



MAN ON THE MARKET- HUMAN TRAFFICKING

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ABSTRACT

Human Trafficking is a multifaceted issue and is considered as one of the most serious crimes in the 21st century. It has truly become a worldwide danger to vulnerable men, women, and children across the globe. Despite having various laws and regulations both in national and international level human trafficking is still prevailing and is a tragic reality. The menace of human trafficking has been considered as a grave violation of human rights in the present day scenario. Trafficking in human beings, especially children and women, is a form of modern day slavery and requires a comprehensive, multi-sectored approach in order to address the complex dimension of the issue. It is a problem that violates the rights and dignity of the victims who are lured into this web, to which there is no way out. Human beings are being treated as a mere commodity and price tags are attached to their dignity. They are being sold in the market like any other commodities. They are abducted and exploited and often referred to as silent slaves. The governments and the Ngo's can play a pivotal role in preventing the menace of human trafficking by implementing various policies and programs for the rescued victims and also generating awareness programs for the people in remote areas so that they do not fall prey into the web of human trafficking. Therefore, there is an urgent need to look into this problem.

Keywords: *Human rights, Trafficking, Violation, Exploitation, Victims, Slaves, Commodity.*

INTRODUCTION

Efforts have been made both at the national as well as the international level to combat human trafficking. Despite the efforts made by the government and other agencies to prevent human trafficking it has been increasing at an alarming rate. There is in existence numerous laws and conventions which talks about human trafficking and also provides punishment to those who violates the laws, but it has been seen that there is an issue with regard to the implementation of such laws. As a result of which such a heinous crime is at its peak and increasing day by day.

Human trafficking is commercial trade of human beings, who are subjected to involuntary acts such as begging, prostitution or forced labour. It comprises of the act of recruiting, transporting or receiving a person by resorting to force or coercion with the intention or purpose of exploitation.

Some of the prominent reasons which expose human beings especially children and women to human trafficking are poverty, hunger, backwardness and illiteracy; they are the people who belong to the poor section of the society. Other factors also include social and religious and cultural practices. It has been observed that human trafficking is a crime that strips away the rights of human beings, robs them of their dignity and also ruins their dreams. It is a grave violation of human rights and it is a crime that shames all the human beings.

The subject of human trafficking is challenging. Trafficking has become an epidemic and no country is immune. It is considered to be one of the fastest growing crimes of transnational criminal organisation. Humans are being treated as commodities especially the women and minor children and are being sold in the market for profit which is posing at risk their lives and most importantly their health.

HUMAN TRAFFICKING: AN OVERVIEW

Human trafficking is the illegal sale and purchase of human beings who are often used for sexual exploitation, labour exploitation, and organ trafficking. It is a contemporary form of the slave trade, and, like the slave trade, human trafficking is marked and defined by deception, coercion, and exploitation. It involves the process of *recruiting, transporting, harboring or receipt of persons,*

- *by means of the threat*
- *the use of force or other forms of coercion*
- *abduction*
- *fraud*
- *deception*
- *the abuse of power*
- *of the giving or receiving of payments*
- *achieving the consent of the person who has control over another person*
- *for the purpose of exploitation.*¹

ELEMENTS OF HUMAN TRAFFICKING

As per the definition in Trafficking in Persons Protocol, there exists three main elements of human trafficking:-

ACT	MEANS	PURPOSE
<ul style="list-style-type: none"> • Recruitment • Transportation • Transfer • Harboring • Receipt of persons 	<ul style="list-style-type: none"> • Threat • Force • Coercion • Abduction • Fraud • Deception 	Exploitation which includes (a) Prostitution and other forms of sexual exploitation (b) Forced labour and services

¹Article 3 of the United Nations' *Protocol Against Trafficking in Persons, Especially Women and Children* (United Nations, 2000).

	<ul style="list-style-type: none"> • Abuse of power • Abuse of vulnerability • Giving and receiving of payments 	(C) Slavery and similar practices (d) Involuntary servitude (e) Removal of organs
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Table 1: Elements of human trafficking²

- The first element constitutes ‘**The Act**’ or *what is done* in trafficking of the victims. It includes Recruitment, transportation, transfer, harbouring or receipt of persons.
- The second element constitutes ‘**The Means**’ or *How it is done*. It includes the modes by which people are lured or forced into the web of human trafficking. It includes, threat or use of force, coercion, fraud, deception, abuse of power or vulnerability etc.
- **The third element constitutes ‘The Purpose’** or *Why it is done*. It includes the purposes for which human trafficking is done which includes exploitation of others for the purpose prostitution, sexual exploitation, forced labour, slavery etc.

