

# Origin and Techniques Human Trafficking in India: An analysis

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**Abstract - The issue of human trafficking in India is the primary subject of this investigation. According to all of the research, the major reasons why people become victims of human trafficking continue to be neglected in favour of illegal immigration or prostitution. Academics and politicians have, for the most part, turned a blind eye to structural inequities, practices that are culturally sanctioned, poverty, economic instability, forced labour, and gender-based violence. The victims of human trafficking in India have a higher priority than the factors that contribute to and facilitate the problem. This results in the provision of preventative measures. Human smuggling has existed since the beginning of time. It has a detrimental impact on the nation as a whole, both in terms of its physical health and its mental state. Their domain is one of complete and utter stagnation. The whole situation makes me feel ashamed and humiliated. It's a rather significant issue from a legal standpoint. An investigation conducted by the United States government estimates that there are 27 million victims around the globe. Protect their most fundamental human rights, encourage their progress, and keep them secure from the problems faced by the rest of the world. In spite of the fact that there are several laws and government programmes designed to make their life easier, there are still many barriers. It is essential to raise awareness of human trafficking in our nation because it is a significant problem that has to be addressed as soon as possible in order to ensure that all victims are heard and that they get the assistance they need to flourish. As a direct consequence of this, victims of human trafficking in India face a wide range of mental and legal obstacles, in addition to the possibility of becoming victims of trafficking a second time. According to the findings of the study, increasing the number of victim-centered interventions will assist with forthcoming new traffic cases. As a direct result of this, they look at the current condition of the laws regarding human trafficking in the United States, as well as the challenges and obstacles that are experienced by those who have been victims of human trafficking.**

**Keywords - Trafficking, Human Trafficking, Causes and Modes, Preventive Measures, Trafficking, Human Trafficking, Causes and Modes, Preventive Measures**

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## INTRODUCTION

To put it another way, human trafficking is an issue that has the potential to negatively impact human rights as well as the standards of contemporary society. Human trafficking serves a multitude of goals, some of which include sex slavery, forced prostitution, and the enslavement of women and girls. In the case of a forced marriage, it may also serve to strike a balance between the male and female partners. In addition to being a crime against humanity, it is also a violation of their basic human rights. People's ability to roam freely inside their own nation may also be restricted if they are subjected to coercion or exploited economically. Because of this, transnational crime may take place anywhere, including inside the boundaries of a country as well as outside of them. Human trafficking for the purpose of sexual

exploitation has been on the increase in a number of nations in recent years. This trend can be seen in a number of different countries. It is the criminal organization that is expanding at the quickest rate in the globe. This section focuses on the application of the legal concepts of joined labour, forced labour, and sex trade that are used at the national and international levels. Section 370 of the Indian Penal Code, which was added earlier this year, makes it illegal to engage in acts of slavery or servitude, as well as the removal of a person's organs against their will. These components have been linked to a number of cases of modern-day slavery that have been reported. Since this nation joined the Palermo Agreement and updated its criminal code, it has been against the law to engage in the trafficking of individuals for the purpose of exploiting them sexually. The Traffic in Persons Act makes it illegal

to engage in prostitution because it forbids the criminal use of a person for the purpose of prostitution as well as the illegal solicitation of a person to engage in prostitution. According to the Protection of Children from Sexual Offences Act of 2012, it is now illegal to have sexual relations with people who are under the age of 18. Sexual exploitation, forced labour, and the sale of organs are all forms of human trafficking. Prostitution takes numerous forms, including sex trafficking, which is a kind of prostitution that is prohibited in many nations. When a person is forced to work for someone else, this is an example of the illegal practice of labour trafficking. Two instances of forced labour include a young woman who is abducted and forced to work as a maid and a young boy who is coerced into working in the fields. Organ trafficking is a term that's typically used to refer to the practice of buying and selling people for the goal of obtaining their organs for transplantation. Traffickers in human beings may resort to physical force or make false promises in order to coerce their victims into cooperating with them. Examples of fraudulent promises include dishonest job offers and weddings that take place in other countries. According to the Foundation Global Slavery Index 2014, a total of 14 million individuals were victims of human trafficking in India in 2014. This statistic demonstrates that the crime is pervasive across the country. According to India's 2008 Plan of Action to Protect and Safeguard Human Trafficking, human trafficking is a significant problem in the nation. [Citation needed] Significant earnings may be produced with very little effort thanks to the low enforcement of laws and the involvement of traffickers. Only by punishing those responsible for trafficking people in humans and seizing their assets and means of support is it possible to stop this practice. According to estimates provided by the International Labor Organization (ILO), forced labour earned revenues of around \$150 billion in 2014. According to the International Labor Organization, there are millions of individuals being forced to work in servitude across the globe today (ILO). 14 million people were forced to labour, 4.5 million were sexually exploited, and the remaining 2.2 million were considered to be slaves. According to the International Labor Organization, members of underrepresented groups, immigrants, and employees under the age of 18 are among the most susceptible to becoming victims of human trafficking wherever in the world (ILO). Only half of the world's 215 million employees are employed in dangerous jobs such as being sexually exploited against their will or begging on the streets.

