COMBATING HUMAN TRAFFICKING AT SEA: AN EVALUATION OF INDIA'S JURISDICTIONAL FRAMEWORK

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ABSTRACT

Maritime human trafficking in India has become an increasingly serious concern, particularly given the country's long coastline and the growing reliance of trafficking networks on sea routes. Although India has enacted several laws to address human trafficking, these measures were primarily designed with land-based offences in mind. Consequently, instances of exploitation that occur through maritime channels are not always adequately addressed. The situation is further complicated by overlapping and, at times, unclear jurisdiction among enforcement agencies, which can weaken effective prevention and prosecution at sea. In addition, India does not yet have a specific legal framework tailored to maritime trafficking. This study examines the existing statutory provisions alongside India's commitments under international instruments, including the Palermo Protocol. By analysing domestic legislation in light of these obligations, the paper evaluates whether the present legal regime is sufficiently equipped to respond to trafficking at sea and considers the broader need for a more coordinated maritime approach.

Introduction

Human trafficking has become a significant issue of the violation of human rights and a major organised crime challenge of the new century. Modern slavery is the cause of nearly 50 million people worldwide being enslaved, of which most are victims of human trafficking networks.[1] In most cases, human trafficking is linked to cross-border migratory movements, forced labour, sexual exploitation, and organ trade; however, due to the less significant scholarly and policy attention paid to the maritime dimension, its seaborne aspect remains largely invisible. Hence, as trans-marine criminals are taking advantage of oceanic routes to smuggle their victims secretly, the fight against trafficking at sea has become an urgent matter.[2]

The vantage point of India intensifies this strength for the traffickers. Indian waters, composed of the Arabian Sea, Bay of Bengal, and the Indian Ocean, providing a total coastline of 7,516 kilometres, recalculated to 11,098 in April 2025, and more than 200 coastal towns and harbours, are the reasons for which is why traffickers are finding an easy way to move their victims through these ports and beaches.[3] Reports reveal that traffickers are turning to small fishing, trawlers, or even commercial shipping to secretly relocate the victims, particularly women and children, to areas like the Middle East or Southeast Asia.[4] The traffickers make use of water routes so that they can avoid the land checkpoints and also take advantage of less strict patrolling in the coastal areas.

The United Nations Convention Against Transnational Organised Crime (2000) and its Palermo Protocol are among the several international legal frameworks that define India's commitments to tackling human trafficking.[5] The Protocol points out that since traffickers do not stop at borders or even land, it is imperative that state parties should take "comprehensive measures" in all areas of transit. UNCLOS, in a similar way, grants state the legal power to stop and bring to justice offenders of transnational crimes at sea; even so, its application to trafficking is still at an embryonic stage in Indian legal studies.[6] There is still a long way to go

[1] Int'l Labour Org. & Walk Free, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* 10 (2022).
[2] Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery*, 33 *Human Rights Quarterly* 181 (2011)
[3] Ministry of Shipping, Gov't of India, *Annual Report 2023–24*, at 14 (2024)
[4] Vibhuti Patel, Trafficking of Women and Children in India: Policy Gaps and Challenges, 50(2) *Econ. & Pol. Wkly.* 69, 72–73 (2015)
[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Nov. 15, 2000, 2237 U.N.T.S. 319
[6] Michael Plachta, The Role of UNCLOS in Addressing Transnational Organized Crimes at Sea, 26 *Int'l J.*

before India knits together its international maritime trafficking commitments and its domestic enforcement through maritime trafficking provisions.

The blocks to trafficking on land are supported by laws and stipulations in the Bharatiya Nyaya Sanhita, 2023, the Immoral Traffic (Prevention) Act, 1956, and the Protection of Children from Sexual Offences Act, 2012. Nonetheless, most of this legislation has been done with a primary focus on the land-based scenarios and are inadequate when it comes to sea-related legal and operational issues.[7] The issue of human trafficking in the sea is, to some degree, in the middle of India's legal framework, as responsibilities may be shared by ocean security forces and local police, there are no clearly specified actions concerning the stopping, identifying victims, or legal actions.[8] As a result, India may be neglecting one of the most important anti-trafficking ways which is the root cause of the decrease both of the internal and the global security commitment.

