

---

# REIMAGINING INDIA'S ANTI-HUMAN TRAFFICKING FRAMEWORK: A FUTURISTIC APPROACH TO PREVENTION, PROSECUTION, AND PROTECTION UNDER THE BHARATIYA NYAYA SANHITA AND EMERGING TECHNOLOGIES

---

Dr. Saket Vyas<sup>1</sup> & Mr. Ayush Mudgal<sup>2</sup>

## ABSTRACT

Human trafficking continues to be one of the gravest human rights violations in India, where vulnerable populations, particularly women and children, remain at risk despite multiple laws such as the Immoral Traffic (Prevention) Act, 1956 and the Juvenile Justice Act. The Bharatiya Nyaya Sanhita, 2023 (BNS) introduces wider definitions of trafficking, recognises organised crime, and strengthens the role of digital evidence. Yet, effective implementation demands integration of technology, community engagement, and survivor-centric rehabilitation.

This paper examines the evolving anti-trafficking framework in India with a focus on Madhya Pradesh, where intergenerational exploitation in the Banchhada community persists despite legal interventions. It highlights how AI-driven hotspot mapping, blockchain-based welfare delivery, and trauma-informed rehabilitation can strengthen prevention, prosecution, and protection. Drawing from international practices in the USA, Sweden, and the Philippines, the paper argues for a unified anti-trafficking code and the creation of a National Anti-Trafficking Technology Task Force. A reimagined framework, it concludes, must be adaptive to digital crimes, ethically grounded, and survivor-centred to uphold constitutional rights and international commitments.

**Keywords:** Human trafficking; Bharatiya Nyaya Sanhita; Madhya Pradesh; Banchhada community; AI; blockchain; predictive policing; victim rehabilitation; survivor rights; anti-trafficking law.

---

<sup>1</sup> Assistant Professor, Indore Institute of Law, Indore, Madhya Pradesh

<sup>2</sup> Additional Dean & Director, Academics, Indore Institute of Law, Indore, Madhya Pradesh

## 1. INTRODUCTION

Human trafficking has long haunted India's socio-legal landscape, manifesting as one of the most organised and insidious forms of exploitation. Defined by coercion, deception, and the abuse of vulnerability, trafficking is not just a crime against individuals but an assault on human dignity and community structures. In the Indian context, trafficking is often tied to entrenched poverty, caste-based discrimination, lack of educational opportunities, and patriarchal traditions. Women and children remain the most vulnerable, with networks of recruiters, transporters, and exploiters operating across both rural and urban contexts.

Yet despite a patchwork of legislation and institutional responses, India has struggled to dismantle these trafficking networks. Part of the difficulty lies in the inadequacy of the legal framework inherited from the colonial Indian Penal Code (IPC), 1860. Though progressive for its time, the IPC was ill-equipped to address cyber-enabled trafficking, organised crime syndicates, or transnational smuggling. The statistics remain grim: according to the National Crime Records Bureau (NCRB), Madhya Pradesh recorded between 105 and 215 victims of human trafficking annually between 2018 and 2022, placing it consistently among the states with high incidence.<sup>3</sup> Districts such as Neemuch, Mandsaur, and Ratlam have become synonymous with systemic exploitation, particularly of the Banchhada community, where young girls are often inducted into prostitution through intergenerational practices.<sup>4</sup>

This reality demands more than incremental reform; it calls for a reimagined framework capable of addressing both the socio-cultural roots of trafficking and its modern, digital manifestations. The enactment of the Bharatiya Nyaya Sanhita (BNS), 2023, provides an opportunity to do precisely that. Replacing the IPC, the BNS promises a citizen-centric and technologically adaptive legal regime.<sup>5</sup> Unlike its predecessor, it explicitly acknowledges organised crime and digital evidence, creating fertile ground for modern anti-trafficking strategies.