REASONS FOR HUMAN TRAFFICKING

The crime of human trafficking has been increasing, and the reason is that the answer lies in the market. Yes, it’s the theory of demand and supply that can be made applicable to such a situation. The demand for commercial sex arises or is created in the commercial cities where in people migrate for work. And in order to ensure that there is supply to such demands, efforts are made by the suppliers like kidnapping, prostitution etc. The most vulnerable group is considered to be the young girls and women.

Some of the major causes which leads to human trafficking include:-

- Poverty
- Social inequality
- regional gender preference,
- corruption
- Forced marriage
- Bonded labour

Reasons for such crime also include the victims parents who in greed for money sell their daughters to the predators, the young girls are treated like commodities and are often brought and sold. One of the reasons could be attributed to female infanticide, with the decreasing number of females in comparison to males, the young girls are pushed n human trafficking so that they can be sold to the areas where the

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female ratio is less and thus, they are forced to get married. And it is a well known fact that the victims of such crime are often neglected when it comes to their health. They are exposed to a higher risk of STD's and HIV and other issues like anxiety, mental disorders, depression etc.

CONSEQUENCES OF HUMAN TRAFFICKING

The persons who have been drawn into human trafficking are often abused and even exploited as a result of which they suffer from psychological and physical injuries, diseases like STD's and HIV and in the worst case scenario even death and permanent disability. During the process of human trafficking, the victims suffer from symptoms like aggression, depression, anxiety which are considered to be the direct consequences of the traumatic experiences.

If proper support and counselling is not provided, then there exits chances that the injuries and traumas which the rescued victims had suffered during the process of trafficking could last long even after when they have come out of the condition. The victims having suffered so much that even after being rescued they cannot live a normal life. There is a possibility that they can overcome the stigma however the trauma that they were subjected to leaves them aloof from the society. Even after their rehabilitation they cannot be said to live a 'normal' life. The rescued victims often have the tendency to go back into the life they were forced into. And also that even after they have come out of the web their rights are violated as a result of which they face re-victimization. ,

EFFECTS OF HUMAN TRAFFICKING

The effects of human trafficking on victims are numerous. It leaves them traumatised and mentally as well as physically disturbed. In the initial stages of trafficking, the victims are either deceived / lured into the crime by exploiting the situations of the victims like poverty, illiteracy etc. When the victims fall a prey into the crime, in other words are enslaved they are devoid of the basic necessities as well as their health are compromised being devoid of the health care services.

Their basic human rights are also compromised with which includes, freedom of movement, right to live with dignity etc. They are tortured, sexually violated, subjected to emotional and psychological violence. Once they are driven into this web of human trafficking, the victims lives are changed altogether especially of the minor children who were yet to achieve their dreams of doing something great or at least live a life with dignity in society.

Escaping from their situations in which they are trapped is a dangerous task which could cost their lives as well. However when rescued, the victims find it very difficult to adjust in the society. The society makes the lives of the victims even more worse, the victims are stigmatised, shammed, looked down upon and even isolated. Even some of the rescued victims go back to the same place from where they were rescued who fail to adjust with the society.

Thus, human trafficking has a great impact on the victims wherein their rights are violated at every point and they are treated as mere commodity ready to be sold in the human market.

HUMAN TRAFFICKING: A HUMAN RIGHT ISSUE

The violation of human rights are considered as both a cause as well a consequence of human trafficking which makes the fight against it more relevant with respect to the protection and fight against it.

- Kara Napolitano

Human rights have universal application. It is applicable to all human beings irrespective of their race, colour, age, sex etc. Therefore, whenever there is violation of human rights at every stage of trafficking taking for instance, the violation of basic amenities or the violation of the right to live, right to freedom of movement, which renders a person more vulnerable. Crimes like trafficking in persons, forced labour, child labour. Sexual exploitation in itself is considered as a violation of the basic human rights and are therefore strictly prohibited under international human rights. Human trafficking is most likely to take place where and when the rights of the human are easily violated or where the humans are deprived of their rights

The victims who are rescued from the web of trafficking are also very often subject to violation of the human rights. They are not given proper support in terms of their health care as well as employment. Most of the governments also subject the victims of human trafficking to detention and prosecution and even deportation for the offences on the basis of their status. This leads to the violation of the human rights of the victims which can result in the victims being re-trafficked.