This paper examines Indian legislation regarding human trafficking, particularly within the maritime industry. It talks about maritime trafficking, the laws that govern it around the world, India's laws against trafficking, and the problems with jurisdiction and vessel non-compliance that make it hard to enforce. It ends with ideas for how to make India's laws better so that they can deal with this international marine threat.

Statement of Problem

Human trafficking is one of the fastest-growing cross-border crimes, which usually involves complex networks that take advantage of the weak enforcement across borders and different modes of transportation. India, on its part, has established solid legal frameworks to fight against trafficking, such as Section 143 and Section 144 of the Bharatiya Nyaya Sanhita, 2023 and the Immoral Traffic (Prevention) Act, 1956, but these laws are mainly concentrated on the land-based crimes.[9] They do not adequately cater to the sea side, where the traffickers are exploiting the country's 11,000-kilometer coastline, busy ports, and unguarded sea routes. The lack of maritime-specific anti-trafficking measures leaves enforcement gaps. For example, the

Marine & Coastal L. 343, 351–53 (2011)

[7] Bharatiya Nyaya Sanhita, No. 45 of 2023, § 143-144 (India); Immoral Traffic (Prevention) Act, No. 104 of 1956, India Code (1993); Protection of Children from Sexual Offences Act, No. 32 of 2012

[8] Rajeswari (Raji) Pillai Rajagopalan, *Colombo Security Conclave: A New Minilateral for the Indian Ocean?*, *The Diplomat* (Aug. 19, 2021)

[9] Bharatiya Nyaya Sanhita, No. 45 of 2023, § 143 (India); Immoral Traffic (Prevention) Act, No. 104 of 1956, India Code (1993)

United Nations Convention on the Law of the Sea (UNCLOS) gives countries control over the waters in their territory and some rights in the contiguous zone and Exclusive Economic Zone (EEZ). However, India does not have a complete set of laws for prosecuting trafficking crimes that happen in these maritime areas.[10] The disjuncture of jurisdiction—between central organizations such as the Indian Navy and Coast Guard, and state police authorities—also hinders successful enforcement.

Another problem exists in unclearness and institutional coordination. Several agencies of enforcement, such as the Directorate of Revenue Intelligence, Coastal Police, and Customs, overlap but are not defined in their responsibility for interdicting trafficking.[11] In contrast to piracy or terrorism on the seas, which are served by specialized models and robust interagency procedures, trafficking continues to be addressed as an ancillary crime and not as a central maritime security issue. This is detrimental to India's adherence to its international commitment under the Palermo Protocol that mandates states to implement steps for the prevention, investigation, and prosecution of trafficking across all scenarios, including maritime.[12] The absence of standardized port training, victim identification mechanisms, and referral systems further facilitates impunity.

Lastly, the absence of empirical data and case law on maritime trafficking in India impedes jurisprudence development and policy change. Official statistics, like the Crime in India reports of the National Crime Records Bureau, seldom break down trafficking statistics by transportation mode, thereby making maritime trafficking de facto invisible at the national level.[13] This lack of visibility, together with sparse academic and policy literature on the topic, makes for a vicious cycle in which enforcement agencies sub-prioritize maritime trafficking because of shortages of evidence, and its non-appearance in enforcement statistics serves to strengthen the impression that the issue is small. In practice, data from international agencies indicate that traffickers are increasingly using sea routes to transport victims across South and Southeast Asia, prompting an urgent need for India to implement a more holistic, maritime-oriented legal approach.[14]

[10] United Nations Convention on the Law of the Sea arts. 2–3, 33, 56, Dec. 10, 1982, 1833 U.N.T.S. 3
[11] S. Rajesh, Combating Human Trafficking in India: Institutional Challenges, 58 *Indian J. Int'l L.* 221, 229–30 (2018).
[12] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, art. 5, Nov. 15, 2000, 2237 U.N.T.S. 319.
[13] National Crime Records Bureau, *Crime in India 2022: Statistics*, at 512–13 (2023).
[14] U.N. Off. on Drugs & Crime, *Global Report on Trafficking in Persons 2022*, at 56–57 (2022).

Research Question

Is the current legal framework in India strong and effective in preventing and prosecuting maritime human trafficking and what are some of the key reforms that will be required to tackle the unique challenges posed by trafficking at sea?

