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Human Trafficking in India – A Statutory and Statistical Study

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Human trafficking is one of the most significant issues in the world. In India, Human trafficking is a deeply rooted issue which results in labour by force and sexual exploitation sexually. The trafficking of a lot of people is happening across the borders of both states and the nation in India. Despite many legal frameworks in force, the problem of human trafficking has not been reduced. Legislation like the Immoral Traffic (Prevention) Act, 1956, Bhartiya Nyaya Samhita, 2023 (notable sections are 143-144), and provisions of the constitution like Article 23 prohibit the trafficking of human beings and all kinds of forced labour, which also includes begging. The enforcement of law to prevent the trafficking & their exploitation, and also the victim rehabilitation after the rescue of the people who are trafficked, remains challenging to date. Statistically, in India, there are thousands of missing reports of trafficking cases annually. In recent years, the country has seen over 7000 victims identified in the trafficking, where the majority of those are girls and women who are trapped in sex trafficking. The conviction rates in these cases, which means in the trafficking cases, are very low, to be precise, less than 1% in most states. The country is facing systematic shortcomings like corruption, lack of specialised training and lack of coordination in inter-agency, which might be a reason for the low percentage of convictions in the trafficking cases. There are many socio-economic factors, including poverty, gender inequality, and illiteracy, that influence some to get easily trapped in these exploitative traps. This study incorporates an integrative analysis, statutory developments, and an examination of critical gaps, and proposes comprehensive suggestions to eradicate human trafficking in India.

Keywords: *human trafficking, sexual exploitation, forced labour, sex trafficking, victim rehabilitation.*

INTRODUCTION

Human Trafficking is the biggest issue and crime existing now, not only in the scope of a nation but also globally. Human trafficking is an illegal or prohibited Act. They are grave violations of the law. The trafficking is not just a single crime, but it includes a series of crimes like kidnapping, criminal intimidation, blackmail, etc. It is a reclamation, transit, concealment, or exploitation by assault, fraud, or betrayal to acquire from them. In these illegal activities, most of the victims are women and children, but in some instances, some male victims are used for different purposes. Mostly, the women are trafficked for sexual exploitation not only in the nation but also trafficked to other countries, where the women lose their family, children, their lives and their identity too. If we come to the children, they are being trafficked because they make them beg in the streets or sell them to foreigners. Despite the many statutory protections for the prevention of atrocities, there are thousands of victims falling into the trap of forced labour, sexual exploitation, organ trafficking, etc. To have an in-depth analysis on the topic of Human trafficking, this paper critically analyses the statutory framework and the judicial advances to these crimes and proposes victim-oriented solutions.

OBJECTIVES OF THE STUDY

The researcher intends to do an extensive analysis on Human Trafficking in the Indian context, along with the statutory framework, and the objectives are as follows

- To review the Human trafficking statutory framework in India.
- Review the reasons behind the victims who are being trapped in the pit of trafficking.
- To analyse the statistical data on human trafficking in India.
- To identify the gaps within the legislative and judiciary in the implementation of the laws and policies to eradicate the practice of Human trafficking.

SCOPE OF STUDY

The paper is a comprehensive examination of the legal and statutory developments to eradicate the practice of Human trafficking in India. This practice has been in existence for many years, but it received recognition late. After recognising the illegal practice of human trafficking for commercial purposes, the government brought many statutory frameworks

and policies to prevent the practice and provide rehabilitation to the victims who are saved from such practice, which are evolving from day to day. The scope of the paper is limited to the Indian context.

HYPOTHESIS

The government of India is still in progress, but has not succeeded in minimising and eradicating the practice of human trafficking compared to other countries.

RESEARCH QUESTIONS

The researcher intends to answer the research questions in the study as follows:

1. What are the reasons for victims to be trapped in the pit of this practice?
2. What are the statutory frameworks implemented and their effectiveness in the prevention of Human trafficking?
3. What are the statistics of the victims of human trafficking annually?
4. What are the judicial gaps in deciding the trafficking cases?

RESEARCH METHODOLOGY

The research methodology employed in this paper is a doctrinal study. The doctrinal research is applied to the study to portray the actual statistics and the effect of the statutory framework in preventing these practices. The present research draws on the data from books, journals, articles and other internet sources. The research paper uses the Bluebook model as its reference style.

