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## HUMAN TRAFFICKING, LAW AND SYSTEMIC GAPS

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### ABSTRACT

Despite a comprehensive legal framework, the human trafficking in India continues because of institutional flaws and the deep-seated societal structures. India's anti-trafficking laws are re-examined doctrinally, empirically, and epistemologically in this study, with an emphasis on the legal reforms brought about by the Bharatiya Nyaya Sanhita (BNS), 2023. Using a compound-methods approach, the study synthesizes national studies (NHRC, UNODC, BIRD, and Judicial Academy Jharkhand), the parliamentary proceedings, major rulings (such *Pinki v. State of Uttar Pradesh*, 2025), NCRB data (2018–2022), and statutory document. The analysis challenges the dominant carceral paradigm while revealing regional trends and the structural enforcement flaws. By using concepts from intersectional feminism, critical legal studies, and the structural violence theory, the study places human trafficking in the larger context of injustices based on gender, caste, class, and migration. It urges a paradigm change in favors of rehabilitative, victim-centered, and the community-integrated judicial systems. A multi-tiered policy path is suggested by the study, with a focus on the restorative justice, international collaboration, AHTU institutional building, and the incorporation of trafficking discourse in legal education. In the end, the study reinterprets trafficking as a sign of structural failure in the socioeconomic governance rather than just a criminal offence. Its suggestions provide a workable, fact-based framework for extensive anti-trafficking reform in India and are based on both the international commitments and the constitutional norms.

**Keywords:** Human Trafficking, Victim Protection, Sexual Exploitation, Forced Labor, Rehabilitation, Socio-economic Vulnerabilities.

## INTRODUCTION

Human trafficking, a complex issue entwined with institutional negligence, caste-gender hierarchy, poverty, and systemic discrimination, is one of the biggest dangers to the human dignity and the rule of law in contemporary India. Trafficking persists and changes in spite of a strong legal framework that includes the Immoral Traffic (Prevention) Act, constitutional protections (Articles 23 and 24), and more recent changes brought about by the Bharatiya Nyaya Sanhita (BNS) 2023. Targeting the most marginalized groups, including Dalits, Adivasis, migrant workers, women, children, and LGBTQ+ individuals, it takes the form of a variety of exploitative activities, including the child trafficking, bonded and forced labour, commercial sexual exploitation, organ harvesting, and the coercive migration. Deception, coercion, and institutional violence are disproportionately experienced by these groups, sometimes with the cooperation or inactivity of official institutions.

All efforts, legislation and execution, continue to diverge significantly. Despite operating in more than 800 districts, Anti-Human Trafficking Units (AHTUs) are often underfunded and lack trauma-informed training. Despite an increase in rescues, conviction rates remain low, according to National Crime Records Bureau (NCRB) data from 2018–2022. This is indicative of a weak enforcement system and inadequate interagency collaboration. Similar restrictions apply to victim rehabilitation: survivor compensation varies and shelters are frequently correctional rather than restorative. Meanwhile, additional levels of complexity have been added by the digitalization of recruitment and exploitation through encrypted platforms and social media, beyond the capabilities of existing detection methods.

The systemic inertia continues to lessen the impact of seminal judgements like *Prajwala v. Union of India* and *Pinki v. State of Uttar Pradesh*, which have forced the judiciary to interpret the anti-trafficking laws victim-centrally. The recent studies highlighted human trafficking as the third-largest organized crime in the world. So, countries like India necessitates a paradigm change away from the punitive measures and towards the community-integrated, preventative, and rehabilitative approaches. In addition to offering a multifaceted path based on the restorative justice, structural transformation, and the constitutional commitment to human dignity, this study critically analyses India's legal, institutional, and the governmental responses to human trafficking.

## 2. REVIEW OF LITERATURE

All the discourse on the issue human trafficking spans across the legal studies, criminology, sociology, public policy, and the human rights researches in India. These studies, in addition to the institutional/organisation reports have repeatedly emphasized that despite a dense legal apparatus, the trafficking issue persists due to the structural inequities and institutional inertia (NHRC-BIRD, 2023; UNODC, 2020). The literature broadly clusters around three thematic axes: the legal framework inadequacies, enforcement and policy failures, and the survivor rehabilitation and rights.

