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## HUMAN TRAFFICKING IN INDIA

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### Abstract :

Female trafficking for sexual exploitation (SE) is one of the major problems in India. Young females are particularly vulnerable to this crime. Existing state machinery is somewhat deficient in its tactical and technical doctrines to combat the challenges posed in this regard. The current study attempted to understand the spatiality of female trafficking in India, which can inform combat strategies. We considered a systematic review of published quantitative and qualitative kinds of literature. Potentially relevant articles for systematic review were identified by searching bibliographical databases. A mixed-method was deployed to analyze deemed necessary for inclusion of female trafficking for sexual exploitations. Data were analyzed qualitatively by using thematic analysis and using Arc-GIS to appreciate the data geographically. The results were collated and analyzed concerning fulfilling the key objectives of the review. A large number of children and women trafficked for SE in India. Trafficking for commercial sexual exploitation occurs particularly in poverty-stricken regions and vulnerable populations. Tribal people have mainly been pushed into such activities. Additionally, it has given an opportunity for the enormous potential profits for those syndicates that were set up for organized crimes and independent traffickers. It is the fundamental right of women and children to be protected from any forms of trafficking and to be treated with dignity. Therefore, it requires a comprehensive anti-human trafficking strategy that embedded in a human rights approach since the violation of human rights is both the cause as well as the consequence of human trafficking.

### Introduction :

Crime is a surface expression of discontents that lie deeply embedded in the social system. Like any surface manifestation, crime can provide a clue(s) to the particular forces which cause it, these, in turn, may be traced to the more profound contradictions which churn in the guts of the social and economic system (Peet, 1975). Crime leaves deep scars in the society; therefore, we need to study the nature, causes, and patterns of crime affecting people and their property to find out the reasons behind them and prescribe measures to curb such incidences. The geography of crime is interplay between crime, space and society through the analysis of offences, offenders and

the end effects (Hall & Winlow, 2015). Unfortunately, the human trafficking is a global phenomenon and one of the most shameful crimes in the world, affecting not only the lives of several people around the world but also robbing their dignity. Traffickers entrap women, men and children from all corners of the world and force them into exploitative situations every day (S. Sarkar, 2014, Sarkar, 2016). The best-known form of human trafficking is female trafficking for sexual exploitation (Kempadoo et al., 2015, Locke, 2010; Sarkar, 2014).

The concept of female trafficking refers to the criminal practice of exploiting females by treating them as property for profit (Kempadoo et al., 2015). These trafficked victims were

subjected to long-term exploitation. An estimated about 800,000 women and children are trafficked each year across international borders, 80% ending in forced sex work (Locke, 2010). These estimates exclude those trafficked within their own countries or missing children. Human trafficking for sexual exploitation (SE) is a gross violation of human rights and has been described as a modern form of slavery (Bruckmüller et al., 2010). The trafficking of women and children for SE in Asia has victimized over 30 million people (Dewey, 2008, Joffres et al., 2008, Silverman et al., 2007, 2011). India has recognized as one of the Asian countries with substantial female trafficking for commercial sexual exploitation (Datta, 2011, Iyer and Radha, 2016; S. Sarkar, 2016, Uddin, 2014). Until now, there is no concrete study in India that has been solely focused on knowing the nature and spatiality of female trafficking. This study represents an analytical overview of the trafficking of women and girls for sexual exploitation (SE) in India. It has two specific objectives that are to understand the spatiality of female trafficking for sexual exploitation in India and to find out the main supply, transit and destination regions of female trafficking in India.

**With a view to tackle the menace of human trafficking, Ministry of Home Affairs, Government of India has undertaken a number of measures such as:**

#### **Administrative measures and interventions**

Anti Trafficking Cell (ATC): Anti-Trafficking Nodal Cell was set up in the Ministry of Home Affairs (MHA) (CS Division in 2006 to act as a focal point for communicating various decisions and follow up on action taken by the State Governments to combat the crime of Human Trafficking. MHA conducts coordination meetings with the Nodal Officers of Anti Human Trafficking Units nominated in all States/UTs periodically.

