

India's Legal Framework Against Human Trafficking in the Light of Reformed and Post-Colonial Penal Provisions: A Socio-Legal Perspective and Study.

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ABSTRACT

This study critically examines India's legal framework against human trafficking, analyzing the progress of penal provisions from a socio-legal perspective in the post-colonial period. It highlights the inadequacies and challenges of prevailing laws like the Bharatiya Nyaya Sanhita, 2023, including the Trafficking of Persons (Prevention, Protection, and Rehabilitation) Act of 2018, in effectively addressing the complexities of trafficking. Through case studies and an exploration of judicial interpretations, the research reveals the historical bequests of colonial laws that continue to influence contemporary practices. It further examines the socio-economic factors that contribute to trafficking, accenting the need for a comprehensive approach that integrates victim support, public awareness, and international cooperation. The results advocate for ongoing reforms to enhance legal effectiveness and promote justice for victims while ensuring accountability for offenders.

Keywords: Human Trafficking, Legal Framework, India, Penal Provisions, Post-Colonial, Socio-Legal Perspective, Trafficking of Persons Act.

I. Introduction:

The genesis of equality is the wider aspect of life and liberty is immensely nourished and fostered the process of the social transformation in the domain of constitutional democracy. Every individual possess the personal freedom and equal rights is very much necessary to be free and sovereign in a democratic society, which is the ideal society. These rights also enable people to live with respect and dignity. So, in the words of *Atharva Veda – Samjnana Sukta* it may be stated that, “*Samani Prapaa Saha Vonnabhagah, Samane Yoktre Saha vo Yunajmi, Aaraah Nabhimivaabhitah*”¹ which means all the persons are in equitable rights to articles of food and water. The harness of life chariot put equally on the shoulders of all. All should stay together in harmony supporting each other like spokes of a wheel of the chariot connecting its rim and hub. In every organized society, the curse of human trafficking not only destroys the inner morality but also ruins the society forever. The concept of human trafficking has a deep root, as it is seen from ancient to modern times. The ancient custom of the "devdasi" system was the most common form of human trafficking. In modern times, the concept has shifted dramatically to encompass issues like sexual exploitation, child labor, child prostitution, slave trade, child pornography, and forced labor, all of which impede society's healthy development. Therefore, to combat these social issues, robust legal instruments are essential. Law serves as a powerful tool for social change, promoting societal growth and working toward a utopian, exploitation-free society. Hence, mere legislations are not enough

¹ See <https://vsktelangana.org/international-human-rights-barren-without-indian-wisdom> . See also *Atharva Veda – Samjnana Sukta* cf. <https://sites.google.com/site/rammadhav/human-dignity-and-human-rights-hindu-perspective> (Accessed on 24/06/2024)

to fight against the curse of human trafficking; rather there should be effective and successful implementation of legislation instruments, otherwise our society may collapse like a pack of cards.

Human trafficking can be viewed from a sociological perspective as an expression of societal injustice and power relations. India's societal institutions and legal systems have been permanently impacted by the historical background of colonialism, which frequently favors punitive measures over preventative and rehabilitative ones. The introduction of the Trafficking of Persons (Prevention, Protection, and Rehabilitation) Act, 2018 and the subsequent passage of amended penal provisions mark a change toward a victim-centered approach. However, the larger socioeconomic environment that still supports trafficking circumstances must be taken into consideration while evaluating these measures.

Through a sociological lens, this study seeks to evaluate how well India's legal system prevents human trafficking by looking at how elements like poverty, gender inequality, and illiteracy contribute to. The adoption of reformed penal provisions in recent years, particularly with the introduction of the Trafficking of Persons (Prevention, Protection, and Rehabilitation) Act, 2018, signifies a shift towards a more victim-centered approach. However, these reforms must be critically assessed within the broader socio-economic landscape that continues to foster conditions conducive to trafficking.

