

## Causes, Consequences and Controlling of Woman Trafficking in India

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### Abstract

Trafficking is one of the serious global concerns of the day in particular women trafficking. No country in the world is exception to its multi dimensional effects whether country is developed, developing or under developing. Human trafficking is the third largest organized crime after drugs and the arms trade across the globe. About 80% of the human trafficking across the world is done for sexual exploitation and the rest is for bonded labour. In Asia, India is considered as the focal point of this crime. International market has been created by traffickers for the trade in human beings based on high profits and demand for commercial sex as well as cheap labour. Trafficking shows phenomenal increase with globalization. Increasing profit with little or no risk, organized activities, low priority in law enforcement etc, aggravate the situation. The income generated by trafficking is comparable to the money generated through trafficking in arms and drugs. Responsible causes for this inhuman act are many but time of hour is how to deal with specific incidents of trafficking is important, not only to the welfare of the victim, but also to establishing relationships with other trafficked women and community groups that may be able to assist in solving the problem of trafficked women. Human Trafficking is a complex and multidimensional phenomenon and requires multidisciplinary approach. Any analysis of the root causes of human trafficking must take into account, human trafficking is a violation of human rights and any strategy to eliminate trafficking should be framed within a human-rights perspective by placing the victim at the centre. Victims of trafficking are used for commercial purposes; they are used like products and then thrown away. Gender discrimination further aggravates human trafficking, lack of strong penal laws and irresponsible behavior of authorities who have to catch and prove the offence. The objectives of this paper are to explore as well as understand the Causes, Consequences and to Control or Preventive Measures of woman trafficking in general and in particular in India

**KEYWORDS:** Awareness, Causes, Consequences, Combating, Gender Discrimination, Legal Frame work, Trafficking.

### 1. INTRODUCTION:

Women are one of the major groups considered most vulnerable to human trafficking. For purposes of sexual or commercial exploitation, women and girls are kidnapped, sold, and coerced by slavers in nearly every country in the world. Though many human rights activists and governmental organizations agree that trafficking in women is a serious violation of human rights that needs to be fought, the complex and widespread operations of human trafficking make prosecution and punishment of traffickers nearly impossible in many cases. Trafficking in women is an ancient enterprise that dates back nearly to the beginnings of civilizations. Female slaves were often highly valued in the ancient nations for use as prostitutes, concubines, or to breed

more slaves. One of the most common reasons for trafficking in women today is to fuel the prostitution trade. Trafficking is a huge industry which has been identified as the fastest growing criminal industry in the world.

### **Some heart breaking facts and statistics about women trafficking in India**

Although human trafficking is often a hidden crime hence, accurate statistics are difficult to obtain, it is estimated that more than 80% of trafficking victims are female. Over 50% of human trafficking victims are children.<sup>1</sup>Trafficking of Child and women is a serious concern prevalent in India. According to a report published by the US Department of State, India is the source, destination and transit country for human trafficking who then get involved in forced labor and sex trafficking. The statistics of the Ministry of Women and Child Development states that 19,223 women and children were trafficked in 2016 against 15,448 in 2015, with the highest number of victims being recorded in the eastern state of West Bengal<sup>2</sup>. 1,25,750 women trafficking cases reported in 2017 again west Bengal topping with 52,941(42%)<sup>3</sup>.West Bengal is the hub of human trafficking in India. It had the maximum human trafficking cases (669) amongst all states in India, followed by Tamil Nadu, AndhraPradesh, Karnataka and Maharashtra. People from the lower cast or the tribal communities and the women and children from the excluded groups of the society are generally lured of a better lifestyle and employment opportunity and sold by the agents.

India as a nation is still being used by the traffickers as receiving, sending and transit country. Women and girls are the main victims of human trafficking in India. They are then forced into prostitution, forced marriage, and domestic work. According to a report published by the Govt of India, there are approximately 10 million sex workers in India out of which 1,00,000 belong to Mumbai alone which is Asia's largest sex industry center. 300,000 to 50,000 under 18 years of age children are involved in the sex trade. Such is the extent of trafficking within the boundaries of the country, forget about the trafficking rate abroad.<sup>4</sup>

A human trafficker can earn 20 times what he or she paid for girl. A 2003 study in India found that, on average, a single sex slave earned her pimp at least 250,000rupees a year. What would be the increase amount of 2019?