HUMAN TRAFFICKING AND VICTIMS

Both terms 'Trafficking in Persons' and 'Human Trafficking' have a broad scope in their meaning. Still, these terms are often used as substitutes while referring to the crime where the traffickers exploit and make a profit by the sale of human beings (both adults and children) or by compelling them to engage in labour or sex for commercial profit¹. It is also known as modern-day slavery. Human trafficking is always regarded as a criminal issue for which a needed response and law enforcement have been made to prevent it. The term

¹ 'Understanding Human Trafficking' (US Department of State, 20 January 2025) <https://www.state.gov/what-is-trafficking-in-persons> accessed 25 September 2025

Human trafficking has been defined by the 'United Nations Office on Drugs and Crime' as 'the action of retrieval, transportation, transfer of people by using blackmail, fraud or manipulation for commercial purposes and profits'². The question arises in everyone's mind about how the traffickers choose their victims. Usually, the traffickers target the victims from all kinds of people, which means the victims might be male or female, adults or children, citizens or refugees, migrants, etc., who are in a vulnerable state in living and are manipulated by them.

Who are Vulnerable and targeted by the Traffickers?

A person is said to be a vulnerable person who can easily be either mentally or physically influenced and manipulated, and is easy to attack or hurt. So, the traffickers always look for vulnerability in people to make their task easy to exploit and gain control over the victims because the exploitation always relies on the capability of having power over others. The following kinds of people can be categorised as vulnerable people³. They are:

Children and Teenagers: The children and teenagers are easy bait for the traffickers, and they are most vulnerable due to their age, nature and trusting habits. They don't have any knowledge about these sorts of things and societal experience to realise these kinds of actions by the traffickers; thus, they always become the victims of the trafficking. The children have always been in large numbers in the trafficking, to be more specific, according to the statistical data, more than 12 million children and teenagers are being exploited through human trafficking, in which approximately 1.7 million children are forced into sex exploitation (prostitution).

Homeless and Runaways: The homeless and the teenagers who run away from their homes are also treated as vulnerable people who traffickers will target. They become the target due to their depressive state of mind and their desperation with respect to their poverty, and to come out of that situation. According to the recent study of the National Incidence of Science, in every three runways, abducted, missing children, one child is approached by the traffickers within 48 hours to make them their victim. The traffickers would show them the

² Robin E Klabbers et al., 'Human trafficking risk factors, health impacts, and opportunities for intervention in Uganda: a qualitative analysis' (2023) 8 Global Health Research and Policy <<https://doi.org/10.1186/s41256-023-00332-z>> accessed 25 September 2025

³ 'Who is vulnerable to human trafficking?' (Hope For Justice, 15 January 2024)

<<https://hopeforjustice.org/news/who-is-vulnerable-to-human-trafficking/>> accessed 25 September 2025

hope of the shelter, jobs and food in return for some favours. This makes them enter into crimes and many exploitative actions. According to the recent studies conducted by the National Clearing House of Homeless youth and the Families, it is found that 36% of the runaways are traded to sex places to make them sex workers and lead their lives there permanently.

Migrants and Refugees: The migrants are also considered to be vulnerable, as there is a high probability of becoming victims of traffickers because they don't have any permanent citizen identity or family. Due to various reasons, many people have begun migrating to other regions in search of work and a better life. These traffickers approach the migrant workers as they are new to the place, they are showing the false hope of the work and the good life ahead and trapping them in a trade of them. The number of times migrant workers are traded is more than that of non-migrant workers⁴.

Sidelined Groups: The sidelined groups are often referred to as marginalised groups. These are the group of people who are completely neglected by society, where people might be relegated to the lowest caste, religion, etc., the treatment towards them might be the reason which provokes them to do favours to the traffickers through their influence on them. Sometimes, the traffickers might take them or trade them to make them into terrorists, which is a probable result. The terrorists might appoint the traffickers to get their people to create a ruckus in the enemy country with their own people. These are the people whom traffickers often target to generate profit with low risk and high returns. These are the people whom traffickers often target to generate profit with low risk and high returns.

The Types of Trafficking: Trafficking can be any exploitation of the victims. There are certain kinds of trafficking which are recognised to date as follows:

Forced Labour: The term forced labour refers to the labour trafficking where the traffickers use the victims to exploit labour or services. It is one of the most common forms of trafficking. It is not a new phenomenon; during the British rule in India, a similar situation occurred with the Indians. The British used to take Indians as servants to different places where they went. On the other hand, the Indian servants had to leave their families and follow them to work. This is known as the Vetti-slavery. The practice of slavery is very common in India. The

⁴ *Ibid*

government of India abolished, post-independence, the practice of vetti-slavery. As the practice is abolished, the trade or trafficking of people for labour became illegal, which is now called labour trafficking. It is not gender-based, but universal, where the victim might be a male or female, an adult or a child. These victims will be transported to the board where there is more demand for maids at low prices⁵. According to the latest reports, 42% of the victims of trafficking are introduced into forced labour⁶. The top 5 forced labour in which the victims are used are Agricultural work, Domestic work, Factory labour, Nightclubs and bars, Hospitality (in casinos or hotels)⁷.

