



## Trafficked Women: Issues, Rights and the Legal Regime

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### Abstract

*“An ounce of prevention is worth a pound of cure.”*

*The history of human beings bought and sold, forced into lives of abject servitude or sexual slavery, is a story as old as civilization and yet still of global concern today. Trafficking in women is the gravest form of abuse and exploitation of human beings. The Constitution of India specifically prohibits trafficking in persons. Further many of the practices associated with modern-day trafficking are clearly prohibited under international human rights law. Trafficking in women is regarded as both a cause and consequence of human rights violations. Trafficked persons are entitled to the full range of human rights, even if they are outside their country of residence. International law is clear that trafficked persons cannot be discriminated against simply because they are non-nationals. In other words, with only some narrow exceptions that must be reasonably justifiable, international human rights law applies to everyone within a State's territory or jurisdiction, regardless of nationality or citizenship.*

*However, does international human rights law actually prohibit “trafficking in persons”—as opposed to “practices associated with trafficking” such as those listed above? This is an important question because it can have an impact on the nature of a State's obligations and responsibilities. This articles deals with the analysis of the availability of the rights to trafficked women both under the Indian and the international law. Further, since many nations treat trafficking as an immigration issue or as a regular crime, the rights based approach to tackling this problem is ignored. It will be our endeavour to highlight the importance of this approach in our study.*

**Keywords:** trafficking, human rights, exploitation, international law.

*In this great land of the free we call it human trafficking. And so long as we don't partake in the luxury, ignoring slavery is of no consequence. It is much easier to look away and ignore the victims. The person who ignores slavery justifies it by quickly deducting the victim is a willing participant hampered by misfortune.*

-D'Andre Lampkin

## Introduction

It is fundamentally immoral and unlawful to appropriate the legal personality or the humanity of another. Trafficking in persons is a serious crime and violation of human rights. In recent years, it has been put on top of the international policy agenda as a result of the apparent increase in trafficking, the gross violation of human rights associated with it, the involvement of organised crime syndicates and the national and international efforts to combat trafficking. Globalisation has been regarded as one of the most important factors in the sheer volume of the international migration. According to the Global Commission on International Migration, there are now between 189 and 193 million international migrants worldwide, of which almost 50 % are women (GCIM, 2005).<sup>1</sup>

With the increase in migration across the world and the continued restrictions on movement of labour, irregular migration such as trafficking and smuggling has increased significantly. According to the International Labour Organisation 'Trafficking is also perhaps the most flagrant of societal and labour market failures that arise in the context of contemporary globalisation' (ILO, 2005).<sup>2</sup>

The problem of trafficking in women has been addressed at the international, regional and national levels. Before the creation of the 'United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons', especially Women and Children, in October 2000, International Treaties referred to trafficking without defining or clarifying whether trafficking includes all forms of sex work. For example, **Article 6** of the 'Convention on the Elimination of All Forms of Discrimination against Women' states "All Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."<sup>3</sup>

The "United Nations" estimates that 4 million people are trafficked each year, resulting in \$7 billion in profits to criminal groups. Many countries have weak, unenforced or no laws against trafficking in human beings, often making it less risky and more profitable to criminal groups than drug or arms trafficking. With increased economic globalization, trafficking in women from poor to wealthier countries appears to be on the rise. Trafficking networks recruit and transport women legally or

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<sup>1</sup>Annette Lansink, "Human Rights Focus on Trafficked Women: An International Law and Feminist Perspective", *Empowering Women for Gender Equity*, No. 70, *Gender-Based Violence Trilogy*, Volume 1,2: *Trafficking* (2006) at 45.

<sup>2</sup> *Ibid.*

<sup>3</sup> "Stop Violence Against Women: A Project of the Advocates for Human Rights", *The Advocates for Human Rights*, available at: [www.stopvaw.org/finding\\_a\\_common\\_definition](http://www.stopvaw.org/finding_a_common_definition) (Last Retrieved: 13.7.2017).

illegally for slavery-like work, including forced prostitution, sweatshop labour, and exploitative domestic servitude.<sup>4</sup>

In the Mewat District of Haryana (India) women are sold as sex slaves to men and then sold again in a 'bizarre form of currency'. For many years now, girls (some barely in their teens) are trafficked from the poor regions of Assam, Bihar, Jharkhand, Orissa, Eastern Uttar Pradesh and West Bengal with promises of employment or marriage and are sold in different districts. These girls are locally called 'Paros'. A *Paro* literally means 'one from Yamuna par', i.e. 'one from across the river Yamuna'. The number of Paros in Mewat is estimated to be approximately 15,000 to 50,000.<sup>5</sup>

Victims of trafficking are treated as objects or commodities by traffickers who use coercion, deception or debt bondage to deprive victims of their fundamental freedoms, such as their ability to control their own bodies and labour. It is through the Human Rights Law that we seek to remedy this injustice and address the rights and needs of the victims. The resultant purpose is to provide the trafficked women with an effective legal remedy, legal protection, non-discriminatory treatment, restitution, compensation and rehabilitation.<sup>6</sup>

Trafficked persons are entitled to full range of human rights. Even if they are outside their country of residence, International Law is clear that trafficked persons cannot be discriminated against simply because they are non-nationals. In other words, with only some narrow exceptions that must be reasonably justifiable, International Human Rights Law applies to everyone within a State's territory or jurisdiction, regardless of nationality or citizenship and of how they came to be within the territory.<sup>7</sup>

## Historical Perspective

Human trafficking has been considered as a contemporary form of slavery. Historically, human trafficking was associated with slavery and bonded or forced labour. With the passing of time, it almost became synonymous with prostitution or commercial sexual exploitation.<sup>8</sup> Slavery has been a constant feature of human history, prevalent in almost every part of the world.<sup>9</sup> In human history there are many examples of societies that were founded on slavery and on the exploitation of some

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<sup>4</sup> "Trafficking of Women", *Wikigender*, available at: <http://www.wikigender.org/wiki/trafficking-of-women/> (Last Retrieved: 13.7. 2017).

