Legal Framework Of Human Trafficking

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ABSTRACT

The long legal proceedings and the procedures adopted for trafficking cases creates a disinterest in the minds of the survivors and witness and they may turn hostile. There is a need for speedy disposal of the human trafficking cases and the compensation to be granted at the earliest so that the survivors will be in a position to lead a decent life. The lack of interest among the enforcement authorities is the major setback for the country to tackle this serious human rights violation issues. Need of the hour is that the Government should take serious measures to tackle these illegal activities and introduce the necessary amendments to the ITP Act to include all the trafficking related offences, client, traffickers, exploiters racketeers all should be brought under the purview of serious offenders and stringent punishment for the offenders should be incorporated in the Act. Women should be respected and her life and dignity to lead a respectful life should be recognized and the attitude of treating women as a commodity to be eradicated from the minds of people.

Trafficking in people, especially children, is like modern-day slavery and needs a comprehensive, cross-sectoral response to solve its many complicated aspects. Since the victims’ rights and respect are violated, the problem needs to be looked at from the point of view of child rights in order to be wiped out.

Keywords: Human trafficking, Prostitution, Indian penal code.

I. INTRODUCTION

United Nations the United Nations defines human trafficking as:

“Recruitment, transportation, transfer, sheltering, or receiving of people through threats of violence or other forms of coercion, abduction, fraud, deception, abuse of power or a position of weakness, or the giving or receiving of money or benefits to get someone in control to agree to something for the purpose of exploitation.”

How people see Women who are victims of human trafficking are often made to work as prostitutes. This is only one part of selling people. Teenagers and adults are also survivors of trafficking, and these survivors are used in many ways.

Different parts of the Immoral Traffic Prevention Act of 1956 define trafficking as getting, taking, or even forcing someone to be prostituted. Section 5 of that act talks about this. This part of the law says that it is trafficking to try to get someone to do prostitution or to take them or make them do it. Because of this, trafficking has a wide range of effects. The Goa Children’s Act 2003 gives a full explanation of what slavery is.

The term covers a lot of things, even though it was mostly about child trafficking. Trafficking children is when someone buys, hires, transports, transfers, houses, or receives children, legally or illegally, within or across borders, using threats, force, or other forms of coercion, such as using fraud or deception, abduction, abuse of power or a position of weakness, or giving or receiving.

People who have been victims of human trafficking are tricked or forced into modern slavery. If they can get away from a covert kidnap and secret slavery, they have certain needs that are unique to their situation. Survivors may have been through a lot of stress, not know how to speak the language in the country where they ran away to, and have trouble with simple tasks after being trafficked. Everyone in the United States—the UN, the California state government, the city of San Francisco, and the state of California—wants to help survivors of human trafficking and put an end to this very bad crime for good.
II. HISTORY OF HUMAN TRAFFICKING AND ITS ROOTS IN INDIA

2.1 HISTORY OF FEMALE TRAFFICKING IN INDIA

India was no different when it came to trafficking. From Lord Indra, Ravana, and Lord Krishna to the Mahabharata, the Mughal Emperors, and then the British, women were exploited in different ways at different times. People think that Lord Indra's court is full of beautiful women (apsaras) from all over the world. All of them are trained dancers and do whatever he wants. In the old Indian tale Ramayana, Ravana, the wicked king of Lanka, moved Sita from Sundarvan to Lanka so that he could carry out his evil plans. According to the Indian Purans, Lord Krishna was very popular with women and is said to have had thousands of wives. All of his wives were beautiful women from all over India who were very happy.

During the three hundred years that the Mughal rulers ruled India in the 1600s, they took advantage of Hindu women in every way. They had many wives and their own court, which was full of women of all ages and religions.

During the British Empire, in the 19th century, women were sexually exploited and forced to work in factories and at home. They were also forced to work as slaves. During these 200 years that Britain ruled India Thousands of women were forced to move so that British soldiers could sexually abuse them for money. Many others were forced to work as housekeepers or in British workshops in India or on building sites.

Sex work is one of the old Great teachers Vishwamithra was killed by an apsara named Menaka. She then had Shakuntala as a child and became the legendary heroine of Abhiguan Shakuntalam, the world's best play written by the great Indian author Kalidas.

Indian Aryan kings used the celestial court system and created the guest prostitute system. As a sign of their friendship with the kings, they gave them well-trained maidens. They were also given to the winner as a bribe to get him to give up his favourite prostitute. It died and rose again for her. Another group of girls were carefully chosen from birth and fed harmful plants and foods. They were known as Vishkanyas, which means "poisonous virgins." These whores were used by the kings to kill their enemies (Biswanath, 1984).

During the Pandavas and Kauravas dynasties, there were many prostitutes in India. They were an important part of the court, and in Brahmanical India, both kingdoms had harems of wealthy women. A lot of people in the upper class are small women.

The famous 'Arthasasthra' by Kautilya has rules about prostitutes and what they can and can't do. It also describes how prostitutes should act and how their lives should be organised. A set of rules was made for both people who wanted their favour and them. They had clear privileges, rights, and responsibilities. The famous Indian teacher Vatsyayan wrote a lot about prostitutes and their sexual lives in his huge work Kamasutra, which was written in the third century B.C. There are rules about how they should act so that they can do their job well and get noticed. Based on how he categorised the prostitutes, the common, secret, and hidden prostitutes of today had their roots in those times (Biswanath, 1984).

III. TYPES OF HUMAN TRAFFICKING

3.1 FORCED LABOUR

Most of the time, companies that aren't honest take advantage of weak law enforcement to take advantage of weak workers. These people are more likely to be forced to work because of things as these people don't have any work as well as they are below poverty line and this practice is also normal in their culture. People who are forced to work are often sexually abused. This is especially true for women and girls who do housework. People who are immigrants are most at risk.

Forced work is a type of trafficking that isn't always as easy to spot or figure out as sex trafficking. It might not be the same criminal groups that make money from international sex trafficking. Instead, it could be one person or a group of people who force one to hundreds of workers to do work for them, like doing chores around the house or working in a workplace. Forced labor to put it simply,

It's the same thing to be forced to work because "work" means "service." The Indian Constitution and Abolition of BLS Act both say that it is against the law to make people work against their will. The Indian Constitution
talks about the right not to be abused in Parts 23 and 24. As Article 23 says, it is against the law to sell people or make them do work they don't want to do, like begging.

The government officers and Zamindars force people to take their things with them when they moved from one place to another. People were made to do this work without getting paid for it.

Government cannot pay less than the minimum wage, even if it is to help people who are in trouble because of things like floods or hunger. People who are sent to harsh jails need to be paid enough to live on.

According to the Supreme Court, not paying a prisoner is not against Article 23. However, people who are on trial, getting an easy sentence, or being held under preventative detention cannot be asked to do physical work. On their own time, they can choose to work, but they should be paid fairly for it. It is illegal to bind or force someone to work.

3.2 WORKING WITH CHILDREN

3.2.1 WHAT IT MEANS

The law in most countries and most foreign organisations allows kids to do light work. Today, on the other hand, countries all over the world are working to end the worst kinds of child slavery. The worst type of labour are clearly selling and trading children and putting them in situations where they have to work against their will. Trafficking in people includes any kid who is forced into debt bondage, peonage, slavery, or involuntary labour through force, lies, or pressure. It doesn't matter where the mistreatment takes place.

Trafficking of people, especially Female and minor, is become a major problem on a national and foreign level. Women and children, both boys and girls, are more vulnerable than ever before. Taking advantage of these weaknesses for profit has become a huge organised crime business worth millions of dollars. Countries are trying to stop this trade in human suffering by taking legal, executively and legislatively actions.

Trafficking of minor happens all over the world and affects many boys and girls every day. A lot of the time, kids and their families are drawn away from home with the commitment of good jobs and healthy lifestyle. It takes away a child's life to live with a people of family and puts them in danger of many things, such as being abused or beaten.

Human trafficking has become more common in India over the last ten years, though no one knows the exact numbers. It is one of the most profitable illegal activities, right up there with moving drugs and weapons.

Children will still be sold as long as people don't speak out against it, laws aren't made and followed properly, the situation isn't constantly watched, and the links between traffickers aren't made public. To stop and avoid child trafficking, everyone needs to work together.

3.3 CHILD TRAFFICKING

3.3.1 MEANING

Trafficking of children is a form of human trafficking and is defined as the "recruitment, transportation, transfer, harbouring, and/or receiving" a child so that they can be exploited. This definition goes a lot further than the "trafficking in persons" meaning in the same text. It's hard to get exact numbers on how common child trafficking is, but the International Labour Organisation says that 1.2 million children are sold every year. People all over the world agree that selling children is a very bad crime that happens everywhere and often affects people's rights. But it's only been in the last ten years that this practice's frequency and effects have become known around the world, thanks to a huge rise in study and public action. As a result, many possible solutions have been proposed and put into action. These can be broken down into four groups: general defence, prevention, law enforcement, and victim aid.

