

Trafficking - UPSC Notes

In modern times, trafficking has emerged as a major problem and is so widespread that there is hardly any country in the world that is not affected by this menace in one way or the other. This is a topic frequently heard on the daily news and hence is important for the [IAS exam](#).

Human Trafficking

Human trafficking consists of transporting, recruiting, transferring, harbouring and receiving of persons by using means like force, threat or coercion. The ultimate purpose of these acts and means is to use these individuals for the purpose of exploitation. The exploitation of these persons takes various extremely degrading forms like prostitution, organ trade, sexual exploitation, forced labour, slavery and servitude. Although the problem exists in all parts of the world some of the most affected areas in this respect are Sub-Saharan Africa, Central Asia and South Asia.

- Every year, 30th of July is observed as the World Day against Trafficking in Persons.
- In the year 2010, the [United Nations](#) adopted the Global Plan of Action to Combat Trafficking in Persons so that more awareness is created the world over regarding the heinous nature of the crime of trafficking.
- The overwhelming proportion of individuals that are trafficked consists of women and children who are then used for various unethical forms of labour or for sexual exploitation.

Causes of Trafficking

Some of the causes or reasons for human trafficking are described below.

- **Poverty**
 - Trafficking thrives at places where there is widespread poverty. Parents sell their kids because poverty leaves them with no other option often thinking that selling their children will take them to places that are much better and where their lives will improve.
- **Social factors**
 - One of the most vulnerable sections of the society that are more prone to trafficking are young women, and this is because in most societies both socially and culturally women are de-valued and unwanted and as such they are more vulnerable to the practice of trafficking.
- **Migration**
 - The desire to migrate from places where their lives are miserable makes individuals open to approaches from traffickers who in the initial stages lure them with promises of better lives, but once the victims are under their control, coercive measures are enforced to bend them.
- **Other factors**
 - Other causes are porous nature of borders, corrupt government officials, the involvement of international organized criminal groups or networks and the limited capacity of or commitment by immigration and law enforcement officers to control borders.

Trafficking - Legal Framework in India

- Article 23(1) of the Constitution of India prohibits trafficking in human beings and states that any contravention of this shall be a punishable offence in accordance with the law.
- Immoral Trafficking Prevention Act 1956 (amended in 1986) lays down the different aspects of trafficking which include prostitution and child trafficking as offences and punishment in this respect has also been prescribed in the Act.

- Section 370 of the [Indian Penal Code](#) mentions that whoever, for the purpose of exploitation recruits, transports, harbours, transfers or receives a person or persons by using force or threat is considered to have committed the offence of trafficking. Whoever commits the offence of trafficking shall 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 fine.
- It is, however, pertinent to mention here that these provisions have not been of much help because trafficking occurs with the connivance of vulnerable victims and thus is not reported. In this respect, the non-governmental organisations have been the only ones who have been alert to attempts of trafficking and have at various instances with the help of law enforcement agencies prevented trafficking and attempts thereof.

Challenges

- The menace of trafficking has over the years become an organised criminal syndicate at par with the drug syndicate. It has set its roots deep in the society with the help of money and corrupt politicians.
- The lack of concrete definitions in the Indian legal framework doesn't help the cause either as various traffickers go scot-free on the basis of technical loopholes in the legal systems.
- The laws, even without concrete definitions, should have been adequate but the implementation of these laws in India has left a lot to be desired.
- The lack of supervision on social media platforms has opened up a brand new platform for the traffickers to carry on their trade.
- The data on the trafficking problem is inadequate, thus the patterns and working mechanism of the traffickers are not as clear as it should be.
- Even when the victims are retrieved from the traffickers their rehabilitation is not done in a way that they don't fall prey to trafficking again.

Conclusion

The menace of human trafficking is huge, and there is a need to not just prevent such crimes but also ensure that the relief and rehabilitation process takes place in a smooth manner. Policies further need to be improvised and appropriate actions should be taken by various agencies and stakeholders. The right to be protected against human trafficking is a constitutional right. This right needs to be protected to provide a dignified life to every child, every man and every woman in the country.

