

CHAPTER - 2

REVIEW OF LITERATURE

2.1 Introduction

The various literature on trafficking that is currently available consists primarily of books, articles, reports from local government organizations, study reports from non-governmental organizations, and proceedings from regional and global conferences and workshops. It is very important to review the available literature to determine the objectives and research methodology of the present study and the field of research. These studies have already helped in understanding the phenomenon of child trafficking. Such an understanding is necessary to determine the objectives, methodology, and research problem of the present study.

Through the literature review conducted in the present research, an attempt has been made to understand the problem of child trafficking by combining different approaches and then to suggest ways and means to solve it. The present study involves a critical study of preventive laws related to child trafficking in India: with special reference to Dahod, Panchmahal and Mahisagar districts.

2.2 Review of Literature on Trafficking

Trafficking in Women and Children by P.M. Nair, Sankar Sen.⁹ outlines the research findings of the Action Research on Trafficking in Women and Children in India (ARTWAC) project, which involved the Institute of Social Science (ISS), National Human Rights Commission, and UNIFEM. The first section of this book analyzes the data produced by Action Research on Trafficking in Women and Children in India from a human rights perspective and makes specific recommendations for improved judicial interventions, law enforcement, and community involvement in anti-

⁹ P.M. Nayer, Sankar Sen (2005). Trafficking in Women and Children in India, Orient Longman, Pvt Ltd, Hyderabad, India.

trafficking strategies. A wealth of case studies in the second section paint a vivid picture of how traffickers treat the rights of their victims with little to no consideration.¹⁰

In his book *Sex Trafficking: Inside the Business and Modern Slavery*, former investment banker Siddharth Kara tries to explain human trafficking from a business/economic point of view.¹¹ The author claims that when he came dangerously close to being attacked by a group of pimps in Mumbai, he put himself at great personal risk. In order to meet the women and children who are held in the "dungeon of human disgrace" in Asia, Europe, and the US, the author enters seedy underworlds and markets for forced labor. He draws attention to pervasive and alarming trends, as well as the significant participation of law enforcement organizations and personnel in human trafficking and slavery.¹² The author has also considered various cultural elements, such as slavery, forced agricultural labor, begging, and organ harvesting, which contribute to trafficking (with reference to Thai women).¹³

Tom Obokata in *Human Trafficking: An Analysis from a Human Rights vantage point*¹⁴ attempts to provide a broad picture of the global human trafficking system. According to the author, estimates of the number of individuals trafficked annually range from 600,000 to 800,000, with women and children making up the majority. The United Nations Convention against Transnational Organized Crime, 2000, and the United Nations Protocol to Prevent, Suppress, and Punish Persons Trafficking, Particularly Women and Children, are just two of the UN documents that the author has taken into consideration when writing this book¹⁵ The author then outlines important responsibilities under international human rights law, such as the duty to forbid trafficking, punish it, protect victims, and address its causes and effects.¹⁶

¹⁰ *Ibid.*

¹¹ Siddharth Kara (2009). *Sex Trafficking: Inside the Business of Modern Slavery*, Columbia Univ. Press.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Tom Obokata (2006). *Trafficking of Human Beings: From a Human Rights Perspective*, Martinus Nijhoff Publishers.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

Author Anna M. Troubnikoff in *Trafficking in Women and Children*,¹⁷ writes about the severity of the issue of human trafficking, particularly that involving women and children. According to the author, one of the areas of international criminal activity that is expanding the fastest is the trafficking of people for forced labor and prostitution. According to the author, women and children make up the vast majority of those who are trafficked; it is estimated that between 700,000 and 4 million people are trafficked every year. The author goes on to say that, after the sale of drugs and weapons, human trafficking is now thought to be the third-largest source of revenue for organized crime. The threat of human trafficking, according to the author, is present throughout the world. The author also looks at what the various nations have done to consider potential anti-trafficking strategies.¹⁸

Likewise *Human Trafficking: With Special Reference to Delhi* by Apama Srivastava¹⁹ is the joint women's program's most recent attempt to address the problem of human trafficking. With funding from USAID and UNIFEM's regional South Asia Anti Trafficking Programme, this study was launched. Because of the author's attention to the Devadasi issue, the Karnataka government was able to draft and pass the Karnataka (Devadasi Prohibition of Dedication) Act, 1981. The author has taken into account, within its purview, not only the plight of women engaged in prostitution but also a number of other reasons why trafficking in women and children occurs, such as beggaring and forced labor.²⁰

The author makes an effort to estimate the scope of the issue of human trafficking and mentions both intra- and inter-national trafficking. In chapter five, the author emphasizes the rights of those who have been trafficked. The author makes some

¹⁷ Anna M. Troubnikoff (2003). *Trafficking in Women and Children: Current Issues and Development*, Nova Publishers.

¹⁸ *Ibid.*

¹⁹ Apama Srivastava (2009). *Human Trafficking: With special reference to Delhi*, NHRC, New Delhi.

²⁰ *Ibid.*

suggestions in the final chapter to stop the problem of human trafficking at three different stages, namely prevention, recovery/rescue, and rehabilitation of the victims.²¹

Obi N.I. Ebbe and Dilip K. Das ²² The scope, prevalence, diversity, and complexity of human trading have all changed as a result of human trafficking's emergence as a global disease, according to *Global Trafficking in Women and Children*. The writers compare this widespread illness to the movement of people used as commodities during the colonial slave trade.²³ But this book isn't just a reflection; it's also much more than that. Despite the fact that a mirror may give us a glimpse of something we may have missed or forgotten, the image it produces may be rather one-dimensional and flat.

S.K. Gosh²⁴ wrote two volumes for *The World of Prostitutes*. The first two chapters of volume I of the book are devoted to the topic of prostitution in both ancient and modern times. The author has considered a number of nations while highlighting the historical perspective of prostitution. The author sheds light on a variety of prostitution-related topics in the third chapter, including sex tourism, the effects of industrialization on prostitution, escort services, child prostitution, media and prostitution, call girls, international adoption, etc.²⁵

The fourth chapter of the book by author S.K. Gosh analyzes a number of international treaties that address the negative aspects of prostitution, such as the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prosecution of Others, and the International Convention for the Suppression of the White Slave Traffic.²⁶

²¹ *Ibid.*

²² Obi N.I. Ebbe, Dilip K. Das (2008). *Global Trafficking in Women and Children*, CRC Press.

²³ *Ibid.*

²⁴ S.K.Gosh (1996). *The World of Prostitutes*, A. P.H. Publishing Corporation, New Delhi.

²⁵ *Ibid.*

²⁶ *Ibid.*

Analyzing the Dimensions: Trafficking and HIV/AIDS in South Asia by Roma Deabrata²⁷ is a STOP (NGO) New Delhi based publication. In this book, the author emphasized the connections between trafficking and HIV/AIDS exploitation in South Asia, particularly in Nepal, Bangladesh, and India. The author also sheds some light on the government's and civil society's roles in the recovery, return, treatment, and reintegration of human trafficking victims. The author offers some suggestions in the final and concluding chapter to address the issue of human trafficking.²⁸

Gunjan Kinnu in *From Bondage to Freedom: An Analysis of International Legal Regime on Human Trafficking*²⁹ covers the full spectrum of the international human trafficking problem, including its dimensions and scope, an analysis of the relevant conventions and protocols, and the necessary human rights framework. The author emphasizes that dealing with human trafficking should take into account that it is a matter of human rights.³⁰

The 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others was harshly criticized by the author because it appeared to be more of an anti-prostitution tool than an anti-trafficking one. According to the author, the Convention calls for the abolition of human trafficking without providing a definition and equates it with prostitution and the movement of people into prostitution. The 1949 Convention thus denies protection to a sizable group of trafficking persons and becomes restricted in its scope and reach because it ignores the wide range of end purposes for which trafficking occurs, according to the author.³¹

K.P. Yadav in *Trafficking: An Emerging Social Problem*³² examines the issue of child trafficking for the purpose of commercial sexual exploitation and outlines the

²⁷ Roma Deabrata (2002). *Analyzing the Dimensions: Trafficking and HIV/AIDS in South Asia*, STOP, New Delhi.

²⁸ *Ibid.*

²⁹ Gunjan Kinnu (2006). *From Bondage to Freedom: An analysis of International Legal Regime on Human Trafficking*, NHRC Publication, New Delhi.

