

ISSUE OF TRAFFICKING IN INDIA: FINDING SOLUTIONS

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Abstract

Human trafficking is any sort of transaction involving people. It is a crime and a grave violation of basic human rights. Men, women, and children are trafficked for a variety of reasons, and it entails the recruitment, transportation, and exploitation of a person for financial gain. Trafficking is of various forms namely: sex trafficking, trafficking for forced labour, for organs etc. Trafficking is a social evil and it is condemned globally by all. All nations have taken measures to curb the menace of this social evil. In India, trafficking has persisted from time immemorial and the legislature has enacted statutes to contain the same. The Constitution of India also penalizes trafficking via its provisions. Ironically, the legislations made specifically to curb trafficking don't even define trafficking. However, the catch is that, India, in its legislation has only drafted legislation concerning women and children involved in trafficking, secondly, it also punishes women who practice prostitution and thus, it is unknown as to what measures the victims can seek to alleviate the exploitation they face. Due to this issue, it is imperative for India to draft stringent legislations to curb this menace. Thus, this paper seeks to critically analyze the legislations present to contain trafficking and simultaneously explore effective alternative remedies to do away with this evil.

Trafficking is one of the serious problems faced by the world globally. Trafficking is not only restricted to sex but also includes labor and organs. Trafficking further leads to the victims developing mental trauma, severe psychological disorders, depression and feeling of guilt. In addition, it leads the victims of trafficking to believe that if they did get rescued and come out of the trafficking situation, the society would ostracize them due to previous exposure to such an environment. Therefore, it is imperative for a country to frame stringent laws to prevent and curb the evil of trafficking in all its forms so that its citizens may lead a dignified life. For this very purpose, various International conventions and protocols have been ratified, and the countries have also made efforts to legislate laws within their own boundaries to contain the menace of trafficking.

Article 1(3)¹ of SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, has defined Trafficking as “the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other consideration with or without the consent of the person subject to trafficking².” the problem with this definition is that firstly, it only covers women's and children's trafficking. Secondly, it defined trafficking as human trafficking solely for the purpose of prostitution. This narrows the scope of the definition and doesn't incorporate all forms of trafficking prevalent in India.

Trafficking is also prohibited under **Article 23(1)** of the Constitution of India³, and we have a specific act for the prevention of immoral trafficking titled The Immoral Traffic Prevention Act, 1956, but ironically, nowhere in either of these documents has trafficking been defined.

Therefore, we are left with only one slightly more inclusive definition of Trafficking in persons as per United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children, supplementing the UN Convention against Transnational Organized Crime under **Article 3(a)**. It states that trafficking in persons “shall mean the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs⁴.”

Despite trafficking being a pan world problem, there have not been many efforts to curb it; not even developed countries like the United States have come up with a proper mechanism. As per the US Department of State report on 2022 Trafficking in persons⁵, In Africa⁶ alone, there were 2477 cases filed, out of which only 904 were convicted, and there were 21,790 victims identified despite having five legislations on the prevention of trafficking. This is not only the case in least developed countries, but in developing countries like South Asian countries⁷, the numbers were 3,304 prosecutions, out of which 597 resulted in convictions and 49,715 victims were identified. And in developed countries, which are way ahead, this is a mere difference in

¹ Article 1(3) of SAARC Convention

² *Id*

³ Art. 23(1), The Constitution of India, 1950

⁴ UN convention art 3(a)

⁵ US Dept of State, Trafficking in Persons Report 2023,

⁶ US Dept of State, Trafficking in Persons Report 2023, page no 84

⁷ US Dept of State, Trafficking in Persons Report 2023, page no 88

the number, 1,232 prosecutions, out of which 256 convictions and 11,676 victims were identified in western hemisphere¹ and 2,932 prosecutions, out of which 1668 convictions and 24,528 victims were identified in Europe²

Reports like these are published every year by the US and various other organizations, but merely mentioning the numbers is not going to help; we need to shift to a solution centric approach, as it is about the lives of people and the basic right to life that is denied to the victims.

What is the status in India?

