



PARADIGM SHIFT IN THE NATURE OF HUMAN TRAFFICKING IN INDIA

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Abstract

Human trafficking is a crime and social evil prevailing in the society right from the times of the onset of civilization in the world. Efforts have been made to stop it all over the world so as to protect the human rights of the victims and to punish the criminals who were involved in the deplorable act. There have been multiple reasons of human trafficking in the world and in India but now a days there is a paradigm shift in the cause of human trafficking in India. Various aspects of human trafficking, its history, causes, legislations and paradigm shift in its causes in the contemporary society have been highlighted in the present paper.

Keywords: *Human Trafficking, Paradigm shift, Human rights, Legislation, Victims, Slavery, Begging.*

Introduction

If we define human trafficking, according to the United Nations Office on Drugs and Crime (UNODC) - human trafficking is the act of gathering, moving, receiving or keeping human beings by threat, force, coercion, deception or for exploitative purposes(1). This may be for sexual exploitation or forced labour services, slavery or practices similar to slavery, servitude or the removal of organs(2). This definition is in place since 2000. If a person whatever the gender, whatever, the age is brought somewhere against his or her will is human trafficking(3).

The root cause of human trafficking had been slavery which existed for many years. Slavery had existed for long prior to 1200s, and was a common form of everyday life world-wide. However, in the 1400s, it started the beginning of European slave trading in Africa with the Portuguese transporting people from Africa to Portugal and using them as slaves(4).

As of 2012 (The latest available data on human trafficking), 40177 cases of trafficking were reported in 2010-2012 period. These are only the known cases. Broken down a total of 13392 persons trafficked a year; 36 trafficked every day; an average of one person trafficked an hour. 152 nationalities have been trafficked to 124 nations. 49% of the trafficking victims are women, and 33% are children. 21% of total trafficking victims or 8437 victims are young girls.(5).

In 1899 and then in 1902 international conference against white slavery were organised in Paris. In 1904, the international agreement for the suppression of white slave traffic, the first international agreement on human trafficking was signed. The main purpose was to ensure the repatriation of the victims. As per International Labour Organization estimates around 25 million individuals around the world are victims of modern slavery in the form of forced labour and sex trafficking(6)(7). Three elements of human trafficking are 1. What is done? 2. How it is done? 3. Why it is done? The answer is



human beings are trafficked from one place to another against their will(8). The interested parties for obvious reasons do it for the interested persons who use trafficked human beings for ulterior motives.

Human Trafficking in India

India is no different in the scenario of human trafficking in the world as well as in South East Asia. Human trafficking continued in India for centuries together during different empires, British rule and in independent India. The major causes of human trafficking in India have been for sexual exploitation, child labour, child pornography, bonded labour (In agriculture, on brick kilns and hotels) and for organ trade(9). It is also pertinent to mention in India, because of human trafficking, in which human body organs were removed from the persons, especially the kidneys, were sold and transplanted to the patients after getting huge money. Children were stolen and trafficked for child marriage, slavery, begging, Cooliage and for selling them as road side workers/labours with the contractors(10).

As per some recent estimates 20 to 65 women and girls are trafficked in India for commercial sexual exploitation and forced marriage especially in those areas where the sex ratio is highly skewed in favour of men(11). Large number of children is subjected to forced labour as factory workers, domestic servants, beggars and agriculture workers(12). Some of these children are recruited as members of their gangs by the insurgent and terrorist groups(13)(14).

As regards women in India, there are culturally sanctioned degradation of women largely due to superstition, patriarchal society and the predominance of Hindu myths. There is prevailing cruelty and violence against the girls and women in India right from their birth to all stages of their lives.(15).

Missing persons in India

As per data on missing persons in India, a total of 290439 people in 2016, 305267 in 2017 and 347524 people in 2018 have been reported as missing (NCRB Gazette, 2019). (16)These figures indicate continuous rise in the number of missing persons in India from 2016 to 2018. This trend is going to give rise in the number of missing persons every year in future if the problem is not tackled properly by the law enforcement agencies and hence is a threat to the internal security of the country.(17).

The data on crime in India further shows that a total of 174021 women in year 2016, 188382 in 2017 and 223621 in 2018 have been registered as missing. Likewise, a total of 63407 children have been reported missing in 2016, 63349 in 2017 and 67134 in 2018. It indicates that human trafficking in India is continuously increasing every year in women and children. The data also revealed that for kidnapping and abduction for males as well as females the most vulnerable was the age group of 12 to 16 years of age.(18).

