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# NARRATIVES, REALITIES, AND THE UNSEEN WOUNDS OF SEX TRAFFICKING AND INDIA'S STRATEGY & APPROACH

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## ABSTRACT

This paper delves into the multifaceted dimensions of human trafficking in India, examining its historical evolution, socio-economic contributors, and the legislative frameworks in place to combat this pervasive issue. Firstly, this paper explores the roots of trafficking and the laws in the present scenario, as well as policies and strategies that can combat this evil—unveiling social forces and economic drivers that contribute to sex trafficking. Thereafter, the paper deals with the Trafficking Corridors and nodes in India. Lastly, to make this paper more practical and to showcase ground realities, it delves into the Survivor Stories, Their Perspectives, Trafficking Cases, and Crucial Incidents in India. The paper also discusses the history, present scenarios, laws, and critical reasons. It suggests and gives various recommendations based on research and case studies. This paper concludes with the authors' perspective on the issue of sex trafficking, how to achieve changes with international framework and how the best practices can inspire India.

**Keywords:** Historical evolution, Sex Trafficking, Crucial Incidents, International framework

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## INTRODUCTION

In the intricate tapestry of global challenges, few issues elicit as profound concern and moral urgency as the persistent crisis of human trafficking. A crime that transcends borders and defies simple categorization, human trafficking casts a dark shadow on the principles of justice, human rights, and social equity. As we navigate the complexities of the 21st century, the pressing need to decode the kinetics of human trafficking becomes increasingly evident, particularly in the context of its prevalence within the social, economic, and legislative landscapes of India.

This research paper aims to unravel the multifaceted layers of human trafficking dynamics, with a specific lens on the Indian scenario. From the stark definitions provided by international protocols to the historical footprints etched in societal anecdotes, we delve into the intricate web of factors that adds to the assailability of individuals. From the intricacies of family dynamics and the trauma of neglect and abuse to the far-reaching economic drivers propelled by migration patterns and globalization, each element adds nuance to the understanding of this pervasive crime.

## LITERATURE REVIEW:

### 1. **“Sex Slavery in India: Unpacking the Stories of Trafficking Victims”:** Madhumita Pandey

This is an exploration of "Sex Slavery in India: Unpacking the Stories of Trafficking Victims" offers a poignant examination of the experiences endured by trafficking victims. Through meticulous storytelling it delves into the narratives, shedding light on the complexities of sex slavery in India and the often-unseen struggles faced by those affected. The work contributes to a deeper understanding of the human toll of trafficking, urging society to confront the harsh realities and advocate for change.

### 2. The report generated by Sardar Vallabhbhai Patel National Police Academy on human trafficking presented a detailed analysis and case studies which focused on specific states and cities for authentic details of the cases of trafficking. Report gives the ground reality based on case studies, statistics and interviews (which are specifically mentioned in the report). This report defines the word trafficking in the simplest way and it defines the major reasons behind trafficking, key routes of trafficking in India and internationally.

## **RESEARCH METHODOLOGY**

This research paper is written by following doctrinal norms of research and the inputs relied vary from primary to secondary sources including few empirical researches conducted earlier by preceding researchers on the issue.

### **1. DECODING HUMAN TRAFFICKING DYNAMICS: AN INSIGHT INTO THE INDIAN CONTEXT**

This paragraph deals with the simplification of the word trafficking for common understanding and the word trafficking is defined differently in various legislations of world but this paper limits the definition of the word trafficking, in Indian context.

#### **1.1 What is Trafficking**

The United Nations protocol to prevent, suppress, and punish trafficking in persons, especially women and children, defines trafficking in person:

The enlistment, conveyance, movement, harboring, or receipt of a person by means of threat or use of force or other forms of coercion of abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments<sup>1</sup>

a. sex trafficking in which a commercial sexual act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or

b. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

These definitions do not require a victim of trafficking to be physically transported from one location to another. They plainly apply to the recruitment, harboring, provision, or acquiring of a person for the enumerated purposes.

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<sup>1</sup> United Nations Human Rights Office of the High Commissioner, <https://www.ohchr.org/> (last visited Oct. 6, 2023).