### 2.1 LEGAL FRAMEWORKS AND JURISPRUDENTIAL TRENDS

India's anti-trafficking legal system comprises constitutional protections (Articles 23 and 24), the Immoral Traffic (Prevention) Act (ITPA), provisions of the Indian Penal Code (especially Sections 366A, 370–373), and the recent reforms such as the Bharatiya Nyaya Sanhita (BNS), 2023. Scholars such as Singh and Pandey (2023) and Das and Azad (2024) critique all the existing frameworks and laws for their carceral focus, definitional vagueness, and the limited rehabilitative vision. Judicial pronouncements—particularly *Prajwala v. Union of India*, *Budhadev Karmaskar v. State of West Bengal*, and *Pinki v. State of Uttar Pradesh*—have made progressive strides by affirming the state responsibility for the victim rehabilitation, but courts have also failed to consistently enforce binding accountability. The gap between jurisprudential aspirations and the administrative execution remains a core theme across studies.

### 2.2 INSTITUTIONAL AND ENFORCEMENT FAILURES

National-level reports and the independent audits highlight the systemic failures in law enforcement. The NHRC-BIRD (2023) report, for example, found that over 80% of AHTUs were inadequately staffed or lacked the technical capabilities. Parliamentary responses have confirmed the poor inter-agency coordination and the significant variation across states in FIR registration and prosecution under trafficking-related provisions. The NCRB data (2018–2022) shows an alarming disconnect between the registered cases and convictions, reflecting procedural delays, evidentiary challenges, and the intimidation of victims and witnesses. UNODC (2020) and IJM (2021) have also identified the absence of a standardized national referral mechanism as a key weakness in the anti-trafficking ecosystem.

## 2.3 SOCIO-STRUCTURAL AND SURVIVOR-CENTRIC APPROACHES

Recent studies increasingly situate trafficking within the broader structures of caste, gender, migration, and poverty. Intersectional analyses reveal that the Dalits, Adivasis, Muslims, and the queer individuals are disproportionately vulnerable to trafficking, yet remain underrepresented in the state data and policy attention. Feminist legal theorists and community-based researchers advocate for the survivor-led rehabilitation and participatory justice mechanisms. NHRC and CSR (2022) reports have demonstrated how most government shelters operate on a custodial logic, lacking vocational training, psychosocial care, or the reintegration support. Survivor narratives captured by grassroots organizations such as Jabala, HAQ, and Swikriti Foundation consistently point to the re-traumatization and lack of the agency in the rehabilitation process.

## 2.4 COMPARATIVE LEGAL AND POLICY MODELS

International legal comparisons provide the insights into the best practices. The U.S. Trafficking Victims Protection Act (TVPA) adopts a three-pronged strategy—Prevention, Protection, and Prosecution—with a strong emphasis on the victim non-criminalization and the survivor visas. Bangladesh's 2012 law empowers NGOs as legal actors and facilitates the community-based policing. The UAE's expedited trafficking courts and Nepal's presumption clauses and in-camera trials offer the procedural innovations. The European Court of Human Rights decision in *Rantsev v. Cyprus and Russia* (2010) conceptualized trafficking as a violation of the state responsibility under the “positive obligations” doctrine.

Despite these contributions, the literature often remains fragmented—focusing either on legal doctrines or the enforcement mechanisms without the integrating structural, epistemological, and the survivor-cantered insights. This gap is particularly evident in the under-theorized role of caste, migration, and digital platforms in shaping trafficking trends in India.

## 2.5 RESEARCH GAP AND PROBLEM

While India has an extensive anti-trafficking legal framework and has seen a proliferation of judicial and policy interventions, the persistence of trafficking points to a deeper disjuncture between the legal norms and the structural realities. Existing scholarship

lacks a unified, interdisciplinary approach that combines the legal critique, empirical mapping, and the epistemological reflection. There is limited research integrating doctrinal developments like BNS 2023 with regional enforcement patterns, survivor experiences, and the systemic factors such as caste, gender, and the digital exploitation.

### 3. METHODOLOGY

This study evaluates India's trafficking law post-BNS 2023 using various tools, highlighting the lived experiences of survivors often overlooked in legal discourse. It contributes to policy formulation by proposing a rights-based, context-sensitive roadmap grounded in constitutional values and global best practices. Accordingly, the following objectives are sets for the study

1. To critically examine the evolution and current scope of India's anti-trafficking legal regime, with emphasis on BNS 2023.
2. To analyze enforcement and judicial trends across Indian states using NCRB data, parliamentary records, and case law.
3. To identify structural barriers—social, institutional, and epistemological—that limit the effectiveness of anti-trafficking efforts.
4. To assess the adequacy of survivor rehabilitation mechanisms and propose participatory, rights-based alternatives.