Equally significant is the rapid emergence of new technologies. Artificial intelligence (AI), blockchain, predictive policing, and digital forensic tools are no longer futuristic abstractions—they are already transforming governance, commerce, and crime prevention. Harnessing these

---

<sup>3</sup> NCRB, *Crime in India 2018–2022: Statistics on Human Trafficking* (National Crime Records Bureau 2023).

<sup>4</sup> NDTV, 'Sold into Prostitution: The Banchhada Girls of Madhya Pradesh' (NDTV, 12 March 2021) <https://www.ndtv.com> accessed 15 September 2025.

<sup>5</sup> Bharatiya Nyaya Sanhita, 2023 (No. 45 of 2023).

technologies within India's anti-trafficking framework could revolutionise prevention, improve conviction rates, and deliver more dignified rehabilitation for survivors.

The focus of this paper is to critically evaluate how India's legal framework, particularly under the BNS, can integrate emerging technologies to strengthen the 3Ps approach—Prevention, Prosecution, and Protection—while drawing on state-specific insights from Madhya Pradesh. By situating the discussion within local realities and international obligations, this paper proposes a futuristic but grounded model for combating trafficking in India.

## 2. LEGAL FRAMEWORK ON HUMAN TRAFFICKING IN INDIA

### 2.1 *Pre-existing Laws*

India's anti-trafficking regime is multi-layered but fragmented. The earliest comprehensive legislation was the Immoral Traffic (Prevention) Act, 1956 (ITPA), originally enacted to give effect to India's obligations under the 1949 UN Convention for the Suppression of the Traffic in Persons.<sup>6</sup> The ITPA criminalises activities such as running brothels, living off the earnings of prostitution, and procuring persons for trafficking. However, its moralistic tone and narrow focus on sex work left significant gaps, especially in addressing bonded labour, forced marriages, and labour trafficking.

The IPC provisions filled some of these gaps. Section 370, for example, criminalised trafficking for exploitation, while Sections 372 and 373 prohibited the buying and selling of minors for prostitution.<sup>7</sup> Yet these provisions were piecemeal and reactive, often applied inconsistently across states. Supplementary laws attempted to address other dimensions of trafficking:

- The Bonded Labour System (Abolition) Act, 1976, targeting debt-based exploitation.
- The Child Labour (Prohibition and Regulation) Act, 1986, addressing hazardous labour for minors.
- The Juvenile Justice (Care and Protection of Children) Act, 2015, mandating rescue and rehabilitation of children in need of care.

---

<sup>6</sup> Immoral Traffic (Prevention) Act, 1956 (No. 104 of 1956)

<sup>7</sup> Indian Penal Code, 1860, ss 370, 372–373

Despite this legislative arsenal, conviction rates remain disturbingly low. In Madhya Pradesh, 89 cases were registered in 2021 involving 157 victims, but very few convictions followed.<sup>8</sup> Scholars and NGOs attribute this to poor evidence collection, lack of witness protection, and the inadequacy of traditional policing methods in dealing with organised and technologically sophisticated trafficking networks.<sup>9</sup>

Another structural problem is the fragmentation of legal provisions. Victims and investigators often face confusion over whether cases fall under ITPA, IPC, or child labour laws, creating bureaucratic hurdles and jurisdictional overlaps. This patchwork not only weakens prosecutions but also delays justice for survivors.

## **2.2 International Obligations**

India's responsibilities extend beyond its domestic laws. As a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), also known as the Palermo Protocol, India is bound to criminalise trafficking, protect victims, and promote international cooperation.<sup>10</sup> The Protocol enshrines the 3Ps approach—Prevention, Prosecution, and Protection—as the cornerstone of anti-trafficking frameworks.

