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# **HUMAN TRAFFICKING : INVISIBLE FROM THE NAKED EYE**

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## **ABSTRACT**

As we know that, India is a developing country and here, most of the peoples are very poor and ignorant. It argues that the focus on trafficking either as an issue of illegal migration or prostitution still dominates the discourse of trafficking. Human trafficking was increase with an uncontrollable rate in the entire world. The legislature of India and a few NGOs attempt to battle dealing yet it is unstoppable. Many of the young girls and children, who are robbed of their Dignity and freedom. Although most of us have never witnessed this crime, it happens every day all around the world. This paper means to advance the significance of Women education, which is viewed as a solid power to battle human dealing, to raise awareness, and support association and move activity, In order to bring in Women empowerment and development of the society in the trust sense. Trafficking has become incredible human issue in all over human culture. In this paper an endeavor has been made to focus about the trafficked girls/women for prostitution. This paper has attempted to analyse the nature, causes, modes and volume of trafficking in a country that has recently become a soft target. Trafficking in women and children is one of the worst abuses of human rights. But it is very difficult to estimate the scale of the phenomenon as trafficking is closely related to child labour, bonded labour, child marriage, kidnapping and abduction and prostitution even though these phenomena can exist also independent of trafficking. The paper highlights the need to develop a multidimensional approach and focuses attention on structural factors of trafficking for recommending meaningful stratagems to counter the social evil.

**Keywords :** Women Empowerment, prostitution , Dignity, Human trafficking, Child labour , Prostitution.

## **INTRODUCTION :**

Human Trafficking is a cutting edge subjection where women, men, or kids strongly abuses in which dealer use for business sex and work administrations against his/her will.<sup>1</sup> Human trafficking

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<sup>1</sup><https://humantraffickinghotline.org/what-human-trafficking>

is the business of stealing freedom for profit. In some cases, traffickers trick, defraud or physically force victims into commercial sex.

**Sex dealing** is the enrollment, holding, transportation, arrangement, acquiring, disparaging, or requesting of an individual for the reasons for a business sex act, in which the business sex act is instigated forcibly, misrepresentation, or intimidation, or in which the individual actuated to perform such a demonstration has not accomplished 18 years old.

**Labour dealing** is the enrollment, holding, transportation, arrangement, or getting of an individual for work or administrations, using power, misrepresentation, or compulsion for the motivations behind coercion to automatic subjugation, peonage, obligation servitude, or subjection, Human dealing is illicit in India and individuals are often unlawfully dealt through

India with the end goal of the business sexual abuse ,constrained labour.<sup>2</sup>According to the worldwide report discharged by the UN says that most powerless people are ladies and young ladies with lion's share of casualties being dealt for sexual misuse and 35% of those dealt for constrained work being female.

## **ROOT CAUSES OF TRAFFICKING :**

### **1. POVERTY :**

This is the major reason for trafficking because women and children done job in other cities to fulfill his/her wishes so that they escape the problem of chronic poverty but they involve in a commercial sexual exploitation and labour forcefully against his/her will.those who live in rural areas where there are less jobs available, as well as women and certain ethnic groups who may not be able to get jobs due to discrimination are get targeted easily.

### **2. LACK OF EDUCATION :**

A lack of education can provoke decreased open entryways for work at a living pay,and it can likewise prompt a diminished information in rights.The two outcomes can cause individuals be at

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<sup>2</sup> <https://www.drishtias.com/loksabha-rajyasabha-discussions/the-big-picture-war-against-human-trafficking>

a more prominent defenselessness for human dealing. In avoidance of dealing, training can likewise enable kids to cause changes in their locale as they to develop more seasoned that will forestall circumstances and vulnerabilities of which dealers exploit. The expense of arriving at one understudy through training is fundamentally not exactly the expense of offering types of assistance to a kid who has been dealt.

### **3. WOMEN AND CHILDREN ARE TARGETS :**

In certain social orders, the debasement of ladies and kids make them definitely more defenseless against dealing than men. Customary perspectives and practices, early marriage and absence of birth enlistment further increment the defenselessness of ladies and youngsters. They are additionally focused on account of the interest for ladies in sex dealing. A report by Equality Now expresses that 20.9 million grown-ups and kids are purchased and sold worldwide into business sexual bondage, constrained work and reinforced work. Ladies and young ladies make up 98 percent of the casualties dealt for sexual misuse.

