

HUMAN TRAFFICKING IN INDIA: A RAISING SOCIAL ISSUE IN CONTEMPORARY SOCIETY

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Abstract:

Over the centuries, the human race developed its conscious gingerly and has become one of the sophisticated social creature of the nature. With experiences and a sense to have a dignified life and to serve the fellow members of the race, the mankind tried to establish certain set of obligations and limitations within their community so that the essence of humanity deliver collectiveness instead of individualism. These obligations and limitations developed the phenomenon of rules, norms, values, moral and ethics, that an individual has to accept and follow, being a member of the same creature. The acceptance of these phenomenon by humanity resulted to the emergence of society and social values as well as its commitment to serve for the welfare and prosperity of all of its members, irrespective of colour, region, religion, culture, ethnicity, language, age and gender. However, over a period of time, the difficulties in having access to limited resources led to the violations of these social norms and values. The individual interest became a priority than the collective interest or than the interest of society. The result of these violations led towards vulnerabilities, marginalisation and the losing prosperity and well being of mankind. The extent of vulnerabilities has reached to such a level that one member of this human family has become exploitation of the those who have low accessibility to resources and no hold on social structure. Human trafficking in the present century, is one of the worst kind of exploitation and abuse that human being ever had or thought of.

Keywords: human trafficking, violation, mankind, vulnerable, obligations

Introduction

It's miserable however it is genuine : here in this nation individuals are being bought, sold and carried like around like slaves.

The truth of human trafficking is one of hopelessness and agony. These individuals are for the most part caught by sorted out criminal posses, little do these individuals realize what is transpiring.(Holmes) Generally the casualties of these wrongdoings are young ladies, ladies, men and kids. These ladies are then constrained into prostitution or are given tiring occupations as household laborers, assembly line laborers, and eatery staff with almost no compensation. The genuine need to stop human trafficking isn't simply because of the individual and mental toll it goes up against the general public, yet additionally in light of the fact that it encourages illicit development of foreigners over the outskirts and gives a prepared wellspring of pay for sorted out wrongdoing gatherings and even psychological militants. The most recent information exhibited by the IOM on tyke trafficking and work trafficking demonstrates that there has been a 27 percent expansion in these cases. In the year 2008 the quantity of cases were 1656 the cases developed by 27 percent to 2040 in the year 2011. The information demonstrated that while the quantity of female casualties stayed stable 3415 of every 2011 when contrasted with 3404 out of 2008 the quantity of male casualties rose to 2040 of every(Bertone) 2011 from 1656 out of 2008 demonstrating a 27 percent expansion in the quantity of cases.¹ The information featured the developing open acknowledgment of the trafficking of men with the end goal of work. The information additionally chided the way that the work misuse cases likewise rose to 43 percent to 2906 cases in 2011. Then again worldwide trafficking cases fell by 13 percent. (Mishra)The fall in the global cases may indicate more effective movement and fringe controls, while then again an expansion in the local cases may reflect more prominent open attention to trafficking and enhanced household law authorization, as per IOM Head of counter trafficking Laurence Hart . The UN Crime battling office declared that 2.4 million individuals over the world are casualties of human trafficking far and wide. The report additionally said that 80 percent of these casualties are being misused as sexual slaves. Yuri Fedotov the leader of the U.N. office on medications and wrongdoing in a daylong broad get together gathering said that 17 percent of these casualties

¹ www.humantrafficking.org: report of IOM on child trafficking.

