

## Women trafficking in India

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### Abstract

Trafficking women is an increasing problem that involves both sexual and labor exploitation. Traffickers primarily target women, affected by poverty, discrimination, factors that impede their access to employment, educational opportunities and other sources. The strongest factor is the desperate economic situation which imparts the availability of satisfactory employment in many countries. Traffickers prey on women's vulnerable circumstances and may lure them into crime networks through deceit and false promises. According to National Crime Records Bureau 80% of women and children are trafficked for sexual exploitation. South Asia is the fastest growing region for trafficking. The Northern part is more trafficked than the Southern Part of India. Lack of awareness and basic knowledge made the women and children to be struck in the trafficked world. Fundamental education and sex education is the treasure which couldn't be hunted by the traffickers. Furthermore, pimps, by their delicious words induce the parents and men to push the women and children into this field. Individual countries are challenged to create legislation to deter and punish human trafficking. The United Nations has several protocols aimed at halving human trafficking. Many countries gave no loss against this, which victimize immigrants from other countries. Trafficking was prevented and punished under the sections of 359 to 373 of Indian Penal Code (1890) including prostitution. The legalization of prostitution is perilous to our nation. This paper attempted to analyze the nature, cause, effects, modes and volume of trafficking in our country and the legal aspects dealt with this topic.

**Keywords:** women trafficking, exploitation, legalization, prostitution, sex education

### 1. Introduction

The crime or practice of illegally obtaining and relocating children, usually for forced labor or sexual exploitation, is child trafficking. In legal terms, human trafficking is the recruitment, transportation, transfer, harboring or receipt of persons, using:

Threats and force or other form of coercion;

Abduction;

Fraud and deception;

Abuse of power or abuse of position of vulnerability, and

The awarding or receiving of compensation or benefits in order to maintain power over another person for the purpose of abuse.

It is an internationally organized phenomenon clearly indicating human rights abuse. Due to persistent inequalities worldwide, women are more vulnerable to this slavery like practice. This is a result of gender inequality prevailing in the form of violence. The offenders, including traffickers, recruiters, transporters, dealers, consumers, end-users, etc., are manipulating the vulnerability of the trafficked individual.

Child and women trafficking are the gravest forms of abuse and exploitation of human beings. More than thousands of Indians are being trafficked every day to some destination or the other and are labored to lead lives of slavery. They survive in brothels, factories, guesthouses, dance bars and even in the homes of well-off Indians, with no control over their bodies and lives.

### 2. Types of Exploitation and Targeted Age Group

Trafficking comprises of mainly two types of exploitation. They are labor and sexual exploitation. Women of various ages are being attracted for sexual needs. Hence, they are

targeted basically for the purpose of sexual exploitation rather than labor exploitation. The ages of women are not taken into account for the purpose of sexual desire and needs. But women are battered at prices that vary on the basis of their physical beauty and virginity. Some people prefer those girls who are perceived to be unaffected by AIDS.

Women are constantly being tormented and are thrown into the field of prostitution and other forms of works which give men the sexual satisfaction. Trafficking shows phenomenal increase with globalization. Improved income with little to no expense, coordinated operations, low priority in law enforcement, etc. can aggravate the situation. The income generated by women trafficking is comparable to the money generated through trafficking in arms and drugs. This is because thousands of women are being trafficked every day and some are sent abroad for both for sexual and labor force. They are being sold for huge amount and the money or cash or valuables earned depend on the age and physical beauty. Other than exporting women from other countries, they are often imported across the borders, for the purpose of prostitution and other sex related jobs.

Trafficking paves the way for exploitation and the exploitation is classified into two major types: Sexual based and Nonsexual based. Women victims of trafficking are in general being recruited in social circles in which they are in a position of vulnerability both from material and psychological viewpoints.

Women of various age classes, teenage girls and minor girls of 5 years of age, Bangladeshi and Afghan girls, Nepali women are mainly trafficked in India for both sexual and labor needs.

