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Human trafficking In India: An analysis

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Abstract

This paper addresses the situation of human trafficking in India. It argues that the focus on trafficking either as an issue of illegal migration or prostitution still dominates the discourse of trafficking, which prioritizes state security over human security and does not adequately address the root causes of trafficking and the insecurity of trafficked individuals. The root causes or vulnerability factors of trafficking such as structural inequality, culturally sanctioned practices, poverty or economic insecurity, organ trade, bonded labor, gender violence, which are further exacerbated by corruption, have remained unrecognized in academic and policy areas. This paper argues that emphasis needs to be given to such underlying root causes and modes and also crimes related to human trafficking, that threatens human security of the trafficked persons in India. Accordingly, it provides some preventive measures to address and deal with the problem.

Keywords: Trafficking, Human Trafficking, Causes and modes, Preventive measures.

1. Introduction

Human trafficking which is for the purposes of sexual exploitation is becoming an increasingly prevalent issue around the world. Trafficking is a huge industry which has been identified as the fastest growing criminal industry in the world. The international and Indian legal definitions of bonded labour, child labour and sex trafficking used throughout the report are highlighted in this section. Under the new section 370 of the Indian Penal Code, trafficking of persons for “physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude and the forced removal of organs” is prohibited. Cases covering a wide variety of forms of modern-day slavery have been registered under this section. Since India signed the Palermo Protocol and amended its Penal Code, trafficking of persons for the purpose of sexual exploitation has been comprehensively prohibited. The Immoral Traffic in Persons Act 1956 also prohibits the procuring, inducing or taking of a person for the purpose of prostitution. The Protection of Children from Sexual Offences Act 2012 prohibits a range of sexual offences against children under the age of 18. Human trafficking can include several different components which can include sex trafficking, labor trafficking, and organ trafficking. Sex trafficking is human trafficking into prostitution. Labor trafficking is when someone is trafficked into work that is non-sexual. Examples can include a man trafficked into farm work, or a woman trafficked into a servant. Lastly, organ trafficking is when people are trafficked so their organs can be sold to be used into transplants. People can be forced into this trafficking by many means such as physical force being used upon them, or false promises made by traffickers. Examples of promises may include false job opportunities, or marriages in foreign countries. To prove that human trafficking is still happening around the world, According to the Walk Free Foundation Global Slavery Index 2014, India is home to an estimated 14 million victims of human trafficking, including victims of sex trafficking, bonded labour, child labour, domestic servitude and forced marriage. According to India’s 2008 Integrated Plan of Action to Prevent and Combat Human Trafficking, the scale of the problem is enormous “both in [the] number of trafficked persons and increasing number of locations”. Traffickers are motivated by high profits and the low risk due to weak law enforcement and low levels of prosecution. To tackle human trafficking, prosecution and punishment of offenders must be pursued as well as legal action to seize the assets and profits of traffickers.

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2. Objectives of the Present Study

The main objectives of present research paper is

1. To examine the causes and modes of human trafficking in India.
2. To analyse the crimes related to human trafficking from 2010-2014.
3. To suggest Preventive measures regarding human trafficking in India.

3. Research Methodology

The present paper is mainly based on secondary data, which has been taken from District Census Handbook, Statistical Abstract State wise and National Crime Record Bureau (NCRB). For the present paper census and crime data have been analysed. The systematic approach has been adopted for analysis. Both qualitative and quantitative methods have been applied for the data analysis.

4. Causes and modes of trafficking in India

There are several contributing factors for trade in human beings particularly in women and children. The factors of trafficking in women and children can be divided into two categories: push and pull factors. The push factors include: poor socio-economic conditions of a large number of families, poverty coupled with frequent, almost annual natural disasters like floods leading to virtual destitution of some people, lack of education, skill and income opportunities for women (and for their family members) in rural areas, absence of awareness about the activities of traffickers, pressure to collect money for dowries which leads to sending daughters to distant places for work, dysfunctional family life, domestic violence against women, low status of girl children, etc. It appears from the case studies that extreme poverty and other causes of deprivation not only push people to fall in the tripod the traffickers, they also create for some an incentive for trafficking. Often the prostitutes, who have no option to come out of the exploitative environment, gradually develop intimate connections with the traffickers and follow in their footsteps.

