

HUMAN TRAFFICKING VS. HUMAN RIGHTS: ROLE OF LAW, MEDIA, SOCIETY AND CULTURE

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ABSTRACT

Human trafficking is a crime against humanity. It is a serious threat to global health and security. It is the transnational crime whose magnitude is growing day by day. Every year hundreds of thousands of men, women and children are trafficked illegally all over the world. It is the most devastating physical and psychological trauma experienced by men, women and children of all ages. Although human trafficking has a long bridge of International organizations, legal instruments across the globe to provide indispensable help to the victims in need working across borders, creating global human trafficking hotline networks. These measures include sharing practices on anti-trafficking strategies that build the chain of common patterns focusing on eradication, prevention and victim protection to combat the destructive phenomenon of human trafficking but still proved to be insufficient and the trafficking continues to thrive. Human trafficking is a complex issue that attracts vigorous debate from a range of different groups as to its definitions, causes and solutions. It violates the human rights of an individual which is the core essence of living for a human being to live a dignified life. As it encompass an articulation of the need for people to be treated in a just, decent and humane way regardless of their ethnic, religious or racial profile. Human rights violation involve denying human beings with their basic moral entitlements. Perpetrators of human rights violations range from government, corporations, and organized crime rings to communities and individuals. The objective of this paper is to examine the human trafficking in compliance with human rights. To delve in the aspects whether the crime of human trafficking along with the pillars of International organizations and legal instruments supersedes the support and strength of individual known as “Human Rights”.

Keywords: Human trafficking, human rights, legal instruments, international organisations

INTRODUCTION

Human life is acknowledged as sacred life and the dignity of a human is the foundation of a moral vision for the society. The United States Conference of Catholic Bishops states that “As a gift from God, every human life is sacred from conception to natural death.” The life and dignity of every individual must be respected and protected in every condition at every phase of human life. The right to life is the prominent and most fundamental principle of human rights which envisages on greater respect for human life and greater commitment to justice and peace. The recognition of the inherent dignity of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the World, because Justice is the bond which holds the society together.ⁱ

“There is a reason fairy tales most commonly end with happy endings. It is because nobody wants to face the realization of human depravity.”

Human trafficking manifests modern-day slavery which is the most serious human rights exploitation. It is being the fastest growing criminal industry in the world. An individual suppressing another, by using force and taking advantage of the person’s vulnerability, demolishing the dignity and integrity of an individual in the most extensive form is what constitutes of human trafficking. Diminishing the self – worth of a person and leading them towards the environment that is equivalent to prison and forcing the person to act like a profit-making machine for the predators or traffickers is the essence of trafficking.ⁱⁱ

“Our lives begin to end the day we become silent about things that matter”.

Every occurrence of human trafficking which ranges from being forced, tricked or mislead into modern-day slavery or enslaving individuals for personal benefit in any manner is disastrous for every individual. Human trafficking is one of the ugliest forms of human rights violations.

It is a torturous web wherein people fall as a prey to being tortured and exploited with no mercy upon them, this frightful act has no boundaries or discrimination. In fact, a person as old as 60 years to a child aged 5 years could also be in the line of victims or survivors. The cause of human trafficking stems from adverse circumstances in the country which includes religious persecution, political dissension, lack of employment opportunities, poverty which draws the victim towards traffickers by putting up their dignity on display with costs.ⁱⁱⁱ

WHAT IS HUMAN TRAFFICKING?

Human trafficking, also called trafficking in persons is the form of modern-day slavery constituting the illegal transport of individuals by force or deception for the purpose of labour, sexual exploitation, or activities in which the recruiters benefit financially. Human trafficking is a global problem affecting people of all ages. United States, is considered to be the largest destinations for victims of the sex-trafficking trade. The United Nations (UN) divides human trafficking into three categories—sex trafficking, labor trafficking, and the removal of organs and defines human trafficking as the induction by force, fraud, or coercion of a person to engage in the sex trade, or the harbouring, transportation, or obtaining of a person for labor service or organ removal.^{iv}