One in four of the world's kid sex workers are said to be in India, making it the country with the most of them. About 3 million people work as sex workers in the country, and about 40% of them are children. About 15% of sex workers start their careers before they turn 15, and another 25% do so between the ages of 15 and 18. About 60% of sex workers are from poor groups, special castes, or tribes. Andhra Pradesh, Bihar, Karnataka, Uttar Pradesh, Maharashtra, Madhya Pradesh, Rajasthan, and West Bengal are some of the states where children are
taken to and from. One example is that 16 of the 23 districts in the state of Andhra Pradesh are known as receiving districts. In the same way, kidnapping of women and children is a big problem in 24 of Bihar's 37 districts. Another big source state is Rajasthan, with 27 out of 32 areas being hit. Children from Rajasthan are sent to Goa, Kerala, and North Karnataka. II. Only 10% of human trafficking in India is between countries, while 90% is between states. A study from the National Human Rights Commission of India says that every year about 40,000 children are taken and 11,000 of them have not been found. The biggest brothel-based sex business in the country is in Mumbai and Kolkata (Calcutta). In Mumbai alone, there are over 100,000 sex workers. More than half of the people who work as sex workers in Mumbai are thought to have HIV. If you look at the percentage change in the number of cases of buying and selling girls for sex work from 1994 to 1998, you can see that the number of cases of buying girls for sex work has gone down by 67.6% and the number of cases of selling girls for sex work has gone down by 7%. But the number of girls being bought for sex work has gone up by 225% in these years.

3.3.2 Causes of Child Trafficking

Economic Factors

Forced Forced begging is a business that people who take advantage of others do because it makes them money. It has been found that the business structures of large networks of kids who are forced to beg are similar to those of a medium-sized business. When things get really bad, networks of kids who are driven to beg can bring in $30 to $40k USD for the person who is doing it. A study in Albania showed that a family with several children who beg can make up to fifteen euros a day, which is more than the average national teacher pay. However, family networks are not nearly as widespread. Anti-Slavery International says that many families think this is the best choice because the income is pretty high and they don't have any other options. Capability shortage, which means regularly not having enough resources that would make chances easier, may be the reason why families have begging traditions that last for generations. Studies by UNICEF have shown that begging is most common in homes where both parents are unable to work, leaving the children as the only source of income.

As per the World Bank, forced begging is most common in the Middle East and West African countries where there aren't many laws against it and there aren't many rules about slavery. The Children's Rights Convention and the Labour Act of Zimbabwe don't always agree in Zimbabwe, where childbegging is very common. The UN has pointed out many problems with these laws. There are rules against begging in many countries, like Indonesia, but the punishments are only brief jail time and then letting the person back out on the streets, which doesn't really help solve the problem.

3.4 WOMEN ABUSE AND TRAFFICKING

3.4.1 WHAT IT MEANS

Prostitution of women is thought to be the oldest job in the world. It's probably the job that people hate the most. People who visit them actually enjoy it, but they act like they don't in public.

Different social scientists have used different words to describe prostitution based on how common it is. Prostitution is when a woman gives up her body for sexual encounters with other men in exchange for money.

In the "Prevention of Immoral Traffic Act-1987" of the Indian government, the word "prostitution" now has a new meaning: "sexual exploitation or abuse of persons for personal gain."

Law enforcement officials agree that raids can scare people who are being sold, which can make future steps by law enforcement less effective. Raids are not liked by social workers and lawyers who work to stop sex trafficking. Service providers say there isn't a standard way to find victims of trafficking after raids. The service providers who were contacted said that after raids, the local police never sent smuggled people to them. Also, police often question people in ways that scare rather than help potential victims of trafficking. Also, sex workers are sometimes beaten up by police during raids, arrests, and stays in rehab centres.

Raids on businesses that may have both sex workers and people who have been sold for sex affect sex workers in general. As customers stay away from closed brothels but still pay for sex, volunteer sex workers will have to meet customers secretly. Because they work underground, sex workers take more risks. Instead, they would work together with other sex workers and sex worker groups to report violence and keep each other safe. One example of this is how to stop HIV. There are sex workers who are HIV positive. Raids make it harder for communities
to care for and avoid HIV. If HIV-positive sex workers are saved and taken out of their communities, their medicines are also messed up, which makes the spread of AIDS even worse. Some research studies found that the following things make prostitutes more likely:

**Abduction:** Most of the time, this is the reason. Young girls are taken from their towns or other bad places for no reason, and their innocence is used against them. Some of these people are going to movies, towns, churches, or as tourists, which makes them movie stars and gives them the chance to get married and get jobs. Despite what most people think, most offenders are women or men. It is thought that 35% of prostitution happens through kidnapping.

**Devadasi system:** The "devadasi system," an inhumane system of prostitution that is allowed by religion, is still going strong in this so-called modern and free country. Every year, tens of thousands of girls become goddessesses, 'yellam' and 'renuka' (mostly in Karnataka and Maharashtra), and after a short time of concubinage, they can be used for prostitution in cities. Within these mechanisms, we discover that the fates of these women are kept alive by three socialised tools: the economy, physical force, and religious practices. The Devadasi system is responsible for about 10% of all prostitution in India. Around 15-20% of prostitutes in Bombay are devadasis; in Nagpur, Delhi, and Hyderabad, it's 10%; in Pune, it's 50%; and in the cities around Belgaum District, it can reach as high as 80% of all prostitutes. Twenty percent of child prostitution is caused by the Devadasi system, which also makes the practice of putting children to work as prostitutes legal.

**Rape:** About 6% of the girls who were raped went into prostitution after the crime. For girls, being raped is a very bad thing to do, and sometimes the victims are not even accepted at home. Besides having to deal with delays or even lack of justice, victims also have to deal with similar situations from time to time. When they can't find a safe place in society or a better future, they end up in brothels. Only about 8% of the girls turned to prostitutes after being raped. Most cases of incest happen between a father and a daughter, then between an uncle and a niece. When a young victim of incest is abused at home, she doesn't think she will be safe anywhere else, so she slowly ends up working as a prostitute. There have been times when girls were sold by their own dads, uncles, or brothers-in-law who had slept with them.

Marriage: In Bombay, prostitution getting into homes through marriage is not a common problem, but it has been seen a few times. About 15% of the women who work as prostitutes in Pune got there by getting married first.

Daughters and daughters-in-law of women who work in prostitution: 98% of the time, these girls end up working in prostitution because there is no safe place for them to go or a plan to help them leave these areas and find other ways to make money. Only about 10% of prostitution is caused by this.

A big part of Hindustan society in India is the idea that omens can be bought and sold, which has a lot to do with prostitutes. People think of women who have been sexually active as "used goods" and don't think they will ever get married. If a woman doesn't have a husband, she can't make money and can't wear the marriage bracelet. In her culture, she is an outsider who is poor. Most people think that whatever she does, as a prostitute, is at least helpful. This is also a social shame for women who have been lost or separated. If a woman's husband dies, she has pretty much served her role. She can't get married again since she's not a virgin. In the country, women still do "bride burnings," in which they burn themselves to death on their husband's funeral fire. Women who lose their husbands often feel like their life is useless afterward. This feeling is also shared by women whose husbands choose someone else to be their wife. Even more people are forced into prostitution when strong cultural ideas are mixed with the power of religion or poverty. One girl might end up on the streets because her mother died and her father's new wife won't accept her. Being a street kid, she and other vagrants may be jailed for crimes they may or may not have done from time to time. While she is in police custody, she may be sexually abused by the officers instead of just being hit like the men she is with. She might decide to work as a prostitute to make money and find her place in the broken world she will always live in. It's likely that her kids will also work as whores. Poverty plays a big part in Indian prostitution. One of the most noticeable things about India is how poor it is. About 40% of the people in India live in poverty. This means that almost 400 million people can't meet their most basic wants, like getting food, clothes, and a place to live. This is such a huge number that it's hard to imagine. Poverty doesn't make sex and gender roles unequal. It makes power differences worse, which makes people who are already struggling with gender bias even more likely to be hurt. In countries where men are in charge, women and girls are the ones who are most affected. Case wars, political unrest, and personal fights show that women are strongly discriminated against, both in their causes and effects. Assaults, rapes, and other acts of violence against women are not separate sexual or physical crimes. It has become a political statement.
for violence and discrimination based on gender, which shows how much women are treated as less than human by the government, community, and society as a whole. In fact, this kind of poverty is a sign of a world where only the "rich" can meet their basic wants. The lives of India's poor seem to be marked by desperation. People often say that India's growing prostitutes problem is caused by its terrible poverty. However, some say that the problem of prostitution is still not solved in many countries with strong economies, good living standards, free schooling for all, and equal rights for men and women. This means that the trade in human flash doesn't stop just because people are stupid, poor, or don't know any better; it also happens because people choose to work in this field and are ready to be influenced by others. Mistreatment and suffering of prostitutes: most of these workers are treated very badly at the beginning of their time at a brothel (a place where prostitutes work). The reason they are beaten so often is to make them afraid. When they reach the age where they have to entertain the customers, they have to do it. Now that the workers have done what the brothel owner wants, they are pretty much stuck at home and can't leave. No matter what they do, they only get a small portion of the money they make. Three million sex workers are thought to be in India by the government. The vast majority of them not only have HIV, but also an array of other illnesses. They can't get to medical services the right way. They probably couldn't even imagine being sent to an expert for care. Taking advantage of men who are meant to be clients or buyers. It's clear that these girls and women will end up with pimps. The police and other law enforcement agents always use these people for their own gain. They not only take their money, but they also hurt them physically.

