

WOMEN TRAFFICKING IN INDIA FROM 2009-2015**Hira Irfan**

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Abstract: *India in today's times emerging as a super power across the globe but for most of its population, the women across the country, struggle to live a life with dignity, freedom, peace and security. The modern woman we see today have been victims of invisible exploitations since ancient time where she was suppressed by societal taboos and stigmas existing in different fields of their life both physically, socially, mentally and economically. Women of today are facing problems in every sphere of life whether employment, access to proper health care, safety, property rights, they are bound to be discriminated against the men. The low sex ratio in India reflects the true picture of the discrimination shown towards women at the stage of birth. It is realized that the long run supremacy of male over female in the patriarchal society in India is highly responsible for arresting the empowerment of women. Women are being trafficked for sex, harassment at workplaces and tortured in family and society. This paper explores the dark side of our human society where women who play a vital role in the upbringing of the society are exploited by different means and she herself struggling to get basic identity and respect. Her struggle dates back to the ancient period to the time of India's Independence and thereafter. This study highlights the trends and patterns of human trafficking with reference to women who have been exploited physically, mentally and sexually during the 21st century.*

Key words: Human Trafficking, Anti Trafficking laws, Prevention and Prosecution

Introduction

According to the UNODC Protocol to Prevent, Suppress and Punish Trafficking in Persons - Trafficking in Persons refers to the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UNODC). Women occupy a vital place in the society as they are not only considered as caregivers of our future generation but also the future builders of our nation. However, the position of society is considered as the most vulnerable one across the globe where she is still considered as inferior to men especially in a patriarchal setup of a society. Crime against women is widespread across different religion, ethnic groups, races, castes and at other socio-cultural levels. In the ancient period, there was dominance of Gods than Goddesses in almost all spheres and across the literatures of Hindu religion like Puranas, only a few Goddesses were found as powerful as men like Shakti. In case of Materialistic world at that time, same picture of supremacy of male was seen as Devdasi, Widow Burning, and Polygamy were the initial aspects of women exploitation. Some of women who didn't adhere to the laws of society of supremacy of men over women chose the dark way of living like prostitution. A significant proportion of them who are not associated with the prostitution are compelled to face harassment and teasing at different times at different place in the form of Rape, Kidnapping, Dowry, Sexual harassment, trafficking etc. (Khokan Kumar Bag, Piyal Basu Roy, March 2012).

Despite 70 years of independence, the benefits of economic development have not trickled down to the marginalised sections of the society of which women and children form an

integral and inseparable part where millions of people still live below the poverty line. The poverty and hunger makes children and women belonging to the poor sections of the society highly vulnerable to human trafficking. The numbers of persons affected in India could be between 20 to 65 million. The estimated annual turnover of human trafficking in India is around 20 billion rupees. Out of the total number of persons affected by human trafficking, about 80 per cent are women and 50 per cent are children (Below 18 years of age). A recent report by the US State Department has said that 90 per cent of the human trafficking in India is internal and those from the most disadvantaged sections, including the lower castes are the most vulnerable. Human trafficking in India results in women suffering from both mental and physical issues. Mental issues include things such as depression and anxiety. The lack of control women has in trafficking increases the risk of a victim's likeness to suffer from mental disorders. Women who are forced into trafficking are at a higher risk for HIV (Human Immunodeficiency Virus), TB (Tuberculosis), and other STD (Sexually Transmitted Disorders). Traffickers of young girls into prostitution in India is often those women who have been trafficked themselves at any point of life and once they get into this business of trade, they become habitual of earning good through this medium of trade.

Objectives

1. To study the spatio-temporal pattern of trafficking in India with reference to women trafficking after Independence.
2. To examine the causes that led to increase in the rates of women trafficking in India.
3. To suggest measures to combat this social evil against women in the society.

Database and Methodology

The paper is mainly based on the secondary data which has been taken from the District Census Handbook and National Crime Record Bureau (NCRB). A systematic approach has been adopted for examining the data available from sources.