#### **a) Demand for modest work.**

The administration business, especially cafés and kitchens, are regular exploiters of human dealing. There is likewise an interest for modest residential and rural work. Representatives are regularly at first guaranteed a sheltered work space and a consistent compensation, just to later find that they are paid not exactly the lowest pay permitted by law and worked after some time. Entrepreneurs liable of this conduct keep on rehearsing these illicit standards in light of the fact that the casualties of dealing can seldom ensure themselves and they have not many other options.

#### **b) Human dealing produces a gigantic benefit.**

As indicated by the ILO, the human dealing industry creates a benefit of \$150 billion every year. 66% is produced using business sexual misuse, while the rest of from constrained monetary abuse, for example, household work and agribusiness. Human dealing is the quickest developing and second-biggest criminal industry on the planet, after medication dealing.

## **WHO ARE THE TRAFFICKERS?**

Above numerous different components that cause human dealing are simply the dealers. Beyond cultural practices, the profit, vulnerabilities of certain people groups, lack of human rights, economic instability, and more, traffickers are those who favor to exploit people for his or her own gain. While many of those factors may play into the reasons why traffickers get into the business, they still make a willful decision to enslave people against their will—either due to the profit or thanks to a belief that certain people are worth less or due to a system of abuse and crime that they were raised in. Trafficking ultimately exists because people are willing to use others into trafficking situations.

Through understanding the basis causes of human trafficking, human rights workers and other development professionals can begin to handle the causes at the bottom level. Enforcing human rights, helping people access education, and helping to extend economic opportunities for people are just some ways in which we are able to address causes and help prevent human trafficking for future generations.

### **UNIQUE IMPACT ON VICTIMS :**

The impact on victims because of the other criminal activities such as domestic violence, sexual assault, torture. In many cases trafficking victims are exploited by people known to them like boyfriends, neighbours, relatives, friends who build trusting relationships in order to gain control of the victim. This type of physical and sexual abuse leads to mental and emotional health consequences including depression, anxiety etc. <sup>3</sup>A [Kvinnoforum](#) resource book, [Crossing Borders Against Trafficking in Women and Girls](#) (1999), contains a list of the [common reactions](#) women have after being trafficked as well as a description of the general psychological support needed by victims. The list was compiled by Nadejda Kostadinova, a psychotherapist with the Animus Association, a Bulgarian NGO. Ms. Kostadinova also advises "Women need sessions with a therapist in order to share their problems in a secure environment. . . . The role of the consultant is to listen to the woman and to direct the session. She/he encourages the woman to step firm on the ground, to remember her capabilities and to recognize the strength, which helped her to survive."

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<sup>3</sup> Kvinnoforum Book "[Crossing Borders Against Trafficking in Women and Girls](#) (1999)"

### **PHYSICAL IMPACT :**

Due to lack of health care ,it is important to remember that children who are trafficked at the young age also suffered from the physical abuses.While all trafficking victim are a high risk of a HIV,STI etc.Victim of sex trafficking are also a very high risk for contracting hepatitis B and syphilis.While the majority of research has focused on the health needs of victims of sex trafficking, victims of labor trafficking have a unique set of health risks due to the nature of their work.Almost all victims of trafficking are suffered at least one physical problem.

<sup>4</sup>Symptoms reported by the victims and survivor of the trafficking are :

- 1) Unhealthy weight loss due to food deprivation and poor nutrition.
- 2) Memory loss.
- 3) Chronic pain.
- 4) Head and neck trauma.
- 5) Loss of consciousness.
- 6) Infectious diseases.
- 7) Human Immunodeficiency Virus (HIV) & Sexually Transmitted Infections (STIs).
- 8) Respiratory illness.
- 9) Scabies.
- 10) Lice.
- 11) Pelvic pain or pelvic inflammatory disease.
- 12) Pregnancy.
- 13) Complications from abortions.

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<sup>4</sup> C. Zimmerman, 2003, The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European Study

- 14) Other gynecological problems.
- 15) Workplace injury.
- 16) Amputation.
- 17) Pesticide or other chemical intoxication.
- 18) Illness resulting from poor sanitation and/or contaminated food and water.
- 19) Heat stroke or exhaustion.
- 20) Occupational hearing loss.
- 21) Cancer.
- 22) Musculoskeletal trauma from awkward posture, repetitive movement, and/or lifting heavy loads.
- 23) Exposure to dangerous/poisonous animals.
- 24) Infectious disease, including parasites, hepatitis, and tuberculosis.
- 25) Occupational asthma and/or respiratory problems