are trafficked casualties were constrained in the process of childbirth.² As per Fedotov, just a single out of hundred trafficked casualties are ever protected . Michelle Bachelet, who heads the U.N.(Shelley) office advancing ladies' rights and sexual orientation equity called UN Women said "it's hard to think about a wrongdoing more ugly than human trafficking. However it is one of the quickest³ developing and lucrative wrongdoings(Lindstrom) ". Performer Mia Sorvino, the U.N. generosity diplomat against human trafficking, told the gathering that "advanced subjection is bested just by the illicit medications exchange for productivity ". Sorvino additionally expressed that the genuine explanation behind the development of this exchange was the absence of enactment and absence of police preparing in combating trafficking. She additionally expressed that 10 percent of the police headquarters in the United States have convention to manage trafficking. Laws in the vast majority of the nations all through the world criminalize prostitution as a calling and routine with regards to this calling prompts genuine disciplines. In any case, what these laws neglect to think about is that the vast majority of these prostitutes are casualties of human trafficking. (Trishala A , Lakshmi T and Rajeshkumar S,)The report additionally included that the market of human trafficking is evaluated as \$32 billion consistently and that two out of each three casualties are women(Shelley; Pocar). He said that a reassessment of who is a criminal and who is a casualty is required. What's more, called for criminalizing not just those on the request side utilizing trafficked women, kids and men, yet additionally those on the supply side of it. Human trafficking is today the third biggest transnational composed wrongdoing after guns and medications. A current report distributed by coalition against women trafficking featured that there were 2.3 million women in more than 1000 red light regions all finished India. Another investigation directed unveiled another reality that the quantity of youngsters being constrained into prostitution is on an ascent. . For the most part on the guise of a false activity, marriage or better living conditions.Today India has a portion of the biggest red-light regions of the world like, Sonagachi in Kolkata, G.B Road in New Delhi and Kamathipura in Mumbai. Sonagachi in Kolkata is the second biggest red-light region of Asia. In India, prostitution (trade of cash for sexual administrations) is sanctioned,(Hendry) yet various different exercises incorporating requesting out in the open, kerb slithering, owning or dealing with a house of ill-repute, pimping and pandering are considered as wrongdoings. The main law in

² . www.humantrafficking.org: U.N. report stating that 2.4 million human trafficking victims April04, 2012

³ www.humantrafficking.org: Actress Mia Sorvino statement on human trafficking and laws regarding it.

regards to prostitution in free (Kranrattanasuit)India was⁴ "THE IMMORAL TRAFFIC SUPPRESSION ACT 1956 (SITA)", as indicated by which prostitutes can exchange secretly however can't lawfully request or entice clients out in the open and can't rehearse any sex exchange inside 200 yards of an open territory. Overseeing of houses of ill-repute or pimping was likewise considered as a wrongdoing. This law was then supplanted by "THE IMMORAL TRAFFIC PREVENTION ACT 1986 (PITA)", the law was expected to restrain and in the long run cancel prostitution in India by steadily criminalizing different parts of sex work. In any case, even today prostitution is predominant in the Indian culture and now there is a warmed wrangled about continuing viewing legitimizing it as a calling. As indicated by an administration review done by the service of women and tyke improvement in 2007 it says that, there are around 3 million female sex laborers in the nation at exhibit. The quantity of female sex laborers ascended around 50 percent between 1997 to 2004. The report says that at exhibit there are around 1.2 million kids associated with prostitution. India goes about as a travel center, young ladies from Bangladesh, Sri Lanka, Pakistan and Nepal are brought into the nation consistently.⁵ These young ladies are then either sold to the massage parlors in the nation or are delivered off to Thailand, Malaysia, Indonesia or some other nation. An administration report demonstrates that 80% of these young ladies are brought into the nation based on a false guise and after that constrained into prostitution. These young ladies are guaranteed of better conditions, offered openings for work, forced into marriage and some of them are sold by their families. A report by Freidman in 1996 demonstrates that it takes around 15 years for young ladies held in prostitution by means of obligation servitude to pick up their opportunity. In any case, today prostitution is not any more confined to the dim back streets or hallways however in the present period, prostitutes can be even considered attempting to be top of the line escorts in the glamorous world . An investigation by the International Labor Organization (ILO) evaluates that the criminal benefits of human trafficking could surpass US \$31 billion dollars, which would make it the second biggest wellspring of unlawful wage worldwide after medication trafficking (Belser, 2005). Fighting trafficking has turned into an undeniably essential need for some administrations around the globe (Laczko and Marco, 2005). Human trafficking has been recognized as the

⁴ Coalition against women published a study: trafficking highlighted that there were 2.3 million women in over 1000 red light areas all over India

⁵ -- Freidman, 1996: It takes up to fifteen years for girls held in prostitution via debt-bondage to purchase their freedom.

matter of people to beg, prostitution or constrained work. Human trafficking as characterized by the United Nation Office of Drugs and Crime in 2000, known as the "UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," 2000 under the UN Convention against Transnational Organized Crime (UNTOC) is, "the enrollment, transportation, exchange, harboring or receipt of people by methods for the danger or utilization of power or different types of compulsion, of snatching, of misrepresentation, of misleading, of the manhandle of energy or of a place of helplessness or of the giving or accepting of installments or advantages to accomplish the assent of a man having control over someone else, with the end goal of abuse. Abuse might incorporate, at any rate, the misuse of the prostitution of others or different types of sexual abuse, constrained work or administration, subjection or practices like bondage, subjugation or the evacuation of organs." The United Nations demonstrates an estimation that around 700,000 to 4 million women and youngsters are trafficked far and wide for reasons for constrained prostitution, work and different types of abuse each year. This paper aims to examine the causes and modes of human trafficking in India and to suggest preventive measures regarding human trafficking in India.