Study Area

India is positioned on the Indian subcontinent in south-central Asia, and is located in both the eastern and northern hemispheres with the latitudinal and longitudinal extent of 8o 4' 28" N to 37o 6' 53" N latitudes and from 68o 7' 53" E to 97o 24' 47" E longitudes. India is bordered by the Arabian Sea, Bay of Bengal, Gulf of Mannar, Indian Ocean, and the countries of Pakistan, China, Nepal, Bhutan, Bangladesh, Sri Lanka and Burma (Myanmar). Being surrounded by developed, developing and underdeveloped countries, India possesses a major threat to its migrations pattern as many of these countries are considered to be the serious conflicting zones for the country. Presently, the three major areas of conflict in India are Jammu and Kashmir, the North-Eastern states of Assam, Manipur, Mizoram, Nagaland and the Central and Eastern part of India where Maoists rebels operate. The demography of our country states that the total population of the country is said to be at 1.21 billion people where male population is 62.3 lakh and female population is to be 58.6 lakh. Of the 121 crore Indians, 83.3 crore (68.84 percent) live in rural areas while 37.7 crore live in urban areas. The literacy rate as per census of India 2011 is 74 percent where male literacy constitutes 82.1 percent and female literacy is 65.5 percent. This shows there are still exists discrimination towards education of women and thus, lack of awareness among women. The socio-economic profile of India shows the distribution of Scheduled castes as 16.6 percent and scheduled tribes population of 8.6 percent to the total population of India. India has more than two thousand ethnic groups. There are four major families of languages (Indo-European, Dravidian, Austroasiatic and Sino-Tibetan languages) as well as two language isolates (Nihali language spoken in parts of Maharashtra and the Burushaski language spoken in parts of Jammu and Kashmir).

Trends and Patterns of Trafficking of Women and Children in India

Trafficking women and children for sexual exploitation is the fastest growing criminal offence in the world. Globally, Women trafficking are a lucrative industry making an estimated \$99 billion a year. At least 20.9 million adults and children are bought and are sold for commercial sexual servitude, out of which women and girls make up 96 percent of the victims of trafficking for

sexual exploitation. North Africa, Sub – Saharan Africa, Middle East, Europe and Asia are considered as the hub for women trafficking both internally and externally across the globe. In Asia, victims are trafficked from Asian to other Asian countries in particular to Thailand, Japan, India, Taiwan and Pakistan; Trafficking into countries in the Asian region is reported from the Commonwealth of Independent states followed by South Eastern Asia depicting intra-regional trafficking of women. At the country level, China, Thailand, Bangladesh, Nepal, Cambodia, India, Lao PDR, Myanmar, Pakistan, Philippines and Vietnam are ranked very high as countries of origin of women trafficking while Thailand, Japan, Israel and Turkey (part of sub region, Western Asia and Turkey), Hong Kong, Saudia Arabia and UAE rank high in terms of countries of destination of women trafficking.

In India, the National Crime Records Bureau (NCRB) brings the report which focuses on the crimes against women in our country. National Crime Report Bureau collects data under the following heads of crime which are related to Women trafficking.

- (i) Importation of girls from foreign country (Sec. 366B IPC)
- (ii) Procreation of minor girls (section 366A IPC)
- (iii) Buying of minors for prostitution (section 373 IPC)
- (iv) Selling of minors for prostitution (Section 372 IPC)
- (v) Immoral Traffic (Prevention) Act 1956
- (vi) Human trafficking (section 370 & 370A IPC), after creation of specific section in IPC by the Criminal Law (Amendment) Act 2013.

According to the report by the data from Home Ministry it has been estimated West Bengal tops the list of worst affected women trafficked state of India followed by Maharashtra, Tamil Nadu, Rajasthan and Karnataka. Among the Union Territories, Delhi has become the nodal centre for illegal trade of young girls for forced marriage and prostitution followed by Daman and Diu. States of Jammu and Kashmir, Tripura, Nagaland, Arunachal Pradesh, Mizoram, Dadra and Nagar Haveli, Lakshadweep and Puducherry show the least cases of women trafficking in India.

- The crime head-wise details of registered crimes during 2009 to 2015 along with percentage variation in the year 2015 over 2014 are presented in the given table. The crime under women trafficking during the year 2015 has increased by 97 percent over 2009.

#	Crime head	Year	Year	Year	Year	Year	Year	Year	Percentage variation in 2015 over 2014
		2009	2010	2011	2012	2013	2014	2015	
1	Procreation of minor girls (Sec. 366-A IPC)	237	679	862	809	1,224	2020	3087	52.8
2	Importation of girls from foreign country (Sec. 366-B IPC)	48	36	80	59	31	13	6	-53.8
3	Selling of girls for prostitution (Sec. 372 IPC)	57	130	113	108	100	82	111	35.4
4	Buying of girls for prostitution (Sec. 373 IPC)	32	78	27	15	6	14	11	-21.4
5	Immoral Trafficking (Prevention) Act 1956	2474	2499	2435	2563	2579	2617	2641	0.9
6	Human Trafficking (Sec.370 and 370 A IPC)*	NA	NA	NA	NA	NA	720	1021	41.8
	TOTAL CASES OF HUMAN TRAFFICKING	2,848	3422	3517	3554	3940	5466	6877	25.8

