

Human Trafficking: A Social Evil

Tanishka Bhatt

Assistant Professor of Law, Fairfield Institute of Management and Technology

Abstract:

Human Trafficking is a type of slavery which is common in India and in other parts of the world. It is a crime which violates the basic human rights of an individual or group of people, there is no age, gender, caste criteria for human trafficking. Human Trafficking is an act where poor and helpless humans are made to do acts through fraud, coercion, force which a dignified human with self esteem and morality would never do; such as bonded labour, begging, pickpocketing, prostitution, pornography, supply of drugs, selling of bodily organs etc. The offence of human trafficking has been existing in the world since ancient times and is still prevailing in rural and urban areas of the globe. Article 23, 24 of the Indian Constitution, Immoral Trafficking Prevention Act, 1956, Transplantation of Human Organs and Tissues Act, 1994, Protection of Children from Sexual Offences, 2012, Criminal Law (amendment) Act, 2013, Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2018, Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021, Bharatiya Nyaya Sanhita Bill, 2023, Section 366-A, 366- B, 370, 370 A, 372, 373, 374 of Indian Penal Code 1860, are some of the Anti Trafficking laws of our country which prohibits the offence of human trafficking and imposes stricter punishment on those who commit it. This article is an attempt to understand how human trafficking is prevailing and what steps are taken to combat human trafficking.

Keywords: Human trafficking, offence, judiciary, constitution

Introduction:

Human Trafficking is an offence where humans are compelled to work in a place or condition where they are not wanting or willing to work but circumstances around the victims are designed in such a way that pushes them into a pond of mud i.e human trafficking, from which it becomes difficult or sometimes impossible to exit from. The common victims are generally the kidnapped children, people from disturbed family backgrounds who eloped and have no means of survival, and the unemployed youth who easily get lured when the offender gives them a tempting job offer after which they are badly trapped and are made to do things which violate basic human rights of an individual. Certain efforts have been made at the national and international front to eradicate such offence. Recently, the United Nation Office on Drugs and Crime (UNODC) had introduced a initiative to withstand human trafficking and migrant smuggling¹. The Central

¹ Alejandra Silva, "UNODC Launches New Action to Combat Human Trafficking and Migrant Smuggling", *United Nations*, Apr. 22, 2024, available at: <https://www.unodc.org/unodc/en/press/releases/2024/April/unodc-launches-new-action-to-combat-human-trafficking-and-migrant-smuggling.html> (last visited on May 8, 2024).

Bureau of Investigation had caught a racket of travel agents in Kerala who were attracting the young Indians by assuring them good job opportunities in Russia, but ended up by dragging the youth in the Russia and Ukraine War.²

Justice Verma Committee Report on Human Trafficking:

As per the Justice Verma Committee Report, The Immoral Trafficking Prevention Act, 1956 has not defined Trafficking completely and has focused upon criminalising prostitution under the ambit of trafficking and not on any other types of offences. The committee recommended that the provisions of IPC on slavery to be amended by criminalising trafficking by force, threat, or inducement.² The committee also suggested criminalising employment to the victims and to give security accommodation to children, women and to normalise the existence of the victims of human trafficking in the general society.

What ignites the offence of Human Trafficking?

Human Trafficking is one the complicated offences of today's time. It can happen to any person and at any place, whether through online mode or otherwise. Human Trafficking exists in all types of employment such as agriculture. mining, commercial sex work, factory work, domestic work etc.

- a) Poverty:** One of the most common causes of human trafficking is poverty, people shift from one place to another in search of a better income and livelihood, as they are already in a vulnerable position it becomes very convenient for the offender to trap the victim by giving them false hopes. There were efforts made to eradicate poverty from the world, but all the efforts had gone in vain after Corona Vires had banished the entire world, as the percentage of people who were living in poverty rised from 6.7% in 2019 to 7.2% in 2020.³
- b) Unemployment:** Unemployment is also a cause which leads to human trafficking, as the needy person gets easily swayed by the opportunities or chances which are given to them oftenly on a platter to which they have to pay a heavy price of as they have to stoop down and agree to every demand being made by the offender.
- c) Illiteracy:** Illiteracy, is an issue which is addressed only in some parts of our country and across other parts of the world. Due to less literacy rate and lack of general awareness among people, chances of the person to be trapped in the human trafficking rackets and fake agencies become higher as the illiterate person cannot differentiate between what is good and bad for them in the long run, as they do not have such intellectual mind to think ahead.
- d) Strained Relationships:** Young Generation, mostly the teenagers who are from disturbed family backgrounds, and who stay away from their parents house, or those who never got proper affection, attention, care from their parents or loved ones, find the same components of a healthy relation outside their house from complete strangers, who convince them to work for them and with them.⁴

