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SOCIO-LEGAL DIMENSIONS OF HUMAN TRAFFICKING IN INDIA

Dr. Manjit Singh

Assistant Professor, Department of Laws,
Guru Nanak Dev University, Amritsar.

Muskan Bhatia

Assistant Professor of Law, DAV University, Jalandhar.

1. INTRODUCTION- Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of women and children fall into the hands of traffickers in their own countries and abroad. Almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for the victims. Human trafficking has been identified as the third largest source of profit for organized crime, following arms and drug trafficking, generating billions of dollars annually at the global level. An estimated 6 to 8 lakh women and children are trafficked each year globally. This estimate does not include those trafficked within their own countries or missing children. Women and children are generally trafficked for begging, organ trade, drug smuggling, bonded labour, domestic work, agricultural labour, construction work, carpet industry, forced prostitution, sex tourism, pornography and also for entertainment and sports, which include beer bars, camel jockeys and circus troops.¹ India recorded as many as 10,659 cases of human trafficking between 2018 and 2022. The number of persons charge-sheeted stands at 19,821, with an average of 3,500-4,000 persons charge-sheeted

¹ Retrieved from

<https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/Human%20trafficking%20in%20india.pdf>visited on 11.06.2024 on 11:55 a.m.

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every year. The number of persons convicted for the crime, however, remains low, 1,031 convictions in five years, just 4.8% of the persons arrested in the same period. The number of accused who have been acquitted by different courts in the five years stands at 4,936. Maharashtra registered the highest number of cases, 1,392 in the past five years, followed by Telangana (1,301) and Andhra Pradesh (987). States like West Bengal and Assam are considered source States, while Maharashtra and Karnataka are destination States. The Ministry of Home Affairs has pointed out the steps taken to combat trafficking. This includes upgrading the infrastructure of district anti-human trafficking units and strengthening special intelligence and surveillance mechanisms to identify gangs and gather information about their history and modus operandi.²

In May 2011, the Indian Government ratified the United Nations Convention against Transnational Organised Crime (UNTOC) and its three protocols. Having ratified the Convention, India became the fourth South Asian country after Afghanistan, Pakistan and Sri Lanka to ratify the UNTOC. The United Nations Office on Drugs and Crime (UNODC) is mandated by its Member States to assist in the implementation of the Convention, which, along with the UN Drug Conventions of 1961, 1971 and 1988, underpins all the operational work of UNODC. The UNTOC was adopted by the General Assembly in 2000 and came into force in 2003. The Convention is the first comprehensive and globally binding instrument to combat transnational organised crime. States that have ratified UNTOC commit themselves to taking a series of measures to prevent and control transnational organized crime, including (i) the criminalising of the participation in an organized criminal group, of money laundering, related corruption and obstruction of justice and (ii) the adoption of frameworks for extradition, mutual legal assistance and international cooperation. The UNTOC was further

² Shiv Sahay Singh, "Over 10,000 cases of trafficking but only 1,031 convictions between 2018-2022," *The Hindu* (January 7, 2024).

supplemented by three protocols, one of which deals with human trafficking -The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, provides an agreed-upon definition of trafficking in persons. It aims at comprehensively addressing trafficking in persons through the so-called three P's - Prosecution of perpetrators, Protection of victims and Prevention of trafficking.³ The ratification of this International Convention by India shows that India is optimistic about the implementation of international law in domestic courts, and this approach is continuously evolving. India has argued its commitment to the development and implementation of international law.

For dealing with cross border trafficking and to address the various issues relating to prevention of Trafficking, victim identification and repatriation and make the process speedy and victim-friendly between India and Bangladesh, a Task Force of India and Bangladesh were constituted. So far five meetings of Task force between India and Bangladesh have been held. Fifth meeting was held on 17-18 August, 2015 in Dhaka, Bangladesh. A Memorandum of Understanding (MoU) between India and Bangladesh on Bilateral Cooperation for Prevention of Human Trafficking in Women and Children, Rescue, Recovery, Repatriation and Re-integration of Victims of Trafficking was signed in June 2015.⁴

1. HISTORY OF HUMAN TRAFFICKING - Human trafficking is generally known as "modern-day slavery." While the terms slavery and human trafficking are commonly used interchangeably, "slavery" has a broader meaning. Slavery dates back thousands of years. It dates back to prehistoric hunting societies and has remained a universal institution throughout

³ Retrieved from <https://www.unodc.org/southasia/en/frontpage/2011/may/indian-govt-ratifies-two-un-conventions.html> visited on 15.06.2024 at 10:30 p.m.

