

## Critical Analysis of Human Trafficking in India

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### **Abstract**

*Human trafficking is menace of trading being carried upon human beings which violates their human rights. In today's modern era there are many people who are stuck as slaves and are generating huge amount of money for their traffickers. Human trafficking undermines the security of every person in a state because it is an organized crime and corrupted. Human trafficking is modern day slavery that involves victims who are coerced, defrauded or forced into sexual or labor exploitation. The victims are being exploited in various forms due to the major factors like poverty, religious/traditional prostitution, lack of employment opportunities, child marriage ,sex tourism and other challenges that directly leads to human trafficking. On this note, this research paper deals with the various issues and challenges which are revolving around the human trafficking. It talks about the process, extent and forms of human trafficking in India. The paper will also guide out the existing legal framework in India against the offence of human trafficking as well as various landmark cases and the steps taken by the government for its prevention and control. The study will be concluded with a critical analysis and the suggestive measures and control mechanism that should be implemented so as to strengthen the existing laws and statutes in order to curb the peril of human trafficking in the country.*

**Keywords:-** Human Trafficking, Trafficking in Persons, Child Trafficking, Human Rights Violations, Exploitation

### **Introduction**

Human trafficking which is for the cause of sexual harassment and plethora of other forms of exploitation is becoming an increasingly major menace around the world. Human trafficking means practice of illegally transporting, recruiting, harboring or receipt of person from one area or country to another, in the form coercion, threat or other forms of force.<sup>2</sup> The purpose includes sexual exploitation, forced labor, marriage, begging, drug smuggling, forced criminality or services like that of slavery or the extraction of the organ. The victims are being exploited in various forms due to the major factors like poverty, religious/traditional prostitution, lack of employment opportunities, child marriage, sex tourism and other challenges that directly leads to human trafficking. Not only women and children are subjected to the menace of human trafficking but it has its much impact on men. Human trafficking not only violates the legal right, but it also infringes the human right of the victim. Against the increasing cases of human trafficking in India, existing laws to deal with the same are not adequate and lack enforcement mechanism due to numerous flaws in it.<sup>3</sup> In India, act which punishes human trafficking is "Immoral trafficking prevention act" (ITPA), 1956 which only deals with "human trafficking" done for the purpose of sexual exploitation. This act in itself shows major redundancy in legislation as human trafficking does not restrict itself to mere sexual exploitation but the other forms of exploitation of human beings which need certain stringent laws and statutes.<sup>4</sup>

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<sup>2</sup> Veerendra Mishra, *Human Trafficking: The Stakeholders' Perspective* 6-8 (2013).

<sup>3</sup> Veerendra Mishra, *Human Trafficking: The Stakeholders' Perspective* 6-8(2013).

<sup>4</sup> Saddika Hameed, *Human trafficking in India, Dynamics Current Efforts and Intervention*, March 12 (2010).

The repercussions for the crime of human trafficking are adverse with an incalculable human cost and signifies one of the degrading and shameful actions of the globalized world<sup>5</sup>. The lenient legislation and statutes of the developing nations, grossed with factors like lack of education, gender discrimination, un-employment and other ill factors gives the widest scope for potential traffickers with an opportunity to trafficked victims that are the major cause towards the upliftment of this menace. Advancement in technology has also led to the increase in the menace of human trafficking. With the increase in the usage of social media and other related platforms, it becomes easy for the traffickers to exploit people, due to the availability of the information without any much hindrance.<sup>6</sup>

According to the UNODC, analysis of most of the victim of human trafficking reveals that most of them are trafficked for the purpose of commercial sexual exploitation. It has been mostly understood that the trafficking of the person is more between the countries, but the report reveals that 75% of the trafficking happens within the country itself<sup>7</sup>. According to the report, the most affected and prevalent states in India where the trafficking of women for the purpose of sexual exploitation and that of children for domestic work or forced labor are West Bengal followed by Jharkhand, Assam and Chhattisgarh.<sup>8</sup>

Being, recognized as the third most organized and challenging crime in the world the term “human trafficking” has not been mentioned clearly anywhere in the Indian laws<sup>9</sup>. which is in itself a great impediment for the Indian judiciary to deal with this menace. Hence, there is a urgent need to strengthen the laws of human trafficking, so it incorporates all the aspects of preventing and combating human trafficking. People below the poverty line and public in general, must be made aware about the human trafficking, violation of rights, its consequences in order to prevent them from becoming victim of such impediment.