Human trafficking is one of the illicit enterprises that is developing at the quickest rate for criminal organizations. Several international accords have labelled this act as a violation of the victims' human rights, and it has been condemned as such. In addition to that, it is governed by a European nation that has strong ties with it and is in charge of it. According to a study published by the United States Department of State, Belarus, Turkmenistan, Iran, and Russia, along with a number of other nations, are among the worst offenders when it comes to preventing slave labour

and human trafficking. There is potential for human trafficking on both the national and international levels. The United Nations' adoption of the Trafficking or Other Protocol to protect, prosecute, and punish victims of human trafficking, especially women and children, is evidence of the organization's recognition of the issue's significance on a worldwide scale. The United Nations Convention Against Transnational Organized Crime (also known as UNTOC) came into effect on December 23, 2003. It was an international pact that the United Nations had developed to fight transnational organized crime.

In contrast to the practice of human trafficking, the act of people smuggling involves the deliberate recruitment or employment of persons for the purpose of covertly transporting goods over a boundary. Due to the fact that illegal immigrants are unable to enter the nation in a lawful manner, this is one of the most popular entrance points for them. After entering the country, illegal immigrants are free to go anywhere they like after they have reached their final destination. Even if it's against the law, it doesn't make it any less of a valid option. Despite the fact that in-house research have shown that illegal immigrants have a total and utter contempt for the national standards of the destination country, this does not justify the criminal behaviour of illegal immigrants. Human trafficking is considered to be a crime against an unlawful person since it infringes on the victims' constitutional rights as well as other rights by using them inappropriately and using compulsion.

#### **THE FOLLOWING ARE THE PRIMARY OBJECTIVES OF THIS RESEARCH PAPER:**

- The first thing that has to be done is to figure out what drives human trafficking in India.
- To investigate offences related to the trafficking of humans that took place between the years 2010 and 2014
- Regarding the issue of human trafficking in India, please share some suggestions for preventing it.

#### **RESEARCH PROCEDURE**

The internet, district handbooks, and state analysis abstracts were some of the secondary sources of data that were used for this study (NCRB). Census and crime data were looked at since accomplishing that aim was the purpose of this study. A systematic strategy is required in order to achieve the purpose of the study. Both qualitative and quantitative approaches to analyzing the data were used in the process.

#### **ORIGIN AND TECHNIQUE OF TRAFFIC IN COUNTRY**

There are many different factors that might result in someone being a victim of human trafficking,

particularly in the case of women and children. Both push and pull elements are involved in the act of trafficking of human beings, namely women and children. Families who live in rural regions face a variety of difficulties, one of which is the fact that their daughters are sometimes required to find employment outside of the region in order to generate cash, pay for their education, and improve their skills. In addition to this, they are not aware of the actions of those who engage in the trafficking of humans. A new research found that individuals are not only coerced into becoming victims of human traffickers, but they are also pushed to choose that path by the traffickers themselves. Because they are unable to get away from the exploitative environment, prostitutes often develop close relationships with traffickers and end up following in their footsteps.

The demand for low-wage work in sweatshops and the adoption of young children is one reason why young girls marry outside of their caste. Other reasons include the growing need for female workers in the rapidly developing sex industry, the current desire for young girls to join the military, and the growing need for female workers in the sex industry. Due to this factor, the number of women living in various states is lower than the number of males. The families of girls who are taken from distant areas like Assam are led to believe by human traffickers that their daughters would all be married.

Both legal and illegal migration is being driven in the area by the region's rapidly expanding population as well as its rising need for low-cost labour. Many women and girls from Bangladesh and Nepal end up working as prostitutes in Indian brothels. A growing number of women and young girls are migrating to the East as well as to other regions of the globe. Many people resort to illegal immigration and the trafficking of people when they are in desperate need. When it comes to both providing and getting citations, migration is governed by use and source. There are no job opportunities available on the supply side, and this is connected to the need for low-cost labour at the destination. In the United States, it is not uncommon for persons from low-income nations like Bangladesh to be exploited and trafficked for various purposes. According to a study published by the ESCAP, teenage girls from huge nations such as India and Nepal are being trafficked, married, and then trafficked again.