Purpose of Trafficking

On the basis of types of exploitation trafficking of one can be divided into two categories as given below:

1. Female trafficking for Commercial Sexual Exploitation (CSE) Brothel based and Non-brothel based.

2. Female trafficking for non-sex based. However, it is possible that the former may be letter and vice versa.

3. Women Trafficking For Commercial Sexual Exploitation (CSE) Trafficking in wide sense includes many assorted ways of exploitation but the most outrageous from of trafficking is sex-trafficking, where women are trafficked for forced commercial sex practices like prostitution and pornography etc. Trafficking of a female done for the purpose of commercial sexual exploitation is known as sexual trafficking. When someone is hired, housed, transported, provided for, or obtained for the purpose of a commercial sex act, this is called sex trafficking. When someone is forced to have a sexual act for money by force, lying, or pressure, or when they are younger than 18 years old, this is one of the worst types of trafficking in people. For this reason, a "commercial sex act" is any sexual act in which someone gives or receives something of value. For sex trafficking to happen, two ends that depend on each other must meet. This creates a deadly cycle that makes the crime even worse.

Sex trafficking is a three-dimensional crime with roots in society, the law, and gender. To begin, the act is the result of women's social weaknesses that come from being stifled by men, having a low social standing, the long-held belief in our society that women should please men and serve them in all ways, and not having enough power. Second, sex trafficking is a crime against women and a way to take advantage of feminism. Third, it's a crime against a body that doesn't have any legal value.

The trafficking of people is against their human rights and hurts their honour and character. Victims may end up being forced into slavery. 13 80% less than Trade in human lives might not be as horrible as some other crimes. The Indian Constitution says that everyone has certain unalienable human rights that can't be taken away. But sex trafficking breaks all human rights, including the right to life and all the other rights that everyone should have in order to live a decent life. Two things are deeply connected to the issue of sex slavery. For starters, it's a trade in the strict sense of the word, with buyers and sellers. Since there are so many different sexual practices, the sources are people who traffic women. This movement always brings girls' and women's bodies to the market because people want them. Most of the time, women and girls who are at risk of sexual abuse because of racial, cultural, social, economic, or political issues are targeted and forced to work in the sex industry. Even though traffickers and pimps may use different methods in different countries, their goal is always the same: to provide what young women want and make money by sexually exploiting them. Second, trafficking thrives on people's hopelessness, fear, and poverty.
Sex trafficking can be understood only by uncovering two fundamentals of the whole business:

(i) Demand and supply/push and pull factor

(ii) Gender based vulnerabilities

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**Demand and Supply /Push and Pull Factor:** Demand driven supply of women is common and quiet understandable as, at average 80% demand is of women over 20% of that of men which makes the whole phenomenon more of a gender based crime. Trafficking of women can be identified as supply of a commodity that is in demand if women are in demand supply has to be of them resulting in 79% females trafficking as compared to 21% male trafficking.¹

**Push Factor**

Push factor cannot be singled dynamic that sets the whole process in motion but it is an accumulation of vulnerabilities and demand that make it necessary for traffickers to target females in order to sustain in this trade of human life. Women are forced into trafficking because they are weak. We will talk more about these different types of weak spots later. Vulnerabilities make women come out of their shells and explore other worlds in search of a better life. On the other hand, traffickers take advantage of these hopes to get needy women to work for them.

(b) Pull Factors

Pull factor is the one which generates supply of females. As any other trade traders i.e. traffickers supply commodity that is in demand so if females are in demand supply has to be of them only and as records indicate 93% of total trafficked people are females who are trafficked for commercial sexual exploitation.

**Adolescent/Minor Girls Trafficking**

During adolescence, a person's body, mind, and social life change quickly. Sexual and reproductive development also happens during this time. Over time, a person gradually gains the ability to take on adult habits and jobs, which come with new responsibilities that require new knowledge and skills. It's also a time when health and development face new problems because people are more likely to be hurt and feel pressured by society and their friends to do unhealthy things. Some of these problems are figuring out who you are and how to deal with your sexuality. India has one of the world's fastest-growing groups of young people. Two-fifths of India's rapidly rising population is made up of girls younger than 19 years old. Most of India's population is made up of teens and young adults (10–19 years old). 41 Teenagers are people between the ages of 10 and 19, but there is a lot of attention on young men and women between the ages of 14 and 18—eleven percent of all teens—who live in dangerous situations because they can't go to school, get married young, get pregnant without wanting to, have children, and raise them, start working too soon, and are abused at home and at work. 1.4 million people in India are between the ages of 14 and 18. The reason why the age bracket of 14 to 18 is being highlighted is because there are laws in place that safeguard children up to 14 years old. For example, the Right to Education Act (RTE) ensures that children between the ages of 6 and 14 have access to eight years of elementary school; the Child Labour (Prohibition and Regulation) Act (CLPRA) forbids children up to 14 years old from working in hazardous jobs; and much more besides. For adolescents (14–18 years old), however, no such guarantees are made. The right to life, education, health care, food, nutrition, growth, and safety from exploitation is guaranteed to all individuals according to the Constitution of India (CoI), which forms the basis of India's policies for children and teenagers. By joining the United Nations Convention on the Rights of the Child (UNCRC), India has further committed to upholding the rights of minors (those under the age of 18). That involves the fundamental right to have one's voice heard and respected. The United Nations Convention on the Rights of the Child defines a child as any individual who is not yet eighteen years old, unless otherwise provided for by law (art. 1). Consequently, the Convention guarantees full rights to minors and young people up to the age of 18. They are deserving of special protection, and they will be able to progressively exercise their rights as their skills develop (art. 5). The tenth five-year plan (2002–2007) was the first to include adolescent planning.

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Further, a Working Group on Youth Affairs and Adolescents Development was established in the eleventh Five Year Plan (2007-2012). This group proposed the following measures:

Establishing Regional Resource Centres for Adolescents’ Education and Development

(i) Making sure that teens get a good education
(ii) Making sure that teens get counselling
(iii) Giving teens who are struggling with substance abuse the chance to get help
(iv) Teaching teens life skills while they are in and out of school and giving them a chance to finish their education
(v) Giving extra attention to the education of Scheduled Castes, Scheduled Tribes, and other minority groups

The Draft Twelfth Plan (2012–2017) puts more and clearer focus on setting a standard age for teens and including ages 10 to 18 to make sure that different rules under different plans are consistent. It says that all kinds of child labour should stop so that the RTE Act can work properly and that RTE should be expanded to include all teens up to the senior secondary level.

Along the lines of the Bal Bandhu test project for protecting children's rights in war zones, the Draft Twelfth Plan also suggests that Sabla should be made stronger. Teenage children (ages 14 to 18) are the only ones this policy paper talks about. It looks at their dangerous situations when it comes to child work, child marriage, teen pregnancy, childbirth and raising a child, hunger, and being trafficked for abuse. It aims to find out how well the current constitutional provisions, laws, and policy framework for teens in the country protect and promote their right to survival, development, safety, and participation by closely examining and analysing them. 40% are younger than 14 years old, and 80% are underage. This industry makes between $5,000 and $7,000,000 a year, which is more than the world's defence spending. About 80% of human trafficking in the world is done for sexual abuse. The other 20% is done for forced work, and India is thought to be the centre of this crime in Asia.

3.4.2 Trafficking for Prostitution

A large number of Girls are trafficked from one country to another country due to social reason or tradition among them one is Devdasi system which is mostly affecting to Girls and women. A survey was conducted wherein it is mentioned that 100000 prostitutes are working in Mumbai among them 2000048 are girl below the age of 18 years. Life of these girls is just hell. According to Karanchi based NGO Lawyers for human Right & Legal aid made a report and claimed that around 200000 Girls trafficked from Bangladesh and Myanmar to Pakistan luring them for marriages or employment but they all are pushed in flesh trading and also as per the report it is presumed that 1000000 girls are involved in prostitution below the age of 14 years in all over the world. On number of occasion it has been proved during in conduct of search and raid by police official that women were engaged in prostitution herself or forced to do the same. For such all activity those who were involved in India are prosecuted under the ITPA or SITA, Act 1956.

3.5 TRAVEL FOR CHILD SEX

More than two million children are used in the world commercial sex trade every year. A lot of these kids are stuck in prostitutes. No matter what the situation is, using children for sexual gain is always considered trafficking. The business sexual abuse of children must be made illegal by international agreements and standards. Both U.S. law and the U.N. TIP Protocol say that children can't be used in the commercial sex trade. There can't be any excuses or cultural or economic reasons why children should not be rescued from sexual slavery. Terms like "child sex worker" are not acceptable because they hide how cruel this kind of abuse is.
3.5.1 WHAT IT MEANS

Child sex tourism is when people leave their home country, which is usually one where sexually exploiting children for money is illegal or seen as wrong, and go to another country to do sex acts with children for money. CS is an offensive act against kids' honour and a violent type of child abuse. Commercial sexual abuse of children has terrible effects on the children involved, such as long-lasting physical and mental trauma, diseases (including HIV/AIDS), drug addiction, forced pregnancies, poor diet, being shunned by friends and family, and even death.