What types of women are thrown into this? Women from

poor background, socially isolated girls and women, women who are already in the field of prostitution, drug addicts, alcoholic, failures, orphan girls and women, widows, illiterate, innumerate, girls and women from lower caste and communities such as Scheduled Castes and Scheduled Tribes who survive without basic knowledge, women and child who crave for parental love and care, runaway children, youth who are experiencing homelessness.

### 3. Reason for Trafficking

Women are trafficked for both sexual based and non-sexual based exploitation. Sexual based trafficking includes prostitution, pornography, cyber-sex, exotic dancing, stripping, live sex shows, mail order business, military prostitution, sexual tourism (debt bondage), massage parlor, beer bars and strip clubs. While non-sexual based trafficking could be for different types of servitude like domestic and agricultural labor, industrial labor, adoption, organ transplant, camel racing marriage related rackets, petty crimes, drug, etc. but the growing trafficking in women is generally for the purpose of prostitution.

Where are they taken? In addition to red light areas women and children endure sex trafficking in hotels, vehicles, huts and private residences, religious pilgrimage center and tourism industry (work for the foreigners as pleasure girls). Traffickers use websites, mobile applications and banking system for money transfers to facilitate commercial sex.

### 4. How women enter and types of traffickers

Who puts them into this?

Parents, husbands, brothers, known acquaintance, lovers, pimps and other girls and women are being kidnapped. They are deceived by the known people in the name of love, job opportunity, marriage bond, providing education. Some are attracted and are sent to brothels by the pimps. Men tend to falsely marry the women and sell them for huge amounts. There are also circumstances where the husbands' desert their wives, or the wives become widows which may ultimately force them to work in brothels for their livelihood.

The trafficking by pimps is classified into two:

1. Finesse pimping
2. Gorilla pimping

While finesse pimping is by providing food, shelter, cloth, cash, kindness, compassion and drugs, gorilla pimping makes use of violence, threats, intimidation and aggression that makes (attracts) the women to enter into brothels and engage in pleasure giving activity for men.

How are women entering into this? Women are deceived by pimps. Sex trafficking in women is complicated with many forces that affect women's decision to work abroad. Traffickers prey on vulnerable women's circumstances and may involve them in criminal networks through deception and false promises of good jobs and equal pay. Sham marriages that are being performed by the male, citizenship of foreign, good job and pay scale and education are the way through which the traffickers trick the women and make them enter into this field. Traffickers make false promises of employment or arrange fake marriages within India or the Gulf States, subjecting women and girls to sex trafficking.

### 5. Causes

Some of the factors are local conditions that make population want to migrate in search of better conditions. The factors that contribute to an increase of trafficking are;

- Poverty
- Oppression
- Lack of human rights
- Lack of social or economic opportunity
- Dangers from conflict or instability
- Political instability
- Militarism
- Civil arrest
- Internal armed conflict
- Natural disasters
- Social and cultural factors

The destabilization and displacement of population increase their vulnerability in exploitation and abuse through trafficking and forced labor. Thus, these factors exert pressure on victims and thrust them to migrate.

- War and civil strike may lead to massive displacements of population, leaving orphans and street children extremely vulnerable to trafficking. They've either passed away or they're fighting a battle that complicates child rearing.
- Poverty and wealth play a key role in migration and trafficking trends in which victims are moving from extreme poverty to less extreme poverty. Some parents sell their children, not only for money, but also in the hope that their children can escape the poverty situation and move to a place where they can lead a better life or more opportunities.
- Lack of understanding of the need for education, culture and access to goods may also be the key causes of trafficking in women and children.
- The low economic status of the family, poverty, emotional conditions in the family can also contribute to the victims of trafficking in women and girls. Earning money by every means to boost their financial status would force women and girls to fall into the pit of traffickers.
- Political instability, militarism, generalized violence or civil unrest can result in displacement of people. Destabilizing and dispersing communities increase their susceptibility to unequal exploitation and violence by trafficking in human beings and forced labor.
- The occurrence of a catastrophe – such as floods, tsunamis, earthquakes or volcanoes – contributes to a temporary or permanent displacement of the population from the region. In such a scenario, migration is more of a survival strategy, as natural disasters often result in the loss of income, property and jobs.
- In certain cultures, devaluing and exploiting women and children is commonly recognized. A parent may be able to sell a daughter and send her to a world of abuse. Some girls and women may leave home willingly if they've been raised to believe they are unequal to men or have few opportunities for work and advancement in their own communities. In traditional cultures where arranged marriages are common, girls are sometimes forced into child marriage, which can also be identified as a form of human trafficking.