<sup>5</sup> *Ibid.*

<sup>6</sup> "Human Rights Standards for the Treatment of Trafficked Persons", Global Alliance against Traffic in Women, January 1999. Available at: [http://www.whrlawgroup.org/resources/content/IHRLGTraffickin\\_tsStandard](http://www.whrlawgroup.org/resources/content/IHRLGTraffickin_tsStandard) (Last Retrieved 22.7.2017).

<sup>7</sup> "Human Rights and Human Trafficking", United Nation Human Rights Office of the High Commissioner, Fact Sheet No. 36, at 6. Available at: [http://www.ohchr.org/Documents/Publications/FS36\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS36_en.pdf) (Last Retrieved 22.7.2017).

<sup>8</sup> *Trafficking and the Law*, National Rights Law Network, New Delhi, (2011) at 3.

<sup>9</sup> William D. Phillips, *Slavery from Roman Times to the Early Transatlantic Trade*, Manchester University Press, (1985) at 3.

people who were considered by others to be inferior.<sup>10</sup> Slavery and the slave trade can be seen as the origins of modern day trafficking. Although the practices were common in the ancient civilizations of the Middle East and Mediterranean, they became more prominent during the period of Roman Empire, and the legacy left by that empire was said to have influenced subsequent practices in Europe and North America. Under the Roman law, slaves were treated as private property or chattels of owners or masters and were commonly used as maids, guards, cooks, partners in sex of prostitutes, and manufactures of pottery, glassware, jewels, etc. Towards the end of the Roman Empire (fifth and sixth centuries A.D.), the practices of slavery and the slave trade declined.<sup>11</sup>

Prostitution in India, like other societies, existed since time immemorial.<sup>12</sup> Therefore, it is important to trace the long-recorded history of human slavery, prostitution and women sexual exploitation to see how far the practices in the past account for the position of women in present day society and reinforce toleration of assault on the dignity of women by sexual violence and forced prostitution.<sup>13</sup>

The term '*Devadasi*' is a Sanskrit word that can be split into '*deva*' meaning God and '*dasi*' meaning female slave or servant of God. It is a religious practice found in some Hindu communities, especially in Southern India; whereby at puberty, a girl is married off to a deity of a Temple. After the dedication ritual, the girl becomes acolyte at the temple.<sup>14</sup> The *devadasi* system even until the colonial period was considered as an integral part of the Hindu religion and cultural life. It is interesting to note that culturally permitted practices such as that of *devadasi* system prevalent in South India were not widespread in North India. However, in North India there exists a system of '*Tawaifs*', who were singers, dancers and often commercial sexual exploitation victims.

Women belonging to socially underprivileged classes continue to face exploitation under both *devadasi* and *tawaifs* systems, according to a National Human Rights Commission report published in 2004. The report found that the system is still alive in many parts of the country. The *devadasi* system was first made punishable under the Hindu Religious and Charitable Endowment Act, 1927, of Mysore, a princely state then. This was followed by a blanket ban on the systems by the British Raj in 1930. The Karnataka Government promulgated the Karnataka Devadasi Prohibition Act of 1982 to tackle the system. Activists, however declare that the movement has only gone underground after it was declared illegal. The priests continued to convince mothers to marry their daughters to the temple deities covertly.

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<sup>10</sup> Silvia Scarpa, *Trafficking in Human Being: Modern Slavery*, Oxford University Press, (2008) at 3

<sup>11</sup> *Supra* note 7 at 3.

<sup>12</sup> S.K. Gosh, *The World of Prostitutes*, A.P.H. Publishing Corporation, New Delhi at 18.

<sup>13</sup> M. Rita Rozario, *Trafficking in Women and Children in India*, Uppal Publishing House, New Delhi at 5.

<sup>14</sup> V. Sithannan, *Immoral Traffic-Prostitution in India*, Jeywan Publication, (2006) at 16.

Activists also claimed to have evidence that girls are sold off to the brothels after a few years of living as *devadasis*.<sup>15</sup>

The Supreme Court of India issued notice to the centre, Maharashtra and the three Southern States (Karnataka, Tamil Nadu and Andhra Pradesh) on a PIL for checking sexual exploitation of Dalit girls after naming them as “*Devadasi*” or those dedicated to the service of the temple deity for life. A Bench headed by Chief Justice P. Sathasivam also directed the Karnataka Chief Secretary to prevent a programme reportedly slated in Devanagar District for forcing women to become “*Devadasis*” at the Uttarang Mala Durga Temple in Harappanahallitaluk.<sup>16</sup>

## International Legal Perspective

We are often asked, “Which countries are the worst offenders? The answer is that almost every country has a trafficking problem, whether it is country of origin, transit or destination. Trafficking thrives when there is poverty, political and economic instability, low status of women and girls, official corruption, weak laws and enforcement, demand for cheap labour, and high profits.”<sup>17</sup>

Globalisation has opened the locked borders which has resulted in the increased of human trafficking throughout the world in the recent years. Thus, the problem of trafficking in women is not only a national or regional issue but a global concern transcending borders. Trafficking in women violates well defined fundamental rights of the trafficked women. Thus, it has become a legal obligation on the international institutions to address the problem. In this regard the United Nations has taken an important step forward in coordinating an international response to Human Trafficking. The General Assembly of United Nations has adopted various legal instruments to curb the various forms of menace of human trafficking including the United Nations Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.<sup>18</sup> Among other organs of the United Nations, UNIFEM, UNICEF, ILO, UNDP, UNODC and WHO play an active role in addressing the problem of Human Trafficking.

The international legal regime relating to trafficking in human beings starts from the early conventions of human slavery and slave trade. Since the 18<sup>th</sup> century there had been a wave against the human slavery and slave trade which in turn gives way to various international legal instruments.

