



DEMOCRACY AND HUMAN TRAFFICKING IN INDIA

Purnabahadur Shahi

Abstract

This research paper aims at throwing light on democracy and human trafficking in India. The research paper is covered in mainly 5 sections. The first section is Introduction and it includes a brief description of the prevalent problem in the country. It describes human trafficking through the eyes of various scholars. The next part aims at solely describing human trafficking and the laws applicable to deal with the issue. The concept "crime" comes from the Latin word "crimen," which means "offence" or "culprit" and a crime committed on human refers to human trafficking. The applicable laws are section 370 and 370A of the Indian Penal Code, The Constitution of India, The Juvenile Justice (Care and Protection of Children) Act, 2000, Immoral Traffic Prevention Act, 1986, and The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. These laws provide imprisonment and fine to the culprits and aim at spreading awareness among the target communities. The next section explains the relationship between democracy and human trafficking. It has been identified that the rate of human trafficking has been constant but the punishments and laws have been more rigid. The next section represents some strategies that can help reduce human trafficking in India. The strategies are inspiring companies not to use child labour, encouraging the spread of academic achievement, increasing awareness between many families and communities, and rigid laws have been enacted to combat child trafficking. The last section presents the conclusion for the whole research paper.

Introduction

Human Trafficking (THB) is a criminal act to attack, result, or push a human being into an unethical scenario in an attempt to benefit. Sexual services extortion, child slavery, compulsory labour, bonded labour, illegal organ disposal, and other forms of slavery exist. The nation is observing both cross-border and intra-country trafficking. Every year, trafficking in human beings spends billions of in gain at the expense of hundreds of victims. Understanding the mechanisms that direct to standards and policies established to prevent victims of human trafficking is therefore critical. Human trafficking affects almost every country on the planet, albeit in varying degrees. Nations can be the beginning, route, or transit point for victims of sex trafficking in instances where they are trafficked all over the territory. Victims are selected and trafficked away from the residential nations in emerging economies. This research paper aims at spreading awareness among the readers regarding the exploitation of the target communities (Ortega, et al., 2022).

Defining human trafficking and its applicable laws

Concept of human trafficking

Trafficking refers to the trading of illegal things or objects. Human trafficking is the illegal trading of humans from one place to another. It is the exploitation of human rights that leads to its degradation. Individuals are transported for the sex trade and enslavement. It's also used for organ and tissue removal, forced marriage, compulsory labour, and domestic service (Russell, 2018). After narcotics and the sale of weapons, human trafficking is the world's third-largest organised crime. Human trafficking is mostly used to take advantage of women and millions of children. There are several reasons why people are trafficked. Unfortunately, the Immoral Trafficking Prevention Act persists today to combat human trafficking (ITPA). Only if human trafficking is conducted for prostitution is it considered illegal. As a result, to stop human trafficking in India, the legislative laws about human trafficking must therefore be improved (Farrell and De Vries, 2020).

Human trafficking is the use of coercion, deception, or deceit to recruit, transport, trade, harbour, or receive persons for the purpose of profit. This offence, which happens in every corner of the world, can affect men, females, and children and adults and from all walks of life (Okech, et al., 2018). To deceive and force their targets, traffickers frequently resort to violence, sham recruitment agencies, and false promises of education and work possibilities. Persons' human rights are violated as a result of human trafficking, and they will be also exposed to re-victimization. Human trafficking legislation should be tightened to ensure that they meet all of the standards for combating human trafficking. The concept "crime" comes from the Latin word "crimen" which means "offence" or "culprit." As per Blackstone, a crime is an offence done or not done in contravention of public law that prohibits or commands it. The comprehensive research of crime, along with its origins, law enforcement reactions, and preventative techniques, is known as criminology (Aronowitz and Veldhuizen, 2021). It is a sub-discipline of sociology, the systematic method of social behaviour.