India has been part of one of the oldest civilizations; it has seen people from across the world come here to settle, trade, or invade, and in the process has incorporated various habits or traditions from them. In this long history, the concept of slaves was also prevalent, specifically with the advent of the slave dynasty in India. With time, people became vigilant about their rights, which led to the abolition of slavery in the 19th century. Nevertheless, it continued in different forms, which were not noticed by the human rights activists at the time.

Indian history has been very diverse; medieval Indian history marks the beginning of the concept of slavery in India. Qutub-ud-din Aibak was a slave of Muhammad Ghori, who invaded northern India in the year 1206. Muhammad Ghori gave the Indian Territory to Qutub-ud-din-Aibak to rule on his behalf; this marks the beginning of the Slave Dynasty. Although it didn't mark the beginning of trafficking in India, however it did foster trafficking in persons for bonded labor.

The practice of slavery in India started in the form of debt bondage³ as debts were commonly inherited or committed by subsequent generations since the destitute have no other option to obtain money. In certain situations, a laborer's whole day's work qualifies as interest payment, leaving the principal to be paid in cash, which he may never be able to raise. A young man borrowed Rs. 500 to pay for his wedding in one reported case. The loan had not been paid forty years later since, despite working long hours every day of the year, his remuneration had been his food and a few clothes. In bondage, he was the fifth generation. Children frequently take the position of their dads or elder brothers. In certain cases, whole families are in debt⁴. This process of debt bondage continued in modern history as well. When the British colonized India, they turned this informal debt bondage system into the zamindari system, where the landlords i.e. zamindars would give the loans and collect taxes.

This unending cycle of debt gave birth to female infanticide, and trafficking of women and children. For instance, the head of the family was under the debt and the landlords would sometimes ask his wife for sexual pleasures and he did not have authority to say no to that. It started like this, and later on, women in the family were sometimes even sold to repay the debt. The same could be seen in the epic Mahabharata, wherein Draupadi, the wife of the pandavas, was pledged in the game of *chausar*. Thousands of years have passed since this incident, yet a lot of young women like Draupadi are still pledged off to clear their debts. In the independent India we still try to unlearn various colonial practice, with the birth of the Indian Constitution, trafficking was prohibited on paper but even now, as per the US Department of State, in its '2022 Trafficking in Persons' report, stated that 6,622 trafficking victims were reported and identified in 2022; in addition, there were 694 potential trafficking victims. In 2019, 5,145 trafficking victims and 2,505 potential victims were identified⁵.

There are various unreported cases as many a times the victims identify their pimps as their boyfriends to whom they have to give all the money they have earned. And many a times the women who have once been a victim start continuing this cycle of exploitation. It is unfortunate that more often than not, it is the women who trap more young women, as they were trafficked themselves at some point in their lives, and it is these young women who are later subject to the harsh conditions in the brothels. Similarly, men are also trafficked by luring them into believing that they will have better career prospects. Therefore, the evil of trafficking still seems to persist in India.

What are the current laws or legislation to curb this menace?

Our constitution makers have been very vigilant during the constituent assembly sessions and debates, they included all the possible issues that may arise in future and that were prevalent at that time. One such debate led to birth of an **Article 23** of the constitution, i.e. Prohibition of traffic in human beings and forced labor. As the constitution is the supreme law, it has given an outline to prevent trafficking in human beings and forced labor. The constitution only provides that *Traffic in human beings and beggar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law*.⁶ At the same time in 1950s, this issue was being dealt with at international level. India signed and ratified the International convention on 9 May 1950 and as an obligation to comply with the same, an act titled Immoral Trafficking Prevention Act, 1956 (henceforth ITPA) came into force. With time there have been amendments to it especially in the year 1986. However, ironically the act especially made to deal with the issue of trafficking doesn't define the word trafficking itself.

Section 4 of the ITPA⁷, provides punishment for living on the earnings of prostitution which not only stigmatizes prostitution as a whole but also makes it very difficult for the victims of trafficking to come out and report the cases. Similarly, **Section 8** of the act⁸ punishes Seducing or soliciting for purpose of prostitution, it doesn't take into consideration the women who are trapped in this viscous cycle. The current legislation is too much prosecution centric and not at all victim centric.