The pull factors are: lucrative employment propositions in big cities, easy money, promise of better pay and a comfortable life by the trafficking touts and agents, demand of young girls for marriage in other regions, demand for low-paid and underage sweat shop labour, growing demand of young kids for adoption, rise in demand for women in the rapidly expanding sex industry, demand for young girls in places of military concentration like Kashmir in India in recent times, demand for young girls for sexual exploitation as a result of the misconception that physical intimacy with young girls reduces men's chances of contracting HIV/AIDS, or of the myth that sex with a virgin can cure HIV/AIDS and impotence. The rampant practice of female feticide in the northern states of Haryana and Punjab has also fuelled internal trafficking. Since there is a shortage of women in these states having a low female to male ratio, they have become fertile ground for the operation of traffickers. Traffickers procure girls from faraway states like Assam and Orissa; trick their families into believing they are to be married, only to later push them into prostitution.

India is also experiencing rapid changes in economic, political, demographic and labor trends as an outcome of globalization, increasing demand for cheap labor and heavy population growth in the region encourages migration whether legal or illegal. The movement of young girls and women from Bangladesh and Nepal into Indian brothels is

common. There is further movement of these women and girls to the Middle East as well as other destinations. At times of hardship, this starts out as illegal migration and ends up as trafficking. Such migration occurs in the backdrop of supply and demand in the sending and receiving countries. The supply side is associated with structural inequality, poverty, illiteracy and lack of opportunities for livelihood, whereas the demand rises from the need of cheap labor in the destination. Usually people from the poorer countries like Bangladesh and Nepal are at risk of exploitation and are trafficked to their neighboring country India. An assessment study on sexually exploited children and youth by the Economic and Social Commission for Asia and Pacific (ESCAP) shows that in South Asia young girls from certain rural areas of Bangladesh, India and Nepal are trafficked for marriage and then sold into prostitution (Shamim, 2010) [6].

The major problem also faced by the poor families in India is the members' limited ability to communicate outside their place of residence. Many of them are illiterate—cannot read or write. So they depend on others for sending letters or making a phone call to their relatives. Often the guardians of law do not support the victims. It has often been alleged that police harass the victims more than those who have committed the crime. All these limitations not only make the socially and economically deprived sections of society vulnerable to trafficking, but also explain why re-trafficking is so rampant in our society. Apart from the increased demand of cheap labour in the production sector, globalization has played a major part for the growth of tourism business and entertainment industries the world over. As a result, the sex-related trades like sex tourism have registered rapid growth. At the same time, rising male migration to urban areas as well as stressful working conditions of the Business Process Outsourcing (BPO) sector workers have also contributed to a growing demand for commercial sex in the cities. Our experience also reveals that trafficking is closely associated with child marriage. Child marriage is one of the easiest modes applied by the traffickers to send young girls from one place to another. In a traditional village community, there is a stigma attached to single women. Inability to arrange the marriage of a daughter is a cause of embarrassment and matter of shame for the parents. In this situation, when the traffickers approach the poor families with marriage proposals (sometimes with cash rewards between Rs.1000–5000 on an average) minus dowry, the parents find it hard to refuse the offer. After marriage, the girls sold and resold, until she reaches the ultimate destination. Apart from child marriage, other modes of trafficking are fake marriage, false recruitment, kidnapping and abduction of children, transportation of children with the consent of guardians, adoption of children, using poor families with jobs and better living condition in cities.

5. Crimes related to Human Trafficking in India

Heads of crime which are related to human trafficking.

- Importation of girls from foreign country (Sec. 366B IPC)
- Procurement of minor girls (section 366-A IPC)
- Buying of minors for prostitution (section 373 IPC) (previously known as buying of girls for prostitution)
- Selling of minors for prostitution (Section 372 IPC) (in previous editions, data was collected under buying of girls for prostitution)
- Immoral Traffic (Prevention) Act 1956

- Human trafficking (section 370 & 370A IPC), after enactment of the Criminal Law (Amendment) Act 2013,

the Bureau has also started collecting data under these sections.

Table 1: Crime head-wise incidence of various crimes under human trafficking during 2010 – 2014.

Sr. No.	Crime Head	Years					% variation in 2014 over 2013
		2010	2011	2012	2013	2014	
1	Procuration of minor girls(Sec. 366-A IPC)	679	862	809	1224	2020	65
2	Importation of girls from foreign country (Sec.366B IPC)	36	80	59	31	13	-58.1
3	Selling of minors for prostitution (Sec. 372 IPC)#	130	113	108	100	82	-18
4	Buying of minor for prostitution (Sec. 373 IPC)#	78	27	15	6	14	133.3
5	Immoral Trafficking (Prevention) Act 1956	2499	2435	2563	2579	2617	1.5
6	Human Trafficking (Sec. 370 & 370 A IPC) *	-	-	-	-	720	-
	Total cases of human trafficking	3422	3517	3554	3940	5466	38.7