- International Agreement for the Suppression of the White Slave Traffic, 1904

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<sup>15</sup> Melissa Hope Ditmore, *Encyclopaedia of Prostitution and Sex Work*, Vol. I, Greenwood Publishing Group, (2006) at 134.

<sup>16</sup> R. Sedhuraman, “SC Notice to Centre, Four States over ‘Devadasi’ Practice”, *The Tribune*, 14.02.2014.

<sup>17</sup> “An International Perspective on Human Trafficking in 21<sup>st</sup> Century” available at: <https://2001-2009.state.gov>tip>rls> (Last Retrieved 17.7.2017).

<sup>18</sup> The Protocol to Prevent, suppress, and Punish Trafficking in Persons, Especially Women and Children was adopted by the United Nations General Assembly in 2000 and came entered into force on December 25, 2003.

- International Convention for the Suppression of the White Slave Traffic, 1910
- International Convention for the Suppression in Traffic in Women and Children, 1921
- International Convention for the Suppression of the Traffic in Women of Full age, 1933
- Universal Declaration of Human Rights, 1948
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of the Others, 1949
- Convention on the Elimination of All Forms of Discrimination Against Women, 1979
- The United Nations Convention against Transnational Organised Crime 2000, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000
- United Nations Development Funds for Women (UNIFEM)
- United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- United Nations Development Programmes (UNDP)
- United Nations Commission on Human Rights (UNCHR)
- Commission on Crime Prevention and Criminal Justice

The United Kingdom along with the other European nations felt the need to adopt an agreement to secure women of full age who had suffered abuse, an ineffective protection against the criminal traffic. The **“International Agreement for the Suppression of the White Slave Traffic, 1904”** was literally formulated with the intention to end white slave traffic. Each of the contracting governments undertakes to establish an authority. Such Authority was charged with the coordination of all information relatives to the procuring of women or girls for immoral purposes abroad. This authority shall be empowered to correspond directly with a similar department established in each of the other contracting states.<sup>19</sup>

The **“International Agreement for Suppression of White Slaves Trade, 1910”** was ratified only by twelve nations. Moreover, it is said that this agreement was adopted mainly due to the stagnant economic conditions in Europe which led to the sale of women and girls into prostitution. This gave way to another international legal instrument. It provides that whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a women or girl under age, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries.<sup>20</sup> Whoever, in order to gratify the passions of another person, has, by fraud, or by means of violence, threats, abuse of authority, or any other method of compulsion, procure, enticed, or led away a women or girl over age, for immoral purposes, shall

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<sup>19</sup> International Agreement for the Suppression of White Slave Traffic, 1904, Article 1.

<sup>20</sup> International Convention for the Suppression of the White Slave Traffic, 1910, Article 1.

also be punished, notwithstanding that the various act constituting the offence may have been committed in different countries.<sup>21</sup>

The offences contemplated in **Article 1** and **Article 2** of this Convention shall, from the day on which the present convention comes into force, be deemed to be lawfully included in the list of the offences for which extradition may be granted in accordance with Conventions already existing between the contracting parties.<sup>22</sup>

The “**International Convention for the Suppression of the Traffic in Women and Children, 1921**” is multilateral treaty of the League of Nations that address the problem of international trafficking of women and children. This treaty undertakes in connection with immigration and emigration such administrative and legislative measures as required to check traffic in women and children. In particular, they undertake to make such regulations as are required for the protection of women and children travelling on emigrant ships, not only at the time of departure and arrival, but also during the journey and to arrange for the exhibition, in the railway station and imports of notices warning women and children of trafficking and indicating the places where they can obtain accommodation and assistance.<sup>23</sup>

Being anxious to secure more completely the suppression of traffic in women and children, the League of Nations took note of the recommendations contained in the Report of the Council of the League of the Nations by the Traffic in Women and the Children Committee on the work of its twelfth session. Member states decided to adopt a new Convention to curb the traffic in women and girls. The “**International Convention for the Suppression of the Traffic in Women of Full Age, 1933**” imposes a duty on the member states to prohibit, prevent, prosecute and punish those engaged in the trafficking of women.<sup>24</sup> It provides that whoever, in order to gratify the passions of another person, has procured, enticed or led away even with her consent, a women or girl of full age for immoral purposes to be carried out in another country, shall be punished notwithstanding that the various acts constituting the offence may have been committed in different countries. Attempted offences, and, within the legal limits, acts preparatory to the offences in question, shall also be punishable.<sup>25</sup>

The United Nations Charter, which plays a catalyst role in the human rights movement around the world failed somehow to define the fundamental freedoms and human rights. This task was fulfilled by the “**Universal Declaration of Human Rights**”<sup>26</sup> which elucidated the UN Charter provisions and defined various fundamental rights and the freedoms which need to be protected. The Universal

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<sup>21</sup> *Id.* Article 2.

<sup>22</sup> *Id.* Article 5.

<sup>23</sup> The International Convention for the Suppression of Traffic in Women and Children, 1921, Article 7.

<sup>24</sup> P.M. Nayer, SankarSen, *Trafficking in Women and Children in India*, Orient Longman Pvt.Ltd., Hyderabad, India, (2005).

<sup>25</sup> The International Convention for the Suppression of the Traffic in Women of Full Age, 1933, Article 1.

<sup>26</sup> Adopted by the General Assembly of the United Nations on December 10, 1948.