Moreover, India has pledged to achieve Sustainable Development Goal (SDG) 8.7, which calls for the eradication of forced labour, modern slavery, and trafficking by 2030.<sup>11</sup> These places a global spotlight on India's performance, with the U.S. Department of State's annual Trafficking in Persons (TIP) Reports frequently critiquing India for insufficient victim protection and inconsistent law enforcement.<sup>12</sup>

## **2.3 Bharatiya Nyaya Sanhita, 2023**

The BNS, enacted as part of a sweeping criminal law reform package in 2023, replaces the colonial IPC with a framework more attuned to contemporary realities.<sup>13</sup> It strengthens the legal basis for prosecuting human trafficking in several ways:

---

<sup>8</sup> NCRB (n 1)

<sup>9</sup> Indian Express, 'Convictions in Human Trafficking Cases Dismally Low' (Indian Express, 25 July 2022)

<sup>10</sup> UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319

<sup>11</sup> United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development* (UNGA Resolution A/RES/70/1, 25 September 2015)

<sup>12</sup> US Department of State, *Trafficking in Persons Report 2023* (June 2023)

<sup>13</sup> Bharatiya Nyaya Sanhita, 2023 (n 3)

1. **Broadened Definitions:** Trafficking now explicitly includes exploitation through organised crime syndicates and cyber-enabled methods.<sup>14</sup>
2. **Digital Evidence:** The BNS makes provisions for admissibility of digital and forensic evidence, a critical tool in online trafficking investigations.
3. **Speedier Trials:** It mandates time-bound trials in serious crimes, aiming to reduce delays that often discourage victims from pursuing justice.
4. **Victim-Centric Provisions:** Provisions emphasise rehabilitation and victim support, aligning with international best practices.

The BNS thus provides a legislative platform that, if supported by technology and institutional reform, can significantly strengthen India's fight against trafficking.

### 3. PREVENTION OF HUMAN TRAFFICKING: FUTURISTIC MEASURES

Prevention is the most humane and cost-effective strategy in the fight against human trafficking. It entails addressing both the structural vulnerabilities that create supply and the demand that fuels exploitation. Traditional prevention measures in India—awareness drives, police raids, and regulatory inspections—while important, have often been reactive and fragmented. To build a future-ready prevention framework, India must combine data-driven policing, emerging technologies, and community-based interventions tailored to local contexts such as Madhya Pradesh.

#### 3.1 Predictive Policing and AI-driven Hotspot Mapping

Predictive policing refers to the use of algorithms to forecast potential criminal activity based on historical data, socio-economic variables, and behavioural trends.<sup>15</sup> In the context of trafficking, predictive models can help identify vulnerable populations, track migration flows, and detect recruitment patterns.

For instance, NCRB statistics show that between 132 and 215 victims of trafficking were recorded annually in Madhya Pradesh between 2018 and 2022.<sup>16</sup> Districts like Neemuch, Ratlam, and Mandsaur consistently report higher incidents. By feeding FIR data, demographic

---

<sup>14</sup> Law Commission of India, *Report on Criminal Law Reforms and Human Trafficking* (2023)

<sup>15</sup> S Ferguson, *Predictive Policing and Human Rights* (Oxford University Press 2021) 45

<sup>16</sup> NCRB, *Crime in India 2018–2022* (n 1)

statistics, and migration records into AI systems, law enforcement can generate heat maps of trafficking hotspots, enabling proactive policing. This would be particularly useful in targeting the Banchhada community, where cultural practices normalise exploitation of young girls.

Predictive policing is not without risks—concerns of bias and over-policing loom large—but if implemented with transparent algorithms and human oversight, it could revolutionise prevention.

### ***3.2 Blockchain for Identity and Migration Security***

A recurring challenge in trafficking is the manipulation of identity and migration records. Migrants are often stripped of their documents or provided fraudulent ones, leaving them vulnerable to exploitation. Blockchain technology, with its immutable ledger system, can create tamper-proof digital identities that migrants carry across state and national borders.<sup>17</sup>

For example, a labourer migrating from Neemuch to Delhi could have his employment contract and identification securely stored on blockchain. Recruiters or traffickers attempting to alter or falsify records would find it nearly impossible to do so. NGOs and government departments could also track welfare delivery through blockchain to ensure benefits reach the intended victims without leakages.