The legal framework in India

Indian Penal Code 1860: The Indian Penal Code, which was established in 1860, specifically covers the issue of human trafficking. The Indian Penal Code addresses this issue in Sections 370 and 370 A. It outlawed the trafficking of females and imposed harsh penalties on anybody who violated the law. Anybody who buys or sells an individual under the age of 18 for trafficking, sex trafficking, or other unethical reasons is subject to the provisions of the law. That offender faces a maximum sentence of ten years in prison as well as a monetary penalty. This section also emphasises the concept of cross border trafficking when the person is transported to a different country without their permission. The criminal intent behind transporting the person is likely to indulge them in sexual exploitation. According to this section, that person who is liable for illegal transportation is punishable with imprisonment unto at least 10 years and shall also be liable to a fine (Mahmood and AHMED, 2021).

Constitution of India, 1949: The purpose of the Indian Constitution is to protect the human rights of every citizen and it includes the right to freedom, right to free speech, right to equality, and right to gain constitutional remedies. These articles are inclusive of the rights of the individual to be prohibited from human trafficking. It is one of the fundamental rights mentioned in the constitution and gives people a chance to protect themselves.

The Juvenile Justice (Care and Protection of Children) Act, 2000: This act restricts the distinction between a minor person and a child. It is to be noted that all the people that are under the age of eighteen years, are to be considered as children. A minor is a person who is below the age of eighteen years. The distinction was restricted to protect the categories from being prejudiced due to the prevalent conservative thinking of people. The emergence of this act is done to provide care to the children who need it (Malhotra, 2021).

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989: The harsh reality of India is that the majority of the victims of human trafficking belong to marginalised groups and communities. Some culprits believe that it is easy to target marginalised communities due to their vulnerability and supposedly lack of education. These communities are considered to be backward and they are sometimes provided with money to help in the human trafficking of their children. This act aims at protecting the people that belong to such marginalised communities and it also intends to increase the burden of the trafficker so that the crime cannot be committed. However, even after the availability of this act has not reduced the statistics of human trafficking (Kotiswaran, 2021).

If the perpetrator is aware that the target is a member of one of these groups, this act can be utilised to successfully combat human trafficking. Horrific crimes against people from Scheduled Castes and Scheduled Tribes are dealt with in Section 3 of this legislation. It encompasses some types of human trafficking's, including coerced or bonded labour and female sexual abuse. If the crime is included under section 3, the minimum punishment is six months, although it can be increased to five years.

Immoral Traffic Prevention Act 1986: In 1950, the Indian government joined the International Agreement for the Prohibition of Unethical Traffic in Persons and the Abuse of Others. The government of India enacted the Suppression of Immoral Traffic in Women and Girls Act (SITA) in 1956 as a result of the meeting's acceptance. The law was further updated and modified in 1986 and became recognized as the Immoral Traffic Prevention Act, 1986. (PITA).

Impact of democracy on human trafficking in India

The Indian government somehow doesn't completely determine the basic norms for the abolition of human trafficking, but it is stepping up efforts to do so. In comparison to the past reporting period, the administration evidenced overall increased efforts. Given the COVID-19 pandemic's effect on its anti-trafficking ability (Farrell, et al., 2019). As a result, the Country remains in Tier 2. These attempts included recognising more victims as well as trying to prosecute more cases of human trafficking. The government secured funding as a result of increased threats to trafficking as a consequence of the global epidemic. To enhance current infrastructure and establish new Anti-Human Trafficking Units (AHTUs) throughout the country. According to media reports, railway and transit police have expanded monitoring of transportation hubs to protect and apprehend culprits and victims of sexual abuse. The government has invested funds to set up women's assistance workstations in 10,000 police stations around the country. In addition, facilities for victims of violence, such as human trafficking, were made more accessible (Richie-Zavaleta, et al., 2021).