Human traffickers often create transnational routes for transporting migrants who are driven by unfavourable living conditions to seek the services of a smuggler. The recruiters seek migrants through various mediums, such as the internet, employment agencies, the media, and the local contracts. Migrants view the services of a smuggler as an opportunity to move from impoverished conditions in their home countries to more stable developed environment. Transporters sustain the migration process through various modes of transportation: land, air, and sea. Although victims often leave their destination country voluntarily, the majority are unaware that they are being recruited for a trafficking scheme. Some may be kidnapped or coerced, but many are bribed by false job opportunities, passports, or visas.^v

Transporters involved in trafficking victims from the origin country are compensated only after they have taken migrants to the responsible party in the destination country. Immigration

documents, whether legitimate or fraudulent, are seized by the traffickers. After this, victims are often subjected to physical and sexual abuse, and many are forced into labor or the sex trade in order to pay off their migratory debts. The most prevalent form of human trafficking that results in servitude is the recruitment and transport of people into the international sex industry. Sex slavery involves males and females, both adults and children, and constitutes an estimated 58 percent of all trafficking activities. It consists of different types of servitude, including forced prostitution, pornography, child sex rings, and sex-related occupations such as nude dancing and modeling. Forced prostitution is a very old form of enslavement, and recruitment into this lifestyle is often a booming business for purveyors of the sex trade. Victims of sexual slavery are often manipulated into believing that they are being relocated to work in legitimate forms of employment.^{vi}

Forced labor has likely been around since shortly after the dawn of humankind. though there are a number of different forms of modern involuntary servitude that can go easily unnoticed by the general public. Debt bondage, is the enslavement of people for unpaid debts and is one of the most common forms of contemporary forced labor. Similarly, contract slavery uses false or deceptive contracts to justify or explain forced slavery. In the majority of countries non-sex laborers are forced into domestic service, followed by agriculture, sweatshops, and restaurant and hotel work.^{vii}

RELATIONSHIP BETWEEN HUMAN RIGHTS AND HUMAN TRAFFICKING

Trafficking as a violation of human rights

“Slavery was, in a very real sense, the first international human rights issue to come to the fore. It led to the adoption of the first human rights laws and to the creation of the first human rights non-governmental organization. And yet despite the efforts of the international community to combat this abhorrent practice, it is still widely prevalent in all its insidious forms, old and new.”

-Kofi Annan

Human trafficking being the burning issue requires relevant and indispensable examination of trafficking through a human rights lens, which is considered to be the one of our core values. Violations of human rights is a cause and a consequence of trafficking in persons, making the promotion and protection of human rights particularly relevant to the fight against it. Various human rights violations occur at different stages of the trafficking cycle, including unassailable rights such as: the right to life, liberty, and security; the right to freedom of movement; and the right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment. Human trafficking originates from the place where the circumstances of the deprivation of human rights are prevalent. Root causes can include poverty, homelessness, structural or interpersonal violence, gender identity, insecurity related to armed conflict, or economic inequality. Practices corresponding with modern-day trafficking are clearly prohibited under International human rights law.^{viii}

The human rights framework for trafficking draws International human rights standards, which have been normalized in a number of international treaties, covenants and protocols since the Universal Declaration of Human Rights was drafted in 1948. Other relevant international treaties include the International Covenant on Civil and Political Rights (1966) that proclaimed “no-one shall be held in slavery and servitude;” as well as the International Covenant on Economic, Social and Cultural Rights (1966), which recognizes the right to work in compliance to just and favorable working conditions.^{ix}

For instance, Human Rights Law prohibits forced labor, defined by Convention No.29 concerning forced or compulsory Labor of the International Labor Organisation(ILO) as : “ all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [herself] voluntarily”. Slavery, servitude, child sexual exploitation, forced marriage, servile forms of marriage, child marriage, exploitation prostitution are also trafficking –related practices that are prohibited under International Human Rights Law. The relationship between human rights and the fight against trafficking are well-established.^x

Human rights most relevant to trafficking

- The prohibition of discrimination on the basis of race, colour , sex, language, religion, political or other opinion, national or social origin, property , birth, or other status.
- The right to life
- The right to liberty and security
- The right not to be submitted to slavery, servitude, forced labor or bonded labor.
- The right not to be subjected to torture and / or cruel inhuman , degrading treatment or punishment
- The right to be free from gendered violence
- The right to freedom of association
- The right to freedom of movement
- The right to highest attainable standard of physical and mental health
- The right to an adequate standard of living
- The right to social security
- The right of children to special protection