³⁰ *Ibid.*

³¹ *Ibid.*

³² K.P. Yadav (2006). *Trafficking: An Emerging Social Problem*, Adhyayan Publishers and Distributors.

environment in which such exploitation occurs. The author also provides a brief overview of the various rescue and rehabilitation initiatives undertaken by both the public and private sectors. Additionally, the author has reviewed a number of national, international, and national laws pertaining to trafficking and commercial sexual exploitation.³³

The author has also noted that over the past few years, the Indian government, NGOs, media, and the international community have become increasingly aware of and concerned about the growing prevalence of child trafficking in India for the purpose of commercial sexual exploitation.³⁴

The author aims to advance the state of knowledge regarding human trafficking in the concluding chapter. The author also wants to show the areas that need more research as well as the potential for applying methods in various settings.³⁵

Melissa Farley in *Prostitution, Trafficking and Traumatic Stress*³⁶ offers an examination of prostitution and human trafficking as forms of organized interpersonal violence for the reader.

The violence that permeates all forms of prostitution, including escort, brothel trafficking, strip clubs, pornography, and street prostitution, is extensively documented by the author. According to the author, verbal sexual harassment is a constant problem for prostitutes, and many of them have a long history of trauma, including childhood sexual abuse, emotional neglect, racism, economic discrimination, rape, and other forms of physical and sexual violence. This book has a global reach due to the cutting-edge contributions it includes from criminal experts in the field of traumatic stress, from lawyers and advocates who work with trafficked women, children, and adolescents, as well as both female and male prostitutes. Numerous chapters have been devoted by the author to discussing the difficulty of treating the psychological side effects of prostitution and human trafficking. Other chapters in this book discuss the survivors'

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ Melissa Farley (2003). *Prostitution, Trafficking and Traumatic Stress*, Routledge.

need for social support, drug abuse treatment, peer support, and services that are culturally appropriate.³⁷

Louise Shelley in *Human Trafficking: A Global Perspective*³⁸ examines global human trafficking in all its forms, exposing the business practices and character of the traffickers. Since the author has used historical and comparative perspectives, it is clear that there are various business models for human trafficking and that there are significant regional variations in the prevalence of this crime. The author draws the conclusion that the world's economic and demographic disparities, the escalation of conflicts, and potential global climate change will all contribute to an increase in human trafficking in the twenty-first century. He goes on to say that in order to slow its growth, coordinated efforts from the government, civil society, business sector, international organizations, and the media are required.³⁹

Alex A. Aronowitz in *Human Trafficking, Human Misery: The Global Trade in Human Beings*⁴⁰ says that the scourge of human trafficking affects almost every nation in the world, whether it be as a source, transit, destination, or a combination of these. According to the author, trafficking patterns differ across nations and regions and are constantly changing. While exploitation in the domestic and food service industries, as well as in agriculture, construction, fishing, and manufacturing, has received little attention from governments in the past due to its sole focus on sexual exploitation. Here, the author examines the nefarious world of human trafficking from a global perspective, revealing the kind and scope of the harm brought on by this heinous criminal activity.⁴¹

The author considers the criminals and criminal organizations that traffic in and take advantage of their victims using a victim-oriented perspective. She also focuses on the various victim groups and types of markets or trafficking, many of which have been

³⁷ *Ibid.*

³⁸ Louise Shelley (2010). *Human Trafficking: A Global Perspective*, Cambridge University Press.

³⁹ *Ibid.*

⁴⁰ Alex A. Aronowitz (2009). *Human Trafficking, Human Misery: The Global Trade in Human Beings*, Greenwood Publishing Group.

⁴¹ *Ibid.*

disregarded because sex trafficking has received so much attention. The author also examines less well-known instances of trafficking in organs, child soldiers, mail order brides, adoption, and internet-related trafficking. The author provides real-life context throughout the book by describing a number of cases she was involved with or learned about while traveling, drawing on her field experience in different parts of the world. The author's insightful analysis has revealed the true nature of human trafficking and shows the scope of its harm.⁴²

Kathryn Cullen - DuPont in *Human Trafficking*⁴³ provides a comprehensive examination of the multifaceted issue of human trafficking, which is another name for the modern-day slave trade. The author gives a great overview of human trafficking from both the global and American perspectives in the first chapter of the book. Additionally, the author does a fantastic job of fusing personal accounts of human trafficking victims with research. These individual accounts support the data and documents in the book. Anyone conducting research using this book will quickly discover that human trafficking encompasses more than just forcing women and children into prostitution; it also involves forced marriages, sweatshop labor, child military service, involuntary domestic servitude, and involuntary organ harvesting, to name a few.⁴⁴

The second section of the book contains documents on human trafficking from the United States and other nations. These contain quotes from international agreements, UN resolutions, news stories, and the US Trafficking in Persons Report. A sizeable section on how to research human trafficking is also included, with resources like maps, charts, annotated bibliographies, and a directory of organizations fighting the practice.

Author Silvia Scarpa in *Trafficking in Human Beings: Modern Slavery*⁴⁵ observes that The international community has concentrated on human trafficking,

⁴² *Ibid.*

⁴³ Kathryn Cullen – DuPont (2009). *Human Trafficking*, Info-base Publishing.

⁴⁴ *Ibid.*

⁴⁵ Silvia Scarpa (2008). *Trafficking in Human Beings: Modern Slavery*, Oxford University Press.

which is undoubtedly one of the most concerning trends of the twenty-first century. Part I of the article looks at human trafficking in light of the most recent definition provided by the UN Trafficking Protocol and various other international legal instruments, such as treaties and soft law. The most typical forms of exploitation associated with trafficking are also examined, along with its causes and effects.

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and other significant international conventions against slavery and the slave trade are reviewed by the author in Part II of the book. The United Nations High Commissioner for Human Rights' Recommended Principles and Guidelines on Human Rights and Human Trafficking are among the most significant policy documents establishing the fundamental requirements for the protection of trafficked victims. The author also analyzes the extension of the jus cogens Principle of international law, which forbids slavery, to make the case that human trafficking should be properly included in it.⁴⁶

In the third and final section of the book, the author examines the Council of Europe and the European Union's efforts to combat human trafficking, arguing that the protection of victims of trafficking has been overlooked in favor of the prosecution of traffickers.⁴⁷

The author ends by urging readers to adopt a more nuanced perspective on the issue and stressing the urgent need for more research on particular problems pertaining to the growth of trafficking and the exploitation of its victims.⁴⁸

Andrea Di Nicola in *Prostitution and Human Trafficking: Focus on Clients*⁴⁹ examines that several studies have focused on the trafficking of women for prostitution. In the first book, the author argues that prostitution and human trafficking emphasize demand as a crucial element in the equation. The author used a dual strategy: first, a virtual ethnography was created with a focus on the analysis of specialized forums on

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Andrea Di Nicola (2009). *Prostitution and Human Trafficking: Focus on Clients*, Springer.

the internet and used an anonymous internet questionnaire as an interview method. On the other hand, fieldwork enabled national research teams to gather data and interviews from potential customers of trafficked prostitutes, prostitutes themselves, involved police officers, and local authorities.⁵⁰

While conducting research for this book, the author aims to provide creative solutions for the following questions. Who is the victim of prostitution that is trafficked? What drives the demand for prostitution that is trafficked as opposed to other types? What types of prostitution are the subjects of the most effective policies? The author has investigated and characterized the underworld of prostitution-related human trafficking. By doing this, the author has disproved some widespread myths about customers and encouraged the development of fair policies for controlling prostitution, safeguarding the victims, and thus combating its unwelcome trafficking components.⁵¹

In the final section of the book, the author made recommendations for groups and decision-makers engaged in battling organized crime in general and human trafficking in particular.⁵²

Author Kevin Bales in *Ending Slavery: How We Free Today's Slaves*⁵³, gives instructions for eradicating the scourge of slavery, which still affects about 27 million slaves worldwide. The author presents a six-point action plan that includes safeguarding, arming, and cloning "The liberators," passing and enforcing effective anti-slavery legislation, and—possibly most crucially—assisting freed slaves in their healing. She also describes the lives of its victims around the world and the conditions that led to them. In addition, the author takes into account more pragmatic issues like raising money, raising public awareness, and persuading governments to pay attention.⁵⁴

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ Kevin Bales (2008). *Ending Slavery: How we Free Today's Slaves*, University of California Press.