This study adopts a compound-methods interdisciplinary approach which is designed as follows.

- **Doctrinal Analysis:** Critical examination of statutes (ITPA, JJ Act, IPC/BNS 2023), judicial rulings, and international treaties (e.g., Palermo Protocol, CEDAW).
- **Empirical Synthesis:** Analysis of NCRB data (2018–2022), parliamentary answers, NHRC-BIRD reports, and NGO audit documents.
- **Comparative Study:** Review of anti-trafficking frameworks in the U.S., Bangladesh, UAE, and Nepal to distill best practices.

- **Theoretical Framing:** Integration of intersectional feminism, structural violence theory, and critical legal studies to understand trafficking as a systemic injustice.
- **Secondary Narrative Review:** Inclusion of survivor testimonies, legal aid reports, and shelter audits to foreground lived experiences.

This multi-layered methodology allows the research to move beyond textual interpretation into a critical inquiry of how trafficking law functions—or fails—in practice.

## OVERVIEW OF HUMAN TRAFFICKING IN INDIA

In India, human trafficking is still a pervasive, complex problem that compromises the rule of law and breaches basic human rights. Trafficking can take many different forms, including forced labour, sexual exploitation, child trafficking, bonded labour, organ trading, and forced marriages. It is rooted in systematic socioeconomic disparities, caste-based discrimination, gender bias, and a lack of educational and career opportunities. Through deceit, fraud, or force, victims, who are frequently selected from marginalized and vulnerable groups like women, children, Dalits, Adivasis, and migrants, are enticed or coerced. Despite numerous laws like the Indian Penal Code, 1860, the Immoral Traffic (Prevention) Act, 1956, and numerous state laws, as well as constitutional protections under Articles 23 and 24, the implementation is still disjointed and beset by low conviction rates, insufficient victim support systems, and a lack of interagency coordination. It forms a more difficult task to identify, rescue, and rehabilitation efforts because of the intricate structure of trafficking which involves both the cross-border and interstate networks. Besides, the structural obstacles to justice are frequently produced by the close relationship which exists between the traffickers, dishonest public servants, and the complicit law enforcement. Online platforms have also become new exploitation pathways in the digital era, making the already difficult task of preventing human trafficking even more difficult. Therefore, even though India has made significant national and international legal and policy commitments, the current framework is still insufficient to provide successful prevention, protection, and prosecution outcomes; urgent reforms, thorough victim-centered approaches, and increased institutional accountability are therefore required.

In India, human trafficking is regarded as the third-largest organized crime worldwide, behind narcotics and arms trafficking, and is acknowledged as a grave violation of human rights. It entails the recruiting, transportation, transfer, harboring, or receiving of individuals

for the goal of exploitation by coercion, threats, force, abduction, fraud, deception, abuse of power, or a vulnerable position. Although it has historically been linked to sexual exploitation, the concept has expanded to encompass several practices, including forced labour (including domestic slavery and bonded labour), organ removal, forced marriage, forced criminality, begging, and forced labor. Although India is a source, destination, and transit country for international trafficking, including from neighboring countries like Nepal and Bangladesh as well as to the Middle East, Europe, and North America, the majority of trafficking in India—roughly 90%—occurs domestically (intra-state or inter-state).

Vulnerability is primarily caused by poverty and economic inequality, which are exacerbated by a lack of knowledge and awareness, social exclusion, gender discrimination, and occasionally natural disasters or conflicts. Since human trafficking occurs covertly, it is very challenging to get accurate data and determine its actual scope; estimates place the number of victims in India at millions, primarily women and children. In addition to suffering from extreme physical and psychological trauma, including physical abuse, anxiety, and despair, victims frequently experience severe social shame and re-victimization, losing their autonomy and basic human rights. The highly organized structure of trafficking networks, difficulty with consistent law enforcement, and interstate collaboration all add to the complexity of combating this crime.

## FORMS OF HUMAN TRAFFICKING

Being a global crime, Human trafficking is driven by the exploitation of the vulnerable individuals for economic gain, often across the international borders. Its appearances are many folds including the forced labour, sexual exploitation, organ trafficking, child trafficking, and the domestic servitude. The victims are frequently deceived by the false promises and later coerced into slavery-like conditions where they endure abuse, forced criminal activity, and the drug dependency (UNODC, 2020). Combatting this multifaceted issue requires a robust international and domestic legal response coupled with strong coordinated enforcement and rational victim support mechanisms.