### ***3.3 Digital Community Awareness***

Prevention also requires cultural change at the grassroots level. In many trafficking-prone communities, particularly the Banchhada, trafficking is interwoven into the social fabric. Traditional awareness drives have failed because they do not resonate with lived realities. Digital platforms—mobile applications, WhatsApp campaigns, vernacular YouTube channels—can provide locally tailored awareness content.<sup>18</sup>

By combining storytelling with survivor testimonials and gamified educational content for youth, these campaigns can dismantle myths, reduce stigma, and empower communities to resist recruiters. Given the penetration of smartphones in rural MP, such interventions can scale quickly at relatively low cost.

---

<sup>17</sup> A Tapscott and D Tapscott, *Blockchain Revolution* (Penguin 2016) 203

<sup>18</sup> Save the Children, 'Digital Awareness for Anti-Trafficking' (Report 2022)

### ***3.4 Smart Border and Transport Surveillance***

Trafficking routes in MP often exploit highways linking Neemuch and Ratlam to major urban hubs like Delhi and Mumbai.<sup>19</sup> AI-enabled surveillance tools—such as facial recognition at toll plazas, automated vehicle number plate recognition, and geofencing of buses—can help intercept trafficking operations. While this raises privacy concerns, pilot projects with strict judicial oversight can balance rights with security.

## **4. PROSECUTION OF HUMAN TRAFFICKING OFFENDERS: SCOPE FOR REFORM**

While prevention is critical, prosecution remains the backbone of deterrence. Yet India's track record on trafficking convictions is dismal. According to NCRB data, MP registered between 81 and 89 cases annually from 2020 to 2022, but convictions lagged far behind.<sup>20</sup> Survivors often withdraw testimony due to threats, stigma, and lack of support, leaving traffickers emboldened.

The BNS introduces reforms that can strengthen prosecutions, but without institutional and technological upgrades, these will remain aspirational.

### ***4.1 Digital and Forensic Evidence***

The BNS explicitly provides for the admissibility of digital evidence, a crucial development in trafficking cases where online recruitment, encrypted communication, and digital payments are increasingly common.<sup>21</sup> For example, traffickers often advertise victims through messaging platforms or arrange financial transactions via digital wallets. If police are trained in cyber-forensics, these digital trails can provide incontrovertible evidence.

Madhya Pradesh's cybercrime police units have already begun experimenting with such methods, but training remains sporadic. Embedding digital forensics training modules into police academies and judicial workshops can mainstream this practice nationwide.

---

<sup>19</sup> Times of India, 'Highways as Trafficking Routes in Madhya Pradesh' (TOI, 10 August 2020)

<sup>20</sup> NCRB, *Crime in India 2020–2022* (National Crime Records Bureau 2023)

<sup>21</sup> *Bharatiya Nyaya Sanhita* 2023, s 113

#### **4.2 Capacity Building for Law Enforcement**

Prosecution depends on the competence of frontline officers. Many police personnel remain unfamiliar with the nuances of human trafficking laws and inadvertently register cases under lesser offences, weakening the charge sheet.<sup>22</sup> Continuous legal education, survivor-sensitivity training, and specialised anti-trafficking units within state police forces can address this gap.

West Bengal's Anti-Human Trafficking Units offer a model: these units combine trained officers, NGO partnerships, and survivor liaisons to build stronger cases.<sup>23</sup> A similar unit in MP could focus on hotspots like Ratlam and Mandsaur, ensuring cases are properly investigated and prosecuted.

#### **4.3 Fast-Track Courts and Victim-Friendly Procedures**

Lengthy trials discourage survivors from pursuing justice. The BNS provision mandating time-bound trials offers a legislative framework for establishing fast-track trafficking courts.<sup>24</sup> These courts should operate with trauma-informed procedures: in-camera testimonies, video-conferencing for cross-examination, and restrictions on aggressive defence tactics that re-traumatise survivors.

Such reforms are not merely procedural; they reaffirm the dignity of survivors and signal society's commitment to justice.

