ANALYTICAL STUDY ON LAW ENFORCEMENT MECHANISMS ON HUMAN TRAFFICKING

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ABSTRACT

Human trafficking is a transnational crime that systematically undermines human rights, migration, and exposes persistent weaknesses in law enforcement responses across jurisdictions. Human trafficking is a significant issue in India, requiring effective law enforcement mechanisms. The study seeks to analyse the internal consistency and adequacy of the primary legislative instruments, specifically Article 23 of the Constitution of India, the Immoral Traffic (Prevention) Act (ITPA), 1956, and the relevant sections of the Bharatiya Nyaya Sanhita (BNS), formerly the Indian Penal Code (IPC). The central problem addressed in this study is the fragmented nature of the existing legal definitions and the resultant jurisdictional ambiguities that hinder effective prosecution. By employing a black-letter law methodology, this research scrutinizes the evolution of the "trafficking" definition in the Indian context, assessing its alignment with international standards, particularly the Palermo Protocol. The study further examines the role of the judiciary in filling legislative lacunae through landmark judgments, analyzing how judicial activism has expanded the scope of victim protection and rehabilitation rights under Article 21. The analysis reveals significant gaps, including the lack of a comprehensive, unified legislation that addresses all forms of trafficking beyond commercial sexual exploitation. It identifies contradictions between the ITPA and the BNS regarding the criminalization of victims versus the penalization of traffickers. Furthermore, the study critiques the legal mechanisms for inter-agency coordination, arguing that the absence of a statutory mandate for a centralized National Anti-Trafficking Authority creates a procedural vacuum. It provides a comprehensive analysis of the existing law enforcement mechanisms to strengthen their efforts to prevent and respond to human trafficking. It also contributes to the existing literature on human trafficking in India by providing a subtle understanding of the law enforcement mechanisms in India.

Keywords: Human Trafficking, Transnational Crime, Human Rights, Law enforcement, Inter-agency coordination.

1. Introduction

Human trafficking, often framed in contemporary legal and policy debates as a contemporary manifestation of slavery, constitutes a particularly complex transnational offence that gravely infringes human rights and reveals persistent weaknesses in global criminal justice responses.[1] It is an exploitation-driven crime that not only harms the inherent dignity and autonomy of trafficked persons but also destabilizes the rule of law through its entanglement with organized criminal networks, corruption, and the distortion of state institutions.[2] This research paper undertakes a systematic examination of the investigative and prosecutorial strategies employed by law enforcement agencies in trafficking cases, interrogating the structural, procedural, and operational barriers that shape case trajectories and outcomes.[3] In doing so, it moves beyond a merely doctrinal account of anti-trafficking legislation to foreground the practical realities of enforcement as they are experienced within policing and prosecution practice.

Human trafficking functions as a covert, highly adaptive, and globally networked criminal enterprise that erodes the foundations of human rights, destabilizes legitimate labor systems, and complicates the governance of migration[4] at both national and international levels. Far from being an isolated or sporadic offense, it is entrenched within the economic and social structures of globalization, thriving on inequalities in wealth, gender, and opportunity, as well as on weaknesses in legal and institutional regulation. Traffickers exploit the gray zones between legality and illegality, such as informal labor markets, corrupt border regimes, and inconsistent immigration laws to sustain their operations and conceal their activities. [5]For law enforcement, the task of dismantling these networks poses exceptional challenges, as the crime transcends borders, industries, and legal jurisdictions. Unlike the trafficking of drugs or weapons where the "goods" are inanimate, the trade in human beings involves individuals endowed with dignity, agency, and complex socio-psychological experiences.[6] The relationship between trafficker and trafficked person often resists simplistic categorizations of perpetrator and victim, making investigation, prosecution, and victim protection far more

[1] Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101(a)
[2] Bales, Kevin. *Disposable People: New Slavery in the Global Economy*. University of California Press, 2012
[3] Gallagher, Anne T. *The International Law of Human Trafficking*. Cambridge University Press, 2010
[4] Sassen, S. (2002). *"Women's Burden: Counter-geographies of Globalization and the Feminization of Survival."* Nordic Journal of International Law, 71(2), 255-274.
[5] Ronald Weitzer, *Human Trafficking and Contemporary Slavery*, 41 Annual Review of Sociology 223 (2015)
[6]Chuang, J. A. (2010). *"Rescuing Trafficking from Ideological Capture: Prostitution Reform and Anti-Trafficking Law and Policy."* University of Pennsylvania Law Review, 158(6), 1655.

intricate than in most other forms of transnational organized crime.

