Trafficking in women and children in India: nature, dimensions and strategies for prevention

Biswajit Ghosh*

The University of Burdwan, West Bengal, India

Trafficking in women and children is one of the worst abuses of human rights. But it is very difficult to estimate the scale of the phenomenon as trafficking is closely related to child labour, bonded labour, child marriage, kidnapping and abduction and prostitution even though these phenomena can exist also independent of trafficking. This paper has attempted to analyse the nature, causes, modes and volume of trafficking in a country that has recently become a soft target in the South Asian region for trafficking in persons. India has failed to comply with certain international standards to combat the crime. The paper highlights the need to develop a multidimensional approach and focuses attention on structural factors of trafficking for recommending meaningful stratagems to counter the social evil.

Keywords: human trafficking; human rights; prostitution; kidnapping and abduction; child marriage; child labour

The problem of human trafficking, particularly trafficking in women and children has emerged as an important social issue in recent times in many parts of the world. Even though trafficking is largely a borderless organised crime, India like many other South-Asian countries is fast becoming a source, transit point as well as a destination for the traffickers. The crux of the problem is that human trafficking, being a highly secretive and clandestine trade, remains mostly under-reported and untraced in spite of the fact that several international initiatives have been taken to impel governments into action. Conversely, the increasing volume of human trafficking is also a reflection of the lack of political will on the part of the states as evident in the plethora of instances to allocate inadequate resources to combat the problem. The problem is therefore much deeper and wider than their meagre reportage to the police. Woefully, India has been placed on the Tier 2 Watch List for a fourth consecutive year in the Trafficking in Persons Report 2007 released by the United States Government for its failure to show increasing efforts to tackle this large and multi-dimensional problem. The report has not only pointed out India to be a hub of trafficking, but also criticised the Indian Government for not complying fully with the minimum standards for the elimination of trafficking. Not only is the issue of human trafficking in India a low priority for the law enforcement and justice delivery agencies, there is lack of synergy among various government departments like police, welfare, health, women and children, etc. This has resulted in perfunctory and delayed investigations as well as dwindling rates of convictions. Of late, the government has suggested amendments to the Immoral Traffic...
Concept and approaches to human trafficking

Trafficking refers to the movement of men, women and children from one place to another through force, coercion or deception into situations of their economic and sexual exploitation. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the Palermo Protocol adopted in November 2000) defines trafficking 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 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 service, slavery or practice similar to slavery, servitude or the removal of organ.\(^5\)

This is the first internationally accepted definition of trafficking and it came into force from 25 December 2003. It provides a guiding principle for macro conceptual understanding of the problem although it is argued that this definition is elaborated mainly in the context of crime control rather than with a focus on human rights.\(^6\) It does not particularly provide protection to prostitutes from prosecution for the acts they are forced to perform even though it talks about preventive measures, victim compensation, repatriation, etc. However, a wider perspective on trafficking cannot be developed unless the questions of human rights and political economy of trafficking are taken care of. But the Protocol lacks a clear definition of the term ‘exploitation’. It also assumes a clear line between legal and illegal migration, whereas in practice this is a much more fluid process.\(^7\) Yet, this definition deals with the means of trafficking, exploitative consequences of trafficking, and more importantly the issue of force or coercion that separates the crime from migration and smuggling.
Trafficking is basically done for the purpose of sexual and other forms of ‘exploitation’, and the victim never gives ‘consent’ to such sufferings. The end purpose of trafficking is totally different from migration or smuggling. Even if there is manifest consent as the victim is lured, cheated, falsified, deceived and often coerced, it is in fact, a facade of consent and not ‘informed consent’. But as migration and trafficking follow the similar series of steps, traffickers are able to manipulate these processes and create the illusion for the victim that they are involved in ‘human smuggling’ or ‘migration’ fraud. In reality, however, the purpose of trafficking from the very beginning is to profit from the exploitation of the victim. Acquiescence based on deception initially does not turn the practice of human trafficking into human smuggling or migration. Migrants or smuggled persons may also be exploited by their agents, but they need not necessarily be ‘trafficked’. The critical factors that separate trafficking from other processes of physical movement are: nature of consent, the intention of the agency transporting people, and the end consequences of movement. The difference in the perception of the victim and traffickers about the end purpose normally keeps such cases surreptitious until the victim realises his/her misfortune or the ordeal he/she is put to.

Similarly, cases of abduction, child marriage, bonded labour and child labour can also exist independent of trafficking. But, in reality these are some of the major modus operandi of trafficking. Furthermore, trafficked women and girls are mostly pushed into the sex trade although some sex workers are not trafficked. The ‘clandestine’ prostitutes, who enter into sex relationships voluntarily for mercenary considerations, are not normally a matter of concern for the legal authority. Hence, the distinction between a trafficked and non-trafficked prostitute may remain mystery unless the victim clearly reveals her plight. There, therefore, exist certain mystifying lines of connections between crimes like kidnapping and abduction, rape, child labour, bonded labour, prostitution and human trafficking. These are some of the methodological and legal problems in clearly isolating trafficking cases from other related crimes. We should keep these problems in mind while formulating policies and estimating the magnitude of human trafficking in any part of the world. The role of state and other agencies in prohibiting crimes related to human trafficking and maintaining labour standards particularly in the expanding areas of our informal economy becomes critical in this respect. But while doing so, they need to pursue a victim-centred integrated policy so that migrants do not fall into the trap of smugglers or traffickers to facilitate their movement. It should be kept in mind that any anti-migration policy ultimately makes women and children more vulnerable to trafficking through secret doors. As trafficking is a global crime, there is every need to evolve policies that transcend national boundaries and their implementation is ensured universally.

**Anti-trafficking law in India**

Even though India has turned into a hotbed of human trafficking, the Constitution of the country has prohibited all sorts of trafficking under Article 23. The Suppression of Immoral Traffic Act 1956 (SITA), amended as the Immoral Traffic (Prevention) Act (ITPA) in 1978 and later in 1986, was in response to the ratification of the International Convention on Suppression of Immoral Traffic and Exploitation of Prostitution of Others in 1950. The amended law stressing prevention rather than suppression of human trafficking took into consideration the international conventions and protocols and provided severe penalties for different types of exploitative conditions. The ITPA toughened penalties for trafficking in children, particularly by focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage girls as victims. The ITPA also provides
protection and rehabilitation for the rescued girls. Keeping a brothel or allowing premises to be used as a brothel is a crime under the ITPA. It also provides punishment to (a) adults living on the earnings of prostitutes, (b) procuring a person for the sake of prostitution, and (c) detaining a person in premises where prostitution is carried on. But, prostitution is not an offence under the ITPA. It however criminalises solicitation or engaging in sex work in or near a public place. Often this provision of the act is used by the police to harass and punish the sex workers who themselves are the victims of trafficking. The Government of India has therefore recently attempted to amend the law and absolve the sex workers of the offence of soliciting or seducing by deleting Section 8 of the act even though it complicated the matter by suggesting exemplary punishment for the clients under a new section 5C. 

Apart from the ITPA, trafficking of women and children for sexual exploitation is covered under several other sections of the Indian Penal Code (IPC), namely, 366A (Procuration of Minor Girls Under 18 Years of Age), 366B (Importation of Girls Under 21 Years of Age From a Foreign Country), 367 (Kidnapping and Abduction for Slavery, Unnatural Lust, etc.), 372 (Selling of Minor Girls for Prostitutions), 373 (Buying of Minor Girls for Prostitutions). There are some other offences under IPC that have direct bearing on the problem of trafficking. Thus, for instance, trafficked women/girls very often are raped (an offence under section 376) before being sold to the brothel. Also sexual intercourse with a girl child under 16 years of age, even with her consent, constitutes the offence of a rape u/s 374 IPC. Similarly, special legislations like The Child Marriage Restraint Act 1929, Bonded Labour Abolition Act 1976, Child Labour Act 1986, Juvenile Justice Act 2000, Offences Against Children Act 2005 and local legislations like Goa Children’s Act 2003 also attempt to prevent human trafficking.