This study aims to analyze the effectiveness of India's legal framework against human trafficking through a sociological lens, examining how factors such as poverty, gender inequality, and lack of education contribute to the trafficking ecosystem. By understanding the social determinants of trafficking, we can better evaluate the impact of legal provisions and identify gaps that hinder their implementation. Furthermore, this research highlights the importance of community engagement and grassroots movements in shaping effective legal responses and promoting social change. Ultimately, a comprehensive socio-legal analysis is essential for developing strategies that not only address the symptoms of human trafficking but also tackle its root causes, fostering a just and equitable society for all.

II. Reasons of Human Trafficking as a Social Evils:

Since such an element of human trafficking falls not only as a societal curse but also against human dignity, human trafficking is such an element in place. The factors that have been listed above are for the reasons of increased cases of human trafficking that can be broken down and discussed correspondingly below:

- the evilness of human trafficking has a close affinity with marginalization and on the increase poverty levels.
- Lack of employment opportunity, low wages, and means of staying alive make an individual vulnerable.
- Practices such as forced marriages, child marriage, and dowry extortions enhance vulnerabilities.
- The dominance of the system of caste and discrimination based on caste sets grounds for trafficking.
- The low social status of women and children makes them easy targets for traffickers.
- Poverty and unemployment related to migration across borders contribute to this kind of trafficking.
- Low educational standards, inadequate family planning measures, and lack of awareness with regard to human rights are all factors contributing to this problem.

III. Trans-national Approaches of Human Rights Instruments Combating against Human Trafficking:

In a well-ordered society, safeguarding fundamental human rights nurtures a spirit of universal brotherhood and strengthens social unity. The union of "human" with "rights" evokes a profound jurisprudential harmony. Yet, when "human" is coupled with "trafficking," it signifies one of humanity's most harrowing man-made tragedies. Thus, it becomes imperative to delve into the diverse provisions enshrined within international human rights instruments to confront this grave issues.

- i. Article 1 of the Universal Declaration of Human Rights, 1948, declares that all humans are born free and equal in dignity and should treat one another in a spirit of brotherhood.²;
- ii. Article 2 confers equal rights and freedom upon every individual so that no one is treated as inferior due to religion, race, language, caste, place of birth, or social origin. It further elaborates on the fact that discrimination should not occur based upon a person's political or international status, or the country they belong to or reside in.³;
- iii. Article 3 mandates that every person inherently possesses the right to life, liberty and security⁴;
- iv. Article 4 states that every person shall be free from the slavery or servitude and also abolishes any form of slave trade.⁵;
- v. Article 6 states that every individual has the right to have his or her identity recognized as a person before the law. Every individual given identification brings about legal rights and status upon that person, legally making them subjects of rights and responsibilities within the legal system. It is an assurance that every single individual is treated equally as provided under the law in terms of equal protection and access to justice, not considering whether social, political, or personal conditions with guaranteed fairness and equity.⁶;
- vi. Article 7 affirms that all individuals are equal before the law and entitled to equal protection without discrimination.⁷;
- vii. Article 8 inculcates about the right to an effective remedy for the infringement of the fundamental rights⁸;
- viii. Article 23(1) grants everyone the right to work, freely choose employment, enjoy favorable working conditions, and have protection against unemployment.⁹.
- ix. Every individual has the right to receive equal pay for equal work, free from discrimination.¹⁰
- x. The victim of trafficking shall not be penalized for the crimes he or she commits by being coerced to commit such dangerous crimes. The comprehensive various protective measures for victims of human trafficking, emphasizing the access to representation shall be provided to the victim (Article 6); individual risk assessment and protection

² See **Article 1**, Universal Declaration of Human Rights, 1948; “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”.

Cf. <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 06/10/2024]

³ See **Article 2**, Universal Declaration of Human Rights, 1948; “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”.

Cf. <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 06/10/2024]

⁴ See **Article 3**, Universal Declaration of Human Rights, 1948; “Everyone has the right to life, liberty and security of person”. **Cf.** <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 06/10/2024]

⁵ See **Article 4**, Universal Declaration of Human Rights, 1948; “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”. **Cf.** <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 06/10/2024];

⁶ See **Article 6**, Universal Declaration of Human Rights, 1948; “Everyone has the right to recognition everywhere as a person before the law”. **Cf.** <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 06/10/2024]

⁷ See **Article 7**, Universal Declaration of Human Rights, 1948; “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination”. **Cf.** <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 06/10/2024]

⁸ See **Article 8**, Universal Declaration of Human Rights, 1948; “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”. **Cf.** <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 06/10/2024]

⁹ See **Article 23(1)**, Universal Declaration of Human Rights, 1948 “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”.

