

TRAFFICKING: A MOCKERY TO WOMEN EMPOWERMENT

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Right to life with dignity is the most fundamental human right. Trafficking of human beings and in particular of women is a crucial problem in international as well as in the regional context of South Asia. It is a contemporary form of slavery, which has hydra headed issues. It is a major obstruction in the way of woman empowerment. Trafficking proves failure of the society to perform its duty. The author, hereby, highlights emerging factors- apart from traditional factors leading to trafficking in India, legal instrumentality to address this threat. Major tools and techniques of socio-legal research methodology is part of the present paper. The author aims at highlighting major hotspots of trafficking, and concludes with suggestive remarks.

Keywords : *Trafficking, hotspots, emerging factors, legal instrumentality, women empowerment.*

Introduction

Life without dignity is like body without soul and every human being has the right to dignity without any discrimination. Trafficking in women is one of the most horrible forms of human rights violation. It is a modern form of slavery. It is an exploitation of a victim's vulnerability. The vulnerability of a person is governed by numerous factors. The complex socio-economic, political structures and relationships emphasized by poverty, gender, caste, class and other concerns are such factors which supplement to the vulnerability of humans in general and women in particular. It has now become a very lucrative industry and third most profitable business of the world and no country can claim to be free from this menace. India is a source and destination of trafficking and usually the down trodden people like STs, SCs, OBC become the victim of trafficking and most of them are women.

The following paper has been an attempt to explore the various dimensions of trafficking of women in India. The paper is divided into eight sections. Section one tries to explain the concept of trafficking, second section goes on to explore the existing literature on the subject. Third section outlines the objective of the present paper; fourth section has been devoted to research methodology used. Section five examines the traditional factors responsible for trafficking in India, after explaining the traditional factors an attempt have been made to explore factors which are often ignored/ under explored but are instrumental in trafficking. In the light of this, the NCRB Report of 2016 has also been critically analyzed. The sixth section explores a few potential hot spot of human trafficking in India and the second last section critically

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examines the existing loopholes in the legislative mechanisms to curb the menace of trafficking, which is a big hurdle before women empowerment. In the last section, an attempt has been made to provide some pragmatic solutions to curb trafficking of women in India.

Review of literature

Trafficking is one among the worst forms of aberration of right to life and dignity in the contemporary world. Trafficking in women is not a new phenomenon; it has its root in age old cultural ethos. Trafficking is one of the many ways in which the dark aspects of human existence manifest themselves. Trafficking is an exploitation of victim's vulnerability. The vulnerability of a person is governed by many factors-complexity of socio-economic-political structures, processes and relationships emphasized by poverty, gender, caste, class and other concerns are the factors affecting trafficking (Sen & Nair, 2005). Marriage is considered a sacred social institution in India but marriage as migration and Brokering Marriage unfolds the evils in the name of marriage behind the apparent situation leading to trafficking in women. All strains of marriage migration highlight the vulnerability of women leading to this menace of the society (Palriwala & Uberoi, 2014). There are certain emerging factors, such as fake marriage, organ transplant, which have emerged in recent decades, to attract public attention.

There are several numbers of trafficking-prone pockets in India from where a huge number of women are being trafficked across the country. In particular, mega-cities, places of tourist interest and labor-intensive industrial pockets are the default destinations of trafficking, where there is demand for illicit services of women for forced labour; more for the purpose of comfort. Some of the hot spots of trafficking in our country, which are points of origin and/or destination, reveal the dark side of civilization (Mishra, 2013). For instance, State of Jharkhand has emerged as a regional source area for intra-country trafficking in India. Most of the trafficking from Jharkhand is of tribal village women for domestic help in metropolis where there is demand for such work. In mega-metropolis like Delhi, illegal placement agencies have cropped up to serve the market (Shakti Vahini NGO, 2015). The major trafficking prone pockets need attention of policymakers.