## The Process

The first stage through which the menace of human trafficking starts is the transportation of the victim from the source area. At the initial stage, the victim is being recruited from the source of “origin”, commonly known as source area, by the different stakeholders or professional traffickers and are transported to the demand market.<sup>10</sup>

This abhorrent and malaise task of recruitment, harboring and transportation of victims by means of use of threat or force for the purpose of exploiting them takes place at the source area and this is the “origin” for the whole trafficking crime.<sup>11</sup> The origin of the crime of trafficking may be different at different stages as per the network of traffickers.<sup>12</sup> For example- the origin of trafficking of humans may be a small village or town or it can be a country for internationally

<sup>5</sup> Devin Brewer, *Globalization and Human Trafficking: The collision of words* (2008).

<sup>6</sup> Gaurav Hooda, Gauri Shrikahande, *Critical analysis of laws against human trafficking in India*, 4(4), AJMS, 23-25(2019).

<sup>7</sup> Global Slavery Report, (2016).

<sup>8</sup> NALSA, *report on sex trafficking and rehabilitation of victims*, (2016).

<sup>9</sup> UNODC Global Report on Human Trafficking in Persons, (2009).

<sup>10</sup> Janani G.S, *Human trafficking in India*, 120(5) IJPAM, 24-25, (2018).

<sup>11</sup> Chauhan, V., Chaudhari, S., & Chauhan, K. (2024). Research Journey of Advances in Human Biology: Visualisation Approach. *Advances in Human Biology*. [https://doi.org/10.4103/aihb.aihb\\_63\\_24](https://doi.org/10.4103/aihb.aihb_63_24)

<sup>12</sup> Sadika Hameed et. All. *Background Information on Human trafficking in India, The Asia Foundation report* pg.5(2010).

converged network. After the origin stage, next is “transition stage” in which the victim has to reside at a place for a particular short time period say for few days or weeks or months. The last stage is “destination stage” where the victim is being transported to the place of demand and then asked to provide service to the customers and thereby become the victim of modern day slavery.<sup>13</sup>

## The Extent

As per the record, there are around 1734 identified places in India from where victims are being trafficked.<sup>14</sup> The extent is such that it has become as one of the organized crime industries in the world. It is a billion-dollar business linked with the long chain of transportation from grass root level like villages, small town and assisted to the source destination. Moreover, the menace of human trafficking has led to other social discourse and push to other criminal activities coupled with the involvement of thousand criminals working as professional traffickers. Social discourse that arises from the abhorrent malpractice includes human exploitation in the form of prostitution, migration, commercial sexual exploitation, labor, child trafficking and other related criminal activities. Furthermore, many cases of human trafficking remain un-reported because of the social stigma attached with it. Therefore, the magnitude and extent of human trafficking remains unclear. Since the Poverty, illiteracy, lack of awareness are the main components that incentivize the menace of human trafficking, therefore tribal and other marginal areas are the easy source of recruiting the victim of human trafficking. The victim can be lure by the traffickers with less efforts coupled with the promise of good economic returns in the future.

As per the report of the Indian government in 2014, India remained in the tier-2 watch list with 5,500 cases of human trafficking ,having the lower rank in human trafficking, meaning thereby that the efforts of the government in the form of rules, statutes, guidelines are significant during the times, however, the US state department report reveals that 75 million people are being trafficked in India, with over 20 million people being enslaved. this ambiguity between the reports clearly reveals, that in spite of the data collected by the government and other international organization on the menace of human trafficking, there is still no conclusive data available, to accurately determined the extent of human trafficking in India.<sup>15</sup> Therefore, with the above comment it seems to be apparent that India is yet to meet the international standards of countering human trafficking with the enactment of stringent rules and regulations

## Purpose and Forms

Historically, the term human trafficking used to denote the recruitment and movement of victim from one place to another for the activities that are against the fundamental norms of society. for example-prostitution. But over the years; the general notion of trafficking related to prostitution has changed significantly and expanded apart from that of prostitution. Though human-trafficking majorly concerned itself with the exploitation of women and children, but several other forms and purposes have been included under it over the time. This form includes

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<sup>13</sup> Biswajit Ghosh, *Trafficking in women and children in India: nature, dimensions and strategies for prevention*, 13(7) ,IJHR, 716– 738, (2009).