### **PSYCHOLOGICAL IMPACT :**

Similar to victims of other traumatic experience, many victims of human trafficking suffered from post traumatic stress disorder (PTSD). PTSD symptoms are reported in a significant manner in this population.<sup>5</sup> One of the principal factors that can complicate mental health issues correlated with human trafficking are the individuals associated with a victim's entry into the trafficking situation. For example, children and adults can suffer significant psychological distress when family members or close friends are intentionally or unintentionally involved in their being trafficked. A number of psychological problem found in human trafficking victim. These includes fear, shame, behaviour problem, psychosomatic problem and difficulty in maintaining relationship. Victims of

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<sup>5</sup> Family violence Prevention Fund, 2005.

trauma often develop negative coping mechanisms to help them survive their situations and the consequences of these situations. When the psychological symptoms become overwhelming, victims of human trafficking may resort to self-mutilation or other forms of self-harm. Studies have found that 39–66 percent of victims report suicidal ideation.

<sup>6</sup>Symptoms of a victims reported on a pschooogical impact :

- 1) Anxiety.
- 2) Headaches.
- 3) Loss of interest in things.
- 4) Anger.
- 5) Changes in appetite or eating.
- 6) Hopelessness.
- 7) Sleeplessness,
- 8) sleep disturbances, nightmares, and/or insomnia.
- 9) Isolating behavior.
- 10) Exhaustion.
- 11) Fear of being alone.
- 12) Distrust/fear of strangers.
- 13) Guilt, shame, and/or self-blame.
- 14) Aggression.
- 15) Denial.
- 16) Stockholm syndrome.

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<sup>6</sup> International Organization for Migration, 2006

- 17) Difficulty concentrating.
- 18) Autonomic arousal.
- 19) Numbness.
- 20) Recurrent or intrusive memories of abuse.
- 21) Incongruent affect.
- 22) Crying more than usual.
- 23) Depression.
- 24) Feelings of sadness or unhappiness.
- 25) Feeling inferior to others.
- 26) Feeling permanently damaged.
- 27) Sexual problems.
- 28) Obsessions and compulsions.
- 29) Mood changes.
- 30) Somatization/psychosomatic symptoms.

## **COVID-19 MAY RESULT IN RISE IN BONDED LABOUR AND HUMAN TRAFFICKING**

As most pieces of India rummage around for a standardized flexibility of fundamental merchandise amidst the countrywide lockdown to battle COVID-19, The tremendous number – over 39 crore – of sloppy and transient laborers on the perimeters or outside the financial security umbrella, are the foremost defenseless. This makes them the foremost effortless objective for the sorted out wrongdoing system of human dealing. Hardship and craving anticipate them once they make their towns over some states. they'll be constrained into obligation and savage financing costs in any

event, for his or her each day means. this can trigger a few years of between generational servitude and pay less work. a large number of children are going to be oppressed.

### **CURRENT SITUATION OF HUMAN TRAFFICKING IN INDIA :**

As indicated by the evaluations human dealing in India may increments pretty much every years. Women and young ladies are dealt inside in the nation with the end goal of sexual misuse and constrained marriage and labour. Last year India has been instituted the world's most risky nation for ladies in front of Afghanistan , Syria and Saudi Arabia.<sup>7</sup>The Global Report on Trafficking in Persons 2018 discharged by United Nations Office on Drugs and Crime (UNODC) shows that ladies and young ladies make up most dealing casualties all through the world. In the current circumstance after medications and weapons human dealing is the third most composed wrongdoing in the world. The internet based life is the new instrument for human trafficking. It spread everywhere throughout the world not just in India. Victims of dealing can be of all ages and any sex. Ladies and kids are regularly utilized for sexual misuse, while men are bound to be utilized for constrained work. All inclusive, around one out of five casualties of human dealing are youngsters. Kids are likewise misused for the reasons for constrained asking, kid erotic entertainment or youngster labor. Until late years, the issue of human dealing had stayed unnoticed on account of the high predominance of rustic neediness. Kids from inborn regions are at more serious danger of human dealing, including the Kuki individuals from Manipur just as the Nagas from the Northeast, while the Jharkhand state and the Anantapur and Prakasam districts of the Andhra Pradesh State are a few territories inclined to human trafficking. The Global Report on Trafficking in Persons 2018 discharged by United Nations Office on Drugs and Crime (UNODC) says that ladies and young ladies are generally affected by dealing casualties all through the world. It likewise makes reference to that very nearly seventy five percent of them are dealt for sexual misuse, and 35% (ladies and young ladies) are dealt for constrained work. The discoveries of the report likewise makes reference to that kids represent 30% of those being dealt, and definitely a larger number of young ladies are recognized than young men. It expresses that there is a consistent

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<sup>7</sup><https://www.manifestias.com/2019/08/16/6582/>

increment in dealing since 2010. The most influenced state by and by is West Bengal followed by Chhattisgarh, Jharkhand and Assam.