The researcher mainly referred the following data in this research Human trafficking has emerged as one of the most profitable illegal venture next to trade in arms and narcotics. The illicit and elusive nature of trafficking makes it impossible to identify the exact number of people involved, nevertheless 58 percent of all trafficking cases globally are believed to be for trafficking (UNODC). Studies on human trafficking particularly in Indian context are very scanty and sketchy because of its sensitive nature. (Davy) Though such studies are abundant in abroad, indeed a crucial gap in the literature from India is identified as the paucity of primary data and the lack of macro studies that could be used for vulnerability mapping of the source area and addressing the risk factors identified. Some such studies are briefly reviewed here under. Stop Human Trafficking 'In no area of the social sciences has ideology contaminated knowledge more pervasively than in writings on the sex industry,' asserts Ronald Weitzer, a sociologist at the George Washington University. This claim certainly extends to trafficking for sexual exploitation, an area 'where cannons of scientific inquiry are suspended and research deliberately skewed to serve a particular political and moral agenda (Davy; Dragiewicz). Much of the research on human trafficking for sexual exploitation has been conducted by activists involved in anti-prostitution campaigns (These activists adopt an extreme (i.e., absolutists, doctrinaire, and

unscientific)(Dragiewicz) version of radical feminist theory, which does not distinguish between trafficking for forced prostitution and voluntary migration (legal or irregular) for sex work(Dragiewicz; Gozdiak). Few of the radical feminist claims about sex trafficking are amenable to verification or falsification Machel, Graca. The Impact of Armed Conflict on Children:(Piotrowicz et al.; Machel) for Women (UNIFEM) and United Nations Children's Fund (UNICEF). September 2000. This report, by the author of the groundbreaking 1996 report to the Secretary General of the United Nations on the impact of armed conflict on children, reviews progress made since then. It examines new achievements and obstacles to the protection of children and makes recommendations to address ongoing problems. The report examines the gender dynamics of conflict and peace building, and argues for specialized training and sensitization on children's rights and gender. In Chapter Two of the report, entitled "Child Soldiers," Colombia is included in the list of countries currently conscripting child soldiers, as well as in the list of countries in which exist ongoing negotiations to end the use of child soldiers. Chapter Five of this report addresses gender-based violence and sexual exploitation, including trafficking in the context of conflict, and emphasizes the urgent risk posed by HIV/AIDS.(Women Trafficking and Child Labour Eradication Foundation) Machel's review notes important progress since 1996, including new measures to protect children from military recruitment and to prosecute and Stop Human Trafficking punish war crimes against children and women. It also describes the increased importance of and emphasis on education as a key component of humanitarian relief, along with food, health care, and shelter. But serious violations against children continue. The report states that some 300,000 children under 18 are participating in conflicts—in combat, as sex slaves for soldiers, or as porters. At least 20 million children have been displaced in the past decade, and millions were killed by war and war-related conditions.(*Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States*).This report examines the treatment of domestic workers with special visas in the United States, providing case studies of several women including those from Guatemala and Peru. The report examines specific abuses suffered, including physical and psychological abuse. The report includes a specific examination of forced labor, servitude, and trafficking in persons. Government procedures, guidelines, laws, and regulations are also covered, as are U.S. laws and enforcement and international organizations' internal requirements. The report also provides a comparison study of the U.K., and includes recommendations.(Piotrowicz et al.)

.Research methodology:

The research methodology adopted by the researcher is a doctrinal research. However the researcher with a view to compliment and substantiate his research paper corroborated the study with other forms of legal research such as comparative legal research, case studies and also critical analysis. It also throws light on the list of study materials and data and their sources, procured by the researcher as the instrument to conduct the research. Comparative legal research enabled the researcher to critically appreciate and compare the legal interpretations of various courts.