*** Newly included in 2014; # Modified in 2014, earlier data collected under girls whereas presently data collected under minors (NCRB 2015)

- The total numbers of cases reported for crime related to women trafficking were 6,877 during 2015 whereas the total number of registered cases against crime related to

women trafficking were 5,466 during 2014, thereby, showing an increase of about 25.8 percent from 2014 to 2015. A total of 2848 cases were registered in 2009 which rose to 3422 cases in 2010. A total number of 3,517 cases were registered in 2011, which rose to 3,554 cases in 2012, to 3,940 cases in 2013, to 5,466 cases in 2014 and to 6,877 cases in 2015. This shows that the incidents or crimes related to women trafficking is continuously rising from 2009 to 2015.

- The total number of 6 cases of importation of girls from foreign country was registered during 2015 as compared to 13 cases in 2014 showing a decline of 53.8 percent over the previous year. These cases were registered in West Bengal (4 cases) and Uttarakhand (2 cases) during 2015.
- The cases under Immoral Traffic (Prevention) Act, 1956 have shown an increase of 0.9 percent during the year 2015 as compared to the previous year 2014 (2,617 cases).
- Under the Immoral Traffic Act, a total number of 511 cases were registered in Tamil Nadu followed by Karnataka (423). Out of 300 cases registered under section 8 of the IT(P) Act (relating to seducing or soliciting for the purposes of prostitution), maximum cases were registered in Maharashtra (140 cases) followed by Kerala (63 cases) and Karnataka (48 cases), these three States all together comprised of 83.7 percent of total cases against crime related to women trafficking. Out of 1,287 cases registered under section 5 of the IT (P) Act (relating to procuring or inducing or taking persons for purpose of prostitution), maximum cases were reported in Tamil Nadu (351 cases) followed by Telangana (224 cases), Karnataka (207 cases) and Maharashtra (126 cases), these four States collectively accounted for 70.5 percent total cases.
- The Cases under Procreation of Minor Girls (Sec. 366A IPC) have increased by 52.8 percent during the year 2015 as compared to the previous year (2,020 cases). Maximum cases of procreation of minor girls were reported in Assam (1,303 cases) followed by West Bengal (1,003 cases), Bihar (305 cases) and Haryana (190 cases) during the year 2015.
- The number of cases of buying of minor for prostitution have decreased by 21.4 percent during the year 2015 as compared to the 2014 (14 cases). A total of 7 cases in Maharashtra were registered followed by 2 cases in Uttar Pradesh and 1 case each in Haryana and Telangana was registered under this crime head during 2015.
- The total of 111 cases of selling of minors for prostitution were registered in the country during 2015 as against to 82 such cases in 2014, thus indicating an increase of 35.4 percent during 2015 over 2014. West Bengal has reported 91 cases accounting for 82.0 percent of total such cases registered during 2015.
- A total of 1,021 cases of human trafficking under section 370 & 370A of IPC were registered in the country during 2015, thereby, showing an increase of 41.8 percent over previous year (720 cases). Telangana has reported 226 such cases followed by Assam with 137 cases, Jharkhand (126 cases), Delhi UT (78 cases) and Chhattisgarh (61 cases). However, the maximum numbers of victims (620 persons) under human trafficking (sec. 370 & 370A IPC) were reported in Kerala during 2015.

Causes of Human Trafficking in India

There are many causes which contribute to human trafficking in India. They include:

Poverty

Prospective victims try to move from areas with high poverty to areas with less poverty. In such situations, the desires of vulnerable victims to move away from poverty are used as a means of exploitation by traffickers. Those regions which face extreme high poverty situations are the most vulnerable ones due to their economic situation. These high poverties ridden populations are trapped in the hope to have a better standard of living for themselves and their family. The poor are consequently preyed by traffickers who offer false promises of better employment and education opportunities and remuneration. However, in true sense, the traffickers do not fulfill any kind of promises and rather out of selfish gains they force the people to enter the profession of trafficking. The trafficked victims are forced to perform other services like prostitution or bonded labor with less or no pay resulting them to live under extreme poverty.

Lack of Education

Majority of villages in India are devoid of schools and those many which do exist are in extremely poor condition. Teachers lack enticement to work in the villages because of the poor pay, poor work environments, and commutation issues. Majority of the children have less or no education. This creates an inductive environment for traffickers to lure the parents by giving them false promises, luring them to send their women away to get better education and work to improve their standard of living.