#### **4.4 Encrypted Digital Witness Protection**

A recurrent reason for hostile testimonies is the absence of effective witness protection. Survivors and their families are frequently threatened by traffickers.<sup>25</sup> Traditional protection schemes—police escorts, relocation—are resource-intensive and often impractical in rural contexts.

Emerging technologies can offer encrypted digital witness protection. Through blockchain-enabled pseudonymous IDs and secure digital platforms, survivors could testify remotely without disclosing personal details. Such systems are already being piloted in parts of Europe for organised crime cases and could be adapted for India.<sup>26</sup>

---

<sup>22</sup> PRS Legislative Research, 'Challenges in Law Enforcement of Trafficking in India' (Policy Brief 2021)

<sup>23</sup> West Bengal Police, *Annual Report on Anti-Human Trafficking Units* (2022)

<sup>24</sup> Bharatiya Nyaya Sanhita 2023, s 143

<sup>25</sup> Indian Express, 'Why Survivors Turn Hostile in Trafficking Cases' (Indian Express, 15 May 2022)

<sup>26</sup> European Commission, *Digital Justice and Witness Protection* (2020)



#### ***4.5 Tackling Organised Crime Syndicates***

Finally, prosecution must move beyond targeting individual recruiters to dismantling entire syndicates. The BNS broadens liability to include organised crime networks, enabling prosecutors to pursue financiers, transporters, and corrupt officials complicit in trafficking.<sup>27</sup> Leveraging big data analytics to trace financial flows, property records, and call detail records can help uncover the criminal ecosystem rather than isolated offenders.

### **5. PROTECTION AND REHABILITATION OF VICTIMS UNDER THE BHARATIYA NYAYA SANHITA**

The fight against human trafficking cannot end with rescue or prosecution. Survivors often experience long-term trauma, social stigma, and economic vulnerability that heighten the risk of re-trafficking. Effective protection and rehabilitation measures are therefore essential to transform survivors into empowered citizens.

#### ***5.1 Survivor-Centric Approach***

The BNS provisions recognise the need for victim protection but remain largely penal in orientation.<sup>28</sup> Rehabilitation requires shifting the lens from criminal justice to social justice. Survivors must not be seen merely as witnesses but as rights-holders entitled to long-term support.

Research indicates that in Madhya Pradesh, especially among the Banchhada community, rescued girls often face ostracisation, leading them back into exploitation.<sup>29</sup> Without sustained rehabilitation, punitive laws risk becoming revolving doors.

#### ***5.2 Shelter Homes and Aftercare***

The Immoral Traffic (Prevention) Act, 1956 (ITPA) provided for protective homes, but overcrowding, lack of trained staff, and unsafe conditions have rendered many ineffective.<sup>30</sup> The BNS should be supplemented by community-based aftercare models, where survivors live in smaller, family-style homes with counselling, healthcare, and education access.

---

<sup>27</sup> Bharatiya Nyaya Sanhita 2023, s 181

<sup>28</sup> PRS Legislative Research, 'Victim Protection in BNS' (Policy Brief 2023)

<sup>29</sup> N Sagar, *Caste and Trafficking in Central India* (Sage 2020) 156

<sup>30</sup> National Commission for Women, *Status of Shelter Homes in India* (2019)

NGO models like Apne Aap Women's Collective in Mumbai demonstrate how safe spaces, vocational training, and peer support networks reduce chances of re-trafficking.<sup>31</sup> Madhya Pradesh can replicate such models through public-private partnerships.

### ***5.3 Economic Rehabilitation and Skill Development***

Without viable economic alternatives, survivors may relapse into trafficking. BNS provisions do not directly address livelihoods. Linking survivors to Skill India schemes, microfinance networks, and reservation in government jobs can create long-term stability.

Pilot projects in Neemuch have shown that when survivors are trained in tailoring and handicrafts, income stability discourages families from sending children back into sex work.<sup>32</sup> Rehabilitation must therefore be holistic, not piecemeal.

