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HUMAN TRAFFICKING OF WOMEN IN INDIA: TRENDS, LAWS AND REHABILITATION POLICIES

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ABSTRACT

Trafficking of human beings, as other forms of slavery, represents some of the most serious violations of human rights; trafficking in women is among the very worst forms. The chapter takes a look at these trends, legal frameworks, and rehabilitative policies in response to trafficking of women in India. It proceeds to explore the socio-economic and cultural factors that act as a catalyst for such criminal activities while analyzing the extent to which existing laws are adhered to and the substantial role that should be played by the judiciary, civil society, and international instruments in combating such ills. Rehabilitation mechanisms are highlighted, and some suggestions for policy reform are put forth to enhance victim support and prevention strategies.

Keywords: Human trafficking, women, rehabilitation, laws, India, human rights

INTRODUCTION

The growing problem of human trafficking is a significant global human rights issue. Being a place of origin and destination of trafficked persons, India is a proud participant in the trade. The trafficking of women in India is a complex problem rooted in deep-seated socio-economic vulnerabilities, poverty, unemployment, and gender inequality. The impact is disproportionately severe on women: they are allured or coerced into exploitative, environment-laden occupations and settlements on the pretext of good employment opportunities, education, and marriage. It may manifest in various forms, such as sexual slavery, forced labor, domestic servitude, and organ trade—all representing a gross violation of human dignity and experience.

Compounding India's geographical and socio-economic¹ complexities allows human trafficking to burgeon within states and regions while becoming a transit point for international traffickers. The hotspots in trafficking have been noted as West Bengal, Maharashtra, Tamil Nadu, Andhra Pradesh, and Karnataka, primarily due to socio-economic problems and their neckline to foreign borders. The dominion was shocked to discover that most of those trafficked were girls of minor age, starkly revealing the crux of organizational exploitation and the society's failure to safeguard the helpless. It is reported, according to the International Labour Organization (ILO), that the primary factors creating promotion for trafficking in India are demand for cheap labour, domestic workers, and flourishing sex trades.²

Despite massive constitutional assurances such as Article 23 that bar trafficking and bonded labour, the enforcement comes out weak. The laws such as Immoral Traffic (Prevention) Act, 1956, as well as other related penal provisions aim to devise systems to minimize and eradicate trafficking but have failed to find adequate enforcement. Corruption, lack of coordination among law enforcement agencies, and the societal stigma attached to trafficking work against the positive developments in the country. In response, initiatives of the Anti-Human Trafficking Units (AHTUs) and online portals have been formed by the government for information sharing and victim rehabilitation³.

Bottlenecks plague surviving the most mundane needs of rehabilitation programs through survivors' physical, psychological, and socio-economic variables. Schemes know Ujjawala and Swadhar Greh are rendered an implementation failure by inadequate funding and a limited reach. This is where NGOs step in, covering all under-resourced angles, from rescue operations to rehabilitation efforts. The issue of female human trafficking in India, therefore, requires multi-pronged approaches with stringent law enforcement, international collaboration, victim-centric rehabilitation, and extensive social awareness that will create the foundation for a long-lasting solution to this crime.

¹ International Labour Organization. (2017). Profits and poverty: The economics of forced labor. Geneva: ILO.

² United Nations Office on Drugs and Crime. (2016). Global report on trafficking in persons. Vienna: UNODC

³ Anuradha Koirala, Trafficking and Vulnerabilities of Children and Women: An Analysis, *India International Centre Quarterly*, Vol. 41, India International Centre, pp. 223-235, <https://www.jstor.org/>

SHATTERED LIVES AND STOLEN FUTURES: TRENDS AND LEGAL SAFEGUARDS AGAINST HUMAN TRAFFICKING OF WOMEN IN INDIA

Human trafficking is among the most horrendous violations of human rights. In India women are among the most unprotected groups. Trends of trafficking tell a sad and dismal story; it is an international crime, but India is a source, transit, and destination country. Forms of trafficking are: prostitution and sexual exploitation, forced labour, domestic servitude, bondage labour, trafficking for human organs, and exploitation of minors. This has given a whole new angle to the already fraught process of recruitment and coercion: digitization. Basically these are some causes of unwillingness to fight against trafficking and thus leaving women vulnerable to the lure of traffickers who make false promises of employment, education, or marriage.