Caste System

India is still governed by the presence of caste system where the lower caste people which constitute the majority of population are exposed to less opportunity for progress than the ones who belong to the higher castes. The lower castes are exposed to all kinds of exploitation in Indian society. The upper castes people intimidate, manipulate, and force lower caste girls for sexual pleasures. Caste system permits many Indians to believe that human trafficking of low caste people is their destiny of life and not a flawed tradition.

Sexual or Ritual Slavery: The link between caste and forced prostitution is evident in the Devadasi and Jogini systems practiced in India. These systems are a reflection of religiously sanctioned sexual abuse. Initially considered as a sacred practice where Devadasi which was a kind of dedication of young girls and women to temples has become a systematic abuse of young dalits girls serving themselves as prostitutes for the superior or high caste people in the community. It has been observed that majority of girls and women who are in prostitution in urban areas come from dalit, lower-caste, tribal, or minority communities.

Devadasi Tradition: The devadasi system is still prevalent in some states in India particularly in the south i.e. Karnataka, Tamil Nadu, Andhra Pradesh, and Maharashtra. Daughters of families devote themselves to Lord Shiva at an early young age for temple service as temple dancers. Also, in the southern India, families offer their daughters to the goddess Yellamma. People have a belief that devoting their daughters to the goddess will bring prosperity and good luck charm to their family. It is believed that once a girl is devoted or dedicated to the temple, she is considered dead for her parents. These girls live in the premises of the temple and become the slave of the god. Here, the lord is meant by the priest who takes sexual pleasures from them along with their family members and those visiting the temple.

Gender Based Differences

In Indian culture, there has always been a preference for male child over a girl child which is evident if we look at the present sex ratio of the country which is 943 females per thousand males. Girls are sometimes trafficked as domestic workers initially and exploited by the boys in the house and later, the same girl is sold into the brothels. This girl is replaced by a new girl entering the same vicious circle. This trend is most common in Northern part of India. The people who live in villages see urban cities as the cities of their dreams for a better standard of living. In a situation where traffickers offer better job opportunities in cities, the families send their daughters with the hope to settle in city in future and live a decent life.

Political Instability

In the last several years, political instability in the country has led to lose implementation of laws and inability of the government to put an end to criminal offences. The police in any state or region in our country is not independent; there are political leaders and parties having a control on their daily activities. As a result, even the police system is incorporated into the corruption of the political system.

Lack of Legal Faiths among the Traffickers

The Indian court system is highly congested due to an increasingly crowded label. The ever increasing crime rates in India have made it challenging for the judicial system to ensure justice to all. The writs of petition that reach the high court of India may take eight to ten years to be heard and given justice.

High Market Demand for Minor Girls

Across the globe there is a high demand for minor girls for the sex trade. Minor girls are easy victims for exploitation as they are afraid to speak out of fear and thus, remain obedient to the customers. Foreign tourists prefer minor girls for their beauty and youthful looks. Young girls are also desirable for both brothel owners and their customers.

MEASURES TO COMBAT WOMEN TRAFFICKING IN INDIA

Government Measures

Constitutional and Legislative Provision in India

Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1). There are various legal provisions made in the constitution of India which aims to protect and prevent Trafficking of women in India like:

1. Protection of Children from Sexual offences (POCSO) Act, 2012
2. The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.
3. Criminal Law (amendment) Act 2013 has come into force which provide for comprehensive measures to counter the menace of human.
4. Prohibition of Child Marriage Act, 2006,
5. Bonded Labour System (Abolition) Act, 1976,
6. Child Labour (Prohibition and Regulation) Act, 1986,
7. Transplantation of Human Organs Act, 1994
8. Information Technology Act, 2000 Penalizes publication or transmission in electronic form of any material which is appealing to anyone's interest. The law has some relevance to addressing the problem of pornography.
9. Anti-Trafficking Cell (ATC)-It was set up as a part of Ministry of Home Affairs (MHA) in 2006 to act as a nodal point for communicating decisions and follow up by the State Governments to combat the crime of Human Trafficking.
10. Ministry of Women and Child development (MWCD): Ministry has come up with two schemes to protect women and children who are victims of trafficking.
 - Ujjawala: It is a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-Integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation.
 - Swadhar and Short Stay Homes: Trafficked victims are also given shelter in Short Stay Homes and Swadhar Homes for women in difficult conditions. The Schemes provides for shelter, food and clothing for women and children below the age of 18 years along with other aid like counseling, clinical, medical, legal and other support, training and economic rehabilitation and helpline facilities.