India is listed in the Tier II list of the UN which includes countries which have failed to combat human trafficking. The concept of trafficking denotes a trade in something that should not be traded in. It is a really sad situation which India is facing. In almost every city there are certain parts filled with brothels. Human trafficking includes sexual exploitation, labour trafficking, etc. Nowadays even cross-border human trafficking is prevalent. India has a huge population and because of that and our dwindling economy many people live below the poverty line. The smugglers and traffickers promise them a better life- a ray of hope, jobs as domestic servants, in the film

<sup>1</sup> <http://facts.randomhistory.com/human-trafficking-facts.html>

<sup>2</sup> Govt report, New Delhi: 7 May 2018

<sup>3</sup> According to National Anti-Trafficking Committee(NATC)

<sup>4</sup> Times of India

world or in factories. They can offer them money, pleasure trip invitations or false promises of marriage.

Over the past five years, 23% of human-trafficking cases filed ended in conviction. As many as 45,375 people were arrested and 10,134 persons were convicted. Punishments range from fines to imprisonment

### **After all what is Traffic in women means?**

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children<sup>5</sup> defines trafficking as human trafficking as, “*the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs.*” This definition was adopted by the UN Convention Against Transnational Organised Crime, to which India is signatory. It is one of the first internationally accepted definitions of trafficking and it came into force from 25 December 2003.

### **2. CAUSES FOR WOMEN TRAFFICKING:**

The root causes of trafficking are various and often differ from one country to another. Trafficking is a complex phenomenon that is often driven or influenced by social, economic, cultural and other factors. Many of these factors are specific to individual trafficking patterns and to the States in which they occur. There are, however, many factors that tend to be common to trafficking in general or found in a wide range of different regions, patterns or cases.

- **Migration for employment or better conditions :** One such factor is that the desire of potential victims to migrate is exploited by offenders to recruit and gain initial control or cooperation, only to be replaced by more coercive measures once the victims have been moved to another state or region of the country, which may not always be the one to which they had intended to migrate. Some of the common factors are local conditions that make populations want to migrate in search of better conditions: poverty, oppression, lack of human rights, lack of social or economic opportunity, dangers from conflict or instability and similar conditions. Political instability, militarism, civil unrest, internal armed conflict and natural disasters may result in an increase in trafficking.
- **The destabilization and displacement of populations:** These increase their vulnerability to exploitation and abuse through trafficking and forced labour. displacements of populations, leaving orphans and street children extremely vulnerable to trafficking. These factors tend to exert pressures on victims that “push” them into migration and hence into the control of traffickers.
- **Poverty:** Despite 71 years of independence, the benefits of economic development have not trickled down to the marginalized sections of the

<sup>5</sup> known as the Palermo Protocol adopted in November 2000

society and millions of people still live below the poverty line<sup>6</sup> Poverty and wealth are relative concepts which lead to both migration and trafficking patterns in which victims move from conditions of extreme poverty to conditions of less-extreme poverty. Some parents sell their children, not just for the money, but also in the hope that their children will escape a situation of chronic poverty and move to a place where they will have a better life and more opportunities.

- Traffickers are motivated by high profits and the low risk due to weak law enforcement and low levels of prosecution.
- **Globalization:** the increased demand of cheap labour in the production sector, globalization has played a major part for the growth of tourism business and entertainment industries the world over. As a result, the sex related trades like sex tourism have registered rapid growth. At the same time, rising male migration to urban areas as well as stressful working conditions of the Business Process Outsourcing (BPO) sector workers have also contributed to a growing demand for commercial sex in the cities
- **Sadistic nature of men :** Women are considered as consumables. So many time she has been enslaved to fulfill man's sadistic demands or desires by means of trafficking her.
- **Disappearance or disrespect of moral are ethical standards**
- **Potential profits and low risk:** Women trafficking is one of the fastest growing criminal enterprises because it holds relatively low risk with high profit potential. Criminal organizations are increasingly attracted to women trafficking because, unlike drugs, humans can be sold repeatedly
- **Cheap labour for domestic as well as commercial e.g factories**
- **Prostitution**