<sup>14</sup> Jaffer Latif Najer, *Human trafficking in India*, 36(4), TSLI, 2-5, (2016).

<sup>15</sup> *Supra note 12*.

commercial sexual exploitation to the extent of forced labor, slavery, illegal activities like drug trafficking, servitude, removal of organ, sex tourism etc.<sup>16</sup>

### **Vulnerable Groups And Aftermath Consequences Of The Human Trafficking.**

Problem of increasing menace of human trafficking specially targets the women and children's victims from the lower strata of society. This is mainly because these groups are unaware of their rights, skewed towards increased abuse, exploitation, harassment, backwardness and other forms of social causes. In addition, there is none to help them out to make them aware of their rights. The primarily targets of human trafficking are children and women, which is for the purpose of forced labor of children and sexual exploitation of women. Social practice of devaluing children and women and the general notion of considering them as weak made them vulnerable to the menace. Other causes which inflicted these vulnerable groups with such plight is the involvement of international organized human trafficking industry, borders being of porous nature without much obstacle in crossing them, corrupt government officials, poverty, migration, lack of social or economic opportunity, and many other related aspects. In-efficient implementation of the laws coupled with laggard disposal of the cases on the menace of human trafficking has further plight up the destitution of the victims specially women and children of the human trafficking.<sup>17</sup>

### **Aftermath Consequences of the Human Trafficking**

The menace of human trafficking has malice impact and affect all areas of the victim life. The victim suffers from torture, deprivation, sexual and psychological abuse, economic exploitation and varied forms of ill-treatment. Unlike most other heinous crime, trafficking often caused prolonged mental trauma. There always remain higher chances of HIV infection on the victims of human trafficking and other traumatic stress and disorder, depression, alienation, difficulty in concentrating, disorientation and other harmful injuries. While the victim of human trafficking finds it hard to comprehend what had happened with them, it even becomes difficult for the third party to understand the depravity of the offence committed with them. Victims may feel stranger to those who support them and most of the times remains un-cooperative, aggressive and hostile. The stigma attached with the victims can have profound deep impact on their lives as well as the possibility of them being rejected by their own family. The long-term malice impact of the human trafficking for the victim are complex and further depends on many factors, sometimes with no guarantee of recovery.<sup>18</sup>

### **Preventive Measures to Curb the Human Trafficking**

- 1- Government should take the measures in order to generate the employment opportunities and to raise the social protection.
- 2- Taking effective measures as to ensure non-discrimination in the level of pay between men and women. There should be equal pay for equal work and the right to equality in employment opportunities.

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<sup>16</sup> Nair PM , Human Trafficking: Dimensions, Challenges and Responses(2019).

<sup>17</sup> *Supra note 12.*

<sup>18</sup> *Micah Hartmann, Causes and effects of Human trafficking, (2018).*

- 3- Taking the educational measures to reduce the violence against the women through encouraging gender equality and respectful relationship between gender<sup>19</sup>.
- 4- Media should coverage relevant program to aware the citizens for help in case they are trafficked and must also spread awareness regarding the harmful and prolonged consequences of the menace of human trafficking.