Commercial Sex exploitation: As half of modern slavery involves forced labour, the form of trafficking is sex trafficking or sexual exploitation. The number of victims of sex trafficking is only women and girls. The traffickers would manipulate the girls with the hope of a good job, and make them get involved in romantic relationships and blackmail them to continue as sex workers. They usually buy the girls from low-income families or kidnap the girls or women who are alone outside. Subsequently, the girls aged 12 years are sold to the sex traffickers and, under certain circumstances, are forced to service 20 to 30 customers in sex a day. The Sex traffickers are also using the victims in the city's dance bars and hotel services. According to the 2022 report, 36% of the victims of trafficking are involved in sex exploitation.

Organ Exploitation: Organ exploitation is the gravest universal violation of human rights (fundamental or natural rights). It is a widespread crime worldwide. Many victims are killed and have one or more organs removed from their dead bodies. The black market is the sole source for illegal organ trafficking, such as blood, body tissues and 7000 kidneys, illegal transportation every year. There are 175 cases filed globally by 25 countries between the years 2017 and 2023. Most of the victims are adults, of whom 63% are men. This type of trafficking is always complex in nature because the criminal networks are not traceable.

⁵ 'Types of Exploitation' (*Stop The Traffik*) <<https://stopthetraffik.org/what-is-human-trafficking/types-of-exploitation/>> accessed 26 September 2025

⁶ 'Understanding human trafficking' (*United Nations*) <<https://www.un.org/en/peace-and-security/understanding-human-trafficking>> accessed 26 September 2025

⁷ 'The Different Types of Human Trafficking' (*Our Rescue*, 30 January 2023) <<https://ourrescue.org/resources/sex-trafficking/human-trafficking/what-is-human-trafficking/how-to-escape-human-trafficking>> accessed 26 September 2025

Child Soldiers: The traffickers who kidnapped the children or bought the children from low-income families are sold to the terrorist group, the paramilitary forces, or the rebel organisations to become soldiers for them and participate in the war. The terrorist groups would train them and send them into the enemy country as citizens, and create an internal war.

Forced Criminality: Today, the practice of forced criminality is the primary concern in the world. In this practice, the victims are forced to do illegal activities like drug trafficking, theft, fraud, online scams, etc. Usually, the unaccompanied children are exploited by organised crime groups and forced to participate in the aforementioned crimes. Now, it is easier to engage in such activities due to the development of advanced technology, where, in certain circumstances, cybersecurity has also failed to capture the offenders.

Forced Begging: Forced begging is a form of trafficking. To be specific, the racket of kidnapping the unaccompanied children, breaking their limbs or making them blind and making them beg at the traffic signals. It is the most common thing that happens in India every day. But the offenders and traffickers are not being caught and not prosecuted & convicted despite the many laws against the trafficking, kidnapping and the violation of human rights. They are easy targets due to the vulnerable state of mind.

CAUSES AND METHODS OF THE HUMAN TRAFFICKING

The primary or root causes of the trafficking are many and different from one state to another. The concept of trafficking is very complex in nature, where many factors influence it, namely social, economic, cultural and any other factors. The factors affecting the practice of trafficking are vast and depend on the geographical conditions. Different trafficking groups are involved in this practice, but every group has its own pattern of practice, which makes it different from other groups. There are some common factors which influence the practice of trafficking, which might be the choice of the victims. Most probably, every trafficker targets the victims who are in poverty, an oppressive state, lack of economic backup, orphans, runaways, because they do not have families, which makes it easy, as no one files a missing persons complaint, and no risk in it. The methods of trafficking can be anything, like kidnapping, buying people from low-income families or manipulating the victims with false job opportunities. There are some systematic flaws and fixed societal vulnerabilities which

contribute to the practice of human trafficking. Various needs and sufferings of the people make a way for the traffickers to exploit the people as victims, which are completely dynamic in nature.

Poverty and Economic Sufferings: It is identified that poverty is consistently the primary force behind the trafficking, where the victims undoubtedly belong to poor backgrounds in society. The traffickers frequently trap these people through the manipulation of providing them false promises of a better life in the urban areas and abroad, with good employment, while those who have an insufficient income and live in rural areas⁸. The sufferings of such people lead them to believe the traffickers and get trapped in the pit of trafficking⁹.