People who are tourists who do CST often go to poor countries to stay anonymous and find children to work as prostitutes. Crime is often caused by poor law enforcement, corruption, the internet, how easy it is to move, and being poor. People who commit sex crimes come from all walks of life and may even be in places of trust. A doctor, a former army soldier, a dentist, and a university professor are all U.S. citizens who have been caught child sex tourism. Child pornography is often a part of these cases, and drugs may also be used to get the kids to do what the adults want or keep them in line.

3.6 SLAVERY AND SERVITUDE

3.6.1 MEANING

The situation of someone who is forced to work for someone else, even if they are not paid for the work. This can happen because they are being incarcerated or forced to work. There are different kinds of service, such as slavery, peonage, and having to work to pay off bills. Involuntary service has two main parts: involuntariness, which means being forced to do something against your will, and slavery, which means working for someone else. While being locked up without being forced to work is not the same as being forced to do unpleasant work, neither is not doing it when the only clear punishment for not doing it is losing money or your job.

Africans were brought to the American states as slaves starting in the 1600s. More than 500,000 slaves lived in the United States during the American Revolution. Most of them lived in the southern states. The people who wrote the US Constitution in 1787 didn't say anything directly about slavery in their text, but they did protect southern states that kept slaves. They had parts that said Congress couldn't ban the slave trade until 1808 and that escaped slaves had to be brought back.

Political and legal tensions over slavery steadily grew from 1820 to 1860. In Dred Scott v. Sanford, the US Supreme Court tried to figure out what the law said about African Americans. The Court decided that Congress did not have the power to give African Americans the rights of US citizenship. This was because, after the separation of the southern states and the start of the Civil War in 1860 and 1861, the free states had almost total control over the Union government.

The thirteenth amendment was passed by Congress in 1865 and then approved by all 50 states in the Union. Section 1 of the Amendment says that slavery and involuntary servitude are illegal in the United States and any other place under their control, unless it's as a punishment for a crime for which the person has been duly found guilty. Section 2 of the Amendment gives Congress the power to enforce Section 1.

3.6.2 What It Means

The state of someone who is a servant to someone else, whether they want to be or not. A charge or load that is put on one estate to help or benefit another.

There are also good and bad types of servitudes. For there to be a good service, the owner of the worker estate must let someone else do something on her land. A negative service doesn't bind the servant owner in this way; it just stops her from using the property in a way that would make it harder for the owner of the main estate to use it.

3.6.3 Different Types of Labour

This is when someone is forced to do work or job against their will or for someone else's benefit by using threats, bullying, or other similar tactics to control and oppress them. It doesn't matter if the person decided to do the job or provide the service, it doesn't matter if they did it against their will or because they had to. If someone starts working on their own free will but later wants to quit and is then forced to stay and do work against his will, that
person's service is considered involuntary. Also, the fact that someone is paid a pay or wage does not change the fact that they have been held in forced slavery. In other words, if someone is pushed to work against their will, even if they are paid for it, the work is not their choice. But it has to be shown that the person acted on purpose and knew it, using force, threats, intimidation, or some other form of coercion that made the victim believe he had no choice but to keep working and that he was being pushed around by a superior and overpowering authority who was constantly threatening him until he gave up all resistance.

As shown below, there are two kinds of servitude:

(1) Compulsory Work
(2) Forced Work
(3) Bondage Work

Work under duress

To put it simply, labour means forced work and service. So, a labourer is someone who is working against his will. The Bonded Labour System (Abolition) Act and the Indian law both make it illegal to force or bind people to work. The Indian government signed ILO Convention No. 29 (The Convention Against Forced Labour) and No. 105 (The Abolition of Forced Labour Convention) in 1954. All of this makes sure that India's laws against forced labour are followed. Still, one of the main reasons for human India still has a lot of trafficking and forced work. This includes people who are kept as housekeepers in the country or illegally sent abroad, as sex slaves or prostitutes, as bonded labour in many industries, or who are made to work in the private sector, among other things.

India has a lot of forced work for three main reasons:

The first was India's widespread caste system, which kept people separate based on their rank, class, and job at the same time. Even though the law has changed and foreign agreements have been signed, this deeply rooted attitude of discrimination is hard to shift.

The second is how easy it is to take advantage of people who are weak because they don't know any better, like children, people from low-income families, people from certain castes, and people who aren't skilled or can't read or write. This makes sure that the people who hire them do so under illegal terms and conditions.

Third, the government isn't good at dealing with and moving quickly on problems of forced work and people who do it don't fear being punished. In India, the authorities almost never find, help, or restore people who are forced to work.

Compulsory labour

Compulsory labour is work that someone has to do even though they don't want to. Is the work that can't be avoided or is necessary? In other words, it is the work that must be done.

Without any other options, the person has to do everything they can to finish the job they were given within the timeline. Not a single country recognises the same thing under their own laws. However, it happens under the cover of laws that require people to work.

Article 23 of India's constitution, for example, says that trafficking in people and forced work are illegal.

(1) Trafficking in people and begging and other similar types of forced work are illegal, and anyone caught breaking this law will be punished according to the law.

(2) Nothing in this article stops the government from making people do community work for the good of the country. When doing so, the government can't treat people differently because of their religion, race, caste, or class, or any combination of those things. According to the dictionary, "beggar" means someone who does work for free or for less than the minimum wage.
Indian Union vs. People's Union for Democratic Rights

People have noticed that the word "beggar" can also mean "work or service that someone is forced to do without getting paid for it." It's clear that beggar is a form of forced work. As a violation of basic human rights and respect, beggar work was illegal according to Article 23 of the Constitution. It also banned all other similar types of forced labour.

The person who uses force or other methods to get someone to do work against their will is breaking Section 374 of the Indian Penal Code. This is called "forced labour" or "compulsion labour," and it is a crime that can be punished by fines or jail time. The person will be tried by a Magistrate.

3.6.4 MANY ACTIONS NEED TO BE TAKEN TO CHANGE THE CURRENT STATE OF FORCED LABOUR IN INDIA.

1. Knowing about forced work in different areas of India, in the government offices that deal with it, and among the people who are in charge of rescue and recovery.

2. A strong and useful recovery programme for the victim to help them learn new skills and get a job, so they can have professional freedom.

3. A full and consistent record of all forced workers and trafficked people, including their names, ages, and job information (such as pay, working conditions, and so on) so that a national online database can be made.

4. Making a method to find cases of forced work in different parts of the country. Using polls, research, and watchdog groups.

5. Spending money to teach people about their rights, raise knowledge against forced work, and make sure that people who are caught doing it know what will happen to them.

6. Dealing with people who force people to work in a strict and quick way, and making their name and crime public. Along with this, making sure that a new government-based recovery programme is created, instead of the current system where most of the work is done by NGOs with little money.

Because forced labour is so ingrained in culture, it is hard to deal with and get rid of. To help with this, we need to make it easier for workers to follow the law when it comes to things like child labour, contract work, foreign work, and so on. Similarly, we need to set up a strong skill-building system so that people who have been forced to work or who are part of vulnerable groups can learn skills that will help them get jobs in the formal economy and also be able to choose jobs that they are good at.

3.6.5 Legal Framework

a). It was made by the League of Nations and is called the 1926 Slavery Convention. It is also called the Convention to Suppress the Slave Trade and Slavery. The first time this happened was on September 25, 1926, when the document was signed. Article 4 of the European Convention on Human Rights says that no one can be slave work or forced labour.

b) No one shall be pushed or needed to do work that they only want to do.

(c) The term "forced or compulsory labour" in this article does not include (ii) any work that has to be done while someone is in detention under Article 5 of this Convention (right to liberty and security) or while they are on conditional release from detention; (iii) any military service or, for people who have a religious objection in a country that recognises them, service that is required instead of forced labour.

(B) The Slave Trade and the Supplementary Convention on the Abolition of Slavery, 1956

3.7 ORGAN TRAFFICKING

3.7.1 INTRODUCTION

The Protocol on the Prohibition of the Trafficking in Persons defines "trafficking in persons" as the following: the recruitment, transportation, transfer, sheltering, or receiving of persons through the use of threats, abduction,
fraud, deceit, abuse of power or a position of weakness, or the exchange of monetary or non-monetary benefits to achieve an agreement to the trafficking from someone who controls another person, using other individuals for sexual gratification or as prostitutes, coercing them into working or doing tasks for another person, slavery or practices comparable to it, forced labour, or appropriating their body parts.

It is not a new issue that organs are being taken from victims of human trafficking. Media outlets, non-governmental organisations (NGOs), academic institutions, and regional and international bodies have all focused considerable attention on the crime throughout the years. One example is the 2013 resolutions voted by the General Assembly that requested statistics on the kinds, patterns, and movements of human trafficking, including trafficking in humans for organ removal, as well as that asked Member States to provide such data to UNODC.