² Varsha, "Analysis of J.S Verma Committee Report on Amendment to Criminal Law with Special Reference to Sexual Assault Against Women" *B&B Associates & LLP* (2022).

³ Emmaline Soken- Huberty, "10 Causes of Human Trafficking" *Human Rights Careers* (no date).

⁴ Micah Hartmann, "Causes and Effects of Human Trafficking" *The Exodus Road* (2021).

- e) **Immigration:** Migrants are one of the most vulnerable sections of the society who easily get trapped in the web of human trafficking. As per the study by Minderoo Foundation Walk Free Initiative and IOM⁵, the study focuses on migrants and how circumstances make the victims vulnerable to slavery, It also discussed about features of human nature of a human trafficking victim, and also discussed how in certain circumstances the higher officials are not able to secure the victims. The study also sheds light on the matter that, how loose immigration policies are and how it needs to be tightened, in order to have less human trafficking crime rate.
- f) **Family History:** Family history is also one of the main reasons for human trafficking, inside and outside the country. If the parents and ancestors of the victim had been sold or exported or imported from one nation to another in their time, the next generation also becomes a part of the vicious cycle and does immoral and unethical acts, which is not abnormal for them to do.

Rise of Human Trafficking in India:

India supplied victims of human trafficking to other nations, including the Middle East, North America, and Nepal, during World War II, which resulted in a labour shortage in India. Human trafficking victims are typically obtained locally, that is, within the country, but occasionally outside it, through force, deception, or compulsion.⁶

Bihar has vicinity with Nepal, Bangladesh circumference due to which, Bihar is accustomed to human trafficking, as per 2001 census around 8.9% of India's child labour population was from Bihar. The victims are brought from Nepal and are made to halt at Uttar Pradesh as, Uttar Pradesh has its 9 districts edging Nepal, later then are sent to Delhi, Mumbai and then in Middle East Countries for profitable sexual intercourse. Report of National Commission for Protection of Child Rights of 2010 states that, Uttar Pradesh has 15% contribution in the total child labourers population within India.⁷

As per the study by the Economic and Social Commission for Asia and Pacific, females from South Asia, Bangladesh, and Nepal are trafficked for various purposes such as child marriages, prostitution. The role of globalisation, also has played an evident role in increasing the rate of human trafficking offences across the nation which led to easy availability of inexpensive labour in various sectors of the Indian economy.⁸ India has witnessed many cases of human trafficking since 2018 and 2022, around 10,659 as per the facts quoted by the Ministry of Home Affairs. Maharashtra is one of the hotbeds of human trafficking, then comes Telangana and Andhra

⁵ Minderoo Foundation's Walk Free Initiative and IOM, "Migrants and Their Vulnerability to Human Trafficking, Modern Slavery and Forced Labour" (2019)

⁶ Sidhant Kampani, "Human Trafficking in India: A Critical Analysis" *Probono India* (2020).

⁷ Courtney Julia Burns, Keiko Chen & Hanni Stoklosa, *et.al.*, "Pushing for the Same Thing on the Same Set of Tracks: A Qualitative Study Exploring the Anti-Trafficking Response in Bihar and Uttar Pradesh" *BMC Public Health* (2021).

⁸ Vimal Vidushy, "Human Trafficking in India: An Analysis" *International Journal of Applied Research* 169 (2016).

