



ISSN 2582 - 211X

LEX RESEARCH HUB JOURNAL

On Law & Multidisciplinary Issues

Email - journal@lexresearchhub.com

VOLUME II, ISSUE III
APR - JUNE, 2021

<https://journal.lexresearchhub.com>

**Lex Research Hub
Publications**

DISCLAIMER

All Copyrights are reserved with the Authors. But, however, the Authors have granted to the Journal (Lex Research Hub Journal On Law And Multidisciplinary Issues), an irrevocable, non exclusive, royalty-free and transferable license to publish, reproduce, store, transmit, display and distribute it in the Journal or books or in any form and all other media, retrieval systems and other formats now or hereafter known.

No part of this publication may be reproduced, stored, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

The Editorial Team of **Lex Research Hub Journal On Law And Multidisciplinary Issues** holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not necessarily reflect the views of the Editorial Team of Lex Research Hub Journal On Law And Multidisciplinary Issues.

[© Lex Research Hub Journal On Law And Multidisciplinary Issues. Any unauthorized use, circulation or reproduction shall attract suitable action under applicable law.]

EDITORIAL BOARD

Editor-in-Chief

Mr. Shaikh Taj Mohammed

Ex- Judicial Officer (West Bengal), Honorary Director, MABIJS

Senior Editors

Dr. Jadav Kumer Pal

Deputy Chief Executive, Indian Statistical Institute

Dr. Partha Pratim Mitra

Associate Professor, VIPS. Delhi

Dr. Pijush Sarkar

Advocate, Calcutta High Court

Associate Editors

Dr. Amitra Sudan Chakraborty

Assistant Professor, Glocal Law School

Dr. Sadhna Gupta (WBES)

Assistant professor of Law, Hooghly Mohsin Govt. College

Mr. Koushik Bagchi

Assistant Professor of law, NUSRL, Ranchi

Assistant Editors

Mr. Rupam Lal Howlader

Assistant Professor in Law, Dr. Ambedkar Government Law College

Mr. Lalit Kumar Roy

Assistant Professor, Department of Law, University of GourBanga

Md. AammarZaki

Advocate, Calcutta High Court

ABOUT US

Lex Research Hub Journal On Law And Multidisciplinary Issues (ISSN 2582 – 211X) is an Online Journal is quarterly, Peer Review, Academic Journal, published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essays in the field of Law and Multidisciplinary issues.

Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. Lex Research Hub Journal On Law And Multidisciplinary Issues (ISSN 2582 – 211X) welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

HUMAN TRAFFICKING: WHEN HUMANITY GETS A PRICE TAG

Author –

Neha Tripti

Student (BB.A LLB)

JIMS Engineering Management Technical Campus (JEMTEC)

ABSTRACT

Humans are the most incredible creation of God. The gift of intelligence is given only to humans. The art of intelligence is a like a kid, a kid should be nurtured with positivity, with good thoughts and with love similarly the intelligence should be surrounded with positive thoughts so that the human doesn't losses his humanity or get influenced by any other evil activity. Most in human activity is of human trafficking. If described in a lame man's language, then human trafficking is when humanity attains a certain price and is bartered with money. The modern life has become so intense and the stand society is such that a person is forced to earn fast cash and this method according to most is the easiest method. The Yuga has got the perfect name Kalyuga. Humans are not respecting humans only, then how would we except such humans to have respect for animals, birds or any other living or non-living thing. The following article discusses about human trafficking, the types, human trafficking in India, statistical analysis of the trafficking worldwide, and a small case study to have a clear picture and steps that can be taken to stop such an act.

KEYWORDS: - *Human trafficking, Causes, laws, statistical Analysis, Case Study*

INTRODUCTION:

Human trafficking occurs when people smuggled without their consent. we can simply say it is an illegal business performed in every part of world to exploit human on large scale through the means of force, fraud, or coercion. This illegal business entity involves different kind of trafficking i.e., forced labour, Sex trafficking, Organ trafficking etc. It is a modern slavery system which effecting whole world only performed to get money or financial benefits. Every year lots of Men, women and children are trafficked by other human beings. It not depends on age, community, cast, Gender. It snatching freedom of the people who get exploited. When trafficking performed within the boundary of the country is regarded as domestic trafficking. When the person trafficked from one country to another is regarded as international trafficking. Traffickers apply various tactics like force, threats, manipulation, blackmailing, cheat, fraud, coercion etc.