- **Forced Labour:** It remains the weighty human rights violation, in and abroad, affecting workers across agriculture, construction, and domestic service sectors. The International Labour Organization (ILO, 2022) defines it as the form of labour obtained through coercion or threat. Effective legislation must align with the international

standards, ensuring that the penalties for perpetrators are severe and enforcement mechanisms are proactive. It necessitates regular inspections, legal aid access, and protections for high-risk groups—particularly migrants and informal workers—are essential to prevent and prosecute such exploitation (ILO, 2022).

- **Sex Trafficking:** The critical targets are women and children in sex trafficking, exploiting them through commercial sexual exploitation. The legal systems must criminalize traffickers while simultaneously safeguarding the survivors from punitive action for acts committed under coercion (CSR, 2022). Comprehensive legal support, safe reporting mechanisms, and the public education initiatives are necessary to reduce the stigma and empower communities as a whole. Because trafficking is global, breaking up trafficking networks requires international legal cooperation through information sharing and mutual legal aid agreements (UNODC, 2020).
- **Organ Trafficking:** This form involving the illicit trade of human organs which raises complex ethical and legal issues. Generally, the vulnerable individuals are exploited under coercive conditions, often in violation of the basic medical ethics. Judiciary and laws must prohibit organ sales and enforce the transparency in transplant procedures. Severe penalties, regulatory oversight, and the public awareness are crucial in this respect. Cross-border cooperation is also necessary to dismantle the trafficking rings, with treaties enabling joint investigations and the legal harmonization (WHO, 2020).
- **Child Trafficking:** In common cases, the child trafficking involved the cause of labour or sexual tenacities and the most egregious forms of human exploitation. National level legislation must conform to the international instruments like the UN Convention on the Rights of the Child (UNICEF, 2021), prioritizing not only prosecution but also the rehabilitation. Policies should include the mandatory reporting, specialized law enforcement training, and the survivor reintegration programs. Because children are often trafficked transnationally, the legal coordination across borders is essential to ensuring long-term protection and justice (NHRC, 2023).
- **Domestic Servitude:** Domestic servitude is a hidden kind of trafficking that is frequently reported by Indian migrants and is also prevalent in India's countryside, in which individuals—often women or migrants—are held in exploitative conditions within residential families. These victims face social isolation, legal invisibility, and

limited access to the redress. Legal recognition and immediate remedial measures against this form of trafficking is critical. All laws should mandate the victim-centered responses, including safe reporting channels and access to legal remedies. Awareness campaigns and frontline worker training will further improve the early identification and intervention (ILO, 2022; NHRC, 2023).

So, each form of human trafficking presents unique legal and ethical challenges and a comprehensive and harmonized legal approach is needed—one that integrates international cooperation, protects survivors, and prosecutes traffickers. By embedding prevention, protection, and prosecution into domestic frameworks and aligning with global standards, countries can build a rights-based, survivor-centric approach to ending the human trafficking.

## **HUMAN TRAFFICKING - STATISTICAL TRENDS AND REGIONAL REALITIES**

Human trafficking remains one of the most severe human rights challenges in India, manifesting in multiple exploitative forms, including forced labour, sexual exploitation, organ trafficking, child trafficking, and domestic servitude. As the third-largest organized crime globally—after narcotics and arms trafficking—human trafficking positions India as a source, transit, and destination country (UNODC, 2020). Despite constitutional and statutory protections, the problem persists with alarming intensity.

**National Patterns and Victim Demographics:** According to the National Crime Records Bureau (NCRB), approximately 2,000 human trafficking cases are recorded annually, with 2,250 cases reported in 2022 alone (Ministry of Women and Child Development [MWCD], 2024). However, these figures may underrepresent the actual scale due to widespread underreporting and the covert nature of the crime. An estimated 90% of trafficking occurs within India's borders, and women and girls account for around 60% of victims, while children constitute 40%, particularly trafficked for sexual exploitation and forced labour. Children's vulnerability is further underscored by MWCD data, which confirms that minors represent over 40% of identified victims.

The majority of victims originate from marginalized and socioeconomically disadvantaged backgrounds—Scheduled Castes, Scheduled Tribes, migrant workers, and economically distressed communities. These groups are especially susceptible due to systemic poverty, unemployment, social exclusion, and gender discrimination. Newer modalities, such

as trafficking through digital platforms and cyber fraud, have exacerbated the situation by facilitating recruitment, deception, and control of victims remotely (NHRC-BIRD, 2023).