Paradigm shift

Survival of the people by single earning hand in the family seems to be difficult as per modern needs. Moreover, people prefer nuclear families instead of joint families. Not only that, some people prefer one person family norm and do not get married. Even if, they get married, most of the people in India now marry in the age group of 30 to 40 years. This indicates that they have crossed most of their fertility age. On the other hand, in this age of computer and mobile phones the contemporary generation is exposed to radiations, including radio waves, which is another factor resulting in low fertility rate in India.(19)

The legal scenario in the World, South East Asia including India in most of the countries today permits live-in relationships, where such families/Individuals do not want to produce their own children. Due to these reasons of impotency, infertility and live-in relations people want to steal and traffic new born



babies from the hospitals and nursing homes and the children from the streets, playgrounds and the crowded places; so that such children may provide them parenthood in future.(20) They also want that these trafficked children to look them after during their life as domestic servants like slaves if not like their own children.

A new area of human trafficking is emerging and spreading all over the world known as baby or infant trafficking. It has become one of the most lucrative businesses especially in South Asian countries. In this business organized gangs are involved; either they steal infants from nursing homes with the help of nurses or hospital staff or buy from mothers who are told that their child had died. One recent incident has come to light when two infants were stolen from a hospital at Dungarpur, Rajasthan(21). Since last few years the incidents of infant trafficking rackets busted in most of the metro cities in India. These newborn babies were being sold between Rs 60,000 to Rs 3 lakh(22).

Modus Operandi

Organized child trafficking groups or gang had adopted typical modus operandi. One such racket was busted by Delhi Police Crime Branch in Nov-2020. Gang members were visiting private Ipro(In vitro fertilization)IVF centres and hospitals to collect details of couples not having children. After the IVF procedure failed for such couples, gang members lured them into buying babies, stating that the adoption process through legal means may be lengthy and complicated. The entire gang has confessed to selling many babies(23).

The modus operandi of human trafficking in India is now shifting from organised groups to individual crime in some parts of the country. The young women and girls have been visiting the streets in urban and the rural areas as sales girls pretending to be the product promoters for some companies and lift the innocent children for trafficking. They sell these children to the organised gangs of the human traffickers at lucrative prices. These gangsters are contacted by the interested persons for so called adoption of the children after paying the price to the gangsters. The children may be lifted in autos or cars after giving the children the dose of sedatives in drinks or eatables or they are lured for getting them toys or some eatables like tophies, biscuits or chocolates.

There are several laws like, Immoral Trafficking Prevention Act, Bonded Labour Abolition Act, Juvenile Justice Act and POCSO (Prevention of Children from Sexual Offences) Act which can act as excellent tools against human trafficking in India. These acts are of no avail without stringent enforcement. The freedom in any country does not mean cast off of one's chains but let the others live in respectful way.(24) Thus, for the mitigation of human trafficking other than law enforcement the change in the mind-set of the people is urgently required.

Discussions

It is obvious from the data that due to the multiple reasons as submitted in this study, human trafficking is prevailing in India due to conventional causes as well as due to the paradigm shift for stealing and abduction of the children for the adoption, parentage and for keeping them as domestic servants or for other purposes. For having a check on these unlawful activities and crime, CCTV camera must be installed near the schools, colleges, play grounds, crowded places, and isolated road locations and in residential colonies and other locations. Police patrol should be deputed for a vigil in plain clothes at the sensitive locations. DNA, fingerprint, and footprint national data-bases must be created for identifying and re-uniting the trafficked persons with their families.



For tracing missing persons police should take the help of information, technology, Forensic Anthropology(25) and Forensic odontology(26). It is pertinent to mention here that in the year 2020 there has been excellent progress in tracing the thousands of missing persons and re-uniting them by Delhi Police, Mumbai, Ahmedabad, Haryana and Rajasthan Police. It can be of much help in future if Police makes the use of modern technology and scientific methods from tracing missing persons and for curbing human trafficking.

Conclusions

Changing patterns of crime including human trafficking can be curbed only by the use of science and technology in Police investigations. The laws against human trafficking needs to be enforced and implemented in a more stringent way. Surprise checks at sensitive locations may help curbing human trafficking in future.

Human-trafficking is one of the worst criminal activity that has spread its infection over the planet. It is one of the wicked acts that has made the lives of millions as worse as the hell. This kind of modern slave trade has washed away the humanity among those who are being involved. The moral values, ethos and sense of belongings as a member of same human race has been cruded by the individual interest and pleasure. The victimization of poor and vulnerable masses has excluded them from the human race and commoditised them like animals and vegetables in the market. Their right and access to justice has no significant meaning and worth for them. The procedures, process, means, methods as well as the rate of involvement is increasing in this crime each day due to lack of resources, highest demand in the market, very few income options and impotent legal watch system. It is, thus, imperative to have a careful watch and monitoring mechanism as well as strong interventions and commitment through which we can attempt to clean out this crime across the globe. Here paradigm shift in the modus operandi in India for stealing new born babies which needs to be checked with a heavy hand.

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