⁹ Shiv Sahay Singh, "Over 10,000 cases of trafficking but only 1,031 convictions between 2018-2022", *The Hindu*, Jan. 07, 2024, available at: <https://www.thehindu.com/news/national/other-states/over-10000-cases-of-trafficking-but-only-1031-convictions-between-2018-2022/article67713302.ece> (last visited on May 13, 2024).

Pradesh, West Bengal, and Assam. The down south of India especially, Telangana and Andhra Pradesh has always been a provider and a fixed place of human trafficking.

According to the National Crime Records Bureau Report, around 43 boys and 125 girls were liberated in Jharkhand, there have been efforts made by the Anti- Human Trafficking Units in many districts of Jharkhand that ensures the return of young boys and girls who have been trapped by the human traffickers.¹⁰ The Special Investigation Team in Punjab, discovered in 2023, how women from past a decade, from Punjab were sent on tourist visas instead of working visas to Arab countries like Oman, Saudia, on the semblance of good job opportunities and how badly they were treated, as women were sexually harassed, their payments were delayed which led to heavy debts. Due to the setting up of a Special Investigation Team by the Government of Punjab, many women safely returned back to India more than 100 in just 10 month of the birth of SIT, yet many are still to be rescued.¹¹

Human Trafficking and Indian Constitution:

The Indian Constitution has played a crucial role, in combating the offence of human trafficking in India, such as mentioned in Article 23 and Article 24 of the Indian Constitution, that mentions about '*Right Against Exploitation.*' If any person is being exploited by an individual or group of people, such fundamental rights being provided by the Indian Constitution, acts as a shield for the helpless or needy people and delivers justice to them.

Article 23 of the Indian Constitution, restrains forced labour, begging and bonded labour, breach of such provisions leads to punishment to the offender, the fundamental right is granted to both Indians and non- Indians. The Article 23 also secures against any act of the state organs and against any act of the non- official person.

Article 24 of the Indian Constitution puts emphasis on restraining children, to work in any industrial establishment, if the age of the child is below 14 years. Giving employment to children below 14 years of age leads to cognizable offence and strict punishment as per Indian laws.¹¹

Immoral Trafficking Prevention Act, 1956: The aim of the Act, is not to let the offence of prostitution prevail in the country, but if a women indulges by her own will for monetary purpose then it is not an offence, if someone else indulges the women into prostitution then it is an offence as per the Act.¹²

Transplantation of Human Organs and Tissues Act, 1994: The Transplantation of Human Organs and Tissues Act, 1994 came into existence in order to prohibit the extraction if done, without the consent from higher authority in case of a medical employee or medical institution, buying and selling of bodily organs or tissues or both of a human for earning purpose. Few modifications have been made in the Act, which have contributed in the reduction of organ trafficking cases in India, but not up to a large extent.¹³

¹⁰ "NCRB Report Exposes Disturbing Reality of Human Trafficking in Jharkhand: 43 Boys and 125 Girls Rescued", *The Avenue Mall*, Dec. 27, 2023, available at: <https://avenuemall.in/ncrb-report-exposes-disturbing-reality-of-human-trafficking-in-jharkhand-43-boys-and-125-girls-rescued/> (last visited on May 13, 2024).

¹¹ NEXT IAS Content Team, "Right Against Exploitation (Article 23 to 24): Meaning, Provisions & Significance" *Next Ias* (2024).

¹² Chetan Kumar, "Immoral Traffic (Prevention) Act, 1956 – an Overview" *Law Corner* (2021).

¹³ S. Quader and S.A. Khan, "Organ Trafficking and the Legal Framework in India: A Critical Analysis of the Transplantation of Human Organs and Tissues Act, 1994" *Research Gate* (2023).