Causes such as absence of birth registration, international

adoption, corruption, sex discrimination and caste system also create vulnerability.

In addition to the above, other factors, such as corrupt government officials, the presence of foreign organized crime organizations or networks and the insufficient ability or willingness of immigration and law enforcement officers to monitor borders, lead to increased trafficking.

The major core idea of trafficking is to exploit women for sexual purpose i.e., prostitution. The following are the root causes of prostitution.

- Ill treatment by parents
- Bad company
- Family prostitutes
- Social customs
- Inability to arrange marriage
- Lack of sex education, media'
- Rape
- Early marriage and desertion
- Lack of recreational facilities, ignorance and acceptance of prostitution
- Economic causes including poverty and natural disasters
- Psychological causes including desire for physical pleasure, deed and dejection

Prostitution is generally defined as the practice of providing sexual services for money, but because it explicitly requires a buyer and a seller it can more appropriately be defined as the practice of exchanging money for sexual services.

The main reasons which lead women to choose prostitution are poverty and unemployment. Lack of education, poverty, low economic status, abuse of parents, push women and girls to choose this profession because they can make a lot of money. Girls or women who leave their homes due to lack of love, affection and concern, get easily trapped by the honey/sugar coated words of the traffickers who trick them easily to take this illegal field. Love of fame and finance is also another cause for choosing this field

## 6. Suffering of Trafficked Women and Children

Basically, women and children who are sexually exploited will suffer Physically, Emotionally and Mentally. They will certainly suffer from Physical disabilities like Broken Bones, Scars, Bruises, Broken teeth, Numbness and diseases like Gonorrhea, Syphilis, Urinary tract infections, Pubic lice, Human Immuno Virus and Acquired Immuno Deficiency syndrome, Brain injury, Dizziness, Headaches, Unwanted Pregnancy, Tuberculosis, Hepatitis, Malaria, Pneumonia, Unsanitary Health issue. Emotionally they will feel helpless, Shame, Denial. Mentally they will suffer from Phobia, Self-hatred, Suicidal thoughts, Post-traumatic stress disorder, Anxiety, Depression and in both emotional and mental factor they lose their confidence level and get more fear than other criminals. They are over consumed by the thoughts that they are the major criminals.

## 7. Comparison between North and South

The poor regions in the Northern part of India like Assam, Bihar, Jharkhand, Orissa, Eastern Uttar Pradesh, West Bengal and Rajasthan there is lower socio – economic level than the other geographically well-developed areas. Despite not being aware of sex education women and girls who are naïve are forced to sexual practices and they couldn't find any way back, hence they are struck forever. Asia's largest

red-light area is in Kolkata, which is Sonagachi, Kamathipura in Mumbai, Budhwar Peth in Pune, Shradhanand Marg in Delhi, Chatherbhuj Sthan in Muzaffarpur, Meergunj in Allahabad, G.B. Road in Delhi, Itwari in Nagpur, Shivdaspur in Varanasi. The North Indian states have renowned place for the purpose of prostitution it is apparent that the Southern states also have renowned place for the purpose of business (prostitution). The places are Vijayapura in Karnataka, Khammam in Andhra Pradesh and there is no specified area for prostitution in Kerala, but the recent study denotes that there are 15,802 women and 11,707 men engaged in prostitution. There is no designated place for prostitution in Tamil Nadu. Women are sold as sex slaves in Mewat (district of Haryana) and they are sold again for "Bizarre form of money." The girls and women are locally called as 'Paros' which means one from Yamuna par i.e., one from across the river Yamuna.