THE HUMAN RIGHTS OF A TRAFFICKED PERSON

The Charter of the United Nations and Universal Declaration of Human Rights confirms that rights are universal: they apply to everyone, irrespective of their race, sex, ethnic origin or other distinction. Trafficked persons are entitled to the full range of human rights. Even if they are outside their country of residence. International law directs that trafficked persons cannot be discriminated simply because they are non-nationals. 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.^{xi}

Human rights law acknowledges that certain groups require additional or special protection. This is because of past discrimination or the specific groups share particular vulnerabilities. In

the context of trafficking, relevant groups include women, children, migrants and migrant workers, refugees and asylum seekers, internally displaced persons, and persons with disabilities. Sometimes, members of a group will be specifically targeted for trafficking.^{xii}

Children, for example, may be trafficked for purposes related to their age such as sexual exploitation, various forms of forced labor and begging. Persons with disabilities can also be targeted for certain forms of exploitative labor and begging. Women and girls are trafficked into gender-specific situations of exploitation such as exploitative prostitution and sex tourism, and forced labor in domestic and service industries. They also suffer gender-specific forms of harm and consequences of being trafficked (for example, rape, forced marriage, unwanted or forced pregnancy, forced termination of pregnancy, and sexually transmitted diseases, including (HIV/AIDS)).^{xiii}

Individuals belonging to specific groups who are subject to trafficking possess right to claim different or additional rights. For example, International human rights law imposes important and additional responsibilities on States when it comes to identifying child victims of trafficking as well as ensuring their immediate and longer-term safety and well-being. The core rule is derived from the obligations contained in the Convention on the Rights of the Child: the best interests of the child are to be at all times paramount. In other words, States cannot prioritize other considerations, such as those related to immigration control or public order, over the best interests of the child victim of trafficking. In addition, because of the applicability of the Convention to all children under the jurisdiction or control of a State, non-citizen child victims of trafficking are entitled to the same protection as nationals in all matters, including those related to the protection of their privacy and physical and moral integrity. Other treaties may further specify these rights. For example, the Trafficking Protocol requires certain special measures with regard to child victims, as does the Convention on Action against Trafficking in Human Beings.^{xiv}

It is widely acknowledged that certain factors make an individual, a social group or a community more vulnerable to trafficking and its exploitation. Variance in the parameters of economic and social rights are critical factors which recognizes certain persons more vulnerable than others. Discrimination and poverty results in fewer and poorer life choices, and

may lead certain individuals to take risks and make decisions that they would never have done if their basic needs were being met. And therefore it sows the seed of lack of genuine choice which leads in increase of vulnerability of certain groups, such as minorities, migrants and women and girls, to trafficking. In addition to economic deprivation and inequalities, gender and race-based discrimination are important factors that also limit life choices and make persons and communities more vulnerable to trafficking. Various human rights are relevant at different points in the trafficking cycle. Some are especially relevant to the causes of trafficking.^{xv}

For instance the violation of the right to an adequate standard of living, leads to increase in vulnerability of a person.

In fact, trafficking and associated practices such as slavery, sexual exploitation, child labor, forced labor, debt bondage and forced marriage, are themselves violations of basic human rights and are prohibited under international human rights law. Human rights give birth towards the concerned response to trafficking, such as the right to access to justice, the right to effective remedies, and the right to a fair trial.^{xvi}

The human rights – based approach is a conceptual framework that is normatively based on International Human Rights standards. Human rights approach requires analysis of the ways in which human rights violations arise throughout the trafficking cycle, as well as the obligations of the States' under International human rights law. The human rights based approach helps the victim to take effective and credible action. It extends the focus to the root causes that underlie trafficking, maintain impunity for traffickers, and deny justice to victims, such as patterns of discrimination, unjust distribution of power, demand for goods and services derived from exploitation, and complicity of the public sector. The human rights based approach also acknowledges that governments are responsible for protecting and promoting the rights of all persons within their jurisdiction, including non-citizens, and therefore have a legal obligation to work towards eliminating trafficking and related exploitation. The UN Human Rights Office is at the forefront of efforts to promote a human rights-based approach to trafficking in persons.^{xvii}

The Office has developed Recommended Principles and Guidelines on Human Rights and Human Trafficking and its extensive Commentary that aim to help all those involved in anti-trafficking efforts to fully integrate human rights in responses to trafficking. The document includes seventeen recommended principles that address the following core areas:

- (a) The primacy of human rights;
- (b) Preventing trafficking;
- (c) Protection and assistance;
- (d) Criminalization, punishment and redress.