Protection of Children from Sexual Offences Act, 2012: The sexual exploitation of a child has always been a matter of concern in India, due to lack of stringent laws to combat such offence, The POCSO Act, 2012 came into existence to give justice to bearer of sexual exploitation who are below the age of 18 years, The Act also ensures that the interest of the child is secured even during legal proceedings.¹⁴

Criminal Law (amendment) Act, 2013: The Criminal law (amendment) Act, 2013 came into existence after the Nirbhaya event of 2012 which had shocked the entire country, after which modifications were required in the criminal laws of our country to ensure stricter punishments to the offenders of sexual abuse, As the event had become popular globally, the United Nations encouraged the Indian Government to take up strong actions to ensure secure environment for women.¹⁵

Trafficking of Persons (Prevention, Protection and Rehabilitation Bill), 2018: As the name of the bill suggests, the legislation is required for finding the lost victims of human trafficking, protecting them and giving them space for living. The bill ensures the setting up of Anti Trafficking Units to find the victims and to investigate the issue. The bill also imposes heavy punishment on the offenders, oftenly more than that of what is approved by the general legislation.¹⁶

Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021: The bill was introduced in 2021, and it assumes shared legislation on different kinds of human trafficking, committed outside the national boundaries.¹⁷

Bharatiya Nyay Sanhita Bill, 2023: The Bharatiya Nyay Sanhita Bill, 2023 endorses the offence of human trafficking as “structured offence”.The bill rescinds Indian Penal Code, 1860, which is one of the prominent laws of criminal offences in our country. Likewise,The Bhartiya Nagrik Suraksha Sanhita, 2023 will take over the Code of Criminal Procedure, 1973 and will reserve the offence of human trafficking as a distinct and serious or grave kind of offence.¹⁸

Human Trafficking and Indian Judicial System:

Indian Judicial System, plays a critical role in tackling with the offence of human trafficking, there are various, Sections of Indian Penal Code that are formed to punish the offender for committing the offence of human trafficking, the relevant Sections of the Indian Penal Code are raised further down,

Section 366A: States that anyone who coerces a minor girl under the age of eighteen to go from one location to another with the intention that the girl may, or knowingly that she would be forced

¹⁴ Saman, “POCSO Act, its Need and Relevance in India” *Legal Service India* (n.d.).

¹⁵ Yamini, “Criminal Law (Amendment) Act, 2013: Sexual Offences” *Academike* (2015).

¹⁶ PRS Legislative Research, “The Trafficking of Persons(Prevention, Protection and Rehabilitation) Bill, 2018” (n.d.)

¹⁷ Mili Gupta, “India's New Anti- Trafficking Bill: An Analysis”, *JURIST News*, Aug. 11, 2021, available at: <https://www.jurist.org/commentary/2021/08/mili-gupta-india-trafficking/> (last visited on May 23, 2024).

¹⁸ Anuja, “India's New Penal Code Bill Identifies Human Trafficking as 'Organised Crime'. What Does It Mean? <https://www.boomlive.in/Explainers/Indias-New-Penal-Code-Bill-Identifies-Human-Trafficking-As-Organised-Crime-23220#>”, *Boom*, Oct. 01, 2023, available at: <https://www.boomlive.in/explainers/indias-new-penal-code-bill-identifies-human-trafficking-as-organised-crime-23220#> (last visited on May 23, 2024).

or seduced to illicit intercourse with some other person, is to be punished with 10 years of imprisonment and fine.

Section 366B: Any person who from outside India or from the state of Jammu and Kashmir, imports the girl below the age of 21, with an intent that the girl maybe, or knowingly that she would be forced or seduced to illicit intercourse with some other person, is to be punished with 10 years of imprisonment and fine.¹⁹

Section 370:

1. Any person with an agenda to abuse the other person by , a) recruiting, b) transporting, c) harbouring an individual or group of people by offering some benefit or payment in order to have dominance towards that person leads to the offence of human trafficking.
2. Any person who does human trafficking, is punishable with 7 years of imprisonment, which is extendible to 10 years and fine.
3. Human trafficking of multiple persons, leads to 10 years of imprisonment, which is extendible to imprisonment for life and fine.
4. Human trafficking of a minor, leads to 10 years of imprisonment, which is extendible to imprisonment for life and fine.
5. Human trafficking of multiple minors, leads to 14 years of imprisonment, which is extendible to imprisonment for life and fine.
6. Any person who has been punished for the offence of trafficking a minor multiple times, that person will be punished with imprisonment till he normally lives, until he dies with fine.
7. Any public official who is involved in human trafficking shall be punished with imprisonment till he normally lives, until he dies with fine.

