

**Human Trafficking of Women for Sexual Exploitation in  
India: A Study with Special Reference to Lucknow City**

**Abstract**

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## ABSTRACT

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### INTRODUCTION

*“Women is the companion of man, gifted with equal mental capacities. She has the right to participate in the minutest details in the activities of man and she has an equal right of freedom and liberty with him. She is entitled to a supreme place in her own sphere of activity as man is in his. This ought to be the natural condition of things and not as a result only of learning to read and write. By sheer force of a vicious custom, even the most ignorant and worthless men have been enjoying a superiority over woman which they do not deserve and ought not to have. Many of our movements stop halfway because of the condition of our women.”*

-Mahatma Gandhi

Once women and girls become involved in the sex trafficking industry, it becomes very difficult for them to escape. Victims may face legal barriers, where the traffickers will confiscate or sequester all forms of immigration and citizenry documentation. Language barriers, fear, limited knowledge, and lack of money are other barriers that women and girls may face to prevent them from escaping the sex trafficking ring. In many parts of the world, legacy prostitution, or the involuntary enslavement of future generations of girls in the sex trafficking industry, becomes an expected societal norm.

The global sex trade is the fastest growing form of commerce, worth \$32 billion annually. In fact, human trafficking is the fastest growing area of organized crime and the third largest income revenue for organized crime after narcotics and arms sales. What makes this business unique is that women and girls sold into sex trafficking earn profits for their pimps and traffickers over a great number of years, unlike the profits earned from drugs and narcotics that are sold and used only once.

## **REASON / CONTRIBUTING FACTORS OF HUMAN TRAFFICKING**

The factors which contribute to women trafficking are diverse and complex from country to country. To determine what factors are causing women to be victims of trafficking, not only consider global and regional social and economic changes, but also by country in the country of trafficking. The situation needs to be analyzed locally. Here are some of the factors that contribute to human trafficking: Situation of armed conflict, Economic deprivation, Forced marriage, Gender discrimination, Globalization, Growth of customs, sex industry, sex tourism, internet porn , Low social status, Lack of employment opportunities, Low level of education and general awareness, Migration, Poverty, Traditional religious and cultural practices, etc.

## **INTERNATIONAL AND NATIONAL LEGAL PROVISIONS**

Exploitation of people for profit has a long history, and international efforts to deal with it can be traced back to at least a century, well before the birth of the modern human rights system. However, human trafficking has become a major issue in the last decade. At the same time, a comprehensive legal framework on this issue was developed. These changes support a fundamental change in the way the international community thinks about preventing human exploitation. We also see changing expectations about what governments and others should do to address and prevent trafficking. Therefore, the victim-centered approach is increasingly favored by the international community. Human rights are a central pillar of new understanding, and the need for a human rights-based approach to trafficking is now widely accepted.

## **LEGAL FRAMEWORKS RELATING TO HUMAN TRAFFICKING**

Indian Penal Code 1860: Interestingly the Indian Penal Code which came into existence in 1860 addresses the problem of human trafficking in human beings. It is addressed in Section 370 and 370 A of the Indian Penal Code. It prohibited trafficking of women and girls and prescribed ruthless

punishments for the criminals. It lays down that anyone who buys or sells the person under the age of 18 years for the purpose of prostitution and for sexual exploitation and for other immoral purposes shall be liable to imprisonment for up to 10 years and also be liable to fine. It also recognizes cross border trafficking into prostitution and whoever imports into India from any country outside India any girl under the age of twenty one years with the intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

The Juvenile Justice (Care and Protection of Children) Act, 2000 According to this Act there is no difference between a minor and a child. All the persons under the age of eighteen years are considered children.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 many victims of trafficking belong to marginalized groups. Traffickers target only such area which is backward in social and literacy sense. This gives an additional tool to safeguard women and young girls belonging to scheduled Caste and scheduled Tribes and also to create a greater burden on the trafficker or offender to prove his lack of connivance in the matter. If the offender has the knowledge that victim belongs to these communities then this act can be effectively used to counter the offence of trafficking.

Human trafficking is a highly debatable issue in both domestic ally as well as internationally. According to various authoritative reports thousands of persons are trafficked within and across the borders every year. Human trafficking is real and dark side of our society. In the modern world, nearly all the countries are facing problems relating to human trafficking and the condition in India is also the same. Human trafficking is the largest criminal activity and the fastest growing organized crime in the world.