**Regional Disparities and Trends:** Empirical data between 2018 and 2022 reveals significant inter-state variation in trafficking patterns. Telangana reported the highest number of cases in 2022 (391), indicating either an increase in trafficking activity or more proactive reporting and enforcement. States like Andhra Pradesh and Maharashtra also consistently show high numbers, suggesting entrenched trafficking networks and relatively stronger detection mechanisms. Conversely, states like Goa (1 case) and Tamil Nadu (1 case) reported steep declines, which may reflect shifting trafficking routes or possible underreporting rather than a genuine decrease in incidence.

In Bihar, a notable spike occurred between 2021 (111 cases) and 2022 (260 cases), suggesting increased vulnerability due to factors such as out-migration, child labour demand, and enforcement inconsistencies. Northeastern states and smaller union territories—like Mizoram, Nagaland, and Lakshadweep—continue to show negligible or zero reporting, likely due to inadequate infrastructure, logistical challenges, and community-level stigma surrounding disclosure. The COVID-19 pandemic and nationwide lockdowns also disrupted both trafficking operations and official data collection, leading to a visible dip in reported cases in 2020.

**Forms of Exploitation:** Victims are trafficked into multiple exploitative environments: bonded labour in brick kilns, construction, and agriculture; sex trafficking in urban centres and tourist zones; domestic servitude; forced marriages; organ trafficking; and even coerced begging and criminal activity. Children are trafficked for both labour and sexual purposes, often moved from rural areas to urban centres. With the increased use of social media and encrypted apps, traffickers are able to operate with greater anonymity, making detection more difficult for law enforcement agencies (UNODC, 2020; ILO, 2022).

**Institutional Gaps and Legal Imperatives:** Despite the establishment of Anti-Human Trafficking Units (AHTUs) and the national awareness campaigns, its implementation remains uneven. Weak inter-state coordination, poor victim identification systems, and the limited access to legal aid and rehabilitation services hamper comprehensive intervention. While India has the statutory frameworks like the Immoral Traffic (Prevention) Act and the recent reforms under the Bharatiya Nyaya Sanhita, punitive measures alone are insufficient. Coordinated

legislative efforts must be complemented with the victim-centred strategies, including restorative justice, survivor rehabilitation, and the structural reform (NHRC, 2023).

An urgent and effective national response must integrate the quantitative surveillance with qualitative evaluations of state accountability, enforcement practices, and survivor outcomes. Moreover, India's fight against trafficking requires not only stronger laws but also systemic transformation rooted in the socio-economic justice and human dignity.

## JUDICIAL RESPONSES TO HUMAN TRAFFICKING IN INDIA

The Indian judiciary has played a pivotal role in interpreting and expanding the scope of anti-trafficking jurisprudence. While the legislature provides the statutory framework, it is the judiciary that breathes life into these laws by defining the rights of victims, clarifying enforcement obligations, and holding the state accountable. Landmark rulings over the last two decades have underscored the need for a victim-centric approach that moves beyond carceral logic to incorporate rehabilitation, reintegration, and dignity-based redress (NHRC-BIRD, 2023).

- **Key Supreme Court Judgments:** The Supreme Court verdict in *Prajwala v. Union of India* (2015–2020) stands as a watershed in the judicial recognition of the systemic failures in combating sex trafficking. The case, which was initiated *suo motu* by the Court following a distressing investigative documentary, brought the attention to the dearth of shelter houses, insufficient legal assistance, and the re-victimization of the rescued women during court proceedings. The Court directed the Ministry of Women and Child Development to frame a comprehensive anti-trafficking law, and under this influence, the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill (MWCD, 2021) drafted and was enforced. In *Budhadev Karmaskar v. State of West Bengal* (2011–2022), the Supreme Court adopted a transformative constitutionalist approach, holding that the adult sex workers who engage in the consensual sex work should not be criminalized. The Court emphasized the rehabilitation of women coerced into prostitution and clarified that rescue operations should not violate the autonomy of consenting adults. The ruling balanced the right to livelihood under Article 21 with anti-trafficking imperatives (CSR, 2022). More recently, in *Pinki v. State of Uttar Pradesh* (2025), the Supreme Court denied bail to a repeat trafficking offender, emphasizing the state's duty to protect the victims during trial. The Court also mandated time-bound

investigations, victim compensation, and the trauma-informed court procedures. The ruling reinforced earlier jurisprudence and expanded the victim-centric protections under the Bharatiya Nyaya Sanhita, 2023 (SCJ, 2025).

