced (forced) into participating in pornography (movies, magazines, photos, etc.)
a) Yes
b) Somewhat
c) Not at all

Q 14: Do you agree that an entertainment industry job (night club, sex service, etc.) is risky since it is easy to be enslaved?
a) Yes
b) No
c) Don’t know
Q 15: What is your opinion towards prostitution?
   a) I think that women should be prohibited to be prostitutes, and prostitutes should be punished
   b) I think men should be prohibited from using prostitute services and those buy sex should be punished
   c) I think it should be legalised
   d) Don’t know

Q 16: Do you agree that human trafficking for commercial sexual exploitation changed from brothels to private apartments and escort service?
   a) Yes
   b) No
   c) Don’t know

Q 17: Do you think that in our country sex tourism is prevalent?
   a) Yes
   b) No
   c) Don’t Know

Q 18: Do you agree that marriage to a foreigner/NRI is risky because one may be defrauded or even enslaved?
   a) Yes
   b) No
   c) Don’t know

Q 19: What is your opinion towards “beggars” (disabled, children, and women with children) you meet in streets, stations, traffic lights, near stores, etc.?
   a) They work voluntarily and get all the money
   b) They always have a master, the exploiter who takes most of the money
   c) There are some who work for themselves and there are some who have a master
Q 20: Could you name at least three areas in our country where you would look for signs of human trafficking?
   a) Yes
   b) Don’t Know
      If yes, kindly specify

Q 21: Do you think that the corruption and complicity of government officials gives impetus to the problem of human trafficking?
   a) Yes
   b) No
   c) Don’t Know

Q 22: Does legislation in our country penalise trafficking in human beings?
   a) Yes
   b) No
   c) Don’t Know

Q 23: Do you think that anti-trafficking laws in our country are strict enough to reflect the nature of the crime?
   a) Yes
   b) No
   c) Don’t Know

Q 24: Do you know any law governing human trafficking?
   a) Yes
   b) No
      If yes, kindly specify

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Q 25: New anti-trafficking legislation has been enacted recently; do you know anything about that?

a) Yes
b) No

If yes, what is that law?

Q 26: Do you think all human trafficking cases are reported?

a) Yes
b) No

Q 27: Does government have sufficient modes and means to protect victims of human trafficking?

a) Yes
b) No
c) Don’t know

Q 28: Do you think that the government actively assists victims to return home?

a) Yes
b) No
c) Don’t know

Q 29: Do you think that the government monitors cases of immigration to identify trafficking in persons?

a) Yes
b) No
Q 30: What hurdles do you think the authorities face in combating human trafficking? (You may specify more than one choice. While choosing more than one kindly give preferences as 1, 2, 3...)

a) Bribery and corruption
b) Lack of Awareness
c) Lack of infrastructure to support counter trafficking
d) Lack of political will
e) Lack of human resource
f) Lack of coordination
g) Other, specify________________________

Q 31: What flaws do you see in the existing laws? (You may specify more than one choice. While choosing more than one kindly give preferences as 1, 2, 3...)

a) Punishes Victims
b) Perpetrators not charged appropriately
c) The implementation of laws
d) Other, specify________________________

Q 32: Do you think that the Indian Judiciary plays a role in the protection and rehabilitation of victims of human trafficking?

a) Yes
b) No
c) Don’t Know

Q 33: Do you agree that Non Governmental Organizations (NGO’s) play a pivotal role in highlighting the menace of trafficking in human beings?

a) Yes
b) No

c) Don’t know

Q 34: Do you think the government provides rehabilitation to the rescued victims of human trafficking?

a) Yes

b) No

c) Don’t Know

Q 35: What according to you are the measures that are perceived to be the most effective to combat human trafficking? (You may specify more than one choice. While choosing more than one kindly give preferences as 1, 2, 3...)

a) Awareness ( )

b) Better monitoring by the police ( )

c) Adopt strict laws and rigorous penalties for traffickers ( )

d) Strengthen law enforcement ( )

e) Improve economic conditions of the destitute ( )

Q 36: Is there any help in your area for a victim of human trafficking?

