

# Human Trafficking- A Modern Form of Slavery

<sup>[1]</sup>Dr. Mahendra Laxman Leela Pachadkar

<sup>[1]</sup> Assistant Professor & HOD- Department of Business Law, Prahladrai Dalmia Lions College of Commerce and Economics, Affiliated to University of Mumbai, India  
Corresponding Author Email: <sup>[1]</sup> mahendrap@dalmialionscollege.ac.in

---

**Abstract**— *Human trafficking is a fundamental violation of the human rights of an individual. Human trafficking involves the recruitment, harboring, or transporting of people into a situation of exploitation through the use of violence, deception, or coercion, and forcing them to work against their will.*

*Through these heinous acts, the trafficked individuals are stripped of their autonomy and subjected to severe human rights abuses. Each form of exploitation carries its unique set of physical, psychological, and emotional traumas for the victims.*

**Index Terms:** *Human, trafficking, exploitation, victim.*

---

## I. INTRODUCTION

Slavery is the theme of UN conventions. All types of slavery include forced labour, but not all forced labour involves slavery. Slavery is defined as the status or condition of a person over whom any or all powers attaching to the right of ownership are exercised.

The international prohibition on slavery is absolute. Slavery is an institution where a slave master's exercise of ownership diminishes a person to chattel without rights. It is a social institution where the community hires slaves as a separate group of workers without rights, which is extremely unjust.

Slavery is a permanent situation. A slave master has full authority over every aspect of a slave's life, including whom they marry, what they eat and wear, when they sleep, whether they receive education or medical treatment, and whether they can practice religion. Traditionally, a slave master can exchange, sell, or lend child or adult slaves with impunity. Thus, slavery involves much more than simple authority over another person.

## II. LEGAL FRAMEWORK OF SLAVERY IN INDIA

Article 23- Exploitation is protected against, human trafficking and beggary are prohibited, and these practices are made punishable under the law.

Article 24- Children below age 14 are protected from working in factories, mines, or other hazardous employment.

There are around 25 provisions for trafficking in the Indian Penal Code, such as Section 366A, Section 366B, Section 374, among others.

Apart from that, many legislations prohibit and punish trafficking, such as the Immoral Traffic (Prevention) Act, 1956, the Child Labour (Prohibition and Regulation) Act, 1986, and the Juvenile Justice (Care and Protection of Children) Act, 2000, among others.

## III. HYPOTHESIS

H0. Root causes of human trafficking are more prevalent among stateless persons than citizens, prompting higher rates of trafficking involvement.

H1. New modes of human trafficking are prevalent in the society.

## IV. OBJECTIVES AND RESEARCH METHODOLOGY OF STUDY

The present paper discusses the root causes and effects of trafficking, providing a comprehensive analysis of its multifaceted nature. The main objectives are to study the modern form of human slavery, which encompasses not only forced labour and sexual exploitation but also human scavenging. Utilizing a wide range of secondary sources, this paper finds that human trafficking can be categorized into sex trafficking and labor trafficking. Although human trafficking may occur for various reasons, certain overarching trends, such as poverty, armed conflicts, and natural disasters, consistently emerge as the primary root causes. These factors create conditions of vulnerability and desperation, which traffickers exploit to their advantage.

## V. THE EFFECTS OF TRAFFICKING

**Economic Impact:** Trafficking represents lost opportunities domestically, including an irretrievable loss of human resources and future productivity. Additionally, the costs of coercion and exploitation cannot be measured, but it is clear that the worst forms of child labor (and by extension trafficking), for instance, represent a loss in productive capacity of a generation of individuals who would have otherwise gained from increased education and improved health. Furthermore, if the fight against trafficking succeeds, funds currently used to combat trafficking crimes may be redirected towards alternative development initiatives.

**Societal impacts:** The direct impact on the family and community left behind cannot be easily quantified but should

not be ignored. Extended family ties are undermined by trafficking, often leading to the breakdown of families and neglect of children and the aged due to the forced absence of women. Returning victims frequently face stigmatization and shunning, and are more likely to engage in substance abuse and criminal activity.