¹US Dept of State, Trafficking in Persons Report 2023, page no 89

² US Dept of State, Trafficking in Persons Report 2023, page no 86

³ Canadian Journal of African Studies / Revue Canadienne des Études Africaines, 2000, Vol. 34, No. 3, Special Issue: On Slavery and Islam in African History: A Tribute to Martin Klein (2000), pp. 714-747

⁴ *Id*

⁵ US Dept of State, Trafficking in Persons Report 2023

⁶ Art. 23, The Constitution of India, 1950

⁷Section 4, Immoral Trafficking Prevention Act, 1986

⁸ Section 8, Immoral Trafficking Prevention Act, 1986

Apart from this we have general provisions of Indian Penal Code namely, **Section 370¹** and **Section 370A²** of the IPC allow for comprehensive measures to combat the threat of human trafficking, including trafficking of children for exploitation in any form, including physical or sexual exploitation, slavery, servitude, or forced organ removal. **Section 372³** and **Section 373⁴** deal with the sale and purchase of females for prostitution. But none of these focus on victims as well, all the active legislations treat trafficking as a social stigma which has also led to exploitation of victims by the police officers as well. Many a times, if a woman or any victim of trafficking tries to escape, first of all, no one believes them, secondly they are exploited by the officers in charge and lastly they are sent back to the same place where they face extreme backlash. It leads to no or least reporting of the cases of trafficking.

Moreover, Protection of Children from Sexual Offences Act, 2012 is made especially to prevent children from sexual offences and Juvenile justice act is there to ensure the safety, safeguarding, education, and well-being of disadvantaged children. It focuses on child exploitation and rehabilitation but again leaves out the aspect of trafficking.

Over a period of time, in 2011 India also ratified UN Convention against Transnational Organized Crimes, 2000, including its Protocol to Prevent, Suppress and Punish Trafficking in persons. In, 2015, pursuant to an order of Supreme Court, the Ministry of Women and Child Development constituted to examine the feasibility of a comprehensive legislation on trafficking⁵.

There has been adoption of various conventions and amendment to already existing laws but all to no avail as the recent US Department of State, 2022 trafficking in Persons Report: India provides that 6,622 trafficking victims were reported and identified in 2022; in addition, there were 694 potential trafficking victims. In 2019, 5,145 trafficking victims and 2,505 potential victims were identified.⁶ And the last record of NCRB of the year 2019, the total cases reported were 2163, out of which 6001 victims were trafficked.

However, in certain cases such as that of **Ms. Riawahun Sten v. Government of NCT of Delhi and ors.**⁷ a 19 year old women was trafficked from north eastern states with the promise of providing her a job here. But here she was forced to indulge in sex trade, eventually she managed to escape, hence the petition but it a very rare case scenario that a women escapes and is rescued.

We have completed 77 years of independence and we need to take inspiration from various nations, stop stigmatizing the victims of sex trafficking rather implement more victim centric laws.

As already stated before we have prosecution centric laws and not victim centric ones, we need to focus on victimology. Victimology must find fulfillment via mandatory recoupment of the damage caused by the perpetrator, not by inflicting additional agony on the criminal but by decreasing the loss of the bereaved. Traditional criminological methodologies have failed to advance the goals of criminal justice. The transition from retribution to restitution began in the mid-1960s and accelerated in the following decades. Restitution is a court-ordered payment from a convicted offender, whereas compensation is a government programme that pays the victim when compensation from the perpetrator is not completely accessible or recoverable.

Crime victims can seek both restitution and civil damages. The Delhi High Court has developed a method known as the Victim Impact Report (VIR) to calculate the amount of compensation payable to the victim. Justice R.L. Narasimham proposed the repeal of provision 545 (now Section 357 in the Code of 1973) of the Cr.P.C. and the addition of a new provision to the Indian Penal Code. He deemed the clause inadequate because it just compensates the aggrieved person with money and does not provide actual repair for the harm done. The section's method is complicated, dilatory, and costly, and it harasses the wounded complainant. Furthermore, it does not cover circumstances where the accused is unable to pay the fee.

The seminal decisions in **Karan v. NCT of Delhi**⁸ and **Kirti v. Oriental Insurance Company Ltd**⁹. have significantly influenced compensating jurisprudence. Kirti v. Ramana emphasised the relevance of notional income for housewives and the provision of future opportunities for housewives.