a) Yes

b) No

c) Don’t know

If yes, do you know what they are and how to link these resources to the victims?

a) Yes

b) No
Q 37: Do you have any other information/input on the subject?

a) Yes

b) No

If yes, kindly express your views

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

Thank You!
Trafficking in Human Beings

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Introduction:
The movement of women and children from one city to another and from one country to another for the purpose of employing them in criminal activities, keeping them in legal or illegal brothels, or using them as slaves is a crime against humanity. Unmistakably, the illegal trafficking mostly in women and children for the purpose of slave labour, child labour, pornography, organ trade, illegal adoption, and forced prostitution has become a modern day social problem. Trafficking in human beings is a lucrative industry. It has been identified as the fastest growing criminal industry in the world. It is a well established international phenomenon of recent times and among the organized crimes trafficking stands as the third largest category in terms of profit after drug and arms smuggling. Human trafficking is a multidimensional form of exploitation which violates basic and inalienable rights of the trafficked victims.

Nature and Concept of Trafficking

Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of men, women, and children fall into the hands of traffickers, in their own countries and abroad. Almost every country in the world is affected by this menace, whether as a country of origin, transit or destination for victims. It is a growing phenomenon involving transnational organized crime syndicates. Women and children have been trafficked for prostitution, forced marriage and other forms of sexual exploitation such as sex tourism and pornography, as domestic workers, labourers in sweat shops and on construction sites, as beggars, as camel jockeys and for organ trade. The increasing use of new information technologies, in particular, the Internet, has altogether added a new dimension to the problem faced. Poverty and economic deprivation - the gap between the rich and the poor within countries and between different regions has especially made women more vulnerable to trafficking. Lured by hope of an improvement in economic circumstances of them and their families, they are often unwittingly

1 President and Co-founder of Love146, an International Human Rights Organization working towards the abolition of child sex slavery and exploitation through prevention and aftercare.
duped and coerced into exploitative slave-like situations. Trafficking, therefore, is regarded as a contemporary form of slavery and a gross violation of basic human rights of trafficked persons.\(^5\)

 Trafficking is a highly complex process involving many actors-victims, survivors, their families, communities, and other third party that recruits, transport, harbour, and uses the labour of trafficked victims. Given its complex nature it has generally been found that trafficking is essentially a gender and age specific phenomenon affecting women and children rather than men. There are undoubtedly instances of trafficking of men as well. However, trafficking in men in no way approximates the dimensions of trafficking in women and children. Men are generally smuggled or illegally transported, whereas, women and children are trafficked. Further trafficking has to be seen as part of the process of international migration as trafficking involves movement of people. Lopsided globalization of the late twentieth century has added to the problem by facing the movement of capital but restricting the movement of labour, by following respective migration policies. This has created extensive opportunities for illegal migrations, networks and trafficking to flourish. Trafficking also poses a serious public health concerns. The victims of trafficking are most vulnerable to HIV/AIDS leading many organizations to address the trafficking issue while working on prevention of HIV/AIDS.\(^6\)

**Legal Development at the International Level**

At the International level the only specific United Nations document addressing this problem in the beginning was the Convention of 1949.\(^7\) This convention was ratified by only 60 countries and remains largely unused and moribund. Other countries that have legalized or regulated prostitution are not supportive of the convention, which is perceived to be abolitionist in orientation. Moreover, the convention does not have a monitoring body that can mandate countries to respect on development and progress in combating prostitution and trafficking.

In the year 1994 UN General Assembly after considering the failure of Convention on the Suppression of Traffic of Persons and the Exploitation for Prostitution of Others, 1949 tried to broaden the scope of trafficking and include within it the impact of economic liberalization and globalization. Thus defined Trafficking as:

> “The illicit and clandestine movement of persons across national and international borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for the traffickers, such as forced domestic labour, false marriages, clandestine employment and false adoption”.

