

A STUDY ON HUMAN TRAFFICKING IN INDIA

¹M.Sathyamoorthy, ²K.Roja

¹Student, B.A,LLB(Hons), Saveetha School Of Law, Saveetha University, Saveetha institute of medical and technical sciences, Chennai, Tamilnadu, India

²Assistant Professor, , Saveetha School Of Law ,Saveetha University , Saveetha institute of medical and technical sciences, Chennai, Tamilnadu, India

¹sathyadhoni07@gmail.com,²rojak.ssl@saveetha.com

ABSTRACT:

Trafficking has become one of the fastest growing criminal activities. Human trafficking is the method of trade of human beings or person for a purpose. Human trafficking is the trade in people especially women and children. It is usually a criminal activity. Persons are trafficked commonly for sexual exploitation, labour and organ donors. The human trafficking is divided into three categories as Domestic, foreign and international human trafficking. The human trafficking is not limited to a particular area or region. According to law, human trafficking is a crime and it is the violation of human rights. There are strict punishments in law for the people involving the human trafficking activities. Human trafficking can also occur within a country. The UN Palermo protocol provides the detailed definition of human trafficking. It is the global issue and in United Nations, after drug it is considered as the second largest criminal activity in the world. The human trafficking has become third most profitable crime in the world. Women and children who are living below are poverty line are mostly affected by the traffickers. The human trafficking is a criminal activity and it is strictly prohibited. The main of this research is to analyse the human trafficking in India, attempts are made from different perspectives to understand the concept of human trafficking in India.

KEYWORDS: Trafficking,Human,Poverty,Women,Children.

INTRODUCTION:

The study is about the human trafficking in India and its prevalence in India and certain acts to protect the human trafficking. One of the important act regarding human trafficking is IMMORAL HUMAN TRAFFICKING ACT and its prevalence in the Indian territories. It also comprise of the comparison of the state of human trafficking in India and USA. This study involves the elements, causes, forms and effect of human trafficking.

The experimental assignment of International Labour Organisation to try to estimate the magnitude and profit from forced labour and human trafficking. The paper's main finding that global profit made from forced labourers exploited from foreign agents could reach \$44.2 billion. These support the view that trafficking thrives because it is lucrative and measures to combat must include the confiscation of properties of trafficking, ([Patrick Belser, 2011](#)). The scale of extent of the trafficking is very little explored in Indian context. Even unlikely scope and concerted effort to raise the priority to combat human trafficking by exerting pressure in countries like India which lack some legal instruments and must need some anti trafficking activities. (Siddhartha sekar, 2014). By examining the Human Trafficking we analysed the environmental factors to create Anti-Trafficking. The issues in trafficking are common characteristics such as fraudulent requirement, exorbitant, travelling, withholding victims, and visas. It describes precisely that the pictures of human trafficking illustrates that no nation including US exempt, ([Stephanie Hepburn, Rita J.](#))

The existing researches say that the acts brought by the government are useful enough to reduce the human trafficking but my study about the human trafficking says that the present act like the Immortal Traffic Prevention Act is not useful as, much until the amendment bill was passed in 2006. It was useful and tried to reduce the human trafficking in India. The study also says that sufficient awareness must be created to help the people know about the evils of human trafficking and the sufficient punishment for it. The aim of my study is to study about the human trafficking and to analyse the provisions relating to human trafficking.

WHAT IS HUMAN TRAFFICKING?

Human trafficking is one of the important and one of the prevalent problems in the world. The trafficking is becoming one of the growing industries in the field of crimes. In the Indian Penal Code, according to section 370 it has been explained that what is trafficking and in section 371 tells about the punishment for trafficking. Human Trafficking is defined as the harbouring or the movement of the people from one place to the other and making it into the situation of exploitation of them through the violence against their will. It is also told as the slavery of the people. It can be either the sexual violence or either for organ for other profits ([Carol Camp Yeakey, Vetta L Sanders](#)).

WHAT IS IMMORAL TRAFFIC (PREVENTION) ACT?