During the pandemic, Courts in India made greater use of video witness statements for victims of human trafficking. Some provinces also made important attempts to include the development of standard operating procedures (SOPs) for identifying bonded labour victims. In addition, victims of bonded labour should receive a significant level of compensation allowed by law. Nevertheless, the government fell short of the minimum requirements in several areas. As whole anti-trafficking efforts have been insufficient, particularly against bonded labour. The government obtained lesser prosecutions, but the acquittal rate for traffickers stayed high, at 73 per cent. Concerns stayed about formal culpability in trafficking. No prosecutions were reported by the government (Branscum, et al., 2021).

Even though law enforcement enhanced victim authentication, they recognised a comparatively small number of victims in comparison to the seriousness of the situation, with some organisations assessing that there are eight million trafficked person victims in India. Attempts to audit government-run or -funded shelters have been insufficient, and substantial flaws in victim protections, particularly for children, have gone unanswered (Franklin and Koszalinski, 2022). Numerous victims waited a long time for central-government mandatory

remuneration, and state and district legitimate workplaces frequently did not consciously demand the remuneration or help victims in filing applications. Due to lengthy or absent repatriation procedures, some international trafficking victims stayed in state-run shelters for decades.

The Ministry of Home Affairs of the Government of India has begun a two-year project in collaboration with the United Nations Office on Drugs and Crime (Tetty, et al., 2022). For the mentoring of law enforcement officers in four provinces, namely Maharashtra, Goa, West Bengal, and Andhra Pradesh, on human trafficking. For navigation, directing, and controlling the project, a Project Steering Committee has been formed. The proposal will create public awareness of Law Enforcement Personnel (police and prosecutors) on the issue of human trafficking through a sequence of training courses. And to strengthen their resources to successfully investigate crimes and bring charges to those who commit them. Under this venture, a few (AHTUs) are also suggested to be established or reinforced at the government level in the selected states. The key purpose of an Anti-Human Trafficking Unit (AHTU) would've been law enforcement, as well as liaison with other appropriate authorities for victim care and rehabilitation (Ajmeri and Mehta, 2021).

Recommendation of strategies to eradicate human trafficking

It has been stated that individuals, particularly women and children, are likely to become victims during "disaster migration" and from "disaster-prone areas," such as massive flooding, natural disasters, poor harvests, riots, terror attacks, and so on. As a result, it is critical to maintain increased vigilance at transit points and boundaries, both inter-district/interstate and international. Police must work collaboratively with immigration officials, the Border Security Force (BSF), railroads and other transportation officials, provincial/territorial and municipal organisations, welfare care, child welfare officials, and any non-governmental organisations (NGOs) relating to service delivery to locate and rescue victims (De Shalit, et al., 2021).

Efficient monitoring and vigil at trafficking hotspots such as roadways, dhabas, train stations, and bus terminals for the questionable motion of traffickers and victims, as well as tracking potentially malicious movements of unfamiliar people in villages through village community engagement.

- Vigilant enforcing laws through knowledge transfer with lawmakers from the local authorities, society, and NGOs aims to spread awareness and acquire energetic community engagement (Knight, et al., 2021).
- Regular intervals inspect carriers to protect the physical transportation of trafficked people.
- Preventing supply by identifying and managing new types of demand. For instance, placement departments that provide household child labourers.
- Enabling inter-state partnership by sharing information on missing children/kidnappings and suspicious offenders. Interagency advancement of victim and perpetrator profiles (Avdan and Omelicheva, 2021).
- Awareness programs/workshops for police officers/railway law enforcement officers, as well as investigators, on the aforementioned trafficking regulations. Regular intervals conferences of state nodal officials may be held to evaluate and supervise attempts to stop and battle trafficking.

In the context of child trafficking, the following provisions must also be borne in mind:

- Recognition of kids at risk, for example, continuing to follow invasions on off-street locations, replying to recommendations from other organisations, non-governmental organisations, or the general public and checking up on findings of missing kids.