This step of U.N. General Assembly has its own limitations. Firstly, it is econometric-mainly emphasizing on the role of the market and its relationship with the push and pull factor of trafficking; secondly it associates trafficking with only the visible part of the crime i.e. forced prostitution, coerced labour etc. Trafficking has a whole sphere of activity which is largely invisible and which is thriving unmitigated. The relationship between undocumented migration and trafficking, the influence of the patriarchal order of society, the subtle forms of domestic trafficking and the power inequalities in societies are not explicitly explained in this definition.

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The third and most important step in this area is the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000). This Protocol dubbed trafficking as modern day slavery. Protocol defines Trafficking as:-

"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum the exploitation of the prostitution of other or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."8

Definition under this Convention addresses the issue of 'consent' by saying that in case any of the above methods are used then the so-called consent of the victim becomes irrelevant. This definition focuses on inequalities of power and examines closely the position of vulnerability of women against men, the poor against the rich, and the child against the adult – especially the child against the adult.

Apart from the Conventions and Protocols mentioned, there are a other international documents, which have defined trafficking and have imposed a legal obligation on all their member countries to provide protection against trafficking. These are:-

- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institution and Practices Similar to Slavery (1957).
- International Covenant on Civil and Political Rights (1966).

These covenants have been supplemented and their guiding spirit of dignity and respect for children’s right has been reinforced by numerous declarations adopted in international conferences such as:

- The Stockholm Congress on Commercial Sexual Exploitation of Children held in August, 1996.
- The Beijing Declaration and the Platform for Action of the Fourth World Congress on Women held in Beijing (1995).
- The SAARC Summits, 1991, 1996 & 2002 have also convened conferences on trafficking.

Legal Development at the National Level

At the National level Constitution of India expressly promotes rights of the human beings and prohibits all forms of trafficking. Following provisions of the Indian constitution need to be mentioned here.

Article 14 provides for equality in general.

Article 15 prohibits discrimination on the grounds of religious race, caste, sex or place of birth, or of any of them.

Article 15 (3) provides for special protective discrimination in favor of women and child relieving them from the moribund of formal equality. It states that, “nothing in this article shall prevent the state from making any special provision for women and children”

Article 16 (1) covers equality of opportunity in matters of public employment.

**Article 23** prohibits traffic in human beings and forced labor

Article 24 prohibits employment of children in any hazardous employment or in any factory or mine unsuited to their age.

Article 38 enjoins the State to secure and protect as effectively as it may a social order in which justice — social, economic and political shall inform all the institutions of national life. It basically says provide opportunities to make equal results.

Article 39 the state should direct its policy towards securing, among other things, a right to adequate means of livelihood for men and women equally and equal pay for equal work their age or strength

Article 39 (f) provides that the children should be given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity: and that childhood should be protected against exploitation.

Article 42 protects against inhumane working conditions

Article 45 makes provision for free and compulsory education for children, which is now well settled as a fundamental right to the children.

Article 46 directs that state to promote the educational and economic interests of the women and weaker sections of the people and that it shall protect them from social injustice and all forms of exploitation.

In India trafficking has been an area of concern since the early 20th century. More recently, after Delhi gang rape there has been a widening of focus on the gender related issues which in turn gave way to the passing of Criminal law (Amendment) Act. 2013. By this amendment section 370 of the Indian Penal Code was substituted by sections 370 and 370(A).

370. (1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—

**Firstly.** — using threats, or

**Secondly.** — using force, or any other form of coercion, or

**Thirdly.** — by abduction, or

**Fourthly.** — by practising fraud, or deception, or

**Fifthly.** — by abuse of power, or

**Sixthly.** — by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, **commits the offence of trafficking.**

**Explanation 1.** — The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs
Explanation 2. — The consent of the victim is immaterial in determination of the offence of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

(3) Where the offence involves the trafficking of more than one person, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(4) Where the offence involves the trafficking of a minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(5) Where the offence involves the trafficking of more than one minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

(6) If a person is convicted of the offence of trafficking of minor on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine.

(7) When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine.

(1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.

(2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine.