**Health impacts:** Significant health impacts are experienced by victims both during transportation and upon reaching their destination. Perilous journeys expose trafficked victims to injury and death, while overcrowded, unsanitary conditions, and shortages of food and water increase the risk of spreading infectious diseases. Victims endure physical, sexual, and emotional violence from traffickers, pimps, employers, and others. They also face workplace, health, and environmental hazards. Individuals trafficked for the sex industry face increased risk of contracting HIV and other sexually transmitted diseases (STIs).

**Gender equity and human rights:** Women and children, the main victims of human trafficking, are disproportionately impacted, primarily trafficked for commercial sexual exploitation. Human rights are stripped from trafficked victims, who are subjected to various violations, including the rights to life, liberty, and freedom from slavery.

## VI. MANUAL SCAVENGING: A THREAT TO HUMAN DIGNITY

The removal of human waste from public streets and dry latrines, septic tanks, gutters, and sewers, expected to be done manually, defines manual scavenging. It involves manually cleaning human excreta from 'dry toilets,' which lack modern flush systems. The British introduced the practice of building public toilets and employing people to remove excreta in India. During colonial rule, municipalities were set up, and the municipal system was implemented. Containers in such toilets were often emptied daily. After flush toilets were invented, other types of toilets disappeared in the western world.

## VII. RESEARCH FINDINGS

Men, women, and children are coerced into forced labor in agriculture, brick kilns, embroidery and textile factories, rice mills, and stone quarries through debt-based manipulation (bonded labor). Large advances are promised to lure workers into low-paying jobs, and exorbitant interest rates and new deductions for items like lodging, health care, or wage slips are imposed. The debt amount is often fabricated to coerce workers into staying for little or no pay. A study estimated at least eight million trafficking victims in India, mostly bonded laborers. Intergenerational bonded labor persists, with the debts of deceased workers being transferred to their parents, siblings, or children. Disadvantaged social strata, including scheduled castes, scheduled tribes, and children of migrant laborers, are mainly targeted, making them particularly

vulnerable to trafficking and bonded labor. Bonded labor and forced domestic work remain widespread in rural India, with limited accountability for injustices against historically marginalized castes. Climate change, including sudden-onset disasters like floods and slow-onset events like droughts, has increased large-scale displacement and migration, exacerbating vulnerabilities to human trafficking.

## VIII. MEASURES TO PREVENT THIS SOCIAL EVIL IN INDIA

### 1. Fostering the spread of education:

India's education system is the largest in the world, yet low literacy persists due to poor enrollment and high dropout rates, leading to low self-esteem and a lack of opportunities. Uneducated parents are easily deceived by common promises of a better life in the city, a common ruse for trafficking. Educated children and families are more aware and can understand the risks of child trafficking.

### 2. Spreading awareness among parents and communities:

Lack of awareness allows traffickers to exploit vulnerable situations. Many of India's poor children fall into substance abuse, increasing their risk of being trafficked. Educated communities can understand and respond to traffickers' methods effectively. Being aware of their rights and opportunities, these communities can resist exploitation through resources and access to information services.

### 3. Enforcing strict laws to prevent child trafficking:

Effective policy making is crucial. Engage with government agencies to improve legislation against child trafficking. India has many laws from the Parliament and State legislatures, apart from constitutional provisions. These need better implementation.

### 4. Encouraging businesses not to use child labor:

An ecosystem for child trafficking thrives when businesses like retail and hospitality use child labor. NGOs are raising awareness among trade organizations to eliminate this practice. Local communities are becoming vigilant to report child labor, actively discouraging it in businesses.

## IX. CONSTITUTIONAL PROVISIONS AGAINST HUMAN TRAFFICKING IN INDIA

Human dignity is an inalienable right under the fundamental right to life (Article 21—Maneka Gandhi vs. Union of India) as per the Constitution of India. 'Dignity' includes equal treatment, protection of the law, and respect. It is validated by Articles 1, 22, and 23 of the Universal Declaration of Human Rights. Below are the constitutional provisions catering to rights of equality, respect, and dignity.

**Article 14** ensures equality before the law for all individuals in India.

**Article 15** prohibits discrimination based on place of birth, race, religion, caste, and sex. However, manual scavengers

face caste-based discrimination throughout their lives.