Hypothesis

The current anti-trafficking legislation of India offers a solid framework that can be used to deal with terrestrial trafficking, but fails to do so with the maritime aspect. Maritime trafficking is an undiscovered and underfought crime that cannot be contained without India coming up with a special legal framework that includes maritime enforcement, better interagency coordination, and stronger victim protection mechanisms.

Objectives of the Study

1. To examine the legal aspects of human trafficking in India, to concentrate on the sea routes.

2. To assess international tools- UNCLOS, UNTOC and the Palermo Protocol and its application within the maritime trafficking obligations of India.

3. To identify the strengths and limitations of the domestic Indian laws on combating trafficking by sea.

4. To determine the institutional and enforcement issues that exist in the maritime trafficking cases.

5. To make certain legal and policy recommendations to improve the Indian system of combating seaborne human trafficking.

Scope of Study

This paper critically analyses the anti-trafficking legal framework of India under maritime jurisdiction, considering statutory laws, international commitments, and enforcement procedures of trafficking at sea. Its area of concern includes laws, policy efforts, and jurisprudence regarding recruitment, transportation, and exploitation using the coastal and

maritime medium, but not solely land-based trafficking. It is analysed in terms of institutional responses, inter-agency coordination gaps, and threats of transnational criminal networks to identify areas of reform and better victim protection.

Research Methodology

This study employs the qualitative, doctrinal approach to research, which is based on the critical analysis of laws, case law, and policy documents governing the issue of maritime human trafficking in India. Alongside international laws, including the Palermo Protocol, UNCLOS, and UNTOC, domestic laws (the Bharatiya Nyaya Sanhita,2023, the Immoral Traffic (Prevention) Act, 1956, the Protection of Children from Sexual Offences Act, 2012, etc.) are also the leading sources. Further, academic literature, law review journals, existing case law, reviews of enforcement agencies, law reviews, and policy reviews are utilised to place statutory implementation in context, and to reveal loopholes in legislation.

1. Global Legal Framework on Human Trafficking at Sea

1.1. Maritime Human Trafficking and the UN GIFT Initiative

Maritime human trafficking is the process of recruiting, transporting, transferring, hiding, or receiving people by sea for exploitation, through such means as coercion, deception, or abuse of vulnerability.[15] The Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000), which is a supplement to the United Nations Convention Against Transnational Organised Crime ("UNTOC"), remains the main international legal instrument for the fight against human trafficking.[16] The Protocol's definition of trafficking is threefold - act, means, and purpose - and is the same for both land and sea trafficking cases. Nevertheless, these differences are more difficult to distinguish in the maritime domain. Hence, smuggling and human trafficking are often mixed: those who willingly decide to smuggle their way out eventually become victims of trafficking, manifesting as debt bondage, forced labour or sexual exploitation while on board.[17]

[15] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, art. 3, Nov. 15, 2000, 2237 U.N.T.S. 319

[16] United Nations Convention Against Transnational Organized Crime, Nov. 15, 2000, 2225 U.N.T.S. 209.

[17] Nadejda K. Marinova, *Human Smuggling and Human Trafficking*, Oxford Research Encyclopedia of International Studies (Dec. 22, 2017).

Totally aware of the difficulties in fighting human trafficking, the United Nations put in place the Global Initiative to Fight Human Trafficking ("UN.GIFT") in 2007. UNGIFT assembled such international organisations as UNODC, ILO, UNICEF, UNFPA, and IOM to endorse the "3Ps" concept—prevention, prosecution, and protection—at the same time inviting states to coordinate their domestic laws with the Palermo Protocol standards.[18] In spite of not being focused on the sea, UN.GIFT has been a major contributor to the cross-sectoral awareness, the collection of data, and the research on the trafficking by the oceangoing, particularly in the fishing industries and migration by boat.[19] Academic commentators point out that UN.GIFT has created a normative environment for states to amalgamate trafficking issues into broader maritime governance frameworks, though enforcement is still patchy.[20]