⁵⁴ *Ibid.*

A lecturer in Sociology in the University of Leicester, Julia O'Connell Davidson in *Prostitution, Power and Freedom*⁵⁵ brings new information to add to the ongoing discussion about prostitution among academics, activists, and others. The accessible, succinct study by sociologist Julia O'Connell Davidson is based on extensive research from experts around the globe. In order to refute simplistic explanations of the prostitution phenomenon, the study applies a variety of theoretical analyses, demonstrating that prostitution is a complex relationship where economics, power dynamics, gender, age, class, and "choice" intersect.⁵⁶

The author's research in nine nations is impressive; it includes interviews with male and female sex tourists, adult and juvenile prostitutes, procurers, and clients. Through her research, O'Connell Davidson argues that prostitution is complex and not just a result of male oppression and violence or insatiable sexual needs, nor is it just a straightforward economic transaction. The book explains the economic and political injustices that underlie prostitution in a sophisticated manner, but it also demonstrates that while prostitution inevitably entails some freedoms for the clients, the degree of freedom felt by particular prostitutes varies greatly. People who study gender and women's studies, sexuality and culture, the sociology of work and organizations, and social policy will find this book to be very interesting and accessible. The general public will also value new perspectives on this long-standing social phenomenon.⁵⁷

Trafficking and Human Rights: European and Asia-Pacific Perspectives written by Leslie Holmes⁵⁸ says The fastest-growing form of trafficking is generally acknowledged to be human trafficking. As this significant book makes clear, it has gained significant momentum since the early 1990s, not only as a result of its growth but also as the implications for security and human rights have become more apparent.

⁵⁵ Julia O'Connell Davidson (2013). *Prostitution, Power and Freedom*, John Wiley and Sons.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ Leslie Holmes (2010). *Trafficking and Human rights: European and Asia-Pacific Perspectives*, Edward Elgar Publishing.

The problem of human trafficking, particularly the exploitation of women and children, has been addressed in a review of numerous articles written by renowned academics and jurists.⁵⁹

Dr. Sangita Bhalla in her article on Global Fight against Human Trafficking: With Special Reference to India⁶⁰ highlights the issue of human trafficking globally with particular emphasis on India. In the introduction to her article, the author claims that human trafficking is a persistent issue facing humanity that is both deadly in its effects and global in scope. According to the author, the majority of young people who are trafficked do so for purposes such as prostitution, domestic servitude, and other grave violations of their human rights.

The author highlights a number of factors that contribute to the rise in human trafficking, including migration, the refugee crisis, organized crime, social inequality, technological advancements, HIV/AIDS, and armed conflicts. It has also been mentioned that human trafficking dates back to the late 18th century.⁶¹

The author of the article examines the various international Conventions and Protocols for the prevention of human trafficking, including the Slavery Convention of 1926, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women of 1979, and the International Convention for the Suppression of the White Slave of 1920.⁶²

The Immoral Trafficking (Prevention) Act of 1956, various SAARC conventions, and various articles of the Indian Constitution, including Articles 14, 19, 21, and 24, are all taken into consideration by the author when discussing the national initiative. In the article's conclusion, the author offers some advice and a suggestion to combat the threat of human trafficking.⁶³

⁵⁹ *Ibid.*

⁶⁰ Dr. Sangita Bhalla (2007). "Global Fight against Human Trafficking: With Special Reference to India", Panjab University Law Review.

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

In their article, Kamaljeet Singh and Harish Verma *Trafficking of Women and Children in India: A Human Rights Perspective*⁶⁴ have highlighted the issue of human trafficking from a human rights perspective. According to the authors, trafficking involves serious violations of human rights, but surprisingly, the issue of trafficking for commercial sexual exploitation is still not seen from a human rights perspective. According to the authors, trafficking is a deliberate or accidental economic activity that involves the movement and displacement of people, especially women and children, who are then used for both sexual and non-sexual purposes. In order to stop the growing organized crime of human trafficking, authors have also looked at the significance of the UN Convention UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Particularly Women and Children 2000 and the Global Partnership Against Transnational Organized Crime 2000.⁶⁵

The authors also emphasize that not everyone is susceptible to human trafficking; women and children are the worst victims because of their social and economic illiteracy. Additionally, the authors carefully examine various annual reports released by the National Crime Records Bureau in New Delhi. Regarding the push and pull factors influencing the rise in human trafficking, authors looked at a number of factors, including the widespread misconception held by sex buyers that having sex with a virgin will cure them of HIV/AIDS and other sexually transmitted diseases. On the opposing side, authors claimed that the rise in human trafficking was a result of low status of women and children, particularly in India, unemployment, extreme poverty, and natural disasters.⁶⁶

Articles 14, 15(3), 19, 23, 24, 39(e), 39(f), 42, and 46 of the Indian Constitution; Sections 366A, 366B, 367, and 373 of the Indian Penal Code, 1860; and various

⁶⁴ Kamaljeet Singh, Harish Verma (2007). "Trafficking of Women and Children in India: A Human Rights

Perspective", Panjab University Law Review.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

provisions of the Immoral Traffic (Prevention) Act, 1956 were also examined by the authors as national laws to protect human rights and combat trafficking.

The authors note in their concluding remarks that although human rights violations against women and children are a problem with trafficking, this issue has not received enough attention. As a result, the most important requirement is to give the issue adequate attention, not just from the perspective of the welfare of the trafficking victims but also from the perspective of human rights.⁶⁷

Professor Gur Iqbal Singh Sandhu wrote an article titled Human Trafficking as Transnational Organized Crime: Problem and Perspective⁶⁸ says that After trafficking in illegal weapons and drugs, human trafficking is the largest illegal market. According to the author, Europe and Asia are the main destinations for victims of human trafficking when considering the global pattern. The author emphasizes that there are 127 countries of origin, 98 transit countries, and 137 destination countries for trafficking globally, according to the United Nations Office on Drugs and Crime (UNODC).

The SAARC Convention on Prevention and Combating Trafficking in Women and Children Prostitution, 1997, and the United States Trafficking Victims Protection Act, 2006 (TVPA), are two international and national legal instruments that the author has examined in an effort to end the menace of trafficking.⁶⁹

The distinction between human trafficking, human smuggling, and voluntary sex workers and trafficking victims is the most crucial point that the author has made. The author, like the authors before him, emphasizes various push and pull factors that have increased human trafficking.⁷⁰

The author states in the conclusion that in order to put an end to the illegal trade in human beings, there is a need for strict legislation, enforcement agencies with teeth, and international cooperation.

⁶⁷ *Ibid.*

⁶⁸ Prof. Gur Iqbal Singh Sandhu (2009). "Human Trafficking as Transnational Organized Crime: Problem and Perspective", Panjab University Law Review.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

Article by Sreyashi Dastidar namely Never Too Young to be Sold⁷¹ starts with the phrase that the concept of human trafficking is particularly challenging due to how complex and fluid the crime is. Only 7% of Indian police officers are known to have any training in dealing with cases of human trafficking, according to the article's author. Not only in India but also in Bangladesh and Nepal was the issue of trafficking in women and children highlighted by the author. The author of the article claims that anti-trafficking units have been established within the police forces of several Indian States, including Andhra Pradesh, West Bengal, and Goa.⁷²

The author says in her article's conclusion that NGOs should be urged to save and rehabilitate human trafficking victims.

In article by Ruchira Gupta in To Let / For Sale⁷³ writes about the problem of human trafficking both nationally and internationally. The author defines slavery in its pre-19th century form at the beginning of her article before explaining how it evolved into the form of sex slavery.

The author mentions nations like Australia and the Netherlands where prostitution is legal but where the prevalence of human trafficking has increased nonetheless. The author claims that after prostitution was made legal in Victoria, Australia, and Amsterdam, the number of illegal brothels there increased by 300%, and the sex workers in these brothels were victims of international human trafficking.⁷⁴

After reviewing a number of legal documents, the author comes to the conclusion that not all nations experience human trafficking to the same extent. The degree of gender inequality and the association of dominance with masculinity both influence the intensity.⁷⁵

⁷¹ Sreyashi Dastidar (2007). "Never Too Young to be Sold", Telegraph.