### 3. CONSEQUENCES OF TRAFFICKING IN WOMEN

- ❖ **Violation of several human rights:** The act of trafficking is the human rights violation, can have very serious consequences for the victim. Right to live with dignity, health, freedom, equality etc are severely violated.
- ❖ **Effects mental and physical health:** Women who have been trafficked may suffer from serious health problems, including physical health, reproductive health and mental health problems. Trafficking victims often suffer from serious physical abuse and physical exhaustion, as well as starvation. Typical injuries can include broken bones, concussion, bruising or burns, as well as other injuries consistent with assault. Some of these serious injuries can cause lasting health problems and may require long-term treatment. Sex traffickers use a variety of ways to “condition” their victims, including subjecting them to starvation, rape.

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<sup>6</sup>. **Women Trapped In Human Trafficking: Its Causes and Effects'**Mr. Santosh Pujar and Dr. R. N. Mangoli  
R ISSN 2348-3156 (Print) International Journal of Social Science and Humanities Research ISSN 2348-3164 (online) Vol. 3, Issue 2, pp: (510-513), Month: April - June 2015, Available at:  
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gang rape, physical abuse, beating, confinement, threats of violence towards the victim and victim's family, forced drug use.etc

- ❖ This type of physical and sexual abuse described above leads to severe mental or emotional health consequences, including feelings of severe guilt, post-traumatic stress disorder, depression, anxiety, substance abuse (alcohol or narcotics) and eating disorders. In extreme cases, the mental anguish can lead to self-mutilation and/or suicide.
- ❖ **Fuels the organized crime:** Trafficking in women has taken for commercial purpose. Trafficked women are used for many profitable business eg prostitution, beggary, supplying for domestic work with low payment or no payment, smuggling and even for terrorist activities including human bomb.
- ❖ Promote social breakdown
- ❖ Loss or discontinuation of education
- ❖ **Loss of support from family or community:** Once the either girl or woman trafficked ,even she escapes from such vicious circle wants to live with family, neither family nor community will not accept or support her lead comfortable life.

#### 4. LEGAL FRAMEWORK:

##### **IPC Crimes:**

- i) Procurement of minor girls (Sec. 366-A IPC)
- ii) Importation of girls from foreign country (Sec. 366-B IPC)
- iii) Trafficking of persons for “physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude and the forced removal of organs” is prohibited.(New Section 370 IPC) Cases covering a wide variety of forms of modern-day slavery have been registered under this section.
- vi) Selling of girls for prostitution (Section-372 IPC)
- v) Buying of girls for prostitution (Section -373 IPC)
- vi) Kidnapping & abduction for specified purposes (Sec. 363 -373 IPC)

##### **Special Legislations Crimes:**

- i) Immoral Trafficking (Prevention) Act 1956. Prohibits the procuring, inducing or taking of a person for the purpose of prostitution.
- ii) Bonded Labour System (Abolition) Act 1976.
- iii) Child Labour (Prohibition and Regulation) Act 1986.
- iv) Transplantation of Human Organs Act 1994.
- v) Juvenile Justice (Care and Protection of Children) Act 2000.
- vi) Prohibition of Child Marriage Act, 2006.
- vii) The Protection of Children from Sexual Offences Act, 2012. Prohibits a range of sexual offences against children under the age of 18.

##### **Policy/Plans Framework:**

##### **Action/Initiatives By The (MWCD)**

With a view to tackle the menace of human trafficking, Ministry of Home Affairs, Government of India has taken a number of measures such as

**Anti Trafficking Cell(ATC) :** Set by MHA in 2006, to act as a focal point for communicating various decisions and follow up on action taken by the state governments to combat of human trafficking.

**The Ministry of Women and Child Development (MWCD)** in an attempt to stop the trafficking of women and children has undertaken a number of initiatives.

- National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children 1998, was formulated with the aim of mainstreaming and reintegrating victims of trafficking.
- Central Advisory Committee (CAB) was constituted to advice on methods and tactic to address the problem.
- Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation protocol was published as guidelines for all stakeholders.
- Ministry of Home Affairs has set up of a dedicated nodal Cell with responsible for providing state governments with the necessary research, studies and information.
- Training to all stake holders such as police, government officials, etc. to better understand the situation and hence respond properly to a suspicious activity or person.
- The MWCD runs Shelter based homes Short Stay Homes, Swadhar Homes for women in difficult circumstances
- With the Ministry of External Affairs, MWCD has endeavoured to create special task forces to combat cross border trafficking.