JUDICIAL PRONOUNCEMENTS

The Supreme Court and the high courts in India play a pivotal role in combating human trafficking. These courts have taken initiatives to curb the crime by strengthening the institutional machinery, monitoring the schemes which relates to rehabilitation of the victims, by rendering various judgments taking into account the fundamental rights and the human rights . various committees as well as panels has also been set up by the supreme court to ensure that the rights of the victims of human trafficking are not being violated and that they are being enforced and ensure that the laws are implemented effectively.³

LANDMARK DECISIONS: HUMAN TRAFFICKING

There are various case laws on human trafficking, some of the most prominent among them are as follows:-

³<https://nlrd.org/landmark-rulings-of-the-courts-in-india-on-combating-human-trafficking-traffic/>

***BudhadevKarmaskar v. State of W.B.*⁴**

The Supreme Court had appointed a panel of Activist, NGO's and lawyers to conduct research, and further suggest a scheme in order to prevent human trafficking, rehabilitate sex workers who wishes to leave sex work and further suggest conditions for them who are willing to continue in their job with dignity. In this particular case, the courts also appealed to the public especially the youths to help them in tackling and preventing the issue of human trafficking and especially the issues relating to the sex workers by providing the courts with suggestions as to ways which would help in uplifting the conditions of the sex workers. The Courts have acknowledged the fact the condition of the sex worker cannot be improved just by passing of the orders, and therefore the court have taken the initiative and put the issue across the public in a correct manner so as to raise awareness among the people.⁵

***SampurnaBehura v. Union of India*⁶**

In this particular case, the court mandated that the chief secretary of each state had to submit a circular for the implementation of actions in order to combat human trafficking.

***Geeta Kancha Tamang vs State of Maharashtra*⁷**

The court stated that human trafficking is a crime and is prohibited by law under the Constitution of India (Article 23) , and that trafficking in persons is considered and a violation of human rights. The court also stated that if the brothels are sealed then it will help in curbing human trafficking.

***Munni vs State of Maharashtra*⁸**

With the increase in child trafficking and prostitution, it has become the need of the hour to look into the issue with the aim of protecting the victims. The child welfare committee which is constituted under the Act has dealt with child trafficking and child abuse very effectively. The committee has the final authority with respect to the disposal of cases for the protection, development, treatment and rehabilitation of the children who are in need of care and protection and also protect their rights from being violated.

***Prerna v. State of Maharashtra*⁹**

The court held that those children who are trafficked themselves should also be considered as children in need of care and protection, and not as children in conflict with the law. The court further laid down a detailed process for the care and protection of the children who are trafficked and also stated that Advocates cannot take a trafficked child into the custody by appearing before the child welfare committee.

⁴(2011) 11 SCC 538

⁵The Court in its order dated : 2-8-2011 BudhadevKarmaskar (3) v. State of W.B., (2011) 10 SCC 277]

⁶, (2011) 9 SCC 801 at page 801

⁷Criminal Appeal No. 858 of 2009

⁸ – Criminal Writ Petition No. 227/2011(Bombay High Court)

⁹2003 (2) Mah.L. J. 105

This case dealt with sex workers, especially their children who are also considered to be vulnerable. The Court stated that, allowing the children to dwell in the homes where sex workers live, make them vulnerable and also have impact on them therefore they should be kept away from the undesirable surroundings.

*Lakshmikant Pandey v Union of India*¹¹

In this case the courts dealt with trafficking which took place in adoption rackets relating to children. The court acknowledged the fact that there is lack of proper mechanism of protection of the children as a result of which they become vulnerable and end up in being victims of trafficking, therefore taking into account the circumstances the court created a mechanism to deal with the adoptions relating to inter country.

ROLE OF NGO (NON-GOVERNMENTAL ORGANIZATION)

NGO's have played a pivotal role in preventing human trafficking especially of women and children by implementing various programs which are run by the governments the initiatives taken by them has been successful in drawing the attention of the public to the issues relating to women and children.

There is no doubt, that the government has made policies which aims at providing protection to the rights of women and children however, in reality implementation of such policies are done by the Ngo's, despite the fact that they have limited funding, training, resources etc.