Trafficking is:

- a) The use of violence and force or threat of deprivation of freedom of movement and confiscation of identity, papers, and documents of the trafficked person.
- b) It is regardless of age, sex, or origin, however, women and children are the most vulnerable to societal unequal status, which is often linked to caste structure and social discrimination in the society.
- c) It is not just for prostitution but also other forms of exploitation and is an important focus of international organized crime.
- d) The most unfortunate part is that the trafficked person has no opportunity to seek Redress as the victim of abuse, but they face criminal charges against them as legal immigrants and wrong-doers,
- e) To prevent trafficking and protect victims, a strong legal framework implementation and enforcement are required. The issue of sex trafficking is affecting our society day by day, and the existing laws and their implementation are ineffective in many ways.

## **1.2 Historical Footprints Anecdotes**

Govt of India can see the foot traces of trafficking in 1991; at least 25000 children were engaged in prostitution in the capital and metropolitan cities such as Delhi, Mumbai, Bangalore, Madras, Calcutta & Mumbai. Not just this, but other sources also quoted that 5 Lakhs girl children below the age of 18 years are victims of trafficking in India as per India Today magazine 1990.

According to the National Commission for Women (NCW) 1997 Bombay alone as the city, “In the age group of 10-16 years, 40000 girls were selling their bodies from their doorstep”<sup>2</sup>. Also, there is an atrocity as 61% of a commercial sex worker in India belong to a scheduled caste, other backward classes and scheduled tribes as per the situation report India, 1998.

## **1.3 Purpose of Trafficking**

Trafficking is done for a wide range of purposes, such as prostitution, domestic slavery, organ

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<sup>2</sup> Sardar Vallabhbhai Patel National Police Academy, <https://www.svpnpa.gov.in/> (last visited Dec 6, 2023)

trafficking, labor exploitation in industries, forced labor and bonded labor, child trafficking, etc.

The following above-mentioned words are discussed in brief in the below paragraph.

### **1.3.1 Prostitution/ Sex Trafficking**

There are many instances in which people are frequently legally trafficked for the purpose of sex trafficking or forced prostitution. Females are trafficked mainly for the purposes of commercial sexual exploitation, especially in areas where the sex ratio is unequal. Sex traffic in India results in women suffering from intense mental and physical issues. In sex trafficking, women are the victims, and they are forced into trafficking where they are treated as animals, and there is a high risk of HIV, TB, and other STDs as the protection is not used. It is not just the breach of consent, but this is absolutely inhumane, exploitative, and scaring human rights. This is a serious threat to law enforcement and public tranquility.

### **1.3.2 Domestic Slavery**

In the early ages, the concept of slavery was very prevalent, and a particular strata of people were treated as slaves of the kingdom. They were not treated as humans or natural persons but as the property of the king or the powerful. With time, as the law evolved, the legal status changed, and the principle of natural law and equality was adopted. The system of slavery was abolished completely in 1833 in India. Unfortunately, people are being trafficked for the work of domestic workers. They are made to live in inhuman conditions, e.g., physical violence, starving for food, being overburdened, and being used as slaves. This is modern-day slavery, which is done illegally in the name of domestic workers.

### **1.3.3 Labor Exploitation in Industries, Forced Labor & Bonded Labor**

The hard work & the labor must be paid and must be done at the laborers' will. Still, because of human trafficking, the workmen are forced to work and are not paid. These poor women and young females are trafficked from their homeland to different countries or states where their identity documents are snatched away, such as passports and identity cards, etc., due to which they have no other alternative than to work forcefully under inhumane conditions.

Under Article 23 of the constitution of India<sup>3</sup>, there's a prohibition on trafficking of human beings and forced labor. When it comes to labor exploitation due to human trafficking, it's not just forced labor; there are cases of bonded labor also where the living conditions are not worth living, such as no proper visibility, no proper ventilation, overtime working, an insufficient amount of food, low wages, etc. Bonded laborers in brick kilns, mining, rice mills, construction sites, zary industry, etc., perform this kind of situational work.

### **1.3.4 Organ Trafficking**

Throughout the world, organ transplant is needed, and in India, there exists a huge gap between the people who require organ transplants and organ donors. Still, organs are illegally sold and trafficked due to the low supply and high demand for organs. As per the World Health Organization report, India is the largest exporter of human organs internationally; there is no doubt that the majority of them fall under illegal organ trading. For the fact organ trafficking involves so-called respectable and influential professionals such as doctors, nurses, politicians, as well as the police. People are arrested for such inhuman and cruel acts. Dr. Amit Kumar, who operated a multi-million-dollar organ harvesting operation, was arrested in Nepal. The buying and selling of organs are illegal in the majority of countries. Iran is the only country globally where organ trading is legal, but this only applies to Iranian citizens. There is a case study of an NGO, Bachpan Bachao Andolan, which held the dead bodies of children who were later found to have missing organs. Police refused to register the cases as organ trafficking and murder, instead lodging it as kidnapping. The govt of India needs to strengthen and activate its anti-human trafficking units.

