

IMMORAL HUMAN TRAFFICKING

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Introduction:

Human trafficking is a criminal offense that involves the recruitment, transportation, transfer, harboring, or receipt of persons through force, coercion, or deception for the purpose of exploitation. Laws related to human trafficking vary from country to country, but they generally focus on preventing, prosecuting, and providing assistance to victims of trafficking. These laws can cover various aspects of human trafficking, including prevention, investigation, prosecution, and victim support.

Many countries have ratified international agreements that address human trafficking, such as the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (commonly referred to as the Palermo Protocol), which supplements the United Nations Convention against Transnational Organized Crime.

Constitutional & legislative provisions related to Trafficking in India

1. **The Constitution of India:** While the Indian Constitution does not explicitly mention "trafficking," certain fundamental rights and directive principles are relevant to combating trafficking:
 - **Article 23:** Prohibits trafficking in human beings and forced labor. It states that "traffic in human beings and beggar and other similar forms of forced labor are prohibited, and any contravention of this provision shall be an offence punishable in accordance with law."
 - **Article 39:** Part of the Directive Principles of State Policy, it mandates that the State shall direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity.
2. **2. The Immoral Traffic (Prevention) Act, 1956 (ITPA):** The ITPA is the primary legislation in India dealing with trafficking for commercial sexual exploitation.
3. **3. Protection of Children from Sexual Offences Act, 2012 (POCSO Act):** The POCSO Act addresses sexual offenses against children, including trafficking for sexual exploitation. It provides comprehensive provisions for the protection of children and their rights.
4. **4. Bonded Labour System (Abolition) Act, 1976:** While not exclusively addressing trafficking, this act is relevant as it addresses forced labor and debt bondage, which are often interconnected with trafficking situations.
5. **5. Juvenile Justice (Care and Protection of Children) Act, 2015:** This act is relevant to trafficking situations involving children as it provides for the care, protection, and rehabilitation of children in need of care and protection.
6. **6. Criminal Law (Amendment) Act, 2013:** This amendment brought changes to various sections of the Indian Penal Code (IPC), Criminal Procedure Code

(CrPC), and the Evidence Act to strengthen laws related to sexual offenses, including trafficking for sexual exploitation.

7. **7. The Prohibition of Child Marriage Act, 2006:** While not specifically addressing trafficking, this act is relevant as child marriage can often be linked to trafficking and exploitation.

Measures taken by Government of India to Prevent and Combat Human Trafficking

1. **Legislative Framework: Immoral Traffic (Prevention) Act, 1956 (ITPA):** This act criminalizes trafficking for commercial sexual exploitation and provides for the rescue, rehabilitation, and reintegration of victims.
2. **Protection of Children from Sexual Offences Act, 2012 (POCSO Act):** This act addresses sexual offenses against children, which are often related to trafficking. It provides for the special needs of child victims and witnesses during legal proceedings.
3. **National Plan of Action against Trafficking and Commercial Sexual Exploitation of Women and Children (2016):** This plan outlines a comprehensive strategy to prevent trafficking and provide support to victims. It focuses on prevention, rescue, and rehabilitation, and involves coordination between various government departments, NGOs, and international organizations.
4. **Anti-Human Trafficking Units (AHTUs):** AHTUs have been set up across various states and union territories in India. These units are responsible for investigating trafficking cases and coordinating efforts with other law enforcement agencies.
5. **Swadhar and Ujjawala Schemes:**
 - **Swadhar Greh Scheme:** This scheme provides shelter and rehabilitation for women in difficult circumstances, including victims of trafficking.
 - **Ujjawala Scheme:** This scheme focuses on the prevention, rescue, rehabilitation, and reintegration of victims of trafficking for commercial sexual exploitation. It provides for the economic and social empowerment of survivors.
6. **One-Stop Centre's (Sakhi Centres):** These centers provide integrated support and assistance to women affected by violence, including trafficking. They offer medical, legal, psychological, and vocational support to survivors.
7. **Beti Bachao Beti Padhao (Save the Girl Child, Educate the Girl Child):** While not exclusively focused on trafficking, this initiative aims to address gender discrimination and improve the status of girls in society. It indirectly contributes to preventing trafficking by promoting education and empowerment of girls.
8. **Raising Awareness:** The government conducts awareness campaigns through various media to educate people about the dangers of trafficking and how to prevent it.

9. **International Collaboration:** India collaborates with international organizations, neighboring countries, and global initiatives to address cross-border trafficking issues.
10. **Strengthening Law Enforcement:** Efforts are made to train law enforcement agencies to effectively handle trafficking cases and to ensure proper victim protection.

India implemented International Conventions on Trafficking

India has ratified and implemented several international conventions and protocols related to trafficking in persons. These agreements aim to strengthen the legal framework and cooperation in addressing human trafficking. Here are some of the key international conventions on trafficking that India has ratified and implemented:

- ✓ **United Nations Convention against Transnational Organized Crime (UNTOC):** India is a signatory to the UNTOC, also known as the Palermo Convention. This convention provides a comprehensive framework for addressing various forms of transnational organized crime, including human trafficking. It includes three protocols: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: Commonly referred to as the Palermo Protocol, this protocol aims to prevent and combat trafficking in persons. It requires countries to criminalize trafficking, protect and assist victims, and promote international cooperation.
- ✓ **SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution:** India is a member of the South Asian Association for Regional Cooperation (SAARC) and is a party to this convention. The convention focuses on preventing and combating trafficking within the SAARC region.
- ✓ **ILO Convention No. 29 and No. 105:** India is a party to the International Labour Organization (ILO) Convention No. 29 and No. 105. While not specifically focused on trafficking, these conventions address forced labor and aim to eliminate practices that could contribute to trafficking situations.
- ✓ **Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption:** While not directly related to trafficking, this convention seeks to ensure that intercountry adoptions are carried out in the best interests of the child. It helps prevent the illicit practices that could lead to trafficking in the context of adoption.