There is a plethora of legal instrument to curb the menace of trafficking. The Immoral Trafficking Prevention Act, 1956 (ITPA) is the keystone to prevent the illegal trafficking in women India. The Constitution of India, the fundamental law of the land, forbids trafficking in persons. Article 23 of the Constitution explicitly prohibits traffic in human being and beggar and other similar forms of forced labour. Besides the ITPA regime, there are other statutory regimes legislation to embark upon. For instance, there is Indian Penal Code, 1860. Also,

there are: the Bonded Labor System (Abolition) Act, 1976, the Indecent Representation of the Women's Act, 1986, the Human Organ Transplant Act, 2011, The Prevention of Child from Sexual Offences Act, 2012, and the like (HRLN, 2006). In this paper trafficking constitutes of an anathema to empowerment of women.

Objective of the study

The main objective of this paper is to find out the truth which is hidden and which is not yet been discovered. The present work intends to understand the existing scenario related to the problem of trafficking and tries to identify hitherto unexplored dimensions of the problem leading to meaningful suggestions in combating the evil of trafficking, which is afflicting a substantial segment of impoverished population of the entire country and is an obstacle for women empowerment. The purpose of this paper is also to explore study and analyze the problem, not only from legal angle, but also from the social angle, as the issue of trafficking is less of a legal problem but more of a socio-economic problem. This approach to the issue under discussion requires a multidisciplinary examination of the problem.

Research methodology

The doctrinal method has been applied here, as part of doctrinal research a considerable amount of library study perusing the primary and secondary sources of data concerning the issue of trafficking. The primary sources include international covenants, protocols, and UN declaration. In addition, the Indian Constitutional provisions, legislative provisions/statutory provisions, which are preventive, penal as well as rehabilitative in nature, have been thoroughly studied and analyzed. Various legal and socio-legal journals have been consulted. The author has also gone through a number of reports generated by government and non-government organizations. These reports throw adequate light on varied dimensions of trafficking of women at national level. To understand the extent of the problem, authentic statistical data collected through reputed national and international organizations such as National Crime Records Bureau (NCRB), Trafficking in Persons Report, Department of States, United States of America, have been relied upon.

Since the beginning, this word '*trafficking*' was not explicitly defined but in Palermo Protocol 2000, an endeavor was made to bring the concept into a straitjacket. Article 3 of this Protocol defines it as,

"Trafficking in Persons shall mean 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” (Sharma, 2005)

According to 'Trafficking in Persons Report' 2018 prepared by Department of States United States of America released in the month of June, India is in 2 Tier category. To quote the report (Trafficking in Persons Report, 2018, p.221)

“ The Government of India does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, India remained on Tier 2. The government demonstrated increasing efforts by nearly tripling the number of victims identified and increasing its budget for shelter...”

This report discloses the pitiable situation of trafficking of human beings of India. It is a multifaceted and multidimensional phenomenon with various reasons behind it.

Traditional factors leading to trafficking

There are several factors responsible for trafficking in India, few very important ones have been mentioned below.

Acute poverty

Poverty is one of the oldest traditional factors leading to trafficking in women in India. Numerous studies and reports have revealed that poverty is one of the very noteworthy causes of trafficking of women. Women become easy prey in the hands of touts or trafficking network because of poverty. India is a developing country of the world but much better than Bangladesh and Nepal etc. countries, hence, India is a source and destination of trafficking. Although several poverty alleviation programmes and schemes have been initiated by the Government but the outcome is not satisfactory so far. Illiteracy, unawareness, lack of protective environment within and outside the home has contributed significantly in making them very vulnerable. Hence, these deplorable conditions compel women and girls for unsafe migration, which ultimately becomes trafficking.