¹⁰ See **Article 23(2)**, Universal Declaration of Human Rights, 1948 “Everyone, without any discrimination, has the right to equal pay for equal work”. **Cf.** <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 06/10/2024]

of a witness, if any (Article 8); special measures for child victims whereby their best interest shall be a primary consideration and representatives shall be assigned, if there exists conflicting interest (Article 15); and compensation shall be provided to the victim, apart from other forms of assistance mentioned (Article 17), while at the same time underscoring preventive action, such as education and training in order to reduce or even prevent the exploitation (Article 18).¹¹

IV. Judicial and Constitutional Efficacy towards Preventing Eradicating the curse of Human Trafficking in India:

As the supreme law of the land, the Constitution of India plays a vital role in social transformation and actively seeks to reduce all forms of exploitation in society. Thus, the constitutional and judicial perspectives on protecting against human trafficking can be examined as follows:

1. Article 14, mandates that “**State shall not deny to any person equality before law and the equal protection of law within the territory of India**”. So, when there is the matter of the rehabilitation of the victims of trafficking, there should not be any types of discrimination in this regard. Because, in the words of *Justice Khanna* it may be stated that “that **“Rule of Law is the antithesis of arbitrariness.... Rule of Law is now the accepted norm of all civilized societies”**”¹².
2. Article 21 narrates as “**No person shall be deprived of its right to life and personal liberty except according to procedure established by law**”. Therefore, in the words of *Justice Bhagwati* it may be analyze that, “**Article 21 embodies a constitutional value of supreme importance in a democratic society**”.¹³ Article 21 also includes the right to livelihood¹⁴. This point must also be noted that, non-payment of minimum wages to the workers is violative of right to life under article 21.¹⁵ In *C.E.S.C Ltd. v. S.C.Bose*¹⁶, it has been observed by the Apex Court that, “the right to social and economic justice is a fundamental right”. The Court had further opined that, “the right to live with human dignity at least with minimum substance and all those rights and aspects of life which would to make a man’s life complete and worth living, would form the part of the right to life”.
3. Every individual has the inherent right to protection against all forms of exploitation, including trafficking in human beings, begging, and other types of forced labor.¹⁷
4. The Constitution also mandates the State to achieve the adequate means of livelihood and there must also be the provision of equal pay for equal work for both men and women¹⁸. In *Bandhua Mukti Morcha v. Union of India*¹⁹, while interpreting the scope of social justice the Judiciary had observed that “there is no manner of doubt that welfare State in the protection of life and liberty of its citizens not only within the country but also outside the

¹¹ See *Article 26 of the 2005 Council of Europe Trafficking Convention* which states that “parties shall provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so”. Even *Article 8 of the EU Directive (2011/36)* reiterated the same matter that; ‘Each Party shall take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of traffic’.

Cf. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>,
<https://rm.coe.int/168008371d> [Accessed on 06/10/2024]

¹² See *A.D.M. Jabalpur v. S.Shukla* AIR 1976 SC 1207 cf. <https://indiankanoon.org/doc/1735815/>
 (Accessed on 06/10/2024)

¹³ See *Francis Coralie v. Union Territory of Delhi*, AIR 1981 SC 746, cf. <https://indiankanoon.org/doc/78536/>
 (Accessed on 06/10/2024)

¹⁴ See *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 80 cf. <https://indiankanoon.org/doc/709776/>
 (Accessed on 06/10/2024)

¹⁵ See *Peoples Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473
 cf. <https://indiankanoon.org/doc/496663/#:~:text=Since%2C%20construction%20work%20is%20a,Union%20of%20India%2C%20the%20Delhi> (Accessed on 06/10/2024)

¹⁶ (1992) 1 SCC 441 cf.
<https://indiankanoon.org/doc/1510944/#:~:text=held%20that%20the%20appellant%20was,by%20filing%20anot%20her%20writ%20petition.> (Accessed on 06/10/2024)

¹⁷ See **Article 23(1)** “Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law”.