Human trafficking in India can be classified into three groups: (a) for commercial sexual exploitation, (b) for exploitative labour, and (c) for other forms of exploitation like organ sale, begging, camel jockeying, etc. A cursory look into the available records and reports on trafficking show that the trafficked women and children are pressed into activities like prostitution in brothels, massage parlours or beer bars, pornography, dancing, petty crimes, domestic help, agricultural labour, begging, camel jockeying, organ trade, drug trafficking and even trafficking. The rapid growth of sex tourism and increasing demand for cheap labour in the globalised world has contributed to the increase in trafficking of young women and girls. Women are bartered at prices that vary on the basis of physical beauty and virginity. In the sex industry some clients prefer girl children who are perceived to be unaffected by AIDS. Resultantly, there is a constant demand for girl children, sometimes as young as ten, in the sex industry. Demand for young girls has increased in Jammu and Kashmir due to increasing concentration of military personnel in recent years. Trafficking for exploitative labour also takes place in industries, agriculture, the domestic sector, entertainment industry, construction work and the like. Some boys are trafficked to West Asia or the Persian Gulf States and become camel jockeys in camel races. Some end up as beggars in Saudi Arabia during the Hajj. In Northern India, where the number of girl children is less, young girls are trafficked to meet the demand for brides.

Magnitude of trafficking in women and children in India

Trafficking is now a global crime. It is a low risk but high venture enterprise. But there is a lack of systematic and reliable data on the problem. Even some of the most commonly cited global estimates vary widely from one to four million a year. According to United Nations Children’s Fund (UNICEF),11 two million people become victims of trafficking each year,
of whom 1.2 million are children. The International Labour Organisation (ILO)\(^\text{12}\) has estimated that 1.2 million children – boys and girls – are trafficked each year into exploitative work in agriculture, mining, factories, armed conflict or commercial sex work, and there are at least 2.4 million trafficked persons at any given point in time. Notwithstanding such variations, it is roughly agreed that only the trafficking of arms and drug surpasses revenues generated by human trafficking.\(^\text{13}\)

It is very difficult to judge or estimate the scale of the phenomenon; and collecting reliable information is a tough exercise due to the clandestine nature of the operation. Yet, it is widely recognised that many countries in Asia now serve as places of origin, transit and destination of the whole operation. According to the United Nations Office on Drug and Crime (UNODC), 150,000 people are trafficked within South Asia annually making the region second only to South East Asia in terms of the prevalence of human trafficking. While UNODC ranks Bangladesh, India, Nepal and Pakistan as countries of high origin, India and Pakistan are also ranked as high destination countries.\(^\text{14}\) It is particularly argued that ‘India has the world’s largest labour trafficking problem with hundreds of thousands of sex trafficking victims and millions of bonded labourers including forced child labourers’;\(^\text{15}\) Notwithstanding such reports and concerns, data provided by the National Crime Records Bureau (NCRB) of India show that human trafficking is rather waning in the country. Thus the number of cases registered under the ITPA has declined sharply by more than 60% from 11,242 cases in 2002 to 4541 cases in 2006 (see Figure 1). Such a massive decline is a seriously contentious issue. If we look into the state-wise break up in the ITPA data in 2005 and 2006 stated in Table 1, it would appear that the decline is far from being even and systematic. Moreover, the state-wise differences in the ITPA cases may be attributed to differences in the police approach to trafficking. Thus, Tamil Nadu accounted for the majority of the cases registered under the ITPA over the last two decades and in between 2005–06, it recorded a decline of 38% in such cases. The four Southern states of Tamil Nadu, Karnataka, Andhra Pradesh and Kerala collectively accounted for 76% of cases in 2006. But when this is compared with the demographic background of trafficked victims in the red-light zones of different states, the problem of non-reporting and over-reporting comes to the fore. Because, as per the path breaking study of the Action Research on Trafficking in Women and Children (ARTWAC), the majority of such victims were from the states of Maharashtra, Bihar, Rajasthan, Delhi, and West Bengal including Andhra Pradesh and Karnataka.\(^\text{16}\) It is astonishing to note

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**Figure 1.** Cases registered under the Immoral Traffic (P) Act in India, 1998–2006.
that states with international boundary (e.g., West Bengal, North Eastern states, Punjab, Jammu & Kashmir, and Rajasthan) as well as lower levels of socio-economic development (e.g., Bihar, Uttar Pradesh, and Orissa) have recorded lesser number of trafficking cases as compared to the ones that are geographically as well as socio-economically better placed. Since ITPA reportage is strikingly low for states like Bihar, Madhya Pradesh, Rajasthan, West Bengal Uttar Pradesh, and Orissa from where trafficked persons are mainly sourced in the country for inter-state movement apart from Andhra Pradesh, Karnataka and Maharashtra, there is every reason to doubt official data.

Apart from inter-state trafficking, a large number of girls are also trafficked to India from Bangladesh and Nepal. Surprisingly though, there is no treaty among these governments for proper repatriation and rehabilitation of trafficked girls. One can only presume that police recording of crimes under different sections are influenced by stereo-typical notions and as such ‘trafficking in women and children is not considered a serious issue by the vast majority of police officials’.17 Over and above, there are ‘political interventions or pressure

### Table 1: Incidence, rate and rank of ITPA cases by states and union territories, 2005-2006

<table>
<thead>
<tr>
<th>States/Union Territories</th>
<th>Incidence 2005</th>
<th>Rate 2005</th>
<th>Rank by Incidence</th>
<th>Incidence 2006</th>
<th>Rate 2006</th>
<th>Rank by Rate</th>
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<tr>
<td>Andhra Pradesh</td>
<td>681</td>
<td>0.9</td>
<td>3</td>
<td>657</td>
<td>0.8</td>
<td>4</td>
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<td>Arunachal Pradesh</td>
<td>00</td>
<td>0.0</td>
<td>24</td>
<td>00</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>Assam</td>
<td>25</td>
<td>0.1</td>
<td>15</td>
<td>29</td>
<td>0.1</td>
<td>10</td>
</tr>
<tr>
<td>Bihar</td>
<td>28</td>
<td>0.0</td>
<td>14</td>
<td>13</td>
<td>0.1</td>
<td>11</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>06</td>
<td>0.0</td>
<td>18</td>
<td>13</td>
<td>0.1</td>
<td>10</td>
</tr>
<tr>
<td>Delhi</td>
<td>151</td>
<td>1.0</td>
<td>6</td>
<td>112</td>
<td>0.7</td>
<td>5</td>
</tr>
<tr>
<td>Goa</td>
<td>38</td>
<td>2.5</td>
<td>11</td>
<td>26</td>
<td>1.7</td>
<td>2</td>
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<tr>
<td>Gujarat</td>
<td>59</td>
<td>0.1</td>
<td>9</td>
<td>78</td>
<td>0.1</td>
<td>10</td>
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<tr>
<td>Haryana</td>
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<td>0.4</td>
<td>8</td>
<td>85</td>
<td>0.4</td>
<td>7</td>
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<td>00</td>
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<td>11</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
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<td>21</td>
<td>05</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>13</td>
<td>0.0</td>
<td>17</td>
<td>11</td>
<td>0.0</td>
<td>11</td>
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<tr>
<td>Karnataka</td>
<td>1241</td>
<td>2.2</td>
<td>2</td>
<td>786</td>
<td>1.4</td>
<td>3</td>
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<tr>
<td>Kerala</td>
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<td>0.7</td>
<td>4</td>
<td>189</td>
<td>0.6</td>
<td>6</td>
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<tr>
<td>Madhya Pradesh</td>
<td>19</td>
<td>0.0</td>
<td>16</td>
<td>12</td>
<td>0.0</td>
<td>11</td>
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<tr>
<td>Maharashtra</td>
<td>222</td>
<td>0.2</td>
<td>5</td>
<td>378</td>
<td>0.4</td>
<td>7</td>
</tr>
<tr>
<td>Manipur</td>
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<td>0.0</td>
<td>23</td>
<td>00</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>Meghlaya</td>
<td>01</td>
<td>0.0</td>
<td>23</td>
<td>01</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>Mizoram</td>
<td>01</td>
<td>0.0</td>
<td>23</td>
<td>00</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>Nagaland</td>
<td>04</td>
<td>0.2</td>
<td>20</td>
<td>09</td>
<td>0.4</td>
<td>7</td>
</tr>
<tr>
<td>Orissa</td>
<td>29</td>
<td>0.1</td>
<td>13</td>
<td>44</td>
<td>0.1</td>
<td>10</td>
</tr>
<tr>
<td>Pondicherry</td>
<td>05</td>
<td>0.5</td>
<td>19</td>
<td>08</td>
<td>0.6</td>
<td>7</td>
</tr>
<tr>
<td>Punjab</td>
<td>58</td>
<td>0.2</td>
<td>10</td>
<td>67</td>
<td>0.3</td>
<td>8</td>
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<tr>
<td>Rajasthan</td>
<td>115</td>
<td>0.2</td>
<td>7</td>
<td>143</td>
<td>0.2</td>
<td>9</td>
</tr>
<tr>
<td>Sikkim</td>
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<td>0.0</td>
<td>24</td>
<td>00</td>
<td>0.0</td>
<td>11</td>
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<tr>
<td>Tamil Nadu</td>
<td>2777</td>
<td>4.3</td>
<td>1</td>
<td>1732</td>
<td>2.6</td>
<td>1</td>
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<tr>
<td>Tripura</td>
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<td>0.0</td>
<td>24</td>
<td>00</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>31</td>
<td>0.0</td>
<td>12</td>
<td>70</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>Uttaranchal</td>
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<td>0.0</td>
<td>22</td>
<td>03</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>West Bengal</td>
<td>74</td>
<td>0.1</td>
<td>8</td>
<td>66</td>
<td>0.1</td>
<td>10</td>
</tr>
<tr>
<td>Other UTs (4)</td>
<td>10</td>
<td>--</td>
<td>--</td>
<td>04</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