Even though a lot of people are interested in the problem, the crime is still happening in secret and doesn't seem to be noticed enough. It's possible that people don't fully understand trends, patterns, how the different people involved in the crime work together, and other problems. In general, that happens a lot when people are trafficked for organs. However, trafficking in people for organ removal has some traits that may make it even harder to find and stop. These include the fact that some of the processes are very technical and that people from the medical field might be involved. Trafficking people for organ removal is a very different kind of trafficking that needs special knowledge and skills to understand and stop.

There are two types of people who can donate organs for transplants: live donors and dead donors. In the end, human organs can only come from a human body. Because of this, everything that is done in the field of organ donation must be done in the most skilled and ethical way possible.

(i) Letter of Death Donation

The process of getting organs from dead donors is governed by professional, moral, and legal rules. These rules spell out the conditions under which organs are given out. Donations can come from people who have died, even if they haven't had a brain death or cardiac death.

There are two types of consent that are used to get organs from dead donors: verbal consent (opting in) and assumed consent (opting out). People can only donate in opt-in systems if they have given clear permission to do so. People who want to give organs have to consciously choose to do so, or their family members can do it after the person has died. In an opt-out donation method, the person is assumed to agree to the gift unless they say they don't want it. This means that anyone who hasn't said no is considered a giver. Some countries, like Spain, Belgium, and Austria, have methods that work with "presumed consent." Explicit consent methods are used in places like the Netherlands, Germany, the US, and Switzerland.

(ii) Donation of a Living

Because there aren't enough organs from dead donors, living donation, especially live kidney donation, has become the most important way to meet the needs of the growing number of people who need transplants. There are other ways to donate other organs while still alive, but they pose more risks to the donors, so there aren't as many of them.

For a long time, people who were closely connected were usually the only ones who could donate a live kidney. Over the last 30 years, the donor pool has grown from genetically linked donors to spouses, friends, coworkers, and even nameless donors. This is because transplant technology has improved and live kidney donation works very well. Transplant experts and foreign groups all over the world agree that the number of live donors needs to grow. In 1991, the World Health Organisation said that living donors "should generally be genetically related to the recipient." In 2010, it said that "living donors should be genetically, legally, or emotionally related to their recipients." In the United States, genetically unrelated donors made up 283 of the 5617 live kidney donations in 2012, or 50%. In the Euro transplant, which includes Austria, Belgium, Croatia, Germany, Hungary, Luxembourg, the Netherlands, and Slovenia, they made up 653 of the 1380 donations, or 47%.

(iii) international rules for organ giving and transplants

"Guiding Principles on Human Cell, Tissue, and Organ Transplantation" were made by the World Health Organisation (WHO). In May 2010, the 63rd World Health Assembly passed decision WHA63.22, which
supported the guidelines. For the goal of transplanting, these rules guide the taking of organs from both dead and live patients. They set important foreign rules like

In the case of deceased donor donation:

(a) The necessity of obtaining the donor’s permission or lack thereof

(b) The goal of preventing doctors from having a conflict of interest by forbidding them from being involved in the removal of an organ from a deceased donor or the care of the recipient

(c) The necessity of creating deceased donor programmes.

In the case of living donor donation:

In general, live donors should be genetically, legally (for example, married), or mentally connected to the people they are giving to (unless the immune systems of the donor and receiver don’t fit well).

(a) Living donors must give their informed and voluntary consent

(b) Living donors must act freely and without any undue influence or coercion, and they must be fully and clearly informed of the likely risks, benefits, and consequences of the donation

(c) Donors must receive professional care and be well-followed up on

(d) Strict criteria must be used and monitored for donor selection and organs must be given out based on clinical need.

(e) Organs should not be taken from minor (and legally incompetent) donors unless narrowly defined by national law

(f) Buying or offering to buy organs for transplantation, or selling organs by living people’s Doctors and other health professionals shouldn’t do transplants, and health insurers and other payers shouldn’t pay for them either, if the organs came from exploiting, coercing, or paying the donor. It should also be illegal to advertise the need for or availability of organs with the goal of offering or seeking payment from people for their organs.

(g) Brokering that includes paying these people should also be illegal. (However, this shouldn't stop people from legally encouraging people to donate organs out of kindness through ads or public appeals, as allowed by local law.)

(i) No health care facilities or professionals involved in getting cells, tissues, or organs for transplantation should be able to get paid more than what is fair for their services

(i i) Donation and transplantation activities should be open to scrutiny and be clear, while donors and recipients’ privacy and anonymity should be protected.

3.7.2 Trafficking in children for organ removal

The above-mentioned Trafficking in Persons Protocol says that if the target is a kid (someone younger than 18 years old), then permission doesn't matter, even if wrongdoings like lying, force, or taking advantage of a child's weakness were used. In other words, a kid is only trafficked for organ removal if they are recruited, transported, transferred, housed, or received with the goal of exploiting them through organ removal.

3.7.3 CASES

State v. Netcare Kwa-Zulu Limited; UNODC Human Trafficking Case Law Database²

²www.unodc.org/cld
Another example is an ad in a newspaper that asked people to donate kidneys and offered them money. The patients gave their permission without being given all of their medical details. The defendant specifically chose people who were poor and illiterate.

Two of the victims were persuaded to stay at the defendant's house for a few days so that the defendant could watch over them, limit their moves, and keep them from leaving. They were then taken to the country's main international airport. From the airport, they were taken to a country in Eastern Europe with one of the defendant's helpers.

The victims were lied to about three things: the identity of the defendant (he said he was a qualified doctor), the risks of the surgery (they were told it would be easy and leave only a small scar), and the money they were supposed to get (USD 7,000 each, but none of them got it). At some point, two victims got half of the money that was promised, but the offender later took even that and never gave it back. One person got $500, another got $3,500, but $7 never got the rest of the money, and two other people didn't get anything. People who were taken to the defendant's house were told they owed him money for food and rent. Besides that, they were not given any medical care when they got back to their home country. They were told that they would be jailed if they went to the police to report what they did, which was illegal. One victim was also physically abused by one of the suspects when she asked for money. Some of the victims were taken to another country, where their kidneys were cut out.

Some of them were still in pain and tired a long time after the surgery. One victim was a single mother who worked as a cleaner and couldn't read or write. That person who hired her asked her to stay at their house for a few days before the surgery. For several days, she wasn't allowed to leave the house by herself, and the suspects took away her passport to keep her from running away. When another victim saw the ad, he was going through emotional and mental pain and was fighting with his parents. He was asked to spend a few days at the home of one of the suspects. Someone told him that he would make a lot of money. The money was taken by the suspects for "expenses" and "debts" after he got it (half of what was promised). The suspects told him that if he complained, the cops would arrest him. Due to his fear, he did not go to the hospital to have the stitches taken out. Instead, he cut them with a knife in his own home.

The suspect was found guilty of selling people for organ removal, as well as other crimes such as serious damage, abuse of a vulnerable group of people, and getting something by lying under circumstances that made the crime worse.

### United Nations Office on Drugs and Crime Human Trafficking Case Law Database

In one case, the criminal forced the victim to sell his kidney for money and then sent him to someone in another country to make the deals. When the victim's brother learned about it, he sued the judge. It was found that the suspect took part in selling or giving up an organ for money, which is against the law in the country. The suspect was given an eight-month jail term, but it was cut to one month because he was young and the court felt bad for his family.

### 3.7.4 Making people more aware of the dangers of selling people for organ removal

To help stop trafficking for organs, people who are likely to become victims of it need to know more about it. The same goes for people who know or don't know they are involved in it and people who come into contact with it and could do something to stop it.

(a) Governments, hospitals and/or transplant centres, civil society, private organisations, and foreign groups should work together to educate and raise knowledge about people who could be used as possible donors by smugglers.

(b) People who want to buy organs should be told about the medical, moral, and legal risks. "Thinking of Buying a Kidney? Stop." is a brochure from the Declaration of Istanbul Custodian Group that hospitals and/or donation offices might want to hand out. 56 things people who are thinking about getting a kidney need to know.

(c) Materials meant to raise awareness could also be handed out or posted at places where people enter or leave the country, like airports, to warn them of the serious risks they are taking by going abroad to buy or sell a kidney.
d) Medical and health workers, as well as other people who might come into touch with trafficking in people for organ removal, should learn more about it. The goal of these kinds of campaigns should be to make people more aware of the moral and social problems that come up with selling people for organs, as well as the laws that govern organ donation and transplants.

e) Campaigns to raise awareness should also focus on people who might blow the whistle in hospitals or other places of business. These “whistleblowers” should be able to report things without being identified or retaliated against by their employers. They should also be able to do so easily and privately. You should let them know about the rights that are in place for them if they report fears or help the police in some other way.

There is a chance that the media could help stop organ-related crimes by making sure that stories about selling people for organ removal and other related activities are correct and based on proof. Media outlets in print and online could also be trained and made more aware of the problem so they don't run ads for organs for sale or purchase or for business transplants.

g) Law enforcement should also be made more aware of the crime of selling people so that their organs can be taken out. This could also mean bringing attention to the part that newspapers and websites play, such as those that let people post that they are looking to buy or sell organs and those that offer business transplants without saying where the organs come from.

h) Commercial carriers, like aeroplanes, might also need to be made more aware of the right places where they can report any strange activities that could point to illegal transplanting activities.