## **HUMAN TRAFFICKING TRENDS IN INDIA : NCRB REPORT**

According to the <sup>8</sup>National Crime Records Bureau, a total of 8,132 cases of human trafficking were reported in India in 2016 under the Indian Penal Code, 1860. This is 15% increase from the number of cases reported in the previous year.

- The NCRB report mentions that West Bengal reported the most children trafficked (3,113), followed by Rajasthan (2,519), Uttar Pradesh (832), and Gujarat (485).
- West Bengal, Andhra Pradesh, Karnataka, Maharashtra, and Odisha are common source areas for trafficking to red-light areas across India, according to the India Country Assessment Report 2013 on anti-human trafficking, brought out by the United Nations Office on Drugs and Crime.
- Sexual exploitation for prostitution (22 per cent) was the second major purpose of human trafficking in 2016 in India, after forced labour (45 per cent), the NCRB data based on the statement of rescued victims and the accused show.

## **HUMAN TRAFFICKING LAWS IN INDIA :**

- Article 23 and 24 of the Constitution of India.
- IPC such as 366A, 366B, 370 and 374.
- **Section 370 and 370A** of Indian Penal Code (IPC) provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.

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<sup>8</sup> <https://www.manifestias.com/2019/08/16/6582/>

- The Juvenile Justice Act and the Information Technology (IT) Act and also the Immoral Traffic Act,
- Prevention of Child Labour Act, the Bonded Labour (Abolition) Act, among others.
- Immoral Trafficking Prevention Act 1956(amended in 1986)
- Transplantation of Human Organs Act 1994
- Prohibition of Child Marriage Act 2006.

### **Constitutional Provisions against Human trafficking**

**Article 23(1)** of the Constitution of India mentions that the traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

### **CASE LAWS :**

- **People’s Union for Democratic Rights v. Union of India, (1982) 3 SCC 235**

<sup>9</sup>In this case Supreme Court state that whether there is an any breach of article 23 of the constitution of India or not.<sup>10</sup>What Article 23 prohibits is “forced labour” that is labour or service which a person is forced to provide and “force” which would make such labour or service “forced labour” may arise in several ways. It may be physical force which may compel a person to provide labour or service to another or it may be force exerted through a legal provision such as a provision for imprisonment or fine in case the employee fails to provide labour or service or it may even be compulsion arising from hunger and poverty, want and destitution. Some of the fundamental rights can also be enforced against private individuals and it is not the fact that fundamental rights can

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<sup>9</sup><https://nlrd.org/landmark-rulings-of-the-courts-in-india-on-combatting-human-trafficking-trafficking/>

<sup>10</sup> People’s Union for Democratic Rights v. Union of India, (1982) 3 SCC 235

only be enforced against the state. The private individuals are held liable if there is a breach of fundamental right under the Constitution of India.

It was observed that how courts on the matters of the rights of poor's of the society can to imply complete justice break the chains of rules and regulations and through bending and moulding them it is used for the benefit of the people and for public welfare at large.

Here in this case the rights of the workers was at stake and it was a great demand from the justice side to react on the matters of the labourer's at some point of time. It was seen and observed that even after 30 years of independence till this case the workers were exploited and their rights were infringed now and then by their employers.

1. The case puts a great plot of importance on the point that how the concept of PIL(Public Interest Litigation , the then newly introduced) can be used for public good at large and how law can be functioned to achieve for the compensation and relief in exchange of the atrocities which they had suffered.
2. The main purpose and function of law is to create greater happiness at the least cost means there should be justice prevailing in the society through the good use of laws and statutes.

- **Bachpan Bachao Andolan v. Union of India, (2010) 12 SCC 180**

This appeal has been recorded in broad daylight enthusiasm under Article 32 of the Constitution in the wake of genuine infringement and maltreatment of kids who are mightily confined in bazaars, in numerous occasions, with no entrance to their families under outrageous brutal conditions.

The work of kids in bazaar includes infringement of a few Fundamental and Statutory Rights, to be specific, right to instruction; right to opportunity of articulation; competency to go into contract for working in carnival; existing work laws and authenticity of agreements; and every single legal arrangement managing youngster work.