Besides Sections 370 and 370A there are various other provisions in Indian Penal Code relevant to trafficking; significant among them are:

- Procuration of a minor girl (below 18 years of age) from one part of the country to another is punishable.9
- Importation of a girl below 21 years of age is punishable.10
- Provide punishment for compelling any person to labour against his will.11

Immoral Trafficking (Prevention) Act, 1956 (renamed as such by drastic amendments to the Suppression of Immoral Traffic in Women and Girls, Act 1956 (SITA)) This Act exclusively deals with the human Trafficking; Objective is to inhibit/ abolish traffic in women and girls for the purpose of prostitution as an organized means of living; offences specified are:

- Keeping a brothel or allowing premises to be used as a brothel.12
- Punishment for living on the earnings of prostitution.13
- Procuring or taking persons for prostitution.14

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9 Indian Penal Code, 1860, Section 366A
10 Id., Section 366B
11 Id., Section 374
12 Immoral Trafficking (Prevention) Act, 1956, Section 3
13 Id., Section 4
14 Id., Section 5
• Detaining a person in premises where prostitution is carried on.  
• Prostitution in or in the vicinity of public places.  
• Seducing or soliciting for prostitution.  
• Seduction of a person in custody.

**Child Labour (Prohibition and Regulation) Act, 1986**

Prohibits employment of children in certain specified occupations and also lays down conditions of work for children.

**Information Technology Act, 2000**

IT Act penalizes publication or transmission in electronic form of any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive or corrupt persons to read, see or hear the matter contained or embodied therein. The law has relevance to addressing the problem of pornography.

**Juvenile Justice (Care and Protection of Children) Act, 2000**

• Enacted in consonance with the Convention on the Rights of the Child, 1989  
• Consolidates and amends the law relating to juveniles in conflict with law and to children in need of care and protection.  
• The law is especially relevant to children who are vulnerable and are therefore likely to be inducted into trafficking.

**Judicial Response to the Problem of Human Trafficking**

The Supreme Court of India has passed two important judgments on the issue of human trafficking, commercial sexual exploitation of women and children and their rescue and rehabilitation. On the specific menace of child prostitution, by way of public interest litigation 'Vishal Jeet’s Case', Supreme Court of India after hearing both the parties on the subject of child prostitution held that:

It is highly deplorable and heartrending to note that many poverty stricken children and girls in the prime of youth are taken to the 'flesh trade market' and are forcibly pushed into the flesh trade which is being carried on in utter violation of all canons of the morality, decency and dignity of humankind. There cannot be two opinions...indeed there is none...that this obnoxious and abominable crime committed with all kinds of unthinkable vulgarity should be eradicated at all levels by drastic steps.

Apex Court in one more important case passes an order dated 9th July, 1997 directing, inter-alia, the constituting of a committee to make an in-depth study of the problems of prostitution, child prostitutes and to evolve suitable schemes for the rescue and rehabilitation.

The Supreme Court of India in the above two judgments directed the Government of India, among other things, to prepare a ‘National Plan to Combat Trafficking and Commercial Sexual Exploitation of Women and Children’. As a result of this, a National Plan was drafted in 1998 which lays down suggested measures for prevention, rescue, rehabilitation and reintegration.

Again in 2007 Supreme Court in an important case observed that “Immoral trafficking is now widespread. Victims, who are lured, coerced or threatened for the purpose of bringing them to the flesh trade, should be given all protection.”

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15Id., Section 6  
16Id., Section 7  
17Id., Section 8  
18Id., Section 9  
19Vishal Jeet v. Union of India and others, (1990) 3 SCC 318  
20Gaurav Jain v. Union of India, (1997) 8 SCC 114
Magnitude of Trafficking: International Estimates

As of now, there are no reliable estimates on trafficking. The difficulty of coming up with accurate figures related to trafficking stems from two inter-related factors:

• Trafficking as a process is largely hidden and has become an organized crime.