⁴ Retrieved from <https://www.mea.gov.in/humantrafficking.htm#:~:text=A%3A,trafficking%20f or%20commercial%20sexual%20exploitation.>> visited on 16.06.2024 at 12:40 a.m.

human history. From slavery to organ donation, human history has been the story of forceful or coercive recruitment of poor and vulnerable persons into work for which willing volunteers have been lacking.⁵

Sometimes the term ‘human trafficking’ refers to the transportation of slaves, but in the great majority of studies, the term refers to all slavery and slavery like conditions, such as forced labor, debt bondage, and forced prostitution. Human trafficking is often associated with organized criminal activity.⁶ Slavery was legal, controlled, and widespread throughout human history, across cultures and countries. It was frequently perpetrated by one social group on another. However, in the nineteenth and twentieth centuries, an international movement arose to abolish slavery in all kinds. These movements shaped our understanding of and response to human trafficking. Slavery is no longer legal anywhere in the world, but human trafficking persists in all countries.⁷

I. Transatlantic Slave Trade (1500-1866) - During the 16th century, Portugal began travelling overseas to Africa to purchase or capture people, enslave them, and take them back to Europe. The first slave voyage from Africa to the Americas happened in 1525. Over the next roughly 350 years, during a period known as the Transatlantic Slave Trade, some 12.5 million slaves were shipped from Africa around the world. During the 16th century, owning African slaves was a legal and governmentally condoned practice. It was in 1807 that Britain outlawed slavery. The United

⁵ Jody Raphael, “The Confluence of Gender and Poverty: The Shameful History of the Trafficking of Poor Persons for Sexual Exploitation,” *Indiana Journal of Law and Social Equality*, Vol. 4, Issue 1(Winter 2016)81.

⁶ Hannah Martin and L. Murphy Smith, “Historical overview and demographic analysis of human trafficking in the USA,” *International Journal of Public Law and Policy*, Vol. 5, No. 3 (January 2015).

⁷ Becky Giovagnoni and Amber Van Schooneveld, “The History of Human Trafficking,” retrieved from <[visited on 18.05.2024 at 05:07 p.m.](https://theexodusroad.com/history-of-human-trafficking/#:~:text=1525%20marked%20the%20first%20slave,South%20America%2C%20and%20North%20America.></p></div><div data-bbox=)

States did so in 1820, nearly 40 years before the American Civil War. Despite the laws outlawing slavery, the last reported transatlantic slave voyage arrived in the Americas in 1866.⁸

II. The Traffic of Chinese Women into the United States (1850-1950)-In the mid-nineteenth century, considerable numbers of Chinese immigrants arrived in the United States. They were attracted to the United States by the prospect of lucrative jobs associated with the California Gold Rush and the construction of the Central Pacific Railroad. Following the end of the Transatlantic Slave Trade, many countries in the Americas began hiring "coolie" labor from China as a supply of low-wage laborers. However, many detractors said that this practice was essentially a new type of slavery, employing compulsion, deception, and brutality. Thus, the Page Act of 1875 tried to limit Asian immigration to the United States while also prohibiting the trafficking of unwilling persons and "immoral" women (i.e. prostitutes). It imposed fines and jail time on anyone who attempted to bring anyone into the United States "without their free and voluntary consent, for the purpose of holding them to a term of service." This basically ended the immigration of almost all Chinese women.⁹

III. White Slavery (1900-1910) - The campaign against white slavery brought women's international trade to the forefront. The term "white slavery" has multiple connotations, but the most usually used ones are- white slavery means the procurement - by use of force, deceit or drugs - of a white woman or a girl against her will for prostitution (Doezema 1999).¹⁰In Paris, worldwide conferences against white slavery were held in both 1899 and 1902. The International Agreement for the Suppression of "White Slave Traffic," was signed in 1904 as the first international agreement to combat human trafficking. It targeted

⁸ Ibid.