The Indian Constitution, part third contains fundamental rights which are enforceable by the authority of the court, if any person is deprived from it. One of these rights, as enumerated in Article 21 of the Indian Constitution, is the right to life and personal liberty which incorporates a right to live with human dignity. Lack of adequate protection from the state and adverse economic necessities impel people belonging to low strata to indulge into occupations which contravene their human and constitutional rights. The lackadaisical approach of the state is exhibited by the growing incidents of human trafficking. The researcher provides for a systematic way to understand human trafficking.

The Constitution of India, Part three of under Article 23, prohibits trafficking in human beings. According to Article 23, Prohibition of trafficking in human beings and forced labor- (1) trafficking in human beings and beggar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law. This includes trafficking for all purposes. Women and children's from poor back ground are the main target groups of traffickers.

The Victims of Trafficking Violence Protection Act of 2000 defines human trafficking as (1) sex trafficking in which a commercial sex act is included by force, fraud, or coercion, or in which the person include to perform such act has not attained 18 years of age, or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

## **STATEMENT OF PROBLEM**

In the modern times, the increasing percentage of human trafficking for sexual exploitation in India mainly consists of maximum percentage of women as victims? Social problems arising out of violation of their legitimate constitutional and legal rights change in social status and social outlook such as

the problem of rehabilitation, problem of improving social image, problem of re-acceptance by family, problem of marriage and other social evils etc. Problems related to health, physical and mental serious incurable diseases: HIV and other infectious diseases and suffering from mental incurable diseases like mental trauma, deformed mind and other mood related diseases.

## **OBJECTIVES OF RESEARCH**

Specific objectives of proposed research are:

- Objective of proposed research is to analyze the constitutional and legal perspectives of human trafficking in Lucknow city of Uttar Pradesh, India.
- To study the need of identifying factors of human trafficking.
- To explore the preventive measures of human trafficking.
- To analyze the anti- trafficking legislations and the problems faced by the Uttar Pradesh Government in its enforcement.
- To study the prevention, control and abolition of human trafficking and rehabilitation, protect and assist Trafficked victim person?
- To study the judicial views on Human trafficking victims and criminal justice system in India.

## **IMPORTANCE OF RESEARCH**

Proposed research will analyze why human trafficking is to be identified as a growing phenomenon, whether the Present Acts or policies to prevent trafficking are capable or not in addressing the real problems of vulnerable populations according to their own needs, in their own contexts and will identify the constitutional and legal functions of the concerning authority under the law. The study will also suggest constitutional/legal preventive measures required to be taken in order to conduct human trafficking. This will provide guidance to policy makers to modify/amend constitutional/legal provisions. This research is useful and very important for the nation and for the Indian society. The research will help to identify the impact of human trafficking. It

will further help to identify the constructive suggestions to improve the social impact and social life. Therefore, the research is worth to meet out the social and national problem to ensure social justice in India. The importance of this research, is to study the trends and dimensions of trafficking in order to identify the vulnerability factors and issues so that it would facilitate the response systems in developing and implementing holistic policies and programs to combat human trafficking.

### **HYPOTHESES**

- Human trafficking of women for sexual exploitation occurs due to lack of effective laws which leads to human rights violation on massive scale.
- Most of the victims of human trafficking for sexual exploitation are women mainly belonging to poor society.
- Police-personnel are not specifically trained on how to rescue and protect female victims of human trafficking.
- Governmental rehabilitation policies for sexually exploited women are not effective.
- Present justice system is not adequate to provide speedy justice to victims of human trafficking for sexual exploitation.

### **RESEARCH METHODOLOGY**

The nature of this research is Doctrinal and Empirical. This research will be based on primary and secondary data collected from various reports on human trafficking, issued and published by NCRB, constitutional/legal provisions, judicial views, international and national reports, policy brief, research papers, books, monographs, journals etc. Apart from these, views, concerns and suggestions of constitution/legal experts will also collected by using systematic method and content analysis of their views will be embodied. Observation and interview methods of data collection will be employed in the study. The interview method will be used as tool of data collection.

Questionnaire will be developed by the researcher on the basis of different aspects of Human Trafficking.

## **UTILITY OF RESEARCH**

India is the nation uniquely situated as a source, transit and destination country for men, women and children trafficked for forced labour, bondage labour, child marriage, sexual exploitation, begging, surrogacy and organ transplantation etc. Trafficking of human is one of the worst and heinous act representing abuses of human rights. This research work examines the phenomenon of human trafficking in Uttar Pradesh specifically Lucknow City. This research work will be very useful for the prevention, control and abolition of human trafficking and it will also help to guide and understand the government policies and regulations.