## **Indian Legal Framework Against the Human Trafficking**

Article 23 of the Indian constitution directs and obligates the state to protect the citizens from any form of exploitation. The article prohibits “beggar” and other similar aspects of the forced labor and mandates the state to enforce such legislation as are against the menace of human trafficking. It also provides that any violation of any statute, against the trafficking, shall be punishable as per the provision specified in section 366A, 366B, 370 and 370B of the Indian penal code, 1860. Article 39 of the Indian constitution directs the states to protect the children from any form of exploitation.<sup>20</sup> It is to be noted that the provisions and guidelines of both these articles have been incorporated into the immoral traffic in persons (prevention) act,1986 [ITPA] and suppression of immoral trafficking in women and girls act,1956[SITA].<sup>21</sup> Law of ITPA have been supplemented by Indian penal code, 1860, which laid down provisions against women and children trafficking and penal sanction at the breach of those provisions. “The juvenile justice act 1986” provides for protection, care, medical treatment rehabilitation and reformation of delinquent and neglected juveniles including girls.

## **The Trafficking Of Persons (Prevention, Protection And Rehabilitation) Bill, 2016.**

The main objective of the bill is to create stringent legal, economic and social environment against the menace of human trafficking and other similar related aspects. The bill sought to plug out the existing loopholes pertaining to the laws against human trafficking and sought to bring within its gamut the additional crimes which are not dealt under the existing legal framework against the human trafficking and its punishment as defined in section 370-373 of the IPC,1860. The additional penal provisions enacted are-

- 1- Penal sanction on the use of psychotropic substance, alcohol and narcotic drug for the purpose of human trafficking.
- 2- Penal sanction for the use of hormones or chemical substance for the purpose of exploitation.
- 3- Penal provision for the revelation of the identity of the victim and witness of the human trafficking.
- 4- The draft provides compulsorily reporting within 24 hours by the district administration to the anti-trafficking nodal cell which are established to curb such

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19 Trivedi, D., Majumder, N., Pandya, M., Bhatt, A., & Chaudhari, S. P. (2022). *Evaluating the global research productivity on domestic violence: a bibliometric visualisation analysis. Collection and Curation.* <https://doi.org/10.1108/cc-12-2021-0040>

<sup>20</sup> JN Pandey, Constitutional Law Of India 52nd Ed.(2015).

<sup>21</sup> Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill (2016).

menace or in case of child victim to children welfare committee, about the victim rescued from the menace of human trafficking.

- 5- The bill makes the penal sanction of 10 years rigorous punishment against those who engaged in such practice of human trafficking. The penalty may extend to “life imprisonment” for the repeat offenders.
- 6- According to the seventh schedule of the Indian constitution, police force is the subject matter under the state list and therefore state administration should have the prime responsibility for combating the human trafficking.

### **In-Effective Implementation of Laws Against The Human Trafficking**

There has been lack of effective implementation of aforesaid human trafficking laws by the state authorities who have been empowered with the prime responsibility to control the menace. They have ignored to accept the authority of discharging their duty mandated by the law against human trafficking. Abuse of the laws against human exploitation has caused severe harm, prejudice to the victims of human trafficking.

In this context and emphasizing on active participation and involvement of social welfare organization, V.R Krishna Iyer J. had said<sup>22</sup> :

“The police officer cannot be moral guardian of the Indian citizen, that judges trying this class of cases, unless specially trained or put through courses, prove to be judicial obstacles rather than social justice vehicles. The masculine lethargy at every stage is writ large.”

“Active participation in the very legal process will go a long way in socializing the legislation without isolating as purely police-magistrate esoterica.”<sup>23</sup>

In the case of *Vishal Jeet v. Union of India*<sup>24</sup>, the PIL was filed before the apex court, for the relief, compensation and recovery of the victims of the human trafficking and for the effective implementation of the comprehensive measure to curb and abolish the abhorrent practice of prostitution, jognis and devdasis customary practice. The supreme court held that there is a need for the critical appraisal and evaluation of the rules and regulations enacted by the legislature to curb the menace of human trafficking. the court raised this contention as the desired outcomes of the penal sanction under the various enactment are not much effective. The court further directed the state to ensure free and speedy trial and the enactment of stringent legal provision against the human traffickers, brothel owners, brokers, establishment of separate advisory committee which will enforce schemes for the rehabilitation of the victims of the human trafficking. The committee will aim towards the holistic rehabilitation of the victim with free medical treatment, shelter homes, compensation etc, thereby dealing effectively against the prostitution, devdasis and jogini tradition.