### ***5.4 Trauma-Informed Care***

Psychological trauma is the invisible wound of trafficking. Survivors often suffer from PTSD, depression, and suicidal tendencies.<sup>33</sup> Yet trauma counselling remains grossly inadequate in India. The BNS implementation must include mandatory trauma-informed training for counsellors, police, and judges, ensuring survivors are not re-traumatised during rescue and trial.

## **6. CRITICAL APPRAISAL OF THE DRAFT ANTI-TRAFFICKING BILL, 2021**

The Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 sought to consolidate India's fragmented anti-trafficking framework. While ambitious, it attracted both praise and criticism.

### ***6.1 Strengths***

- **Comprehensive Coverage:** The Bill criminalised trafficking for forced labour, organ trade, and begging, going beyond sex trafficking.<sup>34</sup>

---

<sup>31</sup> Apne Aap Women's Collective, *Annual Impact Report* (2021)

<sup>32</sup> Childline India, 'Vocational Training for Survivors in Neemuch' (Case Study 2020)

<sup>33</sup> UNODC, *Global Report on Trafficking in Persons* (2022)

<sup>34</sup> Ministry of Women and Child Development, *Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021*

- **Victim Rehabilitation Fund:** It proposed a national fund to finance survivor rehabilitation, a long-standing gap.<sup>35</sup>
- **National Anti-Trafficking Bureau:** A centralised body to coordinate efforts across states could have addressed the current patchwork enforcement.<sup>36</sup>

## 6.2 Weaknesses

- **Over-Criminalisation:** Critics argued the Bill risked conflating consensual sex work with trafficking, thereby violating autonomy of adult sex workers.<sup>37</sup>
- **Weak Survivor Voice:** Survivors had limited role in shaping policies or rehabilitation schemes under the Bill.<sup>38</sup>
- **Enforcement Bias:** Like earlier laws, the Bill tilted heavily toward criminalisation while neglecting root causes such as poverty, caste discrimination, and gender inequality.<sup>39</sup>

## 6.3 Lessons for the BNS Framework

The fate of the 2021 Bill underscores that legal frameworks must balance punitive provisions with socio-economic measures. While the BNS rightly enhances penalties, it risks replicating the Bill's flaws unless complemented by survivor-centred rehabilitation and rights-based policies.

# 7. COMPARATIVE INSIGHTS AND CASE STUDY: MADHYA PRADESH

## 7.1 Global Best Practices

Several jurisdictions provide lessons for India:

- **United States:** The Trafficking Victims Protection Act (TVPA) integrates prosecution with victim assistance, including T-visas for foreign victims.<sup>40</sup>

---

<sup>35</sup> *ibid*, s 24

<sup>36</sup> *ibid*, s 35

<sup>37</sup> Lawyers Collective, 'Critique of Anti-Trafficking Bill 2021' (Policy Brief 2021)

<sup>38</sup> *ibid*

<sup>39</sup> A Dey, 'Why India's Draft Trafficking Bill Needs Rethink' *Economic & Political Weekly* (2021) 56(41)

<sup>40</sup> Trafficking Victims Protection Act 2000 (US)

- **Sweden:** Its “Nordic Model” criminalises purchase of sex while decriminalising the seller, reframing trafficking as demand-driven.<sup>41</sup>
- **Philippines:** Community-based rehabilitation programmes focus on reintegration into family and employment, reducing re-trafficking.<sup>42</sup>

India can adapt these insights, particularly survivor-friendly visas for cross-border victims (like TVPA) and community-driven rehabilitation (like the Philippines).

### ***7.2 Case Study: The Banchhada Community of Madhya Pradesh***

The Banchhada, concentrated in Neemuch, Ratlam, and Mandsaur, present a stark example of intergenerational trafficking.<sup>43</sup> Girls are pushed into sex work from adolescence, while boys act as pimps or facilitators. This practice is sustained by poverty, caste marginalisation, and lack of alternative livelihoods.