Declaration of Human Rights was the first international legal instrument to acknowledge in its very preamble that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. It provides that everyone is born free and with equal dignity and rights.<sup>27</sup> From the language of the Article 1 that all human beings are born free and equal, the principle that slavery, the slave trade should be abolished must follow. It provides: “*No one shall be held in Slavery or servitude; slavery and slave trade should be prohibited in all forms*”<sup>28</sup> UDHR further provides: “*that everyone has the right to freedom of movement and residence in any state*<sup>29</sup> and *the right to freely chose employment and to obtain just and favourable conditions of work*”.<sup>30</sup>

The most important feature of the “**Convention for the Suppression for the Traffic of the Persons and of the Exploitation of the Prostitution of Others, 1949**” is that it utilises race and age neutral terminology and removes the transnational element of trafficking in persons, thereby extending the definition and conceptualisation of human trafficking. The Convention is the resolution of the UN General Assembly. The preamble of the Convention states: “*whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community*”<sup>31</sup>

The “**Convention on the Elimination of all Forms of Discrimination Against Women, 1979**”<sup>32</sup> is an important international legal instrument adopted by the General Assembly of United Nations. This Convention is considered as a Bill for Rights of Women. As on 2013 there were 183 members of this Convention. The object of this important convention is to implement equality between men and women and to prevent discrimination between women, mostly such forms of discrimination such as domestic violence, less access to education, health care and discrimination at work place.<sup>33</sup>

The “**United Nations Convention against Transnational Organised Crimes, 2000**” is a multilateral legal instrument against transnational organised crimes. This Convention was adopted by a resolution of the General Assembly of the United Nation on 15 November, 2000<sup>34</sup>. It is known as Palermo Convention, and its three Protocols are known as the Palermo Protocol including, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Protocol against

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<sup>27</sup> Universal Declaration of Human Rights, 1948, Article 1

<sup>28</sup> *Id.*, Article 4.

<sup>29</sup> *Id.*, Article 13(1).

<sup>30</sup> *Id.*, Article 23(1).

<sup>31</sup> “Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitute of others”, Approved by General Assembly Resolution 317(IV) of 2 December 1949, available at: <http://www.ochr.org/EN/professionalinterest/pages/trafficInPersons.aspx> (Last Retrieved 17.7.2017).

<sup>32</sup> Adopted on 18<sup>th</sup> December, 1979 and came into force on 3 September, 1981.

<sup>33</sup> “Convention on the Elimination of all forms of Discrimination against Women”, available at: [http://en.wikipedia.org/wiki/convention\\_](http://en.wikipedia.org/wiki/convention_) (Last Retrieved 17.7.2017).

<sup>34</sup> The Convention came into force on 29<sup>th</sup> September, 2003.

the Smuggling of Migrants by Land, Sea and Air and Protocol against the Illicit Manufacturing and Trafficking in Firearms. As on September 2013 the Convention had been ratified by 178 states.<sup>35</sup>The UN Trafficking Protocol provides the first internationally accepted definition of the term Human Trafficking. Article 3(a) defines Trafficking in Human Being as:

*“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other form of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of the person having control over another person for the purpose of exploitation. Exploitation shall include of a minimum the exploitation of the prostitution of other or other forms of sexual exploitation, forced labour or services, slavery or practices, similar to slavery, servitude or the removal of organs”*<sup>36</sup>

The **United Nations**<sup>37</sup> makes comprehensive guidelines and recommendations for governments, regional and international organisations, with regard to law reform and law enforcement, measures to address the root factors that boost trafficking in women and girls for commercial sexual exploitation and other forms of violations. The United Nations through its agencies like UNIFEM, UNICEF, UNDP, and UNESCO encourage governments to develop systematic data-collection methods and continuously update information on trafficking in human beings.<sup>38</sup>

The **United Nations Development Fund for Women**<sup>39</sup> provides mostly financial support and technical assistance to innovative programmes promoting women’s human fundamental rights and issues related to women empowerment and gender equality. UNIFEM works primarily at the country level but it is moving towards regional programmes in which individual country projects are linked in terms of a common focus and an approach adapted to national situations and capacities. At the regional level, UNIFEM undertakes advocacy as well as sponsoring action research in the area of trafficking in persons.<sup>40</sup>

One of the main objectives of the **United Nations, Education, Scientific and Cultural Organisation**<sup>41</sup> is to promote human rights and fundamental freedom. UNESCO as an important body of United Nations takes actions in international standard setting, in the preparation and adoption of international legal instruments and statutory recommendations. From time to time it convenes meetings and prepares

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<sup>35</sup>“Protocol to Prevent, Suppress and Punish Trafficking in Person”, available at: [http://en.wikipedia.org/wiki/Protocol\\_to\\_Prevent](http://en.wikipedia.org/wiki/Protocol_to_Prevent) (Last Retrieved 17.7.2017).

<sup>36</sup>The UN Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children 2000, Article 3(a).

<sup>37</sup> The United Nations (UN) came into existence on 24<sup>th</sup> October, 1945 as a non-governmental organization to promote international co-operation.

<sup>38</sup>GunjanKinnu, *From Bondage of Freedom: An Analysis of International Legal Regime on Human Trafficking*, National Human Rights Publication, (2006) at 48

<sup>39</sup> The United Nations Development Fund (UNIFEM) was established in December 1976.

<sup>40</sup> *Supra* note 36.

<sup>41</sup> United Nations Education Scientific and Cultural Organisation (UNESCO) was established on November 4, 1946 as a special agency of United Nations.

reports revolving around the issue of human trafficking and slavery like practices. UNESCO has official relations with more than 600 NGOs worldwide and about 1200 NGOs cooperate with UNESCO on projects on an occasional basis.<sup>42</sup>

The **United Nations Development Programme**<sup>43</sup> has taken projects on trafficking focussing on area of gender and HIV/AIDS in some regions of the world. For example, in South East Asia, UNDP has initiated a project between six countries “UN Inter-agency project on Trafficking in Women and Children in the Mekong Sub-Region” under its Gender Division. Under a UNDP HIV and development project in South Asia, trafficking and related issues are key areas of concern. In Europe, a regional programme to support gender development also focuses on traffic in women and children.<sup>44</sup>

The **United Nations Commission on Human Rights**<sup>45</sup> comes under the office of the High Commission of Human Rights alongside the Sub-Committee on Prevention of Discrimination and Protection of Minorities. Under the Commission, various working groups and Special Rapporteurs are given a mandate to investigate certain areas of human rights violations including human trafficking.<sup>46</sup>