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<sup>22</sup> Justice V.R. Krishna Iyer, “Gender Justice on Law Against Immoral Traffic — A Critique”, Social Audit of Immoral Traffic Prevention Act, S.C. Bhatia (Ed.), 21-22, (1998).

<sup>23</sup> *Id.*, p. 22

<sup>24</sup> *Vishal Jeet v. Union of India*, AIR (1990)3 SC 318.

In *Gaurav Jain v. Union of India*<sup>25</sup> the Supreme court upheld and directed for the setting up of the committee to perform critical analysis of the menace of human trafficking, and to suggest comprehensive welfare and protection schemes and guidelines for the recovery, rehabilitation and compensation to the victims of the human trafficking. The court noted that “children of prostitutes should, however, not be permitted to live in the inferno and the undesirable surroundings of prostitute homes”.<sup>26</sup>

In 1998, the central government constituted “Committee on Prostitution, Child Prostitutes and Children of Prostitutes and Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children”, in consonance to the directions issued in the Gaurav Jain case by the supreme court. Detailed recommendations and guidelines were laid down in a report providing an action plan<sup>27</sup> which addressed the complications in dealing with the menace of human trafficking and commercial sexual exploitation such as-

- 1- Callousness among law enforcement agency in dealing with the problem.
- 2- Un-willingness of the officials to investigate on the matter due to threat to life and property.
- 3- Lack of infrastructure in the form of institutions for providing rehabilitation to the victims of human trafficking,
- 4- Social stigma associated with the menace of human trafficking because of which the victims are either not willing to return to their families or their families are not willing to accept them.
- 5- In-effective coordination between border police administrations and neighboring countries to control the inter-country trafficking.
- 6- The drafted bill proposes setting up of the national anti-trafficking bureau for the monitoring, controlling, coordination and surveillance in order to curb the human trafficking and its varied forms. The bureau will also be in coordination with national authorities concerned and international organization to keep vigilance on internal affairs of the state.

### **Steps Taken by the Indian Legislature for the Effective Implementation of Laws to Curb the Menace of Human Trafficking in the Nation.**

- 1- India has signed treaty on the “United nations convention on transnational organized crime- UNCTOC” which provides regulations to suppress, prevent and impose legal sanction for trafficking in persons, especially children and women.<sup>28</sup>

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<sup>25</sup> Gaurav Jain v. Union of India, AIR 1997 SC 3021.

<sup>26</sup> *Supra* note 21.

<sup>27</sup> Department of Women and Child Development, Ministry of human Resources Development, Government of India (1998).

<sup>28</sup> Women and Child Development (DWCD) and UNICEF, A report on the Six Regional Workshops on Sexual Exploitation and Trafficking of Children (1996).

- 2- India has also ratified treaty on the “SAARC convention” on combating and preventing of human trafficking in the forms of prostitution in children and women commercial sexual exploitation.
- 3- A memorandum of understanding(mou) between India and Bangladesh was signed in June 2015, for the bi-lateral cooperation between the two nations on protection, rehabilitation, recovery and re-integration of victims of human trafficking.
- 4- In the year 2006, 200 Nodal cells were established by the ministry of home affairs for the effective implementation of the various decisions and action plan taken by the state government to curb and prevent the crime of human trafficking.
- 5- “Judicial colloquium”- To expertise and skill the judicial officers for the effective implementation of the human trafficking laws, judicial colloquium is organized in the high courts of each state. The objective and aim of the programme are to acknowledge the judicial officers with the various causes of trafficking like the process, extent, purpose and forms of human trafficking and to ensure the effectual and speedy justice delivery system on the human trafficking cases.
- 6- The ministry of home affairs has released the fund and guidelines for the establishment of anti-human trafficking units for 290 districts of the country. The anti-trafficking units was established under the scheme “strengthening law enforcement response in India against trafficking in person” for the regulation and implementation of rules against human trafficking through training and capacity building programme.
- 7- Enactment of “The immoral traffic(prevention) act, 1956” (ITPA) and “Protection of children from sexual offences act, 2012” (POSCO) specifically for the control and prevention of children and women against the menace of human trafficking along with combating the menace of commercial sexual exploitation.