The inability of the underprivileged Indians to interact with people outside of their homes is a significant source of worry for them. They are not able to read or write, hence this is not a talent that they have acquired. They depend on the assistance of others to communicate on their behalf since they are unable to write or make contact on their own. Rarely do legal guardians provide support to the people they are responsible for. The victims are more often the focus of police attention than the offenders. Researchers have the ability to research the high incidence of human trafficking while avoiding the restraints that put

vulnerable people in danger of being victims of human trafficking. The globalization of the tourist and entertainment sectors has been an important contributor to the growth of the manufacturing sector. The sex tourism industry, along with others that deal in sexually explicit content, is seeing significant growth. The rising number of males coming to the city as well as the high needs of BPO employment is two factors that have contributed to the rise in the demand for commercial sex in cities. At the very least in the near term, it seems that human trafficking and marriages between minors are connected. Human trafficking organizations often use this mode of transportation for the purpose of transferring women. Women who live alone are seen with distrust in traditional rural civilizations. Parents have feelings of embarrassment if they are unable to successfully plan the wedding of their daughter. It might be difficult for parents to turn down marriage offers from human traffickers (who offer monetary rewards ranging from Rs.1000 to Rs.5000). In order for them to accomplish their goals, women are resold many times after they have been married... One kind of human trafficking is practiced in order to assist economically disadvantaged families in urban areas in securing employment and bettering their living situations.

Exploitation of migrants as a condition of the traffickers' permission to migrate in return for the traffickers' aid or organization on the migrants' trip is one example of this kind of practice that occurs within the context of human trafficking. Common forms of human trafficking include abusing the victim's health or force, abusing their position of authority, defrauding them, and forcing them to pay off a debt that they did not incur. If women or children who have been trafficked are brought to brothels or other places, they are forced to work as employees, as was the case in the past, even if they are offered jobs in the service or domestic industries. This is the case regardless of whether or not they are offered jobs in the service or domestic industries. These individuals are being held in detention facilities by traffickers, at which time critical papers and other forms of identity are being stolen from them. In recent years, large traffickers have subjected their victims to torture or imprisoned them, and then either released them or paid them to do so in order to free them, which has resulted in numerous high-profile instances of sex trafficking. According to estimates provided by the International Labor Organization, there are more than 4.5 million individuals working across the world as sex trafficking proofers (ILO). On the other side, victims are placed in very difficult and harmful circumstances, which make it almost impossible for them to escape. Additionally, many diseases have the potential to be fatal and pose a danger to one's life.

## **LABOR TRAFFICKING**

This category encompasses all manifestations of slavery, including but not limited to debt slavery,



serfdom, and forced labour camps. When a violation of the law occurs, forced labour is defined by the International Labor Organization as "voluntarily executing a task or delivering a service under the threat of punishment."

Worker exploitation refers to situations in which people are trafficked for the purpose of having them do forced labour or services. Examples of this include child labour and slavery.

Agriculture, manufacturing, construction, household labour, the entertainment sector, and other businesses of a similar kind are among the most prevalent industries in which this happens. Other industries of a similar nature also see this phenomenon. A victim may be anybody, regardless of where they are from or what ethnic group they are a part of, and anyone can become a victim. It is often used to discourage individuals from migrating across long distances or relocating to another nation for the sole purpose of finding employment. People who are unable to communicate their dissatisfaction with their situation to the appropriate authorities may be readily recognized by the general community due to the irregularities in their physical appearance or cultural practices that lead them to stand out from the rest of the population.

## ORGAN TRAFFICKING

The trafficking of human organs is yet another kind of human trafficking that may take a variety of forms depending on the specifics of the situation. People are sometimes coerced into selling their body parts, while others willingly agree to do so in exchange for high-value money or goods, only to be paid nothing or get a meagre reward from the traffickers of organs. Some people are forced to sell their body parts, while others willingly agree to do so in exchange for high-value money or goods. When the incorrect person is being treated for another health condition at the same time as the incident, victims' body parts have been removed without their consent. This occurs when the wrong people is being treated for the same health issue. This issue affects people from a variety of backgrounds, including migrant workers, those with poor educational attainment, and the homeless. These individuals, collectively, have a higher risk of being exploited than the general community does as a whole. In the eyes of the general public, it is often referred to as organized crime. Organ trafficking includes a diverse group of criminals, including buyers, purchasers, couriers (including medical professionals), and intermediaries. Recruiters are also involved in this illegal activity. The kidney, which is considered the most valuable organ on the black market, is often used as an illustration. Human traffickers who are involved in this lucrative business make a lot of money as a side benefit because there are a lot of people on the waiting list for organ transplants and there aren't enough donors to go around. This is because there aren't enough people who are willing to donate their organs.