2. International legal framework

Human trafficking commonly referred to as a form of modern slavery encompasses the recruitment, transportation, transfer, harboring, or receipt of persons for the purpose of exploitation, typically through coercive, deceptive, or abusive means. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), characterizes trafficking as involving such acts when achieved through threat or use of force, abduction, fraud, deception, abuse of power or vulnerability, or the giving or receiving of benefits to obtain control over another person for exploitation.[7] Exploitative purposes, as defined in the Protocol, include sexual exploitation, forced labor, slavery or practices similar to slavery, servitude, and organ removal. In cases involving children, the consent of the child or proof of coercive means is legally immaterial.[8]

The United Nations human rights framework reinforces this prohibition through several binding treaties. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) addresses trafficking and exploitation in the context of eliminating discrimination against women.[9] Similarly, the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography require States Parties to protect children from all forms of sexual and labor exploitation.[10] Complementary protections arise under the International Labour Organization's Forced Labour Convention (No. 29) (1930) and Worst Forms of Child Labour Convention (No. 182) (1999), which impose obligations to prohibit and eliminate forced or compulsory labor and to eradicate the worst forms of child exploitation, including trafficking.[11]

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[7] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Nov. 15, 2000, 2237 U.N.T.S. 319 [hereinafter Palermo Protocol].

[8] Id. art. 3(c)–(d)

[9] Convention on the Elimination of All Forms of Discrimination Against Women art. 6, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

[10] Convention on the Rights of the Child arts. 34–36, Nov. 20, 1989, 1577 U.N.T.S. 3; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, May 25, 2000, 2171 U.N.T.S. 227.

[11] International Labour Organization, Convention No. 29 on Forced Labour, June 28, 1930, 39 U.N.T.S. 55; Convention No. 182 on the Worst Forms of Child Labour, June 17, 1999, 2133 U.N.T.S. 161.

Beyond treaty obligations, interpretive and soft-law guidance—particularly reports and recommendations from the UN Special Rapporteur on Trafficking in Persons—emphasize a victim-centered, human rights–based approach grounded in principles of non-punishment for victims and proactive state due diligence in prevention, investigation, and prosecution.[12] Regional initiatives complement these global frameworks. The Council of Europe Convention on Action against Trafficking in Human Beings (2005) mandates victim protection, assistance, and non-prosecution for unlawfully compelled acts.[13] The European Union Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims harmonizes criminalization, prevention, and victim-assistance measures across member states under the supervision of the EU Anti-Trafficking Coordinator.[14] Likewise, the African Union Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006) and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015) advance regional cooperation tailored to migration- and conflict-related vulnerabilities.[15]

2.1 Palermo Protocol and UNTOC

The 2000 United Nations Convention against Transnational Organized Crime (UNTOC) forms the normative foundation of the modern anti-trafficking regime by defining "serious crime" as conduct punishable by at least four years' imprisonment when committed by an organized criminal group.[16] The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), which entered into force in December 2003, operationalizes this framework through a tripartite definitional model encompassing the act (such as recruitment or transport), means (including threat, force, coercion, or deception), and purpose of exploitation.[17] In the case of child trafficking,

[12] See U.N. Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, U.N. Doc. A/HRC/50/31 (Apr. 11, 2022).
[13] Council of Europe Convention on Action against Trafficking in Human Beings, May 16, 2005, C.E.T.S. No. 197.
[14] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, 2011 O.J. (L 101)
[15] African Union, Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006); ASEAN Convention Against Trafficking in Persons, Especially Women and Children, Nov. 21, 2015.
[16] United Nations Convention against Transnational Organized Crime art. 2(b), opened for signature Dec. 12, 2000, 2225 U.N.T.S. 209 [hereinafter UNTOC].
[17] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children art. 3(a), Nov. 15, 2000, 2237 U.N.T.S. 319 [hereinafter Trafficking Protocol].