• There is a nexus of criminal syndicate with those in power.22

Nevertheless, some estimates can be made on the dimensions of the problem. The United States, State Department estimates that approximately 800,000 people are trafficked across national borders annually, approximately 640,000 (80%) of whom are women and girls23. In contrast, the UN estimates that 700,000 to 2 million girls and women are trafficked across national borders annually.24 The largest numbers of victims are from Asia, with over 2,25,000 victims each year from South East and over 1,50,000 from South Asia. The former Soviet Union is now believed to be the largest new source of trafficking for prostitution and sex industry with over 100,000 trafficked each year from that region. An additional 75,000 or more are trafficked from Eastern Europe. Over 1,00,000 are from trafficked from Latin America and the Caribbean, & over 50,000 victims are trafficked from Africa. Most of the victims are sent to Asia, the Middle East, Western Europe and North America.25

National Estimates

Though there are a number of studies and reports on trafficking in women and children but there are no reliable estimates of the extent and magnitude of trafficking. Roughly in India there are an estimated 2.3 million women and girl children in prostitution, a quarter of whom are minors and there are over 1200 Red Light Areas all over India. More than 50,000 people women and girl children have been trafficked to India. Every year 5000 to 11,000 Nepali women and girls are trafficked to India. Over the last ten years, it is estimated that over 30,000 women and girls have been trafficked from Bangladesh to India. Most victims of trafficking in India come from Andhra Pradesh, Karnataka and Uttar Pradesh, Orissa, Gujrat and Rajasthan have also become source area today. 60% - 80% of these victims suffer from life threatening diseases with an increasing incidence of HIV/AIDS.26

Control and Prevention of Human Trafficking

The crime of trafficking in persons mostly women and children is so horrendous that without some meaningful and speedy effort to control it, the sanctity and quality of humanity will be obliterated. Undeniably, it is a mistake for anybody to think that trafficking in persons will be entirely eliminated; there is too much money (in billions) involved in this trafficking. Globalization has made it so that no country in the world is immune from it. Although

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22Supra note 4 at p.3
24Ibid.
25Supra note 4 at p.3
tremendous efforts are being made by some governments all over the world to eliminate this menace, for some governments, trafficking in women is a source of economic survival. In effect, in such situations, these governments do not want to do anything to stop this crime; this is particularly the case with governments in Southeast Asia, which often encourage sex tourism as a means of obtaining Western Currency. It is also necessary to realize that prostitution network associations are opposed to anti-trafficking laws in countries with brothels. Finally, law enforcement agencies of all nations must be made morally responsible for enforcing the laws against trafficking.27

In addition, nations of the world should tackle the problem of poverty. The UN and more advanced countries should help to reduce poverty to a minimum if trafficking in women and children may be eliminated, given that some poor parents sell some of their children to survive while others encourage their daughters to engage in prostitution as a way to survive poverty. Moreover, governments, religious organizations, and local communities should be alerted to the problem so that they can encourage local women and girls not to be carried away by traffickers’ rosy promises of good job in their national cities and other countries. Parent’s and single women should be warned to look before they leap into what may turn out to be false promises and disastrous situations. Mass education on the existence of different dimensions of human trafficking should be given. For this inhuman trade to come to an end, governments of both origination and destination countries of innocent persons must wage a tireless war against the traffickers.28

To sum up

Last few decades have seen a significant development of responses to trafficking in persons at the national and international levels. One of the major steps forward to release this was taken when the United Nations adopted the Trafficking Protocol. This instrument is important as it provides a definition of trafficking which can be utilized by different actors to formulate legislation and policies at national and international levels. At the national level Criminal law (Amendment) Act. 2013, by which section 370 of the Indian Penal Code was substituted by sections 370 and 370(A) is a sound weapon in the hands of law enforcement to curb the crime of human trafficking.

Unfortunately, trafficking activities are increasing both nationally and globally and as a result large number of women and children are subject to violation of basic human rights especially from the third world countries. What is now required is a disparate effort from all actors. Governments of all countries should bring out policies, including guidelines on the minimum standards of care, attention and service to be extended to the victims and survivors of trafficking by all the service providers, including law enforcement officials, judicial officers, prosecutors, medical professionals, counselors and people manned aftercare homes,29 so that there would be end of this worst attack on the dignity of human race.

27 Supra note 2 at p. 44
28 Id. p. 45