In 1950 the government of Asian country sanctioned the International Convention for the Suppression of Immoral Traffic in Persons and also the Exploitation of the prostitution of others. In 1956 Asian country passed the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA). The act was more amended and adjusted in 1986, leading to the Immoral Traffic Prevention Act additionally recognized as more useful one. Immoral Traffic Prevention Act, 1986 solely discusses trafficking in relevance whoredom and not in relevance alternative functions of trafficking love domestic work, kid labour, organ harvest home, etc. the subsequent is an overview of the provisions during this law that pertains to youngsters below the age of eighteen. The act defines kid as anyone WHO has completed eighteen years. The primary section of the act has provisions that define the unlawfulness of prostitution and also the social control for owning an identical institution, or for living of earnings of prostitution.

OTHER ACTS FOR HUMAN TRAFFICKING:

The article (3) of the Protocol To Prevent ,Suppress And Punish Trafficking In Persons tells that trafficking involves the recruitment of the transfer of the persons by means of the threat and other forms which involves the taking control of the another person. These are some of the other acts other than that of the Immoral Traffic Prevention Act to stop and control the human trafficking. This is one of the major revolution in the international protocols for the prevention of human trafficking.

MAJOR ELEMENTS TO CONSTITUTE HUMAN TRAFFICKING:

In order to constitute a trafficking there are some of the major elements in it, there are 3 major elements they are, Act, Means and Purpose. The trafficker must commit one of the following acts which involves the recruitment,transport,harbour,transfer,give or receive the benefit out of it, or to gain control of the trafficked thing .These are the things which come under the ACT. Secondly the means, which involve the following they are, violence, threat of violence, coercion, abduction, fraud, or the position of the vulnerability. These come under the MEANS. Thirdly the purpose, which involves any one of the following, sexual exploitation, forced labour, slavery, organ removal. These are the things which comprise under the PURPOSE ([Iyan Gyozo Somalaj](#)).

MAJOR CAUSES FOR HUMAN TRAFFICKING:

Some of the causes of trafficking are 1)Lack of employment opportunities, 2)Extreme greed for wealth ,3)Poor economic system ,4)Unhealthy business gain,5)Illiteracy,6)Poverty.

1) Lack of employment opportunity: The national economy of some countries have left many of us idle. Those who are desperate thereby get deceived by traffickers.2) Extreme greed for wealth: Some individuals need to amass huge amount of wealth... [Dr.Lakshmi T and Rajeshkumar](#) They find them within the hands of traffickers.3) Poor economic system: this might cause people to require to travel abroad for higher customary of living.4) Unhealthy business gains: Trafficking has somehow become a huge business trade within the world, thereby making people with criminal minds to hitch.5) Illiteracy: Some individuals don't have self-esteem either they're illiterates or need to possess a higher life and that they could find yourself going the country by all means that attainable.6)Poverty: Some families with numerous amount children perhaps be poor and may not be ready to satisfy for all the requirements of their children and this fashion a number of their youngsters in the families and make them comprise in the hands of traffickers.[\(Patrick Balser\)](#)

MAJOR FORMS OF HUMAN TRAFFICKING:

Some of the forms of trafficking are child labour, debt bondage, child soldiers, child sex trafficking.

1) Child labour: It is one of the major form of trafficking .It involves the use of force to the children to make them work in the factories or mines or in any hazardous places without their consent as they are not matured enough to give the consent. They make them work and pay them a very little amount in return.

2) Debt bondage: It is another form of trafficking. It involves the debt which can't be paid back in time. The parents have no other choice then to employ their children as slaves. They don't even pay back the child as they make them work in the factories as a debt payer and make full use of the child's mental and physical strength.

3) Child soldiers: In this form of child labour as they make use of the small children as a messenger in the group or when waging war against the particular country.

4) Child Sex Trafficking: It involves the making use of the children for the purpose of sexual activities and making money out of it. It is a serious problem for the minors as they suffer from many diseases at this tender age and being isolated by the community. ([Raja.B Niewiarowska](#)).