⁷² *Ibid.*

⁷³ Ruchira Gupta, "To Let / For Sale"? ApneAap Worldwide, (2011), Retrieved from <http://www.oudookindia.com/article/To~Let-For-Sale/263361>

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

An article by Sibnath Deb Aggression in Sexually Abused Trafficked Girls and Efficacy of Intervention⁷⁶. The basis for this article was the author's empirical study in the state of West Bengal. The author calls attention to the severity and prevalence of aggression in girls who have been sexually abused, trafficked, and then used for further sexual exploitation.

Article by Writer S. Huda Sex Trafficking in South Asia ⁷⁷ says that People have moved within each nation and across borders in South Asia as a result of economic, social, and political injustices. According to the author, globalization has facilitated the free movement of capital, experts, technology, and sex tourists. Among other things, illiteracy, dependency, violence, social stigma, cultural stereotypes, gender inequality, and endemic poverty put women and children in helpless, unavoidable situations that have fueled the growth of the region's colossal sex trafficking problem. The author looks at how the alarming growth of sex trafficking has accelerated the spread of HIV in South Asia, posing a particularly grave threat to community health, efforts to fight poverty, and other vital areas of human development.

The author emphasizes the significance of the SAARC (South Asian Association for Regional Cooperation) Convention on Trafficking in Women and Children, claiming that it has been a significant advancement. The majority of the nations in the region lack either anti-trafficking laws or ways to protect the victims. In his article's conclusion, the author urges the nations in the area to work together to treat trafficking victims as "victims" of human rights violations in all anti-trafficking initiatives and strategies.⁷⁸

Number of significant judgements from the Supreme Court of India and High Courts that deal with human trafficking and related issues.

⁷⁶ Journal of Interpersonal Violence, (2011), For details see:

<http://jiv.sagepub.com/content/26/4/745.abstract>

⁷⁷ International Journal of Gynaecology and Obstetrics, (2006), for details see

<http://www.ncbi.nlm.nih.gov/pubmed/16846602>

⁷⁸ *Ibid.*

The case of *Gaurav Jain v. Union of India*⁷⁹ In this case, Mr. Gaurav Jain, a public-spirited Supreme Court of India attorney, filed a Public Interest Litigation (PIL) in accordance with Article 32 of the Indian Constitution to improve the situation of prostitutes/fallen women and their offspring. Additionally, he requested the creation of separate educational institutions for the children of the murdered women. After hearing from all the State Governments and Union Territories, who were then represented by their respective standing councils, the Hon'ble Supreme Court made the following observation: "Segregating children of prostitutes by locating separate schools and providing separate hostels would not be in the interest of children and the general society." In this case, the court ruled that they should be kept apart from their mothers and given the opportunity to socialize with other people and integrate into society.

Instead of deciding the writ petition by issuing a set of instructions, the court established a committee made up of V.C. Mahajan, R.K. Jain, and M.N. Sheroff. The committee was given a deadline by the court to submit a report with recommendations for the best course of action. The report was then submitted as a result. The court reconvened to hear both sides after the report was submitted. It established some guidelines and further instructed a high committee to be formed to make an in-depth study of these issues and to develop any suitable schemes that are appropriate and consistent with the guidelines, keeping in mind legislative inertia and the government's consequent failure to protect the rights and interests of the victims. The court further noted that in order to give prostitutes a means of support and socioeconomic empowerment, prostitute rehabilitation should be accomplished through a variety of welfare measures.⁸⁰

In case of *Vishaljeet v. Union of India*⁸¹, a writ petition through a Public Interest Litigation (PIL) was filed in order to obtain guidance for (i) an investigation into police officials under whose authority the menace of forced prostitution, the devadasi system,

⁷⁹ AIR 1990 SC 292.

⁸⁰ *Ibid.*

⁸¹ AIR 1990 SC 1412.

and the jogin tradition were flourishing, and (ii) for the rehabilitation of the victims of this ailment. In deciding the writ petition, the court found that prostitution is not only a social problem but also a socioeconomic one, and that the appropriate course of action should therefore be more preventive than punitive.

The court further noted that despite the strict and reformatory legal provisions found in the Indian Penal Code, 1860, Immoral Traffic (Prevention) Act, and Juvenile Justice Act, 1986, it cannot be said that the desired outcome has been achieved.⁸²

The court ruled that only if law enforcement officials take swift and severe legal action against all of the wrongdoers, including pimps, brokers, and brothel owners, would this deadly disease be suppressed and eradicated.⁸³

In the present case, the court also ordered the Central Bureau of Investigation (CBI) to: (1) establish an inquiry against the officers under whose purview the red light district, as well as the devadasi and jogin traditions, were flourishing and to take necessary action against such incompetent law enforcement officials; (2) transport all those who were living in the red light district and those who were involved in the flesh trade to protective homes in the respective states; and (3) prosecute all of those who violated the law.⁸⁴

In *Lakshmi Kant Pandey v. Union of India*⁸⁵, In a letter in the public interest, a petitioner and Supreme Court of India advocate complained to the court about the wrongdoings committed by nonprofit organizations and adoption agencies that place Indian children with foreign families. The petitioner claimed that these kids are subjected to the grueling journey and eventually turn into beggars or prostitutes due to a lack of proper care from their alleged foster parents.

The letter was handled as a writ petition because it was part of a public interest lawsuit. After outlining the rules and guidelines to follow when placing a child for

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ AIR 1984 SC 469.

adoption with foreign parents, the court decided the writ petition and held that every child has the right to love and be loved as well as to grow up in a loving and caring environment. The court further stated that biological parents are the most supportive environment for a child's healthy development. If this is not possible for any reason, the child should be placed for adoption within the country. If that is also not possible, the child should be placed for adoption with foreign parents, but only after a thorough investigation by the Central Adoption Resource Authority (CARA) and other relevant agencies. Children's welfare and healthy development should be given top priority.⁸⁶

The Supreme Court in *Bandhua Mukti Morcha v. Union of India*⁸⁷ has elucidated on after taking note of serious violations of fundamental and human rights of the same, the Bonded Labour System (Abolition) Act, 1976, directed the Governments to award compensation to bonded labor under its provisions.

The court further declared that the rehabilitation of the released bonded laborers is the other issue raised by the application of the Bonded Labor System (Abolition) Act, 1976. This is a very important question because, if the identified and freed bonded laborers are not given rehabilitation, their situation will deteriorate even more than it did during their time as serfs, they will be subjected to further exploitation, and they will relapse into serfdom. As a result, the court ordered that rehabilitation programs be given top priority.⁸⁸

146th Report of the Law Commission of India,⁸⁹ in which Section 373-A of the Indian Penal Code of 1860 was proposed. The report begins with a general analysis of the social injustice of the recent sale of women and children in India. The report draws attention to this social ill, which is largely restricted to our society's underclasses. All people therefore require special legal protection since they are particularly susceptible to exploitation, especially women and children.

⁸⁶ *Ibid.*

⁸⁷ 1984 (3) SCC 161.

⁸⁸ *Ibid.*

⁸⁹ 146th Law Commission Report (1993)

The importance of the topic in the context of social justice for the underprivileged has also been taken into account by the law commission. According to the report, even though the Indian Penal Code has some provisions intended to address the sale of minors or other forms of transfer of their property, those provisions are only applicable in situations where the transaction is carried out for one of the purposes listed in those sections. These provisions, however, are insufficient to protect the interests of women and children when such a purpose does not exist or is not established during the trial. After carefully deliberating the issue, the Law Commission of India forwarded its 146th Report on the "Sale of Women and Children" with a recommendation to amend section 373-A of the Indian Penal Code to address the social ill.⁹⁰

A comprehensive report on the fight against human trafficking is provided by the National Human Rights Commission in the Plan of Action to Prevent and End Trafficking in Women and Children in India (2001). The report emphasizes the problem of trafficking in light of human rights. The Asia Pacific Forum of National Human Rights Institutions' recommendations and suggestions from a meeting held in Manila in September 1999 are taken into consideration by the NHRC Plan of Action. A national workshop to review the application of laws and policies related to trafficking: toward an effective rescue and post rescue strategy—are included in the focal point of the plan of action. Action research on trafficking in women and children in India is also included.⁹¹

The action plan also analyzes a number of international and domestic legal documents, such as the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the UN Convention Against Transnational Organized Crimes, and the Protocol to Prevent, Suppress, and Punish Person Trafficking, Especially of Women and Children.⁹²

The plan of action also suggests that a new national law be introduced or that an existing law be amended to conform to international standards. This law must be

⁹⁰ *Ibid.*

⁹¹ For details see: <http://www.nhrc.nic.in/.JPLANOFACITION.doc>

⁹² *Ibid.*

comprehensive enough to address all forms of trafficking and include a provision for harsh penalties.⁹³

George et al. note that it is essential to consider globalization, migration, socio-cultural characteristics of each society, law and governance system, gender discrimination, etc., in order to gain an understanding of the various structural causes related to trafficking. All these factors affect child trafficking, especially the status of women and girls in society. Not only inheritance and other rights but various questions related to education and occupation make them victims.