## **CONCLUSION**

In the modern world, the situation is same in almost every country facing the problem of human trafficking. Human trafficking is the world's largest criminal activity, the fastest growing organized crime, and a real and dark side of our society. Trafficking of women for sex work reflects a complex social problem. Sex trafficking has been observed in various locations within the sex industry, including residential brothels, escort services, fake massage parlors, strip clubs, and street prostitution etc. Sexual exploitation or sex trafficking particularly affects young women. Many cases of sexual exploitation include working in the street prostitutes, organized brothels, strip clubs, live sex shows, porn shops and more. Other cases of sexual exploitation take the form of private homes where women and children are forced to work and survive. Victims of sexual exploitation are often tempted by promises of good work in other countries in exchange for their good career, kidnapping, fraudulent proposals, and even victims are sold for domestic work. Women's sex tourism, a particular type of commercial sex trade that is a rapidly expanding problem, involves those traveling to other countries to engage in the act. Sex trafficking involves

forcing migrants to engage in sexual activity as a condition of permitting or arranging migrants. Sex trafficking employs the bondage created by physical or sexual coercion, deception, abuse of power, and coercion debt. For example, trafficked women and children are often promised to do household or service work, but are often taken to brothels where their passports and other identification cards are confiscated. They are beaten or imprisoned and promised freedom only if they earn the purchase price and travel and visa costs through prostitution. Trafficking victims may have been exposed to multiple rapes, imprisonment and other atrocities, failing to protect them by state agencies. In fact, in almost all cases, victims of sex trafficking have been raped to force prostitution. In most cases, victims were always raped early after trafficking, even if they explicitly gave “shadow consent” at the end of their exploitation life. The National Women's Commission reported that organized crime plays an important role in the country's sexual transactions, exposing women, who are frequent victims of trafficking, to blackmail, beatings and rape. The way women are trafficked is very different. Some were violently kidnapped and drugged, but most were trafficked by fake offers for marriage, employment, or housing etc. Organized crime was a common component of all trafficking cases, as was corruption and police conspiracy, but poverty, illiterateness, and lack of employment opportunities contributed to trafficking problems. Corruption was widespread in the country, but no anti-corruption initiatives specifically related to trafficking-related corruption were known during the year.

The majority of victims of human trafficking are women, who are mostly destined for sexual exploitation. It needs to be prevented and eradicated through proper enforcement of laws, internationally as well as nationally by identifying the flaws and deficiencies in the existing laws, taking corrective measures and adopting policies for effectively implementing cooperation among countries. A strong legal response to human trafficking, identifying the

deficiencies in laws and resolving the problems faced in dealing with human trafficking is a priority now and needs to be addressed immediately.

Traditionally, in cases of sexual offences, courts gave nominal punishment and gender biases were common in determining the person who was guilty. Against this phenomenon demands were raised to bring about legal reforms and subsequently several reforms were made including amendment of some Sections of IPC. Chapter XVI of the IPC which is more than a century old codified law defines offences affecting human body and punishment thereof without any gender discrimination. Rather, Section 354, 366, 372, 373 and 376 have been especially enacted to safeguard the dignity of women and give adequate protection to female persons.

In response to nation-wide agitation against growing sexual offences in India, Justice Verma Committee was formed to recommend criminal law reform. In order to implement the recommendations of Justice Verma Committee Report the Criminal Law (Amendment) Act, 2013 was passed, which attempted to fill the gap in the existing criminal law relating to sexual offences including sex-trafficking. The Committee admitted that one of the main reasons for trafficking is commercial sexual exploitation.

## **THE RESULT OF HYPOTHESIS OF RESEARCH WORK**

The researcher has adopted tools and methods for the data collection such as observation, interview, questionnaire and mailed questionnaire (RTI application). The researcher has taken some initiatives for gaining testing result of the research hypothesis which are given below:-

### **OBSERVATION**

The Researcher visited and observed the shelter home, Krishna Nagar, Lucknow for the purpose of her research work. During that time a copy of FIR was given by the shelter home authority named as ‘Aapki Sakhi Asha Jyoti Kendra’, one stop center Lucknow, Police Station Krishna Nagar, Krishna

Nagar, Lucknow. At the time of counseling of the victim, she stated to the manager of center that 'she is a human trafficking victim and according to her statement one gang is operative in this city for human trafficking' and this fact is mentioned in the above copy of FIR 0172/2019, Police Station, Krishna Nagar, Police Commissnerate Lucknow.