1.2. International Conventions and Instruments Governing Trafficking at Sea

The international legal response to maritime trafficking is a complex scenario that is influenced by criminal law, human rights law, and the law of the sea. The Palermo Protocol first instructs states to make trafficking a criminal offence, to work together on extradition and mutual legal assistance, and to take measures aimed at the protection of the victims.[21] To that is added the Protocol Against the Smuggling of Migrants by Land, Sea and Air (2000), which, as the name suggests, deals specifically with smuggling cases, and requires states to both prevent and fight such dangerous sea journeys. It also clarifies trafficking as an aggravated form of exploitation.[22]

According to the United Nations Convention on the Law of the Sea (UNCLOS, 1982), maritime interdiction shall be carried out only within the extent of a state's jurisdiction. Coastal states have full authority within their territorial waters and can carry out operations in their contiguous zones following certain limitations. On the other hand, the high seas are free from the principle of flag state jurisdiction.[23] The problem with this is that the persons trafficked can be found on board vessels flying the flag of a country that is not the subject of the research,

[18] U.N. Off. on Drugs & Crime, *UN.GiFT – Global Initiative to Fight Human Trafficking*, https://www.unodc.org/lpo-brazil/en/trafico-de-pessoas/ungift.html
[19] Knowledge4Policy, *UN.GiFT – Global Initiative to Fight Human Trafficking* (Feb. 21, 2023), https://knowledge4policy.ec.europa.eu/organisation/ungift-global-initiative-fight-human-trafficking_en.
[20] Anne T. Gallagher, *The Global Slavery Index and the Measurement of Human Trafficking*, 14 *Hum. Rts. L. Rev.* 133, 142–45 (2014).
[21] Protocol to Prevent, Suppress and Punish Trafficking in Persons, supra note 15, at arts. 5–6.
[22] Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention Against Transnational Organized Crime, Dec. 12, 2000, 2241 U.N.T.S. 507.
[23] United Nations Convention on Law of the Seas, supra note 10

and they are, therefore, on the high seas. Chie Kojima, a scholar, supports the idea of a "functional approach" through which non-flag state jurisdiction is extended to tackle modern slavery and trafficking at sea. She refers to the inadequacy of the existing UNCLOS rules as her main argument.[24]

Moreover, the International Maritime Organisation (IMO), as one of the maritime governance bodies, has provided the guidelines concerning the treatment of rescued persons at sea, which heavily focus on disembarkation and humanitarian protection.[25] The UNODC Crime Manual on Maritime Offences gives more information on how states can change the traditional criminal procedure to reflect the maritime environment and bring traffickers and other offenders to justice.[26]

In addition to the criminal law tools, the Maritime Labour Convention, 2006 (MLC) has also a major role to play in combating exploitation at sea. The MLC is often referred to as the fourth pillar of the international maritime regulation, and it outlines the minimum conditions of working conditions, recruitment procedures, and crew welfare at the ship. It is not, in itself, an anti-trafficking treaty, but its specifications on fair methods of recruitment and inspection coincide with the attempts at mitigating forced labour and trafficking in the maritime trade industry. Nevertheless, its effectiveness in reducing trafficking at sea is still hampered by enforcement issues, especially concerning flag-state responsibility and poor-quality vessels.[27]

For instance, Rebecca Surtees has detailed the trafficking of fishers and seafarers, and she has also demonstrated that the weak regulatory frameworks are a major factor in the exploitation of fisheries supply chains.[28] Similarly, Tomoyuki Koga and Rachel Summers, while demonstrating the limitations of cooperation between the states in dealing with forced labour on fishing vessels, especially point to the fact that most of the states are reluctant to assume jurisdiction for fear of the occurrence of diplomatic friction.[29]

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[24] Chie Kojima, *Modern Slavery and the Law of the Sea: Proposal for a Functional Approach*, 9 *Korean J. Int'l & Comp. L.* 1, 6–8 (2021)
[25] Int'l Mar. Org., Resolution MSC.167(78), Guidelines on the Treatment of Persons Rescued at Sea (May 20, 2004)
[26] U.N. Off. on Drugs & Crime, *Maritime Crime: A Manual for Criminal Justice Practitioners* (2d ed. 2021).
[27] Maritime Labour Convention, 2006
[28] Rebecca Surtees, *Trapped at Sea: Using the Legal and Regulatory Framework to Prevent and Combat the Trafficking of Seafarers and Fishers*, 1 *Groningen J. Int'l L.* 2, 18–22 (2013).
[29] Tomoyuki Koga & Rachel H. Summers, *Human Rights at Sea: The Limits of Inter-State Cooperation in Addressing Forced Labour on Fishing Vessels*, *Marine Policy* 105934, at 7–10 (2024).