Section 370A (1) Any person who knows or has cause to believe that the minor has been trafficked and involves the minor into sexual exploitation of any kind, shall be punished with 5 years of imprisonment, and is extendible to 7 years and fine.

(2) Any person who knows or has cause to believe that the minor has been trafficked and involves the minor into sexual exploitation of any kind shall be punished with 3 years of imprisonment, and is extendible to 5 years and fine.

Section 372: Any person who vends, engages or discards the other person below the age of 18 years with an intent that such person would be waged for unethical agendas such as prostitution or illicit intercourse with some other person shall be punished with 10 years of imprisonment and fine.

Section 373: Any person who vends, engages or acquires control over the other person below the age of 18 years with an intent that such person would be, knowingly waged for unethical agendas such as prostitution or illicit intercourse with some other person shall be punished with 10 years of imprisonment and fine.

Section 374: Any person who unethically forces the other person for slavery against the consent of that person, shall be punished with 1 year of imprisonment, with fine or both.²⁰

¹⁹ Saylee Chaugule, "Law Against Human Trafficking in India" *Ipleaders* (2019).

²⁰ Indian Penal Code, 1860 (Act 45 of 1860), ss. Section 370,370A,372,373,374

Notable Cases on Human Trafficking in India:

MC Mehta v/s State of Tamil Nadu AIR 1996 6 (SCC) 756 : In reciprocation to Public Interest Litigation, the Hon'ble Supreme Court of India established means to avail aid to victims of child labour along with their brood in the country, the accused who gives job to child, their property should be clammed and amount of 20,000 should be imposed as a punishment, the same amount will be used for the welfare of the child.

People's Union for Democratic Rights v/s Union of India AIR (1982) 3 SC 235 : In this case the Hon'ble Supreme Court of India explained about incumbent slavery, which can be of any form whether bodily, mentally, or in monetary sense. The incumbent slavery which erupts due to lack of money for which the needy worker indulges into unethical acts as they alone cannot survive with the minimal earnings.

Bachpan Bachao Andolan v/s Union of India AIR 2011 SCC (5) 1 : In this case, The Solicitor General of India, stated that it is the duty of the state government to establish child related legislation and that children should not be kept away from their basic rights which are available to every Indian citizen which includes, the victims of human trafficking.

Laxmi Kant Pandey v/s Union of India AIR 1984 2 (SCC) 244 : In this case the Hon'ble Supreme Court aids cross national adoption, the child given for nomination to the non- native progenitor in order to have a better life and not to be misused or abused in any form by them, for which the court has established certain methods to investigate and observe cross national nomination so that the child would go in safe hands.

Budhadev Karmaskar v/s State of West Bengal AIR(2011) 11 SC 538 : In this case the Hon'ble Supreme Court held that, there is a strict need of course of action, for recuperation of sexually exploited women, such as courtesans for them to sustain in the world with integrity like any other person and that their issues should also be heard. The course of action will provide education to the courtesans to get better jobs for maintaining their financial condition without getting into unethical acts.

Gaurav Jain v/s Union of India AIR (1997) 8 SCC : In this case the fundamental rights of human trafficking victims were violated due to which the Hon'ble Supreme Court, instructed a panel to be set up for implementation of a programme for the recuperation of trafficked victims. The court believed that having recuperation centres for the victims would give them a normal life ahead.

Bandhua Mukti Morcha v/s Union of India and others AIR 1984 SC 802 : In this case the Hon'ble Supreme Court held that if a labour is doing involuntary servitude then it would be assumed that it was done in return of getting money and such labourers are known as debt bondage. Debt Bondage is enabled to get perks under the legislation. The appropriate authority, the government will take aid of the stratum and modes to secure establishment of such legislation. And the nominal wages should be paid to the workers without any involvement of a mediator.