MAJOR EFFECTS OF HUMAN TRAFFICKING:

Some of the effects of human Trafficking are

1) Society: This involves the impact of the trafficking in the society which mainly depends on the families of the trafficked women and children in the society. They get isolated in the society and hence their livelihood becomes a question.

2) Economy: This results when the economy of the certain family seems to be low then the one of the member of the family needs to go to the foreign countries and finally they get trafficked as a result of this.

3) Health: The women and the children who are trafficked may have the risk of having HIV or AIDS. This may cause serious impact to the lives of women in the health factor. This may even result in the death of the particular women or the child.

4) Rule of law: Due to the organisation of the criminal groups the law of the certain country has been violated .This is also one of the serious implication in the rule of law.

IMMORAL TRAFFIC PREVENTION ACT 1956:

In 1950 the govt. of Republic of India legal the International Convention for the Suppression of Immoral Traffic in Persons and also the Exploitation of the Prostitution of others. In 1956 Republic of India passed the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA). [Trishala A , Lakshmi T and Rajeshkumar S](#) The act was amended in 1986, leading to the Immoral Traffic Prevention Act additionally referred to as PITA. Immoral Traffic interference Act, 1986 PITA solely discusses trafficking in reference to prostitution and not in reference to alternative functions of trafficking admire domestic work, kids labour, organ harvest, etc. ([Ronald weitzer](#))

PROVISIONS OF THE ITPA 1956:

The following is an overview of the provisions during this law that pertains to youngsters below the age of eighteen. The act defines kid as somebody WHO has completed eighteen years old-time. The primary section of the act has provisions that define the unlawfulness of crime and also the penalisation for owning a brothel house or an identical institution, or for living of earnings of vice crime as is within the case of a pimp. Section 5 of the act states that if someone procures, induces or takes a child for the aim of vice crime then the jail sentence could be a minimum of seven years however may be extended to life. to make sure that the individuals within the chain of trafficking are command accountable the act contains a provision that states that somebody concerned within the recruiting, transporting, transferring, harbouring, or receiving of persons for the aim of vice crime if guilty of trafficking. Additionally somebody making an attempt to commit trafficking or found within the sporting house or visiting the sporting house is punishable below this law([Louise Sheltey](#)).

PUNISHMENTS FOR TRAFFICKING AS PER ITPA, 1956:

If an individual if found with child it's assumed that he has detained that child there for the aim of gender and thence shall be punishable to seven year in jail up to immurement, or a term which can be 10 year and conjointly a most fine of 1 hundred thousand rupees. If a baby is found in a very bordello and once medical check-up has been found to possess been sexually abused, it's assumed that the kid has been detained for the aim of prostitution. Any person committing prostitution publically with a baby shall be punishable to seven year in jail up to

imprisonment, or a term which can be 10 year and conjointly a most fine of 1 lakh rupees. If prostitution of a child is being committed with data of an institution owner resembling an owner the license of the owner is probably going to be off together with the given jail sentence and/or fines. Any kid found in a very brothel or being abused for the aim of prostitution are often placed in an establishment for his or her safety by a jurist. Landlords, leasers, owner, agent of the owner World Health Organization unwittingly rented their property to an individual found guilty of prostituting a baby, should get approval from a jurist before re-renting their property for 3 years once the order is passed. ([Hilarey Chester](#))

IMMORAL TRAFFIC (PREVENTION) AMENDMENT BILL, 2006:

The Immoral Traffic (Prevention) Amendment Bill, 2006 amends the Immoral Traffic (Prevention) Act, 1956 to combat trafficking and sexual exploitation for business functions. The term “trafficking in persons” has been outlined with a provision for effortful anyone United Nations agency is guilty of the offence of trafficking in persons for the aim of prostitution. This Bill has 5 main options. First, it deletes the provisions relating to prosecution of prostitutes posing for customers. Second, it provides for prosecution of shoppers. Third it defines the term “trafficking in persons” and provides for penalties. Fourth, it will increase penalties for a few offences. Fifth, it constitutes authorities at the central and state level to combat trafficking ([Disha Ranjana](#)).