## 8. Statistical Data

South Asia is the fastest growing region for trafficking of women and children. Based on the National Crime Records Bureau the number of women trafficked is partially equal to the number of children trafficked. 80 percent of the women and children are targeted only for the sexual and other forms of sexual exploitation. India is a country where the transmission (sending and receiving) of women and children are more. Nearly 1.2 million women and children are trafficked from the neighboring countries to India every year. The United States, State department annotate the trafficking in India as," India, source destination and transit country for men women and children subjected to forced labor and sex trafficking. "It also added that India failed to meet the minimum standard for the elimination of trafficking. Study of 2014 shows that 76 percent of women and girls were trafficked in India. Among that, 2 million women and girls were drifted into Red Light areas for sexual exploitation. Based on the report of 2016, the major 5 states where the women are more trafficked are from West Bengal - 2687, Rajasthan – 696, Uttar Pradesh – 84, Gujarat – 348, Karnataka – 219. Out of these total persons were 231174980 (21.5%) were for Sexual exploitation, 2590 (11.5%) for Other forms of Sexual exploitation, 349 (1.5%) for forced marriages and Forced Labor 10,509 (45.5%), Domestic servitude 412 (1.8%), Petty crimes 212 (0.9%), Child Pornography 162 (0.7%), Begging 71 (0.3%), Drug peddling 8 (0%), Removal of Organs 2 (0%), Other reasons 3824 (16.5%) (Including men). In the same year 20,000 women and children were trafficked which denotes the increase in the rate by 25 percentage in trafficking. The recent study in 2018 exhibits that between the years 2013-2017 the number of victims were raised by 500 percent and the victims are from Nepal and an average of 12000 women and children are trafficked to India only from Nepal. NGO estimated that nearly 12,000 – 50,000 women and children are annually trafficked for sex trades and it also notes that there are 3, 00,000 child beggars in India. There are 10 million sex workers from Asia, out of these 1, 00,000 women and children are from the state of Mumbai in India. On the overall 10 million people 3, 00,000 – 5, 00,000 are minors. The Paros in Mewat is estimated around 15,000 to 50,000 (Paros – wives sold as sex slaves in Mewat and they will be sold again for bizarre of money). A total of 8,132 cases of Human Trafficking were reported in India based on the records National Crime Record Bureau of 2016 under

the Indian Penal Code of 1860. The number cases filed was raised by 15 percent when compared to the previous year. 23,117 women, children (including men) were rescued. These rescued people were drifted by the traffickers into forced labor studies for (45.5 percentage) and in prostitution (21.5 percentage).



Fig 1



Fig 2

**9. Legal Framework**

There exists a need for a specialized legislation in India to deal with trafficking even though existing Indian Penal Code (IPC), 1860 deals with the offences of kidnapping, abduction, buying and selling of minors which is dealt from Section 359-373 of the Indian Penal Code, 1860. The Indian Penal Code is narrower in scope to deal with the wide range of activities involved in trafficking which do not nearly fit into “kidnapping” or “abduction”.

The following sections tell about the crimes that are mentioned in the Indian Penal Code, 1860:

- Section 359,360 and 361 deals with kidnapping which of two types, kidnapping from India and kidnapping from lawful guardianship.
- Section 362 deals with abduction which is the action of forcibly taking someone away against their will.
- Section 365 kidnapping or abducting with intent secretly and wrongfully to confine person.
- Section 366 deals with kidnapping abducting or inducing woman to compel her marriage etc.
- Section 367 deals with kidnapping or abducting in order

- to subject person to grievous hurt, slavery, etc.
- Section 368 deals with wrongful concealment or keeping in confinement about the kidnapped or abducted person.
- Section 369 deals with kidnapping or abducting child under ten years with intent to steal from its person.
- Section 371 deals with habitual dealing in slaves which includes imports, exports, removes, buys, sells, traffics or deals in slaves.