What are the measures that can be adopted in India?

The current status of trafficking and the data are enough to confound anyone, despite laws, the government's strategy, international treaties, and the statements made by the authorities. A painful reality is that trafficking has been completely ignored. Instead, it keeps getting worse. India's annual prostitution industry is worth Rs. 40,000 crore. Children make up 30% of the sex labour force, and those who exploit them make a staggering Rs. 11,000 crore annually.¹⁰ In order to combat this evil, it is paramount that we take inspiration from other nations who have developed efficient models to contain the same.

United States of America

The government of United States has enacted the Trafficking Victims Protection Act, 2000 and the Trafficking Victims Protection Reauthorization Act of 2003 as the framework for addressing trafficking in the United States. These acts focus on

¹ Section 370, Indian Penal Code, 1860

² Section 370A, Indian Penal Code, 1860

³ Section 372, Indian Penal Code, 1860

⁴ Section 373, Indian Penal Code, 1860

⁵ PRS India, 2018, <https://prsindia.org/billtrack/the-trafficking-of-persons-prevention-protection-and-rehabilitation-bill-2018>

⁶ Supra 10

⁷ W.P.(C) 11130/2021, CM APPL.34282/2021

⁸ Karan v. NCT of Delhi, (1988) 4 SCC 551

⁹ Kirti v. Oriental Insurance Company Ltd, (2015) 2 SCC 227

¹⁰ S. Sridevi Goel, "Girl Child Prostitution, Society's Responsibility - Indian Scenario", Vol. VII No. at 14, CBI Bulletin.

criminal punishment for traffickers, federal assistance for trafficking survivors, and global monitoring of trafficking. However, there is a division among experts regarding the best approach, with some criticizing the emphasis on prosecution over the care of victims¹.

A trafficking survivor may be eligible for federal assistance for refugees under the Trafficking Act, including Medicaid, Refugee Cash Assistance, housing, Food Stamps, and longer-term services, but only if they are willing to assist in the prosecution of the trafficker. Cooperation with law enforcement is also a requirement for immigration relief in the form of a T visa, which enables an undocumented trafficking survivor to legalize her immigration status². Though a few challenges seem to persist in the implementation of the TVPA 2000 it still poses a lot of pros and thus, India must strive to incorporate the same to the best of its ability to combat the evil of trafficking. Some of the pros of the TVPA are:

1. Federal Assistance for Trafficking Survivors: The Trafficking Victims Protection Act (TVPA) allows trafficking survivors to receive federal assistance, such as Medicaid, Refugee Cash Assistance, housing, food stamps, and longer-term services. This support helps survivors rebuild their lives and access essential resources.
2. Immigration Relief: The TVPA provides immigration relief in the form of a T visa, which allows undocumented trafficking survivors to legalize their immigration status. This enables survivors to remain in the United States and access necessary services without fear of deportation.
3. Prosecution of Traffickers: The TVPA emphasizes the prosecution of traffickers by conditioning survivor assistance on their willingness to participate in the prosecution of the trafficker. This approach aims to hold the traffickers accountable for their crimes and deter future trafficking activities.
4. Victim-Centric Approach: While there are debates about the conditionality of survivor assistance, the TVPA recognizes the importance of a victim-centric approach. It promotes the prosecution of the traffickers but also acknowledges the need for physical and psychological care, shelter and support for survivors, regardless of their willingness or ability to assist with the prosecution.
5. International Recognition: The TVPA aligns with the international standards and recommendations, as endorsed by the UN High Commissioner for human rights. It emphasizes the importance of providing care and support to trafficking survivors without making it contingent on their cooperation in criminal proceedings.
6. Evolution of Service Provision: The TVPA has led to the expansion of service provision for trafficking survivors. Various organizations, including refugee-based, anti-domestic violence and trafficking-specific organizations have started providing rehabilitation services to survivors, contributing to the development of best practices and innovative approaches in survivor support.
7. Increase Fundings: As funding for anti-trafficking initiatives increases, there is a greater opportunity to allocate additional resources to service providers. This can help enhancing language access systems, develop culturally-appropriate and therapeutic services and create shelter and transitional housing specifically tailored to the needs of trafficking survivors³.