1.3. Regional and Transnational Cooperation

Because of the transnational character of maritime trafficking, regional frameworks hold a central position. The maritime borders in South and Southeast Asia are porous, the monitoring capacity is low, and political sensitivities require regional solutions. Norms such as the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) and programs under the Indian Ocean Rim Association (IORA) have been a source of guidance in the form of standards, though the enforcement of the same is very limited.[30]

Later, the Colombo Security Conclave, a trilateral project comprising India, Sri Lanka, and the Maldives, turned its attention to trafficking and other illegal maritime crimes as new areas of concern.[31] It is a minilateral setup which is still in its early phases and yet is an indicator of how India has been a part of the process of establishing common norms for cooperative maritime security.

On a worldwide scale, UN.GIFT's collaboration is still very important; nevertheless, critics say that its soft-law methodology is not enough and binding laws are needed for it to be effective at the operational level.[32] Research on Indonesia's coastal boundaries mentions that trafficking, when it is combined with illegal, unreported, and unregulated (IUU) fishing, is such a case that requires the setting of stronger, binding, and cooperative enforcement regimes.[33]

To sum up, the international legal framework is very well thought out in the text, but huge enforcement gaps are still there, especially in the placement of anti-trafficking norms in maritime jurisdictional rules, the problem of victims at sea, and in the operational cooperation area between coastal and flag states.

2. India's Legal Framework Against Maritime Human Trafficking

2.1. Constitutional and Statutory Provisions

Article 23 of the Constitution of India is an explicit prohibition of human trafficking, under

[30] SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, Jan. 5, 2002, SAARC Doc. (2002).
[31] Rajeswari Pillai Rajagopalan, supra note 8
[32] Gallagher, supra note 20
[33] Ika Dewi Sartika, Clara Ignatia Tobing & Mochammad Syafruddin Rezky Sanaky, *Human Trafficking on Illegal, Unreported and Unregulated Fishing Cases as Transnational Crime on Indonesia Coastal Boundary*, 2 *J. L., Pol. & Hum.* 51, 60–63 (2022).

which "traffic in human beings and begar and other similar forms of forced labour are prohibited".[34] Besides this, Articles 39(e) and (f) lay down the responsibility of the State to ensure the prevention of any kind of exploitation of individuals including children.[35]

The anti-trafficking laws in India are deeply rooted in these constitutional guarantees.

Bharatiya Nyaya Sanhita, 2023 (BNS), houses the criminal provisions that constitute the offence. Sections 143 and 144, as amended in 2013, describe trafficking as a criminal offence of such a nature that the purpose of the exploitation should include sexual exploitation, slavery, servitude, and forcibly removing the organs of the victim.[36] Even though these enactments are not specifically targeted at maritime trafficking cases, they still hold valid in instances where victims are trafficked through sea routes to or from India.

Moreover, the Immoral Traffic (Prevention) Act, 1956 (ITPA) came into being with a view to repressing the trafficking for commercial sexual exploitation. Though it is primarily focused on the land areas, the Act is extended to the sea where trafficked victims are brought into Indian ports or coastal towns.[37]

2.2. Maritime and Security Legislations

Sea trafficking of humans is dealt with under India's maritime security laws that are related to the Merchant Shipping Act, 1958, which governs vessels, their registration, and the welfare of crews; thus, ships are largely watching for trafficking.[38] The Indian Coast Guard Act, 1978, authorises the Indian Coast Guard to stop, and if required, go after the unlawful activities at sea, which include smuggling and trafficking, besides other illegal activities.[39]

Besides that, the Passport Act, 1967 and the Foreigners Act, 1946, are the laws that give the power to the officials to halt illegal migration that is being facilitated through maritime channels.[40] Ports and immigration checkpoints become the places from where the enforcement officers can catch the traffickers who have the nets that they operate across the Bay of Bengal

[34] INDIA CONST. art. 23
[35] Id. art. 39(e), (f)
[36] Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 143-144
[37] Immoral Traffic (Prevention) Act, No. 104 of 1956, INDIA CODE (1956).
[38] Merchant Shipping Act, No. 44 of 1958, INDIA CODE (1958)
[39] Indian Coast Guard Act, No. 30 of 1978, INDIA CODE (1978).
[40] Passport Act, No. 15 of 1967, INDIA CODE (1967); Foreigners Act, No. 31 of 1946, INDIA CODE (1946).

and the Arabian Sea.

The Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021, is a proposed legislation that aims to set up a complete legal framework for dealing with all forms of trafficking that have maritime dimensions. However, the enactment of this Bill is still pending, and its coming into force will depend on whether India will be able to meet its obligations under the Palermo Protocol or not.[41]

India's obligations under the Maritime Labour Convention, 2006 are implemented primarily through amendments to the Merchant Shipping Act and related regulatory frameworks like the Merchant Shipping (Maritime Labour) Rules, 2016.[42] These provisions impose duties concerning crew welfare, inspection, and recruitment standards. Although such measures contribute to preventing exploitative labour conditions aboard vessels, they do not specifically address trafficking offences, thereby reinforcing the fragmented nature of India's maritime anti-trafficking framework. When properly implemented, the MLC can serve as a deterrent against forced labour and maritime trafficking, particularly aboard commerce and fishing ships that operate in areas prone to such crimes.

2.3. Judicial and Enforcement Mechanisms

The Indian judiciary has not only expanded the definition of trafficking but also taken a substantial role in this matter. The Supreme Court in People's Union for Democratic Rights v. Union of India acknowledged that "Article 23" covers traditional slavery along with economic exploitation.[43] Also, the Court in Bachpan Bachao Andolan v. Union of India, considered the fight against child trafficking as the first and foremost duty of the State, apart from ensuring the proper rehabilitation of the victims.[44]

At the enforcement level, various agencies work together to tackle maritime trafficking. While the Indian Coast Guard and Indian Navy undertakings oversee maritime interceptions, the National Investigation Agency (NIA) and Central Bureau of Investigation (CBI) are engaged in the investigations of the organised trafficking syndicates. The State-level Anti-Human

[41] Ministry of Women & Child Development, *Draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021* (India)
[42] Maritime Labour Rules, 2016, G.S.R. 546(E) (June 16, 2016) (India)
[43] *People's Union for Democratic Rights v. Union of India*, (1982) 3 S.C.C. 235
[44] *Bachpan Bachao Andolan v. Union of India*, (2011) 5 S.C.C. 1

Trafficking Units (AHTUs), which generally work with port authorities motorcycles though, the coordination between the agencies remains a continuous problem.[45]

Reports point out that traffickers and migrants use the same routes, which come from Sri Lanka, Bangladesh, and Myanmar and go to the coastal states of India, such as Tamil Nadu, Gujarat, and West Bengal.[46]

3. Challenges and the Way Forward in Combating Maritime Human Trafficking in India

3.1. Legal and Procedural Challenges

A major hurdle, among others, is the issue of confused jurisdiction that falls under international law. The law signed by the United Nations to regulate the seas (UNCLOS) confers the powers of a sovereign to the coastal states in their waters of the said state but at the same time, it limits their authority to enforce in the free or high seas.[47] Due to this restriction, India is faced with a more difficult task of tracking down the traffickers who are using phantom or unregistered vessels with which they cross the borders and thus operate transnationally.

Besides, the existing legislative framework in India is so fragmented that the provisions for combating trafficking are scattered in the Bharatiya Nyaya Sanhita, the Immoral Traffic (Prevention) Act, the Merchant Shipping Act, and the Coast Guard Act, with no specialised maritime trafficking law.[48] According to some scholars, the situation is further complicated by this division of powers, as the territories of the Navy, Coast Guard, immigration authorities, and state police overlap, the different agencies are less likely to coordinate their responses owing to the time lost in such areas.[49]

Besides, the prosecution is made more difficult by problems with evidence, such as trafficked persons' identification at the ports, which leads to the lack of victim-witness protection and limited forensic capacity in maritime crimes.[50] The rate of successful human trafficking prosecutions in India is less than 20%, implying systemic weaknesses in investigation and trial