All India | 5908 | 0.5 | 24 | 4541 | 0.4 | 10 | 721

Source: Compiled from Crime in India 2005-6, National Crime Record Bureau, Govt. of India, New Delhi.
on the police to keep the crime figure low’. The US state department report on Trafficking in Persons (2007) also points to widespread corruption among law enforcement officials in India obstructing efforts to combat trafficking. Even though collusion among the border security forces and traffickers is a well-documented fact, there are reports of even senior police officials tipping off brothels about imminent raids. It is interesting to note here that many of the brothel owners surveyed by the ARTWAC team considered police raids either as an exercise for ‘non-payment of regular money’ to them, or as an effort to ‘fill up their records’ as well as to ‘project their performance’. Bribing law enforcement officers to avoid arrest or to seek advance information about any impending raid are common tactics applied by brothel owners apart from the use of political connections to continue their trade uninterrupted. But the ITPA (section 3) clearly prescribes punishment for keeping a brothel or allowing premises to be used as a brothel and such punishment becomes rigorous in the event of any second or subsequent conviction. Not only this, police officers as per the law may conduct search operation in such premises without a warrant. Yet, the political links and other ‘powers’ of the brothel owners/managers sometimes work as disincentive for the police to take effective steps. They are therefore seldom brought to book and, on the contrary, the prostitutes are mostly arrested on charges of soliciting. Such being the scenario, it is difficult to accept the fact that registration of trafficking cases under the ITPA has declined sharply over the last five years.

It is also interesting to note a contrast here. Thus, except the ITPA, offences related to trafficking of women and children under different other crime heads have not decreased since 2002. Table 2 reveals that recorded cases under these crimes have increased persistently from 241 cases in 2002 to 456 cases in 2006. If the number of the ITPA cases has scaled down substantially due to, say, police action, over the last five years, why did that not happen with respect to other trafficking crimes? As all these crime heads except the Importation of Girls relate to internal child trafficking, how do we explain the rise in child trafficking within the country? As such, child trafficking is hardly measured in the country. Even the parents voluntarily sending their children to far off for work in say, the construction or jewellery industries, do not know that the boys often become bonded labourers. India has a huge population of bonded and child labour, and NGOs estimate that the number varies between 20 million to 65 million labourers. Many of the so-called voluntary migrants later find themselves in situation of involuntary servitude, including extended working hours, non-payment of wages, restrictions on movement by withholding passports apart from physical or sexual abuse. The much-publicised ban on child labour is hardly executed and as of

<table>
<thead>
<tr>
<th>Crimes Heads (IPC)</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>Average of 5 years</th>
<th>Percentage change in 2006 from 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITPA</td>
<td>11242</td>
<td>5510</td>
<td>5748</td>
<td>5908</td>
<td>4541</td>
<td>6590</td>
<td>- 23.10</td>
</tr>
<tr>
<td>Importation of Girls</td>
<td>76</td>
<td>46</td>
<td>89</td>
<td>149</td>
<td>67</td>
<td>86</td>
<td>- 55.00</td>
</tr>
<tr>
<td>Procuration of Minor Girls</td>
<td>124</td>
<td>171</td>
<td>205</td>
<td>145</td>
<td>231</td>
<td>175</td>
<td>59.30</td>
</tr>
<tr>
<td>Buying of Girls for Prostitutions</td>
<td>9</td>
<td>24</td>
<td>21</td>
<td>28</td>
<td>35</td>
<td>23</td>
<td>25.00</td>
</tr>
<tr>
<td>Selling of Girls for Prostitutions</td>
<td>5</td>
<td>36</td>
<td>19</td>
<td>50</td>
<td>123</td>
<td>47</td>
<td>146.00</td>
</tr>
<tr>
<td>Total of All Crimes</td>
<td>11456</td>
<td>5787</td>
<td>6082</td>
<td>6280</td>
<td>4997</td>
<td>6921</td>
<td>- 20.43</td>
</tr>
</tbody>
</table>

Source: Compiled from Crime in India 2002-6, National Crime Record Bureau, Govt. of India, New Delhi.
December 2006, state governments have identified 1672 violations of this ban, based on
the 23,166 inspections being carried out. There is therefore serious lacuna in recording
crimes under different heads apart from the general apathy of our police administration to
link trafficking with crimes like child labour, child marriage and kidnapping & abduction of
women and children.

It has been clearly recorded in our study\(^\text{20}\) and many others that child marriage is
a major modus operandi of trafficking of minor girls. Hopefully, the latest NCRB report on
Crime in India 2006 has also incorporated the cases registered under The Child Marriage
Restraint Act 1929. But again there is serious disagreement in accepting the official records
to estimate the problem. This is because child marriages are hardly reported to the police.
Thus, only 99 cases of child marriages were reported in the year 2006 and over the last five
years a total of only 490 cases were brought to the fore. But there is a silent complicity to
child marriage (as shown in Figure 2) in many parts of the country with rural and backward
communities treating it as normal and routine. The practice is more pronounced in certain
Northern and Central Indian states. The latest National Family Health Survey-3 (NFHS) has
reported that the percentage of under-18 marriages of girls in the country has increased
from 34% in 1998-99 to 45.6% in 2005-6.\(^\text{21}\) If we think that at least 10% of the
1,02,42,881 currently married under-18 married girls in the country as per the 2001
Census was trafficked, the figure would be more than 1 million! Does this not prove that we
are far from the reality in explaining the extent of trafficking of women and children in the
country?