## **2. "ROOTS OF TRAFFICKING: UNRAVELING SOCIO-ECONOMIC CONTRIBUTORS TO TRAFFICKING IN INDIA."**

Society has a significant role to play when it comes to evils such as trafficking; social and economic factors are responsible. As poverty and lack of opportunity breed unhappy and unemployed people, due to societal pressure, some segment of people indulges in criminal activities.

### **2.1 Unmasking Social Forces: Exploring Factors Responsible for Human Trafficking**

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<sup>3</sup> INDIA CONST. art. 23,

There are many instances when the following social factors contribute to the vulnerability of individuals to sex trafficking:

- 1) **Family Dynamics:** When a supportive environment is absent, when there are dysfunctional family situations, including abuse, neglect, and breakdown of family bonds. Individuals who experience a lack of emotional support, neglect of their basic needs, or abandonment of the family. In such cases, traffickers may manipulate by offering supportive relationships and targeting those in vulnerable situations, often preying on individuals with poor economic and social backgrounds.
- 2) **Neglect & Abuse:** Victims who experience physical, emotional, and sexual abuse within their families may see leaving their home as the only escape from the abusive environment and lack of emotional support, disregarding their basic needs; such environment favors the traffickers to exploit their vulnerability and offer false promises of safety, employment or a better life.

## **2.2 Beneath the Surface: Unraveling the Economic Drivers of Human Trafficking-Migration Patterns and Vulnerabilities, Globalization**

The principal factors leading to human trafficking are various and mainly differ from one nation to another. Trafficking is a complex phenomenon often motivated or influenced by social, economic, cultural, and other factors. Many of these factors are specific to individual trafficking patterns and the occurring. However, various factors are common to trafficking or found in a broad range of specific regions, patterns, or cases. One such factor is that the potential victims being desirous to migrate are majorly exploited by the offenders who recruit and gain initial control or cooperation by more coercive measures once the victims have been transferred to another nation-state or other region within the country, which may not always be the same to which they had desire to migrate. Poverty, suppression, oppression, voidness of human rights, lack of socio-economic opportunity, prevailing dangers of conflict or instability, and similar life-threatening conditions are prevalent in the area. Political instability, diplomatic support, militarism etc. The destabilized displacements of populations increase their vulnerability to exploitation and abuse through trafficking and forced labor. Armed conflict, war, and civil strife may lead to massive movements of populations, leaving orphans and street children highly vulnerable to trafficking. These factors tend to exert thrust on victims that “push” them into

migration and thus under the control of evil traffickers. Still, other factors that tend to “pull” potential victims can also be substantially considered. According to the NCRB report, 2013, more than 10,500 persons were registered as missing from Chhattisgarh, one of India’s poorest state. The majority are believed to have been trafficked out of the state and into domestic work or other forms of labor in cities. Trafficking for sex and other purposes has always existed in India, but trafficking for domestic slavery is a relatively new development.

### **3. SAFEGUARDING DIGNITY: ANALYZING LEGISLATIVE FRAMEWORK AND COUNTER TRAFFICKING STRATEGIES IN INDIA**

As the issue of trafficking is increasing day by day and using modern technologies and strategies as counter-trafficking strategies in India

#### **3.1 Laws in the present scenario to combat the evil of trafficking**

The word human trafficking is not defined in any Indian Law. However, there are many laws where the different forms of trafficking and the word trafficking are defined, such as the constitution of India, the Immoral trafficking act, etc.

##### **3.1.1 The Constitution of India 1950**

The Constitution of India, 1950<sup>4</sup>, is based on the ideas of constitution makers that the constitution is against exploitation, slavery, and human trafficking.

Constitution is the mother of all laws, and only those laws will be sustained according to India. The important articles of the Constitution related to human trafficking are:

1) **Article 19: Right to Freedom:** Article 19<sup>5</sup> protects the rights of individuals and organizations who advocate for various causes such as trafficking. Non-governmental organizations, activists, and individuals can use their freedom of speech and expression to raise awareness, advocate for policy change and social change, and contribute to the fight against trafficking.