### **Important Judgements on the Human Trafficking**

- 1- *Bandhua Mukti Morcha v. Union of India and Ors.*<sup>29</sup>  
The supreme court of India in this case held that whenever it is made to provide to the court that labor is made to perform the forced labor, then the presumption will be such as he is made to do the forced work for the lure of economic consideration or other economic advances, and therefore the bonded labor is eligible for benefits under the law. The state administration shall take the aid of the voluntarily agencies and social groups for the implementation of law against the human trafficking. The state government should ensure that the labor should be provided with the minimum wages, through the assistance of effective surveillance committee and making stringent guidelines for the breach of the minimum wages’ payment to the labor by the employer.
- 2- *M C Mehta v. State of Tamil Nadu.*<sup>30</sup>  
The supreme court in the public interest litigation filed before it, directed guidelines for providing support to the victims of the human trafficking. The apex court held that employers employing child labor in their premise must be fined with rupees 20,000 and

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<sup>29</sup> *Bandhua Mukti Morcha v. Union of India and others* AIR 1984 SC 802, AIR 1984 SC 802.

<sup>30</sup> *M C Mehta v. State of Tamil Nadu* , AIR (1996) 6 (SCC) 756.



their premise should be sealed. The amount so collected from the fine should be deposited in the victim anti-trafficking and rehabilitation fund.

3- People's union for democratic rights v. Union of India.<sup>31</sup>

In this case, the apex court with the reference to article 23(1) of the Indian constitution, which prohibits human trafficking and other forms of forced labor, mentions and define the term "force labor" in article 23. It says that even one is provided with the remuneration for the work, He/she cannot be forced to engage in labor against his/her will.

4- Madhu Kishwar vs. State of Bihar.<sup>32</sup>

The apex court in this case, considered and upheld the various provisions of the "convention on the elimination of all forms of discrimination against women, 1979(CEDAW)", and upheld that the provisions were integral to the fundamental rights and directive principles of the state policy.

5- Public at large vs. State of Maharashtra and others.<sup>33</sup>

In this case the Bombay high court has taken the Suo-moto cognizance of the report published in the newspaper which highlighted that minor girls are being forced for commercial sexual exploitation. The court directed the respondents to take the notice of the matter and take action under section 336 and section 366 of the IPC, 1860 and section 5 and section 6 of the suppression of the immoral traffic in women and girls act 1956. On being directed, a raid was conducted where 483 child-girls and sex workers were rescued by the police.

6- Madhu Kishwar v. State of Bihar.<sup>34</sup>

In this case the apex court while interpreting the provisions of the "convention on the elimination of all forms of discrimination against women" (CEDAW) held them to be integral and indispensable part for the fundamental rights and directive principles of state policy. The convention aims to protect gender based discrimination as well as safeguarding social, cultural and economic rights. The apex court further held that article 2(g) read with article 3, 14 and 15 of the CEDAW which aims for the protection and welfare of human development and ensuring protection and prevention of human rights violation which are very fundamental to the constitution of India.

7- Prerna v. state of Maharashtra.<sup>35</sup>

The Bombay high court in this case gave the guidelines for the protection and prevention of the rescued child victims of trafficking, and held that the child victims should be provided with utmost care for reformation and rehabilitation. The court held that no magistrate can deal in the case where the victim is child under 18 years of age. Instead, magistrate concerned with the case should transfer the case to the "juvenile justice board", under the "juvenile justice (care and protection of children) Act,2000." Further, the court held that the child victim rescued from the brothel should be released only after the due inquiry is completed by the probation officer and the rescued child should only be released from the custody of the child welfare committee only if it deems fits the custody of lawful guardianship. Lastly, the court held that the lawyer appearing from the defense

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<sup>31</sup>People's union for democratic rights v. Union of India AIR (1982) 3 SCC 235.

<sup>32</sup> Madhu Kishwar v. State of Bihar AIR AIR (1996) 5 SCC 125.