liability arises irrespective of the use of coercive means.[18] "Exploitation," as articulated in Article 3 of the Protocol, covers diverse forms of abuse, including sexual exploitation, forced labor, slavery or analogous practices, servitude, and organ removal, with the definitional scope permitting states to expand protections.[19] Article 5 obligates States Parties to criminalize not only the core act of trafficking but also attempts, participation, and facilitation, ensuring that such crimes qualify as extraditable offenses under UNTOC.[20]

Part II of the Protocol strengthens victim rights by requiring States to grant measures such as confidentiality during proceedings, access to information, and comprehensive rehabilitation services including medical care, shelter, and restitution.[21] The principle of non-punishment—derived from the Convention's overarching due-process guarantees—precludes penalizing victims for unlawful acts directly compelled by traffickers.[22] States are further encouraged to provide temporary or permanent residence permits and to ensure safe and voluntary repatriation when return is pursued.[23]

Part III outlines broad policy obligations encompassing preventive education, socioeconomic initiatives, public awareness campaigns, demand-reduction strategies, data collection, and inter-agency as well as cross-border coordination.[24] States must also strengthen border management and identity-document safeguards and cooperate with the United Nations Office on Drugs and Crime (UNODC) in capacity-building and technical assistance.[25] UNODC supplements implementation through interpretive guides, the Blue Heart Campaign, and regional support programs promoting victim protection and institutional development.[26]

While the Protocol's central aim is the suppression of transnational organized trafficking networks, interpretive practice has extended its application to purely domestic scenarios where organized elements operate internally.[27] Nearly universal ratification demonstrates the instrument's normative reach, although disparities persist: economically advanced

[18] Id. art. 3(c).
[19] Id. art. 3(a).
[20] Id. art. 5; UNTOC, supra note 16, art. 16(1)
[21] Trafficking Protocol, supra note 17, arts. 6(1)–(3).
[22] UNTOC, supra note 16, art. 11(6); see also U.N. Office on Drugs & Crime, Issue Paper: The Non-Punishment Principle 6–7 (2020).
[23] Trafficking Protocol, supra note 17, art. 7.
[24] Id. art. 9(1)–(5).
[25] Id. art. 11; UNTOC, supra note 16, arts. 27–30
[26] See U.N. Office on Drugs & Crime, The Blue Heart Campaign Against Human Trafficking
[27] See Anne T. Gallagher, The International Law of Human Trafficking 197–98 (2010)

jurisdictions tend to demonstrate prosecutorial efficacy while underperforming in preventive programming.[28] The Convention's security-oriented emphasis, though instrumental in deterrence, has prompted increasing reliance on complementary human rights frameworks to ensure victim-centered enforcement.[29]

2.2 The United Nations Office on Drugs and Crime

The United Nations Office on Drugs and Crime (UNODC) issues the principal global assessment of human trafficking trends through its Global Report on Trafficking in Persons. The December 2024 edition draws on detection data from 156 countries covering the 2019 to 2023 period, documenting a 25% rise in identified victims worldwide in 2022 relative to 2019, a surge attributed to intersecting drivers including economic deprivation, armed conflicts, and climate-induced displacement. Child victims increased by 31% overall, with girls comprising 38% more cases; forced labor detections climbed 47%, while women and girls accounted for 61% of total victims, predominantly in sexual exploitation, as boys faced elevated risks of forced labor (45%) or forced criminality such as cyberfraud schemes (8%).[30]

Human trafficking qualifies as a contemporary form of slavery, entailing the recruitment, transportation, transfer, harboring, or receipt of persons by means of force, deception, or coercion or, for children, irrespective of means for ends such as sexual abuse, forced labor, organ removal, or forced begging.[31] The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol, 2000), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC), supplies the globally accepted definition, ratified by 178 states and imposing duties to criminalize trafficking, protect victims through non-punishment and assistance principles, prevent it via demand reduction and vulnerability mitigation, and foster international cooperation on extradition and mutual legal assistance.[32] UNODC reporting highlights persistent evidentiary hurdles in proving coercion, as seen in prosecutions of Nigerian networks in Europe that succeeded through mutual legal assistance but faltered where victims retracted statements.[33] European

[28] Id. at 375–78.
[29] See U.N. Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, U.N. Doc. A/HRC/50/31 (Apr. 11, 2022).
[30] U.N. Office on Drugs & Crime, Global Report on Trafficking in Persons 2024 10–15, 28–32 (2024).
[31] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, art. 3(a), Nov. 15, 2000, 2237 U.N.T.S. 319
[32] Id. arts. 5–11, 15; United Nations Convention against Transnational Organized Crime, Nov. 15, 2000, 2225 U.N.T.S. 209.
[33] U.N. Office on Drugs & Crime, Global Report on Trafficking in Persons 2022 67–70 (2022).