Gender based discrimination

Discrimination because of gender is an old phenomena. The feminization of migration is a global trend, with women making up around half of world's million international migrations. More women are migrating

and the demand for workers in female-dominated sector is ever increasing, such as in domestic work (their working hours can as long as 19 hours a day). They are very often subjected to starvation, and may not be allowed to have any social contact outside the family. The demand for women are more because they are considered to be soft targets, less empowered, more submissive and subservient, insecure, vulnerable, non-complaining and cheap. The risk factor involved in process of trafficking of women, and during exploitation at destination is less when compared to their counterpart. Trafficking is governed totally by market values of demand and supply (Mishra, 2013).

Religion and abject tradition

Traditions like early marriage put the young at a disadvantageous position in terms of education, status and autonomy, including physical safety. Traffickers use fake marriages as an organized ploy to procure girls, tricking both them and their parents. Most of the marriages in South Asia are unofficial and unregistered, which make trafficking easy. In certain parts of India, many castes that practice community – based prostitution, for example, *Bedia*, *Bachchara*, etc. it is an accepted culture within the community to encourage their girls to take up sex trading as profession. They are exploited within the villages where they reside and in many instances they are moved to other places by traffickers. Remarkably, the women and girls in the community do not realize that they are exploited, brutally, in the name of traditional customs. Likewise, religious traditions have become a ground for exploitation in different parts of country, where girls are offered to God who later sexually exploited like in *Devadasis*, *Joginis*, *Basivis*, etc. and are continuously subjected to violence, abuse and neglect. *Devadasis* (servants of God) are dedicated to Goddess *Yellamma* in south India and are no longer allowed to marry a mortal. They are expected to bestow their entire life to the service of Goddess of fertility but actually, they are sexually exploited. A veneer of religion covers the supply of concubines to wealthy men, there is clear abuse, sex, slavery, systemized rape *Basivi* in Karnataka, *Jogini* in Andhra Pradesh, *Mantagi* in Maharashtra are local terms for Devadasi system in different parts of the country. Therefore, in the name of religion and abject tradition women are being trafficked from a long time despite having a central as well as few state legislation like the Devdasi Act, etc.

New emerging factors

Organ transplant

Organ transplant has emerged as a new factor leading to trafficking specifically in last one decade in India. The advancement in the field of medical science has given escalation to the likelihood of life saving

technology of organ transplantation. However, the huge amount involved in this technology has made it exploitative in nature. Moreover, the involvement of organized crime has given the issue of trafficking a crucial dimension (HRLN, 2006). In several occasions, traffickers entice poor people including children, to donate their organs by offering big amounts of money. The donors, who are commonly poor people, are organized by their blood groups and thereafter, lawyers file false affidavits on behalf of the donors as well as the recipients. Most countries require living donors to be family members or allow organs to be removed from corpses, usually accident victims. Because of the strict rules regarding organ transplants in other countries, India has become a big center for organ transplantation; the trade in human organs has been widely condemned because of its financially exploitative nature and its abuse of medical ethics.

Fake marriages

Marriage is an important institution of the society. Now a days so-called marriage is taking place for the purpose of trafficking in India. It is one of the important factors leading to trafficking in various countries. The falling sex ratio in various parts of India like Haryana, Rajasthan and other states has given rise to an unusual problem of trafficking of women for marriage. Foreigners intending to marry young girls, engage intermediaries to locate suitable brides. Hyderabad has become a common destination of many of these persons. Agents of the Arab nationals scout the city for pretty girls from vulnerable families. After the marriage takes place, the girl is made to leave her house without giving the parents time to check the antecedents of the groom and the credibility of the agents. After some time, the Arab national leaves the girl and she is left at the mercy of the brokers. The brokers then sell the girls to the brothels of Mumbai, Pune, etc. However, as the parents of the victims are ignorant of the law and their rights, they seldom come to the police to lodge complaints, consecutively, creating a highly lucrative market to supply women to meet the growing demand for brides. There are various instances of women being abused both physically and sexually sometimes even murdered in some cases due to their inability to bear a male child. In many cases, human traffickers use marriage as a pretext to obtain access to girls from poor, uneducated, and unsuspecting communities.