Advisories: To improve the effectiveness in tackling the crime of human trafficking and to increase the responsiveness of the law

enforcement machinery, MHA has issued following comprehensive advisories to all States/UTs:

- Advisory for preventing crime of human trafficking date 9.9.2009.
- Advisory on crime against children dated 14th July, 2010.
- Advisory on missing children dated 31st January, 2012.
- Advisory on Preventing and Combating cyber crime against children dated 4.1.2012.
- Advisory on Human Trafficking as Organised Crime dated 30th April, 2012.
- Advisory on Preventing and combating human trafficking in India-dealing with foreign nationals dated 1.5.2012.
- SOP to handle trafficking of children for child labour dated 12.8.2013.
- Advisory on MHA Web Portal on Anti Human Trafficking dated 5.5.2014.
- Advisory dated 23.7.2015 for associating SSB and BSF in crime meetings.

These advisories/SOP are available on MHA's Web Portal on Anti Human Trafficking at [www.stophumantrafficking-mha.nic.in](http://www.stophumantrafficking-mha.nic.in)

**Ministry of Home Affairs' scheme :** Ministry of Home Affairs under a Comprehensive Scheme "Strengthening law enforcement response in India against Trafficking in Persons through Training and Capacity Building, has released fund for establishment of Anti Human Trafficking Units for 270 districts of the country.

**Strengthening the capacity building:** To enhance the capacity building of law enforcement agencies and generate awareness among them, various Training of Trainers (TOT) workshops on "Combating Trafficking in Human Beings for Police officers and for Prosecutors at Regional level, State level and District level were held throughout the country.

**Judicial Colloquium:** In order to train and

sensitize the trial court judicial officers, Judicial Colloquium on human trafficking are held at the High court level. The aim is to sensitize the judicial officers about the various issues concerning human trafficking and to ensure speedy court process. So far, eleven Judicial Colloquiums have been held at Chandigarh, Delhi, Himachal Pradesh, Maharashtra, Chhattisgarh, Tamil Nadu, Andhra Pradesh, Bihar, Uttar Pradesh, Jharkhand and Odisha.

### What are the constitutional & legislative provisions related to Trafficking in India?

- Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1)
- The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.
- Criminal Law (amendment) Act 2013 has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.
- Protection of Children from Sexual offences (POCSO) Act, 2012, which has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.
- There are other specific legislations enacted relating to trafficking in women and children Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour

(Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 deal with selling and buying of girls for the purpose of prostitution.

- State Governments have also enacted specific legislations to deal with the issue. (e.g. The Punjab Prevention of Human Smuggling Act, 2012)

### How has India implemented International Conventions on Trafficking?

**UN Convention:** India has ratified the United Nations Convention on Transnational Organised Crime (UNTOC) which has as one of its Protocols Prevention, Suppression and Punishment of Trafficking in Persons, particularly Women and Children. Various actions have been taken to implement the convention and as per Protocol, Criminal Law Amendment Act, 2013 has been enacted wherein human trafficking has specifically been defined.

**SAARC Convention:** India has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. A Regional Task Force was constituted to implement the SAARC Convention. Five meetings of Regional Task Force have been held so far. Fifth meeting was held at Paro, Bhutan from 11-12 April, 2013. As offered in Fifth Meeting, a study tour for SAARC Member countries was conducted from 18-22 November, 2013 to learn from the experiences of the Anti Human Trafficking Units (AHTUs) established in various districts of the country. Representatives of Sri Lanka, Bhutan and Afghanistan participated in the study tour.

### Bilateral mechanism :

For dealing with cross border trafficking and to address the various issues relating to prevention of Trafficking, victim identification and repatriation and make the process speedy and victim-friendly between India and Bangladesh, a Task Force of India and

Bangladesh was constituted. So far five meetings of Task force between India and Bangladesh have been held. Fifth meeting was held on 17-18 August, 2015 at Dhaka, Bangladesh.

A Memorandum of Understanding (MoU) between India and Bangladesh on Bi-lateral Cooperation for Prevention of Human Trafficking in Women and Children, Rescue, Recovery, Repatriation and Re-integration of Victims of Trafficking was signed in June, 2015.

What does human trafficking in India look like?