<sup>11</sup>The Supreme Court examined the issue of dealing, factors that cause dealing, accessible enactments, India's commitments under International and Regional Instruments, National Plans and Policies to battle human dealing, and existing kid security systems. The court gave the accompanying bearings to the Central Government with respect to youngsters working in the Indian carnivals :

1. Issue appropriate notices forbidding the work of kids in carnivals inside two months from the date of the request so as to execute the principal right of the kids under Article 21A of the Constitution of India.
2. Conduct concurrent attacks in all the carnivals to free the kids and check the infringement of crucial privileges of the kids. The safeguarded youngsters be kept in the Care and Protective Homes till they achieve the age of 18 years.
3. Talk to the guardians of the kids and on the off chance that they are happy to return their kids to their homes, they might be coordinated to do as such after appropriate check.
4. Frame appropriate plan of restoration of saved kids from carnivals.

- **Kamaljit vs State of NCT of Delhi 2006 :**

The court in its request expressed that Govt. of India's Action Plan of 1998 to battle dealing and business sexual misuse of ladies and youngsters had not conveyed the ideal outcomes and progressively tough measures were the crying need of the day. <sup>12</sup>The court expressed that correctional resolutions of different nations managed composed wrongdoing' in providing merchandise and enterprises, including betting, prostitution, advance sharking, opiates, racketing and other unlawful exercises. In December, 2002 India turned into a signatory to "UN Convention

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<sup>11</sup> Bachpan Bachao Andolan v. Union of India, (2010) 12 SCC 180

<sup>12</sup> Kamaljit vs State of NCT of Delhi 148 (2008) DLT 170

Against Trans-National Organized Crime", which incorporates the Protocol to Prevent, Suppress and Punish Trafficking in Persons particularly Women and Children. By turning into the member in the Convention, a worldwide instrument which advocates global and national activity against sorted out wrongdoing, the Government of India has given an away from to stand up to disasters of dealing of ladies and kids. The court determined that Interpol characterized composed wrongdoing as "any endeavor or gathering of ventures occupied with proceeding with criminal behavior which has its essential exercises that unite a customer open relationship which requests a scope of good and administrations which are illicit." The court while hearing this intrigue expressed that examination shows that the blamed had a wide system for people , budgetary exchanges and phone numbers. Additionally he had a few instances of ITPA previously pending on him. The court took awareness of the equivalent and requested that MCOCA for this situation was substantial.

### **STEPS TAKEN BY INDIA TO STOP HUMAN TRAFFICKING :**

1. Government provide funds for the rehabilitation and other victim of the human trafficking.
2. A MOU was signed by India and Bangladesh for prevention of human trafficking in women and children , rescue, recovery of the victim of human trafficking.
3. Recently Ministry of women and child development first ever anti-human trafficking law and also for the first time, the National Crime Record Bureau's Crime in India report included data on trafficking investigations, prosecutions, and convictions.
4. Enacting PROTECTION OF CHILDREN AND SEXUAL OFFENCE (POCSO) ACT 2012 is a special law to protect children from sexual abuses and exploitation.
5. India has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution..

## **CONCLUSION :**

Slave and human dealing occurs in about each nation on the planet ,creating or created nations .We are currently facing a daily reality such that human dealing is the quickest developing criminal undertaking .human dealing contact each nation and innumerable businesses worldwide and keeping in mind that there are numerous people and associations working internationally to battle this issue. The circumstance in the nation presents an image of absence of attachment and coordination. Regardless of whether it is intra-state dealing or between state trafficking.the organizations associated with salvage don't appear to have any coordination with the offices worried about restoration. The issue of missing ladies and youngsters has been found in seclusion and was never found in relationship with dealing. There is no normal stage connecting up counteraction procedures among source and goal territories. The nonattendance of a national planning and observing organization has been a genuine obstruction in equity conveyance and assurance of human rights. 75% of human dealing is for sexual misuse and are females . What's more, over half of all human dealing casualties are kids . These individual are compelled to work each and every day without pay , under danger of violence , and they're not able to leave .Human dealing through a savage grisly wrongdoing and on the ascent in nations over the world . We can uphold strategies , arraign the wrongdoer under different appropriate laws to battle human dealing. Counter-dealing methodologies and projects have been lacking to stop the development. Dealers are normally not oppressed and a few nations where they work, there are no laws condemning their frightful practices. Where laws exist, law requirement has not organized human dealing. assurance isn't sufficient for victims.However it is of most extreme significance that we instruct each person and change their position. In this manner, so as to guarantee the eventual benefits of the people in question, to realize viable coordination at the national level and to arrange preventive systems, projects and strategies, there is additionally a requirement for a national nodal organization to battle dealing.

**"STAND AGAINST HUMAN TRAFFICKING BEFORE ITS TOO LATE"**