Acknowledging the advantages the TVPA has to offer, it is imperative for India to adopt similar measures wherever it can to bolster its victim rehabilitation system so that the legislation shifts from a prosecution centric approach to victim rehabilitation because in India a lot of stigmatization is attached to victims of such evils especially trafficking for sex. The measures that India can embrace are:

1. Legal Mechanism for Trafficking Survivors: India can establish a legal mechanism that allows trafficking victims to remain in the country permanently, similar to the United States. This would provide survivors with stability and protection.
2. Support Services for Survivors: India can develop comprehensive support services for trafficking survivors, including access to healthcare, counseling, and vocational training. This service should help survivors rebuild their lives and reintegrate into society.
3. Collaboration with Law Enforcement: India can strengthen collaboration between NGOs and law enforcement agencies to ensure effective investigation and prosecution of traffickers. This would help bring traffickers to justice and deter future trafficking activities.
4. Awareness and Prevention Campaigns: India can launch awareness and prevention campaigns to educate the public about the dangers of trafficking and rights of potential victims. These campaigns would help raise awareness and empower individuals to take action against trafficking.

Sweden

The countries of Sweden, Norway, Finland and Iceland have managed to counter the evil of trafficking and its various forms in an effective manner. Sweden's regulations against trafficking and pimping, along with the prohibition on purchasing sex, make the country less appealing for prostitution-based trafficking. The law is intended to eliminate the economic incentives for prostitution in Norway. The law is intended to fight prostitution and human trafficking for sexual purposes. The prohibition on purchasing sexual services has aided in the reduction of prostitution in Norway. They have adopted what is known as the

¹ Dina Francesca Haynes, *Used, Abused, Arrested, and Deported: Extending Immigration Benefits to Protect the Victims of Trafficking and to Secure the Prosecution of Traffickers*, 26 HUM. RTS, Q 221, 240-41(2004). See also 22 U.S.C § 7101 (b)(E)(i)(I).

² Rachel Shigekane, *Rehabilitation and Community Integration of Trafficking Survivors in the United States*, 29 HUM. Rts. Q. 112, 114 (2007)

³ *Id*

'Nordic Model' to do away with the corrupt act of trafficking. This model has proven to be very promising in his aim of combating Trafficking and Sweden was one of the first nations to embrace this model. The Nordic model strives to achieve two important goals: Decriminalizing sex trafficking victims for offences related to prostitution and do not enhance the overall level of sex trafficking¹.

The Nordic model is so popular because it involves decriminalizing people who sell sex and provide comprehensive support social programs for those who want to come out of prostitution. Due to its immense success, the European Parliament has endorsed the Nordic Model approach and has also urged the other nations to join hands in the soma ego do away with the problem of trafficking. The resolution emphasizes that prostituted persons should not be criminalized and urges member states to repeal the repressive legislations against the survivors of traffickers. Furthermore, it also calls for development programs to assist prostituted persons in leaving the profession if they wish to do so.

This model is being endorsed by other countries because of its promising results. A study was conducted in Sweden via which the same could be reaffirmed. In Sweden, a large-scale study demonstrated a dramatic decrease in the number of people being prostituted, both on the streets as well as online. However, critics have argued that the Nordic model has helped in curbing the prostitution on the streets by shifting it to the internet, but there is no concrete proof to conclude this and therefore, it is a very effective approach to curb the menace of trafficking.

Another reason contributing to the success of the Nordic model is it removes criminal penalties from victims of sex trafficking and does not unintentionally exacerbate the underlying problem by increasing sex trafficking. Thus, it proven to be successful in the jurisdictions it has been adopted².

Owing to the generous success of the Nordic model, India can seek to adopt the same by incorporating the following:

1. Decriminalizing Victims: India must decriminalize the victims of sex trafficking, treating them as survivors rather than criminals. This involves releasing repressive legislations against prostituted persons and refraining from penalizing them. Instead, programs should be should be developed to assist the prostituted persons in leaving the profession if they wish to do so.
2. Support Programs: Comprehensive support programs must be established in order to assist the survivors of trafficking. Sensitization via education, job/skill training, and provide shelter and healthcare for such survivors.
3. Criminal Penalties for Buyers and Pimps: To deter demand and protect victims, India should impose criminal penalties on buyers and pimps involved in the commercial sex industry. By targeting those who exploit and profit from sex trafficking, the Nordic model strives to reduce the overall demand for prostitution.