### **Labor trafficking in India:**

More than half of the victim are in forced or they are working 12 or more hours a day in brick kilns, textile factories, agriculture, or stone quarries. Many of them were tricked into taking jobs and promised large advancements, only to be caught paying off debts that rack up exorbitant interest rates, trapped in a cycle they literally cannot escape.

Their lives, and oftentimes the lives of their entire families, are marked by inhumane working and living conditions, controlled by bosses who view them as commodities. Some families experience intergenerational bonded labor, in which the debts of deceased workers are transferred to their children, siblings, or parents.

COVID-19 increased the issue of bonded labor, as traffickers lured the unemployed with cash advances, only to trap them in the cycle of debt bondage.

Indian migrants seeking work in low-skilled sectors, such as domestic work and construction, also become trapped in labor trafficking in various countries, especially in the Gulf countries, such as U.A.E., and Malaysia.

### **Sex Trafficking in India**

While half of those affected by modern slavery are in forced labor, the second most prevalent type of trafficking is sex trafficking. (Forced marriage, forced begging, and forced criminal

activity are other forms of human trafficking found in India.)

The majority of the victims of sex trafficking are women and girls. Traffickers will deceive girls with the promise of a good job, lure them with a false romantic relationship, buy them from poor families, or even kidnap them.

Girls as young as 12 years old are sold to sex traffickers in rural communities and some in the most extreme circumstances are forced to service up to 20 to 30 customers a day. Sex trafficking takes place in roadside shacks along highways, where truck drivers can pull off, pay a few dollars, and sexually abuse a child. Sex trafficking can also take place in city dance bars, locked rooms down hidden alleyways in big cities, upper floors of hotels, or even in homes.

### **Who is impacted by human trafficking in India?**

Human trafficking in India affects those most vulnerable in society. The most at-risk are those from lower social classes, living in poverty, without a strong family structure, and with little education.

Women and girls from the lowest "Dalit" caste in India are sometimes "married" in a ceremony to a local temple deity. However, they become, in essence, sex slaves of the higher caste villagers.

Women and girls from Nepal and Bangladesh are often tricked into accepting fraudulent jobs in India, only to become trapped in sex trafficking. Traffickers also exploit women and girls from Central Asia, Europe, and Africa for commercial sex in Goa State.

### **The Exodus Road's Work in India**

And so, what do we as a global community do? How can we strategically impact justice for India's most vulnerable sons and daughters?

Every year, the U.S. State Department puts out a detailed Trafficking in person report assessing human trafficking in every country and providing recommendations, in order of priority, of how to address the issue.

2021's number one recommendation for India?

"Increase investigations, prosecutions, and convictions of all forms of trafficking, including bonded labor."

That's exactly what The Exodus Road is doing in India.

**Our team of nationals is working to gather investigative evidence of human trafficking crime and supporting police in *freeing survivors and arresting traffickers.***

They are targeting sex trafficking crime at the root level, in rural communities where the youngest girls are sold.

This team of trained and experienced Indian nationals conduct investigations, gather video evidence, and facilitate police operations. Our female social workers walk survivors through this traumatic experience and allow them space to give testimonies that lead to more consistent convictions of their traffickers.

And it's working. The team has assisted police with the rescues of more than 700 survivors and the arrests of more than 500 traffickers in the last decade. Recently, the traffickers in one of The Exodus Road's India cases received a prison sentence of 10 years – significant progress when the acquittal rate for traffickers in India is a shockingly high 73%.

And so, yes, India is a place of great need when it comes to the nightmare of human trafficking for so many. But our team of local leaders here are facing that need with conviction, perseverance, and a remarkable strength to sacrifice on behalf of the most vulnerable.

And they need your help. Learn more about how you can become part of a dedicated team of abolitionists fighting human trafficking.

#### **Conclusions :**

A large number of children and women trafficked for SE in India. Such trafficking in India has become a substantial international business and, unless legislating and executing strong laws and stringent action was taken, it is

unlikely to slow down. Additionally, it has given an opportunity for the enormous potential profits for those syndicates that were set up for organized crimes and independent traffickers. It is the fundamental right of women and children to be protected