▪ **Section 370 of Indian Penal Code**  
**This states that whoever for the purpose of exploitation**

- a. recruits
- b. transports
- c. harbors
- d. transfers
- e. receives a person by
  1. using threats or
  2. using force or any other form of coercion or
  3. by abduction or
  4. by practicing, fraud or deception or
  5. by abuse of power or
  6. 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, harbored, transferred or received, commits the offence of trafficking.

The consent of the victim is immaterial in determination of the trafficking.

Prostitution is considered as an illegal act in certain cases as mentioned in the Immoral traffic Prevention ACT, 1956. Section 372 and 373 of the Indian Penal Code, 1860 deals Prostitution which serves one of the purposes of women trafficking.

- While section 372 of the Indian Penal Code deals with the selling of minor for the purpose of prostitution, section 373 deals with the buying of minor for the purpose mentioned above. The punishment given to the person who sells or buys minor is imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

It is also stated that section 370 of the Indian Penal Code will have no application in case wherein the sex workers engaged in prostitution of their own volition and not pursuant to any inducement force or violation.

Now what does Article 23 of the Indian Constitution say? It deals with the Right against Exploitation. It explicitly prohibits human trafficking and forced labor.

- Article 23 of Indian Constitution: Prohibition of traffic in Human Beings and forced Labour
- Traffic in human beings and beggar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
- Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.
- There are mainly two principal Indian law that address trafficking and prostitution. They are,
  1. The Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA)

## 2. The Immoral Traffic Prevention Act of 1986 (ITPA), colloquially called PITA, an amendment to SITA.

Under SITA, a prostitute woman is imprisoned for a year whereas a pimp faces only three months. It addressed only street prostitution and does not bother about prostitution behind closed doors. It was passed in 1956 and enforced in 1958 as a consequence of India's signing the Trafficking Convention.

Its goal was "to inhibit or abolish commercialized vice, namely the traffic in persons for the purpose of prostitution as an organized means of living. The law permitted penalization of women found to be engaged in prostitution under the following two conditions

- Section 7(1) penalized woman who are found to be engaged in prostitution.
- Section 8(b) did the same for a woman who if found seducing or soliciting for purposes of prostitution.

SITA was amended as the ITPA in 1978. The amended law stressed on prevention rather than suppression on human trafficking. It provides protection and rehabilitation for the rescued girls. According to this keeping or allowing premises for brothel is a crime. It also punishes the following

- Adults living on the earning of prostitute.
- Procuring a person for the sake of prostitution.
- Detaining a person in premises where prostitution is carried on.

Apart from the ITPA trafficking of women and children for sexual exploitation is covered under several other sections of the Indian Penal Code, 1860. The various other provisions dealing with the varied aspects of human trafficking are defined under the following sections.

- Section 363 deals with kidnapping or maiming a minor for the purpose of begging.
- Section 366A deals with procuring a minor girl for the purpose of sexual exploitation.
- Section 366B deals with the import of girl from foreign for sexual exploitation
- Section 367 deals with kidnapping and abduction for slavery, unnatural lust etc.
- Section 376 deals with trafficked women and girls who are raped.
- Section 374 deals with a rape of a minor with consent. This is considered to be an offence.
- Other than those above-mentioned sections, Section 354 of the Indian Penal Code explains about the "outraging modesty" of women. According to the Supreme Court, modesty is referred to as "feminine decency and virtue that women possess owing to their sex".
- Section 354A deals with sexual harassment, which is defined as follows,
  - Unwelcome touching or other physical contact.
  - Asking or demanding for sex or any other activity.
  - Making remarks which are of sexual nature.
  - Showing pornographic materials which may include books, magazines, books etc

Similarly, special legislations like Child Labor Act 1986, Children Marriage Restraint Act 1929, The Indecent Representation of Women Prohibition Act 1986, Protection

of Women from Domestic Violence Act 2005, The Sexual Harassment of Women at Workplace Act 2013, Bonded Labor Abolition Act 1976, Offences against Children Act 2005, Local legislations also attempt to prevent human trafficking.