⁹ Ibid.

¹⁰ "A Short History of Trafficking in Persons," retrieved from < file:///F:/a-short-history-of-trafficking-in-persons%20(1).pdf > visited on 18.05.2024 at 10: 55 a.m.

migrant women and children. The International Agreement for the suppression of the White Slave Traffic (also known as the White Slave convention is a series of anti-human trafficking treaties, specifically aimed at the illegal trade of white people, the first of which was first negotiated in Paris in 1904. It was one of the first multilateral treaties to address issues of slavery and human trafficking. The convention held that human trafficking was a punishable crime and that the 12 signatories should exchange information regarding human trafficking operations.¹¹ Another important legislation is the Mann Act, formerly known as the White-Slave Traffic Act of 1910, which is a federal law enacted in the United States on June 25, 1910. It is named after Illinois' Congressman James Robert Mann. In its original version, the legislation made it a felony to transport "any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose" through interstate or international trade. Its principal declared goal was to combat prostitution, immorality, and human trafficking, particularly when trafficking was done for prostitution.¹²

IV. Trade in Cadavers- Sometimes the profit motive leads to blatant murder. In nineteenth-century England, it was illegal to dissect the body of anyone who had not been executed for murder. However, the quantity of executed murderers did not meet medical science's demand for corpses. In 1828, a renowned Edinburgh couple were charged with murdering tramps to provide cadavers for a dissection by an Edinburgh University professor. Coerced "donations" of kidneys to wealthy individuals remain a practice from the 19th century. Approximately 500 Indians

¹¹ "International Agreement for the suppression of the White Slave Traffic," retrieved from <https://en.wikipedia.org/wiki/International_Agreement_for_the_suppression_of_the_White_Slave_Traffic#:~:text=The%20International%20Agreement%20for%20the,negotiated%20in%20Paris%20in%201904.> visited on 15.05.2024 at 12:55 a.m.

¹² "Mann Act," retrieved from <https://en.wikipedia.org/wiki/Mann_Act> visited on 20.05.2024 at 02:54 p.m.

allegedly had their kidneys removed by a team of doctors running an illegal transplant operation in India, reported in 2008, where poor Indians were kidnapped, duped, forced at gunpoint to undergo operations, or persuaded to sell their organs. Homeless beggars and sweepers were said to be targeted.¹³

V. Naval Impressment - Between 1688 and 1815, the British Royal Navy forced 250,000 skilled seamen from private commerce ships to meet their manpower needs.¹⁴ These seamen were compensated for their labor and were released at the end of battles. After boarding ships, press gangs used pistols and cutlasses to compel seafaring men to join the Navy. This was essential due to the Navy's inability to compete with private merchants' earnings and the risk of war, which did not entice experienced sailors.¹⁵

VI. History of Sex Trafficking in England and the United States - Although trafficking for sexual exploitation is frequently regarded as a byproduct of globalization, its exploitation certainly has more ancient roots. Understanding the history of trafficking might help to put contradictory claims of prevalence in context. Trafficking for sexual exploitation involves recruiting, harboring, transporting, providing, obtaining, patronizing, or soliciting individuals in the commercialization of sex acts. Around 1600, the word "pimp" referred to someone who organizes sexual encounters with prostitutes. A medieval historian discovered evidence of fraudulent recruitment of poor women into prostitution and kidnapping. Young underprivileged women hoping for careers as servants in London were targeted by

¹³Amelia Gentleman, "Kidney Thefts Shock India," retrieved from <<https://www.nytimes.com/2008/01/30/world/asia/30kidney.html#:~:text=Mohammed%20was%20the%20last%20of,him%20to%20a%20government%20hospital.>>visited on 10.05.2024 at 12:05 a.m.

¹⁴ Denver Brunsmann. *The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World* (U.S.A.: University of Virginia Press, 2013).

¹⁵ Id. at 57.