According to Gangoli, feminist answers to prostitution in India have largely consisted of silence, portraying it as hurtful or violent, or as a potential avenue for freedom. These perspectives are constrained, and they inadvertently contribute to the general patriarchal perception of prostitution.⁹⁴ She draws attention to the problematic stances taken by some non-governmental organisations working with women in prostitution because they infantilize and deny them any agency, creating a category of undifferentiated and permanent victims and an artificial distinction between the West (which is sexually permissive and even immoral) and the East/India where women would submit to 'immorality' only under grave threat.⁹⁵

As a result of the crime's secrecy, statistics on it is unreliable, and victims are reluctant to talk about their experiences out of fear for both state officials and traffickers, according to Lobasz.⁹⁶ It is also emphasised how important it is to distinguish between various groups of people, including those who have been trafficked, smuggled, and refugees, among others. She applauds the fact that most research on human trafficking is action-oriented, which causes the theory/policy barrier to dissolve.

⁹³ *Ibid.*

⁹⁴ Geetanjali Gangoli, "Silence, Hurt and Choice: Attitudes to Prostitution in India and the West" (Asia Research Centre Working Paper No.6, 2002) at 3.

⁹⁵ *Id.*, at 13.

⁹⁶ Jennifer K. Lobasz, "Beyond Border Security: Feminist Approaches to Human Trafficking" 18 *Security Studies*, 319–344 (2009).

On the other side, Kotiswaran says that the United States' foreign policy and indirectly the naming and shaming tactics of its anti-trafficking statute are primarily responsible for the global panic that has been created surrounding sex work and trafficking. As a result, trafficking and trafficking for sex work are frequently confused. She bemoans the underinclusive (for disregarding trafficking for other purposes) and overinclusive (for targeting women in sex work) implementation of anti-trafficking laws by several governments. Kotiswaran also draws attention to the stark divide that currently exists between labour and migration studies and legal scholarship on human trafficking.⁹⁷

Ratna Kapur further emphasises that failure to identify and effectively handle female migration is caused by the common conflating of trafficking with migration and sex work. Legal responses to female migration are frequently enmeshed in a paradigm of protection that demands the state's paternalistic rescue and rehabilitation and fails to recognise their status as independent economic actors.

The article by Annette Lansink, "Human Rights Focus on Trafficked Women: An International Law and Feminist Perspective," reexamines the prevalent discourse on trafficking.⁹⁸ The author discusses the complex subject of sex work's consent dilemma while situating it within the larger context of human trafficking. In her attempt to extrapolate a definition of the crime, the author outlines the limitations in a criminal-justice framework that typically supports our common understanding of trafficking. But she situates this hot-button matter within the converging fields of migration, employment, gender, and a vocabulary of human rights and contemporary legal debate. The article offers a few crucial qualifications that serve as a background for the current research project. Lansink emphasizes that trafficking results from a "gendered division

⁹⁷ Prabha Kotiswaran, "Beyond Sexual Humanitarianism: A Postcolonial Approach to Anti-Trafficking Law", 4 UC Irvine Law Review 353 – 406 (2014).

⁹⁸ Annette Lansink, "Human Rights Focus on Trafficked Women: An International Law and Feminist Perspective" 70 (1, 2) *Agenda: Empowering Women for Gender Equity*, 45-56 (Gender Based Violence Trilogy: Trafficking, 2006).

of labor," resulting in "gender-based violence" and "gender-specific harm." ⁹⁹ As advocated by the South African Law Reform Commission in 2006, she strictly avoids lumping prostitution and trafficking into one, cohesive, monolithic category. Spillover may happen between these two flexible categories, but as the article points out, this homogenization may have a negative impact on the most efficient ways to address the problem of trafficking. This method may cause other factors that affect the entire issue of migration and trafficking, such as the easy availability of cheap labor, social and ideological factors, and a lack of human rights, among others, to become invisible. Additionally, it causes the focus to become narrowed to just sexual exploitation, whereas a more sophisticated understanding would also consider the larger problem of economic exploitation. As a result, the author claims that if work is done voluntarily, the emphasis should be more on the "conditions of work" than on the "nature of work."¹⁰⁰ According to Lansink, eliminating abuse and exploitation within the work itself should be the main focus. The strategy should aim to reorganize power relations in relation to working conditions. The author places a higher value on the notion of agency that women exercise in their right to voluntary sex work in her critique of the "rescue and rehabilitation strategy."¹⁰¹ According to Lansink, we are stronger when we respect women's lived experiences, give them the freedom to choose voluntary consensual sex work, and pay attention to their protests against coercion-based prostitution. Alacrity is needed to ensure a better working environment that is free from exploitation, while also advancing human rights and enhancing accessibility for underprivileged groups like women and children. The three fundamental components "action, means, and purpose" that make up the definition of trafficking are also highlighted by Lansink in her article as she traces out the most recent and comprehensive definition of it.¹⁰²

The general presumption of objectivity surrounding the legal system is reexamined in Jayanth K. Krishnan's article, "The Rights of the New Untouchables: A

⁹⁹ Id., at 48.

¹⁰⁰ Id., at 53.

¹⁰¹ Id., at 51.

¹⁰² Id., at 49.

Constitutional Analysis of HIV Jurisprudence in India.¹⁰³ The author highlights the obstacles in the Indian legal system that prevent the smooth operation of the public interest litigation, a tool that is otherwise very effective, especially when serving the interests of the underprivileged groups in society. The article indirectly but effectively highlights how such biases could have subsequent legal implications and influence the constitutional rights of other marginally outcast groups, like that of the sex workers, by focusing on a literature review of court judgments handed down in relation to the HIV-affected patients.

Jo Doezema's "Who Gets to Choose? The complex discussion surrounding the question of consent, sex labor, and the overall problem of trafficking is well served by the book *Coercion, Consent and the UN Trafficking Protocol*.¹⁰⁴ In Doezema's paper, the question of consent is framed within a different paradigm and from the perspective of a sex worker. The author conducts a historical investigation into the ambiguity surrounding the concept of consent itself by tracing the contentious issue back to the 20th century campaigns against white slavery. The Palermo Protocol provides the framework for analysis and highlighting the shortcomings of the current conception of consent. Doezema's position challenges the prevalent discourse on prostitution and trafficking, which emphasizes preserving women's "sexual passivity" as well as their inherent moral purity and "essential" virtuous nature. However, if these naturally "good" women are captured by patriarchal male oppressors, the state must "reform and discipline" the prostitute in order to control her behavior.¹⁰⁵ Doezema supports a rights-based approach in which the importance of sex workers' agency and right to choice is prioritized over a vocabulary of victimization and repression. This includes their working conditions, the repressive effects of anti-trafficking measures on them, and other factors.

¹⁰³ J.K. Krishnan, "The Right of the New Untouchables: A Constitutional Analysis of HIV jurisprudence in India" 25(3) *Human Rights Quarterly* 791-819 (August, 2003).

¹⁰⁴ J. Doezema, "Who gets to choose? Coercion, consent and the UN Trafficking Protocol" 10(1) *Gender and Development* 20-27 (Trafficking and Slavery Edition, March 2002).

¹⁰⁵ *Id.*, at 23.