Lack of Awareness: Most of the targeted victims are illiterate and not educated enough to know, or at least have an idea, of legislation and laws with respect to human trafficking, which can save them from the traffickers. They have zero awareness about the practice of human trafficking and easily believe what traffickers say. However, in the rare cases where victims escape from the trap, they often do not know how to file a complaint against the actions they suffered, which prevents such activities from happening to others and causes them to remain silent. It is one of the leading causes of the lack of prosecution of offenders in human trafficking.

Organised Crime and Corruption: The trafficking is known as the third highest crime in the world, followed by drugs and arms trading, which is the more profitable or revenue-generating business in the dark world, but is dangerous and harmful to the world. The professional or habitual perpetrators commit these kinds of offences, as they bear the lowest risk and generate the most revenue. One of the most significant organised crimes is corruption and money laundering, which are directly or indirectly connected to the trafficking or any other crimes, because the profit made out of the illegal activities, like kidnapping, trafficking or any other, cannot be shown to the government; thus, the offenders opt for money laundering. If we observe, in one way or another, every crime is somehow interconnected with another.

⁸ Micah Hartmann, 'CAUSES AND EFFECTS OF HUMAN TRAFFICKING' (*The Exodus Road*, 10 December 2025) <<https://theexodusroad.com/causes-effects-of-human-trafficking/>> accessed 10 December 2025

⁹ Trivedi Harnil Udayanbhai and Dr Pankaj Kumar Chamar, 'HUMAN TRAFFICKING IN INDIA: LEGAL FRAMEWORKS, CHALLENGES, AND POLICY RECOMMENDATIONS' (2025) 4(2) *Vidya Journal* <<https://vidyajournal.org/index.php/vidya/article/view/611/297>> accessed 27 September 2025

HUMAN TRAFFICKING AND INDIAN LAWS

According to a book called 'Bride Trafficking in India – Hidden in the Plain Sight', which is authored by Dr. Nitesh Kumar Upadhyay interviewed about 50 victims of the bride trafficking and made specific statistics and findings as the 85% of the women victims are lived in the poverty before trafficking; 10% of the victims are trafficked multiple times and they are married to the various individuals at different times. Subsequently, 1 out of every 25 victims is forced into prostitution. Human trafficking is a horrific crime which is violative of many laws existing in India and morality as well. The government of India implemented many legislations to combat the practice of human trafficking. The legal frameworks and laws of India on the prohibition of the practice of this offence are as follows:

Indian Constitution and Human Trafficking: The Indian Constitution is considered the supreme law and the grundnorm in the legal system. It is the fundamental principle underlying any legislation. It expressly prohibits human trafficking through the framework of the fundamental rights, which are also known as human rights. These basic rights of the victims are being violated through the practice of human trafficking.

Articles 23 and 24¹⁰ deal with the trafficking, where Article 23(1)¹¹ certainly states that the traffic of human beings, begging, or any kind of forced labour or service is unconstitutional. Article 23 is clearly enforceable against both the state and any private individuals. Article 24 prohibits the employment of children below 14 years in dangerous jobs, and exploitative labour practices are always connected with the practice of trafficking.

Bhartiya Nyaya Sanhita 2023: It is the new criminal law in India, which provides a comprehensive list of penal crimes along with the punishment for these crimes. The BNS, 2023, is the latest version of the Indian Penal Code¹². BNS provides a comprehensive penal framework to address human trafficking through sections 143 to 146¹³. Section 143 (1) of BNS, 2023 criminalises the act of recruiting, transporting persons by any means, including coercion, fraud, misrepresentation, threat or abduction. Such an offender will be prescribed

¹⁰ Constitution of India 1950, arts 23 and 24

¹¹ Constitution of India 1950, art 23(1)

¹² Satya B, 'It's Official: Indian Penal Code (IPC) Is Now BNS' (Gulte.com, 01 July 2024)

<<https://www.gulte.com/trends/301870/its-official-indian-penal-code-ipc-is-now-bns>> accessed 27 September 2025

¹³ Bharatiya Nyaya Sanhita 2023, ss 143-146

rigorous imprisonment, which may also extend to life imprisonment¹⁴. Section 144 of BNS addresses the exploitation of trafficked persons or victims into any forced employment, sex work, begging, etc., as an atrocious act who shall be punished with rigorous imprisonment of not less than 5 years and might extend to 10 years of imprisonment. Sections 145 and 146 deal with the habitual dealing in enslaved people and unlawful compulsory labour, respectively. These provisions are evolved to recognise the multi-dimensions of the trafficking and combat it.