The latest National Crime Report Bureau (NCRB) of 2016, released on October 2017, reveals the offence of trafficking of the year of 2016. wherein a total of 5239 women (above 18 years) became the victims of trafficking. In Human Trafficking, West Bengal is on rank first followed by Daman and Diu and Goa respectively. There were 7238 number of women who have been rescued as per this report. Although 8132 number

of cases was reported, but only 2379 were charged, only 163 were convicted and 424 were acquitted (this includes all types of trafficking as per police and court disposal of cases of human trafficking). As far as the purpose of trafficking is concerned, 4941 cases of sexual exploitation for prostitution has been reported, 2590 cases has been reported for other forms of exploitation. The above mentioned report is reveals the pathetic condition of trafficking in India. Therefore, it may be said that no significant changes have taken place so far as curbing this menace is concerned.

Hot spots of trafficking in India: A few illustrations

There are certain trafficking prone areas in India from where a large number of women are being trafficked across the country. The metropolitan cities, places of tourist interest and manufacturing centers are the usual destinations of trafficking, which require the services of women for several purposes. Some of the hot spots of trafficking in our country, which are point of origin and/or destination, are highlighted below.

Northeast areas

This region has experienced ethnic violence since Independence, and although major parts in the region are currently at peace, there are still a sizeable number of insurgents particularly in Nagaland, Manipur, Assam, and Tripura where widespread ethnic conflict has kept the entire Northeast disturbed for decades. Northeast India also has a high percentage of people living below the poverty line, which makes it a vulnerable area at risk of Human Trafficking. Trafficking occurs both across borders and within India and the destinations include New Delhi, Mumbai, Pune, Goa, and Kolkata and extends as far as Thailand, Singapore, and Malaysia (Kharbhih, 2013). Within this tiny beautiful area, the buying and selling of people generates a highly lucrative but life destroying trade. As this is a border area, cross border trafficking is highly risky. The problem in the Northeast is quite distinct from the rest of the India. It shares many international borders, most of which are open and unmanned. This provides an easy passage in and out of India for organized human trafficking syndicates to operate undetected. Another contributing factor is the sex ratio decline in Northern India resulting from the cultural male child preference. This imbalance has sadly led to girls being trafficked for marriage. Siliguri is the main transit point. It connects many train lines and bus services. It has long been a convenient way to trafficking in women. However, a recent trend has emerged whereby young educated girl, seeking employment outside their local area are also being caught up in human trafficking. These girls are generally duped, coerced into the commercial sex trade by ill-intentioned employer. There have been cases where non-resident Indians

(NRIs) have married woman as a cheaper alternatives to paying domestic staffs. Highly educated girls also have been exploited and abused in these marriages.

24 Parganas in West Bengal

West Bengal happens to be a major hub and transit point for victims of trafficking. This state shares border with five Indian states i.e. Bihar, Sikkim, Orissa, Assam and Jharkhand. In addition to that, it shares international borders with Nepal, Bangladesh and Bhutan. Further, Kolkata, happens to be a major trade and cultural hub of eastern India, and Siliguri which is often called India's chicken neck acts as the gateway to Nepal, Sikkim, and Bhutan and to the Northeast. Within West Bengal, the districts of Jalpaiguri, Darjeeling, North 24 Parganas and South 24 Parganas present particular challenges from a trafficking standpoint. Jalpaiguri and Darjeeling, which are located in the north of West Bengal, have long faced problems of unsafe out-migration by individuals bound for Kolkata and other metropolitan cities in search of livelihood opportunities. Trafficking in women coming from the tea estates of these districts is rampant. Jalpaiguri usually aids as a transit route for girls trafficked from Bhutan and Assam. As for North and South 24 Parganas, recent data report reveals that these districts are most significant source areas for trafficking in the state. Push factors of trafficking include single crop growing fields, lack of livelihood opportunities and natural disasters. A study conducted by *SANLAAP* on the interconnections between child marriage, migration, and trafficking of human being, reveals that, in four villages of North 24 Parganas alone, over 100 girls below 18 had been trafficked to Mumbai for forced prostitution. Trafficking of girls, which takes place in South 24 Parganas, is at a very high rate. These incidents of trafficking happen for various motives like forced prostitution, making of pornographies, sex tourism, forced marriage etc. The root cause behind the trafficking in South 24 Parganas are poverty, lack of employment opportunities, child marriage, false promises, social stigmas (widowed, divorced, unwed) etc. Most of the women go to other places in search of work and are ultimately rescued from the brothels of Mumbai, Delhi Haryana and even Kolkata (Karamkar, 2013, p. 646).