![Figure 2: Percentage of currently married women below 18 in India by major states who got married during
1996-2001](image_url)

Source: Compiled from Census of India 2001, Govt. of India, New Delhi
Interestingly, estimates by different NGOs and survey reports on sex workers and trafficked women and children are several times higher than the official statistics, though such figures are not uniform. For example, a nationwide study conducted between 2002–04 for the Department of Child Development, Govt of India, has exposed that India has four million prostitutes and their number is likely to swell to 10 million in a few years. Many of the prostitutes are said to be underage, entering the sex trade between the ages of 12 and 15. Again, a UNICEF report has estimated 5 lakh child sex workers in India and predicted that the number would rise steadily in the context of sex-tourism. According to a survey conducted by an NGO in 2004, 378 of the 593 districts in India are affected by human trafficking and 90% of the crime is interstate. Beyond inter-state trafficking, it is also estimated that nearly 10 to 15 thousand girls are trafficked to India every year from Bangladesh and another 6000 to 10,000 girls enter India from Nepal to work in the sex industry. Although trafficking of women from Nepal has been going on since the nineteenth century (they are favoured because of their fair skin), the pace has quickened in recent years. Abject poverty and growing insurgency have pushed women to look beyond the borders for work.

Again, a cursory look into the official kidnapping and abduction figures shown in Figures 3 and 4 would lead one to infer that a large number of women and children are picked up every year. Despite problems with our case registration system and the general tendency to hide or suppress women-related issues, the number is increasing every year, and 22,516 women and children were kidnapped and abducted in 2006 alone. Although trafficking is distinct from kidnapping / abduction, it would not be erroneous to claim that at least some of them and more particularly the abducted children are also trafficked. The Asian Development Bank study reveals that out of a total of 11,119 kidnapped and abducted women in 1999 in the state of Tamil Nadu, 82.37% (9159) were forced into prostitution. The ARTWAC study has disclosed that on average 22,480 women and 44,476 children were reported missing in India between 1996 and 2001. Of these, more than 5452 women and 11,008 children continue to remain missing. Over 1400 girls went missing from West Bengal in 2006 alone apart from 1787 adult women. It is astonishing that 75% of the missing girls from Kolkata and 65% from Delhi continue to remain missing. The ARTWAC study has also proved that there is a wide gap between the actual figures of crime reported to the police (5914) and the crimes that had actually taken place.

Estimates clearly raise serious doubts about the official figures on trafficking. Considering all evidence and arguments, it can fairly be argued that the extent of human trafficking in India in a year is close to one million.

Apart from the reasons cited above, the lesser reportage of trafficking cases under the ITPA is also due to the official method of categorising an offence. Police and the victim’s family most often fail to understand that there exists a mysterious link between trafficking and missing. By and large, the First Information Report (FIR) in such circumstances states ‘a girl or child is being missing’, and attempts are hardly made to link such cases with trafficking. To the police, a clear case of trafficking cannot be established just by any disappearance of any person. It is a fact that some cases of disappearances are linked to elopement. But to treat all missing stories as cases of elopement or cases lacking evidence is wholly inappropriate.

There are several other factors responsible for under-reporting of the phenomenon. Trafficking is very hard to measure because in many cases the family members, relatives, and friends give consent for young girls/boys going to distant places for lucrative earning. Problems usually start when the flow of money sent by the girl stops and the communication link is cut off. We have come across certain cases of young girls from the Hooghli district of West Bengal who were trafficked to Mumbai to work at dance bars. Neither the girls nor their parents wanted the cases to be reported to the police as the girls went on sending remittances. The matter however became public when the girls returned home due to problems at Mumbai. These girls who once were ‘models’ for many others to follow, later became a matter of concern for the local police and the civil society. The failure of the relatives, neighbours and the civil society in general to stand by the sufferings of women and children and bring the matter to the notice of the police may be one powerful reason.

Often the traffickers are so resourceful in a locality that the common man rather prefers to ignore the plight of trafficked young or minor girls. The underworld is deeply involved in such endeavours along with the trafficking of drugs, arms and cattle across the borders. Despite the initiatives taken by the Government of India in addressing the issues of trafficking and commercial exploitation of children, at both national and state levels, the institutional response to human trafficking still remains insufficient. As a result, both the
number of cases filed under the ITPA as well as arrests and prosecution of master traffickers, who are the kingpins of the entire operation, remain far below expectations. There are also serious legal and administrative problems related to the rescue and rehabilitation of trafficked girls with foreign origin. Whenever the police find any trafficked girl of foreign origin, she is first booked under The Foreigners Act 1946 and then deported, depriving her of an opportunity to identify herself as a victim. This not only pushes her into the vicious circle of re-trafficking if not tackled by any NGO, but also results in loss of vital witnesses regarding the traffickers. We therefore need to evolve a holistic and global approach to address the issue of human trafficking.

**Police arrest, charge sheeting and conviction under the ITPA**

It is a matter of contentment that the number of people arrested per case under the ITPA in the country has gone up from 1.8 in 2002 to 2.6 in 2006. Yet, a cursory look into police records on the ratio of female arrests to male arrests under the ITPA may again prove that we are only applying palliatives but not curing the malady (see Table 3). It has been a normal practice to arrest and charge sheet commercial sex workers, who often are victims of trafficking, mainly under section 8 of the ITPA for seducing and soliciting customers. As most of the arrests are done during the rescue operations and raids by police, nearly 90% of the arrested persons in India are found to be victims of trafficking. The persons who are in control of the brothels (often called brothel keepers or managers or madams), a large majority of whom were originally trafficked into commercial sexual exploitation, are hardly caught and arrested. The brothel keepers/managers maintain direct or indirect links with the ‘traffickers’ even though there are several underground tiers of trafficking hierarchy involving kingpin, procurers, purchasers, transporters, pimps, spotters and the like. Hence, stern and follow up actions against the brothel keepers/managers under section 3 of the ITPA may to a certain extent expose the criminal nexus. But this does not happen in reality allowing the real traffickers in the sex industry to regroup and continue their operations with a new support system. Hopefully, the proportion of female arrests has shown a gradual decline over the last decade and in 2006 it was reduced to 64%, a decline of 26% from the 1998 figure. Yet, there is much scope to improvise our thoughts and actions. More particularly, there is inter-state difference of a serious

<table>
<thead>
<tr>
<th>Year</th>
<th>Males arrested</th>
<th>Females arrested</th>
<th>Total arrested</th>
<th>Percentage of females to total arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>1302</td>
<td>10,069</td>
<td>11,371</td>
<td>88.55</td>
</tr>
<tr>
<td>1998</td>
<td>1260</td>
<td>11,605</td>
<td>12,866</td>
<td>90.26</td>
</tr>
<tr>
<td>1999</td>
<td>1570</td>
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<td>14,765</td>
<td>89.37</td>
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<td>2000</td>
<td>1779</td>
<td>12,073</td>
<td>13,852</td>
<td>87.16</td>
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<tr>
<td>2001</td>
<td>2560</td>
<td>10,263</td>
<td>12,823</td>
<td>80.04</td>
</tr>
<tr>
<td>2002*</td>
<td>2390</td>
<td>9666</td>
<td>12,056</td>
<td>80.18</td>
</tr>
<tr>
<td>2003</td>
<td>3003</td>
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<td>3145</td>
<td>8283</td>
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<td>3547</td>
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<tr>
<td>2006</td>
<td>4228</td>
<td>7555</td>
<td>11,783</td>
<td>64.12</td>
</tr>
</tbody>
</table>

Source: Compiled from Crime in India 1997–2006, NCRB, Govt of India, New Delhi.

* The figures for 2002 were revised by NCRB in 2003 following corrections in the data supplied by Chhattisgarh. I am grateful to Mr. A.K Verma, Chief Statistical Officer of NCRB for making me available the sex break up of arrested persons for 2002.
nature in this respect and states like Goa, Tamil Nadu, Mizoram, Maharashtra, Karnataka, Uttar Pradesh, West Bengal and Delhi have had a very high ratio of female to male arrests in 1997–2001. It should be kept in mind that arrests made under section 4 (Punishment for Living on the Earnings of Prostitution), section 7 (Prostitution In or In the Vicinity of Public Places), and section 8 (Seducing or Soliciting for Purpose of Prostitution) of the ITPA, dealing basically with offences related to prostitution, will not check trafficking to a large extent. Hence one should look into the number of arrests and punishment under section 5 (Procuring, Inducing or Taking a Person for the Sake of Prostitution) and section 6 (Detaining a Person in Premises Where Prostitution is Carried On) of this act related directly to the problem. It is worth mentioning here that women arrested under section 8 are barely fined up to Rs. 500 and conviction of such women is a rare possibility. As brothel owners mostly pay such fines, it is very easy for them to continue the operation. This strengthens the accusation that ‘corrupt police’ support brothel owners and are not serious in keeping a check on the traffickers. In fact, a happy nexus between the police and the brothel owners actually helps the trafficking to flourish.