- **High Court Interventions:** The High Courts have also interfered through significant verdicts, particularly in enforcing rehabilitation and the procedural safeguards. In *Court on Its Own Motion v. State* (Delhi HC, 2020), the court ruled that rescued victims must be given a choice between the institutional shelter and the community-based reintegration, recognizing that rigid custodial models often retraumatize the survivors. The Madras High Court, in *S. Ganesan v. State of Tamil Nadu* (2021), criticized the state for failing to distinguish between the “rescue” and the “rehabilitation,” and ordered a rights-based framework for the post-rescue care. In *Pinki Kumari v. State of Bihar* (Patna HC, 2022), the court stressed the need for the inter-state coordination in cases involving trafficked minors and ordered the police to create victim-friendly spaces for the testimonies. These rulings underscore the need for decentralized and context-sensitive interpretations of national law to suit regional complexities.

**Judicial Challenges and Gaps:** Despite progressive jurisprudence, several limitations persist. First, implementation of court directives remains inconsistent across states. While the Supreme Court may issue binding orders, bureaucratic inertia and interdepartmental fragmentation often delay or dilute their execution (NHRC, 2023). Second, most courts continue to rely heavily on victim testimony, even in cases where digital or forensic evidence is available. This burdens victims emotionally and undermines the trauma-informed lens that the judiciary seeks to adopt. Third, the judiciary has yet to fully integrate intersectionality into its reasoning. Many judgments still treat trafficking as a monolithic issue, overlooking how caste, gender, migration, and disability intersect to compound victim vulnerability (UNODC, 2020). The Indian judiciary has undeniably advanced the legal landscape of anti-trafficking by adopting a rights-based and survivor-centric approach. However, realization of these judicial mandates requires systemic reforms in legal aid, enforcement, and shelter systems. A deeper epistemological shift—toward recognizing trafficking as both a legal and structural injustice—is essential for ensuring that judicial reasoning translates into social transformation.

## THE KEY IMPLEMENTATION CHALLENGES

Although India has a very extensive legislative framework to prevent human

trafficking, there are several obstacles that make it difficult to effectively implement these laws, which greatly reduces its effectiveness. The critical challenge is the lack of coordinated and collaborated efforts among the various agencies involved in these issues. The complex nature of human trafficking crimes necessitates the involvement of the multiple stakeholders, including the police, judiciary, social welfare departments, NGOs, and sometimes even the international organizations. However, these stakeholders often operate in isolation without proper communication and unclear jurisdictional responsibilities. For example, the police may conduct rescue operations without adequate support from the social welfare department, leaving the victims without immediate care or protection. Similarly, the NGOs working on rehabilitation sector may not receive timely information from law enforcement regarding the rescued victims. This fragmentation leads to the operational inefficiencies, loss of crucial evidence, and sometimes the failure to prosecute the traffickers effectively. It is a fact that the coordination mechanisms such as inter-departmental task forces exist on paper but are often inadequately implemented at the ground level due to the bureaucratic inertia and lack of political will, thereby creating loopholes traffickers exploit to continue their illicit operations with impunity.

Another significant obstacle to the effective implementation of the anti-trafficking laws is the insufficient training, sensitization, and the accountability of law enforcement officials and other frontline workers. The police and the administrative officers tasked with investigating trafficking cases lack a nuanced understanding of the real issue. Human trafficking is a multifaceted crime involving physical, psychological and socio-economic dimensions, and failure to recognize the subtle signs often results in victims being mistaken for the criminals or willingly complicit individuals. Moreover, without the specialized training, these law enforcement officers may inadvertently subject victims—who have already undergone severe trauma—to secondary victimization during the rescue or interrogation. The problem is exacerbated by instances of corruption where some officials accept bribes or are complicit in the trafficking networks, further discouraging victims from reporting crimes and eroding the public trust in the justice system. The efforts to provide continuous, victim-centered training remain sporadic and underfunded, limiting their reach especially in rural or underdeveloped regions where trafficking cases are most prevalent.

Due to institutional inefficiencies and procedural delays, the legal system also presents significant obstacles in the battle against human trafficking. The Indian judiciary is chronically

overburdened with a huge backlog of cases, which results in the prolonged trials for trafficking survivors who are seeking justice. This lengthy litigation can lead to the emotional and financial exhaustion of victims, many of whom belong to the marginalized communities with limited resources. Delays in adjudication not only deny the timely justice but also diminish the deterrent effect that legal action should ideally have on traffickers. Besides, many victims face difficulties in accessing the legal aid or the protective measures during the court proceedings. The lack of fast-track courts dedicated to the trafficking cases and the insufficient number of specialized prosecutors knowledgeable about the trafficking laws further aggravate these situations. Consequently, the traffickers often exploit these judicial bottlenecks, escaping conviction or receiving minimal sentences that do little to curb the trafficking activities.