The Immoral Trafficking Prevention Act strengthened penalties for trafficking in children and women particularly by focusing on traffickers, pimps, landlords and brothel operators.

### Punishments under Itpa

1. A prostitute who seduces is imprisoned for upto six months along with fine.
2. If a sex worker is notified under public place, then they are imprisoned upto three months along with fine.
3. Clients who indulge in activities related to sex worker who is within two hundred (200) yards of a public place then they are imprisoned for 3 months, but if the same sex worker is below 18 years of age i.e., a minor then the client is imprisoned for 7 to 10 years.
4. Pimps, Live in lovers who live off a prostitute's earning is held to be guilty and is imposed a punishment of imprisonment upto 2 years along with fine.
5. Brothel keepers are imprisoned for more than 7 years.
6. Procurers or attempts to procure anybody is liable and can be prosecuted and is imposed a punishment of imprisonment upto 7 years along with fine for first conviction and upto life imprisonment thereafter.

### Punishments under the Indian Penal Code, 1860

- 1) For the offence of trafficking a rigorous imprisonment of not less than 7 years. It may extend upto 10 years along with fine.
- 2) For trafficking of more than one person the concerned person is imposed a punishment of imprisonment for not less than 10 years, till lifetime along with fine.
- 3) For the offence of trafficking of minor, punishment imposed is imprisonment of not less than 10 year, till lifetime along with fine.
- 4) For the offence of trafficking more than one minor the punishment imposed is imprisonment of not less than 14 years, till lifetime along with fine.
- 5) For the offence of minor on more than one occasion punishment is life imprisonment along with fine.
- 6) If a public servant or police officer is involved, then he is punished for lifetime, means imprisonment remainder of that person's natural life along with fine.
- 7) For the offence under Section 354 punishment is jail time for 1 to 5 years along with fine.
- 8) For the offence committed under Section 354A the punishment varies from 1 to 3 years depending upon the type of harassment that was committed.

### ▪ Bonded Labour (Abolition) ACT, 1976

The Bonded Labor (Abolition) Act 1976 defines 'bonded labor system' as "the system of forced labor under which a debtor enters into an agreement with the creditor that he would render service to him either by himself or through any member of his family or any person dependent on him, for a specified or unspecified period, either without wages or for nominal wages, in consideration of loan or any other economic consideration obtained by him or any of his ascendants, or in pursuance of any social obligation, or in pursuance of any obligation devolving on him by

succession". The term other family members also include the children under 18.

Abolition of bonded labor system

1. On the commencement freed and discharged from any obligation to render any bonded labor.
2. After the commencement of this Act, no person shall-
3. Make any advance under, or in pursuance of, the bonded labor system, or Compel any person to render any bonded labor or other form of forced labor.

## 10. Case Laws

### ▪ BROTHEL AND FORCEFUL SEX

After a massive earthquake in Nepal, one of the missing girls Ranjana (pet name) lost her brother in the disaster and her mother after two years. She was trafficked to Delhi to a red lighted area (brothel) and she was contrived to have sex with 16 customers per day and nearly 20 customers in the weekends. Most of them who were trafficked along with Ranjana were minor.

Child Welfare Community (CWC) monitored this case. In this case a minor girl was trafficked and was sent to brothel. The offences committed in this case come under section 370, 354A, 372, 373 and 366A of IPC (1890).