It is a criminal offense where men, women or children are barter with money who are mainly bought to odd job such as drug dealing, sex work, forced labor, etc. The literal meaning of human trafficking according to oxford dictionary is the awful act of transportation or coercion of human in order to benefit from work service. Human trafficking is the 3rd largest crime internationally and over a million of humans are trafficked annually. The mere act is unethical because it's like in a democratic world snatching someone's freedom. There are different types of trafficking domestic trafficking, international trafficking, and sex trafficking and so on. Usually, the causes of human trafficking are poverty, unemployment, etc.

In the late 1990s the USA focused on the activities of human trafficking and passed in the act of Trafficking Victims Protection Act which was signed into law on October 16,2000. The enactment of the act leads to fight against human trafficking, prostitute trafficking and protecting the victims. The act was reauthorized in the legislation on 2003 and 2005. However, despite tremendous efforts by the federal as well as local governments, non-governmental organizations, and the research community working together to fight human trafficking, solutions remain elusive.

The majority of exports on human assert that the greatest number of victims of trafficking is women and children. There are limited systematic and reliable data for this scale: limited understanding of the characteristics of victims, their life experience and those trafficking trajectories, poor understanding of the modern operandi of traffickers and networks and lack of research on the effectiveness of governmental anti trafficking policies and efficiency of rescue and restored programs among the others about human trafficking.

Such information is important to help decision makers and other bodies to protect victims and prostitute traffickers.

Therefore, people responsible for addressing trafficking in persons related issues must know what all cases needed to be discussed in public and what all cases needed in public and what all steps are to be taken to reach the root causes human trafficking. Those of them victims of trafficking they must also undergo psycho-social programs.

DISCUSSION:

Causes of Human trafficking:

1. Unemployment: - people who are unemployed generally fall under such practice due to their need for money.
2. Poverty: - similar reason to the above point, people unemployed and need in money generally into earning fast cash are falling in this in human act.
3. Absence of social safety
4. Political safety
5. Status of violence against women & children
6. The low risk, high-profit

The people trafficked: The victims are generally women; children are the primary key of target; people low income; people with low education; young girls running from home and people who lack awareness of their legal rights. The stats read out that 43% of victims are used for forced commercial sexual exploitation, of whom 98% are women or girls; 32% are exploited are economic exploitation and most of them are educated only till higher secondary education

The criminal involved in the chain: The people involved in the act of this unethical practical are mentioned below: -