A basic understanding of the existing legal frameworks in relation to anti-trafficking measures is provided in the article "International Law and Human Trafficking" by Lindsey King.¹⁰⁶ King believes that the UNCTOC and its two protocols are effective in addressing the problem of trafficking. It highlights the Palermo Protocol's exceptional ability to punish traffickers and provide protection for victims of trafficking while outlining its unique features. While obliquely addressing the subject of consent, the Protocol takes a pro-victim stance. The author supports increasing awareness among and sensitizing the enforcement agencies while keeping in mind the transnational nature of trafficking. The author contends that such actions can guarantee adherence to international legal regulations regarding trafficking while taking into account regional particularities in addressing this pervasive issue.

In an effort to address a significant flaw in the current mechanisms, Anne Gallagher has taken up a few of the strongest human rights norms and developed them to be applied to trafficking. This attempts to address the assumption that slavery and trafficking are similar problems.¹⁰⁷ The following standards are included: prohibition of forced labor, prohibition of debt bondage, and prohibition of slavery and the slave trade. She suggests bolstering the current legal system to make it more effective at pursuing traffickers and safeguarding victims. Gallagher has charted the development of international law against slavery, showing how it has come to be recognized as an international crime under both human rights and humanitarian law, and is now forbidden by a number of international agreements. The anti-slavery laws currently in place may not be sufficient to address the phenomenon of trafficking in its contemporary manifestations, according to Gallagher.

¹⁰⁶ Lindsey King, "International Law and Human Trafficking" Human Rights and Human Trafficking Digest (University of Denver) available at: <http://www.du.edu/korbel/hrhw/researchdigest/trafficking/InternationalLaw.pdf> (last visited on June 07, 2014).

¹⁰⁷ Anne Gallagher, "Using International Human Rights Law to Better Protect Victims of Human Trafficking: The Prohibition on Slavery, Servitude, Forced Labor and Debt Bondage" in L.N. Saadat , M.P. Scarf (eds.), *The Theory and Practice of International Criminal Law: Essays in Honour of M. Cherif Bassiouni* 397-430 (Martinus Nijhoff, Leiden, 2008).

The majority of the publicly available literature on human trafficking is based on newspaper articles, conference and workshop minutes, research study findings, and other publicly available materials. National and international NGOs and governmental organizations typically organize these conferences and workshops.

The Task Force on Trafficking of Women and Girls was established by the American Psychological Association in 2011, and according to their report, human trafficking involves more than just violations of legal, social, and human rights. Various recommendations were made for improving education and research in the area of human trafficking, as well as for altering public policy, establishing advocacy groups, building capacity, and taking preventative measures to combat the problem. The psychologists have used a scientific approach to gain insight into this social issue. Because the picture we get is hazy and lacks clarity about the true problem if the dynamics of trafficking are not well understood. It has been suggested in the section on policy recommendations that those who have been victims and then emerged as survivors should be provided with behavioral health services and counseling services in order to help them raise money for more extensive research in this area. Promote and raise awareness of human trafficking among those working in the fields of education, health, law, and child welfare, and educate them on its many facets, components, and effects. The primary inclusion dealt with the examination of mental health as a component of research on human trafficking. Therefore, proper use of resources and services is crucial. Policies shouldn't lack credibility and should be supported by facts. It's crucial to include appropriate programs for young women's safety as victims and survivors in the juvenile justice system. It is advised that the curricula in schools include enough information to enable teachers and students to recognize people who may be targets of trafficking and to be aware of the repercussions. In order to address this issue, these should also contain the proper information on how to empower and fortify them to recognize coercive and non-coercive relationships. These resources ought to be sufficient to meet the need to persuade young people to reject deceptive promises, on the basis of which they are frequently drawn into the web of trafficking.

To avoid confusion with various migration patterns, there should be more clarity regarding misconceptions about the concept of human trafficking as a whole and regarding the identification of those who are trafficked.

According to Hameeda (2010), the dynamics of trafficking in India are extremely complex. More intervention was required in order to better support government, donor, and NGO efforts to prevent trafficking. This qualitative study revealed that The Asia Foundation in India successfully implemented these recommendations to combat human trafficking. The Indian legal system was thoroughly examined in detail. It is clear that India's legal system is seriously flawed. The deep-seated, widespread corruption, the strained and snail-paced judiciary system, and the nearly nonexistent safety services are the causes of the legal system's flaws. The main problem with the legal system is that the laws that are designed to stop trafficking and make those responsible for it criminals (traffickers, agents, perpetrators, buyers, and profiteers) are not implemented properly or at all. Due to these flaws in the legal system, when the laws are put into practice, the penalties are not severe enough to deter trafficking.

Skeldon (2000) investigated the idea that trafficking is a crucial industry and demonstrated how it differs from human smuggling in the context of Asia. Human smuggling and human trafficking are distinct because there is frequently considerable conflation between these two phenomena. The lack of clarity in the definition of these regions' borders and the intense conflict surrounding them are the main causes of this confusion. Due to these misunderstandings, numerous refugees, immigrants, and other similar groups are crossing borders. In Asia, labor trafficking is a common occurrence. And it is most prevalent in areas that have already undergone industrialization or are in the process of doing so. To protect the exploited and victimized laborers, these regions and nations must all enact the necessary laws and regulations. The perpetrators should then be held accountable through the legal system. When the definitions of both human trafficking and human smuggling are examined, the legal distinctions and moral stances are hazy and unclear. It examines various risk factors for both those who are trafficked

and those who could become victims if adequate security isn't given to them. The direction of trafficking is determined by the routes that traffickers take, as well as by lax border controls. Without a thorough understanding of trafficking and the factors involved, it will be impossible to put an end to it. The academic institutions that work in the field of research are also given some recommendations on how to improve and use the right methods and tools to demonstrate their research. It is also necessary for such academic institutions to broaden their areas of research. The routes of trafficking, the size and demographics of the organizations or bodies involved in trafficking, examining the risk factors involved and the estimated number of people affected by this, the amount of cash coming in and going out, as well as the pattern, are all important topics to look into when studying human trafficking. Finally, the effectiveness of the various laws in the country should also be examined. Effective security strategies should also be used to fill in the gaps in the creation and application of these laws.

VanImpe (2000) talked about the findings of a trafficking study that was carried out between the Philippines and Belgium. It glosses over the requirement for a multifaceted strategy to develop strategies to combat this menace of trafficking in persons, particularly in women. Finding a comprehensive solution becomes challenging due to the multiplicity of causes that are at play. Simple solutions cannot stop the combined effect of these causes. Instead, it is more important to make changes to the judicial system so that the incidences can be kept to a minimum. These causes should be eliminated by exercising and putting into practice legal reforms that protect the rights of those who have been victimized, tighten up lax border controls, and identify the patterns of both illegal and legal movement. For these measures to be implemented more effectively, there must be agreement among the regions that act as sources, transit points, and destinations. At the application stage, these reforms and regulations should be coordinated.

According to Miko and Park's 2003 investigation, one of the main causes of trafficking is the general preference, favoritism, and differential treatment shown to boys and men in almost every society. We are aware that patriarchy is prevalent in this

area, which worsens the situation for women, who are harmed and exploited in every way possible. There are numerous factors that make human trafficking possible. Some of the causes include a lack of efficient legal systems, the brutality of legal authorities, and dysfunctional administrative structures in the states and regions where human trafficking is a problem. These equipment is rare in most nations. Another of them is India. Even when laws are passed, they are not always carried out properly. These are the main obstacles standing in the way of stopping human trafficking. In almost every community and society in the world, women are oppressed. Such male behavior toward women can be attributed to culture. They continue to be arrogant and to degrade women in the name of culture. In almost every country, there are significant differences in the indicators of human development. The life expectancy index, the poverty and inequality index, the economic indices, etc. show enormous differences between the second and third world countries. For women and girls, there are very few opportunities for education, viable means of subsistence, the right to inherit property, and access to facilities for good health. These elements drive women into a pit of uncertainty and make them vulnerable, which makes them targets for exploitation. Such women are at risk due to development-induced displacement, illegal migration, wars, and conflicts between states, regions, and subregions. This study provides an illustration showing how the fall of the communist regime in Eastern Europe led to an increase in illegal activity and the growth of the network of anti-social agents. Such circumstances increase these marginalized people's susceptibility. The transitional evolution of political, social, and economic institutions is thus seen to have a significant influence on the trends and occurrences of human trafficking. But these organizations also significantly contribute to lessening the effects.