Kosi region in Bihar

The state of Bihar is also has highly trafficking prone areas due to traditional as well as new emerging factors which is leading to trafficking, Kosi in Bihar being one of them. In August 2008, massive floods in Kosi region caused unprecedented loss of lives, livelihoods, infrastructure and property in northeastern Bihar. Floods have been a recurring feature in these parts of the state leading to underdevelopment of the region and poor economic condition of the people in general. The

region came in the limelight because of the 2008 floods, which caught the attention of both the international and national media as Bihar witnessed one of the most disastrous floods in its history. A bridge in the Kosi embankment near the Indo-Nepal border (at Kusaha VDC, Sunsari district, Nepal) collapsed on 18 August 2008. The river changed course and inundated areas which hadn't experienced floods in many decades. The flood affected over 2.3 million people in the northern part of Bihar. The Kosi burst its embankments and changed course, inundating areas of Bihar that had not experienced such flooding for half a century. About 1,000 villages in five districts (*Araria, Madhepura, Purnia, Saharsa and Supaul*) were affected, involving three million people, of whom about one million were evacuated. Since most affected households had not experienced floods for several decades, they were not prepared to respond quickly, which resulted in more loss of life and property. The State also was not prepared to deal with a catastrophe of this magnitude. A large number of households did not wait for the Government or outside agencies to evacuate them to safer places, but used their own means to do so. Media reports also highlighted the trafficking of young children by agents who appeared in camps set up for displaced persons. They misled parents into sending their children with dreams of securing their lives as well as those of their families. The parents believed these agents with a hope that they would help in getting rid of poverty and deprivation which is rampant in the Kosi region with no long term relief in sight. In 2013, again flood in Bihar affected more than 5.9 million people in 3,768 villages in 20 districts of the state. Historically, Kosi region is characterised by high landlordism and caste discrimination. Land ownership and access to land is along the lines of caste. The upper and middle castes constitute the upper tiers of the landed class, with the Scheduled Castes (SCs), Scheduled Tribes (STs), and the other lower castes (now constituting the Other Backward Castes (OBC-I) forming the rest, with little or no land at their disposal. Population growth has also led to the fragmentation of landholdings. Further, there are regular floods in the Kosi River, the region has an agrarian economy, which is very dependent on rains, and there is little investment on irrigation and flood protection measures. Hence, the livelihoods of the poor are extremely tenuous. In the post-independence period, the growth of educational and health services for the poor has been extremely uneven and of poor quality, resulting in high illiteracy levels and rising health costs for those who can least afford it.

Mining and naxal affected forest areas of Jharkhand

Jharkhand has emerged as a major source for intra-country trafficking in India. The trafficking prone districts include Gumla, Garwah, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Ranchi,

Palamu, Hazaribag, Dhanbad, Bokara, Girdih, Kodarma and Lohardagga. Almost eight of these districts of Jharkhand namely Garhwa, Giridih, Gumla, Khunti, Latehar, Palamu, Simdega and West Singhbhum are considered to be badly affected by left wing extremism (PTI, 2013). Most of the trafficking from Jharkhand to metropolitan cities is of tribals for domestic labour. In cities like Delhi, a number of illegal placement agencies have cropped up. These agencies take advantage of legal loopholes and traffic innocent tribal girls in the name of providing employment. However, these girls are put into extreme conditions of forced labour. 12-14 hours of work every day is a routine practice for them. Many of those rescued victims also report physical and sexual abuse.