The roles which are played by the Ngo's can be summarised below:

- Ngo's provide the rescued victims with vocational training and education.
- They have introduced numerous programs and schemes help the victims of human trafficking.
- They run awareness programs so that people are aware about the crime and they don't get lured and fall into the web of human trafficking.
- In India there exists unemployment, poverty, illiteracy, as a result of which the people living here are easily targeted and are thus vulnerable. They are given false promise of employment and are lured into trafficking. Ngo's have played a pivot role, in preventing of such incidences, by providing the people living in remote areas with education, awareness and employment so that that don't become victims.
- NGO's have introduced various programs on Aids for the victims of human trafficking who are infected with HIV , the Ngo's also have their trainees who are well equipped with the necessary materials relating to HIV

¹⁰ AIR 1997 SC 3021.

¹¹ AIR 1984 SC 469

HUMAN TRAFFICKING AND ITS INTERFACE LAW

'Injustice anywhere is a threat to justice everywhere'

Human Trafficking is considered as the infringement of the entire gamut of laws and regulations. The traffickers who are involved in this business are viewed as a threat to the society as they infringe upon the laws of the society in which the individuals exist. They debilitate the very structure of the society. Human trafficking endangers the dignity and security of trafficked individuals, and severely violates their human rights. It is a menace to the very existence of human beings and the laws of the country.

The Constitutions of different countries guarantee equal rights to men and women, but they have their own loopholes when it comes to its implementation. Therefore, in order to combat the menace of human trafficking and to protect the human rights of the vulnerable people, a compact and effective structure of law is required along with its implementation. Amendment of the existing laws is also necessary in order to tackle the evil of human trafficking. Besides, a strong structure of law, strong political will of the government is also of paramount in implementing their anti-trafficking mandates.

It is also noteworthy that, in the fight against human trafficking government organizations, non-governmental organizations, society, and international bodies, all have to play an important role and that law alone cannot be the only instrument to deal with all the issues. Co-ordination is the key to tackle the evil of human trafficking. Therefore, in order to combat the malevolence of human trafficking various legislations have been passed by the Government in different Countries. Lack of effective implementation of the laws is one of the many loopholes for the continuance of human trafficking in the present day world.

NATIONAL LEGAL FRAMEWORK

There is a need to have a comprehensive outlook of the various legal provisions dealing with or having an impact on human trafficking. The various laws which deal with human trafficking are

LEGISLATION	SECTION	DETAILS OF THE PROVISION
Immoral Traffic Prevention Act (1956)	3	Brothel keeping
	4	Living on the earnings of prostitution of others
	5	Procuring, inducing or taking person for prostitution
	6(1)	Detaining person in premises where prostitution is carried on
	6(2)	Presumption of offence if a person is carried on
	7	Prostitution in the vicinity of public places
	8	Seducing or soliciting
	9	Seduction of a person in custody
	15	Two women police officers to be present during

		search and interrogation is to be done by a women police officer
	16	Rescue on Magistrate's directions
	17	Intermediate custody in a safe in a safe place not with those with a harmful influence over her

CONSTITUTION OF INDIA, 1950

The Constitution of India prohibits trafficking in persons in its various articles which deals with the right to life, equality, freedom, personal liberty and also the right to constitutional remedies. The Articles in the constitution which deals with prohibition of human trafficking directly as well as indirectly are as follows:-.

LEGISLATION	ARTICLE	DETAILS OF THE PROVISION
The Constitution of India, 1950	14	Right to equality
	15	Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth
	19	Right of freedoms
	21	Right to life and personal liberty
	23	Fundamental right prohibiting trafficking in human beings and forms of forced labour
	39(e)	DPSP directed at ensuring that health and strength of individuals are not abused and that no one is forced by economic necessity to do work unsuited to their age and strength
	39(f)	DPSP stating that child and youth should be protected against exploitation

MISCELLANEOUS PROVISIONS

There are in existence a number of other penal laws which deal with human trafficking in India.

LEGISLATIONS	SECTION	DETAILS OF THE PROVISION
The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989	3(vi)	Compelling or enticing a member of SC or ST
	3(xii)	Using a position of dominance to sexually exploit a SC or ST tribe women
The Juvenile Justice (Care and Protection of Children) Act, 2000	2(vii)	A child in need of care and protection includes one who is vulnerable and likely to be trafficked
	24	Employment of child for begging
	26	Procuring juveniles for hazardous employment or bonded labour is punishable.