Framework in india

While there are various legitimate instrumentalities and offices on the planet working towards counteractive action of human trafficking on the planet. With regards to handling of trafficking in a nation it is the residential laws of that nation that compensation a part. It doesn't anyway imply that these universal laws and tradition don't have an influence. In any case, with regards to the arraignment of a trafficker it is the Criminal equity law of that nation that assumes a noteworthy part. In India trafficking is precluded in our constitution. The major rights that are the substance of our constitution deny (Dr.Lakshmi T and Rajeshkumar S ,)trafficking. However India goes about as a travel center point, ladies, kids, men are day by day brought into the nation and after that are sold inside the nation or trafficked outside India. The development of these individuals is genuinely simple reason for the pours outskirts that India imparts to nations like Nepal and Bangladesh. Along the 4,156 Km long Bangladeshi outskirt there are just 20 check posts and India imparts an open fringe strategy to Nepal which makes its amazingly simple for these sorted out criminal packs to travel individuals. (Bakshi and M)Additionally in view of the commonness of some social practices like the Devadasi framework the prostitution is pervasive in India.

Established Protections and Trafficking

India has tended to trafficking both specifically and in a roundabout way in its Constitution. There are three Articles spread over Fundamental Rights in Part III and Directive Principles of State Policy in Part IV (Bakshi and M; Agrawal and Chaturvedi)which address trafficking related issues. The outline beneath bridges the arrangements.

Arrangements on Trafficking in the Constitution of India

- **Article 23** Fundamental Right disallowing trafficking in individuals and types of constrained work .
- **Article 39(e)** Directive Principle of State Policy coordinated at guaranteeing that wellbeing and quality of people are not manhandled and that nobody is constrained by financial need to do work unsuited to their age or quality .
- **Article 39(f)** Directive Principle of State Policy expressing that adolescence and youth ought to be secured against abuse .

⁶The arrangements against trafficking are specified in our constitution at two distinct levels. Initially they have been cherished in the key rights that are the foundation of our lawful framework and Secondly in the Directive standards of state strategy the objectives that the designers of our constitution put forward for our nation to accomplish. Alternate laws that discussion about trafficking in our nation are laws like the unethical trafficking act 1956. In spite of the fact that the demonstration does not particularly characterize human trafficking it mentions about prostitution and stirs up the definition this is at present pending revision. It punishes trafficking of ladies and kids for business sexual misuse(Sharma)

Case law on trafficking: landmark judicial pronouncements having a bearing on human trafficking

1. Casualty's Rights : Many legal choices in India have been focussed on the insurance of casualties of trafficking. In **Prajwala v Union of India** ,⁷ the usage of a casualty convention was requested. There have been situations where remuneration has been requested to be paid by a culprit of violations to casualties of the wrongdoing as in **Bodhisattwa Gautam v Subhra** .

2. Bearings to State functionaries to handle the issue of trafficking :

Vishal Jeet v Union of India and Others⁸ was a historic point choice where the Supreme Court volunteered give bearings for the assurance and restoration of the individuals who had been committed as devdasis by their families or groups for social reasons and were at present in prostitution. While devadasis and jogins are from various states in India, this additionally could

⁶ Article 23 constitution of India
Article 39(e) constitution of India
Article39(f) constitution of India

⁷ (2009) 4 SCC 798

⁸ 1990 (3) SCC 318

apply to Nepali ladies who are likewise committed, yet in Nepal, and end up in houses of ill-repute in India. In *Gaurav Jain v Union of India* the court certified that the State had an obligation to save, restore and empower ladies to lead an existence of poise.

3. Extraordinary assurance to youngsters

There have been two classifications of youngsters that courts have taken a gander at - kids who have been trafficked themselves and kids who need care and insurance (those defenseless against being trafficked). *Prerana v State of Maharashtra*⁹ plainly held that kids who have been trafficked themselves ought to likewise be considered as kids needing consideration and insurance, and not as youngsters in struggle with the law. *Gaurav Jain* in addition to other things additionally managed offspring of sex specialists who were defenseless. The Court held that they ought not be permitted to live in their homes as their surroundings were unfortunate. However another case was *Lakshmikant Pandey v Union of India* which inspected the defenselessness of kids being trafficked in selection rackets because of the absence of a viable assurance system. The court went ahead to make a proper system to fill the hole, particularly with regards to bury nation selections.

There are different components prompting trafficking . The components can be sorted into three; in particular,

1. Supply factors: destitution/auxiliary imbalances in the public eye, ethnic clashes, tyke marriage, joblessness, draw of employment in huge urban communities by counterfeit arrangement offices, common cataclysms, counterfeit marriage, expanding urbanization; absence of instructive offices; disintegration in customary qualities; huge family estimate (“Child Labor and Trafficking”; Aston; Kara)

2. Request factors: movement of workers from provincial to urban territories/gliding populace; open fringe, sex tourism, web erotic entertainment, interest for household help in metros, interest for young ladies for marriage in Punjab, Haryana and Rajasthan, and so forth.