IMPLICATIONS OF IMMORAL TRAFFIC PREVENTION (AMENDMENT) BILL, 2006:

Sex work intrinsically isn't nonlocal underneath the Act, but, its actual criminalisation through prohibition of soliciting, house of prostitution & street work, has effectively undermined sex workers' ability to assert protection of law.

Absence of safeguards has intense violence & exploitation by brokers, agents & the mafia.

Vindictory provisions area unit unfriendly to public health interventions to scale back HIV.

Concern of arrest, infringement by Police makes negotiation of safer sex tough

Peer educators carrying condoms area unit comprehended for „promoting sex work“to try market contraceptive use in brothels are aborted. Disempowerment of sex staff will increase harms of HIV & Trafficking. ([Betz Diana L](#)).

HUMAN TRAFFICKING IN USA:

Human trafficking in USA is becoming one of the most serious problem among the women and the children. This has been otherwise called as the modern slavery. The Federal law for the crimes came force on 11 APRIL 2018 and the act was called as the STOP ENABLING SEX TRAFFICKING ACT in order to reduce the crime among the people in USA. Although the ratification has been abolished in USA more than 150 years ago, there are more than 25 million slaves for trafficking. The USA has been one of the important source and the place for importing and exporting the trafficked victims. ([Stephanie Hepburn, Rita J. Simon](#))

STATISTICS REGARDING HUMAN TRAFFICKING:

Around 75-80% of human trafficking is for sex. There are more human slaves on the planet today than any time in recent memory ever. There are an expected 27 million grown-ups and 13 million youngsters around the globe who are victims of human trafficking. A recent report in India found that, by and large, a sex slave earned her pimp no less than 250,000 rupees every year. Albeit human trafficking is frequently a shrouded wrongdoing and exact insights are hard to get, specialists gauge that over 80% of trafficking casualties are female. More than half of human trafficking victims are kids ([Richard Ibremán](#)). Human trafficking is the main region of international wrongdoing in which ladies are essentially spoken to—as casualties, as culprits, and as activists battling this wrongdoing. Relatives will frequently offer kids and other relatives into bondage; the more youthful the casualty, the more cash the trafficker gets. For instance, a 10-year-old named Gita was sold into a prostitution centre by her close relative. The now 22-year-old reviews that when she declined to work, the more established young ladies held her down and stuck a bit of material in her mouth so nobody would hear her shout as she was assaulted by a client. She would later contract HIV. Human trafficking is one of the quickest developing criminal undertakings since it holds moderately generally safe with high benefit potential. Criminal associations are progressively pulled in to human trafficking in light of the fact that, not at all like medications, people can be sold over and over ([Elizbieta M. Godziak, Micah N. Bump](#)).

REASONS WHY TRAFFICKING STILL EXISTS? :

- Sexually misusing girls and children is enormous business. A human trafficker can possibly win 20 times the sum paid for a young children. Dissimilar to medications and weapons, a similar young girl can be sold again and again. Poor young girls can be found in all edges of the world, and a well off nation like the U.S. is a prime market. Once a young lady has been adequately terrified by the trafficker – told that she'll be found and rebuffed on the off chance that she escapes, or that the lives of her family in another nation might be in question – she will take after a pimp's requests. ([T.K.Logan](#) ,[Robert Walker](#) ,[Gretchen Hunt](#))

- The web is a free channel for the criminal black market. As per one gauge, 76 percent of exchanges for sex with underage girls begin on the web. A site called Backpage.com is believed to be the biggest U.S. gathering for sex trafficking of these young ladies. While the site associates numerous consenting grown-ups, it's likewise overflowing with young ladies and ladies constrained into prostitution. A New York Times uncover uncovered the site is possessed by private value agents, with a 16 percent stake in the past claimed by Goldman Sachs. It sold its offers after the daily paper's request. The web likewise enables traffickers to discover and "become friends with" the women who uncover through their postings the qualities traffickers are searching for.

- Diplomats can exploit resistance. Diplomators to this nation are permitted to acquire unique visas to bring specialists from their home country. A portion of these authorities exploit this and endeavour specialists. After the appropriation of passports, an injurious diplomat may constrain specialists to work for many hours with no pay or very less pay. Many women have been sexually trafficked under these conditions.