Additionally, eleven recommended guidelines provide practical measures for their implementation.^{xviii}

AN INTERNATIONAL HUMAN RIGHTS PERSPECTIVE

The international human rights system plays a central role in promoting the effective implementation of the international legal framework towards trafficking. The United Nations Human Rights Council considers the issue of trafficking and, regularly adopts resolutions on the subject. For each of the major international human rights treaties, a committee of independent experts has been established to monitor the implementation of its provisions by its State parties.^{xix}

As part of their obligations under most of these treaties, State parties are required to submit regular reports to the respective committees on the situation with regard to protected rights and the steps that they have taken to fulfill their treaty obligations. The committees examine these reports and a dialogue is initiated with the reporting State. In addition to providing guidance to that State, the “concluding observations” of a treaty body on the performance of a State party can provide useful information to other countries on what is expected of them in relation to a particular right or standard set out in the treaty. Most treaty bodies also issue general comments interpreting the treaty provisions.^{xx}

Some of the treaty bodies perform additional functions aimed at strengthening the implementation of the treaties by their State parties (such as inquiries). Some treaty bodies may

consider complaints or communications from individuals alleging that their rights have been violated by a State party, provided the State has opted into this procedure.

Given the broad scope of rights potentially affected by trafficking, it is not surprising that the work of most human rights treaty bodies touches on trafficking in one way or another. Their attention to trafficking has increased greatly over the past decade as trafficking has become more prominent on the international political agenda and its relationship to specific human rights more clearly established. For example, trafficking in children and women is now regularly discussed by the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women; and the trafficking of migrant workers is a major issue for the Committee that oversees the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Both the Human Rights Committee and the Committee on Economic, Social and Cultural Rights have repeatedly raised the issue of trafficking in the context of specific rights protected by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Committee against Torture and the Committee on the Elimination of Racial Discrimination have occasionally discussed trafficking during their consideration of State party reports.^{xxi}

IMPLEMENTATION, MONITORING AND ACCOUNTABILITY OF LAW

Justice will not be served until those who are unaffected are as outraged as those who are.”

– Benjamin Franklin

Human trafficking is the highest forms of crime experienced by vulnerable sections of the society. In recent years, there has been an alarming rise in cases of human trafficking in India, but being the insidious nature of human trafficking it becomes indispensable to tackle the global menace of human trafficking, and contemplate the journey ahead to reach towards elimination of this socio-politico-economic evil through legislative competence, executive efficiency and judicial courage. Trafficking is prohibited by the Constitution of India. Still India is a root, destination and conveyance for human trafficking. Trafficking for commercial

sexual exploitation, forced labor, falling sex ratio trafficking for marriage is becoming another pull factor for trafficking of women and girls. Due to its complex cross-border nature, human trafficking requires a coordinated, multi-disciplinary national and international response. Human trafficking is the third largest organised crime after drugs and the arms trade across the globe.^{xxii}

India has enshrined trafficking both directly and indirectly in the Constitution. There are three Articles spread over Fundamental Rights in Part III and Directive Principles of State Policy in Part IV which address trafficking related issues.

Article 23:- Fundamental Right prohibiting trafficking in human beings and forced labor^{xxiii}

Article 39(e):- Directive Principle of State Policy directs at ensuring the health and strength of individuals should not be abused and no one is forced by economic necessity to do work which is not suitable to their age or strength.^{xxiv}

Article 39 (f) :- Directive Principle of State Policy states that childhood and youth should be protected against exploitation.^{xxv}

India has a written Constitution which makes mandate on trafficking clear, penalizing and tackling trafficking by the provisions of legislations. The Constitution specifically mentions trafficking in human beings as well as forced labor and indicates that special protection should be provided to the vulnerable groups of society. The Constitution of India enshrines provisions on trafficking at two levels – first, at the level of Fundamental Rights which are elementary rights available to all, irrespective of caste, creed, sex, place of birth, etc.^{xxvi}, and second, at the level of Directive Principles of State Policy.