### ▪ Labour Trafficking (Forceful Labor)

A broker who promised the children to get a work in road construction sites in Bhutan induced 3 of the children named Odayan Biswas (14 years), Raju Turi (17 years) and Mohammed Raffique to move along with the broker. But they were forced to do hard labor even in freezing cold and in heavy rain and were made to carry heavy loads of rock and cement. They were promised to pay Rs. 75 but failed to do so. Their passports and other belongings were with the broker and owner, in order to prevent them from leaving. Raffique escaped when he was admitted in hospital due to his illness. The other two mentioned above also escaped with their passports in their pockets to Bhutan border and after a long travel they reached their hometown. There were 3 more boys along with them who were found to be missing, and later information was received about them. Currently the local NGO is tracing them.

The offences committed in this case come under the section 365,367 and 368 of IPC (1890).

### ▪ False Marriage Representation (selling women after marriage)

A shawl seller from Kashmir named Mohammed Basiruddin used to come to Asansol every year for his brisk business. At that time, he heard about a physically challenged girl who is daughter of Mohammed Mukther Shiek. Basiruddin without demanding for dowry, showed his interest in marrying his daughter which surprised the father. On February 2, 2007 he arranged for their marriage in a local mosque and they left to their hometown. The groom's parents reached their hometown as soon as they received the message from their son regarding the marriage. After the marriage the father didn't hear from his daughter. The mother (Sabra Bibi) of the bride got suspicious about it and immediately went to Kashmir with her son. There she came to know that her son-in-law sold her daughter to one man named Sheik who again had sold the girl to another man named Sheik Ayub who demanded Rs. 11000 to buy the girl. The bride's mother lodged a police complaint on 27<sup>th</sup> April and the police of Jammu and Kashmir rescued the girl on the night of 1<sup>st</sup> May. Ayub was arrested and the cops are in search of the rest of the members involved in this case.

The offence made in this case come under section 365 and 368 of IPC (1890)

### ▪ Transportation of Minor Children

In the year 2000, Majili Tudu, 15 years girl, fell a prey to the flowery words of Miru, who was from her neighboring village Amtala. She promised her to get a job in a textile mill. Due to bad influence she was trafficked. When she went to the railway station, she met a group of girls who were under the age of 14-18. With three more members as head and a man named Raju, 35 years old accompanied them near a village Faridapur in Punjab and sold one by one for Rs. 16000-18000 each. Majili was sold to a childless old man. She escaped from him and returned to her hometown in the year 2003.

The offences committed in this case come under the section 365,366A and 371 of IPC (1890) <sup>[1]</sup>.

### ▪ Prostitution

A 10 years old girl named Maya was sold for RS.3000 by her aunt in Uttar Pradesh. She refused to have sex with the clients, so she was tormented and scared by snakes and got beaten up in a dark room which eventually lead to her unconsciousness. Then she was raped by the client. Four years on, Maya lives in the red-light area of Mumbai. When he was only a few months old she used to drug him and put him under the working cot. Her son was sent to crèche at night which the government runs.

The offences committed in this case come under the section 366A, 367, 369, and 372 of IPC (1890) <sup>[2]</sup>.

## 11. Opinion on Legalization of Prostitution

Many countries have out rightly banned prostitution. But we are not sure if it has public acknowledgement.

In India, feminism has started to develop. Therefore, legalization of prostitution will not be a solution to this topic. Where has our morality gone? We see girls and women as gods. Then, what has happened to our old traditions, morals, culture, etc.? Is prostitution alone a way to escape from all the tortures around them?

Proper safety measures, proper punishment, periodical raiding, corruption, free politics, would help in the decrease of prostitution.

## 12. Preventive Measures

- It is the need of the hour to develop various programs and policies concerning on the latent aspects of trafficking. It is however erroneous argue that unless the societies ensure and takes certain 'structural transformation' human trafficking can't be prevented.
- Based on the data, human trafficking all over the world occurs due to lack of family education. Children and adults who are illiterate or uneducated are more susceptible for victimization. Education brings about enlightenment in people and it is an effective tool that it is a gateway from all the hardships in life. It's what keeps people away from going in the wrong direction and pursuing the path of education with a willingness to learn more. Education is what makes people aware about all the social evils present in the society, human trafficking being one of them. Besides, with sex continuing to be a taboo topic as entrenched in Indian culture schools and parents always try to field the

<sup>1</sup>

<sup>2</sup> Reference:SWA legalserviceindia.com

subject to avoid the embarrassment incurred when children raise questions about it. So 'sex education' must be a part of the learning syllabus in schools.