#### **5. CONTROLLING OF WOMEN TRAFFICKING:**

In the light of above discussion the following suggestions are submitted by the author to combat the menace of trafficking in women.

1. **Need to reconstruct the image of women:** There is a need to reform the images of women in society that have been created over centuries by history, mythology and social customs. Women must be considered as individuals who are equal to men in their own right. Women also have to be assertive and develop a self-identity for themselves so that they can lead a life of security and dignity. They must be made economically independent to achieve this aim.
2. **Stringent Enforcement of laws relating to trafficking, secure Vigilance in Trafficking routes** and Proper social accountability is needed There is no dearth of laws for reducing sexual crime against women in any country, what is lacking is their proper implementation. There are many reasons for their inadequate enforcement. Some of the prominent ones are inadequate infrastructural facilities, lack of training and orientation of functionaries, lack of awareness among the victims, indifferent attitude of the enforcement mechanism, etc. Therefore, instead of creating more laws, all efforts should be directed to enforce the existing laws.
3. There should be regular discussions between the police, lawyers, judges, legislators and the representatives of the women's organizations at regular intervals.
4. Investigation of sexual crimes like rape, sexual harassment, eve teasing, etc. should be taken up expeditiously.

5. A greater number of women police investigating officers specialized in investigating crimes against women in sex work should be appointed preferably in every police station
6. There is an urgent need to re-orient law enforcement personnel to issues related to women in sex work.
7. Adequate and strong reaction from civil society and women's organizations should play a more constructive role in generating awareness and providing assistance to victims under ITPA.
8. Some of the existing regular courts should be designated to try all cases of crimes against women and children in sex work exclusively.
9. The media should highlight cases in such a manner that a message is conveyed to the society without disclosing the identity of the victims. The media should carry a 'know your legal rights' campaign through interesting programmes and quiz type competitions. The coverage of these programmes should be educative, interesting and appealing.
10. **Policy measures:** Economic and social policies taking have take measures to raise levels of social protection and to create employment opportunities not only victims but also to young ladies and women. Ensuring that policies are in place that allow women equal access to and control over economic and financial resources.
11. Taking appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of gender equality, the right to equal pay for equal work and the right to equality in employment opportunities.
12. **Awareness-raising measures :** By the help of NGOs and Police officials there can some types of advertisements through the popular media in particular location and by conducting some awareness programs in villages, local schools, among kids of the poor society and public to be alert of being victimized.<sup>7</sup>
13. **Developing after care programmes** that offer livelihood options and include providing medical assistance, basic education, literacy, communication and other skills, and reduce barriers to entrepreneurship. Encouraging gender sensitization and education on equal and respectful relationships between the sexes, thus preventing violence against women. boosting her moral etc Ensuring safety and security at re- habitation centers.
14. **Protecting trafficked women.** How you deal with specific incidents of trafficking is important, not only to the welfare of the victim, but also to establishing relationships with other trafficked women and community groups that may be able to assist in solving the problem of trafficked women. Once you have identified trafficked women, you must protect them from their traffickers and inform them of their rights. In cases of severe victimization, you should prevent the woman from returning to her home or workplace, because the risk is very high that the victim will be quickly trafficked to another location and will remain in constant threat of physical abuse.
15. **Wide spread advertisement of governmental help lines:** eg recent app 112 INDIA dial,

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<sup>7</sup> International Journal of Applied Research

## 6. CONCLUSION

Human trafficking jeopardizes the dignity and security of trafficked individuals, and severely violates their human rights. Constitutions of India guarantee the equal rights to men and women, but they are often merely rhetoric when it comes to the question of practical implementation. In order to combat trafficking and thus to protect the human rights of the vulnerable people, strong political will of the government is vital in implementing their anti-trafficking mandates. Thus we can say any crime which can be used as business one day becomes a big social evil as in the case of human trafficking. The problem is still in our hands to be solved if the strong steps are taken deliberately and policies are made and implemented strictly. If timely steps are not taken then in very short time it will remain late but too late.

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