[45] United Nations Office on Drugs & Crime [UNODC], *Current Status of Victim Service Providers and Criminal Justice Actors in India on Anti-Human Trafficking* 27–29 (2013)
[46] Asian Development Bank [ADB], *Human Trafficking: Patterns and Responses in India* 14–18 (2019)
[47] United Nations Convention on Law of the Seas, supra note 10
[48] Bharatiya Nyaya Sanhita, No. 45 of 2023 (India); Immoral Traffic (Prevention) Act, No. 104 of 1956 (India); Merchant Shipping Act, No. 44 of 1958 (India); Indian Coast Guard Act, No. 30 of 1978 (India)
[49] Vibhuti Patel, supra note 4
[50] Sidharth Kara, supra note 2

processes.[51]

3.2. Socio-Economic and Geopolitical Drivers

Sea human trafficking goes hand in hand with socio-economic vulnerabilities that are so severe that they are almost unthinkable to the average person. Coastal communities of states such as Tamil Nadu, Gujarat, and West Bengal are engulfed by poverty, lack of jobs, and weak regulatory oversight, which are the main causes of their being easy pickings for traffickers to recruit the vulnerable.[52]

On the one hand, illegal trafficking uses the India–Bangladesh border and the Tamil Nadu–Sri Lanka corridor as main routes; on the other hand, it deliberately crosses these maritime borders, which are not well policed, to move the trafficked persons.[53]

The situation of political unrest in Myanmar and Sri Lanka is an added factor that makes traffickers exploit the already hard-pressed refugees and migrants. The UNODC has pinpointed the Bay of Bengal as a hub of maritime trafficking networks where fishing vessels are simply turned into smuggling boats carrying both migrants and trafficked persons.[54]

3.3. Strengthening India's Response – Way Forward

To get over the mentioned problems, legislative reforms and institutional improvements will be necessary in India. The Trafficking in Persons (Prevention, Care, and Rehabilitation) Bill, 2021, establishes new anti-trafficking agencies and extends the control over organised trafficking to match India's law with the Palermo Protocol.[55] It would bring uniformity to marine trafficking.

Just as significant are the technological initiatives. AIS and NMDA can be instrumental in locating the suspicious vessels.[56] The identification of victims and training in maritime law for coastal police and judges will enhance the prosecutorial performance.

[51] National Crime Records Bureau [NCRB], *Crime in India 2021: Statistics* 548–49 (2022)
[52] Anjali Bhatia, *Trafficking and Coastal Vulnerabilities in India*, 15 J. Hum. Trafficking 122, 129–30 (2020)
[53] Asian Development Bank [ADB], supra note 44
[54] United Nations Office on Drugs & Crime [UNODC], *Transnational Organized Crime in the Fishing Industry* 35–38 (2011)
[55] Ministry of Women & Child Development, supra note 40
[56] Government of India, Ministry of Defence, *Indian Maritime Security Strategy* 48–51 (2015)

Regional and international cooperation are vital. The Colombo Security Conclave and Indian Ocean Rim Association (IORA) can be upgraded to allow joint patrols, sharing of intelligence and training for addressing the South Asian trafficking networks.[57] UNGIFT aligns India's policy with international standards and facilitates partnership with UNODC and IMO.[58]

Conclusion

Maritime human trafficking is a daunting challenge that touches the areas of criminal law, maritime law, international co-operation, and human rights. Anti-trafficking laws in India and the victim protection systems are fairly developed for land issues, but they are still not flexible enough to handle those cases that have the sea as a transit route or place of exploitation. Various factors such as jurisdictional ambiguities, institutional fragmentation, weak enforcement mechanisms at sea, and lack of maritime-specific legal instruments are impacting India's ability to detect, intercept, prosecute and help victims of trafficking through maritime routes.

To address these voids, India requires a more comprehensive and sea-sensitive legal system: a specific law on maritime trafficking; detailed jurisdictional powers in coastal and international waters; better agency coordination and robust victim support committed to the maritime context. Alongside this, there also needs to be an increase in international and regional cooperation, the improvement of data systems and the utilisation of technological tools. The only way for India to be able to meet this challenge is by combining legal reforms with operational capacity; thus, India will be able to fight trafficking beyond land borders and ensure protection and justice for those exploited on sea routes.

[57] Rajeswari Pillai Rajagopalan, supra note 8
[58] UN.GIFT, supra note 18