The **Commission on Crime Prevention and Criminal Justice**<sup>47</sup> has reviewed the trend in the smuggling of illegal migrants in different parts of the world. The trafficking in human beings had been considered within the overall context of violence against migrants. The General Assembly of United Nations adopted work undertaken by the Commission on the formulation of model strategies and practical measures and the elimination of violence in the field of crime prevention and criminal justice. These represent an international agreed set of strategies and measures to upgrade and insure a fair treatment response on the part of criminal justice systems to women victim of all form of violence and additional area of victim support assistance, health and social services, training and research and evaluation.<sup>48</sup>

## National Perspective

Human trafficking mostly of women and children in India is a matter of great concern. In the last few decades human trafficking has become a worrying phenomenon in India. India is considered as source, destination as well as transit country for victims of trafficking in human beings, forced labour, fake marriages and

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<sup>42</sup>United Nations Education Scientific and Cultural Organisation, *available at:*<http://unesco.org>. (Last Retrieved 18.7.2017).

<sup>43</sup> United Nations Development Programme (UNDP) was formed in 1965.

<sup>44</sup> United Nations Development Programme, *available at:*<http://www.undp.org.in>. (Last Retrieved 18.7.2017).

<sup>45</sup> United Nations Commission on Human Rights (UNCHR) was established in 1946. However, UNCHR was replaced by United Nations Human Rights Council in 2006.

<sup>46</sup> United Nations Commission on Human Rights, *available at:* <http://www.unhcr.ch> (Last Retrieved 18.7.2017).

<sup>47</sup> The Commission on Crime Prevention and Criminal Justice was established by the Economic and Social Council resolution 1992, upon request of General Assembly Resolution 46/152, as one of its functional Commissions.

<sup>48</sup> *Supra* note 36.

migrants smuggling. It is a grave violation of fundamental rights and human rights of the victims.

At the national level our *SupremaLexi.e.*,the Constitution of India has recognised the right to freedom from forced labour and trafficking as a fundamental right. Under **Article 23(1)**“*Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be offence punishable in accordance with law*”. Besides Article 23, there are other provisions of the Constitution of India which are relevant for the purpose. **Article 14**provides for equality in general.<sup>49</sup>**Article 15(1)**prohibits discrimination on the ground of religion race, caste, sex or place of birth or of any of them.<sup>50</sup>**Article 15(3)**provides for special protective discrimination in favour of women and child relieving them from the moribund of formal equality. It states that, *nothing in this article shall prevent the state from making any law for the protection of women and children.*<sup>51</sup>**Article 16(1)**covers equality of opportunity in matters of public employment.<sup>52</sup>**Article 21**provides right to life and personal liberty to all citizens.<sup>53</sup>**Article 39**provides that the state should direct its policy towards securing, among other things, a right to adequate means of livelihood for men and women equally and equal pay for equal work.<sup>54</sup>**Article 46**directs the State to promote the educational and economic interest of women and weaker sections of the society and directs the state to protect them from social injustice and all forms of exploitation.<sup>55</sup>

In India trafficking has been an area of concern since the early 20<sup>th</sup> century. However recently, after the Delhi Gang Rape (NIRBHAYA) there has been a widening of the focus on the gender related issues which in turn gave way to the appointment of the Justice Verma Committee. The Verma Committee submitted its reports within a short possible time of one month. Following the Verma Committee recommendations, the President of India passed an Ordinance which was followed by

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<sup>49</sup> Article 14 of the Constitution of India provides that the state shall not deny to any person equality before the law or the equal protection of laws within the territory of India.

<sup>50</sup> Article 15(1) of the Constitution of India apart from other things provides that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

<sup>51</sup> Article 15(3) of the Constitution of India provides that nothing in Article 15 shall prevent the state from making any special provision for women and children.

<sup>52</sup> Article 16(1) of the Constitution of India provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

<sup>53</sup> Article 21 of the Constitution of India provides that no person shall be deprived of his life and personal liberty except according to procedure established by law.

<sup>54</sup> Article 39 of the Constitution of India provides that the state shall, in particular, direct its policy towards securing- (a) that the citizen, men and women equally, have the right to an adequate means of livelihood; (b) that the ownership and the control of material resources of the community are so disturbed as best to sub-serve the common good; (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; (d) that there is equal pay for equal work for both men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

<sup>55</sup> Article 46 of the Constitution of India provides that the state shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.

an enactment of the Criminal Law (Amendment) Act, 2013.<sup>56</sup> By this amendment, **Section 370** of the Indian Penal Code was substituted by Section 370 and 370(A). **Section 370(1)** defines *trafficking*, it provides that whoever, for the purpose of exploitation recruits, transports, harbours, transfers, or receives, a person or persons, by using threat, or using force, or any other form of coercion, or by abduction, or by practising fraud, or deception, or by abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, **commits the offence of trafficking**. The person who commits this offence will be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to pay fine.<sup>57</sup> Punishment will be more in case trafficking is of more than one person i.e. it can be for ten years which can be extended to life imprisonment with fine.<sup>58</sup> There is a provision in **Article 370** for minors also with punishment of ten years which can be extended to life imprisonment with fine.<sup>59</sup> In case trafficking involves more than one minor, the offender will be punished with rigorous imprisonment for fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.<sup>60</sup> If a person is convicted of the offence of trafficking of minors on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.<sup>61</sup> When a public servant or a police officer is involved in the trafficking of any person then, such public servant and police officer shall be punished with imprisonment for the remainder of that person's natural life, and shall also be liable to fine.<sup>62</sup>

**Article 370A** provides for exploitation of a trafficked person; it states that whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall be liable to fine.<sup>63</sup> Whoever, knowingly or having reasons to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine.<sup>64</sup>

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<sup>56</sup>The Criminal Law (Amendment) Act, 2013 came into force on February 3, 2013.

<sup>57</sup>Indian Penal Code 1860, Article 370 (2).

<sup>58</sup> *Id.*, Article 370(3).