¹⁸ See **Article 39 (a) and Article 39(d) of the Constitution of India**.

¹⁹ AIR 1984 SC 802 cf. <https://indiankanoon.org/doc/595099/> (Accessed on 06/10/2024)

country in certain situations. In *Neerja Chaudhury Vs. State of Madhya Pradesh*²⁰ where the Supreme Court highlighted the significance of rehabilitating bonded laborers and asserted that social action groups should operate at the grassroots level to aid in the identification and release of these individuals.

5. The Preamble to the Constitution, read with directive principles under Articles 38, 39 and 39A enjoins the State to take all protective measures to which a social welfare State is committed²¹.
6. In *Vishal Jeet v. Union of India*²², the Supreme Court of India had meaningfully advised for the establishment of the Advisory Committee in every towards combating against the evil of human trafficking. Subsequently, the Court had observed that,
 - State Governments and Union Territories should establish a separate Advisory Committee within their regions, composed of key officials and members from various organizations, including the Social Welfare Department, Law Department, women's organizations, and social welfare councils.
 - The Advisory Committee's primary objective is to provide suggestions for measures to eradicate child prostitution and implement social welfare programs for the care, protection, treatment, development, and rehabilitation of young victims.
 - All State and Union Territory governments must take steps to provide adequate rehabilitative homes staffed by qualified social workers, psychiatrists, and doctors.
7. In *Gourav Jain v. Union of India*²³, the Supreme Court with reference to *M.C. Mehta v. Union of India*²⁴ had opined that “the law should keep pace with changing socio-economic norms; where a law of the past does not fit in the present context, the Court should evolve new law in public interest litigation. The power of this Court is very wide to devise appropriate procedure and to issue directions, orders or rules. This Court is competent to grant remedial assistance by way of compensation in exceptional cases”. The Apex Court further mandated the establishment of a committee to conduct a comprehensive study on human trafficking issues and develop appropriate rehabilitation schemes for trafficked women and children. Additionally, the Court recommended forming a permanent Committee of Secretaries to annually review the implementation progress and take further actions to ensure effective scheme execution.;

V. Legislative Configuration Against Human Trafficking in the Light Post-Colonial Penal Provisions towards mitigating Human Trafficking:

Human trafficking stands as one of the gravest challenges, particularly confronting developing nations, with India being no exception. This crime is exacerbated by inadequate socio-economic development, which significantly contributes to its prevalence. As a result, it is crucial to explore various legislative measures designed to combat this issue effectively. Legislative frameworks play a pivotal role in addressing human trafficking by establishing legal definitions, outlining penalties for offenders, and providing protections for victims. These laws not only aim to prevent trafficking but also emphasize the rehabilitation and reintegration of survivors into society. The effectiveness of these measures relies on a comprehensive approach that includes socio-economic development, education, and community engagement to eradicate the root causes of trafficking. The introduction of the *Bharatiya Nyaya Sanhita, 2023* in the post-colonial era expected to be the successful legislative instrument towards mitigating the social evils like human trafficking.

²⁰ AIR 1984 SC 1099 cf.

<https://indiankanoon.org/doc/1012224/#:~:text=The%20petitioner%20urged%20in%20the,violation%20of%20the%20fundamental%20right> (Accessed on 06/10/2024)

²¹ See *Gourav Kumar Bansal v. Union of India*, Writ Petition (C) No. 536 of 2012 With Writ Petition (C) No. 26 of 2014; decided on 9th September, 2014: (2015) 2 SCC 130 cf. <https://indiankanoon.org/doc/65297074/> (Accessed on 06/10/2024)

²² (1990) 3 SCC 318 cf. <https://indiankanoon.org/doc/653695/> (Accessed on 06/10/2024)