3.7.5 Legislation

A big problem in the fight against trafficking in people could be the lack of clear and sufficient extraterritorial laws on the issue at the national level. In order to meet international norms, legal terms and processes need to be standardised at the national, regional, and international levels. Together with the people who need to be involved, states should create a law system that is in line with international agreements and standards and doesn't put organ donation and transplants at risk.

(a) The Trafficking in Persons Protocol and other international agreements that deal with trafficking in people for organ harvesting should be approved or agreed to and put into action.

(b) Laws should be written correctly and/or changed to match these tools. Such laws should make it clear that trafficking in people for organ harvesting is illegal and spell out exactly what is not allowed and what is allowed when it comes to organ harvesting and donation. As laws are being written or changed, extra care should be taken to make sure they don't leave room for corruption and abuse and that they have power beyond their own borders.

c) The law should make it clear enough that consenting to the organ removal doesn't matter if one of the wrong or illegal ways is used. Also, laws should make sure that hospitals can be held responsible if they help sell people for organ harvesting.

(d) It should be illegal to advertise the sale, purchase, or brokering of organs in any way, including online and in print.

IV. LAWS RELATED TO HUMAN TRAFFICKING

4.1 INDIAN PENAL CODE

(i) Section 339, wrongful restraint
Anyone who knowingly gets in the way of someone else's progress in a place they have the right to go is said to be wrongly restraining that person.

There is one exception to this rule: blocking a private way over land or water that someone honestly thinks they have the legal right to block is not a crime under this section.

An Example
As z should be able to go, A is in the way. A person who doesn't really think he has the right to block the way. Is then stopped from passing. A is holding z against his will.
(ii) **Section 340. wrongful confinement**

They "wrongfully confine" someone if they hold them back in a way that makes it impossible for them to do something beyond a certain point.

In some cases, A locks Z inside a closed area and makes Z go inside it. In other words, A can't go past the line that makes up the wall. Z doesn't want to be held by A.

An tells Z that he will shoot Z if Z tries to leave the building because he put armed guards at the doors and windows. Z doesn't want to be held by A.

(iii) **Section 341. punishment for wrongful restraint**

Any person who holds someone down without a good reason will be charged with either one month of simple jail or a fine of up to five hundred rupees, or both.

How the crime is classified

The punishment is easy jail time for one month, a 500 rupee fine, or both. The person who is held or confined can pay the fine or go to court and be found guilty.

(iv) **Section 342. punishment for wrongful confinement**

Anyone who imprisons someone without a good reason will be punished with either a fine of up to one thousand rupees or jail of either kind for up to one year.

How the crime is classified

Punishment: one year in jail, a 1,000 rupee fine, or both; cognizable; bailable; triable by any judge; and the person being held or confined can pay the fine.

(v) **Section 351. assault**

Assault is when someone makes a move or prepares to move that person in a way that makes them think they are about to use criminal force on that person. The person who makes the move or preparation knows or intends that this will likely happen.

What it means

To attack someone with words is not the same thing. But the words someone uses can give his actions or plans a meaning that can turn them into an attack.

Illustrations

By shaking his fist at Z, A has assaulted him, whether he meant to or knew it was likely that he would make Z think that A was about to hit Z.

b) A starts to loosen the dog's muzzle, knowing or meaning that Z might think he is about to attack Z. An attack was made by A on Z.

c) A grabs a stick and tells Z, "I'm going to beat you up." There is a chance that A's words could never be considered an assault, and the action alone might not be considered an assault. However, the motion that the words describe could be considered an attack.

(vi) **Section 354A. Sexual harassment and punishment for sexual harassment**

(1) A man committing any of the following acts-

(2) A man may be fined or sentenced to harsh imprisonment for a period that may extend to three years for the crime listed in paragraph (i), clause (ii), or clause (iii) of sub-section (1), or both.

(3) A man may be fined or imprisoned for a time that may extend to one year for the crime mentioned in paragraph (iv) of sub-section (1), or both.

Classification of offence

Sexual harassment includes unwanted touching, approaches, or requests for sexual favours, as well as pornography. The sentence is jail time that can last up to three years, a fine, or both. The person can be tried by any judge.

Making sexually charged comments is a form of sexual abuse. Punishment: jail time for up to a year, a fine, or both; bailable; and able to be tried by any judge.
Section 354B. assault or use of criminal force to woman with intent to disrobe

Men who assault or use criminal force against a woman or help them do it with the goal of taking off her clothes or making her be naked will be punished with either state or federal prison time that starts at least three years and can go up to seven years, plus a fine.

Classification of offence

Punishment-imprisonment of not less than 3 years but which may extend to 7 years and fine-congnizable-non-bailable-triable by any magistrate.

(vii) SECTION 366A. PROCURATION OF MINOR GIRL.-
Anyone, through any means, who gets a girl under eighteen years old to leave or do something with the intent that she may be, or knowing that it is likely that she will be, forced or seduced into having sexual relations with someone else, will be punished with up to ten years in prison and a fine.

How the crime is classified

The punishment is 10 years in jail and a fine, and the person can't get bail. They will be tried by a session court and the sentence can't be reduced.

(viii) SECTION 366B. IMPORTATION OF GIRL FORM FOREIGN COUNTRY.-
Whoever brings a girl under 21 years old into India from a country other than India or from the state of Jammu and Kashmir with the intent that she may be, forced or seduced into having sexual relations with someone else, or who knows that she probably will be, will be fined and spend up to ten years in jail.

How the crime is classified

The punishment is 10 years in jail and a fine, and the person can't get bail. They will be tried by a session court and the sentence can't be reduced.

What Others Think

It wasn't proven that the prosecutrix was 14 years old at the time of the event, but a test report said she was probably around 40 years old. Also, she went with the accused without complaining to anyone along the way, so there was no crime and the sentence can be overturned.

Consent of a minor prosecutrix doesn't matter if she was taken to different places to have sex without her legal guardians. The fact that her name was different in the FIR doesn't matter because it was her pet name. In this case, the accused is guilty of kidnapping and raping a minor for days.

(ix) SECTION 367. KIDNAPPING OR ABDUCTING IN ORDER TO SUBJECT PERSON TO GRIEVOUS HURT,SLAVERY etc.
If someone kidnaps or abducts someone with the intent to hurt them badly, sell them as slave labour, or give them to someone's unnatural lust, or knows that they will do one of these things, they will be punished with either type of prison for up to ten years and have to pay a fine.

How the crime is classified

The punishment is 10 years in jail and a fine, and the person can't get bail. They will be tried by a session court and the sentence can't be reduced.

SECTION 370. TRAFFICKING OF PERSON.

(1) Whoever, for the purpose of exploitation,
    (a) “recruits,”
    (b) “transports,”
    (c) “harbours,”
    (d) “transfers, or”
    (e) “receives, a person or persons,” by-

    First.- using threats, or

    Secondly.- using force, or any other form of coercion, or

    Third.- by abduction, or

    Fourthly.- by practising fraud, or deception, or

    Fifthly.- by abuse of power, or
Lastly, it is illegal to hire, move, house, shift, or receive someone by offering or receiving money or other benefits in order to get their permission. This includes giving or getting money or other benefits.

Explanation

1. The meaning of Exploitation includes any kind of sexual or physical abuse, slavery or acts that are similar to slavery, service, or taking parts from people against their will.
2. It doesn't matter if the victim agrees or not when deciding if someone is selling them.
3. If someone is found guilty of trafficking, they will be sent to jail for a minimum of seven years and a maximum of ten years. They will also have to pay a fine.
4. If more than one person is trafficked, the person who did it will be sentenced to strict jail time for at least ten years and up to life in prison, plus a fine.
5. If you are caught selling a child, you will go to jail for at least ten years, and up to life, and you will also have to pay a fine.
6. If the crime involves selling more than one child, the person will be sentenced to strict jail time for at least fourteen years, and up to life in prison, along with a fine.
7. If someone is found guilty of selling a child more than once, they will be sentenced to jail for life, which means they will be locked up for the rest of their natural life, and they will also have to pay a fine.
8. If a government worker or police officer is involved in selling someone, they will be jailed for life, which means they will be locked up for the rest of that person's natural life, and they will also have to pay a fine.

Classification of offence

If you are found guilty of selling more than one person, you will be sentenced to jail for at least seven years and up to ten years, plus a fine. You will not be able to get bail as a penalty, they will be locked up for at least 10 years, but no more than life, and have to pay a fine. They will also be tried by a court of session and be sentenced.

Trafficking a child as a punishment, they will be locked up for at least 10 years, but no more than life, and have to pay a fine. They will also be able to stand trial by the court of session.

Trafficking more than one child, the sentence is jail time of at least 14 years, but not more than life, plus a fine. The person will be able to stand trial by the court of session.

If someone is found guilty of selling a child more than once, they will be sentenced to life in prison, which means they will spend the rest of their natural life in jail, along with a fine that can't be waived. They will be tried by the court of session.