<sup>59</sup> *Id.*, Article 370(4).

<sup>60</sup> *Id.*, Article 370(5).

<sup>61</sup> *Id.*, Article 370(6).

<sup>62</sup> *Id.*, Article 370(7).

<sup>63</sup> *Id.*, Article 370 A (1).

<sup>64</sup> *Id.*, Article 370 A (2).

The **Indecent Representation of Women (Prohibition) Act, 1986**<sup>65</sup> defines indecent representation of women as the depiction in any manner of the figure of a woman, her form of body or any part thereof in such a way as to have the effect of being indecent or derogatory to, or denigrating of women, or is likely to deprave, corrupt or injure public morality. This special act puts a clear restriction on the publishing or sending by post of the books or pamphlets containing indecent representation of women and prohibits all persons from getting involved directly or indirectly in the publication or exhibition of any such advertisement containing indecent representation of women in any form.<sup>66</sup>

The **Immoral Traffic (Prevention) Act, 1956** is a very comprehensive and detailed legislation which gives power and strength to the law enforcement and justice delivery agencies to combat and prevent trafficking in human beings. Since its enactment in 1956, the legislation has been amended twice, in 1978 and 1986. However, for various known and unknown reasons different provisions of this special law are not being used and, furthermore are often misused and abused.<sup>67</sup>

**Section 3** of the Act says any person who keeps or manages or assists in the keeping or management of a brothel shall be punished on first conviction with rigorous imprisonment for a term not less than one year or more than three years and also with fine which may extend to two thousand rupees and in the second event or subsequent event person shall be imprisonment for two years which may also go up to five years and also a fine of five of two thousand rupees may be imposed. It further provides that any person who being the tenant, lessee, occupier or person in charge of any premises, uses or knowingly allows any other person to use such premises as a brothel shall be punished on conviction with imprisonment for a term which may extend to two years with a fine of two thousand rupees and in any subsequent event with imprisonment of five years and two thousand rupees fine.<sup>68</sup>

According to **Section 4** of the Act, any person who is above the age of 18 years and who knowingly lives on the earnings of the prostitution of any other person shall be punished with imprisonment for a term which may extend up to two years or with fine which may extend to one thousand rupees or both and if such earnings is related to the prostitution of minor then the term may be extended to not less than seven years and not than ten years.<sup>69</sup>

Similarly, **Section 5** of the ITPA provides that procuring or attempting to procure or inducing of a person whether with or without his consent for the purpose of prostitution or inducing of a person to carry on prostitution is punishable with rigorous imprisonment for a term not less than three years and not more than seven years and fine of two thousand rupees and if the offence is committed without

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<sup>65</sup>The Act came into effect on 23<sup>rd</sup> December, 1986.

<sup>66</sup>The Indecent Representation of Women (Prohibition) Act, 1986, sections 3 and 4.

<sup>67</sup>P.M. Nair, *Trafficking in Women and Children for Sexual Exploitation*, UNODC, New Delhi, (2007) at 9.

<sup>68</sup>The Immoral Traffic (Prevention) Act, Section 3.

<sup>69</sup>*Id.*, Section 4.

the will of any person then the term may exceed up to 14 years. If same offence is committed against child, person shall be punished with imprisonment of not less than seven years and which may extend till fourteen years.<sup>70</sup>

**Section 6** of the Act, states that detaining a person whether with or without his consent in any brothel or in any premises so that such person may have sexual intercourse with a person other than his spouse is punishable with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.<sup>71</sup>

According to **Section 7** any person who carries prostitution in the area or areas within a distance of two hundred meters of any place of public religious worship, educational institution, hotel, hospital, nursing home or such other public place as notified by the State government that prostitution shall be carried out in such areas shall be punishable with imprisonment for a term which may go up to three months and if same offence is committed against minor with imprisonment of not less than seven years and also fine.<sup>72</sup>

**Section 8** of the Act provides punishment for the person who attracts by works, gestures, wilful exposure of the person or solicits or molests any person so as to offend public decency for the purpose of prostitution. Further **Section 9** provides any person having the custody, charge or of any person causes or aids or abets the seduction for prostitution of that shall be punished.<sup>73</sup>

As per **Section 13(1)** of the Act, the State Government shall appoint a special police officer for each area to be specified by the Government to deal with the offences under this Act. Further **Section 13(4)** of the Act empowers the Central Government to appoint trafficking police officers with nationwide jurisdiction for the investigation of cases of interstate trafficking in women.<sup>74</sup>

**Section 14** provides that the offences under this Act are cognisable and arrest may be made without warrant only by the special police officer or under his guidance. **Section 15** gives authority to such special police officers to enter any premises for search without warrant if such police officer has reasonable belief that offence under this Act has been or is being committed in respect of a person living on any premises.<sup>75</sup>

Accordingly, **Section 18** of the Act, if the Magistrate comes to know that a place within a distance of 20 meters of any public place is being used as a brothel by any person or is being used by prostitutes, he may issue a show cause notice to the owner or lessor of that premises. Under **Section 21**, the State Government may establish

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<sup>70</sup>*Id.*, Section 5.

<sup>71</sup>*Id.*, Section 6.

<sup>72</sup> *Id.*, Section 7.

<sup>73</sup>*Id.*, Sections 8&9.

<sup>74</sup>*Id.*, Section 13.

<sup>75</sup>*Id.*, Section 14 &15.

protective homes and corrective institutions for convenience of the victims under these sections.<sup>76</sup>

Immoral Traffic (Prevention) Act, 1956 has faced lot of criticism for not addressing the issue of human trafficking in a holistic manner. A more detailed and comprehensive critical analysis of the various provisions of the Act is attempted hereunder:

**Section 2(a)** of the Immoral Traffic (Prevention) Act defines a Brothel to include any house, room, conveyance or place or any portion of any house, room, conveyance or place which is used for the purpose of sexual exploitation or abuse for the profit of another person or for the mutual profit of two or more prostitutes. The Court in *Sushila v. State of TamilNadu*<sup>77</sup> has held that the solitary instance of prostitution does not make the place a brothel. The court in another important case<sup>78</sup> has held that to call a place or any premises as brothel, the actual prostitution should take place for the gain of another person. Thus, this definition of brothel as placed for the mutual benefits of two prostitutes converts commercial sex workers who work without any force or compulsion into criminals.