Japan

Japan and India share geographical location, large populations, rich cultural heritage, economic significance, democratic systems, active international relations, and tourism. Japan is the 11th most populous country in the world, while India is the second. Both countries have a rich history of art, literature, music, and traditional practices. Japan is known for its advanced technology, automotive industry, and electronics, while India is recognized for IT services, pharmaceuticals, and textile industries. Both countries actively participate in global forums and organizations to address common challenges and promote cooperation. Therefore, there are certain measures that India can adopt;

1. Prostitution Laws Should Be Changed³: Japan's prostitution laws should be changed to follow Sweden's lead. This victim-centered strategy would aid in the fight against sex trafficking by focusing on protecting victims rather than penalizing them.
2. Provide support to Victims: The government should priorities victim support by establishing a functional visa system and the opportunity to repatriate victims. This would offer victims with access to services that can help them, as well as practical solutions for individuals who have been trafficked.
3. Multilateral Cooperation⁴: Japan has already begun to create positive partnerships with the nations from where the majority of victims flee. To successfully combat the issue, India might take a similar strategy by partnering with the nations from where its victims are trafficked.
4. Fulfill International Legal commitments: Japan's international legal commitments obligate it to effectively prevent human trafficking and exploitation. India should also uphold its international legal commitments by vigorously combating human trafficking and enacting comprehensive anti-trafficking legislation.
5. Ratify the United Nations Trafficking Protocol⁵: Japan should set a good example by ratifying the United Nations Trafficking Protocol. India can potentially ratify the agreement in order to enhance its legal framework and meet its international legal commitments.

By implementing these steps, India can strengthen its efforts to prevent human trafficking and better protect and aid victims.

¹ Michelle Madden Dempsey, Decriminalizing Victims of Sex Trafficking, 52 AM. CRIM. L. REV. 207 (2015)

² *Id*

³ Justin Stafford, Japan's Battle against Human Trafficking: A Victim-Oriented Solution, 50 GEO. WASH. INT'L L. REV. 181 (2017)

⁴ *Id*

⁵ *Id*

Australia¹

India and Australia have various similarities, some of them are Australia and India has similarities.

Media coverage²: In both nations, media coverage influences public opinion on prostitution. The media has been chastised for marginalizing opposing ideas and legitimizing anti-prostitution campaigners' positions. Documentaries and feature films have also been identified as potential sources of oversimplified statements and messages regarding human trafficking and prostitution.

Government Policy³: Both Australia and India have had talks over prostitution-related government policies. Western Australia's state parliament agreed to legalize prostitution based on the possibility for damage reduction. Decriminalization and the necessity for comprehensive strategies to solve the issue have been discussed in India.

In India, it is critical to implement evidence-based approaches to combat sex trafficking and the sex business. Policymakers should use the greatest social science research available rather than relying on a homogenous and simplified picture of sexual commerce. This would imply stepping up efforts to target unfree labour in a variety of sectors, including agriculture, domestic service, and manufacturing, where trafficking looks to be more prevalent than in the sex trade. Furthermore, it is critical to abandon the practice of estimating the number of victims, as these figures vary greatly and are inherently unreliable⁴.

South Asian Countries like Bangladesh⁵

Women trafficking regulations in Bangladesh are intended at preventing and treating the problem. One such law that forbids trafficking of women and minors is the Immoral Traffic (Prevention) Act of 1956. It establishes punishments for a variety of offences, including kidnapping, forced prostitution, and operating brothels.

The Act also emphasizes the need of victim-centered rehabilitation and reintegration processes to assist victims and facilitate their return to their home country. It asks for international collaboration to pursue perpetrators and address the issue of cross-border trafficking.

Nonetheless, despite the presence of these laws, anti-trafficking enforcement and implementation in Bangladesh may meet difficulties. The societal shame associated with human trafficking, as well as a lack of proper rehabilitation facilities, might make effective protection difficult.