The Indian Penal Code, 1860	366	Kidnapping, abducting or inducing a woman to compel marriage
	366 A	Procuring a minor girl
	366B	Import of a girl below 21 years old for the purpose of sexual exploitation
	367	Kidnapping/abducting to subject a person to grievous hurt, slavery
	370	Buying or disposing persons as slaves
	371	Habitual dealing in Slaves
	372	Selling minor for prostitution
	373	Buying minor for prostitution
	374	Compelling a person to labour
Prohibition of child marriage Act, 2006	12	Child marriage void, if after that the minor is sold or trafficked or used for immoral purposes
Child Pledging of Labour Act, 1933	4-6	Penalties for pledging labour of children under 15 years
Bonded labour system (Abolition) Act 1976	16	Compelling a person to render bonded labour or forced labour
Child Labour (Prohibition and Regulation) Act, 1986	3	Child work in certain employments

INTERNATIONAL LEGAL FRAMEWORK

Human trafficking falls in the category of organised crimes and that it is a grave violation of human rights thereby resulting in the contravention of the numerous Laws both at national and international levels. Therefore, it becomes important to understand the role that international laws play in tackling and preventing human trafficking.

INTERNATIONAL LAWS	ARTICLE
Universal Declaration of Human Rights, 1949	Article 4
International Covenant on Civil and Political Rights	Article 8(1) and (2)
International Covenant on Economic, Social, and Cultural Rights	Article 10 (3)

INTERNATIONAL CONVENTIONS
<ul style="list-style-type: none"> Convention on the Elimination of all forms of Discrimination against Women (CEDAW)
<ul style="list-style-type: none"> Convention on the Rights of the Child
<ul style="list-style-type: none"> Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices of Slavery, 1956 (Slavery Convention)

<ul style="list-style-type: none"> • Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.
<ul style="list-style-type: none"> • United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 198423
<ul style="list-style-type: none"> • International Convention for Suppression of White Slave Traffic, 1910
<ul style="list-style-type: none"> • ILO Convention Concerning Forced Labour No. 29

NEW ANTI-TRAFFICKING LAW

The Women & Child Development Ministry initiated a bill in the year 2017 called the ‘The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2017’. The bill proposes to establish a national anti-trafficking bureau which will deal with the issues of human trafficking and also aim at preventing such crimes. In order to strengthen the investigation trafficking cases the bureau aims to increase the cooperation with the foreign organisations and other concerned authorities.

The bill basically aims at identifying the various forms of trafficking which includes organ trafficking, sex trafficking, pornography, bonded labour and subjecting the offenders to severe punishment for engaging in such a heinous crime.

The proposed bill which is under consideration deals with some of the most aggravated forms of human trafficking, which includes offences like-

- forced labour
- bonded labour
- Begging
- drugs trafficking

Various recommendations have been made for the setting up of a committee. The said committee is to be headed by the women and child development secretary and it would consist of members from the ministries of home, external affairs, labour and employment, social justice and empowerment, panchayat raj and health and family welfare.

HIGHLIGHTS OF THE BILL¹²

CRIME	IMPRISONMENT TERM
Those engaging in buying or selling of persons	7-10 years Fine- over 1 lakh
Anyone who is engaged in the distribution or selling of any incidents of sexual assault of	3-7 years

¹² <https://timesofindia.indiatimes.com/india/new-anti-trafficking-law-soon-life-term-for-repeat-offenders/articleshow/62274195.cms>

victim for any unlawful gain	
<ul style="list-style-type: none"> • Apart from national -anti trafficking bureau, bill also proposes state level anti-anti trafficking officers • The bill also talks about the various measures for the relief and rehabilitation of the victims of trafficking; it also recommends for the formation of a committee. • It recommends imprisonment for life for repeat offenders with a fine of 2 lakh and imprisonment for the remainder of that person's life • It also recommends for the setting up of state-level anti-trafficking officers along with the national bureau 	

STATISTICS¹³

The [national crime records bureau](#) (NCRB) report

The [national crime records bureau](#) (NCRB) has published its report 'Crimes in India' 2016 which was published in the year 2017. The report provides for a comprehensive statistic on the numerous crimes which is being committed all over the country including the states and union territories. There has been an increase in the numbers relating to human trafficking in the present times. According to the data which was released by the NCRB, there has been an increase in the crime by almost 20% in the year 2016 when compared to 2015.