There are some more areas of controversy with police action. Thus, the age break-up of arrested persons under the ITPA shows that only 79 out of a total of 11,783 arrested persons in 2006 were below the age of 18. But going by our experience, the number of minors should be much more than what is mentioned in the records. This is because police generally arrest prostitutes under sections 4, 7 and 8 of the ITPA and during such raids the newly brought trafficked girls, many of whom are minors, become the target. It is worth mentioning here that 35% of the sex workers in the country are below the age of 18. The question is why do the police fail to reveal the correct age of the person? Apart from the usual charge of ‘lack of sensitivity’ on the part of the enforcers of law, the brothel keepers also attempt to report the age of arrested minors as above 18. This is because there remains the option to bail out an adult person and re-traffic them. Had the person been registered as a minor, he/she would have come under the Juvenile Justice Act and had been sent to a home for care and protection. Moreover, if the offence is committed against a child or minor, the punishment is severe. Hence, deliberate suppression of actual age is another hurdle in tackling the crime of trafficking.

The rates of charge sheeting and conviction under the ITPA are however significantly better in the country as compared to other crimes committed against women. NCRB data shown in Table 4 reveal that the rate of charge sheeting of ITPA cases was more than 98% over the last five years on the whole. In 17 states and all the Union Territories, charge sheets in 100% of cases had been filed in 2006. Only Assam (57.7%) and West Bengal (70.2%) performed badly in this respect. Similarly, the highest rate of conviction under this crime head was 92% in 2002 and it has slithered down to 78% in 2006. The Table 4. Charge sheeting and conviction rates under the ITPA and importation of girls, 2002–06.

<table>
<thead>
<tr>
<th>Year</th>
<th>Charge sheeting rate</th>
<th>Conviction rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ITPA</td>
<td>Importation of girls</td>
</tr>
<tr>
<td>2002</td>
<td>99.9</td>
<td>81.8</td>
</tr>
<tr>
<td>2003</td>
<td>99.7</td>
<td>91.7</td>
</tr>
<tr>
<td>2004</td>
<td>98.7</td>
<td>93.0</td>
</tr>
<tr>
<td>2005</td>
<td>99.6</td>
<td>86.9</td>
</tr>
<tr>
<td>2006</td>
<td>98.8</td>
<td>72.0</td>
</tr>
</tbody>
</table>

Source: Compiled from Crime in India 2002–06, NCRB, Govt of India, New Delhi.
The rate is comparatively low partially due to delay in the justice delivery system. Thus, cases against 36,931 persons including those from previous years were committed to trial in 2006 in all; but only in 7408 cases could trials be completed and only 5201 persons were convicted. As a result, not only the pendency percentage of ITPA cases stayed very high (79.82%); the objective of providing exemplary and quick punishment to the traffickers also remained largely unfulfilled. Inordinate delay in prosecution often leads to vital evidence going missing and witnesses turning hostile. One of the reasons for our failure to punish the real culprit may be lack of witnesses to substantiate the accusations made by the police. Also, the fear of uncertain future looms large on those who have to earn bread and butter without the moral and economic support of their families or relatives. The living conditions of many of the rescue/rehabilitation homes are so deplorable that the trafficked girls often prefer to opt for the old place of work as a better option to earn a livelihood with most of the civic amenities at hand. The brothel owners very often take advantage of such conditions and put pressure on the trafficked prostitutes to continue their nexus.

Apart from the ITPA, conviction rates of the crime head ‘Importation of Girls’ shows a dismal picture. This is mainly because of the problems associated with the identification of a foreign girl and related bureaucratic/legal problems in rescuing her from the clutches of the traffickers. Likewise, rescuing a trafficked child kept in a brothel may turn out to be a genuine problem as they may be identified as the siblings/relatives of the prostitutes. The victim, being traumatised and perplexed, may disagree to cooperate with the police unless tackled by experts through counselling sessions. These are some of the problems in realising a deterrent and effective conviction rate to minimise the menace of human trafficking.

Case studies from West Bengal

The State of West Bengal, lying in the eastern part of India, serves as a source, transit and destination for national and international trafficking in women and children. The state shares a boundary with north-eastern states like Assam apart from the state of Orissa, Bihar, Jharkhand and Sikkim. More importantly, it shares international boundaries with the neighbouring countries of Bhutan, Nepal and Bangladesh. The geographical location of West Bengal as well as its demographic and social constraints makes it vulnerable for trafficking. It is interesting to note that despite lack of reliable data on the magnitude of trafficking, there exists definite information regarding the routes, zones, modus operandi and prime targets of trafficking. UNICEF, for instance, has identified districts like Murshidabad, Dinajpur (South and North), Nadia, Howrah, 24 Parganas (South and North) and Midnapur as ‘endemic areas of child and women trafficking’. In my report also a detailed region-wise pictorial classification of trafficking chains and zones in West Bengal was worked out. Yet only 262 cases of trafficking of women and children under five different crime heads are reported from the state in 2006. Our failure in appreciating gross violation of the rights of women and children in a state that claims to take credit for gender development and gender empowerment therefore appears to be significant. Let me now refer to the brief history of eight cases of trafficking from West Bengal. They explain the reasons as well as modalities of trafficking, which are so common for any one to understand:

● Sujata Pal of Kultali, South 24 Parganas, was an agent of a trafficking gang transporting rural women and children belonging to poor families with the promise of better jobs in cities. The gang comprising criminals like Saidul Sarder, Ajit Naskar and others had trafficked many minor girls to Pune’s sex industry. They used to collect the girls from remote villages of South 24 Parganas and keep them at rented
rented houses at Tiljala and Jadavpur of Kolkata for transportation later. Sujata used to accompany the girls to Pune along with a few others. The gang is run by some ‘Bhaiya’ (meaning brother, the real name being unknown) of Pune who is yet to be traced. Another man called ‘Chattu’ looked after the Kolkata chapter of the gang. The case came out when Tiljala police caught Sujata. Sujata however escaped from the police station on 10 February 2007 and was united with the gang. But as Sujata disclosed some names of the gang to the police before her escape, the gang murdered her two weeks later. Police could arrest some agents of the gang and also rescue some minor girls from different hideouts. Yet, the network could not be dismantled and the main kingpin remains outside the bar allowing the organised trade to continue unabated.

- Md. Basiruddin was a shawl seller from Kashmir. Every year he used to come to Asansol to do his brisk business. Through such endeavour, he came to know of a physically challenged girl from OK Road. He proposed to marry the girl without any dowry. For the father of the girl Md. Mukther Sheikh, a truck driver, this was an unimaginable reality. He immediately arranged the ceremony in a local Mosque on 2 February 2007 and soon Basir left with the girl for his hometown. After reaching his home at Butpura village of Kulgaon district, Basiruddin also reported about their safe journey. But time and again he avoided giving the telephone to the girl and told that the girl was fine. Being suspicious of Basiruddin’s action, Mukther Sheikh’s wife Sabra Bibi and a son went to Kashmir during mid April. But to their utter shock it was revealed that Basiruddin had sold his ‘wife’ to a man called Raise Sheikh just after coming to Butpura, who had again sold the girl to Sheikh Ayub. Sabra Bibi could somehow trace her daughter in possession of Sheikh Ayub who demanded Rs. 11,000, the price that he had paid to buy the girl, to release her after much appeal. Sabra Bibi called her house and sought police help to rescue her daughter. A complaint was also lodged with the Additional Superintendent of Police at Asansol on 27 April. The Jammu and Kashmir police finally rescued the girl on the night of 1 May when an influential woman leader of the Congress Party from Asansol intervened through her connections at Delhi. Ayub was arrested, but Basiruddin and others are yet to be traced.