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<sup>4</sup> INDIA CONST. art. 1

<sup>5</sup> INDIA CONST. art 19, cl. 1



The freedom of press media also comes under Article 19<sup>6</sup>; as we all know, the media is considered the fourth pillar of democracy. The media plays a vital role in reporting and exposing cases of sex trafficking. Journalists have the right to make reports and to investigate on the ground on the issues of trafficking, which ultimately contributes to public awareness and understanding of the problem.

2) **Article 21: Article 21 is the Right to life and personal liberty.** This article is highly relevant and plays a significant role in addressing the challenges associated with the issue of trafficking and the protection of the rights of victims. On the ground, the victim of sex trafficking often faces severe violations of Article 21<sup>7</sup>, which is personal liberty and dignity. The basic meaning of this article is life free from exploitation and coercion<sup>8</sup>, the right to live a meaningful life with dignity. This article works as a protection as it protects individuals from miserable and inhuman treatment, which involves various kinds of abuse, violence, and exploitation. Article 21<sup>9</sup> protects the rights of vulnerable groups, including women and children, who are often the first target; not just this, but it also includes the right to rehabilitation and settlement. The various NGOs, civil society, and government work towards providing counseling, healthcare, education, and career training to settle in society once again and live a normal life.

3) **Article 23 (1): Prohibition of traffic in human beings and forced labor<sup>10</sup>:** "Traffic in human beings and begar and other similar forms of forced labor are prohibited, and any contravention of this provision shall be an offense punishable in accordance with law "This article expressly prohibits trafficking in human beings. Let's just understand it includes any form of forced labor and involuntary servitude. Any contravention of this article is considered an offense punishable by law. This also extends to the situation where individuals are compelled to engage in activities and work against their will, including the act of sexual exploitation.

4) **Article 43: Directive Principle of State Policy:** "The State shall endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial, or otherwise, work, a living wage, conditions of work ensuring a decent standard of

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<sup>6</sup> INDIA CONST, supra note 5 at 9

<sup>7</sup> INDIA CONST. art 21, cl. 1

<sup>8</sup> INDIA CONST, supra note 7, at 9

<sup>9</sup> INDIA CONST, supra note 7, at 9

<sup>10</sup> INDIA CONST. art. 23, cl. 1

life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavor to promote cottage industries on an individual or co-operative basis in rural areas<sup>11</sup>." This article emphasizes living wage and decent conditions of work. Article 43 does not explicitly mention sex trafficking, but it can contribute to preventing and reducing the vulnerability that may lead to sex trafficking.

### 3.1.2 Indian Penal Code, 1860

Under the Indian penal code, there are various sections that directly and indirectly deal with the issue of sex trafficking; such sections are Section 370<sup>12</sup>, Section 372<sup>13</sup>, Section 373<sup>14</sup>, Section 366 (a)<sup>15</sup>, section 372 (A)<sup>16</sup>, Section (AB)<sup>17</sup>, Section 354 (C )<sup>18</sup> and Section 366 (B)<sup>19</sup>.

1) **Section 370: Trafficking of Persons:** Section 370 of the Indian Penal Code very directly addresses the offense of trafficking of persons. It covers the various types and forms of trafficking, including human trafficking, for the purpose of commercial sexual exploitation. This section not only defines but also provides punishment for those who are involved in trafficking activities.

2) **Section 372 - Selling of Minors for Prostitution:** Section 372 of the Indian Penal Code deals with the offenses of selling minors for the purpose of prostitution<sup>20</sup>. This makes the act of selling, hiring, or otherwise disposing of a person under the age of 18 for illicit intercourse or prostitution punishable under the law.