"bawds," pimps, or madams, who promised jobs in service but led them to brothels disguised as "cadets," or pimps, on the streets of New York City, who were recruiting, protecting, and operating bathhouses, making it impossible for them to leave. In 18th-century London, brothel-keepers, primarily women, were known for seducing or kidnapping young girls into prostitution, a practice that persists today.¹⁶ In 1911, activist Emma Goldman documented the presence of benefiting from the poor immigrant women and girls. Goldman argued that while prostitution has existed throughout history, it became a "gigantic social institution" in the United States during the nineteenth century due to urbanization, low wages, and increased demand for labor in the sex trade industry. Because American conditions caused the market to overflow with thousands of girls in need of money, Goldman claimed there was no need to import them from abroad. Given the current state of poverty and inequality in the US, Goldman's 1911 observations may still hold true today.¹⁷

2. FORMS OF EXPLOITATION IN HUMAN TRAFFICKING

The various purposes of Human trafficking are as follows-

I. Sex Trafficking- Sex trafficking is the recruitment, housing, or transfer of persons, particularly women, girls, and children, using force, fraud, or false promises for the purpose of sexual slavery, sex services, or other forms of sexual exploitation.¹⁸ Sex trafficking is considered to be the most dominant part of trafficking. Kimberly defines sex trafficking as prostitution, pornography, military prostitution, spousal prostitution, and sex ring tours. It is most commonly believed that women are

¹⁶ Jody Raphael, "The Confluence of Gender and Poverty: The Shameful History of the Trafficking of Poor Persons for Sexual Exploitation," *Indiana Journal of Law and Social Equality*, Vol. 4, Issue 1 (Winter 2016)89.

¹⁷ Ibid.

¹⁸ "Purpose For Human Trafficking," retrieved from <<https://www.devatop.org/purpose-for-human-trafficking/>> visited on 17.05.2024 at 10:05 a.m.

trafficked for sex, but men, too, are trafficked for sex. Children are predominantly trafficked for sex. The growth in child pornography has led to the growth in sex trafficking of children.¹⁹

II. Trafficking for Forced Marriages- Trafficking for Forced Marriage is defined as the recruitment, transportation, transfer, harboring, or receiving of people, particularly girls, through the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments for the purpose of marriage.²⁰ Forced marriage involves coercion, which means a lack of consent of either party to the marriage. The women in forced marriage are generally sold to their prospective husbands without the consent of the bride. Child marriage is another form of forced marriage because the consent of a minor child would be null and void. In 2012, Britain's Foreign Office's Forced Marriage Unit dealt with about 1500 cases of forced marriage – the oldest victim was 71 years old, and the youngest was only two. Half the forced marriages documented in Britain were among Pakistani families, with Bangladesh, India and Afghanistan among the other most common countries of descent.²¹

III. Trafficking for Child Labour- Child labour is defined as the employment of children in any work that deprives them of their childhood, prevents them from attending regular school, and is psychologically, physically, socially, or morally risky and destructive. Child labour includes youngsters who work in agriculture, mining, manufacturing, domestic service, construction, scavenging, and begging on the streets. These children sometimes work long hours for little or no

¹⁹ Veerendra Mishra. *Combating Human Trafficking* (New Delhi: Sage India Publications Pvt. Ltd.,2015)56.

²⁰ “Purpose For Human Trafficking,” retrieved from <<https://www.devatop.org/purpose-for-human-trafficking/>> visited on 17.05.2024 at 10:05 a.m.

²¹ Veerendra Mishra. *Combating Human Trafficking* (New Delhi: Sage India Publications Pvt. Ltd.,2015)67.

remuneration.²²According to Bachpan Bachao Andolan or Save Childhood Movement, an Indian Child rights NGO, 45000 children go missing in India every year. Most of the children end up as prostitutes, bonded labourers or among the homeless population in big cities.²³Forcing children into labour is a worldwide phenomenon. Child Labour is the cheapest of all, and the margin of profit accruing is phenomenal. Many times in the agriculture sector, children are employed by the employers without any remuneration or less remuneration, but the work taken from them is equal to compared of adults.

