

Human Trafficking

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Manifest Pedagogy:

Globally South Asia and India in particular are known to be the hubs of Human Trafficking. Many forms of Internal and International trafficking persist in India. The legal and constitutional provisions to counter the crime and the societal sensitivity required to fight the crime are areas of interest for UPSC both prelims and mains

Source: *The Hindu*

In News

Human Trafficking day on 30th July

Placing it in the syllabus

Society- Effects of globalization on Indian society

Polity –The role of NGOs, SHGs and Laws, institutions and Bodies constituted for the

protection and betterment of these vulnerable sections.

Internal security- Role of external state and non-state actors in creating challenges to internal security.

Static dimensions

- **Human trafficking Definition**
- Forms of Human trafficking
- Global and India Statistics – UN reports
- Constitutional Provisions against Human trafficking
- Legal provisions related to Human Trafficking in India

Current dimensions

- Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2018
- Societies role in handling Human Trafficking

Content

Human trafficking Definition

United Nations Office on Drugs and Crime defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring 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

Forms of Human trafficking

Interpol mentions the following categories of Human trafficking:

- Trafficking in women for sexual exploitation
- Trafficking for forced labour
- Trafficking for forced criminal activities
- Trafficking for the removal of organs
- People smuggling

Global and India Statistics – UN reports

The Global Report on Trafficking in Persons 2018 released by United Nations Office on Drugs and Crime (UNODC) shows that women and girls make up most trafficking victims throughout the world. It also mentions that almost three-quarters of them are trafficked for sexual exploitation, and 35% (women and girls) are trafficked for forced labor. The findings of the report also mentions that children account for 30% of those being trafficked, and far more girls are detected than boys. It states that there is a steady increase in trafficking since

2010

Human Trafficking Trends in India : NCRB report

- According to the National Crime Records Bureau, a total of 8,132 cases of human trafficking were reported in India in 2016 under the Indian Penal Code, 1860. This is 15% increase from the number of cases reported in the previous year.
- The NCRB report mentions that West Bengal reported the most children trafficked (3,113), followed by Rajasthan (2,519), Uttar Pradesh (832), and Gujarat (485).
- West Bengal, Andhra Pradesh, Karnataka, Maharashtra, and Odisha are common source areas for trafficking to red-light areas across India, according to the India Country Assessment Report 2013 on anti-human trafficking, brought out by the United Nations Office on Drugs and Crime.
- Sexual exploitation for prostitution (22 per cent) was the second major purpose of human trafficking in 2016 in India, after forced labour (45 per cent), the NCRB data based on the statement of rescued victims and the accused show

Constitutional Provisions against Human trafficking

Article 23(1) of the Constitution of India mentions that the traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law

Legal provisions related to Human trafficking in India

Immoral Trafficking Prevention Act 1956(amended in 1986)

- The act outline the illegality of prostitution and the punishment for owning a brothel or a similar establishment, or for living of earnings of prostitution

as is in the case of a pimp.

- The act also states that if a person procures, induces or takes a child for the purpose of prostitution then the prison sentence is a minimum of seven years but can be extended to life.
- To ensure that the people in the chain of trafficking are also held responsible the act has a provision that states that any person involved in the recruiting, transporting, transferring, harbouring, or receiving of persons for the purpose of prostitution if guilty of trafficking.
- It mentions that any person attempting to commit trafficking or found in the brothel or visiting the brothel is punishable under this law

Section -370 of IPC

It mentions that whoever, for the purpose of exploitation recruits, transports, harbours, transfers or receives a person or persons by using force or threat is considered as offence of trafficking. Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine

Trafficking of Persons(Prevention, Protection and Rehabilitation) Bill 2018

Following are the some of the main provision of the bill;

- The proposed Bill provides for the **establishment of investigation and rehabilitation authorities** at the district, state and national level. **Anti-Trafficking Units** will be established to rescue victims and investigate cases of trafficking. Rehabilitation Committees will provide care and rehabilitation to the rescued victims.
- The Bill **classifies certain purposes of trafficking as**

'aggravated' forms of trafficking. These include trafficking for forced labour, bearing children, begging, or for inducing early sexual maturity. Aggravated trafficking attracts a higher punishment.

- **Protection and rehabilitation:** The Bill requires the central or state government to set up Protection Homes, to provide shelter, food, counselling, and medical services to victims. Further, the central or state government will maintain **Rehabilitation Homes in each district**, to provide long-term rehabilitation to the victims. The Bill requires the central and state governments to set up **anti-trafficking committees at the district, state and national levels** to ensure the rehabilitation of victims.
- **Special Courts:** The Bill provides for setting up designated courts in each district, which will seek to complete trial of trafficking cases within a year.
- **Penalties:** The Bill sets out penalties for several offences connected with trafficking. In most cases, the penalties set out are higher than the punishment provided under prevailing laws

Societies role in handling Human Trafficking

- **NGO's can play a pivotal role in the identification of victims of trafficking and they may provide support and assistance to protect the victims, they can also provide legal assistance to victims**
- **Media:** The media can have substantial effects on how the public perceives and understands trafficking in persons
- **Religious institutions:** Religious institutions may have an important role in supporting comprehensive strategies to combat trafficking in persons. The extent and importance of their contribution will depend on the prominence and role of religion in a particular society
- **Businesses and corporate liability:** The business community also has a part to play in the struggle

against trafficking in persons. They can do so by adopting preventative policies eliminating goods and services produced using trafficked labour