The ITP Act does not properly address the issue of child prostitution directly as a separate category. It unfortunately does not contain any special provision related to children, mostly the treatment of rescued children. However, Section 6(2) of the Act provides that where any person is found with the child in a brothel, it shall be taken unless contrary is proved, that he has committed an offence under Section 6(1).<sup>79</sup>

The Immoral Traffic (Prevention) Act, 1956 is the only central legislation that deals with the trafficking in persons, but unfortunately fails to lay down a meaningful definition of the human trafficking. Even the **Immoral Trafficking (Prevention) Amendment Bill, 2006** does not define human trafficking in consonance with definition given under the Protocol to prevent, suppress and punish trafficking in persons, especially women and children.<sup>80</sup> Further, the bill considers human trafficking can only be for the purpose of commercial sexual exploitation. It does not cover other forms of human trafficking like organ trade, forced labour, begging etc.

The recent draft on **Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016** proposes rehabilitation as a legal right for trafficking victims. Apart from providing for a state-level anti-trafficking fund, the draft bill also

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<sup>76</sup>*Id.*, Section 18, 20 & 21.

<sup>77</sup>1982 Cri.L.J. 702 (Mad.)

<sup>78</sup>*In re: John* AIR 1966 Mad. 167.

<sup>79</sup>Section 6(1) makes a person liable for punishment if he or she detains a person in premises where prostitution is carried on, it could be in a brothel or in any premises with intent that such person may have sexual intercourse with that person who is not the spouse of such person.

<sup>80</sup>The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 defines "Human Trafficking" as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other form 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 other or other forms of sexual exploitation, forced labour or services, slavery or practices, similar to slavery, servitude or the removal of organs".

proposes establishing anti-trafficking committees at district, state and central level. The law, however, deals only with trafficking for the purpose of sex work and does not cover other criminal activities for which women and children are trafficked. The proposed draft bill is an effort to plug those loopholes and bring additional crimes, which have not found place in the IPC, under the new Act. It recognizes the safety of trafficking victims after rescue as well as considers instituting measures in assisting victim recovery and integration into society. The draft law proposes that a special agency along the lines of the Central Bureau of Investigation (CBI) be set up by the centre for probing offences. Special Courts with experienced special prosecutors will also be established in each district for speedy trials and to reduce the trauma faced by the victims. Other provisions in the proposed law include a ban on disclosing the identity of the victim of trafficking or a witness to it; recovery of the victim's unpaid wages or back wages; and imprisonment for use of alcohol, narcotic drug or psychotropic substances, or the use of chemical substance or hormones for the purpose of exploitation.<sup>81</sup>

But the recent minted draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 does have certain *loopholes* in it. To begin with, it was fashioned in great secrecy without the kind of wide consultative process one might expect before such important legislation. This is a point of controversy. There is no reason for a ministry to keep major stakeholders out of the discussion if it is confident of the legitimacy of its suggested provisions. Next, the draft bill tackles Trafficking solely through the lens of sex work, the tons of thousands of men, women and children who are routinely trafficked for marriage, domestic labour or bonded labour in fields, mines, and textiles and *beedifactories* are ignored. And even in this limited exercise, the Ministry displays how little it understands the real issues at stake, how paternalistic its attitudes are, how much the state continues to infantilise adult women, and how big a role 'morality' plays in the government's approach to problems.<sup>82</sup>

Take, for instance, the provision in the draft bill that allows, among others, *any social worker or public-spirited citizen* to 'rescue' and 'produce' a 'victim' before the District Anti-Trafficking Committees it proposes to set up. This is unprecedented, opening the door to exactly the kind of moral policing that one begin to suspect the Bill of wanting to encourage. It could lead to harassment of not just sex workers but other ordinary people by overzealous, vigilante citizens. Or take how, by continuing to conflate "prostitution" with "commercial sexual exploitation", the Draft Bill goes completely against the grain of what activists are fighting for, namely protecting the rights of adults who stay in prostitution voluntarily. In 2013, the *Verma Committee* had specially clarified that "the recast **Section 370** ought not to be interpreted to permit law enforcement agencies to harass sex workers who undertake activities of their own free will, and their clients". In 2015, a Supreme Court panel had

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<sup>81</sup> "Bill Proposes Rehabilitation as a Legal Right for Trafficking Victims", available at: [www.livemint.com/politics/policy](http://www.livemint.com/politics/policy) (Last Retrieved 23.7.2017).

<sup>82</sup> "Go Back to the Drawing Board", available at: [www.thehindu.com/article14483654](http://www.thehindu.com/article14483654) (Last Retrieved 23.7.2017).

recommended that the law relating to trafficking be read down for consenting adults in sex work and their clients.<sup>83</sup>

The conventional and simplistic approach has been to define ‘prostitution as exploitation’ whereas most reformers today look at the ‘exploitation of prostitution’ as the primary evil that must be addressed. It is important, thus, to treat trafficking in children, adult trafficked labour, and forced sex work as separate categories, but the Draft Bill mixes up everything in its portmanteau approach.<sup>84</sup>

Further, the Draft Bill threatens basic constitutional freedoms of the persons it seeks to rescue. For instance, **Article 22** of the Constitution of India gives a detained individual the right to consult a lawyer and be produced before a magistrate within 24 hours, but the Draft Bill allows person to be directly produced before the member secretaries of its District Anti-Trafficking Committees. Second, the Committees can independently recommend that a victim be repatriated to her home state (or another state) for increased protection. This contravenes **Article 19** of the Constitution of India, which grants the citizen the right to move freely across, and reside anywhere in, the country. Thousands of men and women voluntarily leave hometowns and villages to escape poverty. And what about the women who, even when victims of trafficking, are reluctant to return to homes where they might face further harassment? Adult trafficked persons must be consulted and made aware of their rights so that they can take informed and independent decisions on whether they want to be repatriated.<sup>85</sup>