Closely linked to these legal challenges, the insufficiency of the victim rehabilitation and the protection infrastructure across the country also contributes to the issue. Indian anti-trafficking laws emphasize rescue and rehabilitation as vital measures, but in practice, the support system for the survivors is fragmented and inadequate. Shelters and rehabilitation centers are often overcrowded, under-resourced, or inaccessible, especially in remote and rural areas where the trafficking is more prevalent. Essential services such as the medical care, psychological counseling, legal assistance and vocational training for economic dependence are either inadequate or of poor quality. This gap severely impacts the ability of the victims to reintegrate into the society and achieve economic independence, making them vulnerable to re-trafficking or the social ostracism. Moreover, cultural stigmas attached to trafficking survivors, especially women and children, further complicate this rehabilitation efforts. The absence of comprehensive, long-term rehabilitation programs combined with the insufficient funding and monitoring mechanisms undermines the overall effectiveness of the anti-trafficking interventions and leaves survivors without the support needed to rebuild their lives.

Beyond the institutional shortcomings, deep-rooted socio-economic factors such as poverty, illiteracy, gender discrimination and the social exclusion continue to fuel the human trafficking in India which creating profound challenges in law implementation. The traffickers often prey on vulnerable populations who lack awareness of their rights or have limited economic opportunities. While legal frameworks criminalize trafficking, they do little to address these structural inequalities that push the individuals into exploitative situations. Many victims come from marginalized communities, including scheduled castes, tribes and minority groups, who face systemic discrimination and a limited access to education and healthcare.

These underlying vulnerabilities make it difficult for the legal interventions alone to effectively prevent the trafficking. Equally, the public awareness campaigns and community participation in the prevention efforts remain insufficient, limiting the ability to detect the trafficking at early stages or discourage demand for trafficked labor and services. Without integrated socio-economic development strategies, the legal frameworks risk being reactive rather than proactive tools against trafficking.

The lack of reliable data collection, monitoring and the evaluation mechanisms presents other critical challenge in assessing and improving the implementation of the anti-trafficking laws. The absence of a centralized and standardized database means that trafficking statistics—such as the number of the victims rescued, cases filed and convictions secured—are often inconsistent, incomplete or outdated. This data gap hampers policymakers' ability to identify the trafficking patterns, allocate resources strategically and design evidence-based policies. Furthermore, limited transparency and accountability in reporting impede the public and the civil society's ability to hold authorities responsible for the ineffective implementation. Without robust monitoring frameworks and periodic impact assessments, it is challenging to measure the success of the legal provisions or identify areas requiring the reform. This deficiency undermines long-term planning and the scaling up of successful models for prevention, protection and the prosecution.

In short, the implementation of India's anti-human trafficking legal framework is fraught with multifaceted challenges. These challenges are range from poor inter-agency coordination and lack of training to judicial inefficiencies, inadequate victim support systems, socio-economic vulnerabilities and data limitations. Addressing these systemic barriers demands a holistic, multi-sectoral approach that strengthens institutional capacities, fosters community engagement, reforms judicial processes and integrates the socio-economic interventions. Only through sustained and coordinated efforts can the promise of the law be translated into the meaningful protection and justice for the trafficking victims across the nation.

## **KEY FINDING OF THE RESEACH**

According to the study's outcomes, socioeconomic vulnerabilities including poverty, illiteracy, gender inequality and social marginalization are the main causes of human trafficking in India, which is a pervasive and complex violation of the human rights.

Notwithstanding constitutional safeguards and a number of laws, such as the IPC, ITPA, and other labour and child laws, enforcement is still dispersed, uneven, and beset by corruption and institutions with inadequate funding. According to the survey, women, children, and marginalized communities are the groups most impacted by domestic trafficking, which is the most common type. The true number is probably greater because of the pervasive underreporting, even though the nation registers hundreds of instances each year. The data highlights erratic reporting patterns across states, influenced by local administrative efficiency and awareness levels. Judicial trends show a shift toward victim-centric interpretations, but systemic gaps in victim rehabilitation, inter-agency coordination, and data management continue to obstruct justice and effective reintegration. The paper underscores the need for a consolidated anti-trafficking law, victim-centered support systems, capacity-building for law enforcement, and socio-economic interventions to address root causes. Furthermore, it advocates for enhanced public awareness, international cooperation, and comprehensive data systems to inform targeted policies. In essence, while legal and institutional frameworks exist, the study concludes that a holistic, rights-based, and multi-sectoral approach is urgently needed to combat the evolving and complex nature of human trafficking in India.