3) **Section 373 - Buying of Minors for Prostitution:** Section 373 of the Indian Penal Code complements section 372 of the Indian Penal Code by criminalizing the act of buying minors for the purpose of prostitution

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<sup>11</sup> INDIA CONST. art. 43, cl. 1

<sup>12</sup> Indian Penal Code, 1860, § 370, No. 45, Acts of Parliament, 1860 (India)

<sup>13</sup> Indian Penal Code, 1860, § 372, No. 45, Acts of Parliament, 1860 (India)

<sup>14</sup> Indian Penal Code, 1860, § 373, No. 45, Acts of Parliament, 1860 (India)

<sup>15</sup> Indian Penal Code, 1860, § 366, No. 45, Acts of Parliament, 1860 (India)

<sup>16</sup> Indian Penal Code, 1860, § 372, No. 45, Acts of Parliament, 1860 (India)

<sup>17</sup> Indian Penal Code, 1860, § 372, No. 45, Acts of Parliament, 1860 (India)

<sup>18</sup> Indian Penal Code, 1860, § 354, No. 45, Acts of Parliament, 1860 (India)

<sup>19</sup> Indian Penal Code, 1860, § 366, No. 45, Acts of Parliament, 1860 (India)

<sup>20</sup> Indian Penal Code, 1860, § 372, No. 45, Acts of Parliament, 1860 (India)

4) **Section 372A - Migrant Trafficking:** Section 372 A of IPC was introduced to address the issue of trafficking of persons across the border; it penalizes the trafficking of a person outside India or from one place to another within India for the purpose of exploitation<sup>21</sup>.

5) **Section 366B - Importation of Girls from a Foreign Country:** Section 366 B<sup>22</sup> ‘‘Whoever imports into India from any country outside India or the State of Jammu and Kashmir any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she 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 .’’The punishment for the offense under this section is imprisonment, which may extend up to ten years, along with a fine. This section acknowledges the importance of preventing the importation of individuals who face forced or coerced involvement in illicit activities.

### 3.1.3: Different Acts and Laws That Prohibit Trafficking:

The subsequent paragraphs will focus on various acts and laws that prohibit trafficking.

1. **IMMORAL TRAFFIC (Prevention) ACT, 1956:** This act is a strong piece of legislation in India that combats sex trafficking and related offenses; the primary focus of this act is to prevent and fight against immoral trafficking, which includes the commercial sexual exploitation of Individuals. This act criminalizes various facets of sex trafficking, such as trafficking in women and girls for the purpose of prostitution; not just protection, but it also penalizes for keeping or managing a brothel. The act incorporates some provisions for the rescue and rehabilitation of victims. The ITPA includes some special provisions to protect children as if the person is below the age of eighteen and is involved in prostitution, it will be an offense. However, the act does focus on the individuals who are voluntarily in this field of prostitution.

2. **Juvenile Justice (Care and Protection of Children) Act, 2015:** The J.J Act is related to sex trafficking, especially concerning the protection and welfare of children who may be victims of trafficking. This act defines trafficking in section 2(14)<sup>23</sup> as per the provision of

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<sup>21</sup> Indian Penal Code, 1860, § 372, No. 45, Acts of Parliament, 1860 (India)

<sup>22</sup> Indian Penal Code, 1860, § 366, No. 45, Acts of Parliament, 1860 (India)

<sup>23</sup> Juvenile Justice (Care and Protection of Children) Act, 2016, § 2, No. 2, Acts of Parliament, 2016 (India)

section 370 of the Indian Penal Code, 1860.

### **3.2 Navigating Policies and Strategies to Counter Human Trafficking in India**

As we all know, human trafficking is a global disease, and every country is trying its own vaccines. India is also trying to use policies and strategies to counter human trafficking. Some of India's policies and steps include the National Plan of Action on Anti-Trafficking, Anti-human trafficking units, the SWADHAR Greh Scheme, Integrated Check Posts, and the Ujjawala Scheme.

#### **3.2.1 SWADHAR GREH SCHEME:**

The scheme is centrally sponsored in India and provides support services to women who are victims of sex trafficking. It ensures the economic and social well-being of the victim by providing them with a supportive environment. This scheme includes the provision for rehabilitation of women survivors of sex trafficking. Legal Aid and free counseling are provided to empower them and help them to regain control of their lives. To monitor and evaluate the functioning of this scheme, the Swadhar Greh scheme incorporates this mechanism to ensure effective implementation and continuous improvement in providing these services throughout. Although the primary focus of the Swadhar Greh Scheme is not specifically on survivors of sex trafficking, it plays a pivotal role in the broader initiative to cater to the rehabilitation and welfare of women who have encountered diverse forms of violence, which includes trafficking. This underscores the government's dedication to establishing a nurturing environment for distressed women to reconstruct their lives.

### **4. UNDERSTANDING KEY TRAFFICKING CORRIDORS AND NODES IN “INDIA”**

Sex trafficking is a challenge not just because it is a prevalent offense, but it is hard to trace the nodes and centers. Though there are many specific places where these offenses take place, it's difficult to trace their exact location as the traffickers keep on changing their place.