The enormous power and little accountability that is vested in the proposed District Committees are troubling. They raid and rescue, rescued persons are produced before them, and they are also responsible for post-rescue care. In effect, it would appear that they are policeman, judge and rehabilitator rolled in one. At present, despite its lacunae, the ITPA still has some processes in place. For instance, nobody can enter a brothel without a warrant, and only some categories of police officers have the power to raid a brothel. Now, these guidelines stand to be transgressed.<sup>86</sup>

Overall, this appears to be a carelessly drafted and muddled Bill that does more harm than good. It duplicated several existing (and unimaginative) provisions: Anti Human Trafficking Units already work in district and states, the ITPA’s present raid-rescue-rehabilitation approach is a dismal failure, and rescue homes today are often the site of fresh exploitation. Thousands of placement agencies continue to be the chief source of women trafficking despite laws. The Draft Bill repeats the need for their registration without explain how it will ensure it. These are but a few of the many shortcomings the Draft Bill needs to fix. If the Women and Child Development Ministry is serious about wanting to streamline existing anti-trafficking laws, plug the loopholes, and take the discourse ahead, it has to go back to the drawing board.<sup>87</sup>

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<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

## Suggestions and Recommendations

Undoubtedly, many active steps have been taken over the past few years at the international, regional and national levels for the protection of the vulnerable sections of society and for the eradication of trafficking in human being. Nonetheless much work still remains to be done to reach the final goal where by this menace of human trafficking will be eradicated forever from this planet. Therefore, in this regard, some specific suggestions and recommendations have been formulated which may contribute to a large extend in the eradication and abolition of this unacceptable modern-day slavery of trafficking in human being.

- There is need to enact a new comprehensive Anti-Human Trafficking legislation which will provide for all forms of human trafficking. As the existing trafficking law only considers trafficking for commercial sexual exploitation, other forms of human trafficking like forced/bonded labour, organ trade, begging, fake marriages, illegal adoption, pornography etc. do not find any place in the existing immoral trafficking law.
- The existing legal framework to combat the menace of human trafficking results in re-trafficking of victims while violators, traffickers, and exploiters mostly go scot free. Most often victims are held by the police rather than the traffickers. The present law must be reviewed to ensure that victims of human trafficking are not re-victimised and all traffickers and exploiters are made liable.<sup>88</sup>
- The law should avoid the use of vague and misleading expressions like “Women in Prostitution” as it includes the victim as well as the women exploiter like the brothel keeper and pimp etc., as it leads to conflicting interpretation.
- Trafficking in human beings is not just a national issue but has transcended borders. Therefore, the law need to have extra-territorial jurisdiction. This would ensure that the exploiters do not escape punishment merely because of lack of jurisdiction.<sup>89</sup>
- The advisory board of social workers and NGOs which are notified under Section 13(4) of the ITP Act should be reconstituted. Provisions for their experience and training should be added.
- Help of Extradition Treaties should be taken into account when exploiter or traffickers are from different nationalities. This would deter traffickers who are running trafficking rackets from other countries.

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<sup>88</sup>Report on the Committee on Prostitution, Child Prostitutes and Children of Prostitutes and Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, Department of Women and Child Development, Ministry of Human Resources Development, Government of India, (1996)at 25.

<sup>89</sup>*Supra* note 13 at 130.

- Trafficked victims, who are able to return to their home country either voluntarily or as a result of deportation, face multiple problems. Lack of adequate support and opportunity leads to their re-trafficking. Thus, to check re-trafficking some of the re-integration programmes should be given consideration, for instance, solve legal, health, financial problems of the victim; provide employment opportunities and practical assistance; helps in victims to overcome social barriers and rejection by families or communities; protect victims from reprisal or persecution from exploiters and traffickers; protect victim from undue harassment and prosecution from the authorities; and guarantee confidentiality and the privacy of the trafficked persons.
- It has been seen through research that most of the victims of the human trafficking are either economically down trodden or socially backward or educationally illiterate. Therefore, there is an urgent need for social, economic and educational development.<sup>90</sup>
- The public perception towards the victims of human trafficking mostly women and girls victims is conditioned by a patriarchal attitude and gender bias. There are myths that women and girls are taking up this so called profession by their own choice. There is also an attitude of refusal to recognise the existence of human trafficking and the commercial sexual exploitation of children. Such wrong perceptions among the people need to be countered through removing gender bias in text books, teaching methods and media messages. Rather text books and media houses should be the best sources of awareness about the problem of human trafficking.
- Legal literacy programmes should be given priority by the Centre and State Government in rural areas. These programmes should sensitise people about their rights and legal recourse available to them in case of any unwanted situations.
- There is a lack of co-ordination between various government agencies at the Centre and in the States in addressing and combating the issue of human trafficking. To eliminate this lack of communication, the formation of a National Nodal Agency is recommended.<sup>91</sup>

Human trafficking is an extremely reprehensible act which has serious consequences for the victim. These consequences range from physical to financial to social to legal. There are numerous laws in existence, yet the situation has not improved. Ultimately it is a united effort which is required on the part of different agencies existing in a democratic system, which will help reduce if not eliminate this evil. Since, it is social issue there is a focussed need to bring about social awareness with the help of different sections of the society. A targeted effort will be instrumental in the eradication of this menace.

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<sup>90</sup>*Gaurav Jain v. Union of India*, A.I.R. 1990 S.C. 292.

<sup>91</sup>Dr.AparnaSrivastava, *Human Trafficking: with Special Reference to Delhi*, A William Carey Study and Research Centre and Joint Women, Performance Publication, (2006) at 100.

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