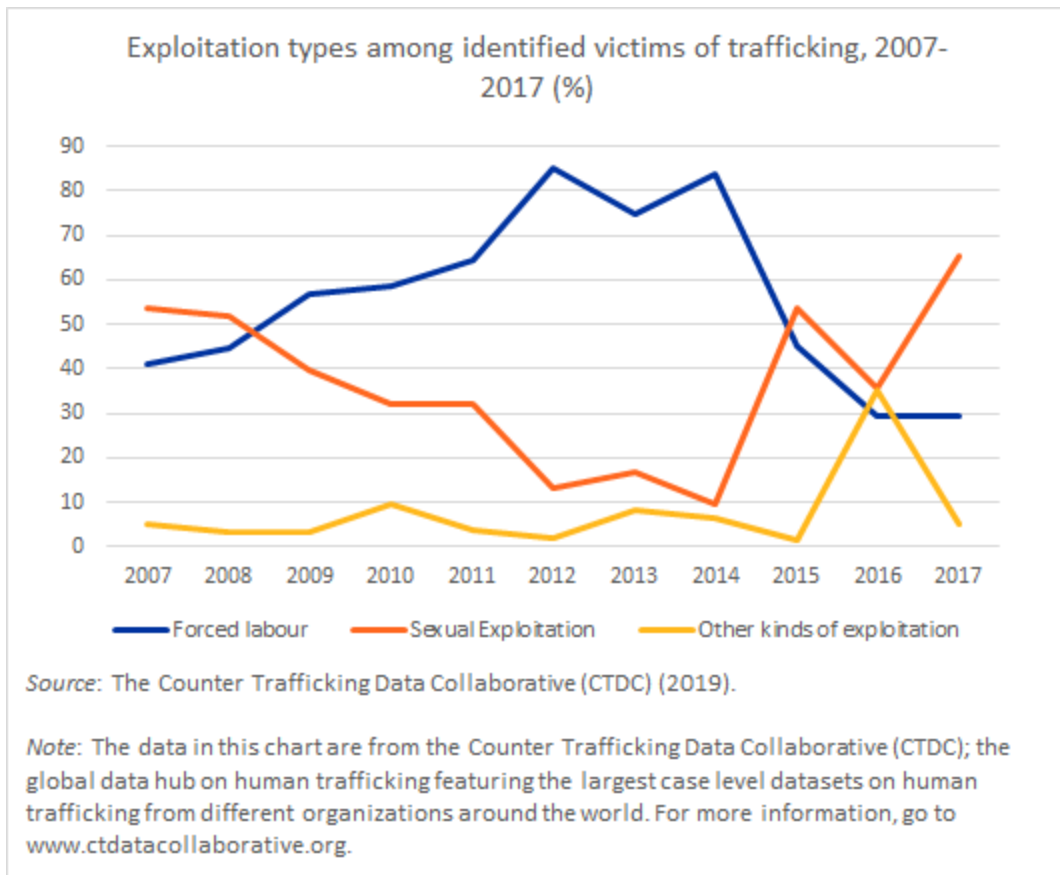
- a) The recruiter. He finds out the easy victims and convinces people to get easy victims in order to earn fast cash. He is the actual MASTER-MIND.
- b) The trafficker. He transports the human to the place of requirement and even looks out to the help the recruiter in convincing people to do job for them.
- c) The victim. A person who is easy to fool and cheat.

The types of trafficking:

- A. Organ harvesting- the practice of removing organ illegally from a dead person or sometimes live person in order to transplant to someone else's body. This is illegal because the victim's consent is not taken.

- B. Sex trafficking- the intercourse when happened commercial then the trafficking is categorized under sex trafficking. Generally, the female gender is the most trafficked for such type of trafficking.
- C. Labor trafficking: in other words, is slavery. To traffic a person to do odd jobs in domestic or industrial level. The victims are ill-treated by abusive word, physical abuse, etc.

Statistical analysis of Human trafficking worldwide: the number of individual cases registered in each country is 108,613. The countries getting exploited 164 and 175 nationalities are exploited.¹ The graph under represents the cases registered each year.



¹ <https://migrationdataportal.org/themes/human-trafficking>

Human Trafficking in India: India has a population of >1.2 billion and a sex ratio is 933 females: 1000 males. The country shares borders 6 countries in Asia. The country stands among the top 10 countries. According to a study in India the number of cases reported are 6,616 and state wise in Maharashtra 226 cases are registered, Assam 200 cases, Kerala 140, Odisha 124, Jharkhand 120, Telangana 94 and so on.

The rule for human trafficking was passed on 1956 under the section of Article 23 which states the '*Traffic in human beings, beggar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.*'

Multiple dimensions and agencies are established regarding the same problem and a few are mentioned below: -

- i. **Ministry of Home Affairs deals with criminal laws connected with trafficking**
 - a. Ensures the enforcement of various criminal legislation
 - b. International and regional convections.
- ii. **Ministry of Women & Child Development; Ministry of Labor & Employment; Min Rural Development, MHRD. NGOs; Multi-lateral agencies deal with socio-economic dimensions.**
 - a. Helping the victim recover.
 - b. Giving the suppressed or vulnerable section of the society some power with hindering the law.
- iii. **State Governments and NGOs**

The legal framework undertaken are: -

- Criminal Law (Amendment) Act, 2013.
- Immoral Traffic (Prevention) Act, 1986 (being amended).
- Indian Penal Code (select provisions).
- Child Labor (Prohibition and Regulation) Act 1986.
- Juvenile Justice (Care & Protection of Children) Act, 2000.