Government and Non- Government visions to oppose Human Trafficking:

Government visions:

1. National Human Rights Commision: The national human rights commision, works tirelessly to eradicate the offence of human trafficking from our country for which it articulated certain programs and strategies, these programs and strategies amalgamated with the

recommendations after conducting of workshops on human trafficking in small regions of various states, and became joined programs and strategies. ²¹

2. **National Commission for Women:** Every state has its own way of combating the offence of Human Trafficking, National Commission for Women launched the standard operating system that counsel's the police officials, women bureau etc, on how to preclude the offence of human trafficking. The National Commission for Women also conducted the seminar besides contributors to establish the standard operating system in the nation.²²
3. **Ministry of Home Affairs:** The Ministry of Home Affairs had set up Anti Trafficking Cells, that enlightened State and Union Territories for empowering the legislation to combat human trafficking, and for inspiring the state and union territories for conducting meetings to increase awareness amongst government officials on the offence.²³
4. **Ministry of Women and Child Development:** Ministry of Women and Child Development, had launched "Ujjawala" programme to prohibit the profitable sexual misuse of women and children, by conducting sessions at state and district level to increase awareness among people on human trafficking. The programme also imparts resources to the found victims such as food, clothing, shelter, and health care²⁴, it also helps in establishment of victims in civilised communities and aids in return of foreign victims into their own country.
5. **Ministry of Labour:** The Ministry of Labor, forbids the employment of minors and guarantees fair working conditions for labourers. It aids in giving jobs to needy victims and poor people and ensures healthy working conditions and training sessions to enhance the skills of the workers. These agendas can be attained by establishment and modifications in labour laws.²⁵

Non-Government visions:

1. **Avani:** Avani offers help to young boys and girls, who are at the probability of becoming victims of human trafficking, and provides shelter facility to the recovered victims in Mumbai.
2. **Faith Foundation:** Faith foundation puts emphasis on protection of young trafficked girls and females from offences such as sexual exploitation, child marriage, physical ferity and provides protection to uninhibited ones, in Shillong.
3. **Her Choices Trust:** Her Choices Trust ensures to eradicate cruelty of any kind towards young children and females and also provides legal aid in villages of Hyderabad to increase understanding of human trafficking among villagers.
4. **Purnata:** Purnata focuses on preserving the life of women and children from becoming the victim of human trafficking, by stopping the point of origin, passage, station of human trafficking in states such as Mumbai and Bengal.

²¹ Government of India, "Integrated Plan of Action on Trafficking" (National Human Rights Commission, n.d.)

²² "National Commission of Women to Bring Out SOP on Rescue and Rehabilitation of Trafficked Girls", *The New Indian Express*, June 25, 2022, available at: <https://www.newindianexpress.com/nation/2022/Jun/25/national-commission-for-women-to-bring-out-sop-on-rescue-and-rehabilitation-of-trafficked-girls-2469703.html> (last visited on May 28, 2024).

²³ Government of India, "Anti Trafficking Cell" (Ministry of Home Affairs)

²⁴ Government of India, "Ujjawala a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Reintegration of Victims of Trafficking for Commercial Sexual Exploitation" (Ministry of Women and Child Development)

²⁵ Government of India, "About the Ministry" (Ministry of Labour and Employment)

5. **Rural Aid:** Rural Aid aims to provide education on the rights of the factory workers of tea in Bengal, and protects their children from being abused in any form, it also provides education facilities to children. Rural Aid also works with public instruments to find the lost children, and to motivate underprivileged people to ask for money as per their work.²⁶
6. **Vipla Foundation:** Vipla Foundation focuses on women and children who were mostly affected, during coronavirus because they are likely to become victims of human trafficking again due to money constraints, heavy loans, unemployment which makes them prone to getting into human trafficking, the ones who were protected from the trap gets into it again due to subjugation. The Vipla Foundation helps such victims.
7. **Prerna:** Prerna gives training to the liberated victims of human trafficking in such a manner which makes them capable to do respectable jobs. The services of Prerna are not only available in Mumbai but in the outskirts of it as well. It also ensures that the upcoming generation do not become the victim of human trafficking.
8. **Oasis India:** Oasis India focuses on eliminating the offence of human trafficking by collaborating with government agencies and non profit organisations in states such as Maharashtra, Karnataka, Tamil Nadu. The Oasis India also focuses on arenas such as training, aptitude and welfare of the victims so that they do not again become the prey of human trafficking.²⁷

