

Atrocity of Trafficking of Women and Children in India: Nature, Dimensions and Strategies for prevention

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Trafficking of women and children is one of the ugliest form of human exploitation as well as the worst abuses of human rights. It has emerged as a serious issue in recent times in many parts of the globe. Trafficked women and children are used for varieties of purposes like prostitution, domestic work, camel jockies, organ transplant, forced marriages and various other exploitative forms of work. Poor socio-economic conditions of large number of families, poverty coupled with frequent natural disasters, lack of education, absence of awareness, pressure to collect money for dowries, dysfunctional family system, domestic violence against women etc. are the root cause of the evil. The paper highlights the need to combat this social evil by extending some suggestions. Stern laws and public awareness are pre-requisite in order to achieve the goal of eradicating human trafficking from the society.

Keywords: human trafficking, human rights, prostitution, forced marriages.

" Human trafficking is an open wound on the body of contemporary society, a scourge upon the body of Christ. It is a crime against humanity."
- Pope Francis

Introduction: Trafficking of women and children is one of the worst violations of human rights. It is a matter of great shame that even after half a century since the adoption of the Universal Declaration of Human Rights by the international community, trafficking continues to thrive.

There are many forms of trafficking, but the most visible and widespread is the trafficking of women and children for commercial exploitation. This kind of exploitation of women and children is not a new phenomenon. Its origin goes to the history and traditions of many centuries. However, the problem has now been exacerbated by globalization and its linkage with lucrative tourist and sex industries. Though it is a global phenomenon, the problem has assumed alarming dimensions in different countries of Asia, and particularly South Asia.¹

Constitutional and Legislative Provisions related to trafficking in India: The Constitution of India, general criminal laws and special laws, prohibits and criminalizes human trafficking. Article 23 of the Constitution of India prohibits trafficking of human beings and other similar forms of force labour and pronounces that such acts are punishable offences in accordance with law. Article 24 of the Constitution also provides that no child, below the age of 14 years, shall be employed to work in any factory or mine or engaged in any other hazardous employment. It is further provided by the Article 37 of the Constitution that the State shall direct its policy towards securing adequate opportunities and facilities for children to develop in a healthy manner, so that children and the youths are protected against such exploitations. Besides IPC, the Immoral Traffic Prevention Act, 1956; Protection of Children from Sexual Offences Act, 2012; Juvenile Justice (Care and Protection of Children) Act, 2015; Trafficking

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payment of wages, restriction on movement by withholding passports apart from physical or sexual abuse.

Causes and Modes of Trafficking: There are several contributing factors for trade in human beings particularly of women and children. The factors of trafficking of women and children can be divided into two categories: push and pull factors. The push factor include: poor socio-economic conditions of a large number of families, poverty coupled with frequent, almost annual natural disasters like floods leading to virtual destitution of some people, lack of education, skill and income opportunities for women (and for their family members) in rural areas, absence of awareness about the activities of traffickers, pressure to collect money for dowries which leads to sending daughters to distant places for work, dysfunctional family life, domestic violence against women, low status of girl children etc. It appears from the case studies that extreme poverty and other causes of deprivation not only push people to fall in the trap of the traffickers but also create for some an incentive for trafficking. Often the prostitutes, who have no option to come out of the exploitative environment, gradually develop intimate connections with the traffickers and follow in their footsteps.

The pull factors are: lucrative employment propositions in big cities, easy money, promise of better pay and a comfortable life by the trafficking touts and agents, demand of young girls for marriage in other regions, demand for low-paid labour, growing demand of young kids for adoption, rise in demand for women in the rapidly expanding sex industry. The rampant practice of female feticide in the northern states of Haryana and Punjab has also fuelled internal trafficking. Since there is a shortage of women in these states having a low female to male ratio, they have become fertile ground for the operation of traffickers. Traffickers procure girls from faraway states like Assam and Orissa, trick their families into believing that they are to be married, only to later push them into prostitution.

Strategies for Prevention: Human trafficking is a socio- legal problem and it is a much deeper malice in our society. Hence there cannot be any instant remedy for such a problem. The difficulties in detecting and measuring trafficking cases make the task of prevention much more challenging. Nonetheless, several measures can be taken in this direction and successful implementations of the steps will surely bring some positive results. As the problem is multidimensional, its solution also lies in following a multidimensional 'cosmopolitan' approach for prevention. Due to the changing nature of migration and mobility in the contemporary world, human trafficking cannot be combated by certain national governments alone. Notwithstanding international operation and efforts, national governments should pursue the following short-term and long term measures to combat trafficking.

- (i) There is an urgent need to develop comprehensive programmes and policies concerning manifest and latent aspects of trafficking in the context of situations and realities in each country or region, to do away with the root causes of the vulnerabilities of women and children in particular.
- (ii) The rescued victims should be protected rehabilitated through appropriate mechanisms in order to prevent re-trafficking. A global co-ordination and collaboration among different stakeholders is the need of the day. Anti-trafficking measures should not be exclusively seen from the perspective of the national security of a country and hence issues like migration or repatriation should be viewed both from the legal and human rights points of view.
- (iii) Low rates of prosecution of traffickers and weak law enforcement machinery are also responsible for the rise of this lucrative trade. Therefore, the law enforcing machineries and the legal system in countries like India need a face-lift. Anti-Human trafficking