The NCRB reports includes the following relating to human trafficking:-

- Human trafficking cases
- Statistics of victims trafficked
- Statistics of victims rescued
- Disposal of persons arrested under human trafficking
- Purpose of human trafficking

HUMAN TRAFFICKING CASES

With the increase in crime of human trafficking the number of cases has also increased. The study conducted by NCRB shows the total number of cases relating to human trafficking for the year 2015 and 2016 in case of the states and union territories of India.

YEAR	NUMBER OF CASES		
	STATES	UNION TERRITORIES	TOTAL
2016	8057	75	8132
2015	6772	105	6877

¹³<http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>

A study of the above table would show that there has been an increase in the number of cases of human trafficking in the year 2016 when compared to the year 2015. It is also noted that the highest number of cases was in West Bengal (44% of cases), which is 3,579 followed by Rajasthan (17%).¹⁴Therefore, there is a need to look into implementation of the laws relating to human trafficking so that such crimes can be prevented.

STATISTICS OF VICTIMS TRAFFICKED

Every year the number of victims involved in human trafficking is increasing, more and more people are being targets including the children. This situation can be depicted by the study which was conducted by NCRB in 2017 for the year 2016.

STATES						
AGE	BELOW 18 YEARS		ABOVE 18 YEARS		TOTAL	
GENDER	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
2016	3979	4863	1079	5178	5058	10041
UNION TERRITORIES						
AGE	BELOW 18 YEARS		ABOVE 18 YEARS		TOTAL	
GENDER	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
2016	144	48	27	61	171	109

A study of the table above would show that children below 18 years are the most targeted, the numbers show that females below 18 years age group as compared to the males of that age are most targeted. Thus, there is a need to protect the children from falling into the trap of human trafficking, who can be a easy target for the traffickers. The traffickers use the minor children's for the purpose of prostitution and sexual exploitation especially in the case of females and there are other purposes as well like child pornography, domestic servitude, begging etc. The number of persons above 18 years is fairly high which depicts that laws are failing to protect the persons from being victims and that there is lack on the part of the government and Ngo's to prevent such a heinous crime.

STATISTICS OF VICTIMS RESCUED

The number of victims who fall into the web of human trafficking have increased and is still increasing. Governments and Ngo's have taken initiatives to rescue the victims by conducting raid operations. The statistics below shows the number of victims rescued in the year 2016 in the various states and union territories of India.

¹⁴<http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPdFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>

STATES						
AGE	BELOW 18 YEARS		ABOVE 18 YEARS		TOTAL	
GENDER	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
2016	8507	5484	1669	7177	10176	12661
UNION TERRITORIES						
AGE	BELOW 18 YEARS		ABOVE 18 YEARS		TOTAL	
GENDER	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
2016	144	48	27	61	171	109

A study of the above table would show that the government and Ngo's have taken initiative to rescue the victims of human trafficking and that they have been successful as well in their efforts. Children below 18 years are the ones who are majorly targeted by the traffickers and that a total of 13991 children below the age group of 18 have been rescued. This also depicts the sorrow affairs of the country, wherein people are so vulnerable.

The governments and Ngo's have designed various plans and programs for the rehabilitation of the rescued victims so that they too can live a normal life and they are also provided with education and vocational training which will help them to live a life with dignity in the society.

DISPOSAL OF PERSONS ARRESTED UNDER HUMAN TRAFFICKING - 2016

Every year huge number of persons are being arrested by the police who are involved in human trafficking. However, very few people are punished when it comes to the conviction. The statistics of 2016 as conducted by the NCRB shows the following:

YEAR	PERSONS ARRESTED	PERSONS CHARGE SHEETED	PERSONS CONVICTED	PERSONS ACQUITTED
2016	20815	7292	159	753
2015	3078	2117	95	538

A close study of the above table would show that the number of persons arrested for committing the crime of human trafficking is 20,815 in the year 2016 which far more when compared to 2015, therefore, it clearly shows that the more and more people are getting involved into this heinous crime. However, the number of convictions remain low, in both the year when compared to the number of persons charge sheeted which means that there exists loop holes in the present system which needs to be improved so that the persons who are involved in the crime are not set loose in the society.