Conclusion:

Human Trafficking is an offence which prevails in our country, it is an issue which has been in our country since ancient times. It is an offence which does not happen naturally but because of human subjugation such as poverty, illiteracy, family trend, immigration, debts etc. The trafficker traps the victim by giving tempting job offers in such a way that it becomes difficult for the victims to deny such offers which lands them in trouble such as prostitution, child labour, removal of organs, begging. As per the reports of renowned newspapers of India, National Crime Records Bureau Report, National Commission for Protection of Child Rights, UNODC, and study by Economic and Social Commission for Asia and Pacific, offence of human trafficking is increasing in India for which there is need of stricter punishments.

Establishment of stringent laws have been made to eradicate the offence from the country by the Indian Judicial System by imposing imprisonment and fines mentioned under various sections of Indian Penal Code 1860, Acts and introduction of Bills in the Parliament, Creation of Special Investigation Team, investigation by CBI and other government officials at local levels on human trafficking rackets has also played a crucial role in rounding off the offence. The Indian Constitution provides basic human rights and protects the rights of every individual which includes the victims of human trafficking, as the person is being made to do unethical acts without his or her will by force, fraud, coercion.

²⁶ Global Fund for Children, “Combating Child Trafficking in India” (no date)

²⁷ V Kumara Swamy, “10 NGOs Working Against Human Trafficking in India” (2022).

Apart from having laws and establishment of basic human rights in India, It is necessary to increase awareness among the people about the offence and how to avoid being trapped in it for which government and non government initiatives have been taken to increase awareness and to protect the victims at district, state and national levels across the nation. The outcome of it all together is that the offence of human trafficking has been reduced in India but not up to great extent. Still, there is a long way to go in order to completely dissolve this offence from the nation.

References:

1. Alejandra Silva, "UNODC Launches New Action to Combat Human Trafficking and Migrant Smuggling", *United Nations*, Apr. 22, 2024, available at: <https://www.unodc.org/unodc/en/press/releases/2024/April/unodc-launches-new-action-to-combat-human-trafficking-and-migrant-smuggling.html> (last visited on May 8, 2024).
2. CBI Arrests 2 People in Connection with Russia-Ukraine Human .. Read More At: [Http://Timesofindia.indiatimes.com/Articleshow/109926615.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst](http://Timesofindia.indiatimes.com/Articleshow/109926615.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)", *Times of India*, May 07, 2024, available at: <https://timesofindia.indiatimes.com/india/cbi-arrests-2-people-in-connection-with-russia-ukraine-human-trafficking-case/articleshow/109926615.cms> (last visited on May 8, 2024).
3. Varsha, "Analysis of J.S Verma Committee Report on Amendment to Criminal Law with Special Reference to Sexual Assault Against Women" *B&B Associates & LLP* (2022).
4. Emmaline Soken- Huberty, "10 Causes of Human Trafficking" *Human Rights Careers* (no date).
5. Micah Hartmann, "Causes and Effects of Human Trafficking" *The Exodus Road* (2021).
6. Minderoo Foundation's Walk Free Initiative and IOM, "Migrants and Their Vulnerability to Human Trafficking, Modern Slavery and Forced Labour" (2019)
7. Sidhant Kampani, "Human Trafficking in India: A Critical Analysis" *Probono India* (2020).
8. Courtney Julia Burns, Keiko Chen & Hanni Stoklosa, *et.al.*, "Pushing for the Same Thing on the Same Set of Tracks: A Qualitative Study Exploring the Anti-Trafficking Response in Bihar and Uttar Pradesh" *BMC Public Health* (2021).
9. Vimal Vidushy, "Human Trafficking in India: An Analysis" *International Journal of Applied Research* 169 (2016).
10. Shiv Sahay Singh, "Over 10,000 cases of trafficking but only 1,031 convictions between 2018-2022", *The Hindu*, Jan. 07, 2024, available at: <https://www.thehindu.com/news/national/other-states/over-10000-cases-of-trafficking-but-only-1031-convictions-between-2018-2022/article67713302.ece> (last visited on May 13, 2024).
11. NCRB Report Exposes Disturbing Reality of Human Trafficking in Jharkhand: 43 Boys and 125 Girls Rescued", *The Avenue Mall*, Dec. 27, 2023, available at: <https://avenuemall.in/ncrb-report-exposes-disturbing-reality-of-human-trafficking-in-jharkhand-43-boys-and-125-girls-rescued/> (last visited on May 13, 2024).
12. Anju Agnihotri Chaba, "SIT in Place, but Constant Return of Trafficked Women from Arab Countries Shows Menace Still Prevalent in Punjab", *Indian Express*, Apr. 20, 2024, available