- In February 2005, preparations were going on for marrying 13-year-old Sunita Roy off to 35-year-old Rajesh Singh who had come to Panitanki from Haryana. The groom-to-be had claimed to be BA, BEd. and a teacher in a local school, whereas Sunita was completely illiterate. Fortunately, Bharuka, an NGO came to know about the matter and when enquiries revealed that the man was a well-known trafficker who had police records, the marriage was aborted. However, within a month, the same Rajesh managed to marry another girl of the same village and left with her. The Gram Panchayat was unable to do anything about it since the girl had attained the age of 18 and her parents were too willing to see her married off. Later it came to be known that Rajesh had given her father, an agricultural labourer, Rs.15,000 for the marriage ceremony and another Rs.20,000 for their daily expenses.

- This is a case of group child trafficking. Udayan Biswas (14), Raju Turi (17) and Md. Rafique (age not known) were residents of Lataguri in Jalpaiguri district. All of them had been victims of child trafficking. Prospects of getting work at road construction sites in Bhutan had induced them to accompany the brokers who had approached them. But once across the border, all of them faced inhuman treatment. They had been forced to do hard labour even in the freezing cold, carrying heavy loads of rocks
and cement up steep slopes at a place called Chamgaon, five hours away from Thimpu. Instead of the promised Rs.75 per day, they received just a pittance, most of their pay being deducted on the pretext of food and lodging. Even their passports had been confiscated to prevent them from leaving. Rafique managed to escape when he was admitted to a hospital due to illness. Udayan and Raju were also able to escape their employer’s clutches and with just the copies of their passports in their pockets they reached Jaigaon on the Indo–Bhutan border after a long and arduous journey. Now they are back home. But three other boys – Mandeep Kherin, Santosh Oraon and Hariprasad Roy – who disappeared on 29 April 2005, are still missing. A local NGO, Lataguri Social Welfare Organisation, claims to have received information that they have been traced to Ghaziabad and hopes to be able to bring them back soon.

- Majli Tudu of Khejuria village in Malda, a 15-year-old Santhal girl, used to work as a daily labourer like other girls of her village. A girl from the neighbouring village of Amtala, Miru Hansda, promised to help her get a job in a textile mill. Around the middle of 2000, Majli left home and following Miru’s instructions came to Malda railway station. There she met four other girls – all 14–18 years of age – and Suraj, Miru Hansda, Dhulia Mandal and the wife of one Suraj Mardi. After spending the night in a cottage near the station, they boarded a train accompanied by Raju, a 30–35 year old man. They were taken to a village near Faridapur in Punjab, where Raju lived. One by one they were sold off for Rs.16,000–Rs.18,000 each; Majli was sold to an aged man named Darshan Singh who was already married, but childless. Her first attempt to escape failed but ultimately she was able to persuade the man to let her go and she came back home in 2003. Suraj was also able to escape and return home but the rest are still missing. Interestingly, Miru – who played a key role in the trafficking – has been missing since February 2004.

- A 14-year-old Muslim girl from Purboshakhati village of Kalna subdivision, Burdwan district went missing in the month of June 2007. It was learnt that Noorjahan left home without informing her parents with a known man who promised her a good job in the town. Her mother filed a missing diary at the Kalna Police Station on 7 June. The police arrested the man and his two aides and produced them before the Kalna court. But the girl could not be traced as she was by then sold to an unknown person. The arrested persons did not divulge any name to police even under physical pressure. It appeared that there is a network of traffickers transporting minor girls from the backward Muslim community at the locality. The arrested persons got bail after three months and there was no community action to control their nefarious activities. This case clearly reveals the link between missing and trafficked girls. A local NGO named Bharatmata Sangha is trying to retrieve the girl.

- This is a unique case of a migrant becoming a victim of trafficking much later. Basana Bairagi from Champahati village under Kalna subdivision of Burdwan district, joined a Murshidabad-based circus party at the age of five with cognisance of her father Basudev Bairagi who received Rs.1000 from Dilip Das, a village man and member of the circus party, by signing a contract on a stamp paper. It was decided that the girl would not be allowed to visit her home within two and half years from the date of joining the group and Mr. Das would pay Rs. 2000 more subsequently. Basudev, a daily labourer, however failed to understand initially that the circus party had made her daughter a virtual ‘slave’ after buying her. The party never paid the Rs. 2000 that was promised. They also did not allow the parent to meet the
girl or release the girl after the stipulated period. But the problem became delicate after the death of Dilip Das when Basana started feeling ‘insecure’ due to extra pressure put on her by the owner of the circus. She was then 9 years old and wanted to join her family. But the circus authority declined to release her. Finally she was rescued by the efforts of police administration and Bharatmata Sangha. No police case was lodged against the circus party as they had the written approval of the father. This case clearly reveals that a so-called ‘voluntary migration’ may eventually turn out to be a case of trafficking later.

- This is a case of a Scheduled Castes (SC) girl in Dantan 2 Block in West Midnapur district. The economic condition of the victim’s family was very poor; the father of the victim was an agricultural labourer and he had difficulty maintaining a family of eight members including three daughters. The girl was illiterate and her parents became worried about her marriage. A matchmaker from the same village told them about a good-looking man in Kharagpur. The prospective bridegroom not only agreed to marry the girl within a fortnight, he also paid Rs. 2000 towards the marriage expenses of the girl. The girl was then only 16 years old. After a week, the bridegroom and his friend brought her to a place near Howrah. They tortured her physically before handing her over to a lady who runs a brothel. After a gap of eighteen months the girl could manage to escape and reach home by a local train. Her parents and other relatives were shocked to listen to her story and decided not to make any hue and cry to save the prestige of the family as they had two more daughters to marry off.

Prime trafficking targets

It appears from our study that the prime targets of trafficking in West Bengal are the poor Muslims, Hindu Scheduled Castes (SC) and Scheduled Tribe (ST) Communities. The affected worker groups are landless households, agricultural labourers, tea garden workers, low paid informal sector workers, and marginal and seasonal workers. Finally, the affected social classes are: illegal migrants, illiterate or dropout adolescents, deserted or widowed women, women who remained unmarried due to huge dowry demands, parent- or guardian-less children.

Causes and modes of trafficking

There are several contributing factors for trade in human beings particularly in women and children. The factors of trafficking in women and children can be divided into two categories: push and pull factors. The push factors include: poor socio-economic conditions of a large number of families, poverty coupled with frequent, almost annual natural disasters like floods leading to virtual destitution of some people, lack of education, skill and income opportunities for women (and for their family members) in rural areas, absence of awareness about the activities of traffickers, pressure to collect money for dowries which leads to sending daughters to distant places for work, dysfunctional family life, domestic violence against women, low status of girl children, etc. It appears from the case studies that extreme poverty and other causes of deprivation not only push people to fall in the trap of the traffickers, they also create for some an incentive for trafficking. Often the prostitutes, who have no option to come out of the exploitative environment, gradually develop intimate connections with the traffickers and follow in their footsteps.

The pull factors are: lucrative employment propositions in big cities, easy money, promise of better pay and a comfortable life by the trafficking touts and agents, demand
of young girls for marriage in other regions, demand for low-paid and underage sweat shop labour, growing demand of young kids for adoption, rise in demand for women in the rapidly expanding sex industry, demand for young girls in places of military concentration like Kashmir in India in recent times, demand for young girls for sexual exploitation as a result of the misconception that physical intimacy with young girls reduces men's chances of contacting HIV / AIDS, or of the myth that sex with a virgin can cure HIV / AIDS and impotence. The rampant practice of female feticide in the northern states of Haryana and Punjab has also fuelled internal trafficking. Since there is a shortage of women in these states having a low female to male ratio, they have become fertile ground for the operation of traffickers. Traffickers procure girls from faraway states like Assam and Orissa, trick their families into believing they are to be married, only to later push them into prostitution.