Fundamental Rights are justiciable and can be directly enforced in a court of law, whereas Directive Principles of State Policy are non-justiciable and cannot be directly enforced in a Court of Law. However, Directive Principles play a major role in framing the policy of the State and sometimes be the basis on which the legislation is built on. Article 23, of the Indian constitution prohibits trafficking in human beings as well as all forms of forced labor. According to Directive Principles of State Policy in Articles 39(e) and (f), the health and

strength of workers should not be abused. It prohibits exploitation of persons to perform work which is unsuitable for them. It also specifically protects children and youth against exploitation of any kind. While the provisions in the Directive Principles of State Policy do not mention trafficking, it mentions exploitation which is a key element of trafficking.

India also has other penal laws dealing with trafficking. Some of these provisions have existed prior to its independence. These legislations deals with a number of subjects such as children/ juvenile justice and protection, child labor, bonded labor/ indentured labor/ pledging of persons for labor and marginalized groups such as Scheduled Tribes and Scheduled Castes in India. These legislations enshrined in the Indian Penal Code, 1860 not only deals with criminalizing the offences dealt in Immoral Trafficking Protection Act, but also includes penalizing of acts such as procuring, buying and selling of human beings, importing or exporting human beings, buying and selling minors, coercing or forcing marriage of minor, kidnapping/ abducting and using force for the purpose of trafficking. Slavery and slavery like conditions servitude, bondage and unacceptable forms of labor and others.^{xxvii}

At present the legal administration of trafficking in humans is explicitly and implicitly governed by the following statutes in curbing the menace.

1. Immoral Traffic (Prevention) Act, 1956
2. Constitution of India
3. Indian Penal Code, 1860
4. Bonded Labor System (Abolition) Act, 1976
5. Child and Adolescent Labor (Prohibition and Regulation) Act, 1986
6. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
7. Transportation of Human Organs and Tissues Act, 1994.
8. Protection of Children from Sexual Offences Act, 2012
9. Criminal Procedure Code, 1973.

The objectives of these implemented acts emphasize on the motive to prevent the economic and physical exploitation of the weaker sections of the society. The bonded laborers must be treated as victims and not as offenders. Furthermore the Acts also emphasize on the prohibition of children in engagement in hazardous occupations and processes. Further it lays

down the safety measures and other requirements which shall be met for their development. Protection of Children from Sexual offences Act, 2012 has been drafted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. Sexual offences are currently covered under different sections in Penal Code, However Penal Code, 1860 does not provide for all types of sexual offences against children.^{xxviii}

According to the International Labor Organisation guidelines on human trafficking and Forced Labor Exploitation Legislatures and considering the enactment and accountability of law the ideology should be kept in the mind that voluntary offer of a worker or victim may have been manipulated or was not based on the informed decision. It is determined that the trafficking or forced labor is performed due to the nature of the relationship between a “person” and an “employer”. But the legality or illegality of the activity under national law is irrelevant and contradictory to the determined concept.^{xxix}

In addition to the implementation, monitoring and accountability of law International instruments gives relevance to identify the gaps in the administration to combat trafficking. Though they don't have any specific provisions on trafficking, they are the root in understanding how the interests of vulnerable groups are protected. International Instruments also provide an understanding towards the approach to combat trafficking taken by India and strengthens the implementation, monitoring and accountability of law.^{xxx}

ROLE OF MEDIA SOCIETY AND CULTURE

In order to fight against the crime of trafficking which is also facilitated by the use of technology, instead of extinguishing the technology it becomes imperative to harness its potential in a positive direction by interfering with organized criminal activities to combat trafficking. The cooperation by the media hereby becomes a key factor in investigating, interrupting and exposing traffickers to authority. It must be imperative for the media to use its great power to influence debate and set the agenda covering to devastate human trafficking. And they can have a strong impact on policy outcomes and focuses on the problems of the victims. Media should accomplish its responsibility by being a facilitator on the issues of human trafficking by serving as a forum that gives a voice to the various issues of human trafficking, should act as a spinal cord for the society with the aim of social good.^{xxxi}