IV. Trafficking for Forced Labour - Forced labour refers to situations in which people are coerced into working by the use of violence or intimidation, or by more subtle tactics such as accrued debt, retention of identity papers, or fear of denunciation to immigration officials. The second most common form of human trafficking is forced labour. 49.6 million people were living in modern slavery in 2021, of which 27.6 million were in forced labour and 22 million in forced marriage. Of the 27.6 million people in forced labour, 17.3 million are exploited in the private sector, 6.3 million in forced commercial sexual exploitation, and 3.9 million in forced labour imposed by the state.²⁴

V. Human Trafficking for Organ Removal - An acute shortage of human organs for transplantation exists. The gap between the growing demand for organ transplants and the limited availability is a contributing cause to increased abuses in the transplant procedure, including resorting to human trafficking for organ removal. In Trafficking in Persons for Organ Removal, victims

²² “Purpose For Human Trafficking,” retrieved from <<https://www.devatop.org/purpose-for-human-trafficking/>> visited on 17.05.2024 at 10:05 a.m.

²³ Veerendra Mishra. *Combating Human Trafficking* (New Delhi:Sage India Publications Pvt. Ltd.,2015)83.

²⁴ “Forced labour, modern slavery and trafficking in persons,” retrieved from <<https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm#:~:text=Facts%20and%20figures,22%20million%20in%20forced%20marriage>> visited on 16.05.2024 at 10:55 a.m.

typically have their kidneys and, in rare situations, sections of their liver removed. Male victims are trafficked more often than women. Organ traffickers may target children as well. Perpetrators of human trafficking are often part of organized criminal networks that operate globally. Trafficking in persons for organ removal and organ trafficking are often confused and are used interchangeably by the media and within the medical community. These are two distinct crimes, which are governed by separate but complementary legal frameworks.²⁵

VII. Trafficking for Adoption- Adoption is not included in the definition of human trafficking in the Palermo Protocol. This led to confusion in defining adoption as human trafficking. It is not that all adoptions are bad. But the clouds of doubts have thickened with the exposure of adoption agencies facilitating adoptions to foreigners found involved in the trafficking of children. A high-profile case of Preet Mandir Adoption Racket Pune brought in the ambit of suspicion many adoption agencies. The Child Welfare Committee of Tamil Nadu (CWC) believes that trafficking and selling children into adoption in foreign countries is still common in South India.²⁶

VIII. Trafficking for Begging- Some of the children who are trafficked are forced to beg in the streets, and most time are made to steal for the captors. Child begging may sound innocuous, but many of these children are subjected to extreme abuse, including mutilation to make them more easily pitied, and thus better potential earners. They may be disfigured by having an eye gouged out, a limb amputated, or being otherwise visibly scarred.

²⁵ ICAT, “Trafficking In Persons For the Purpose of Organ Removal,” retrieved from <https://icat.un.org/sites/g/files/tmzbd1461/files/publications/icat_brief_tip_for_or_final.pdf>, visited on 17.05.2024 at 2:00 P.M.

²⁶ Veerendra Mishra. *Combating Human Trafficking* (New Delhi: Sage India Publications Pvt. Ltd., 2015)98.

Most children are bought or kidnapped, then forced to beg or pick pockets on the streets under threat of beatings.²⁷

IX. Migration and Trafficking- Migration is also considered cross-border migration. Trafficking across international borders is by definition illegal, but it does not necessarily constitute illegal migration. Migration across frontiers without documentation does not have to be coercive or exploitative. However, persons can be trafficked with their consent.²⁸ While migration, smuggling and trafficking are separate phenomena, they are closely linked. When immigration laws do not support the movement of people through legal means, people can be forced to take irregular routes, which might rely on people smugglers and sometimes people traffickers, making them more vulnerable to modern slavery. In short, when governments tighten immigration laws, they increase the profitability of smuggling and people trafficking, and ordinary people pay the price.²⁹

X. Unlawful recruitment and use of child soldiers- Child soldiering is a form of human trafficking in which children are illegally recruited or used by armed forces as combatants or other forms of labour through force, fraud, or coercion. The perpetrators could be government armed forces, paramilitary organizations, or rebel groups. Many children are kidnapped and forced into combat. Others are assigned to serve as porters, cooks, guards, servants, messengers, or spies.³⁰ The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, to which Syria became a party in 2003, states that, “Armed groups, distinct from the armed forces of a state,

²⁷ “Purpose For Human Trafficking,” retrieved from <<https://www.devatop.org/purpose-for-human-trafficking/>> visited on 17.05.2024 at 10:05 a.m.

²⁸ Veerendra Mishra. *Combating Human Trafficking* (New Delhi: Sage India Publications Pvt. Ltd., 2015) 103.