## FORCED MARRIAGE TRAFFICKING

The United States perceives it as a violation of that right and considers it to be an infringement of human rights. People who are married and have no other option than to tie the knot are also afforded some degree of liberty and freedom. According to the Universal Declaration of Human Rights (UDHR), which has been endorsed by the United Nations Constitution, everyone has the right to select who they want to spend their life with and to be married if they so desire (UN). A marriage is considered to have taken place in the eyes of the Roman Catholic Church regardless of whether or not the union was voluntary. Human trafficking may sometimes take the form of forced marriages. [Case-specific] [Case-specific] For instance, a woman's life may be considered that of a sex worker if she were forced to marry someone and then deported to another country, where she would be required to engage in sexual activities with her new husband on a regular basis. This would fit the definition of a sex worker. In the same vein, the act of treating a bride as a domestic servant, whether by her in-laws or by her husband, is considered labour trafficking.

## CALCULATE TO COMPACT HUMAN TRAFFICKING IN INDIA

The laws that the government and society have in place to combat human trafficking need to be updated, and we have to investigate additional structural features that may be included into an effective national anti-trafficking plan for our country. We are all in agreement that a more successful criminal justice system is required to combat human trafficking as a serious crime that occurs in our daily lives, and our plan incorporates the vast majority of the very advantageous criteria for a more successful criminal justice system. In addition to this, it is constructed on a basis that is respectful of human rights and norms.

## BE IMPORTANT IN YOUR DEFINITION OF HUMAN TRAFFICKINGS

Before we move any further, I think it's important for us to address the most pressing problem first. In this manner, any misunderstandings about the practice of human trafficking in our nation may be rectified. In spite of the fact that this issue has been discussed in a number of treaties, the laws that we have on the books in our country do not go as far as the international accords. The phrase "human trafficking, begging, and other types of forced labour" is included in the list of activities that constitute a criminal offence for any violation of this section. What is known as "wrong prostitution" in India is the subject of a significant percentage of the regulations that the Indian Penal Code (IPC) has enacted in response to the issue of human trafficking.

It is possible that it applies to human traffickers, despite the fact that it does not directly address the issue of trafficking in children and women. In addition, the government passed a law called the "Immoral Traffic in Persons (Prevention) Act," which is often referred to as the "Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA)." In view of the fact that any of the individuals on the list that came before this one may be victims of human trafficking, any restrictions or biases that are held towards men need to be removed. If only women are subject to sexual exploitation, then it's ludicrous to think that men aren't also at danger.

## **JUDICIARY MUST BE RESPONSIBLE**

The Indian legal system, which serves as a constitutional authority, protects our basic rights as well as our human rights. To put it another way, there are just not enough judges in our nation's judicial system to handle all of the cases that are brought before them.

As a consequence of this, the typical amount of time ranges anywhere from five to twelve years, depending on the specifics of the situation. Investigators have a hard challenge whenever they are tasked with ensuring the safety of victims or witnesses or keeping them from becoming hostile. The prosecution is having difficult time gathering evidence from victims and witnesses due to the court's inability to rapidly settle cases involving human trafficking. This is making it more difficult for the prosecution to prove their case.

In order to recruit fresh victims in another region of the globe to exploit, traffickers may also change their names, addresses, and other identifying information. This allows them to blend in more easily. The police have a difficult time capturing criminals and, as a direct result of this difficulty, get them to appear in court. Therefore, in order for our judicial system to operate effectively, we need to swiftly replace any vacancies that may emerge. In order to lessen the likelihood of cases being delayed further, "quick track" courts should be established in each district for the purpose of hearing cases involving human trafficking. These courts would ensure that procedures are carried out on a daily basis.