²³ AIR 1997 SC 3021: (1997) 8 SCC 114 cf. <https://indiankanoon.org/doc/40881001/> (Accessed on 06/10/2024)

²⁴ (1987) 1 SCC 395 cf. <https://indiankanoon.org/doc/1486949/> (Accessed on 07/10/2024)

(1987) 1 SCC 395 cf. <https://indiankanoon.org/doc/1486949/> (Accessed on 07/10/2024)

1. Section 96 of the *Bharatiya Nyaya Sanhita, 2023*, Any person who by any means at all induces a child to leave any place or to go with such person or to any other place with intent thereby to commit upon that child rape or ravishment by force against her will or to procure such child to be carnally knowing against her will shall be imprisoned any or both for ten years, and subject also to a fine.²⁵
2. Section 98 of the *Bharatiya Nyaya Sanhita, 2023* narrates that Any person who sells, rents, or otherwise transfers, to any child, with an intention that such child shall be prostituted, or use in any vice, or for any immoral or unlawful purpose, or knowing that such child is likely to be so used, shall be imprisoned not more than ten years and may also be fined.²⁶
3. Section 99 of the *Bharatiya Nyaya Sanhita, 2023* narrates Anyone who buys, hires or otherwise obtains the possession of a child with the intent to utilize the said child in prostitution, or for any other illegal form of sexual activity, or for any other illegal and immoral purposes, or who knows that such child is likely to be so used shall be liable to a term of seven years' imprisonment, which may extend up to fourteen years, and to a fine.²⁷
4. Section 141 of the *Bharatiya Nyaya Sanhita, 2023*²⁸ narrates that Any person who imports a girl under the age of twenty-one or a boy under the age of eighteen into India from another country with the intent to force or seduce them into illicit sexual activities, or who knows that they are likely to be subjected to such treatment, shall be punishable by imprisonment for up to ten years and may also face a fine.
5. Section 143 of the *Bharatiya Nyaya Sanhita, 2023*²⁹ provision narrates that a person has said to have committed the offence of Trafficking of Person if the following conditions are satisfied and may be discussed in a chart:

Section	Provision and Interpretation	Punishment
143(1)	Definition of Trafficking: Offense includes recruiting, transporting, harboring, transferring, or receiving a person through: Threats. Force or coercion. Abduction.	-

²⁵ See “Section 96. Procurement of child. Whoever, by any means whatsoever, induces any child to go from any place or to do any act with intent that such child may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.”

cf. https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf (Accessed on 06/10/2024)

²⁶ “Section 98. Selling child for purposes of prostitution, etc. Whoever sells, lets to hire, or otherwise disposes of any child with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

cf. https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf (Accessed on 06/10/2024)

²⁷ See “Section 99. Buying child for purposes of prostitution, etc. Whoever buys, hires or otherwise obtains possession of any child with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to fourteen years, and shall also be liable to fine. cf. https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf (Accessed on 06/10/2024)

²⁸ See Section “Section 141. Importation of girl or boy from foreign country. Whoever imports into India from any country outside India any girl under the age of twenty-one years or any boy under the age of eighteen years with intent that girl or boy may be, or knowing it to be likely that girl or boy will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.” cf. https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf (Accessed on 06/10/2024)

²⁹ See Section 143 Trafficking of person.

cf. https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf (Accessed on 06/10/2024)

	Fraud or deception. Abuse of power. Consent through payments/benefits.	
143(1) Explanati on 1	Nature of Exploitation: Includes physical exploitation, sexual exploitation, slavery, servitude, beggary, forced organ removal.	
143(1) Explanati on 2	Consent Irrelevant: Victim's consent is immaterial and irrelevant while determining the offense of trafficking.	
143(2)	Punishment for Trafficking: For committing the offense of trafficking.	Rigorous imprisonment of not less than 7 years and may extend to 10 years , and also be liable to fine.
143(3)	Trafficking of Multiple Persons: If the offense involves trafficking of more than one person.	Rigorous imprisonment of not less than 10 years and may extend to life imprisonment , and also be liable to fine.
143(4)	Trafficking of a Child: If the offense involves the trafficking of a child.	Rigorous imprisonment of not less than 10 years and may extend to life imprisonment , and also be liable to fine.
143(5)	Trafficking of Multiple Children: If the offense involves trafficking of more than one child.	Rigorous imprisonment of not less than 14 years and may extend to life imprisonment , and also be liable to fine.
143(6)	Repeat Offense of Child Trafficking: If convicted of trafficking a child more than once.	Punished with life imprisonment (remainder of natural life), and also be liable to fine.
143(7)	Involvement of Public Servant/Police Officer: If a public servant or police officer is involved in trafficking.	Punished with life imprisonment (remainder of natural life), and also be liable to fine.