**Article 16** guarantees equal opportunity in public employment to all citizens.

**Article 17** abolishes untouchability for everyone.

**Article 21** protects the life and personal liberty of all citizens in India.

#### **X. HE OFFENSES AND PENALTIES UNDER THE ACT ARE DISCUSSED HERE**

**Section 5** of the Act prohibits insanitary latrines and the employment of manual scavengers. Offenses include constructing or maintaining insanitary latrines and employing manual scavengers.

**Section 6** renders any pre-Act contracts for employing manual scavengers void without compensation.

**Section 8** provides penalties for violating Sections 5 and 6. First-time violators face imprisonment up to one year and/or a fine up to fifty thousand rupees. Further violations can lead to imprisonment up to two years and/or a fine up to one lakh rupees.

#### **XI. CONCLUSION**

Human trafficking must be stopped as it is a growing evil in the country and worldwide. Awareness about human trafficking must be spread by the government, and its harmful effects must be known to everyone. It is important that children are not isolated and that parents take due care of them, ensuring they stay connected with family and surroundings. By these means, human trafficking can be reduced as it is one of the greatest evils of all time.

The root causes of human trafficking are found to be significantly more prevalent among stateless persons when compared to citizens. This increased prevalence results in a higher rate of trafficking involvement among those who lack citizenship. Stateless individuals, who often face legal and social marginalization, are particularly vulnerable to exploitation. Without the protection and rights afforded by citizenship, they are at a greater risk of becoming targets for traffickers. Economic hardship, lack of employment opportunities, and limited access to education and healthcare further exacerbate their vulnerability. Consequently, these underlying issues contribute to the disproportionate rates of human trafficking among stateless populations. Secondly new modes of human trafficking are prevalent in society and are often facilitated by advances in technology and changes in socio-economic conditions. These modes include online exploitation, forced labor, and other coercive activities that exploit vulnerable populations. Increased awareness and stricter regulations are essential to combat these evolving threats. Hence, the both the hypothesis has been proved in this research.

#### **REFERENCES**

- [1] In 2013, Priyadarshini Samantray authored the article titled "Human Trafficking in India," which was published in the "Human Rights International Research Journal," Volume 1, Issue 2.
- [2] Patrick Balsler authored a significant piece in 2011, titled "Forced Labour and Human Trafficking; Estimating the Profits,"
- [3] In 2014, Siddhartha Sekar wrote "Rethinking Human Trafficking in India: Nature, Extent and Identification of Survivors," published in "The Round Table," Volume 103, Issue 5.
- [4] Carol Camp Yeakey and Vetta L. Sanders contributed a chapter on "Human Trafficking in USA" to the book "Urban Ills: Twenty-first Century Complexities of Urban Living in Global Contexts," published by Lexington Books.
- [5] T.K. Logan, Robert Walker, and Gretchen Hunt authored the 2009 article "Understanding Human Trafficking in USA," which was published in "SAGE Journals," Volume 10, Issue 1.
- [6] In 2010, Stephanie Hepburn and Rita J. Simon published "Hidden in Plain Sight: Human Trafficking in USA," which appeared in Volume 27, Issues 1-2, pages 1-26.
- [7] Natalya Timoshkina's 2019 work, titled "Human Trafficking: Assumptions, Evidence, Responses," provides a thorough examination of the assumptions surrounding human trafficking, the evidence supporting these assumptions, and the various responses to this global issue.
- [8] Disha Ranjana's 2015 publication, "Human Trafficking: A Study Exploring the Causes, Current Efforts, and Challenges
- [9] <https://byjus.com/question-answer/human-trafficking-is-a-modern-form-of-slavery-discuss-the-implications-of-human-trafficking-on/> (Accessed on 12.05.2024)
- [10] <https://www.acf.hhs.gov/archive/blog/2013/02/human-traffic-king-modern-day-slavery> (Accessed on 18.05.2024)
- [11] <https://humantraffickinghotline.org/en/type-trafficking/human-trafficking> (Accessed on 19.06.2024)
- [12] <https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/modern-slavery-and-human-trafficking> (Accessed on 20.06.2024)