Several cases of sexual slavery have also been reported from the victims rescued in Delhi. Some of the victims are trafficked to Haryana and Punjab for the purpose of bonded labour and forced marriage (Shakti Vahini Report, 2015, p.12). Recent news reports also point out to the emergence of trafficking of women from Jharkhand for surrogacy to deliver babies who are then sold off (Roy, 2015). In order to curb such malpractices which promote trafficking besides other offences, union cabinet has approved the draft of Surrogacy Bill, 2016 which protects the rights of the surrogate mother, besides other provisions. Jharkhand is not only a source but also a destination for the victims trafficked for sexual exploitation. There are Red Light areas existing in the districts of Dhanbad, Bokaro and Hazaribag. Most of the women trafficked from Jharkhand belong to Oraon, Munda, Santhal (including endangered Pahariya) and Gond tribes, out of which, maximum are from Oraon and Munda. The others are sold in marriage or to a brothel where they suffer never-ending abuse in all forms. These victims of trafficking have to go through a series of exploitation starting from the source-traffickers, placement agents and employers. Hence, the condition of tribal women is very pathetic.

Due to the reason of poverty, illiteracy and unemployment, they easily become the prey of traffickers, touts and middle men. There are number of incidents which have taken place in tribal areas where women are sent to Delhi to work as domestic servants. Few of them are sold in red light areas of Delhi. Few incidents have also come to light that few women have voluntarily joined the group of traffickers to get rid of the pressure of naxalis for joining their group. Khunti, is one of the highly naxal affected areas of Jharkhand. Apart from naxal affected forest areas of Jharkhand, certain mining areas like Dhanbad which are less affected from naxalism, but still are under the trap of traffickers. Dhanbad is a source as well as destination of trafficking. Dhanbad is known as coal capital of India, where number of coal lifters are from different places like Chapra, Siwan, etc. of Bihar as well as Balia,

Dewaria, etc. of UP. In this district, few families are very rich because of illegal business of coal and extortion of money from various coal businesses. Their resources in the form of illegal money are used for purchasing the services of prostitutes who are trafficked in prostitution homes. Number of trafficked girls from Jharkhand and outside come for few days in hotels and come back to their brothel homes after earning money which is distributed among traffickers, touts and brothel owners. These illegal activities are taking place very secretly but the local police and the politicians are aware of it.

Andhra Pradesh and Telangana

Andhra Pradesh, bifurcated into two states in 2014, unfortunately supplies a large number of women and girls for sexual exploitation. In raids conducted across the country in recent years, a large number of Telugu girls have been rescued from brothels in Delhi, Mumbai, Pune and Goa. In Andhra Pradesh there are traditional sex practices/customs involving certain communities such as *Devadasis*, *Jogins*, *Basavis*, *Bogums*, *Dommaras* where girls are exploited for sexual purposes facilitating prostitution / trafficking within the State. High supply zones in Andhra Pradesh are Rayalaseema districts such as Anantapur, Y.S.R. Kadapa, Kurnool and Chittoor. Rayalaseema is a geographic region in the state of Andhra Pradesh. It includes the southern districts of Anantapur, Chittoor, Y.S.R. Kadapa and Kurnool. Rayalaseema is historically known as the stalking ground of famines and Anantapur district identified as the worst affected among the drought-prone districts and economically the most vulnerable part of Andhra Pradesh, with an extremely unequal land holding pattern with only five percent of the land being irrigated. The frequent occurrence of drought, prolonged dry spells and repeated crop failures are said to have a devastating impact on the agricultural economy of the district. Lack of formal education, the composition of the family in terms of many girl children, (and the consequent perception that girl children are dispensable/are a burden to the family) and the desertion/abandonment/death of husband appear to be the three most significant gender vulnerability factors in the women's lives. The major trafficking prone areas, in which few of them have been mentioned above, reveal the dark side of modern ages. Although there is plethora of laws but still no overwhelming changes have taken so far.