Immoral Traffic (Prevention) Act 1956: This is the main Statute which is used to counter the trafficking for commercial sexual exploitation. This Act was initially in the name of the Suppression of Immoral Traffic in Women and Girls Act 1956. Section 3 of the Act¹⁵ deals with the criminalisation of acts connected to the sexual exploitation of women for commercial purposes. Section 4 clearly states that the person living on the earnings of any prostitute or sex worker is a crime under the Act. The Statute or the Act's objective is to curb sex trafficking and penalise the traffickers and the customers who avail themselves of the services, rather than the sex workers who are also the victims of sex trafficking.

Juvenile Justice Act 2000: The Juvenile Justice Act 2000, popularly known as the JJ Act, 2000, provides a comprehensive system for the proper care and protection of children who are victims or involved in crimes and need rehabilitation & social interaction to become good citizens later¹⁶. Therefore, the implementation of a statute to address or deal with the trafficking of children is a necessary step. The Statute mandates the state government to establish 'Child protection units' to address the problems of children under Section 62-A of the Act. Under section 63, it indeed states that every police station shall have at least one police officer who is designated as the Juvenile Child Welfare officer who deals with the children's affairs.

Bonded Labour System (Abolition) Act 1976: The Indian government abolished the practice of bonded labour with the implementation of the 'Bonded Labour (Abolition) Act 1976'. Bonded labour is typically a kind of trafficking which is declared to be null and void; this declaration provides the release to the bonded labour who suffered under this system.

¹⁴ Bharatiya Nyaya Sanhita 2023, s 143(1)

¹⁵ The Immoral Traffic (Prevention) Act 1956, s 3

¹⁶ Juvenile Justice (Care and Protection of Children) Act 2000

Despite this statutory framework, the challenges remained due to the lack of protocols for the identification of the victim and insufficient rehabilitation infrastructure by the state government. Along with these, statutory frameworks like The Child Labour (Prohibition and Regulation) Act, 1986; The Transplantation of Human Organs and Tissues Act, 1994, which aims to prohibit organ trafficking by regulating the removal, storage and transplantation of human organs with proper structure¹⁷.

STATISTICAL ANALYSIS

Human trafficking is the third-largest organised crime in the world. Between 2018 and 2022, India's legal framework to fight human trafficking relied on a mixture of criminal statutes and social-welfare laws. The core penal provisions IPC, Section 370 and 370A were amended to become tougher following the 2013 criminal law reforms, criminalizing trafficking, procurement and exploitation; the Immoral Traffic (Prevention) Act, 1956, which addresses offences related to prostitution; the POCSO (Protection of Children from Sexual Offences Act, 2012) and the Juvenile Justice Act provided special protections to trafficked children; the Bonded Labour (Abolition) Act and labour laws aimed to address labour exploitation. Statutorily, the period reflects an emphasis on victim-protection provisions (rehabilitation, shelter, and witness protection) and multi-agency responses. However, implementation remained variable, with overlapping authority between state and central agencies, inconsistent use of trafficking-specific provisions, poor timeliness in prosecutions, and a lack of sufficient training for police and judges. Fragmented data and evidence across the relevant ministries further impaired evidence-based decision-making. In short, the statutory architecture during the period was technically broad and victim-centred. Still, it was hampered in practice by issues of coordination, capacity and data to support effective access to redress and prevention.