The causes of human trafficking are multi-fold also because of the fact that we so far have made inadequate progress in addressing the issue. Thus, weak enforcement machinery and inordinate delay in justice delivery helps the traffickers to recruit or re-traffic women and children from the districts and send them to distant destinations with relative ease. Rare conviction of the real traffickers encourages the operators of the trade to continue the lucrative trade and earn huge margins without any investment. Moreover, unwillingness of the victims to seek legal redress due to absence of support from the police and the community members is also contributing to the spread of this crime.

Trends in migration also influence trafficking and of late mobility across borders has increased to a great extent due to the onset of the process of integration of economies around the world. In recent years, the demand for cheap, flexible, uncritical labour has risen everywhere in order to survive in the age of competition and irregular migrants fit those demands the most. At the same time traditional economic activities including agriculture, caste occupations, age-old handicrafts and cottage industries are affected by the introduction of new technology, cheap imports, loss of established jobs, demands for new types of consumer goods and consequent change in our cultural practices. All these factors have contributed to migration and mobility of large numbers of people from one place to another in search of jobs/facilities in recent times. Traffickers have taken this opportunity and lured poor people. Often placement agencies, STD booths, and truck drivers apart from sex workers serve as conduits to collect and transport people for illegal activities.

One major problem faced by the poor families in India is the members' limited ability to communicate outside their place of residence. Many of them are illiterate – cannot read or write. So they depend on others for sending letters or making a phone call to their relatives. Often the guardians of law do not support the victims. It has often been alleged that police harass the victims more than those who have committed the crime. All these limitations not only make the socially and economically deprived sections of society vulnerable to trafficking, but also explain why re-trafficking is so rampant in our society.

Apart from the increased demand of cheap labour in the production sector, globalisation has played a major part for the growth of tourism business and entertainment industries the world over. As a result, the sex-related trades like sex tourism have registered rapid growth. At the same time, rising male migration to urban areas as well as stressful working conditions of the Business Process Outsourcing (BPO) sector workers have also contributed to a growing demand for commercial sex in the cities.

Our experience also reveals that trafficking is closely associated with child marriage. Child marriage is one of the easiest modes applied by the traffickers to send young girls from one place to another. In a traditional village community, there is a stigma attached to single women. Inability to arrange the marriage of a daughter is a cause of embarrassment and matter of shame for the parents. In this situation, when the traffickers approach the poor
families with marriage proposals (sometimes with cash rewards between Rs.1000–5000 on an average) minus dowry, the parents find it hard to refuse the offer. After marriage, the girl is sold and resold, until she reaches the ultimate destination. The method of marriage to traffic a girl has one great advantage; it protects the husband and the recruiter from the immediate accusations of trafficking. The *dalals* also shame and silence the parents efficiently by offering a share in the benefit of their daughter’s sale. Apart from child marriage, other modes of trafficking are fake marriage, false recruitment, kidnapping and abduction of children, transportation of children with the consent of guardians, adoption of children, luring poor families with jobs and better living condition in cities.

**Strategies for prevention**

Human trafficking is a socio-legal problem and it is a symptom of a much deeper malice in our society. Hence there cannot be any instant remedy for such a problem. The difficulties in detecting and measuring trafficking cases make the task of prevention much more challenging. Nonetheless, several measures can be taken in this direction and successful implementations of the steps will surely bring some positive results. As the problem is multi-dimensional, its solution also lies in following a multi-dimensional ‘cosmopolitan’ approach for prevention. Due to the changing nature of migration and mobility in the contemporary world, human trafficking cannot be combated by certain national governments alone. Notwithstanding international cooperation and efforts, national governments should pursue the following short-term and long-term measures to combat trafficking:

1. There is an urgent need to develop comprehensive programmes and policies concerning manifest and latent aspects of trafficking in the context of situations and realities in each country or region, to do away with the root causes of the vulnerabilities of women and children in particular. A region-specific vulnerability mapping of the source, demand and transit areas of trafficking will be very useful in this direction. It would however be erroneous to argue that unless societies ensure certain types of ‘structural transformations’, human trafficking cannot be prevented. Such an argument often promotes escapism on the part of the governments and political elites from taking up immediate and short-term measures. It should be kept in mind that human trafficking (or other types of gender violence) did not necessarily decline with structural transformation in the Socialist societies of the world.

2. The rescued victims should be protected and rehabilitated through appropriate mechanisms in order to prevent re-trafficking. A global coordination and collaboration among different stakeholders is the need of the day. Anti-trafficking measures should not be exclusively seen from the perspective of the national security of a country, and hence issues like migration or repatriation should be viewed both from the legal and human rights points of view. More particularly, the human rights of a victim should be protected while conducting quick rescue operations. This should not debar the authority to take stringent and quick actions against the real traffickers and exploiters. This may call for revision and reformulation of the relevant laws of countries in line with international standards as well as devising appropriate training modules for sensitising the law enforcement officers.

3. Low rates of prosecution of traffickers and weak law enforcement machinery are also responsible for the rise of this lucrative trade. Therefore, the law enforcing
machineries and the legal system in countries like India need a face-lift. As of now, soliciting by sex workers in India is a crime and the recent effort to amend the relevant sections of the ITPA to stop arrests of prostitutes has embroiled into controversy for suggesting punishment of the clients. But what stops us going ahead with the legal requirement (clearly mentioned under sections 2 and 13 of the ITPA) of appointing sufficient numbers of full time ‘special police officers’ and ‘trafficking police officers’ by the central and state governments? In the past, governments have mostly bypassed this legal necessity by putting additional responsibility on the existing police officers. But lack of infrastructure, resources and staff have often impeded the process of surveillance and rescue operations by police. Similarly, governments should consider formation of special courts with supportive staff and judges for speedy trials of cases related to trafficking (such provisions also exist under sections 22A and 22AA of the ITPA). A fixed time frame for dissolving a trial should be effectual in delivering quick justice. Again, Anti-Human Trafficking Units should be immediately formed in all states and Union Territories for strengthening law enforcement, to bring synergy in action, and attending to the basic issues of PPP (Prevention, Protection and Prosecution). It should be remembered that the ITPA does not make NGO involvement a mandatory aspect of rescue and rehabilitation of victims. Moreover, child trafficking should be understood and addressed separately from other trafficking offences by the law enforcing machinery globally. Also the problem of rehabilitation and repatriation of any trafficked girl from foreign origins should be solved through bilateral mechanisms. As empowering the victim through rights can prevent trafficking, governments should seriously consider the proposal to enact a comprehensive migration policy to protect the victims. Finally, governments need to fix accountability of the law enforcing officials and introduce a scheme of reward for success and punishment for failures.

4. Reintegration of a trafficked victim into her natal family / community is a difficult task. Hence it is very important to sensitize the rural society in accepting the victim with due dignity. The laws cannot be effectively enforced unless the mindset of the society about the trafficking victims alters. The civil society, women’s bodies, NGOs and the media should play a proactive role to support the courageous victims who dare to complain against the culprits and identify the traffickers in court. The social and legal institutions should make a joint endeavour to arrest this organised crime.

5. Governments should formulate schemes with proper financial support to help the trafficking victims to resume a normal, healthy and fulfilling life by arranging for their education and professional training. It is essential to create alternative income opportunities for the prevention of re-trafficking. Strengthening networks of NGOs and other bodies working against trafficking, establishment of counselling centres, legal centres and help lines, establishment of adequate numbers of shelter and rehabilitation homes, etc., can substantially contribute to addressing the problems of the victims of trafficking.