- Increased border enforcement will decrease human trafficking. There is lot of migrants in the world today, but main cause of concern is lot of them is undocumented migrants. This calls for a restrictive policy on the migrant population. Many cases of undocumented migrants involve smuggling and trafficking where the migrant pays a fee for a third party to take them across national borders. So, if the security spruces up and if the countries act against those illegal migrants who indulge in corruption or protect those people who are trafficked from crossing borders, human trafficking can be reduced.
- Age old practices of child marriage should be checked both legally and socially.
- Poverty and lack of economic opportunities are two of the most important factors that heighten vulnerability to trafficking. Improvisation of economic status of the family by providing employment opportunities, by considering poverty line, by increasing income opportunities and access to the market economy is necessary. Private division exchange and venture is by a wide margin the best blend to prod manageable monetary development in creating nations just a monetarily sound private segment, working in a serious conventional economy can make the organizations and long-haul employments that are basic to long haul financial development and improvement. Therefore, another step to take in the fight against trafficking is to reduce ineffective foreign aid programs and promote trade and investment by private businesses.
- Trafficking is a very profitable crime, where based on the number of people trafficked a criminal enterprise would get its share of revenue and it is a big network in which usually corrupt public officials are also part of it.

Trafficking involves moving from one place to another and victims have often reported that public officials or influential persons are bribed to facilitate the trafficking at all stages. Some victims have been trafficked using illegally obtained passports, which would be either previously issued documents belonging to others or black and white or fake passports. This usually happens, due to the corruption of the officials who without cautiously checking the passengers allow them to board the flight. In recent times, there has been a proliferation of NGOs that act against human trafficking which gets a pool of money and uses it to act against corruption genuinely. But many NGOs are fraudulently set up by the agencies that involve in trafficking and use the fund again for the activity. Hence, corruption plays a major role in trafficking which must be reduced.

- Strict laws must be imposed on sex trade in cities and tourist destinations.
- Rehabilitation programs and center must provide protection to the victims who have been rescued. In particular, the human rights must be protected while conducting rescue operations.
- Proper law and legal systems should be implemented. Special courts formation must be considered, and Anti-Human Trafficking units must be formed in every state and Union Territories. Severe punishment must be

given to the criminals.

- Educational and professional training must be arranged by both the Government and the NGO's. Special scheme must be formulated for the above and counseling center; legal center along with help lines must be established.
- Socialist measure must be taken wherein the society must accept the person as such and re-integrate him or her into the family or community. This can happen only if the mind-set of the people in the society changes.
- Awareness on trafficking should be provided to the economically and Socially Backward Class of people and illiterates. Sustained and vigorous campaigning is necessary to sensitive media and alert people about the traffickers.

### 13. Conclusion

Woman trafficking is a serious and heinous crime, which violates majority of the fundamental rights and the dignity of the women and girls along with their family members. Government needs to focus on eradication of trafficking by means of eradicating of poverty, increasing literacy rates and widening of job opportunities to its citizen. Non-Governmental Organization (NGO), civil societies, pressure groups and international bodies should cooperate with government organizations in the fight against trafficking. Mere framing of laws and passing of bills will not eradicate women trafficking. Being a country with Morale values, India must stop women trafficking with respect to all women across the globe. A decision for legalizing prostitution will be dangerous initiative as it will affect future generation. Government should take certain preventive measures and impart severe punishment for the one who pushes the women into trafficking and rape victims with the help of the victims. This will happen when the victims start believing that the traffickers will be stringently punished, and relative justice could be sought. They should give women equal rights and stop seeing them as a sexual object. It is the responsibility of the government and the society to create such trust.

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