The emerging trends of trafficking in India have indicated that about 90% of human trafficking is intra-state or inter-state, West Bengal, Bihar, Uttar Pradesh, and the Northeast being the hotspots. Women and children are trafficked to metropolises like Delhi, Mumbai, and Bangalore for prostitution or forced labour. Further propelling the problem of trafficking would be the contribution of cross-border trafficking from Nepal and Bangladesh, whereby victims find themselves sold in domestic servitude or sexual bondage⁴. Paired with this echelon of despair is economic desperation, natural disasters, and deteriorating law enforcement strategies.⁵

India's overall approach to human trafficking is largely based on constitutional and the varying legislative provisions. Traffic in human beings is further explicitly prohibited under Article 23 of the Constitution along with exploitation of labour and sexual slavery, which constitute one of the fundamental rights. The Immoral Traffic (Prevention) Act of 1956 occupies a pride of place amongst major human trafficking legislation in India, specifically relating to commercial sexual exploitation. Sections of the IPC state: 366A (procurement of minor girl children); 372 (selling minors for prostitution); 373 (buying minors for prostitution). The Bonded Labour

⁴A Critical Analysis Of Laws Against Human Trafficking In India, <http://sajms.com/wp-content/uploads/2017/06/Manuscript.pdf>

⁵ National Crime Records Bureau. (2021). *Crime in India: Human trafficking statistics*. Ministry of Home Affairs, Government of India.

Abolition Act of 1976 and the Child Labour (Prohibition and Regulation) Act of 1986 also regulate trafficking associated with forced labour. and child labour, respectively.⁶

Although there have been some legal instruments to rectify the mess, there are still some loopholes in implementation.⁷ Traffickers often carry out their operations with impunity, as an effect of the bottlenecks and inefficiencies in the justice system. Most of the victims come from disadvantaged backgrounds, and few could seek justice because of issues relating to stigma, lack of resources, and lack of support systems. In general, though AHTUs are set up to cover these gaps, their implementation is still scattered and sporadic in most states⁸

REBUILDING LIVES, RESTORING HOPE: REHABILITATION POLICIES AND GROUND REALITIES FOR TRAFFICKING SURVIVORS IN INDIA

Rehabilitation of trafficking-survivors in India is a key aspect in the country's anti-trafficking plan. Rehabilitation, therefore, goes beyond rescue to encompass physical and psychosocial healing, reintegration into society, and the creation of livelihood opportunities. While government policies address these needs, the implementation on the ground is often uneven, resulting in many survivors not receiving adequate support to rebuild their own lives.

Rehabilitation Policies and Their Availability

Under the Ujjawala Scheme, run by the Ministry of Women and Child Development, the single most important national initiative for the rehabilitation of trafficking survivors has been placed. This is a global scheme handling every aspect of the process: prevention, rescue, rehabilitation, reintegration, and repatriation. It provides shelter, food, clothing, medical assistance, legal aid, and vocational skills training to the survivors. Victims are rehabilitated in a halfway-home method of preparation for independent living. Other schemes such as the Swadhar Greh Scheme extend complementary support that includes these general welfare initiatives for distressed women.

⁶ Basu, D. D. (2008). *Introduction to the Constitution of India*. New Delhi:

⁷ Justice Verma Committee Report. (2013). *Recommendations on trafficking and sexual violence*. New Delhi: Government of India.

⁸ Tasnim Kundan Patel, Anti-Trafficking Laws in India- Issues and perspectives

Another major component of rehabilitation, way to recover, often reinforced by the establishment of the Central Victim Compensation Fund (CVCF), works under the Code of Criminal Procedure (CrPC). This fund is imagined as a way to compensate for the various vicissitudes of a survivor's life, giving some amount of compensation, especially if the perpetrator has not been traced or punished. It also manages Skill India Mission for educational training to build up the survivors' employable status, giving them some degree of economic independence.

Nonetheless, the programs are there; a study conducted in 2014 found only 3% of survivors had access to government rehabilitation services. The shortfall can be attributed to lack of awareness on the survivors' part, bureaucratic delays, and uncoordinated action and communication between implementing agencies. Often the survivors depend on NGOs like Prajwala and Sanjog for trauma counselling, mental health support, and skills training.

On-Ground Realities: Challenges and Limitations

In the field, the contractors present a lot of challenges that need to be faced. The other common problem in the rehabilitation of the survivors is the stigma of the Society itself. When survivors get back home and live among those who reject them for being "tainted" due to their experiences⁹, that is when things get tough. In that society, survivors of sexual exploitation face condescending treatment given by a society driven by stereotypes developed out of prejudice and, therefore, subjected to gender-based discrimination altogether.

Another neglected area is mental health. Research shows that 87% of survivors encounter mental disturbances such as PTSD, anxiety, and even depression; however, trauma-informed care is rarely found in state-run programs. Mostly, they rely on NGOs for their psychological support, but those activities have some limitations regarding funding and outreach. Sometimes those "financial compensation schemes," although very important, are delayed. The procedure of applying for and receiving the compensation of a victim from CVCF may take years, undermining its effect as a rehabilitation tool.¹⁰

⁹ Prajwala Foundation. (2018). Stories of survival: Rehabilitating trafficking victims in rural India

¹⁰ National Human Rights Commission. (2023). *Trafficking of women and children: Challenges and remedies*.

A WAY FORWARD- ADDRESSING REHABILITATION CHALLENGES FOR TRAFFICKING SURVIVORS IN INDIA

There are many systematic challenges against rehabilitation in India that create barriers to an effective integration and recovery process for human trafficking survivors. These challenges need to be worked upon to propose action points in building an equitable and survivor-centric framework that prioritizes the well-being and empowerment of survivors.