- Prohibition of Child Marriage Act, 2006 and POCSO 2012.

STEPS THAT SHOULD BE TAKEN TO PREVENT HUMAN TRAFFICKING:

- I. A detailed E-data of trafficking in form of a blog or website
- II. Train people to use same.
- III. Use it as a weapon against the traffickers.
- IV. Make the general public aware about the website and even about the trafficker’s mind set.
- V. Following the 6 R’s
 - a. Reporting
 - b. Rescue
 - c. Rehabilitation
 - d. Repatriation
 - e. Re-integration
 - f. Re-compensation
- VI. Help traffickers lead a normal life
- VII. The government, organizations, NGOs and public working together.

CASE STUDY:²

“Edward a 32- year-old leaving his wife and three children in Manila, thought he was coming to Canada to work on a crew building two ocean-going icebreakers for the Canadian government, for \$23 an hour plus overtime, food and lodging.

An Ontario labor-supply company that legitimately thought it would be supplying workers for the federal contract asked a couple of Manila-based job-recruiting companies to help find them skilled workers, which is where Edward found out about the job. To qualify, he had a medical exam, took

² <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/human-trafficking/human-trafficking-training/module-2/case-study-1v>.

English lessons and upgraded his professional skills, all at his own expense. He also paid the recruiters a \$12,000 “placement” fee that included a legal temporary work permit to enter Canada.

What Edward didn’t know was that the contract for the icebreakers had fallen through, but once he arrived in Canada, the recruiters sent him to an agent in Ontario anyway, and who then sent him on to a man named Robert.

Robert took Edward’s passport and then dropped him at a house in Toronto where he found himself one of eight Filipino men — all skilled plumbers or welders — sleeping four to a bed in the basement. The next day, Edward and the other men were trucked two hours north to a new home in a filthy, abandoned farmhouse.

From the farmhouse, the men were driven to work at 5:15 each morning: some to help clean a water-bottling plant, others to dig ditches or pick up garbage around Robert’s estate. When Edward asked his boss when he would get his first paycheque, Robert responded, “Don’t you guys know that I spent \$4,000 to get you?” He also told Edward that his work permit had expired and that “one call, I can have you deported,” and then threatened Edward with a beating if he didn’t go back to work.

Some of the men eventually did receive some pay, but not Edward. Edward’s case finally came to the attention of Philippine embassy officials when another man, a welder, ran away from a work detail near Hamilton and eventually got in touch with his embassy. A few days later, consular staff rescued the remaining men from the farmhouse, including Edward. Now, Edward has a home and a paying job in Saskatoon, and is in the process of sponsoring his family to Canada.”

CONCLUSION:

“Being human is given but keeping our humanity is a choice.” – Unknown. As the quote mentions that we have a choice and every choice has two sides. Most of the men and women in order to earn fast cash fall into ill practices such as drug dealing, etc. the most of all these ill practices which us completely in human is HUMAN TRAFFICKING. When humans sell human for their need and greed at that time think these sellers only forget that what they are. In order to earn a living for family by

selling humans only the feeling cannot be expressed in words. A few are sold for labor, a few for commercial sex; some organ transplant so on the purpose for this racket has an endless list. The statistical analysis for the world and India is mentioned in this article. Although each country is taken steps at its level by the impact of the fear on the trafficker is still less and hence every 20th person in the country even today in the pandemic situation is still getting trafficked. The chain of government, NGOs and the public should be built more strong. Parents should trust their children and even checkout their friend circle. Poor people should not judge people by their money, dress or car, because these are the small loop holes where the traffickers can catch you. Children should trust their parents. In India, there are television shows such as ‘crime patrol’, ‘Savdhan India’, etc., which show the functioning of some cases and tires to gain faith of the public in order that people will trust the police, they will make the public and children aware how the person gets caught, how the in human people catch you. The practice is such that discussion would be never ending, but a light to the aspect in this whole chain is that this all done by humans. Hence everyone from the recruiter should get a chance to live a crime free life if they are willing so. Lastly, in conclusion, the trafficker is also human at last if they are ready to live a life without any ill practice then the government should allow them to do so but with special surveillance so that any further threats can be controlled.