## CONCLUSION

The results of the study show that human trafficking in India is a complex and persistent human rights violation because of overlapping socioeconomic vulnerabilities, institutional slowness, and policy fragmentation. Even though India has a comprehensive legal framework, including special laws like the Immoral Traffic (Prevention) Act, penal provisions under the Indian Penal Code and Bharatiya Nyaya Sanhita (2023) and constitutional protections (Articles 23 and 24), the implementation is still uneven and lacking. The judicial system frequently overlooks trafficking as a systemic injustice rather than just a criminal offence, as this study has pointed. There are glaring differences across states in terms of case registration, investigation and convictions, according to the NCRB empirical data from 2018–2022. Enforcement is nevertheless hampered by inadequate training, financial shortages and inadequate interagency cooperation, even having more than 800 Anti-Human Trafficking Units (AHTUs). Moreover, the victim rehabilitation is still woefully insufficient: long-term reintegration support is uncommon, compensation mechanisms are administered inconsistently and the shelter houses frequently follow correctional logics. These flaws highlight a stark

discrepancy between the safeguards provided in reality and the rights which are promised on paper.

The victim-centric, rights-based jurisprudence has been advanced by judicial interventions, particularly in *Prajwala vs Union of India*, *Budhadev Karmaskar vs. State of West Bengal*, and *Pinki vs. State of Uttar Pradesh*. Their conversion into systemic change is still inconsistent, though. Even the most progressive legislative statements are limited in their efficacy by the absence of survivor-led justice processes, trauma-informed procedures, and participatory rehabilitation models. Comparable legal systems from countries like the US and the UK place a strong emphasis on enforced rehabilitation procedures, integrated multi-agency methods, and reliable victim identification systems. India's response, on the other hand, is still disjointed and reactive. It is increasingly critical to have a single, all-encompassing anti-trafficking law that complies with international norms, such as the Palermo Protocol. A multifaceted approach is necessary due to the changing nature of trafficking, which is fueled by compelled labour migration, organ trading, cyber-enabled recruiting, and climate-induced displacement. A centralized, disaggregated trafficking database should be created; bilateral and multilateral mechanisms should be used to strengthen cross-border collaboration; survivor participation in policy and law reform should be institutionalized; and social protection, livelihood access, and education should be used to invest in community resilience.

In conclusion, law enforcement cannot continue to handle trafficking in India as a purely law enforcement matter. It is a developmental and socio-legal dilemma that necessitates a preventative, rehabilitative, and rights-affirming strategy. Long-term political will, intersectoral accountability, lived experience-based law change, and the active involvement of all parties—from the government and court to civil society, the media, and survivors themselves—are necessary to combat it. Nothing less is required to uphold the constitutional promises of justice, freedom, and dignity.

## REFERENCES

1. Centre for Social Research. (2022). *Shelter and reintegration: Post-trafficking realities in India*. New Delhi: CSR Publications.
2. International Labour Organization. (2022). *Global estimates of modern slavery: Forced labour and forced marriage*. Geneva: ILO.
3. Ministry of Women and Child Development. (2024). *State/UT-wise human trafficking data (2018–2022)*. Government of India.
4. Ministry of Women and Child Development. (2021). *Draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill*. Government of India.
5. National Crime Records Bureau. (2023). *Crime in India: Human trafficking statistics 2022*. New Delhi: Ministry of Home Affairs.
6. National Human Rights Commission & BIRD. (2023). *Human trafficking in India: Challenges and remedies*. New Delhi: NHRC.
7. Supreme Court of India. (2025). *Pinki v. State of Uttar Pradesh*, SCC Online SC 456.
8. United Nations Children's Fund. (2021). *Convention on the Rights of the Child: Implementation guidance*. New York: UNICEF.
9. United Nations Office on Drugs and Crime. (2020). *Global report on trafficking in persons: South Asia focus*. Vienna: UNODC.
10. World Health Organization. (2020). *Guiding principles on human cell, tissue and organ transplantation*. Geneva: WHO.