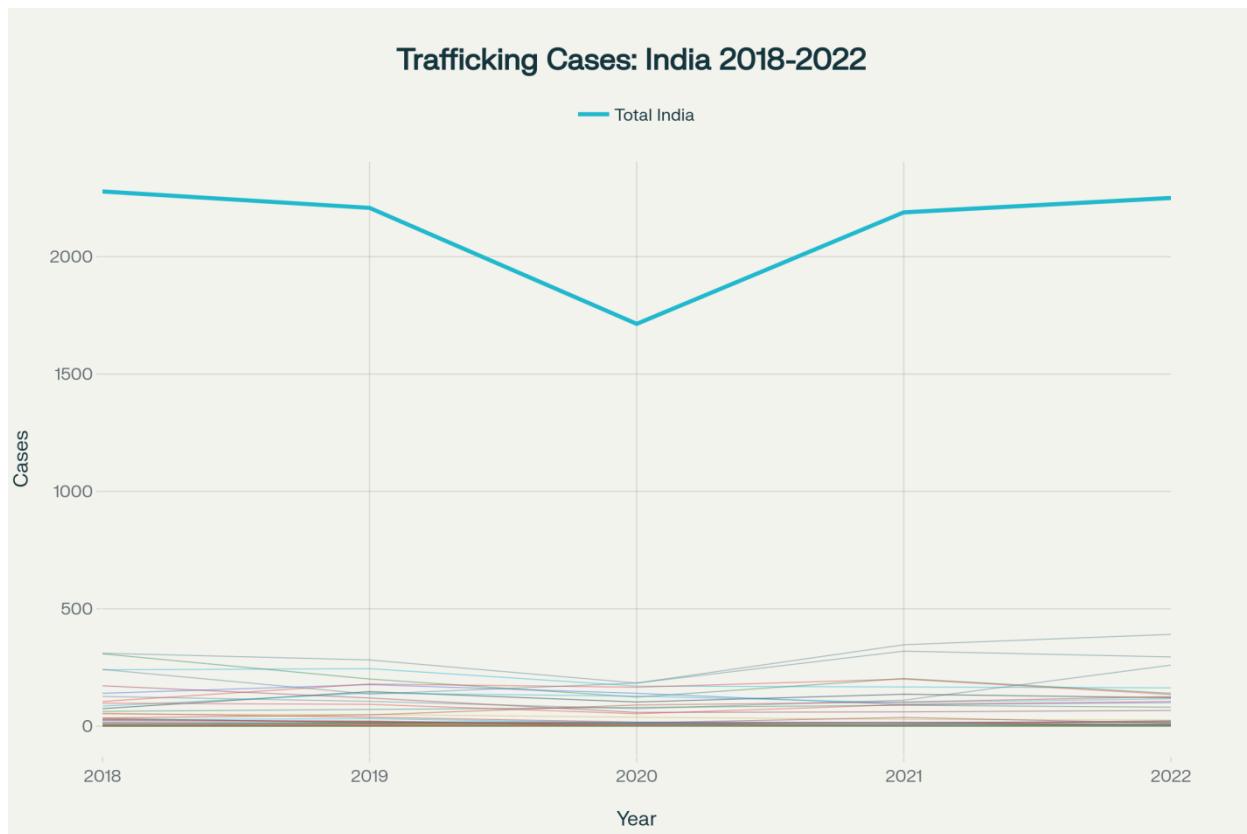
¹⁷ Bharatiya Nyaya Sanhita 2023, ss 143-146

Sl. No.	State/UT	Cases Reported				
		2018	2019	2020	2021	2022
1.	Andhra Pradesh	240	245	171	168	163
2.	Arunachal Pradesh	3	0	2	3	4
3.	Assam	308	201	124	203	140
4.	Bihar	127	106	75	111	260
5.	Chhattisgarh	51	50	38	29	26
6.	Goa	55	38	17	15	1
7.	Gujarat	13	11	13	13	9
8.	Haryana	34	15	14	37	13
9.	Himachal Pradesh	6	11	4	5	5
10.	Jharkhand	140	177	140	92	100
11.	Karnataka	27	32	13	13	18
12.	Kerala	105	180	166	201	135

13.	Madhya Pradesh	63	73	80	89	81
14.	Maharashtra	311	282	184	320	295
15.	Manipur	3	9	6	1	0
16.	Meghalaya	24	22	1	1	2
17.	Mizoram	2	7	0	0	0
18.	Nagaland	0	3	0	0	0
19.	Odisha	75	147	103	136	121
20.	Punjab	17	19	17	15	21
21.	Rajasthan	86	141	128	100	117
22.	Sikkim	1	0	1	0	0
23.	Tamil Nadu	8	16	11	3	1
24.	Telangana	242	137	184	347	391
25.	Tripura	2	1	1	1	0
26.	Uttar Pradesh	35	48	90	103	126
27.	Uttarakhand	29	20	9	16	16

28.	West Bengal	172	120	59	61	67
29.	A & N Islands	0	0	0	0	0
30.	Chandigarh	0	2	2	2	1
31.	D&N Haveli and Daman & Diu	0	0	2	0	0
32.	Delhi UT	98	93	53	92	106
33.	Jammu & Kashmir	1	0	2	4	8
34.	Ladakh	-	-	0	0	0
35.	Lakshadweep	0	0	0	0	0
36.	Puducherry	0	2	4	8	23
	TOTAL ALL INDIA	2278	2208	1714	2189	2250

The above table talks about the number of human trafficking cases according to the state. The NCRB provides the statistics through its report. India's human trafficking cases decreased between 2019 and 2020 but started increasing from 2021 and slightly became higher in 2022 (2250) compared to 2018 (2278). The noticeable point here is that India's human trafficking rate is increasing day by day, whereas the other countries are declining in it.