- at: <https://indianexpress.com/article/cities/chandigarh/constant-return-of-trafficked-women-shows-menace-still-prevalent-in-punjab-9222803/> (last visited on May 15, 2024).
13. NEXT IAS Content Team, "Right Against Exploitation (Article 23 to 24): Meaning, Provisions & Significance" *Next Ias* (2024).
 14. Chetan Kumar, "Immoral Traffic (Prevention) Act, 1956 – an Overview" *Law Corner* (2021).
 15. S. Quader and S.A. Khan, "Organ Trafficking and the Legal Framework in India: A Critical Analysis of the Transplantation of Human Organs and Tissues Act, 1994" *Research Gate* (2023).
 16. Saman, "POCSO Act, its Need and Relevance in India" *Legal Service India* (n.d.).
 17. Yamini, "Criminal Law (Amendment) Act, 2013: Sexual Offences" *Academike* (2015).
 18. PRS Legislative Research, "The Trafficking of Persons(Prevention, Protection and Rehabilitation) Bill, 2018" (n.d.)
 19. Mili Gupta, "India's New Anti- Trafficking Bill: An Analysis", *JURIST News*, Aug. 11, 2021, available at: <https://www.jurist.org/commentary/2021/08/mili-gupta-india-trafficking/> (last visited on May 23, 2024).
 20. Anuja, "India's New Penal Code Bill Identifies Human Trafficking as 'Organised Crime'. What Does It Mean? <https://www.boomlive.in/Explainers/Indias-New-Penal-Code-Bill-Identifies-Human-Trafficking-As-Organised-Crime-23220#>", *Boom*, Oct. 01, 2023, available at: <https://www.boomlive.in/explainers/indias-new-penal-code-bill-identifies-human-trafficking-as-organised-crime-23220#> (last visited on May 23, 2024).
 21. Saylee Chaugule, "Law Against Human Trafficking in India" *Ipleaders* (2019).
 22. Section 370 of IPC, 1860
 23. Section 370 A of IPC, 1860
 24. Section 372 of IPC, 1860
 25. Section 373 of IPC, 1860
 26. Section 374 of IPC, 1860
 27. AIR 1996 6 (SCC) 756
 28. AIR (1982) 3 SC 235
 29. AIR 2011 SCC (5) 1
 30. AIR 1984 2 (SCC) 244
 31. AIR(2011) 11 SC 538
 32. AIR (1997) 8 SCC
 33. AIR 1984 SC 802
 34. Government of India, "Integrated Plan of Action on Trafficking" (National Human Rights Commission, n.d.)
 35. National Commission of Women to Bring Out SOP on Rescue and Rehabilitation of Trafficked Girls", *The New Indian Express*, June 25, 2022, available at: <https://www.newindianexpress.com/nation/2022/Jun/25/national-commission-for-women-to-bring-out-sop-on-rescue-and-rehabilitation-of-trafficked-girls-2469703.html> (last visited on May 28, 2024).
 36. Government of India, "Anti Trafficking Cell" (Ministry of Home Affairs)

37. Government of India, “Ujjawala a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Reintegration of Victims of Trafficking for Commercial Sexual Exploitation” (Ministry of Women and Child Development)
38. Government of India, “About the Ministry” (Ministry of Labour and Employment)
39. Global Fund for Children, “Combating Child Trafficking in India” (no date)
40. V Kumara Swamy, “10 NGOs Working Against Human Trafficking in India” (2022).