- Report occurrences of kids in need of security to the appropriate child protection services. Police Stations might be made aware of this for this intent.
- Advancement of victim analysing in collaboration with other agencies.
- Conducting joint interview sessions with case services of students identified as victims or possible victims to evaluate danger and help in the implementation of protective plans.
- Conduct background checks on funders and people are claiming to be family members of people identified as trafficked persons.
- Engaging in municipal child protection channels with related organisations (immigration, welfare care, NGOs, wellness, education) to create combined strategies to the problem at the community scale and contributing to larger forums as needed.
- If a child goes missing, introduce missing person processes, explore the situations, and disseminate information/investigate, collaborating with other organisations as needed.
- The Ministry of Labour and Employment has prepared a comprehensive protocol for preventing, rescuing, repatriating, rehabilitating, and reintegrating migrant and trafficked child labourers. All state and local governments have been given the procedure to enact (Breuil and Gerasimov, 2021).

Here are a few crucial steps to take in India to combat this social evil:

- **Encourage the spread of academic achievement:** Despite possessing the world's largest education sector, India has low levels of education owing to reduced enrollment and high dropout rates, leading to low consciousness and a lack of economic opportunity. Con artists can easily persuade poorly educated parents to give their children a better life in the metropolitan area (a very common ruse for trafficking). Informed kids and families are much more conscious, warn, and mature, and they understand the dangers of child trafficking very well. Educators who are tolerant and empathetic guidance children and parents to possibilities for greater growth and jobs, thereby generating a society motivated by aspirations in which traffickers cannot prosper.
- **Increase awareness between many families and communities:** An unawareness can lead to things that traffickers can take advantage of. Many impoverished kids become entrapped in drug addiction, which can direct to trafficking. Informed societies can comprehend and respond appropriately to the different methods by which child traffickers obtain children. These societies can stand strong if they are aware of the laws as Indian citizens and have access to opportunities for development, education, jobs, and entrepreneurship. A democratic society has been using community activities, such as athletics, art forms, and theatre, to enlighten societies about important resources and programs. Grassroots activism aids societies in combating poverty and enslavement, which are the foundations of human trafficking. NGOs such as Save the Children are uplifting citizens by providing them with revenue, education, and availability of information.
- **Rigid laws have been enacted to combat child trafficking:** Reform necessitates efficient policy decisions. Non-governmental organisations (NGOs) such as Save the Children are actively investigating, documenting, and highlighting necessity reform proposals. They collaborate with multiple government entities to encourage them to enact stronger laws to combat child trafficking. Numerous lawsuits have been registered under the recently enacted Protection of Children Against Sexual Offenses Act (2012) and the Immoral Traffic (Prevention) Act. They have increased verdicts, proving how legislation can help to reduce child trafficking.
- **Inspiring companies not to use child labour:** When forced labour is frequently used in companies such as retail, accommodation, and so on, an environment for child trafficking is created. NGOs have started a conversation to persuade trade organisations to stop this social ill, which would save people

a few rupees. Simultaneously, residents have been allowed to discuss the problem of child labour in companies, so that it can be expressly forbidden.

Conclusion

Even today, people's perceptions of human trafficking are clouded by ambiguous situations. The current regime, the media, and academic facilities must all work together to raise awareness about it, with a particular emphasis on educating the most vulnerable members of society. Despite the fact that there are many regulations in India against human trafficking, there is no single complete and thorough law dealing with all kinds of human trafficking and victim safeguards. Human trafficking needs to be tackled effectively to protect the communities from exploitation and sexual abuse. The following section discusses the relationship between democracy and human trafficking. It has been determined that the rate of human trafficking has remained constant, but the punishments and laws have become more stringent. The following section describes some strategies for reducing human trafficking in India. The strategies include encouraging companies not to use child labour, encouraging the spread of academic achievement, raising awareness among many families and communities, and enacting strict laws to combat child trafficking. The conclusion for the entire research paper is presented in the final section.

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