SUGGESTIONS:

The trafficking is one of the important crimes all over the world. It has been increasing day to day life .Some of the certain suggestions to reduce the human trafficking us to

1. Government must frame some more stringent laws against trafficking in order to reduce it.
2. Kidnapping must be made a serious offence and strict punishments must be given.
3. Anticipatory bail must not be given to the traffickers and the one who involve them in it.

CONCLUSION:

Human trafficking must be stopped as it is one of the growing evils in the country and all over the world. The awareness about human trafficking must be known to everyone and it must be done by the government and the evil effects must be known to every people in the country. The one of the important step is that the children of the family must not be isolated and the parents must take due care of their children and keep them mingled with family and the surroundings. By this certain ways the human trafficking or the sex trafficking can be reduced as it is one of the greatest evil of all time. Finally we come to a conclusion that the Immoral Traffic (Prevention) Act has not reduced human trafficking. Hence the Null Hypothesis has been Proved in this research.

REFERENCES :

1. Priyadarshini Samantray (2013), "Human Trafficking in India", "Human Rights International Research Journal", Volume 1, Issue 2 .
2. Patrick Balser (2011), "Forced Labour and Human Trafficking ;Estimating the Profits", "SSRN Journals".
3. Siddhartha Sekar (2014), "Rethinking Human Trafficking in India ,Nature,Extent and Identification of Survivors", "The Round Table",Volume 103, Issue 5 .
4. Carol Camp Yeakey,Vetta L Sanders, Book : Urban Ills: Twenty first Century Complexities of Urban Living in Global Contexts", Published by : Lexington books, Chapter 14 : Human Trafficking in USA.
5. T.K.Logan ,Robert Walker ,Gretchen Hunt (2009), "Understanding Human Trafficking in USA", "SAGE Journals", Volume 10 ,Issue 1.
6. Stephanie Hepburn,Rita J.Simon (2010), "Hidden in Plain Sight :Human Trafficking in USA", Volume 27,Issue 1-2 ,P.P - 1-26.
7. Natalya Timoshkina(2019), "Human Trafficking : assumptions, evidence, responses".
8. Disha Ranjana (2015), "Human Trafficking :A study exploring the causes, current, efforts and challenges."

9. Editor: Frank Laczko, Elizabeth Gozdziak Publisher: IOM, International Organization for Migration, "Data and research on Human Trafficking A global survey".
10. Raja.B Niewiarowska (2015) "A global study of Human Trafficking Legislation: causes and effects".
11. Guri Tyldum(2010), "Limitations in research on Human Trafficking".
12. Ronald weitzer (2014), "New Directions in research of Human Trafficking".
13. Elizbieta M.Godziak, Micah N.Bump (2008), "Data and research of Human Trafficking : Biography of research-Based on literature."
14. Louise Sheltey (2010), "Human trafficking A global perspective"
15. Sarah Gonzalez Bounski, "The Economic Drivers and Consequences of sex Trafficking in USA"
16. Iyan Gyozo Somalai (2017), "Review of children and youth trafficking in United States".
17. Hilarey Chester, Nathahia Lummert, Anne Mulboly, "child victims of Human Trafficking"
18. Richard Ibremman (2010), "Rethinking Human Trafficking"
19. Betz Diana L, "Human Trafficking in Southeast Asia causes and policy implications"
20. Susan Freese , "Human Trafficking".
21. Dr.Lakshmi T and Rajeshkumar S(2018), "In Vitro Evaluation of Anticariogenic Activity of Acacia Catechu against Selected Microbes", International Research Journal of Multidisciplinary Science & Technology, Volume No. 3 , Issue No. 3, P.No 20-25.
22. Trishala A , Lakshmi T and Rajeshkumar S(2018) ," Physicochemical profile of Acacia catechu bark extract –An In vitro study", International Research Journal of Multidisciplinary Science & Technology, Volume No. 3 , Issue No. 4, P.No 26-30.