Survivors experience stigma and societal rejection as one of the major barriers to rehabilitation. Survivors are often excluded and discriminated against after being reintegrated into communities; these are especially true in cases of sexual exploitation. This ostracism they experience exacerbates their psychological trauma and shrinks opportunities for much-needed community-based support. Survivors are also often not able to receive mental health services, which in fact are important to treat disorders like PTSD, depression, and anxiety. Studies show that less than 15% of survivors can afford structured counselling or psychiatric care, mainly owing to inadequate resources and awareness in state-run rehabilitation facilities

Economic instability is another major area of concern¹¹. Survivors are often seen as not being employable, or when they are not, roadblocks still access to vocational skills training programs. Scheme-based interventions like Skill India or PMKVY could have been effectively utilized for skill building, unfortunately, do not yet address the specific needs of trafficked survivors, making them very vulnerable to re-trafficking or exploitative labor conditions. Financial compensation from schemes such as the Central Victim Compensation Fund suffers from bureaucratic delays and survivors often remain unaware of entitlements due to inadequate legal assistance and outreach.

Besides, lack of coordination between stakeholders among government agencies, NGOs, and community organizations actively hinders the rehabilitation process. An absence of standardized modality of implementation creates disjointed measures and duplicative programs that do not cater to holistic care. Rehabilitation policies remain highly institutionalized, focusing more on short-term shelter than long-term reintegration into society.

¹¹ International Labour Organization. (2017). Forced labour and trafficking: Business models and responses. Geneva: ILO.

A Way Forward

A colossal transformation must happen in India to help the trafficking survivors undergo rehabilitation by adopting a holistic survivor-centred approach. One such reform could be in taking rehabilitation from the institutionalized models towards community-based approaches where local stakeholders-community leaders, families, and the survivors themselves-will be made a part of the initiative with a view of achieving social acceptance and reducing stigma. Focus should also be given to development in peer networks and survivor-led initiatives as frameworks of support, thereby helping peers survive and settle back within their communities.

Implementation of trauma-informed care across all rehabilitation services is vital in dealing with long-term psychological trauma caused by trafficking. This work must include training healthcare providers, social workers, and law enforcement officials on trauma-informed recognition and response. Partnerships with NGOs and mental health services can strengthen access and referrals to specialized services such as counselling and therapy. Making these services available in rural areas-close to where most survivors come from-and tailored for addressing survivors' specific needs would close the gap in care available currently.¹²

Economic empowerment is among the most important components of a good rehabilitation strategy. A tailor-made training program could be put in place, one which speaks to the survivors- one's interests and local market demands-and looks to position survivor-led treatment options for sustainable employment opportunities. Skill India and Pradhan Mantri Kaushal Vikas Yojana should implement components specifically dedicated to trafficking survivors, thereby allowing them to acquire the skills necessary for attaining financial independence. Opportunities for microfinance and entrepreneurship support for things like seed funding would further cement survivors' ability to be self-sufficient.

Improved sector-integration and coordination of relevant policies are imperative for creating a strong rehabilitation framework. This should bring together the survivors with healthcare, education, and social welfare services that would nurture them. Centralized monitoring systems would help in the promotion of stakeholder collaboration, follow up on rehabilitation outcomes, and ensure accountability. The periodic audit system, along with survivor feedback,

¹² United Nations Office on Drugs and Crime. (2014). *Toolkit to combat trafficking in persons*. Vienna: UNODC.

should be made an integral part of feedback mechanisms to illuminate a certain area related to the effectiveness of the program.

CONCLUSION

Human trafficking constitutes a serious human rights violation, profoundly affecting Indian women in manifold ways. While there exist potential avenues for addressing human trafficking in the country, it has not actually been effective in parenthesizing the plethora of needs that play crucial roles in their rehabilitation and redress. Societal stigma, inadequate mental health counselling, financial instability, and bureaucratic inefficiency serve as more than mere impediments in the process of total rehabilitation. Survivors often find themselves entangled in a web of poverty, social exclusion, and vulnerability, hence the need for systemic reshaping in order to intervene.¹³

The emphasis right now should be on survivor-centricity and trauma-informedness. Community-based rehabilitation and skill vocational training, streamlined compensation processes, and mental health services can be the mechanism for survivors to rebuild careers. Furthermore, through awareness campaigns inducing societal acceptance and engaging survivors in policy-making, a conducive ecosystem of inclusivity and resilience will evolve. A synergy among government agencies, NGOs, and community stakeholders will bridge gaps and ensure that care and opportunities are extended to survivors.

India's approach to combat human trafficking must prioritize long-term sustainable measures for rehabilitation and reintegration, in addition to any punitive action taken. Adopting a strategy revolving around the dignity, rights, and well-being of survivors allows the country to not only repair the state of victimhood caused by trafficking but also creates a path toward a just, equal, and humane society for all.

¹³ Equity Health Journal. (2020). Sexual slavery without borders: Trends in South Asia. *Equity & Health*, 15(3), 209-221