3. Propagating factors: land area of the state, absence of mindfulness about the issue and pre-control of the security powers with hostile to militancy task (Baruah, 2012).

Regardless of 65 years of freedom, the advantages of financial improvement have not possessed the capacity to stream down to the bigger segments of the general public and accordingly a huge

⁹ 2003MLJ 105

number of individuals still live beneath the neediness line. As indicated by the Planning Commission report discharged on nineteenth March 2012, the occurrence of neediness has expanded in the North-Eastern conditions of the nation, particularly in Assam, Meghalaya, Manipur, Mizoram and Nagaland amid the most recent five years. (“Child Labor and Trafficking”; Aston) Additionally, destitution and absence of education are higher among the SCs, STs and OBCs individuals. Subsequently, these zones concentrated with these individuals are exceptionally powerless against human trafficking. As a result of destitution, the traffickers (“Child Labor and Trafficking”)regularly visit the guardians of the kids and persuaded them regarding higher wage with work in financially propelled zones like Delhi, Mumbai, Hyderabad, Kerala, and so on. The way that right around 80 to 85 for every penny of the casualties originates from the poorest area of the general public in Assam. The other reason, which can compete with destitution as far as significance, is only lack of education. John Adams, one of the best scholars amid the time of extraordinary American Enlighten, deplored that absence of education anyplace is a scar to mankind all over the place. Along these lines, it unmistakably demonstrates that how vital training is in killing social disasters like trafficking (Saikia, 2007). Since these individuals are for the most part uneducated, it turns out to be simple for the traffickers to seek after the guardians with respect to occupation to their youngsters. Now and then, the traffickers wed the young lady keeping in mind the end goal to offer them in tissue advertise in different states or abroad. Correspondingly, the current ethnic clash in 2012 in the BTAD region casualties, particularly kids and ladies, living for quite a long time in subhuman conditions in help camps are to a great degree vulnerable to trafficking. The wide predominance of kid work is another dangerous region connected to trafficking. We have a tremendous masses of tyke workers regularly in perilous commitment and in subhuman conditions-production them powerless against each sort of misuse, including sexual manhandle (Baruah, 2012).

Conclusion

According to the record of CID, Assam, since January 2010, 163 Nos. of ladies and kids were either recuperated or saved ; 251 Nos. of guilty parties were captured; 147 Nos. of cases enlisted, of which 67 Nos. of cases submitted Charge sheet, 3 cases finished in F.R. furthermore, 77 Nos. of cases are pending examination for different reasons. It is an accomplishment of Government of Assam, in any case, it isn't completely adequate. The legislature of India has received a few measures to battle this danger. The Ministry of Women

and Child Development was made the nodal office by the legislature to manage human trafficking in India. A nodal cell against human trafficking has been constituted in the Ministry of Home Affairs. The National Human Rights Commission has detailed an incorporated arrangement of activity to anticipate and battle human trafficking. Be that as it may, there is as yet an absence of lucidity in government approaches with respect to human trafficking. The current laws have not been legitimately characterized and there are a few provisos in them because of which the perpetrators of human trafficking escape from being rebuffed. To battle human trafficking, a few here and now and long haul measures are should have been taken up at all levels. The most imperative of them is the critical need to make mindfulness among the general population about human trafficking. Here, print and TV media can assume an extremely viable part. Nearby NGOs may mastermind meeting on sex sensitisation and program on ladies trafficking at easy prey territories of the traffickers. The association of the trafficked casualties and persuading them to recount their story can be an extremely helpful measure to avoid such sort of social indecencies to others. Destitution easing measures also can be useful in battling it over the long haul. There is a need to build up an organized arrangement of co-appointment between the law authorization organizations and NGOs who in some cases turn out to be more successful than government offices in uncovering human trafficking systems. There is a criticalness to have more prominent co-appointment between various states in India as trafficking has a long trail from the source point to the goal with a few travel focuses in the middle. Examination in the cases including human trafficking ought to be completed with the plan to wreck this long way. To accomplish a compelling reaction, the expanded co-appointment between government divisions like police, open welfare, wellbeing, ladies and youngster is quickly required. In the meantime, the collaboration of Government and NGOs is important to guarantee post-save restoration of the casualties regarding giving them human services, instruction and other work openings.

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