Legal instruments

As far as the legal instrumentality pertaining to trafficking in India is concerned, The Immoral Trafficking Prevention Act is the cornerstone to prevent the illegal trafficking in India. The apex book of the land i.e. the Constitution of India prohibits "*traffic in human beings and beggar and other similar forms of forced labor*" under article 23 of the

constitution. Other relevant Constitutional provisions are articles 14, 15, 21, 39(a), (d), (e) and 43. As far as the IPC is concerned, there are certain provisions to address the problem related to trafficking. It is pertinent to mention that the criminal law amendment of 2013 gave a specific definition to trafficking under section 370 of the code.

A new section 370A has also been inserted, declaring trafficking a heinous offence. Trafficked women may be subjected to multitude of violations, for example abduction, wrongful restraint, wrongful confinement, unlawful compulsory labour, habitual dealing with slaves, etc. Apart from IPC, there is only one Act i.e. The Immoral Trafficking Prevention Act, 1956 dealing specifically with trafficking. The present Act i.e. the Immoral Trafficking Prevention Act, 1956 (ITPA) does not cover all kinds of trafficking. The focal point of the Act should be on the process of trafficking and only the purpose of the trafficking. Section 4 of the Act says about the punishment for living on the earnings from prostitution should have a provision to ensure the welfare of the children of the person subjected to commercial sexual exploitation, so that they are not victimized due to the fact that they are looked after by the mother from her earnings in the brothel. Section 5 of the Act should be more comprehensive and exhaustive in nature to bring in all kinds of trafficking and all associates, financier and promoters within the ambit of the provision. Section 17 (5) requires amendment, as it says that a magistrate may summon a panel of five persons. The word "may" should be substituted by the word "shall", by which mandatory involvement of civil society is essential for after care activities. All the cases related to trafficking should be in-camera trials. As section 327 of CRPC 1973 speaks about in-camera trials for rape cases, the same should be applied for cases under ITPA. It provides a safe mechanism from publicity of victims, from intimidation and hence, protects their rights. The punishment should be enhanced for traffickers and the related provisions should be more stringent. There should be minimum punishment for all penal sections. Besides the ITPA and the IPC, other mechanisms are which specifically addresses the trafficking and its related issues, are mentioned below:

The Prevention of Children from Sexual offences Act, 2012 is a notable step for the protection of child from sexual offences, which is applicable to the whole of India. It aims to protect the child through all stages of judicial proceeding and gives utmost importance to the best interest of the child. This Act covers penetrative, aggravated penetrative sexual assault, sexual and aggravated sexual assault, sexual harassment and using the child for pornographic purposes. This Act envisages punishing even abetment or an attempt to commit the offence defined in this Act.

The Juvenile Justice Care and Protection Act, 2015 provides strong provisions for both children in need of care and protection and children in conflict with law. Numerous new offences as committed against children, which are so far not adequately covered under any other law, are included in this Act, such as sale and procurement of children for any purpose including illegal adoption, corporal punishment in childcare institutions, use of child by militant groups, offences against disabled children and kidnapping and abduction of children. Some of the key provisions under 2015 Act include-change in nomenclature from "juvenile" to "child" or "child in conflict with law", throughout the Act to remove the negative connotations associated with the term "juvenile", inclusion of several new definitions such as orphaned, abandoned and surrendered children, and petty, serious and heinous offences committed by children, clarity in powers, functions and responsibilities of JJB and CWC, clear timelines for inquiry by JJB, special provisions for heinous offences committed by children above the age of sixteen years (Srinivas, 2017, p1). Other relevant national legislation to embark upon the issue pertaining to trafficking in women are the Bonded Labour System (Abolition) Act, 1976, the Indecent Representation of the Women's Act, 1986, the Human Organ Transplant Act, 2011, etc.