It forms a V-shaped pattern because at first the cases are decreased from 2018 (2,278) to 2020 (1,714), then increased to 2,189 in 2021. Later, it increased to 2,250 in 2022.

CASE LAWS

Vishal Jeet v Union of India:¹⁸ This case is a Public Interest Litigation filed before the Supreme Court under Article 32 of the Indian Constitution by an advocate. The petition filed addresses the elimination or abolition of child trafficking and the protection & rehabilitation of the children of sex workers.¹⁹ The Honourable Supreme Court recognised the gravity of the offences related to child trafficking and sex exploitation. The court also emphasised the establishment of protection homes, rehabilitation centres, etc., with the legislative measures to protect the children. The court also recognised and extended the scope of Articles 21, 23 and 24 of the Indian Constitution in the light of trafficking, where it is declared to be a gross violation of human rights and constitutional morality.

¹⁸ *Vishal Jeet v Union of India & Ors* (1990) 3 SCC 318

¹⁹ Ananya Singh, 'Vishal Jeet v Union of India | AIR 1990 SC 1412' (*MyLawman*, 09 June 2022) <<https://www.mylawman.co.in/2022/06/case-brief-vishal-jeet-v-union-of-india.html>> accessed 29 September 2025

Gaurav Jain v Union of India:²⁰ It is a public interest litigation filed by an advocate before the Supreme Court under Article 32 of the Indian Constitution. This petition is filed to address the unjust and unfair treatment of the children of sex workers in every aspect. The court observed that the separation between the children of sex workers and the other children in the accommodation in hostels, schools, etc., is violative of Article 14 of the Indian Constitution. The court referred to Article 39(e) and 39(f) of the DPSP of the constitution and directed the state and central governments to form the schemes which protect the children of sex workers from discrimination in society.

People's Union for Civil Liberties v Union of India, 2004:²¹ This case primarily deals with the concept of bonded labour and examines the implications which result from the trafficking. The Supreme Court connected the exploitative labour to the human trafficking practices under Article 23 of the Indian Constitution²². It also observed that the poverty and social vulnerabilities of the people are exploited by the traffickers. The Honourable Supreme Court directed the state to implement the welfare legislation to address these offences; however, the non-implementation of such welfare legislation is considered a constitutional breach.

Prerana v State of Maharashtra:²³ In this case, the Bombay High Court faced a complex and sensitive issue: 'Does a minor girl who is rescued from a brothel house, should be given into the custody of her biological parents, who are alleged to be part of her trafficking?' The Honourable High Court held that the best interest of the child must be considered and the child should be given to the custody of the biological parents because the child's dignity, life, education, welfare and career, along with her physical and psychological health, are more important than the biological ties or relations.²⁴

State of Tamil Nadu v R.M. Krishnamurthy: This case deals with child trafficking and sex exploitation in the state of Tamil Nadu. The Madras High Court issued the directions for the establishment of the agencies for the strict enforcement and application of Section 366-A of

²⁰ *Gaurav Jain v Union of India & Ors* (1997) 8 SCC 114

²¹ *People's Union for Civil Liberties & Anr v Union of India & Ors* (2004) 2 SCC 476

²² Constitution of India 1950, art 23

²³ *Prerana v state of Maharashtra & Ors* (2003) (2) MHLJ 105

²⁴ *Vishal Jeet v Union of India & Ors* (1990) 3 SCC 318

the IPC and Section 372 of the Immoral Traffic (Prevention) Act, 1956. The court stated the failures of the system in the rescue and prevention services.