6. There is no doubt about the fact that structural factors like those of poverty, unemployment, unequal access to labour markets, lack of income opportunities, and lack of access to opportunities thrown open by the market economy in the developing world are some of the root causes of trafficking. Hence we need to improve the economic condition of the families living in financial hardship through proper
proper implementation of poverty alleviation programmes, rural industrialisation, infrastructure development, optimal utilisation of local resources for productive purposes to the benefit of the economically weaker section, and pursuing an inclusive development strategy. It is particularly necessary to focus attention on microfinance and self-help groups to strengthen the economic conditions of mothers and consequent status of girl children. This may also prevent them from going to distant, unknown places to earn money for their family members.

7. The age-old practice of child marriage and dowry in South-East Asia particularly should be checked more vigorously both legally and socially. These patriarchal institutions not only undermine the status of a girl child, they also create an environment to perpetuate gender inequality. It is important to challenge the structural inequality of a patriarchal society and the process may begin with any alternative scheme of holistic empowerment of women.

8. Lack of literacy and awareness amongst the economically weaker sections of society is another cause of trafficking. There is, therefore, urgent need to strengthen basic capabilities of women and children through awareness, better health and compulsory education up to secondary stage. Simultaneously, sustained and vigorous campaigning is necessary to sensitise media and make people, particularly the poor, remain alert about the traffickers. A compulsory social science subject at school level may be introduced to impart value-neutral education on gender issues, reproductive health, human rights, social environment and the like. This may produce a whole new generation of learners who would start internalising the much-desired goals of gender equity and protection of human rights in the rapidly changing world.

9. For the prevention of trade in women, strict vigilance is required to check the sex trade in cities and tourist destinations. It is necessary to set up separate monitoring boards in different vulnerable locations and tourism zones for this purpose. Apart from keeping a watchful eye on hotel business, the boards can look after other jobs as well, (e.g. monitor negative impact of tourism on local ecology). Community policing would be helpful to bridge the gap between the police and the public. The police, NGOs and other relevant organisations should be trained and sensitised in this regard. Neighbourhood Watch Groups can be created in the vulnerable pockets to maintain strict vigilance on the neighbours without intruding on their private life. Such groups can successfully make the situation difficult for the recruiters. It may be noted that the recently formed Anti-Trafficking Units in five Indian states have met with much success in registering crimes, rescuing women and children and arresting traffickers.44

10. However, suggestions of community policing do not undermine the importance of tough and timely police actions. Intensive training of law enforcement officers is required to make them sensitive to the issues involved in human trafficking. Regular police raids, arrests of real traffickers and strict vigilance are required not only to combat sex tourism but also to prevent circulation of pornographic films, obscene picture books, advertisements on internet sites, bonded labour, child labour and other avenues of trafficking. Activities of roadside restaurants, hotels, massage parlours and dhabas should be checked regularly.

11. Finally, registration of names of the domestic servants by the employers should be made compulsory with the local police stations. Similarly, it must be made mandatory
for the parents in rural areas to keep the local administration informed about the place
of work of their family members to ensure safe migration. It should be kept in mind
that restrictive migration policies by the state make women more vulnerable to
trafficking. Hence the rights of migrants should be protected while fighting the
traffickers.

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Rights.

Notes

1. Trafficking related crimes constituted only 0.27% of the total IPC crimes in India in 2006.
2. It is argued that India had escaped the US list of worst human traffickers (Tier 3 Countries facing
4. The Department of Social Welfare, Govt of West Bengal and Unicef had jointly sponsored a field-based
study on Child Marriage, Dowry and Trafficking in Women and Children in the 18 districts of the state in
2005–06. Being a Unicef consultant, I had the opportunity to edit and compile the reports of three
research teams apart from my role as the Project Coordinator of the South West Bengal Team (six
districts of the area). The two other teams, led by Prof. S.R Mukherjee (North Bengal University) and
Prof. Ipsita Mukhopadhyay (Calcutta University) had collected field data on the theme from their
respective zones. I am grateful to all concerned for their help and cooperation.
5. United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and
Children, Supplementing the United Nations Convention against Transnational Organized Crimes (New
6. United Nations, Integration of the Human Rights of Women and the Gender Perspective: Violence Against
7. Christien L. van den Anker and Jeroen Doomernik, eds, Trafficking and Women’s Rights (New York:
8. Institute of Social Sciences, Trafficking in Women and Children in India (New Delhi: Orient Longman,
2005), 141.
9. See, for details, The Human Smuggling and Trafficking Center, ‘Fact Sheet: Distinctions Between Human
10. The bill is sent back by the Union Cabinet to the Committee for further discussion due to protest by sex
workers and NGOs on this contentious issue.
11. UNICEF, Trafficking of Women and Children in South Asia: Regional Strategy Framework for UNICEF’s
against trafficking in human beings’, http://www.ilo.org/sapfl/informationresources/ILOPublications/lang-
en/docName-CMS (accessed August 9, 2008).
13. The ILO has estimated that sexual exploitation of women and children as a result of trafficking brings in
14. See, UN-GIFT (Global Initiative to Fight Human Trafficking), ‘Briefing Note 8: Statistics on Human
15. Briefing at Washington, DC by Ambassador Mark P. Lagon, Senior Advisor on Trafficking in Persons on
the occasion of the release of Trafficking in Persons Report 2007.
16. Ibid., 85–6.
17. Ibid., 210.
18. Ibid., 213.
19. Ibid., 110–11.
31. When any trafficked girl of foreign origin is rescued, the matter becomes too complicated to be sorted out easily for repatriation and rehabilitation. Several legal and bureaucratic problems like establishing her identity, locating her home address, pursuing the concerned relatives to take her back, moving the files among different offices of government, getting her released from the remand home, etc., are quite time-consuming and tedious processes.
32. Institute of Social Sciences, Trafficking, 111.
33. Ibid., 201.
34. Only 11 out of a total of 3144 cases in 2002 were filed under sections 5 and 6 of the ITPA in Tamil Nadu and only four of these cases led to conviction. Institute of Social Sciences, Trafficking, 199.
35. Charge sheeting and conviction rates respectively for Rape (95% and 27.2%), Kidnapping and Abduction (78.1% and 26.7%), Dowry Death (94% and 33.7%), Domestic Violence (94.1% and 21.9%), Molestation (96.1% and 30.7%), Importation of Girls (72% and 33.3%), Dowry Prohibition Act (87.1% and 27.3%), and Sexual Harassment (98.2% and 51.8%) were lower than the ITPA in 2006.
36. Charge sheeting and conviction rates for other trafficking related crimes are not available.
37. The backward sections like SC, ST and the Muslims constitute 54% of its population. The state also had highest density of population (903) in 2001. In terms of economic and human development, 4612 villages in the state are considered most backward and in general rural poverty is wide spread. Similarly, very low work-force participation rates for women as well as enrolment ratio for girls but higher incidences of crime against women are matters of serious worry for West Bengal. Ghosh, Trafficking in Women & Children, 11–17.
41. The North Bengal University Research Team reported three of these cases. Sanchari R. Mukherjee, Incidences of Child Marriage, Dowry and Trafficking Offences Against Women & Children: A Pilot Study in the Six Districts of North Bengal (Kolkata, Unpublished Research document Submitted to UNICEF, 2006).
43. A cosmopolitan approach views the scope of justice as global. It addresses the issue of trafficking as a global problem as some of the structural factors of trafficking today are also global. Hence, the UN and national governments are bestowed with the responsibility to work towards persistent and co-ordinated programmes to prevent trafficking. See, for details, Christien L. van den Anker and Jeroen Doomernik, eds, *Trafficking and Women’s Rights* (New York: Palgrave Macmillan, 2006), 192–4.

44. Between January and September 2007, five states namely, Andhra Pradesh, Goa, West Bengal, Bihar and Maharashtra, could register 466 trafficking crimes through 90% NGO-assisted operations, rescue 716 victims including 108 minors, arrest 1020 traffickers, convict two traffickers and provide post-rescue care to the victims. See, P.M. Nair, ‘Community Policing’, *Yojana*, 52 (2008): 23–7.