**Newly included in 2014; ‘#’ Modified in 2014, NCRB (2014)

6. Analysis of Crime head wise incidence of various crimes under Human Trafficking

Table-1 indicates, A total of 5,466 incidents of crimes under specified crime heads (as mentioned above) relating to human trafficking were reported in the country during the year 2014 as compared to 3,940 during the year 2013. The crime under human trafficking during the year 2014 has increased by 59.7% over 2010. Cases under the head Procuration of minor girls have increased by 65.0% during the year 2014 as compared to the previous year (1,224 cases). 852 cases with equal number of victims were reported in West Bengal followed by Assam (303 cases & 303 victims). There were 2,025 victims for 2,020 cases. Maximum cases of procuration of minor girls were reported in West Bengal (852 cases) followed by Assam (303 cases), Bihar (280 cases) and Haryana (277 cases) during 2014. Under the head Importation of girls from foreign country A total of 13 cases were registered during 2014 compared to 31 cases in 2013 showing a decline of 58.1% over the previous year. Maximum cases were registered in Bihar (5 cases) followed by West Bengal (4 cases), 2 cases were registered in Jharkhand and 1 case each in Assam & Maharashtra during 2014. Then, Selling of minors for prostitution A total of 82 cases of selling of minors for prostitution were reported in the country during 2014 as against 100 such cases in 2013, thus indicating a decrease of 18.0% over 2013. West Bengal has reported 67 such cases accounting for 81.7% during 2014. Buying of minors for prostitution Cases under this head have increased by 133.3% during the year 2014 as compared to the previous year (6 cases). In 2014, data collected under buying of minor for prostitution whereas in previous years it was known as buying of girls for prostitution. A total of 7 cases in Maharashtra followed by 4 cases in Jharkhand were reported under this crime head. Immoral Traffic (Prevention) Act, 1956 Cases under this Act have registered an increase of 1.5% during the year 2014 as compared to the previous year (2,579 cases). 509 cases were reported in Tamil Nadu followed by Karnataka (392). Under the Immoral Traffic (P) Act, maximum cases were registered under section 5 of IT (P) Act (766 cases) followed by section 7 of IT (P) Act (129 cases), section 8 of IT (P) Act (113 cases) and section 6 of IT (P) Act (90 cases). Out of 113 cases reported under section 8 of the IT (P) Act (relating to seducing or soliciting for the purposes of prostitution), maximum cases were reported in Kerala (55 cases) followed by Karnataka (21 cases) and Tamil Nadu (19 cases), these three States together accounted for 81.4% of total such cases. Out of 766 cases reported under section 5 of the IT (P) Act (relating to procuring or inducing or taking persons for purpose of prostitution), maximum cases were reported in Tamil Nadu (110 cases) followed by Telangana

(105 cases), Karnataka (104 cases) and Maharashtra (100 cases), these four States together accounted for 54.7% total such cases. There were 3,351 victims (consisting of 595 males and 2,756 females) for 2,617 cases reported under the Immoral Traffic (Prevention) Act. Human Trafficking (Sec. 370 & 370 A IPC) Data on Human Trafficking under section 370 & 370A of IPC has been collected for the first time in 2014. A total of 720 cases of human trafficking under section 370 & 370A of IPC were reported in the country during 2014. Jharkhand has reported 150 such cases followed by Maharashtra with 108, Assam (68 cases), West Bengal (55 cases) and Madhya Pradesh (50 cases). However, maximum victims (2,605 persons) against 1,106 such cases were recovered/reported in Kerala during 2014.

7. Preventive Measures

7.1 Border measures

Stringent Enforcement of cross border trafficking, Secure Vigilance in Trafficking routes and Proper social accountability is needed.

7.2. Economic and social policies

- Taking measures to raise levels of social protection and to create employment opportunities.
- Taking appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of gender equality, the right to equal pay for equal work and the right to equality in employment opportunities.
- Developing programmes that offer livelihood options and include basic education, literacy, communication and other skills, and reduce barriers to entrepreneurship.
- Encouraging gender sensitization and education on equal and respectful relationships between the sexes, thus preventing violence against women.
- Ensuring that policies are in place that allow women equal access to and control over economic and financial resources.

7.3 Awareness-raising measures

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

7.4. Legislative measures

Adopting or strengthening legislative, proper law enforcement, uncorrupt officials, educational, social, cultural

or other measures and, where applicable, penal legislation, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking.

8. Conclusion

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

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