If a government worker or a police officer who is involved in selling children, the person will be punished by being locked up for life, which means for the rest of their natural life, and have to pay a fine. They will also be tried by a court of session.

Section 370A. Exploitation of a trafficked person—

1. Anyone who knowingly or has reason to believe that a minor has been trafficked and uses that minor for sexual exploitation in any way will be jailed for at least five years and up to seven years, and they will also have to pay a fine.
2. Anyone who violates this law by knowingly or having reason to believe that a person has been trafficked and then uses that person for sexual exploitation will be jailed for at least three years and up to five years, and they will also have to pay a fine.

Classification of offence

The sentence for exploiting a kid who has been stolen is at least 5 years in jail, but not more than 7 years, plus a fine. The person will be able to go to court and be tried by a session judge.
Section 371. Habitual dealing in slaves
Anyone who regularly brings slaves into or out of a country, moves them, buys or sells them, traffics or deals in them will be punished with life in prison or any other type of jail for a time not exceeding years, and they will also have to pay a fine.

Classification of Offence
How to punish For life in prison or for 10 years in prison and a fine Clearly understandable Can't get bail Court of Session can hear the case Cannot be compounded.

Section 372. Selling minor for purposes of prostitution, etc.
If you sell, rent, or give away a person under the age of eighteen with the intention that they will be used for prostitution or illicit sexual activity at any age, or if you know that this is likely to happen, you will be fined and put in jail for up to ten years.

Explanation I: If a girl under the age of eighteen is sold, rented, or given to a prostitute or someone who runs or owns a brothel, it is assumed that the person who gave her to them did so so that she could be used for prostitution until proven otherwise.

In this section, "illegal intercourse" refers to sexual activity between two people who are not married or in a relationship that is recognised by the personal law or custom of their community, or if they belong to different communities, as being similar to marriage.

How the crime is classified
Ten years in jail and a fine are the punishments.not able to be released on bail, tried by the court of session, and not able to be compounded.

Section 373. Buying minor for purposes of prostitution, etc.
If someone under the age of eighteen is bought, hired, or otherwise gets their hands on someone else's body with the intention that they will be used for prostitution, illicit sexual activity with another person, or any other illegal or immoral purpose, or if they know that they will likely be used for these purposes, they will be punished with either type of prison time for up to ten years.

If a prostitute or person running a brothel buys, rents, or otherwise gets possession of a girl younger than eighteen, it is assumed that they did so with the intention of using her for prostitution until proven otherwise.

How the crime is classified
Penalty: 10 years in jail and a fine; person must be able to stand trial by the court of session; sentence cannot be reduced.

Section 374. Unlawful Compulsory labour
Anyone who illegally forces someone to work against their will will be punished with either a fine, jail time that can last up to a year, or both.

How the crime is classified
As a punishment, you could go to jail for a year, pay a fine, or do both. You could be released on bail, and you could be tried by any judge.

Section 375. Rape
The following actions constitute "rape" committed by a man: (a) forcing a woman to engage in sexual acts against her will; (b) inserting an object or part of her body other than her penis into her vagina, urethra, or anus; or (c) inserting a man's penis into a woman's mouth, vagina, urethra, or anus.

Second, without her permission.

Third, with her permission, if you get her permission by putting her or someone she cares about in fear of being hurt or killed.

Fourth, with her permission, even if the man knows he is not her husband; she gives her permission because she thinks he is another man to whom she is legally married.
Fifthly—With her permission when, at the time of giving that permission, she is not mentally sound, drunk, or because he or someone else is giving her a drug that makes her sleepy or unhealthy, and she is unable to understand what she is agreeing to and how it will affect her.

Sixth, when she is younger than eighteen years old, with or without her permission.

And finally, when she isn't able to say "yes,"

1. For the purposes of this part, "vagina" also refers to the labia majora.

For example, a woman gives clear permission to engage in a sexual act by speaking, gesturing, or any other form of spoken or unspoken communication. It is important to note that a woman who doesn't physically resist the act of penetration is not automatically considered to have given her permission to engage in sexual activity.

Explanation 1: A medical treatment or operation is not the same as rape.

It is not rape for a guy to have sexual relations with his own wife as long as the wife is not younger than fifteen years old.

(xvi) **Section 376D. Gang rape**

In the case of a woman being raped by one or more people working together or with a common goal, each of those people will be considered to have committed rape and will be punished with strict jail time for at least twenty years and up to life, which means they will be locked up for the rest of their natural lives, along with a fine:

As long as the fine is fair and enough to cover the victim's medical bills and help them get better:

Also, any fines given out under this part must be given to the person who was hurt.

How the crime is classified

The punishment is strict jail time of at least 20 years, but up to life in prison, which means being locked up for the rest of that person's natural life and paying a fine to the victim. The person must be able to stand trial by the court of session.

(xvii) **Section 376E. Punishment for repeat offenders**

The death penalty or life in prison without the possibility of parole applies to anybody with a prior conviction for a crime punishable by Section 376, Section 376A, or Section 376D who is subsequently found guilty of another offence punishable under any of those sections.

How the crime is classified

Punishment—imprisonment for life, which means that person will be locked up for the rest of their natural life or until they die, with or without bail, and the Court of Session can decide whether to put them to death.

**Laws related to prostitution**

The most basic rule about the rights of sex workers The Act to Stop Immoral Traffic was made law in 1956. It is sometimes called SITA. According to this rule, prostitutes can work in private, but they can't do their job in public. According to a BBC report, prostitution is against the law in India. Indian law, on the other hand, doesn't see having sex for money as prostitution. Laws say that people can be arrested if they do anything sexual in public. Individuals can trade sex for money, but women can't do it within 200 yards of a public place. Laws about work don't apply to people who do sex work. They do, however, have all the rights of a person and can be saved and fixed up if they want to.

It's not used that way, though. There are times when different parts of the IPC are used to accuse sex workers of crimes like public misconduct. They could also be charged with being a bother to the public. Not having a clear meaning of these crimes is a problem, and sex workers are pretty much at the mercy of the people who bring charges against them. The Immoral Traffic (Prevention) Act, which used to be called SITA, is now called PITA. As many times as possible, people have tried to change this rule to put more blame on the clients. But the Union Health Ministry has been against these changes. Companies that offer insurance are now willing to cover sex workers.
4.2 The Immoral Traffic (Prevention) Act, or ITPA

That law was changed by the Immoral Traffic (Prevention) Act, which was passed in 1986. This law says that prostitutes will be arrested for asking people to hire them or seducing them. The same goes for call girls: they can't give out their phone numbers. If they are found doing it, they could go to jail for up to six months and have to pay fines.

If clients hang out with prostitutes or do other illegal activities within 200 yards of a marked area, they can go to jail for up to three months and have to pay fines. If someone does these things with someone younger than 18, they could go to jail for 7 to 10 years. The people who pimp or otherwise live off of a prostitute's money are also guilty. Also, a grown man can be thought of as guilty if he lives with a prostitute. He could go to jail for two to four years if he can't show he is innocent.

Businesses run by people who are breaking the law, like brothels and renters, can get people in trouble with the law. If it's their first crime, they could go to jail for up to three years. They can go to jail for at least 7 years if they keep someone against their will in their house so that they can be used as a prostitute or for sexual reasons.

This law also says that hotels can't have prostitution. People who trade people or try to hire someone, whether they do it freely or against their will, can go to jail for 3 to 7 years. The law says that the government has to save these women, help them get better, and put them in safe houses. Such places as hospitals, schools, places of worship, and hotels are considered public places for the purposes of this law. A brothel is a place where more than two sex workers live together.

The SITA (Suppression of Immoral Traffic in Women and Girls Act) of 1956 says: It is legal for prostitutes to do their business in private following this act. It doesn't make prostitution illegal in and of itself, but it does make it illegal for third parties to help with it. Women aren't allowed to do these things within 200 yards of a public place. You can't keep prostitutes or force people to do things.

The 1986 Immoral Traffic (Prevention) Act (ITPA) is a change to SITA. It is against the law for prostitutes to seduce their clients, so they can be jailed. Call girls can't give out their phone numbers to anyone. Customers who use hookers within 200 yards of a public place can be arrested and put in jail. Pimps are thought to be criminals. Anyone caught doing these things with a person younger than 18 will be jailed for at least 7 years. There is also a law against prostitution in hotels.

In the 2015 case of Budhadev Karmaskar v. State of West Bengal, the Supreme Court told the Central and State governments to go through their welfare boards and come up with social protection and recovery plans for these women. The court also said that prostitutes have the right to respect under Article 21 of the constitution because they are people first and foremost and their problems need to be fixed.

A lot of women think that being a prostitute shouldn't be a crime. In and of itself, what they are doing is not dangerous. The government could do something about the spread of diseases in this business, but making it illegal is just plain annoying. There are adults involved who agree to this, and there is no victim at play. Because nothing else has worked for them, sex work is the next best thing. In fact, making prostitution illegal will make things worse because more people will be forced into prostitution and more people will be trafficked or exploited.

Prostitutes should have legal and social rights because, well, they're people too! They will be able to move around freely and form groups. They will also get visas and job safety nets. Aside from that, prostitutes can get good medical care and places where they can be checked for any sexual diseases. This is another way that women can help the business. Lawyers should protect prostitutes the same way they protect other women.