The media plays a crucial role in organizing public support to prevent and combat trafficking. Owing to their reach and their ability to mould public opinion, they are a powerful tool for social change for social good. Investigative journalism on trafficking must be promoted. The positive endeavour of media will not only educate the public but also ignite the light on the issue which is concealed in the envelope of darkness. However, in some parts of the world, journalists and media outlets are not adequately aware of the trafficking phenomenon and do not have adequate understanding on the parameters of the problem. However the coverage is weak in terms of presentation of facts of trafficking. As a result, some media coverage confuses the issue with other forms of violations of human rights such as migrant smuggling. Media publicity should take into consideration the rights-based approach and ensure that there is no violation of the rights of victims and survivors. Protection of victims is the core of all anti-trafficking measures. Journalists, photographers and media outlets must protect potential and actual victims (and third persons) by altering the image, personal story and identity.^{xxxii}

The mass media are key drivers for the spread of information, or misinformation about human trafficking. What we know or do not know determines our response to it, what is reported and how it is reported, goes some way in shaping the agenda which further creates the public opinion and leads to the shaping of the policies in the State which has the implications for the traffickers and the trafficked. Journalistic responsibility lies in effective communication of relevant news stories. Unrealistic official data, debatable diverse methodology, political profit and influence. Journalists should contribute their power and efforts to dig deeper into the aspects of human trafficking by portraying it in a responsible, sensitive and ethical perspective.^{xxxiii}

Specific Objectives must be achieved by media in order to flow in the positive direction to combat trafficking. Increase awareness among the people in compliance with the ramifications and consequences of human trafficking, encourage policy at local and national levels that will contribute to reducing human trafficking leading to various forms of abuse; Build a platform of knowledge at an international level, and collaborate with relevant Government Ministries at national level. Delve into the reasons behind trafficking, approach to the source areas to under the complexities of the root causes. Be investigative in tracking down perpetrators, cooperate with law enforcement authorities and focus on the challenges faced by the survivors.^{xxxiv}

JUDICIAL INTERPRETATION ON HUMAN TRAFFICKING

Raj Bahadur vs. State of W.B.^{xxxv}

It defined human trafficking as traffic in human beings mean to deal in men and women like goods, such as to sell or let or otherwise dispose of. It would include traffic in women and children for immoral or other purposes.

Vishal Jeet vs. Union of India^{xxxvi}

It aims out the heinous nature of the crime or moral culpability. The court observed that “The causes and evil effects of prostitution maligning the society are so notorious and frightful that none can gainsay it. It is highly deplorable and heartrending to note that many poverty stricken children and girls in the prime of youth are taken to ‘flesh market’ and forcibly pushed into the ‘flesh trade’ which is being carried on in utter violation of all cannons of morality, decency and dignity of humankind. There cannot be two opinions—indeed there is none—that this obnoxious and abominable crime committed with all kinds of unthinkable vulgarity should be eradicated at all levels by drastic steps.

PUCL vs. State of Tamil Nadu^{xxxvii}

The Supreme Court in PUCL v. State of T.N., (2013) directed the District Magistrates to effectively implement Sections 10, 11 and 12 of the Bonded Labour System (Abolition) Act, 1976 and expected them to discharge their functions with due diligence, empathy and sensitivity, taking note of the fact that the Act is a welfare legislation

LaxmiKant Pandey vs. Union of India^{xxxviii}

It aims at human trafficking in compliance with child labour. Justice P.N. Bhagwati observed that “It is obvious that in a civilised society the importance of child welfare cannot be over-emphasised, because the welfare of the entire community, its growth and development, depend on the health and well-being of its children. Children are a ‘supremely important national asset’ and the future well-being of the nation depends on how its children grow and develop.”

Gaurav Jain vs. Union of India^{xxxix}

In *Gaurav Jain v. Union of India*, (1997) , the Supreme Court passed an order directing, inter alia, the constitution of a committee to make an in-depth study of the problems of prostitution, child prostitution, and children of prostitutes, to help evolve suitable schemes for their rescue and rehabilitation.

The Supreme Court observed:

- a) The ground realities should be tapped with meaningful action imperatives, apart from the administrative action which aims at arresting immoral traffic of women under the Immoral Traffic (Prevention) Act through inter-State or Interpol arrangements and the nodal agency like the CBI is charged to investigate and prevent such crimes.
- b) The Central Government pursuant to the directions issued by the Supreme Court in *Gaurav Jain* case constituted a “Committee on the Prostitution, Child Prostitutes and Plan of Action to Combat Trafficking and Commercial and Sexual Exploitation of Women and Children”.