SUGGESTIONS

- 1. Strength Implementation:** While India boasts strong anti-trafficking laws under IPC, ITPA, and POCSO, implementation is marred by shoddy investigation and feeble charge sheets. Curtailing implementation by routine training of police, prosecutors, and judiciary, along with monitoring units, will enhance conviction rates and discourage traffickers. Laws have to work beyond paper to make a tangible difference.
- 2. Victim-Centric Approach:** Trafficking victims are mostly handled as offenders, especially in the case of sex work. There is a need to shift towards victim-sensitive justice, prioritising rehabilitation, secure accommodation, compensation, health care, and psychological assistance. It is essential to protect victims from re-trafficking and stigmatisation to ensure statutory provisions live up to their potential for justice, security, and dignity.
- 3. Integrated Law:** India now depends on several dispersed laws to deal with trafficking, leading to jurisdictional overlaps and delays. An integrated, independent Anti-Trafficking Act that brings together the provisions on prevention, rescue, rehabilitation, and prosecution would bring consistency. Such a law should reconcile conflicting laws and institutionalise a dedicated body that works solely on addressing trafficking across the country.
- 4. Standardisation of Data:** Statistical research establishes sizable divergences between NCRB records, state files, and those of NGOs. There is a need for a centralised, standardised national database on cases, victims, and convictions. Systematic data collection from all ministries will enable policymakers to monitor trends, evaluate the effectiveness of legislation, and formulate effective preventive interventions.
- 5. Speedier Trials:** Cases of trafficking take years to come to trial in ordinary courts, deterring victims and facilitating traffickers. Setting up special fast-track courts for trafficking offences will put justice on a faster track. Speedy trials with witness protection measures will boost victim confidence, improve deterrence, and enhance conviction rates within the Statute of limitations.

6. Community Vigilance: Several victims of trafficking belong to rural, tribal, or economically disadvantaged communities. Empowering village- and district-level vigilance committees will enable people to detect traffickers and prevent trafficking at an early stage. Engagement of gram sabhas, local NGOs, and women's groups will make anti-trafficking efforts community-owned and promote grassroots-level resistance.

7. Cross-Border Cooperation: Most of the trafficking in India has transnational connections, especially with Nepal, Bangladesh, and Myanmar. Bilateral and regional cooperation on intelligence sharing, repatriation, and victim protection needs to be enhanced. Legal procedures harmonised across borders prevent traffickers from evading jurisdictional loopholes, hence strengthening statutory protection at the international level.

8. Awareness Campaigns: Trafficking thrives on ignorance and deception, particularly in underdeveloped regions. Comprehensive information campaigns through schools, social media, and local cultural institutions can inform vulnerable groups regarding trafficking methods and legal protections. Legal protections can only be adequate if communities are informed of risks, rights, and applicable support systems.

9. Integration of Technology: The digital age has opened up trafficking to the online world, from recruitment to exploitation. The incorporation of technology in the form of AI-driven surveillance, cyber tracking, and missing-person search platforms can better detect patterns and networks. Statutory bodies must be equipped with contemporary investigative tools to detect, prevent, and prosecute cybercrimes related to trafficking.

10. Periodic Review: Anti-trafficking policies tend to be static even as traffickers' tactics change. A legislative requirement of biennial reviews every 2-3 years will keep the law, rehabilitation programs, and enforcement results under dynamic examination. This dynamic strategy makes the law applicable, data-based, and responsive to changing trafficking issues.

CONCLUSION

The paper critically analyses the continuing challenge of human trafficking in India, despite many legal policies and assistance. It also recognises the trafficking as a deep-rooted societal problem which is driven by the poverty, gender inequality, illiteracy, lack of awareness and marginalisation. All of these heighten the vulnerability of the women, children and other

disadvantaged communities. The constitutional safeguards, like Article 23, which prohibits trafficking and forced labour, while the statutes, on the other hand, such as the Immoral Traffic (Prevention) Act, 1956 and the Bharatiya Nyaya Samhita, 2023, provide certain provisions against the acts of trafficking, sexual exploitation and other related crimes. The amendments made to the criminal laws strengthened the strict measures. Despite these many efforts, the core and main issue is under the weak enforcement. The Systemic problems like corruption, insufficient law enforcement training, poor inter-agency cooperation, and conviction rates often below 1% make it extremely difficult to prosecute and dismantle trafficking networks. The study also reveals significant flaws in victim rehabilitation. Inadequate infrastructure, poor identification practices, and poorly managed rehabilitation facilities often push survivors back into exploitative environments. Safe shelters, comprehensive rehabilitation programs, psychological support, and strong identification are all part of the project's victim-centric approach. The Statistics show that thousands of victims of human trafficking, particularly sex trafficking, are reported annually; however, these numbers are likely underreported due to stigma and insufficient reporting systems. The initiative argues that in addition to legal reforms, India needs to strengthen implementation, enhance institutional cooperation, lower corruption, and expand access to high-quality rehabilitation programs. To drastically reduce trafficking and protect the dignity of vulnerable people, it proposes a multimodal strategy that incorporates community awareness, legal enforcement, capacity building, and all-encompassing victim support.