Fowler and UNICEF (2004) used the example of Africa to illustrate the various categories into which a nation can be divided in terms of the methods used by traffickers to conduct their business. The patterns and classifications made also reflect their role in carrying out these transactions, which involved members of the community's marginalized group. The countries that supply (unwillingly) people to

meet the needs of human traffickers and their clients are referred to as the source countries. This is more obvious in the third world, where inequality is rampant, living conditions are poor, there are few opportunities for employment or for a living, and there are low levels of literacy and health. And the nations that receive the victims are referred to as the destination nations. The victim's likely transit country is also known as the destination country. Through these areas, the trafficking victims are moved. The demand for such people is created by the countries of destination, forcing an increase in the number of victims of human trafficking every year. It can also be used to describe the states and districts in a nation where human trafficking is rife.

In addition to its negative effects on health, sex trafficking, according to Huda (2006), violates more than just basic human rights. Their state of physical, sexual, and mental health reflects the results of the victims' cruel treatment. These individuals pay a price in the form of a variety of health risks, some of which may include drug obsession and increased dependence. Sexually transmitted diseases (STDs), unintended pregnancies that end in abortion in the majority of cases, health issues, and various types of physical and sexual abuse, including rape, are just a few of the factors that affect sexual health. When someone's mental health is negatively impacted, they are pushed to their breaking point and are more likely to experience mental instability and consider suicide.

Kilgman and Limoncelli (2005) provided examples of 19th-century human trafficking, particularly that of women in different nations. They concluded that academics, national authorities, media, and development professionals are all familiar with human trafficking. They are not unfamiliar with this idea. They talked about how trafficking patterns have changed over the past 100 years. However, the stability of their organizational roots and structural stability remained essentially the same as in earlier times. In the past, countries like China, Japan, and many European countries were used as sources. This document dates to the late 19th and early 20th centuries. With the start of industrialization, there was an international wave of change. Due to urbanization, frequent immigration and emigration between nations, as well as political upheaval, the

population had begun to multiply, contributing significantly to the rise in women's and girls' trafficking cases. In Europe, Argentina, and Brazil, women and young girls from France, Poland, and Italy were being forced into the flesh trade. Women from China and Japan were forced into prostitution in the eastern regions of Britain, Hong Kong, Singapore, Shanghai, and Malaysia. This was the situation following the beginning of socialism's decline. These trafficked women worked for men of various nationalities who were wage workers, service members, business owners, and even influential figures like politicians. Eventually, as it generated sizable profits, this assumed the form of a new business concept. When communism fell in Eastern Europe in 1989, new opportunities became available for those who became more actively involved in the flesh trade. It is clear that prostitution is a growing industry in the context of human trafficking.

The likely causes of the rising risk of HIV infection among those who have survived sex trafficking in India were critically examined by Gupta et al. in 2011. 61 case studies of those women and girls who were trafficked for sexual activity before being rescued and returned home were collected for in-depth analysis. These women and girls were utilizing an NGO in Mysore's services. To determine the main origins and causes of the dangerous HIV infection that made their lives miserable, a case study analysis was conducted. The women and girls who participated in this study as respondents were between the ages of 14 and 30. They were forced to submit to an HIV test. About 45.8% of the 48 women and girls who underwent the test were HIV positive. Because they were limited in their ability to act independently, they were more vulnerable. They were subject to strict boundaries and constraints, which appears to have increased the likelihood of this crime. Because of their vulnerability, frequent rapes, coercive acts, lack of access to protective measures and healthcare, and their inherent inability to object to such abuse because of their bonded status, HIV infection was common among them. These were the study's results in particular. In conclusion, it was discovered that these girls and women who had been trafficked were dependent on other people and thus vulnerable to HIV infection through these channels. Therefore, it

is implied that taking preventive measures is crucial if we want to reduce the prevalence of HIV infection among these women and girls who are trafficked.

ILO (2005) conducted research on the perceptions of people who are trafficked working in various fields. According to the study, those who are trafficked because of coercion, trickery, bondage, false hope, and fictitious marriages don't always end up as prostitutes. There are numerous additional forms of sexual servitude. They are assigned to difficult factory and industrial jobs. The majority of the beggars are children who are coerced into entering the streets. In the name of marriage, young girls and even women are sold off and made into domestic slaves. These topics are examined in relation to South Asia. According to recent estimates from the ILO study, 43% of all victims are sexually exploited, while 32% are victims of economic abuse and exploitation.

In order to build upon and broaden the foundation for future research on human trafficking in Vietnam, Dinh et al. (2014) issued an invitation for proposals that included creative and dynamic methodologies. It is a growing form of organized crime. It is also sometimes referred to as contemporary slavery. In order to locate trustworthy and pertinent statistical data, which is typically not available, attention has been given to the findings of the pilot study that was carried out in the rural areas (hamlets) of Vietnam. The pilot study was necessary to address this problem and find a solution. The results of this study showed that there was no evidence or trustworthy information to support why there were more cases of human trafficking in rural areas. It wasn't necessary for the majority of victims of human trafficking to reside in rural areas. This is due to the fact that people living in cities and close to borders also displayed the same tendency. Two areas with comparable socioeconomic backgrounds displayed dissimilar patterns. One spot appeared to be more exposed than the other. Finding the causes and responses to these questions was the purpose of this survey. In the end, the survey revealed that fewer cases of trafficking had occurred since 2006. Even though there was a steady decline, the issue persisted.

Panda (2013) expressed his opinion on the tribal population's mobility. The two districts in question are Sundargarh and Khordha in the state of Odisha. Migration

patterns vary in these two districts. Therefore, the investigation into gender-based mobility patterns and features was prioritized in order to better understand human trafficking. In places like New Delhi, it was discovered that tribal women from the Sundargarh district were primarily employed as domestic helpers. Additionally, people from the Khordha district were observed working as wage laborers at stone crushing facilities along the highway that runs between Mumbai and Chennai. Additionally, they traveled to Pipili and other nearby towns to work as wage laborers. The obvious distinction between these two districts indicates that Sundargarh lacks access to opportunities for a living while Khordha does. Due to this, tribal girls from Khordha district are not commonly trafficked while those from Sundargarh district are. The Khordha tribal women are aware of potential outcomes before leaving the house to go to work. When they travel to places like New Delhi, they are unaware of the obstacles in their way, but this is not the case in Sundargarh district. It can be observed that both men and women are active. When women are particularly mobile and doing so for exploitative tasks, this mobility is also a form of trafficking. The need for gender-specific workers is constantly increasing.

According to a 2012 study by Shetty, one of the main causes of the alarmingly rising number of trafficking cases in Odisha is displacement brought on by development. People from the tribal population are compelled to migrate when they are displaced because of the implementation of development projects. Some migrants become prey to traffickers who greatly profit from these circumstances. The growing problem of human trafficking becomes urgent as a result of the development projects and their numbers in Odisha. In this essay, the effects of displacement on tribal women and children are examined. If they are unfortunate enough to be trafficked, children who have been displaced enter the bonded labor force. In contrast, if women or girls are unfortunate enough to be trafficked, they are typically hired as domestic help. The situation isn't improving despite ongoing government planning that dates back more than 60 years. For the tribal communities, on the other hand, things are getting worse. It's because development is viewed as a form of economics. When policymakers create

policies, they do not consider the social, educational, health, or nutritional aspects. Even the schemes that are created don't support tribal interests.

Tumlin (2000) suggested that more effort should be concentrated on South and South-East Asian nations in order to reduce human trafficking. While addressing this issue, there is a need for suitable intervention programs as well as a shift in perspective. Gender-specific human trafficking was observed to be on the rise. More boys are being trafficked for labor-intensive jobs and are also being sexually abused. Therefore, when creating policies, inclusive measures should be taken. The proper application of the law and the rules is crucial. There needs to be a strategy where researchers go beyond conventional intervention plans. The emphasis must be on coming up with alternatives to keep both boys and girls rooted to their homeland and away from being seduced by false, deceptive promises made by traffickers. The case studies should serve as the foundation for extensive research in these South Asian and South-East Asian regions. This will aid researchers and decision-makers in developing practical solutions and ensuring that they are properly carried out. Plans for generating income need to be improved. The main goal of this overview was to make life better for those who have or have been victims of trafficking.