Conclusion and suggestions

The philosophy of women empowerment has a multi-facet process, which facilitate the women to realize their identity and powers in all domains of life. Trafficking in women is a massive obstacle in women empowerment. It is a horrifying reality that stares in the face of the civilized community of India. It is an exploitation of victim's vulnerability. It is actually a bag of crimes. There is plethora of laws to address this menace but still it is growing due to numerous factors. There are lacunas in law which need to be taken into account although, the Trafficking Bill of 2016 is pending in parliament, which may fill the lacunas. However, we are expecting more than laws; the legal instrumentality cannot be the sole weapon for curbing trafficking other social mechanisms are of vital importance for its eradication.

There are few suggestions have been mentioned below shall be very help full for eradication of trafficking in women in India.

- Fake and forced marriage is one of the vital factors of trafficking in India. Therefore, there must be mandatory provision for the registration of marriage, which may restrain the chance of fake marriage. There must be a central legislation for the compulsory registration of marriage. Apart from few states, there are no legislations in this regard. This step will make the institution of marriage more accountable.

- A plethora of incidents have taken place where women are being exploited in the name of lucrative job in metropolitan cities like Delhi, Mumbai etc., where so called placement agencies are exploiting women. Hence, there is an urgent need to regulate placement agencies by enactment of law in various states like in Jharkhand and Bihar. The reason is that many women are trafficked through placement agencies. There should be adequate provision for mandatory registration and periodic inspection of the agencies who claim to provide job. At present, these so called placement agencies are taking full advantage of legal lacunae.
- Awareness is one of the important tool to curb the menace of trafficking and for the same in schools, there should be a compulsory change in middle as well as high schools syllabus of social science in trafficking prone states regarding the menace of trafficking. The student should be informed the ways and means to protect themselves and others from the trap of traffickers.
- On every Saturday or Sunday there should be compulsory camps by the NGOs as well as government organization working against trafficking in trafficking prone villages to spread awareness regarding identification of traffickers and protection against trafficking and there should be free legal aid programme at least twice in a month in all blocks and panchayats to spread awareness regarding all facets of the problem trafficking.
- The Immoral Trafficking Prevention Act provides the Anti Trafficking Police Unit, this unit must be established in each blockhead quarter to monitor the movement of touts and traffickers through police informants and thereby, protect the vulnerable sections through swift action.
- There should be coordination between different departments for holistic rehabilitation as rescue is only the first step towards rehabilitation, which is a much longer process. Various government departments like Women and Child Development, Social Welfare, Labour, Education, Health etc. need to work together to chalk out comprehensive plans for rehabilitations and then work together to ensure the proper implementation of the plans.
- There should be regular seminars, conferences and symposiums on the issue of trafficking in all colleges and universities with more attention to organizing such activities

in trafficking prone areas. It is also one of the vital means of disseminating information and giving pragmatic suggestions for curbing the menace of trafficking which will be helpful for the government in making programmes and schemes for eradicating trafficking in women.

- Religious leaders and religious centers like temples, Maths, Mosques and Khankhas should be encouraged to propagate awareness regarding social evils like trafficking among their believers. They should also involve young, educated, legally aware and socially committed men and women to speak regularly to believers who assemble for daily/weekly prayers. Any guidance coming from a place of worship shall have profound impact on their respective believers.

The women who have been rescued from the trap of traffickers should be linked to various initiative taken by the Government like *Pradhan Mantri Kaushal Vikas Yojna (PMKVY)* launched by Ministry of Skill Development And Entrepreneurship. It is the flagship scheme of the Ministry of *Skill Development & Entrepreneurship (MSDE)*. The objective of this Skill Certification is to enable a large number of Indian Youth to take up industry relevant skill training that will help them in securing a better livelihood. Such a training will mitigate or minimize many of the factors responsible for possible re-trafficking of rescued women who might become jobless after the rescue operation is over.

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