<sup>33</sup> Public at large v. State of Maharashtra and others 1997 (4) BomCR 171.

<sup>34</sup> Madhu kishwar v. state of bihar AIR (1996) 5 SCC 125.

<sup>35</sup>Prerna v. state of maharashtra 2003(2) Mah LJ .105.

side in case of human trafficking should be barred from appearing in another case coming under the immoral traffic(prevention) act, 1956.

8- Geeta Kancha Tamang v. State of Maharashtra.<sup>36</sup>

The high court of Bombay denied the release of offender of human trafficking on mercy grounds, who has been detained in prison for 14 months. The court stated that the first aspect which it has to undertake is the seriousness of the offence of human trafficking which has been prohibited under article 23 of the Indian constitution. The court further stated that there are chances that the accused can repeat the same offence as she is the brothel owner. In fact, the prosecution drawn the attention of the court to the fact that the brothel has not been sealed under section 18 of the ITP act. There are higher chances that the same offence could be repeated if the detained accused is released, and hence the court rejected the bail application and denied releasing her on mercy grounds.

## Conclusion

There is an urgent need to curb the menace of human trafficking, in order to safeguard the interest of the society to the large extent. People below the poverty line must be made aware about the consequences of human trafficking so that they do not easily fall prey and become the victim of the human trafficking. The existing laws to curb the menace of human trafficking must be enforced properly and strengthened in terms of awareness, capacity building programmes through the various anti-trafficking units, media and non-government organization.

Following are the recommendation through which the offence of human trafficking can be controlled-

- 1- Formation of community surveillance groups vested with the function of monitoring crimes against children and women, expediting the effective measures for the defense of the rights of children and women. They must provide support service and protection of women and children against any form of the exploitation.
- 2- Effective co-ordination with border police, department of tourism, travel and tour operators, immigration officials, hotel management to check and prevent the entry of sex racket tourists and sexual exploiters who are considered as driving force to the human trafficking.
- 3- The local administration of the area should ensure safety and security of the areas where the source of "origin" of human trafficking is located. They must provide security to the residents and victims by taking speedy action on reports about trafficking and sexual exploitation in the area of their administration. Setting up of anti-trafficking prevention cell should be done and its officers must be directed to remain vigilant on the activities happening in the locality where they are posted. These cells should consists of specially trained police force posted at every level to ensure effective implementation of anti-trafficking laws. Each suspected activity should be made accounted and should be referred to the senior administrative officials appointed for the purpose of combating human trafficking.
- 4- Commercial sexual exploitation cases of the children below the age of 18 years, with or without the consent, should be prosecuted under section 375 of the Indian penal code and under section 6 of ITPA where the accused is presumed to be guilty until proven to be innocent.

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<sup>36</sup> Geeta Kancha Tamang v. State of Maharashtra Criminal Appeal No. 858 of 2009.

- 5- As per the seventh schedule of the Indian constitution ,police force is the subject matter under the state list and therefore state administration should have the prime responsibility for combating the human trafficking.
  - 6- Frequent small raids should be conducted where the menace of human trafficking takes place, in order to prevent exploitation of humans and to instill a fear and apprehension in the minds of exploiters. It is reported that frequent small raids on red light area and source of “origin “of human trafficking in Bombay in recent times has deterred exploiters who are now wary of human trafficking.
  - 7- Setting up of district level committee of anti-trafficking squad to be headed by the superintendent of police or an officer of similar rank. The committee so administered shall protect the rights of the victims by providing them with effective protection, non-discriminatory treatment, compensation and recovery. Adding on, proceedings in the court must be ensured with victim friendly ambience so that defense does not indulge in traumatization and revictimization of the victims.
  - 8- The government should take punitive measures such as enhancing awareness among the people about the abhorrent offence of human trafficking, its ill-cause and effects on the society. They should be made aware about the concerned authorities, in order to report suspected activities around their locality. School children must be made aware of the causes and repercussions of human trafficking by including it in the school curriculum.
- Only when the law enacting body accepts and understands the issues and concerns of this society, shall India be truly a diverse yet united nation.