PURPOSE OF HUMAN TRAFFICKING

The purpose for which the perpetrators or the traffickers , traffic people can be numerous, however the ultimate goal is considered to be the same in case of all the trafficked which is the exploitation of the human beings for the purpose of profit, be it in terms of money or material.

The various purposes for which the traffickers exploit others can be categorised as follow:-

- Forced labour
- sexual exploitation or prostitution
- Other forms of sexual exploitation
- Domestic servitude
- Forced marriage
- Petty crimes
- Child pornography
- Begging
- Drug peddling
- Removal of organs
- Other reasons

As per NCRB records,¹⁵ the statistics for the year 2016 is provided below:

	FORCED MARRIAGE	CHILD PORNOGRAPHY	BEGGING	PETTY CRIMES
STATES	349	162	71	212
UT'S	0	0	0	0
TOTAL	349	162	71	212
	FORCED LABOUR	SEXUAL EXPLOITATION OR PROSTITUTION	OTHER FORMS OF SEXUAL EXPLOITATION	DOMESTIC SERVITUDE
STATES	10357	4941	2589	335
UT'S	152	39	1	77
TOTAL	10509	4980	2590	412
	DRUG PEDDLING	REMOVAL OF ORGANS	OTHER REASONS	TOTAL PERSONS
STATES	8	2	3813	22837
UT'S	0	0	11	280
TOTAL	8	2	3824	23117

A study of the above statistics depicts that one of the major purpose for which humans are being targeted is forced labour, which is followed by prostitution, sexual exploitation, domestic servitude, forced marriage, petty crimes, child pornography, begging, drug peddling, organ trafficking, and other reasons. Forced labour includes situations wherein people are forced or coerced to work against their will. They are often subjected to violence or other means like debt accumulation, retention

¹⁵<http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20%202016%20Complete%20DF%20291117.pdf>

of their identity papers etc. In case of India, it is a common ground, where in most of the people are duped with false promises.

RECOMMENDATIONS

As there is implementation issue and not lack of Laws, the Courts should focus on implementation of the laws which are already in existence to tackle the evil of human trafficking. And also recommend any changes in the present laws if need rises.

- As far as the rights of the trafficked victims are concerned, the Courts make sure that their rights are not being violated, for example the essential rights like right to life, right to movement etc.
- The agencies who are working to prevent human trafficking should join hands so that they can prevent this crime together and more effectively.
- NGO's play a very important role in dealing with the issue of human trafficking, they hep governments to tackle this issue and solve them as their approach is timely and is considered to be appropriate.
- In order to address the issue of human trafficking, programs at both level be it national or international should be conducted
- The NHRC plays a pivotal role in protection of the human rights, therefore they should organise workshops, conduct research as well as play an active role in the preventing human trafficking as well an in implementation of the laws relating to human trafficking.
- In order to protect the poor children especially, the government should provide for shelters and education so that they do not fall into the trap of human trafficking.
- An awareness program should be conducted with respect to human trafficking and modern day slavery.

CONCLUSION

Human Trafficking is considered as a global problem and most of the countries are exposed to it. Millions of victims are entrapped and exploited every year in this modern form of slavery. It has turned into an evil which exists in the modern society. Human trafficking is not a new issue, rather what is new is the worldwide advancement, convolution and strengthening of trafficking networks, and the growing numbers of women and children who are being trafficked from different parts of the globe. Despite the fact that there is an increased effort to curb human trafficking, it is increasing at an alarming rate.

In the list of the world's biggest organised crimes it is considered next to drugs and illegal arms. The core of the concept of human trafficking is the exploitation of people against their free will.

It is posing a threat to the very existence of human beings. The major target of this crime is the women, girls and children who are vulnerable. Trafficking in humans violates the fundamental rights of the victims which includes their right to life with dignity and various other rights relating to their health.

The laws which are in existence do not take into account the pimps, brothel keepers, traffickers and thus does not provide them punishment adequately. There is lack of proper infrastructure for rescue and rehabilitation of the victims of trafficking, which results in the re-trafficking of the rescued victims. There exists a gap, when it comes to the laws which are in existence and the laws which are being implemented, Because of the lack of adequate resources; the perpetrators are not being punished with respect to the intensity of the crimes they are committing. The shelter homes for the victims are not functioning properly, the casual attitude of the officials with respect to the crimes relating to human trafficking is making the problem more worse.

This intricacy of the phenomena of human trafficking is an issue on a global basis which therefore needs immediate attention in order to be tackled effectively.