Court of Human Rights jurisprudence has crystallized states' positive obligations under Article 4 of the European Convention on Human Rights (prohibiting slavery and forced labor). In *B. v. Slovakia*, Slovak authorities overlooked indicators of trafficking control (debt bondage, isolation) and pursued only pimping charges; the Court found a violation of investigative due diligence, awarding €26,000 in damages and mandating proactive scrutiny of exploitative dynamics.[34] Similarly, In *Rantsev v. Cyprus & Russia,* addressed a migrant dancer's death linked to "artiste" visa abuse, holding Cyprus liable for territorial jurisdiction failures and Russia for origin-country investigation lapses, thereby extending Article 4 to extraterritorial and cooperative duties.[35] Pre-Palermo cases like *Siliadin v. France*, delineated servitude thresholds absent overt force in domestic work, while *Chowdury v. Greece,* condemned state inaction on migrant strawberry pickers in forced labor, ordering reparations and spotlighting seasonal migration risks.[36]

2.3 Amnesty International Report

Amnesty International addresses human trafficking primarily through country-specific and thematic investigations on migrant exploitation, forced labor, and gender-based violence, rather than issuing a dedicated global trafficking report like UNODC's annual publication.[37] The organization examines trafficking within broader patterns of labor migration abuse, state migration controls, and conflict-related vulnerabilities.[38] Key examples include documentation of recruitment fraud leading to debt bondage among domestic workers from East Africa in Gulf states, and exploitative subcontracting chains affecting South Asian men in construction and retail sectors.[39] Amnesty consistently advocates for states to uphold victim identification protocols, apply non-punishment pridiscriminatory sponsorship systems that enable coercion.[40]

2.3.1 Case Study: Migrant Workers at Carrefour Sites in Saudi Arabia (2024)

Amnesty's October 2024 report details conditions faced by 17 migrant men from Nepal,

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[34] B. v. Slovakia, App. No. 2855/22, 45–62 (Eur. Ct. H.R. 2024)
[35] Rantsev v. Cyprus & Russia, App. No. 25965/04, 278–86, 51 Eur. Ct. H.R. 1 (2010).
[36] Siliadin v. France, App. No. 73316/01,112–29, 40 Eur. Ct. H.R. 16 (2005); Chowdury v. Greece, App. No. 21884/15, 98–115 (Eur. Ct. H.R. 2017).
[37] Amnesty Int'l, Amnesty International Report 2021/22: The State of the World's Human Rights (2022)
[38] Amnesty Int'l, Trafficking in Women and Girls in the Context of Global Migration 12–18 (2020)
[39] Amnesty Int'l, Migrant Domestic Workers and Trafficking in Persons 20–25 (2025),
[40] Amnesty Int'l, supra note 38, at 45–52; Amnesty Int'l, *Nigeria: A Harrowing Journey* 30–35 (2021)

India, and Pakistan, supplied through labour agencies to Carrefour-operated facilities managed by Majid Al Futtaim Retail in Saudi Arabia.[41] Workers reported paying substantial illegal recruitment fees at origin, accruing debts that trapped them in abusive arrangements.[42] On arrival, they encountered deception over job terms: excessive shifts exceeding 12 hours without weekly rest, wage withholding or shortfalls, passport controls limiting mobility, substandard communal housing, and threats of summary dismissal for raising grievances.[43] These circumstances aligned with multiple Palermo Protocol indicators—deception, abuse of vulnerability, and coercion through debt and immobility—constituting forced labor and trafficking for labor exploitation.[44]

Amnesty engaged Carrefour Group and Majid Al Futtaim, prompting internal audits and partial remediation pledges, though full repayment of recruitment fees and comprehensive compensation remained unresolved at publication.[45] The case underscores corporate due diligence failures under UN Guiding Principles and state oversight gaps in the kafala system, calling for legislative reforms to protect migrant workers.[46]

