

WOMEN TRAFFICKING: A MAJOR SOCIAL PROBLEM OF INDIA AND COMMITMENT AGAINST TRAFFICKING

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ABSTRACT

Trafficking is a major social problem in India. Poverty is the main cause behind trafficking. However, trafficking is not synonymous with prostitution. Trafficking is a process and commercial exploitation is the result. To prevent this barbaric and criminal activities Government of India has adopted multi-forked steps through its constitutional measure, legislative act and various social schemes like Immoral Traffic (Prevention) Act, 1956, Trafficking Persons (Prevention, Protection and Rehabilitation) Bill, 2016, UJJAWALA, etc. The article examines the relevance of these acts and scheme. It argues that lacunas in implementation are the main weakness to prevent trafficking.

Keywords: Trafficking, Woman, UJJAWALA, Immoral, Rehabilitation

INTRODUCTION

The movement of women from village to city or one city to another city and from India to another country for the purpose of employing them in criminal activities and using them as slaves is a crime against humanity and a violation of the human rights of women. The illegal trafficking of women for purpose of labour, forced prostitution and pornography has become a major problem in India. Enormous hardship, pain and suffering are created for women and children who are illegally trafficked and compelled to work against their will in illegal businesses. Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines

Trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the

purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (General Assembly Resolution, 2000)

The definition of trafficking can be found in various sections of Immoral Traffic (Prevention) Act 1956 (ITPA). Section 5 speaks about procuring, tracking and even inducing a person for the sake of prostitution. According to this section, even attempt to procure and attempt to take or cause a person to carry on prostitution amounts to trafficking (GoI, ITPA 1956, 1956).

Usually, trafficking is confused with prostitution, because there is no proper understanding of the seriousness of trafficking. But they are not synonymous. One should decline from prostitution to understand trafficking. ITPA 1956 define prostitution becomes an offence when any person should be exploited for commercial purpose. If a woman or child is sexually exploited and any person gains out of the same, it amounts to commercial exploitation, which is a legally punishable offence. 'Trafficking is a process of recruiting contracting, procuring or hiring a person for commercial sexual exploitation. Therefore, trafficking is a process and commercial exploitation is the result. The demand for commercial sexual exploitation promotes trafficking' (Nair, 2007). Thus, we can say the concept of trafficking in people refers to the criminal practice of exploitation of human beings where they are treated as commodities for profit and after being trafficked, subject to long-term exploitation.

Commitments of Indian Government towards Prevention of Trafficking:

The Government of India has adopted a multi-forked approach to combat and prevent trafficking these are constitutional and legislative measures; programmes and schemes for rescue, rehabilitation, reintegration and repatriation of victims of trafficking; awareness programme and empowerment of women.

Here we discuss about some steps.

- I. Article 23 of the Indian Constitution prohibits trafficking in human beings and beggar and other similar forms of forces labour.
- II. "Immoral Traffic (Prevention) Act, 1956" was legislated to prevent the crime.
- III. Under the Indian Penal code, a trafficked girl child has been subjected to a multitude of violation. Such as:
 - Displaced from her community. (Sections 361, 362, 365, 366 IPC may apply)
 - Procured illegally. (Section 366A IPC)
 - Trafficking of Person (Section 370 IPC)

- Exploitation of trafficked person. (Section 370A IPC)
- Selling minor for purposes of prostitution etc. (Section 372 IPC)
- Buying minor for purposes of prostitution etc. (Section 373IPC)

IV. India has ratified the:

- UN Convention against Transnational Organized Crime with its Protocol to prevent, Suppress and punish Trafficking in Persons especially women and children.
- SAARC convention on preventing and combating trafficking of women and children in prostitution.
- Convention on the Elimination of All Forms of Discrimination against women.
- Convention on the Right of Child. (GoI, Ministry of Women and Child Development, 2017)

Immoral Traffic (Prevention) Act, 1956:

This law was the pursuit of the International Convention, which had been signed at New York on the 9 May 1950, for the prevention of immoral traffic. The purpose of the act was to combat trafficking and sexual exploitation for commercial purposes. According to the law, prostitution is not an offence, but brothel and prostitution within 200 meters of any public place are illegal. It protects women and children from forceful flesh trade or use them as a commercial commodity and clearly state that it is an offence to force any women and child for flesh trade and other purposes. The act provides for setting up of protective homes by the state governments. (GoI, ITPA 1956, 1956)

Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016:

Before this bill, there is no comprehensive legislation to prevent trafficking and rehabilitation of the victims of trafficking. This bill was billed as the country's first ever anti-human trafficking law. The main purpose the bill is to unify existing anti-trafficking laws (Sriram, 2016). Trafficking of Persons Bill, 2016 has been drafted by the Ministry of Women and Child Development to cover various aspects of trafficking by including various offences pertaining to trafficking and also for prevention, protection and rehabilitation of victims of trafficking, At the district level District Anti Trafficking Committee shall perform such functions and duties in relation to preventing, rescue, protection, medical care, psychological assistance, skill development, need-based rehabilitation of victims. At state level State Anti-Trafficking Committee shall oversee the implementation of this Act and advise the state/ UT Government and District Ant-Trafficking Committee on matters relating to the prevention of trafficking, protection and rehabilitation of victims of trafficking in person and perform such of her functions. Central Anti-Trafficking Advisory Board shall oversee the implementation of the act

and advise the appropriate Government on matters relating to the prevention of trafficking. (Government of India. 2016)

UJJAWALA: Scheme for Combating Trafficking:

Women trafficking is a major issue in India that may be illegally transported across states as well as from neighbouring countries such as Nepal and Bangladesh. The fundamental law of the land, Constitution special forbids “traffic in human beings and other similar forms of forced labour” in Article 23. One of the vital importance to the Indian Government is the welfare of women and children. 'Ujjawala' Scheme is a footstep of the government towards this commitment. 'Ujjawala' is a comprehensive scheme for the prevention trafficking, rescue and rehabilitation of women and child victims of trafficking for commercial sexual exploitation. Ministry of Women and Child Development launched the scheme in 2007. The target group is women and child victims who have been trafficked for commercial sexual exploitation as well as those women and children who are vulnerable to becoming victims of this crime, including slum dwellers, children of sex workers, refugees, homeless victims of natural disaster and so on. The scheme is being implemented mainly through NGOs to provide direct aid and benefit to victims of trafficking. The scheme has five components - Prevention, rescue, rehabilitation, reintegration and repatriation of trafficked victims of commercial sexual exploitation.

- **Prevention:** Formation of community vigilance groups, sensitization workshop, awareness creation, campaign through street plays, posters and leaflets. The main aim is to make various functionaries like police and community sensitive towards the victims of trafficking.
- **Rescue:** Safe withdrawal of victims by creating a network, including police, NGOs, women's group, hotels, etc. This network will be used for collecting information on traffickers, suspicious people and vulnerable families etc.
- **Rehabilitation:** Rehabilitation of vulnerable groups through providing them safe shelter, basic amenities, medical care, legal aid, vocational training and income generation activities.
- **Re-Integration:** Reintegration of victims into society. Besides this, the scheme would cover travel of the victim and an escort from the destination area to her hometown, expenses incurred towards her food during her travel and incidental expenses.
- **Repatriation:** The scheme is applicable to cross-border victims of commercial sexual exploitation. It would cover travel of the cross-border victim and an escort from the destination area in her country of origin or border expenses incurred towards her food

during her travel and incidental expenses. (GoI, Ministry of Women and Child Development, (2016), UJJAWALA A)

Responsible Authorities are Social Welfare/Women and Child Welfare Departments of State Governments; Women's Development Corporations; Women's Development Centers; Urban Local Bodies; Reputed Public/ Private Trusts; Voluntary Organizations.

Another two schemes have been implemented by the central government that is Scheme for setting up One Stop Center and Universalization of Women Helpline Scheme. The Ministry of Women and Child Development has approved a scheme for setting up of One Stop Centre to support women affected by violence on 4th March 2015, aims are to facilitate access to an integrated range of services including medical aid, police assistance, psycho-social counselling, temporary support service to women affected by violence. The project cost for the remaining period of the 12th five Year Plan i.e. 2015-16 and 2016-17 is Rs. 119.71 crore. Another scheme for Universalization of Women Helpline Scheme has been approved by the ministry on 19th February 2015 and is being implemented from 1st April 2015. The project cost for the remaining period of the 12th Five Year Plan i.e. 2015-16 and 2016-17 is Rs 69.49 crore. It will be implemented by states/UTs. (GoI, Ministry of Women and Child Development, 2017, p. 17)

CONCLUSION

But Indian's effort to protect victims of trafficking remain inadequate in many places and numbers of victims are increasing day by day. Human trafficking threatens human security and human development of India. It has an economic angle as the majority of women who are trafficked are economically vulnerable. The Government of India launched an anti-human trafficking web portal in February 2014 for the effective implementation of anti-human trafficking measures. (GoI, Ministry of Home Affairs,2014)

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