Efforts by Non-Governmental Organizations

NGOs have incorporated various methods to curb the menace of human trafficking. They first decide on the type of assistance that is required to be given to the rescued victims, it might be in the form of medical help, financial help, counseling, psychological or emotional support, providing education or providing jobs based on their skills. They try to trace out the victim's family members and counsel them. NGO's have played a vital role in prevention, protection, rescue of the victims. They have in several instances provided the necessary information about the traffickers to the police and assisted them in the raid. However, the ground reality becomes very challenging for the NGO's as well as neither the government nor the police officials or law enforcement agencies consider human trafficking as a serious criminal offence.

Suggestions

- Raising awareness about human trafficking through different medium i.e. print as well as visual and inform people about this crime and mobilize people to curb it.
- Empowering and educating the women and focusing on their health, combating HIV/AIDS, eradicating poverty and developing a global sustainable partnership for development.
- Promotion of Technical Education can help to reduce the problem of human trafficking as technical education emphasizes on the acquisition of skills and therefore help to train the

skilled and entrepreneurial workforce that the developing countries of today needs to create wealth.

- The police personnel have to be sensitized, strengthened and made more accountable to the varied expanses of women.
- A comprehensive law should be legislated keeping in view all sides of trafficking as per the U.N. convention and in accordance with Article 23 of the Indian Constitution.
- The existing Immoral Trafficking (Prevention) Act should be suitably amended to punish the traffickers and sex buyers instead of stressing only on sexually exploited women and brothel keepers.
- All the state governments need to formulate an “Anti Trafficking Policy” outlining the problem and the multi-dimensional approach to curb the menace of trafficking and also A ‘Rescue Protocol’ for trafficked victims needs to be developed to be a part of this policy as an important component of this policy.
- The enforcement agencies, judicial officers, shelter home superintendents and social workers should be trained to provide counseling and guidance to the rescued survivors.
- Training and sensitization of law enforcing officials, building up of community support through social campaigns and active involvement of police officials, prosecutors, NGOs, social activists etc should be strengthened at all levels in the country.
- If the survivors are provided with vocational training in different skills i.e. making of candles, scented sticks, matchboxes, tailoring; it can help in income generating for long term and their sustainable development would be possible.
- Reintegration through marriage or reunion with family is found to be an effective measure for limiting the adverse effects of trafficking on survivors. Though reintegration is essential, the government officials have to take decisions to not to reintegrate the survivors if the threat of re-trafficking by the family is suspected.
- There is a need for motivating the victims to continue their education among the survivors without comparing them with mainstreamed candidates.
- The best method of preventing trafficking is by integrating prevention with prosecution. Prosecution includes several tasks like identification of the traffickers, bringing them to the police officials, confiscating the illegal assets created out of trafficking, making the traffickers compensate for the damages they have created in the community etc.
- Cultural activities are the effective modes to reach to the grass root level, as these communities suffer from illiteracy and lack of awareness.
- Funding for NGOs working for the issue needs to be strengthened. By providing adequate funds to the NGOs, the government should come forward in recruiting the staffs for NGOs, which can attract good quality staff.

Conclusion

Being a complex phenomenon, trafficking becomes multi-dimensional and hence, can be viewed from different perspectives. The problem is deeply rooted in the social, cultural, political aspects of the society which also makes it a cause and effect of the human trafficking in India. As stated by United Nations, trafficking is a subject wrapped in layers of silence and hence there is a need to address the both demand and the supply factors triggering trafficking in the society. The need of the hour is to change the perspective through which laws are framed and executed in our country related to sexual activities. In the present scenario, it is difficult to monitor the magnitude of trafficking as the environment provided by our laws and the society forces a trafficked woman to remain underground in a state of misery. One needs to understand that sex work, either voluntary or forcefully is the direct result of poverty and social inequality prevailing in the society. The insecure working environment for the workers harnesses conditions which results to criminal activities.

We need to enact and implement better laws and should have more involvement of NGO in the activity of sex workers so that they can prevent and prosecute the problem of trafficking at all levels in the society. The government should come forward to empower them by promoting policies that encourage sex workers to form Self Help Groups of their own and thus make them self-dependent to solve their own issues. The state of our affairs denote that the criminalization of sex work industry neither prevents trafficking nor reduces prostitution and the only thing it

does is creating coercive environment for the sex workers. Thus, instead of stigmatizing the profession, policy, schemes and programs should identify it as a source of livelihood and the focus needs to be shifted towards prevention of trafficking rather than elimination of sex work industry.

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