3. Analysis of Indian legal framework

India's principal legal framework addressing trafficking in persons derives from a combination of constitutional, penal, and specialized statutory provisions. The Immoral Traffic (Prevention) Act, 1956 (ITPA) remains the earliest and most specific legislation targeting commercial sexual exploitation through the penalization of brothel-keeping, solicitation, and procurement-related activities.[47] Complementing this, now carried into the Bharatiya Nyaya Sanhita, 2023 extend the prohibition to trafficking for labor, sexual exploitation, servitude, and other forms of abuse, establishing graded penalties based on aggravating circumstances.[48]

[41] Amnesty Int'l, Saudi Arabia: Migrant Workers at Carrefour Sites Exploited, Cheated and Forced to Live in Fear (Oct. 8, 2024)
[42] Id. (detailing recruitment fees ranging from USD 1,500–3,000)
[43] Id. (documenting 12–16 hour shifts, 6–7 day weeks, passport retention).
[44] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children art. 3(a), Nov. 15, 2000, 2237 U.N.T.S. 319; Amnesty Int'l, supra note 41.
[45] Amnesty Int'l, supra note 41 (noting corporate responses as of October 2024).
[46] Id.; U.N. Human Rights Council, Guiding Principles on Business and Human Rights (2011), U.N. Doc. A/HRC/17/31.
[47] The Immoral Traffic (Prevention) Act, No. 104 of 1956, INDIA CODE (1956)
[48] Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 141–142.

At the constitutional level, Article 23(1) enshrines the fundamental prohibition against human trafficking and forced labor, empowering Parliament and the states to enforce compliance through coercive and preventive legislation.[49] In pursuit of a unified institutional response, the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 proposed a multi-tier framework comprising national, state, and district bodies, including Anti-Trafficking Units (ATUs) tasked with investigation, rescue, and victim rehabilitation.[50] The Bill envisioned time-bound procedures mandating completion of rescue and inquiry processes within ninety days from the registration of the First Information Report (FIR).[51]

The Ministry of Home Affairs (MHA) currently administers the Anti-Trafficking Cell, serving as the policy and coordination focal point, and supervises an expanding network of Anti-Human Trafficking Units (AHTUs) at the state and district levels.[52] These units undertake a spectrum of law-enforcement and intelligence activities—including undercover surveillance, analysis of communication patterns and financial flows, and coordination of inter-state and cross-border operations in collaboration with local police and specialized task forces.[53] Operational guidelines instruct AHTUs to integrate digital evidence collection, hotline-based interventions, and centralized data sharing with district nodal officers and a proposed National Anti-Trafficking Bureau, intended to address complex inter-jurisdictional trafficking networks.[54]

3.1 Constitutional Foundations

Article 23(1) of the Constitution of India categorically prohibits "traffic in human beings, beggar and other similar forms of forced labour." The provision has been interpreted as a self-executing constitutional guarantee safeguarding personal dignity and freedom from economic and physical exploitation.[55] In *People's Union for Democratic Rights v. Union of India*,[56] the Supreme Court of India gave the provision an expansive reading, holding that

[49] Constitution of India, art. 23(1).
[50] The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, No. 174 of 2018, Statement of Objects and Reasons, §§ 24–27.
[51] Id. § 26(4).
[52] Ministry of Home Affairs, Govt. of India, Anti-Trafficking Cell (2023)
[53] Ministry of Home Affairs, *Advisory on Preventing and Combating Human Trafficking in India* (2021)
[54] National Crime Records Bureau (NCRB), Standard Operating Procedure for Anti-Human Trafficking Units (2020).
[55] Constitution of India, art. 23(1).
[56] (1982) 3 S.C.C. 235 (India).

the non-payment of statutory minimum wages constitutes "forced labour" within the meaning of Article 23. The Court emphasized that the constitutional proscription extends beyond state coercion to encompass exploitative private employment, thereby imposing on the State a positive duty to prevent, investigate, and remedy such violations. Building upon this doctrine, the Court in *Bandhua Mukti Morcha v. Union of India*[57] reiterated and deepened the constitutional mandate by directing comprehensive surveys to identify bonded labourers, ordering their immediate release, and requiring sustained rehabilitation measures. Together, these precedents constitutionally entrenched a substantive right against economic exploitation and established an interpretive foundation for the later development of India's anti-trafficking framework under statutory law.