After reading reports and extensive research, the following are the most common trafficking nodes in India.

#### **4.1 Urban Centers: Hubs of Vulnerability**

Evil comes silently with goodness; such is the case with major cities such as Delhi, Mumbai, Kolkata, and Hyderabad; they stand as prominent nodes for trafficking. The demand for cheap labor, domestic workers, and commercial sexual exploitation creates a fertile ground for traffickers. The allure of economic opportunities, coupled with the anonymity offered by the sprawling urban landscapes and the sheer size of the population, makes these urban centers attractive hotspots for human traffickers.

#### **4.2 Red-Light Districts: Shadows of Exploitation**

Specific areas within cities, such as Kamathipura in Mumbai and Sonagachi in Kolkata, serve as notorious red-light districts where commercial sexual exploitation thrives.

Mumbai encompasses various districts known for commercial and social activities, with Kamathipura being the largest red-light area. Described as a "collection of smaller red-light areas,"<sup>24</sup> Kamathipura consists of 14 lanes, approximately six of which are recognized as centers for prostitution. These lanes are narrow alleys flanked by multi-story brothels or bungalows. Respondents have highlighted the linguistic diversity within the area, with lanes often organized based on language. For example, one respondent mentioned the prevalence of Nepali women in the 13th lane and women from Kolkata, West Bengal, and other regions in the 11th lane.

Kamathipura's red-light district is notorious for its brothel cages—compact rooms measuring 10 square feet, featuring a wooden bed in the corner and enclosed by a thin, inexpensive, and colorful nylon curtain. These cages derive their name from the bars on the windows, symbolizing the constrained living conditions. However, the actual confinement of women within the bungalows or brothels is often emphasized by an impenetrable sliding iron accordion gate, serving as a tangible representation of the women's confinement and limited freedom.

### **5. "ILLUMINATING RESILIENCE: EXAMINING TRAFFICKING CASES AND CRUCIAL INCIDENTS IN INDIA" & SURVIVOR STORIES & PERSPECTIVE**

The below-mentioned case studies are the secondary data taken from the report uploaded on

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<sup>24</sup> Sardar Vallabhbhai Patel National Police Academy, *supra* note 2.at 2.

the website of Sardar Vallabhbhai National Police Academy on sex trafficking, where the researcher traveled to Murshabad and visited Behrampore, Murshidabad, Islampur, and the border areas of the district. The researcher of the report had conducted an interview scheduled on seven victim girls and five police officers in relation to child trafficking in the district. We have taken only two case studies to meet the objective of the research title.

## 5.1 Case Studies

The names of the victims are already mentioned in the report, which is in the public domain on the website of Sardar Vallabhbhai National Police Academy. So, the report's authenticity and the victims' privacy are not compromised.

### Case Number 1

#### Profile:

Hamida Khatoon, a fourteen-year-old Bengali girl from Murshidabad district, was trafficked when she was six years old and was made to beg outside the mosque for twenty days before the police arrested her<sup>25</sup>.

**Disability:** She has no left hand

#### Facts of the case study:

Tauheed, working in Saudi Arabia as a laborer, frequently visited Hameeda's house. He proposed to her parents to allow Hamida and her elder sister, Aliya, to beg outside the great Mecca Mosque. He paid in advance rupees 4000 to her parents. Tauheed, Aliya, and Hamida traveled together as a family. Tauheed and Aliya were shown as husband and wife and Hamida as their daughter. All the arrangements such as fake passports and arrangements, were done, and Tauheed collected all their earnings and had control over them. He used to abuse them when the collection was poor verbally, and Aliya was forced to do household chores. On the 20th day of begging, the sisters were arrested by the Mecca police<sup>26</sup>.

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<sup>25</sup> Sardar Vallabhbhai Patel National Police Academy, supra note 2.at 2

<sup>26</sup> Sardar Vallabhbhai Patel National Police Academy, supra note 2.at 2

### **Conclusion:**

After the sister was in jail for a month and later deported to Mumbai, Hamida felt that she was duped in the whole process, and her future goal was to get educated and take up a job. The victims' point of view changed from this shaking experience of trafficking, and she would forbid other girls to get into this business and recommend education over falling into such types of situations.