Efforts to intervene have yielded mixed results:

- **Police Raids:** While rescues occur, community backlash and victim stigmatisation hinder reintegration.<sup>44</sup>
- **NGO Interventions:** Organisations like Guria and Childline have attempted education and awareness programmes, but long-term economic alternatives remain limited.<sup>45</sup>
- **Judicial Response:** The Madhya Pradesh High Court in *Court on Its Own Motion v State of MP* (2019) directed the state to adopt a rehabilitation scheme for Banchhada women, but implementation has been uneven.<sup>46</sup>

This case study reveals the limits of law alone. Without structural change—land rights, education, skill training—laws like the BNS cannot dismantle entrenched trafficking systems.

---

<sup>41</sup> Swedish Ministry of Justice, *Prostitution and Trafficking Policy Report* (2019)

<sup>42</sup> International Justice Mission, ‘Community Reintegration in the Philippines’ (2020)

<sup>43</sup> Indian Express, ‘Inside the Banchhada Community’s Exploitation Cycle’ (Indian Express, 7 March 2021)

<sup>44</sup> *ibid*

<sup>45</sup> Guria NGO, *Field Report on Banchhada Rehabilitation* (2020)

<sup>46</sup> *Court on Its Own Motion v State of MP* Writ Petition No 4533 of 2019 (MP HC)

## 8. CHALLENGES, ETHICAL CONCERNS, POLICY RECOMMENDATIONS, AND CONCLUSION

### 8.1 Challenges in Reimagining the Framework

Despite the reformative vision of the Bharatiya Nyaya Sanhita, 2023, structural and social realities pose hurdles in combating trafficking.

- **Systemic Underreporting:** Official figures by the National Crime Records Bureau (NCRB) capture only a fraction of trafficking incidents, as families often avoid reporting due to stigma or fear of reprisals.<sup>47</sup> This is evident in districts like Neemuch and Ratlam, where NGOs have documented far higher numbers than government reports.<sup>48</sup>
- **Fragmented Institutional Response:** Anti-trafficking responsibilities are distributed among multiple ministries—Home Affairs, Women and Child Development, and Labour—resulting in duplication and coordination failures.<sup>49</sup>
- **Resource Constraints:** Shelter homes, forensic labs, and fast-track courts face chronic underfunding, leading to delays in justice delivery.<sup>50</sup>
- **Cultural Barriers:** Entrenched practices of caste-based sex work in Madhya Pradesh show that trafficking is not merely criminal but also a socially embedded practice, which law alone cannot dismantle.<sup>51</sup>

### 8.2 Ethical Concerns with Emerging Technologies

The introduction of artificial intelligence (AI), blockchain, and predictive policing in anti-trafficking efforts raises sensitive ethical dilemmas:

- **Privacy Risks:** Predictive policing and biometric surveillance may disproportionately target marginalised groups, creating risks of over-policing.<sup>52</sup>

---

<sup>47</sup> NCRB, *Crime in India 2022* (National Crime Records Bureau, 2023)

<sup>48</sup> Indian Express, 'Inside the Banchhada Community's Exploitation Cycle' (7 March 2021)

<sup>49</sup> PRS Legislative Research, *The Trafficking in Persons Bill, 2021: Issues and Analysis* (Policy Brief 2021)

<sup>50</sup> National Commission for Women, *Status of Shelter Homes in India* (2019)

<sup>51</sup> N Sagar, *Caste and Trafficking in Central India* (Sage 2020) 143

<sup>52</sup> Vidushi Marda, 'Artificial Intelligence and Human Rights: Risks of Predictive Policing' *Indian Journal of Law & Technology* (2021) 17(2) 88

- **Data Security:** Survivor-related data is highly sensitive; unauthorised leaks may result in stigmatisation and secondary victimisation.<sup>53</sup>
- **Consent and Agency:** Survivors must have a say in how their data is collected, stored, and processed, particularly in rehabilitation schemes involving digital IDs or blockchain.<sup>54</sup>
- **Algorithmic Bias:** AI systems trained on skewed or incomplete datasets may reinforce caste, gender, or regional discrimination.<sup>55</sup>

Therefore, while technology offers transformative potential, its application must be aligned with data protection laws and human rights principles.