India may take the following steps to combat human trafficking of women and girls:

1. Establishment of Advisory Committees⁶: The state has been required by the Supreme Court to establish advisory committees to address the issue of child prostitution. These committees can give children of sex workers with specific care and assistance, ensuring their normal development and preventing them from exploitation.
2. Implementation of the Juvenile Justice Act⁷: The Juvenile Justice Act can be used to provide systems and infrastructure to help rescued youngsters develop. This involves promoting education, life skills, recreation, and self-expression.
3. Preventive and Remedial Measures: The Supreme Court has given several instructions to adopt preventive and remedial measures for the rescue and rehabilitation of trafficking kids. This involves forming advisory panels, monitoring law enforcement, and launching programmes in high-crime regions.
4. Bilateral Agreements: To communicate information on traffickers and syndicates, bilateral agreements between nations of origin, transit, and destination are required. This may be accomplished by direct communication with Interpol and collaboration.
5. Community Watch Programmes: Promoting community watch programmes can aid in the prevention of human trafficking. In close-knit cultures, such programmes can raise awareness and alertness, particularly in spotting and reporting dubious job, marriage, or adoption proposals.
6. Strengthening Missing Persons Bureaus: Strengthening state-level missing persons bureaus and vigorously investigating missing persons cases will assist trace them to demand regions and brothels, ultimately leading to their rescue.
7. Strict consequences for Traffickers: The legislation should ensure that traffickers face harsh consequences. According to current data, exploiters are frequently allowed off with warnings or fines, while sex workers face the brunt of arrests and sanctions.
8. Reforming Enforcement Machinery: The Immoral Traffic (Prevention) Act's enforcement machinery should be held accountable for deterrent action. Local and special Acts, such as the Bombay Police Act, should be modified to guarantee that prostitutes are arrested and released under the ITPA rather than other Acts.

These strategies, if successfully executed, can help to solve the issue of human trafficking in India.

¹ The Journal of Criminal Law and Criminology (1973-), Fall 2011, Vol. 101, No. 4 (Fall 2011), pp. 1337-1369

² The Journal of Criminal Law and Criminology (1973-), Fall 2011, Vol. 101, No. 4 (Fall 2011), pp. 1366-67

³ *Id*

⁴ The Journal of Criminal Law and Criminology (1973-), Fall 2011, Vol. 101, No. 4 (Fall 2011), pp. 1368-69

⁵ Journal of the Indian Law Institute, October-December 2002, Vol. 44, No. 4 (October-December 2002), pp. 504-533

⁶ Journal of the Indian Law Institute, October-December 2002, Vol. 44, No. 4 (October-December 2002), pp. 530

⁷ *Id*

Conclusion

The dignity and security of victims of human trafficking are seriously threatened, and their constitutional rights are also violated. Equal rights for men and women are guaranteed by the Indian constitution, although these rights rarely see actual application. Enforcing government anti-trafficking requirements requires a strong resolve on the part of the government in order to combat trafficking and safeguard the human rights of vulnerable persons. To ensure that the laws against human trafficking are effective in preventing the crime, they must be tightened. To stop people from becoming victims, human trafficking must be made known to those who live below the poverty line throughout the nation. Further, since India has not adequately defined the word 'trafficking' anywhere in any of its legislations, inspiration needs to be sought from other nations who have been successful in combating the evil of trafficking in all its forms thereby ensuring that the citizens of India lead a dignified, secured and a peaceful life. It is paramount for India to define trafficking and explicitly mention what comes within the scope and ambit of trafficking of persons. This will aid in doing away with the brothels established in the red light areas of metropolitan cities such as Mumbai, Delhi, Kolkata and Bangalore. Further, this will also help in curbing the trafficking of children for forced labour in the carpet, fireworks and other hazardous industries. Since the Nordic model boasts successful results in combating the problem of trafficking, steps need to be taken by India to adopt to this model and implement the same to combat this social evil. Further, the Nordic model focuses on victim rehabilitation as opposed to penalizing the survivors, it is best for India to incorporate the same. This will ensure that traffickers are prosecuted for the crime committed and simultaneously the survivors of trafficking are given a safe space to heal from the traumatic exposure to such unpleasant environment and also will aid in their reintegration into society.