²⁹ “Migration and trafficking,” retrieved from <<https://www.antislavery.org/what-we-do/migration-and-trafficking/>> visited on 17.05.2024 at 10: 55 p.m.

³⁰ Ibid.

should not under any circumstances, recruit or use in hostilities persons under the age of 18.”³¹

3. FACTORS CONTRIBUTING TO HUMAN TRAFFICKING-

There are many underlying factors that contribute to the rise of human trafficking, and these causes play a significant role in the continued spread of this crime across the globe. Numerous social, economic, and political conditions create an environment in which trafficking can occur and thrive, making it a widespread issue affecting countries worldwide.

I. Poverty- Poverty, particularly extreme poverty, is one of the primary causes of human trafficking. For the first time in twenty years, the number of workers living in extreme poverty increased to 7.2% in 2020, up from 6.7% in 2019. Many people relocate in search of better opportunities, increasing their vulnerability to traffickers. People also sell their own family members, including children, to survive or provide a better life for their loved ones. Other factors of human trafficking, such as a lack of education and legal employment, are directly related to poverty.³²

II. Demand for Cheap Labour – Basic economics tells us that for a market to form, supply and demand need to exist. The demand for cheap labour leads to opportunities for traffickers to exploit people.

III. Unemployment -Traffickers target unemployed people and frequently use deception to encourage them to leave their home and seek work in another city or country. The position may appear to be promising at first, but once there, it is typically very different from what was described. To prevent their victims from fleeing, traffickers may seize their passports or IDs. They may also pay for transportation, accommodation, clothing, or food,

³¹ Veerendra Mishra. *Combating Human Trafficking* (New Delhi: Sage India Publications Pvt. Ltd.,2015)85.

³² Emmaline Soken-Huberty, “10 Causes of Human Trafficking,”retrieved from <https://www.humanrightscareers.com/issues/10-causes-of-human-trafficking/> visited on 15.05.2024 at 12:06 p.m.

leaving their victims beholden to them and feeling forced to work.³³

IV. Cultural Factors - There are a few cultural elements that influence the occurrence of human trafficking. According to the UNODC, putting a child to work is widely accepted in Central America, East Asia, and the Caribbean. Children are considerably simpler to exploit in these circumstances; therefore, trafficking can often take place openly. Bonded labor, in which people are forced to work to repay a debt, is still common in India, Pakistan, and other Asian countries. Debt bondage is a kind of exploitation in and of itself, but it can lead to more serious trafficking because many people are trapped even after their loan has been paid.³⁴

V. Illiteracy -When people do not receive a good education, it has a detrimental influence on their lives and those of their families, especially their children. Income potential is a major reason. It is considerably more difficult to escape poverty without education. Furthermore, vocations that do not require formal schooling, such as agricultural work, mining, fishing, construction work, and domestic service, have greater rates of trafficking. Good education enables people to find better jobs and avoid the conditions that contribute to exploitation and trafficking.

VI. Displacement -Individuals or entire families may be displaced as a result of war, political instability, or natural disaster. When people are forced to quit their homes and communities, they may face financial difficulties, homelessness, and culture shock. Children who have lost their parents, for example, make ideal prey for traffickers. Without a safe place to live or a guardian to care for and protect them, these children are vulnerable to abuse, unfair treatment, and trafficking.

³³ Micah Hartmann, "Causes and Effects of Human Trafficking," retrieved from <<https://theexodusroad.com/causes-effects-of-human-trafficking/>> visited on 15.05.2024 at 12:30 p.m.

³⁴ Emmaline Soken-Huberty, "10 Causes of Human Trafficking," retrieved from <<https://www.humanrightscareers.com/issues/10-causes-of-human-trafficking/>> visited on 15.05.2024 at 12:06 p.m.

CONCLUSION- Human trafficking constitutes modern-dayslavery. It is recognized that legal measures alone are insufficient in addressing such intricate social challenges. Though human trafficking is regulated directly or indirectly by various legislations in the country but there is no comprehensive legislation to deal with human trafficking. Human Trafficking is a challenging issue in the Country and is not much reported like other crimes, so a comprehensive law, along with good Government strategies, is required to properly deal with this crime.