Bandhua Mukti Morcha vs. Union of India^{xl}

It aims at human trafficking in compliance with bonded labor .The Supreme Court in *Bandhua Mukti Morcha v. Union of India*, (1984) has elucidated the rehabilitation of bonded labor and directed the Government to award compensation to released/rescued bonded labor under the provisions of Bonded Labor System (Abolition) Act, 1976 after taking note of serious violation of fundamental and human rights:

“The rehabilitation of the released bonded laborers is a question of great importance, because if the bonded laborers who are identified and freed, are not rehabilitated, their condition would be much worse than what it was before during the period of their serfdom and they would become more exposed to exploitation and slide back once again into serfdom even in the absence of any coercion. The bonded labor who is released would prefer slavery to hunger, a world of ‘bondage and illusory security’ as against a world of freedom and starvation.”

It may be pointed out that the concept of rehabilitation has the following four main features as addressed by the Secretary, Ministry of Labor, Government of India to the various States Governments:

- a) Psychological rehabilitation must go side by side with physical and economic rehabilitation.
- b) The physical and economic rehabilitation has 15 major components, namely, allotment of house sites and agricultural land, land development, provision of low cost dwelling units, agriculture, provision of credit, health medical care and sanitation, supply of essential commodities, education of children of bonded laborers and protection of civil rights, etc.
- c) There is scope for bringing about an integration among the various central and State sponsored schemes for a more qualitative rehabilitation and to avoid duplication.
- d) While drawing up any scheme/programme of rehabilitation of freed bonded labor, the latter must necessarily be given the choice between the various alternatives for their rehabilitation and such programme should be finally selected for execution as would meet the total requirements of the family of freed bonded laborers to enable them to cross the poverty line on the one hand and to prevent them from sliding back to debt bondage on the other.

CONCLUSION

Human trafficking is a disease in today's world scenario which can be cured by the medicine of human rights. Scrutinizing the innumerable aspects leading to trafficking helps us to better understand and implement preventive measures to eliminate trafficking. The factors contributing to trafficking are varied and complex, differing from country to country. A superior grasp of why trafficking occurs requires not only considering local, global, regional, social and economic change, but also an analysis at the local level, in places where the process of trafficking starts. People are trafficked from the countries which are economically , environmentally and politically weak to the countries or regions where the apparent quality of life for the average person is higher. A total of 6,616 human trafficking cases were registered

in the country, which is comparatively higher than the cases registered in 2018 and 5900 cases in 2017. Scandalously, the previous year record portrays that there is a drop in conviction rates of trafficking from 29.4% in 2018 to 22 % in 2019. Weighing up to 2017 and 2018, human trafficking cases in India hit a three-year high in 2019, Delhi reported the second most cases of trafficking of minors among the states and Union Territories .Out of the cases investigated by various police departments, sexual exploitation in the form of prostitution to be the utmost reason for human trafficking and Maharashtra reported the highest of such cases at 946, followed by Telangana at 322, and Andhra Pradesh at 310.

Numbers are not always the story. To make awareness, sustainable continuous investigative journalism on trafficking should be promoted and encouraged. Sustained awareness raising , enabling visibility , ensuring responsibility , discrete reporting , independent investigation are the basic tools which develops the great role and responsibility of media in mobilizing public support and the positive involvement in preventing and combating trafficking and would contribute as a powerful tool of social change. Human trafficking is like a market, which involves both supply and a demand of vulnerable sections of the society. “Right to dignified life” is considered to be the most salient objective of human rights principle; merely survival of a man is not sufficient. Man requires self-dignity, voice and remedies for achieving happiness and welfare or else he/she is mere physical existence. Dr. B.R. Ambedkar , the father of the Indian Constitution had raised his voice against the denial of education to women. But unfortunately the birth of a girl child is still considered to be a curse in many Indian families and women are forced to prostitution. The saddest part of the story is that India is plagued with widespread poverty, lack of proper education. Government should be accountable to perform its obligation and responsibility to uphold human rights under International and National systems of law. Because, for to be free is not to cast off one’s chains but to live in a way that respects and enhances the freedom of others.

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