### 8.3 Policy Recommendations

A futuristic, survivor-centred framework should integrate law, technology, and social policy:

1. **Unified Anti-Trafficking Code:** Merge provisions from the BNS, ITPA, JJ Act, and Bonded Labour Act to remove fragmentation and create a comprehensive legislative scheme.<sup>56</sup>
2. **National Anti-Trafficking Technology Task Force:** A specialised body combining cyber forensics, AI-driven hotspot mapping, and blockchain-enabled welfare delivery should be institutionalised.<sup>57</sup>
3. **Victim-Centred Justice Delivery:** Establish fast-track trafficking courts with trauma-informed procedures, encrypted witness protection, and reliance on digital evidence as recognised under the BNS.<sup>58</sup>
4. **Sustainable Rehabilitation:** Link survivors with Skill India, microfinance, and livelihood schemes, while tailoring state-specific rehabilitation models—for example, agricultural employment for survivors in rural Madhya Pradesh.<sup>59</sup>

<sup>53</sup> UNODC, *Global Report on Trafficking in Persons* (2022)

<sup>54</sup> Lawyers Collective, 'Critique of Anti-Trafficking Bill 2021' (2021)

<sup>55</sup> S Baxi, 'Algorithmic Bias and Social Justice' *Economic & Political Weekly* (2022) 57(12)

<sup>56</sup> Law Commission of India, *Report on Human Trafficking Laws* (2019)

<sup>57</sup> Ministry of Home Affairs, *White Paper on Organised Crime and Trafficking* (2023)

<sup>58</sup> Bharatiya Nyaya Sanhita, 2023, s 106

<sup>59</sup> Childline India, 'Vocational Training for Survivors in Neemuch' (Case Study 2020)

5. **Cross-Border Cooperation:** Strengthen bilateral agreements with Gulf nations, where trafficking routes often terminate, ensuring victim repatriation and compensation.<sup>60</sup>
6. **Community Engagement:** Partner with survivor collectives, panchayats, and local leaders to dismantle normalised intergenerational trafficking practices.<sup>61</sup>
7. **Ethical AI and Data Governance:** Ensure compliance with the Digital Personal Data Protection Act, 2023, adopting anonymisation, consent-based usage, and transparency in AI-driven policing.<sup>62</sup>

#### 8.4 Conclusion

Human trafficking in India persists as both a criminal justice problem and a human rights crisis. While the BNS marks a historic legal reform, its potential will only be realised if complemented by survivor-centred rehabilitation, technology-enabled enforcement, and community participation.

Madhya Pradesh's experience—particularly in Banchhada-dominated districts—highlights that trafficking is sustained by poverty, caste hierarchies, and absence of economic alternatives. Addressing these structural issues requires more than prosecutions; it demands holistic rehabilitation, community empowerment, and sustained investment.

Comparative lessons from the US, Sweden, and the Philippines demonstrate that balancing the triad of Prevention, Prosecution, and Protection is possible when law, technology, and social policy work in tandem.

Ultimately, a future-ready anti-trafficking framework for India must be:

- Adaptive, to tackle digital and cross-border crimes;
- Victim-centric, ensuring dignity and long-term reintegration;
- Ethically grounded, safeguarding privacy and agency; and
- Collaborative, involving the state, civil society, and survivors themselves.

Only through such an integrated and humane approach can India truly realise the constitutional promise of justice, dignity, and equality for every trafficking survivor.

---

<sup>60</sup> US State Department, *TIP Report: India* (2022)

<sup>61</sup> Guria NGO, *Field Report on Community Rehabilitation* (2021)

<sup>62</sup> Digital Personal Data Protection Act, 2023 (India)