6. Section 144 of the *Bharatiya Nyaya Sanhita, 2023*³⁰ prescribes that:

Section	Provision with Interpretation	Punishment
144(1)	Exploitation of Trafficked Child: Engaging a child who has been trafficked for sexual exploitation.	Rigorous imprisonment of not less than 5 years and may extend to 10 years , and also be liable to fine.
144(2)	Exploitation of Trafficked Person: Engaging a person (not a child) who has been trafficked for sexual exploitation.	Rigorous imprisonment of not less than 3 years and may extend to 7 years , and also be liable to fine.

³⁰ See “Section 144. **Exploitation of a trafficked person:** (1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine. (2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine.”

cf. https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf (Accessed on 06/10/2024)

7. ***Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2022***³¹: The draft Bill prescribes the legislation outlines a comprehensive framework for combating human trafficking in India, establishing the **National Anti-Trafficking Bureau** and state-level officers, alongside relief and rehabilitation authorities. It emphasizes preventive measures, search and rescue operations, and the protection and rehabilitation of victims. The law includes stringent penalties for trafficking offenses, designated courts for swift justice, and provisions for victim support, witness protection, and compensation. This Bill also prescribes for designated Courts and special public prosecutors will facilitate the legal process, ensuring victim protection and the provision of monetary relief. The legislation ensures a holistic approach to addressing trafficking while safeguarding victims' rights and dignity.
8. ***Immoral Traffic (Prevention) Act, 1956***³²: The legislation establishes comprehensive measures against prostitution and related offenses, including the punishment for keeping or allowing a brothel and living off prostitution earnings. It outlines procedures for procuring individuals for prostitution, detaining persons in such premises, and soliciting for prostitution. Special provisions are made for the rescue of individuals, their intermediate custody, and protective homes. The act enables the establishment of special courts for efficient trials and empowers the government to formulate rules, ensuring coordination with existing laws.

VI. Concluding Remarks and Suggestive Measures:

In the concluding notes it may be stated that the atrocious act of human trafficking not only renders it challenging for the victim to go about their daily affairs, but it also ruins their heart and soul. Due to mental trauma, victims of human trafficking also face barriers in the mainstream of society. In the process of eliminating the occurrence of human trafficking, the most difficult challenge is to give the victim a better, healthier, and emotional environment; discrimination of all kinds should not be tolerated. Hence, some suggestive measures may be adopted for the betterment of the socio-legal and economic conditions of the victim of human trafficking are as follows:

- Adopting effective employment generating strategies is necessary to give the means of a sufficient standard of living.
- Adequate government programs for the victim's rehabilitation process like public awareness camps must be held in rural, urban, and especially international border areas.
- A robust monitoring system and the effective application of the legislative mechanism.
- NGOs must lead philanthropic efforts for the rehabilitation of victims in the mainstream of society by offering self-help job opportunities, education and schooling facilities, and
- Appropriate psychological counselling in order to pull the victim out of the mental trauma and towards a new horizon.

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³¹ See *The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2022* cf. https://sansad.in/getFile/BillsTexts/RSBillTexts/Asintroduced/15-E_257.pdf?source=legislation (Accessed on 06/10/2024)

³² See *Immoral Traffic (Prevention) Act, 1956* cf. https://www.indiacode.nic.in/bitstream/123456789/15378/1/the_immoral_traffic_%28prevention%29_act%2C_1956.pdf (Accessed on 06/10/2024)

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