The Immoral Trafficking Prevention Act, 1956 is India's main law on sex work. Section 3 of that law says people who run brothels or let them be used as brothels are punished. Someone who owns or runs a brothel, or who helps someone else own or run a brothel, will be sentenced to hard jail time for at least one year and up to three years, plus a fine of up to two thousand rupees, on their first offence. If they are found guilty a second time or later, they will be sentenced to hard jail time for at least two years and no more than five years, along with a fine that can go up to two thousand rupees. (2) Anyone who (a) is a tenant, lessee, occupier, or person in charge of a property and uses it or lets someone else use it as a brothel, or (b) is the owner, lessor, or landlord of a property and lets it out or a part of it knowing that it will be used as a brothel, or is willingly involved in the use of such a property as a brothel. It is assumed, until proven otherwise, that the person mentioned in clause (a) or clause
4.3 PROGRAMMES FOR REHABILITATION AND FOLLOW-UP:

Because of the hard work of NGO social workers and other social development groups, people have come to realise that prostitution is one of the worst things that can happen to people and needs to end as soon as possible. This can be done with a clear strategy and action plan, and recovery should be a big part of both. Rehabilitation is for both the mind and the body. Psychological recovery needs to be built up through a process of comfort and confidence. Physical therapy is mostly about money. These two most often go together. The first step in psychological recovery for freed prostitutes is to get them away from where they used to live and put them in a place where they won't have to deal with the dalals or house owners. If they don't feel mentally confident that things will get better for them after they get out, they may go back to their old life. Sex workers need to know their legal position and rights so they can get better. This can only be done by the government working with NGOs. All of the saved people should be given market-driven job training that takes gender into account. People who used to work as sex workers need to be able to make money right away because they can't make ends meet after leaving their jobs. So, what we need right now is a co-operative credit society run by NGOs, either on their own or with help from the government. The work they put in will keep them from being taken advantage of by moneylenders and put down by banks. Should India make prostitution legal? Some people think that India should legalise prostitution and accept prostitutes as normal people, since the problem of prostitution will always be there. Legalising prostitution in India would be good because then we would have a record of sex workers. For example, when dance bars in Bombay were shut down, most of the dancers moved to Gujarat, Karnataka, and other nearby states and started working secretly. If prostitution is legalised, these women who live dangerous lives will be able to get medical care, which will help stop the spread of AIDS. Legal protections for the sex business need to be given the same weight as those for any other industry. People who work in the sex industry and society as a whole would both gain from making the job legal. Many crooks see prostitutes and their clients as easy targets for theft, fraud, rape, and other crimes, so making prostitution illegal also makes crime worse. Criminals know that these people aren't likely to report the crimes to the police because the victims would have to say they were prostitution, which is against the law, at the time of the attacks. If it were legal, the victims would easily go to the police and say they were prostitution. Some good things about legalising prostitution are:

(a) It will stop sex trafficking if prostitution and the sex business are legalised. 
b) The sex business will be controlled if prostitution is legalised. 
c) Illegal, covert, illegal, and street prostitution will go down if prostitution is legalised. 
d) Giving women who work as prostitutes rights will protect them if prostitution is legalised. 
e) Prostitution women want the sex business to be legalised because they are the ones who suffer the most because they have no rights. 
f) If prostitution is legalised, women will have easier access to medical services, which they don't have now that it is against the law. 
g) Women in India can now get work permits as "sex workers" because prostitution is now seen as a business. For those who say prostitution should be "legalised" and treated with "respect and dignity" like all other jobs, here are some basic questions that need to be answered:

4.4 POSSIBLE SOLUTIONS:

Prostitution is a very complicated matter because it is so part of everyday life. So, it needs to be dealt with from two different points of view:

(i) stopping new people from becoming prostitutes

(ii) helping women who are already prostitutes get better.

Programmes for prevention: The time has come for counselling and guidance schemes to teach the public about the issues and reasons of prostitution, along with sex education. More and more job options should be opened up for people who are likely to become prostitutes. Concerns about kidnapping or abuse of girls should be given top attention by the police when they are registered. To make sure protection works, the following steps must also be taken:

a) Community policing: The idea of community policing should be spread so that regular people and non-governmental organisations (NGOs) can be involved in police work to stop and fight prostitutes. Community policing is a way of thinking that is based on the idea that problems can be solved by working together. The police play a role as a guide, and the community is asked to share responsibility.
b) Second Generation Prevention: The problem of prostitution can be lessened by giving the children of whores a good life. Prajwala, an Andhra Pradesh-based organisation that fights traffickers, has made a start. The organisation is trying to find ways for the survivors to get schooling and work for themselves.

- Synergy: Anti-Human Trafficking Units (AHTU) have been set up in Andhra Pradesh, Goa, and West Bengal by the UNODC (United Nations Office on Drugs and Crime) in New Delhi, with help from the Indian government, state governments, and members of civil society. With the help of trained staff, these teams are making a huge difference in India's law enforcement. In the past six months, the AHTUs in Andhra Pradesh have saved more than 700 people, including more than 100 children younger than 18 years old. They have also arrested over 1000 people, including 300 customers. In every Indian state and union territory, these kinds of units should be set up. (K. Bedi, P.M. Nair; 08)

4.5 INDIA ANTI HUMAN TRAFFICKING PORTAL

People being trafficked in India for sexual abuse, forced work, forced marriage, or household service is seen as an organised crime. India's government follows the Criminal Law (Amendment) Act 2013, which has been in effect since February 3, 2013, and sections 370 and 370A of the Indian Penal Code. These laws define human trafficking and make it a very serious crime to do so. They also make it illegal to traffic children for any kind of exploitation, including physical exploitation, sexual exploitation, slavery, servitude, or the forced removal of organs. The SAARC agreement on the protection of trafficking in women and children is also carried out by a regional task group.

V. CONCLUSION

Discover the alarming reality of Human Trafficking, a deeply entrenched and pressing issue that has captured the attention of the entire world. Citizens from all corners of the globe have fallen victim to this heinous crime, with their countries serving as hotspots for traffickers as origin, transit, or destination points. Discover the shocking truth: trafficking, a dark and sinister trade, persists and thrives in our world. Astonishingly, until recently, no country recognised this heinous offence as a grave violation of basic human rights. Uncover the hidden reality that has plagued our society for far too long. Discover the eye-opening truth about the global crime of human trafficking through the highly anticipated Trafficking in Person Report. This comprehensive annual report reveals the shocking statistics of this heinous offence in each country, shedding light on the magnitude of the problem. Moreover, it exposes the alarming failure of various nations to effectively implement and enforce trafficking laws, leaving this crime to persist. Experience the power of change when every nation embraces a profound commitment to safeguarding the fundamental rights of its people. By implementing rigorous penalties for those who violate these rights, adhering to court guidelines, and closely monitoring the efforts of anti-human trafficking authorities, we can render any number of international conventions, national laws, and governing bodies truly effective.

In spite of various International and National laws enacted to tackle the problem of trafficking still today it continues to remain as a serious threat to women and children and major problem in the society of every country. The existing laws are not effective to curb trafficking as the statistic of the crime shows no decline in the reported cases and women are continued to be trafficked. Even the ratifying countries are interested in adopting the standards and measures to curb the offence, the increase in the trafficking rate is the fact to show there is violation of human rights of victims which is recognized internationally and at national level. There is serious drawback in India as for as effective programs to train and protect the witness and the survivors and also for their proper rehabilitation. Increase in the magnitude of the human trafficking offence and fall in the conviction rate of the offenders is due to lack of political will.

Literature available on trafficking mainly emphasis on commercial sexual exploitation which has resulted in not highlighting other major form of exploitation involved in human trafficking. This has created an impression in the mind of people that in human trafficking only women are vulnerable section of society even though quite a lot of information are available on trafficking of women and children those facts are not bought to the limelight.

The long legal proceedings and the procedures adopted for trafficking cases creates a disinterest in the minds of the survivors and witness and they may turn hostile. There is a need for speedy disposal of the human trafficking cases and the compensation to be granted at the earliest so that the survivors will be in a position to lead a decent life. The lack of interest among the enforcement authorities is the major setback for the country to tackle this
serious human rights violation issues. Need of the hour is that the Government should take serious measures to tackle these illegal activities and introduce the necessary amendments to the ITP Act to include all the trafficking related offences, client, traffickers, exploiters racketeers all should be brought under the purview of serious offenders and stringent punishment for the offenders should be incorporated in the Act. Women should be respected and her life and dignity to lead a respectful life should be recognized and the attitude of treating women as a commodity to be eradicated from the minds of people.

Trafficking in people, especially children, is like modern-day slavery and needs a comprehensive, cross-sectoral response to solve its many complicated aspects. Since the victims' rights and respect are violated, the problem needs to be looked at from the point of view of child rights in order to be wiped out.

There are many types of groups that need to work together to stop trafficking. These include pressure groups, foreign bodies, non-governmental organisations, everyday people, and pressure groups. The law can't be the only thing that solves all problems.

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