Bohl (2010) conducts a critical analysis of human trafficking in India and Nepal and sheds light on the institutional and structural factors that influence the prevalence of the crime in both nations. Failure of development strategies causes job losses and increases unemployment globally. People are then forced to look for employment opportunities wherever they can. The mobilization of resources is also thought to be flawed. Both nations have deep-seated patriarchal tendencies that have nourished cultural threads that discriminate against women in all spheres. They are most negatively impacted in this area. The long-term effects of relying on social networks to their advantage for finding work to support themselves and their families are detrimental. The fact that the trafficker is typically someone they know was a significant discovery. Sometimes parents unintentionally force their kids into the web of trafficking. Family members significantly contribute to the aggravation of this issue.

Many children in Nepal are suspected of having been trafficked by their parents when they were hired as performers at Indian circuses. An NGO called Maiti Nepal is actively developing programs to combat human trafficking. They also manage homes where rescued victims of trafficking can be resettled in a new order. Since labelled people are less accepted in their communities and societies, returning home is difficult.

Doezema (2002) examined the difficulties associated with using the concept of "consent" to define the concept of trafficking in persons (TIP), particularly in relation to women. The most recent discussions surrounding the UN Trafficking Protocol have undergone a thorough evaluation. The concept of "consent" or "assent" was a hotly debated topic during the conferences' discussions. Many opinions came from various groups that focused on women. They argued that regardless of whether the women involved gave their consent or not, all sexual activities that involved them should be viewed as trafficking. According to a different group of female activists, "coercion" is a necessary element to fully define trafficking. Finding a consensus between these various bodies that were attempting to triumph over their positions was the goal of this article's final effort. In order to understand the concept of "consent" clearly, this article draws on a variety of viewpoints from these discussions and conducts a comparison with theories from the era of widespread white slavery in the middle of the 20th century. It becomes challenging for a nation's government to provide security and protection to people who have migrated and people who have been trafficked. This is primarily due to policies that are created using ambiguous definitions of terms like "migration," "trafficking," and the "consent" concept associated with these processes.

According to Friebel and Guriev (2004), the incentives offered by traffickers to the weaker members of society have caused an increase in the incidences of trafficking. They are forced to stay within the confines of those who lend them money so they can support their families because they have limited access to credit sources. This also applies to people who have entered a country illegally from another.

According to Basu and C. Hau (2004), debt forces people into a state of bondage where they must continue to live as proletariats while being exploited by lenders.

Children are typically forced to provide their labor as a service for such bondages. And this never-ending cycle of debt and child labor in servitude is a vicious one. This is observed to be passed down from generation to generation, ultimately resulting in labor-based trafficking. Therefore, as a policy measure to combat bonded labor, evaluation of trade permits and endorsements must be made mandatory.

In his 2004 study, Richards examined how trafficking and corruption are mutually reinforcing at all levels. The danger that those who are trafficked face is increased as a result of this connection, which has two sides to it. On the flip side, it streamlines the process of human trafficking, allowing it to proceed without delays or obstacles. This is supported by how the resources allotted for this process are used. Nothing but corruption fosters its expansion.

Lalith Kumar and R. Monica J. (2017) Slavery, which involved the sale and purchase of people as chattel, or as commodities that could be bought and sold, is historically associated with trafficking. A person under the age of 18 being recruited, transferred, transported, harbored, or received with the intention of exploiting them is known as "child trafficking." Forced labor and human trafficking are expressly forbidden by India's constitution, which also makes both offenses punishable under Article 23(1). Poverty, a lack of opportunities for employment and education, the collapse of social structures, and other factors all contribute to child trafficking. According to international law, people who have been trafficked cannot be treated differently just because they are foreigners. Regardless of their citizenship or country of origin, everyone who is on a State's territory or under its jurisdiction is subject to international human law. The world needs to implement anti-trafficking measures, especially in rural and urban areas that are vulnerable to the crime.

M. Kannappan and P. Subiksha (2018) A person who has not reached the age of eighteen is considered a child in accordance with the law. Child trafficking refers to any injustice or exploitation that occurs to these children. It is characterized as a cruel act when a child is illegally transported, when they are bought and sold for a purpose of exploitation, whether it takes place domestically or abroad. There are many ways in

which the children have come into contact with the traffickers, but typically these children are promised a daily wage to support their family, and in some cases the parents themselves insist that their children because of poverty consider them as an asset to the family instead of providing them with education. In reality, however, these children are bought into forced slavery or transported to various regions for begging, labor, and sexual exploitation. Since there is inadequate enforcement of the laws governing this issue, which is also referred to as a silent crime, it is challenging to identify traffickers involved in such activities. Until signs of such activities are discovered, no one will be aware that such crimes are being committed illegally. Child trafficking is typically caused by poverty, unpaid debts owed by parents or ancestors, or being forced into forced or bonded labor. It is possible to traffic kids with the goal of adopting them. The rate of child trafficking has increased over the past few years, and in the last two years, children have been kidnapped, abducted, and harbored. Child and bonded labor, sexual exploitation, forced domestic labor, child soldiers, and other forms of child servitude are among the common crimes against children.

Deborah Fry and Dorothy Neriah Muraya (2016) based on the findings of a systematic review of published and unpublished research, organizational policy, and current practice, to investigate the aftercare services offered to child victims of sex trafficking globally. The development of best practices for aftercare service providers begins with this systematic review. Method: Four English-language databases, two libraries with resources on human trafficking, and one Internet search engine were systematically searched for journal articles and "grey" literature on the services provided to child sex trafficking victims worldwide that were published between January 2000 and May 2013. For the review, 15 documents were found through the search. Results: The 15 documents made clear how important it is for aftercare services to be built around children's rights and trauma-informed care. For the child victims to receive the full benefit of the services, they advised using case management and multidisciplinary, multiagency, and multinational coordination. Rescue, recovery, and reintegration are the three stages of aftercare service provision, according to the

systematic review. Different needs and types of services are offered during each of these phases. In comparison to the recovery and reintegration phases, the recovery phase received the most attention. The literature concluded that the provision of aftercare services for victims of child sex trafficking is a novel field that requires an evidence base from which policy and practice can be developed. A lot more study is required, and the documentation of service delivery needs to be improved. Although this study sheds light on the subject, there is still a significant gap in the literature. Within the last ten years, the field of providing aftercare services for trafficked children has seen phenomenal growth, and with more research and funding going into the field, it may be possible to meet the minimum care standards set by the international community.

Edward Snajdr (2013) this essay examines the gaps between anti-trafficking rhetoric and how local communities actually respond to it, as revealed by ethnographic research from Bosnia and Kazakhstan. He investigates how the anti-trafficking discourse functions as a master narrative, utilizing techniques of emotion and logic in addition to a particular kind of victim story, using the concept of "uptake." He also takes into account how the conversation about human trafficking continues to be retold in the media and reproduced in popular culture, frequently in ways that actually depart from the current iteration of the grand narrative, despite an emerging counter discourse that challenges the data and calls into question current policy. Despite Bosnia's compliance with US policy, ethnographic data from Bosnia indicate that the master narrative is selective in how it portrays the history of the issue and that it does not "take up" important details about the context that encourages sexual exploitation. In contrast, despite local initiatives to stop the issue from occurring within its borders and indications that the crime is not common, Kazakhstan suffers from a liminal status. Though not mythical, he contends that the master narrative, which fills the crucial voids of policy, activism, and development, contains the stuff of legend. This raises the issue of how to respond to the nuances and needs of victims of gender violence.

The majority of studies have repetitive content and formats that seem to be recycled. Books, articles, and reports are essentially interchangeable at this point. Every study seems to have three main goals: confirming the presence of trafficking, pointing out gaps in different agencies' responses, and offering recommendations. The information on human trafficking is presented narratively or is limited to a simple list of incidents, occurrences, and cases. A significant amount of trafficking-related literature also exhibits a high level of outrage. Studies that have dealt solely with the problem of trafficking for labor exploitation have not yet been conducted.

It is possible to examine the various facets of trafficking, despite the fact that the majority of studies fall short of doing so. Due to a lack of in-depth analysis of the problem and the factors involved, the majority of studies have been unable to accurately depict the scope of the trafficking problem, what sustains it, and why it occurs. The various dimensions and aspects of this crime and how they relate to one another must be thoroughly examined rather than given a cursory glance, whether the topic is trafficking and migration or trafficking and organized crime.

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