

## HUMAN TRAFFICKING IN INDIA

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Trafficking means a trade which is illegal. Human trafficking is carrying out a trade on humans. Humans are trafficked for the purpose of sexual slavery, commercial sexual exploitation, extraction of organs or tissues, forced marriage, forced labour or domestic servitude. Human trafficking after drugs and the arms trade is the third largest organized crime across the world.

Human trafficking across the world is mainly done for sexual exploitation where women and children turn as victims to it. Human trafficking is done for a number of purposes but sadly in our country the act which exists against human trafficking is Immoral Trafficking Prevention Act (ITPA) and it only combats against the human trafficking if it is done for the purpose of sexual exploitation.

So the legal provisions relating to human trafficking as whole must be strengthened in order to prevent human trafficking in India. Human trafficking leads to violation of human rights of the individuals and also they are subjected to re-victimization. The laws for human trafficking must be strengthened that it meets all the requirements for preventing human trafficking.

### What Is Crime?

The term Crime is derived from Latin word crime meaning offence and also wrong-doer. According to Blackstone Crime is an act committed or omitted in violation of Public Law forbidding or commanding it.

Criminology is the scientific study of crime, including its causes, responses by law enforcement, and methods of prevention. It is a sub-group of sociology, which is the scientific study of social behaviour.<sup>2</sup>

### Reasons for Human Trafficking

There are many reasons for human trafficking. They are determined by political, economic and cultural factors. Trafficking in persons is according to the doctrine of supply and demand. Firstly, there are certain factors in the country such as need of employment, poverty, social conditions, instances of armed or war conflicts lack of political and economic stability, lack of proper access to education and information etc. Secondly, in developed and wealthy countries there is demand for inexpensive products, cheap labour and low priced services.

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<sup>2</sup> Prof. N.V. Paranjape, Criminology, Penology Victimology, Central Law Publications, 17th Edition

The organized crime groups have found an opportunity for making huge profits by connecting the supply and demand that by clubbing the first and the second instances. These reasons lead to increased migration but a condition of restricted migration due to numerous policies of the State. People use smuggling channels for human trafficking exposing themselves to exploitation, deceit, violence and abuse.

### **Consequences of Human Trafficking**

The victims in the process of trafficking in persons are abused and exploited in certain conditions which may result in short term and long term minor and severe psychological and physical attacks, diseases especially sexually transmitted diseases or HIV viruses. This condition can even lead to the permanent disability and death.

The direct consequences of human trafficking are aggression, depression, disorientation, alienation and difficulties in concentration. Many studies have shown that injuries and traumas acquired during the process of trafficking can last for a long period even after the person has become free from exploitation and this mainly occurs when the victim is not given with proper care and counsel.

Even the rehabilitation process for the victims cannot be guaranteed for a certain result. Although the victims are brought out from the physical problems, the trauma and the psychological problems does not allow the victim to totally recover from the consequences. Some of the victims find it difficult to adapt to the normal lives that they previously carried out.

The sad part about the victims of human trafficking is that the rights of the victims are violated even after they come out from the status of exploitation. In many cases they face re-victimization. In many of the countries the protection provided to the trafficked persons is directly conditioned by their willingness to cooperate with the competent authorities. But this conditional protection is contrary to the full access and protection of human rights and the use of trafficked persons as an instrument in the criminal proceedings are not allowed.<sup>3</sup>

### **Legal Frameworks to Counter Human Trafficking In India**

#### **Indian Penal Code 1860:**

Interestingly the Indian Penal Code which came into existence in 1860 addresses the problem of human trafficking in human beings. It is addressed in Section 370 and 370 A of the Indian Penal Code. It prohibited trafficking of women and girls and prescribed ruthless punishments for the criminals. It lays down that anyone who buys or sells the person under the age of 18 years for the purpose of prostitution and for sexual exploitation and for other immoral purposes shall be liable to imprisonment for up to 10 years and also be liable to fine.

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<sup>3</sup> Vimal Vidushy, Human Trafficking in India, International Journal of Applied Research, 2016

It also recognizes cross border trafficking into prostitution and whoever imports into India from any country outside India any girl under the age of twenty one years with the intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.<sup>4</sup>

### **Constitution of India, 1949**

The Indian Constitution of India prohibits trafficking in persons and guarantees many of the internationally acknowledged various human rights norms such as the right to life and personal liberty, the right to equality, right to freedom, the right to constitutional remedies. The right to be free from exploitation is also assured as one of the fundamental rights of any person living in India.<sup>5</sup>

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

According to this Act there is no difference between a minor and a child. All the persons under the age of eighteen years are considered children. A child who is a child in need of care and protection (National Legal Research Desk 2016).

### **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**

Many victims of trafficking belong to marginalized groups. Traffickers target only such area which is backward in social and literacy sense. This gives an additional tool to safeguard women and young girls belonging to scheduled Caste and scheduled Tribes and also to create a greater burden on the trafficker or offender to prove his lack of connivance in the matter.

If the offender has the knowledge that victim belongs to these communities then this act can be effectively used to counter the offence of trafficking. Section 3 of this act deals with atrocities committed against people belonging to Scheduled Caste and Scheduled Tribes. It covers some forms of trafficking such as forced or bonded labour's and sexual exploitation of women. A minimum punishment of ix months is provided which may extend to five years if the offence is covered under section 3.

### **Immoral Traffic Prevention Act 1986**

The government of India ratified the International Convention for the Suppression of Immoral Traffic in persons and the exploitation of the Prostitution of others in 1950. As a consequence of this ratification of the convention the Government of India passed the Suppression of Immoral Traffic in Women and Girls Act (SITA) in

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<sup>4</sup> Prof. S.N Mishra, Indian Penal Code, Central law Publications

<sup>5</sup> Pandey.J.N, Constitutional Law Of India 77 (52nd Ed 2015)

the year 1956. In the year 1986 the act was further amended and changed which was known as the Immoral Traffic Prevention Act, 1986 (PITA).

### **Conclusion**

The laws for human trafficking must be strengthened that it meets all the requirements for preventing human trafficking. People who are in poverty line across the country must be made aware about human trafficking and its consequences in order to prevent them from becoming victims. Many national and international seminars and conferences can be conducted across the country so that the general people and the government can join hands to prevent human trafficking.

The vulnerable sections of the society must be protected by the Government so that they do not fall as victims to human trafficking. The victims of the human trafficking are only the persons from below poverty line so the offence of human trafficking can be greatly prevented if the Government helps the poor sections of the society and provides them with adequate education and employment<sup>6</sup>

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<sup>6</sup> Sadika Hameed, Human trafficking in India, Dynamics Current Efforts and Intervention, March 12, 2010.