## **MUST BE CONVICTION OF TRAFFICKERS TO DETER OTHERS**

It is imperative that the individuals who are suspected of engaging in human trafficking be found guilty in order to deter others from engaging in the illegal activity and taking advantage of more victims. It is the suspected traffickers in persons who should be held responsible for their actions under the relevant criminal statutes, not the victims. It is imperative that any legal gaps that increase the likelihood of a conviction be closed. It is very uncommon for those who traffic people to take advantage of legal gaps in order to avoid being prosecuted for the crimes they have done. On the other hand, the IPC imposes severe penalties

for the crime of trafficking in the sexual market. It is a violation of the law under the Indian Penal Code section 366A to move trafficked females to other parts of the nation. According to Section 366, it is illegal to bring an Indian girl under the age of 21 into the country for the purpose of prostitution (B). This provision presents a challenge since it demands evidence that females were pressured or induced to participate in illicit activities. There is an issue with this clause. According to this clause, those who traffic juveniles for the purpose of forcing them into prostitution are immune from criminal punishment. This is a major flaw in the design.

## **ADOPT VARIOUS ANTI TRAFFICKING INITIATIVES**

Our nation faces a significant challenge in the form of human trafficking, and in order to effectively battle this epidemic, we will either need to adapt our current anti-slavery policies or develop new ones. Some instances of this are the professionalization of investigators who look into cases of human trafficking and the reform of the criminal justice system in India. We have a responsibility to generate both funds and awareness on the issue of human trafficking in our areas. They are of tremendous assistance in the fight against human trafficking in its many forms. High school students in Asia are the target audience for a campaign called "The 24 Hour Race," which seeks to educate them about the issue of human trafficking. Human trafficking flourishes in regions where there is widespread corruption within the police force, which in turn helps to widen the gap between the government and non-governmental organizations. According to the United Nations Special Rapporteur on Violence Against Women, the problem of human trafficking is often brought up by women's organizations and victims of human trafficking because of the corruption that exists within the police force.

## **ACCEPT THE HUMAN RIGHTS PRINCIPLES**

The ideal course of action for India would be to ratify any international human rights agreements or treaties that were initiated by the United Nations or any other domestic agency that is recognized internationally. Due to the fact that our domestic laws do not adhere to international human rights norms, this is a major cause for worry. In the United States, there is not currently a robust human rights normative framework in place to discourage the practice of human trafficking. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was adopted by India in 1993 and creates a legal framework for non-discriminatory action, has addressed the issue of women being trafficked. According to Article 6, India is obligated to make all effort possible to put an end to all types of trafficking in human beings. After the agreement was signed, India brought up contentious paragraphs about the acceptance of discrimination in cultural and customary practices. These passages

were a source of contention for India. Because of this constraint, a number of foreign organizations concerned with human rights have expressed doubts about the impact that CEDAW would have on gender inequality in India. It is not conceivable to make the case that the CEDAW has been violated in any way by Indian law, for instance. As a direct consequence of the acceptance of these caveats, Clauses 5 and 16 of the CEDAW have been disregarded. In addition to this, it works against the aims of CEDAW as well as the parties to the contract. As a direct result of this, all of us are concerned about the efforts to combat human trafficking as well as violations of human rights. Everyone who cares about these problems has to collaborate on a worldwide basis in order to effectively oppose human trafficking and violations of human rights. Only then will we be able to successfully tackle these concerns.

## CONCLUSION

Those who engage in human trafficking are violators of human rights. Although it is stated in the Indian constitution that men and women should have equal rights, this is not always the case in Indian society. In order to combat human trafficking and safeguard the civil liberties of those who are most susceptible to its effects, governments must muster the political will to put anti-trafficking laws into effect and strictly execute them. As a consequence of this, any criminal activity that is motivated by profit, such as the trafficking of humans, becomes a significant problem for society. Nevertheless, we have the ability to alter the course of events by taking decisive action and putting policies into place. It is imperative that a solution to the problem be found as quickly as possible; else it will be too late to do anything about it. It is imperative that India put an end to the practice of trafficking in human beings. A multifaceted strategy is required in order to combat the problem of human trafficking in our society. It is necessary for victims of human trafficking to get rehabilitation and to be reintegrated into society. If we don't take action right away, we won't be able to solve the issue in a way that's sustainable and strategic over the long run.

Before this evil can be eradicated entirely, a large number of wealthy and developing nations, in addition to other critical parties, will need to make firm commitments to mitigate the negative impacts that human trafficking has on its victims.

This cycle should be followed in its entirety, beginning with prevention and proceeding through recruiting, rescuing, and reintegrating personnel, and finally transporting those who are bound. If steps to combat human trafficking are carried out without participation from affected parties, it would be a violation of the victims' rights.

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