### **Legal Action:**

No arrests were made in this case

### **Case Number 2**

**Profile:** Saria Khatoon and Habba Khatoon, aged eight and seven years old, respectively, she was trafficked and made to beg outside the great mosque of Mecca for two years before she was arrested in a police raid<sup>27</sup>.

### **Disability:**

She is afflicted by polio on her right leg.

### **Facts of the case study**

A person named Imran from Balrampur recruited both the girls and proposed to their family that it was for a period of three months, but they remained in Mecca for two years. In return for the girls, he promised to pay 10000 rupees and 1.5 Tula gold to the parents of both the girls and their fake passports were arranged. The girls used to beg all night from 6 PM to 4 AM in the morning. Once they phoned home, the tutor told them that they were fine. Traffickers kept tight control over the money, and if they failed to bring enough money, they were physically assaulted, and their legs and fans tied to ceiling fans. In December 1996, the Mecca police arrested them, detained them for a month, and then deported the two girls to Mumbai.

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<sup>27</sup> Sardar Vallabhbai Patel National Police Academy, supra note 2.at 2

### **Legal Action:**

Case FIR No 44/97 was registered in this relation in PS Behrampore dated 28/1/97 u/s 363A/120 B and 42 JJ Act. The fake mother and Imran continued to live in Saudi Arabia after the girls were deported to India. After investigation charge sheet was submitted against seven persons.

## **6. THE STRATEGIC RECOMMENDATIONS AGAINST SEX TRAFFICKING**

As the paper reaches its final stage, the suggestive steps and recommendations become very important. As we have discussed above, sex trafficking is a huge issue; to combat it, we need to identify the loopholes in the present laws and give strategic recommendations.

### **6.1 Analyzing the loopholes in the Immoral Trafficking (Prevention) Act,1956**

1. The definition of prostitution in the act is not comprehensive. It fails to encompass many different forms of sex work or sexual exploitation
2. This act targets sex workers instead of focusing on prosecuting traffickers.
3. The rehabilitation measures mentioned in the act but its ineffective implementation and inadequate resource allocation for the purpose of rehabilitation
4. The act addresses commercial sexual exploitation but fails to address the other forms of trafficking.

### **6.2 Topic: Enhancing Identity Card Security and Strengthening Border Security: A Cybersecurity Perspective**

- 1) To fight against sex trafficking, some key initiatives must be taken to enhance identity card security and strengthen border security such as Biometric Identity cards, Secure Document Design, Training for border security personnel for advanced security features.

## **7. CONCLUSION:**

Combatting sex trafficking demands a multifaceted approach that not only incorporates legal measures but also focuses on rehabilitation and addressing underlying societal issues. By



adopting successful global models and implementing targeted strategies, India can contribute to the collective effort in eliminating this grave global threat.

### **7.1 Global Lessons in Trafficking Prevention: Best Practices from International Laws and Country Models**

India shall adopt the best practices from international laws and country models to prevent trafficking. Here are the key models and approaches:

#### **1) Nordic Model (or Equality Model)**

According to the Nordic model, there should be criminalization of buyers/ clients of sex rather than sex workers. This model, also known as the Swedish Model, combats sex trafficking. There should be an improvement in social services, including counseling and rehabilitation, and public awareness campaigns to shift societal norms.

#### **2) Germany's Act for the Regulation of the Sex Industry (Prostitution Act)**

According to Germany's act for the regulation of the sex industry, it is important to regulate this industry, and it is very important to establish a licensing system for brothels to prevent victims from exploitation.

### **7.2 Perspective and Suggestions**

Sex trafficking is a global threat, and every country is trying its best to eradicate it

from society. As we have identified the causes, gaps, and significant issues involved with existing laws, after detailed research and analysis, we have different suggestions such as:

1) After the detailed analysis of the cases mentioned above and reading survivor stories and reports, we have reached the conclusion that though the victims return to their homeland, they fail to lead a normal life in society, which includes mixing up with the people and finding a suitable job to lead an ordinary life. Therefore, we suggest that such victims undergo a vocational training program organized by the government to help them return to a normal mental state and societal life.

2) There should be vocational training programs and a center to regulate and manage its

day-to-day activity.

- 3) These centers should correctly record successful vocational training to check their effectiveness.
  
- 4) The most significant cause behind trafficking is poverty, so we should provide for job opportunities and push them to learn basic skills for their livelihood and a better standard of living; this will decrease the chances of vulnerability.