The researcher after observing the bail order found the opinion of the high court, the court has granted bail to accused and issued directions to trial court concerned to expedite trial of the above case and conclude the case within the one year, from the date of this order. It is a laudable stand of the Hon'ble High court for the criminal justice administrative system in this human trafficking case.

## **INTERVIEW**

The researcher has taken interview of three victims of human trafficking, the summary of which is described in chapter VI. The researcher has done informal interviews of three victims of human trafficking and before taking their interview they were informed about all the particulars of the research including the topic of research, aim and objectives of the research and the purpose of research. Researcher has taken every possible step to keep their identity secret and all other conditions required for an interview are followed by the researcher to protect the identity of the victims. In order to protect their identity the name, place of residence and every other information that could reveal them are kept secret.

## **MAILED QUESTIONNAIRE (RTI application)**

The researcher moved an RTI application under Sec. 5 of Right to information Act, 2005 to public information officer, department of home/ police, Police Commissnerate, Lucknow for availing data relating to research work. The researcher moved the application under section 5 of The Right to Information Act, 2005 for Demanding/obtaining desired information from The Public

Information Officer/ Additional Sub-Commissner of police, Police Commissnerate, Lucknow, UP, India. and wanted to obtain information about the question- That is how many (total) first Information report (FIR) lodged in the Police Stations which are under the jurisdiction of **Lucknow City** in the years 2018-19, 2019-20, 2020-21 related to **Human Trafficking** offence under IPC and Other Special Penal Laws. Kindly provide a true certified copy of list and status of FIR, year and Police Station wise. As per the data provided in reply, reseacher found that, total no of 8 FIRs are lodged in varius police station of the Lucknow City in the years 2018-19, 2019-20, 2020-21 related to **Human Trafficking** offence.

## **HYPOTHESES**

- Human trafficking of women for sexual exploitation occurs due to lack of effective laws which leads to human rights violation on massive scale. This hypothesis has been justified as per the finding of graphics no. 9 of the chapter VI.
- The Most of the victims of human trafficking for sexual exploitation are women mainly belonging to poor society. This hypothesis has been justified as per the finding of graphics no. 12 of the chapter VI.
- Police-personnel are not specifically trained as to how to rescue and protect women victims of human trafficking. This hypothesis has been justified as per the finding of graphics no. 14 of the chapter VI.
- Governmental rehabilitation policies for sexually exploited women are not effective. This hypothesis has not been justified due to non reliable data available about it.
- Present justice system is not adequate to provide speedy justice to victims of human trafficking for sexual exploitation. This hypothesis has been justified as per the finding of graphics no. 18 of the chapter VI and also direction of bail order dated 28/09/2021 of the Hon'ble high court, Allahabad at Lucknow Bench, Lucknow.

## RECOMMENDATIONS

These are some of the recommendations given by the Researcher given below:

- The Government should review the laws related to Human Trafficking and implement the new policy.
- The Government should develop the national as well as State level help line 3 or 4 digits emergency contact/response number to prevent the Human Trafficking.
- The Government should make policy for speedy trial of Human Trafficking cases. System should be transparent and action be taken immediately.
- The Government should organize awareness program about prevention of human trafficking, local bodies should work especially for poor and uneducated people.

## CHAPTER PLAN

For the systematic and purposeful study the entire thesis/research work has been broadly divided into seven chapters, these are given below-

**Chapter- I Introduction-** this chapter introduces an overview on the research work and describe the human trafficking related problems in special contexts to women for sexual exploitation.

**Chapter- II Meaning, concept and history of human trafficking of women for sexual exploitation-** under this chapter describe the meaning, concept and history of human trafficking of women for sexual exploitation.

**Chapter- III Human trafficking of women for sexual exploitation: International perspective-** This chapter's focal point is legal instruments related to human trafficking of women for sexual exploitation at international level.

**Chapter- IV Human trafficking of women for sexual exploitation: National perspective-** this chapter specially deals issues and laws related to human trafficking of women for sexual exploitation at national level.

**Chapter- V Roll of judiciary to combat human trafficking of women for sexual exploitation-** this chapter describe the Roll of judiciary to combat human trafficking of women for sexual exploitation.

**Chapter- VI Data analysis of human trafficking of women for sexual exploitation of Lucknow city-** this chapter focuses on the data analysis of human trafficking of women for sexual exploitation of Lucknow city.

**Chapter- VII Conclusion and Suggestions-** In this chapter, conclude the above mentioned chapters and thereafter given some valuable suggestions.

- Appendices
- Interview/Questionnaire