3.2 Penal Foundations

Under the Bharatiya Nyaya Sanhita, 2023 (BNS), this framework is substantially retained but renumbered and slightly recalibrated, with trafficking now addressed principally in Section 143 ("Trafficking of person") and Section 144 ("Exploitation of a trafficked person").[58] Section 143 BNS reproduces the core Palermo-style act, means purpose structure from Section 370 IPC, again criminalizing recruitment, transportation, harboring, transfer, or receipt of a person by threats, force, coercion, abduction, fraud, deception, abuse of power, or inducement for the purpose of exploitation, while expressly reiterating that the victim's consent is immaterial.[59] The definitional explanation of "exploitation" is expanded textually to include beggary alongside sexual exploitation, slavery or practices similar to slavery, servitude, and forced organ removal, reflecting contemporary concerns about trafficking into forced begging.[60] Penalty design also shows continuity with a modest tightening at the aggravated end. Section 143(2) BNS preserves the baseline minimum of seven years' rigorous imprisonment (extendable to ten years) and fine for trafficking of a single adult victim, but prescribes higher minimums where multiple persons or children are trafficked, including provisions allowing imprisonment for life.[61] Section 144 BNS separately targets the exploitation of a trafficked child, punishing anyone who, knowing or having reason to

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[57] (1984) 3 S.C.C. 161 (India).
[58] Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 143–144 (IND.); Ministry of Home Affairs, Govt. of India, The Bharatiya Nyaya Sanhita, 2023 (No. 45 of 2023) (2024),
[59] Bharatiya Nyaya Sanhita, supra note 41, § 143; Devgan.in, BNS Section 143 Trafficking of Person
[60] Bharatiya Nyaya Sanhita, supra note 41, § 143 & Expl.; JudiX, Section 141 BNS, Section 142 BNS, Section 143 BNS, Section 144 BNS
[61] Bharatiya Nyaya Sanhita, supra note 41, § 143(2)–(4); Devgan.in, supra note 42

believe that a child has been trafficked, engages the child for sexual exploitation with a minimum of five years' rigorous imprisonment, extendable up to life, and fine, thereby functionally absorbing and updating the exploitation-focused logic of Section 370A IPC.[62] Structurally, the BNS thus shifts from the IPC's "370–370A" pairing to a slightly broader cluster that situates trafficking (Section 143) alongside related offences such as wrongful concealment or confinement of abducted or kidnapped persons (Section 142 BNS, corresponding to former Section 368 IPC) and specific exploitation of trafficked children (Section 144 BNS).[63] Substantively, the definitional core of trafficking remains consistent with the 2013 amendment, but the BNS codifies a clearer gradation of punishments, explicitly introduces beggary as a recognized exploitative purpose, and more distinctly isolates exploitation of trafficked children as a separate, serious offence aligned with India's treaty commitments on child protection and worst forms of child labour.[64]

3.3 Anti-Human Trafficking Units

Anti-Human Trafficking Units (AHTUs) were conceived as specialized police units within state law-enforcement structures to shift anti-trafficking work from sporadic raids toward continuous, intelligence-driven investigation and prevention.[65] Their roles are described in Union government schemes and UNODC-supported training manuals, which envisage functions such as mapping vulnerable source and transit areas, maintaining databases on traffickers, exploitative locations, and missing persons, conducting joint operations with other departments and NGOs, and ensuring victim-centred, rights-compliant procedures during rescue, investigation, and prosecution.[66]

A national study, AHTU Watch (2010–2019), revealed stark variation in how AHTUs operate across India.[67] Many units were found to exist only on paper or to function with skeletal staffing, no dedicated budget, and dependence on general police infrastructure, while only a minority of states had district-level coverage and operational units with proper notification

[62] Bharatiya Nyaya Sanhita, supra note 41, § 144; Bureau of Police Research & Development, Ready Reckoner on Provisions of Laws for Tackling Human Trafficking 8–10 (2024)
[63] Bharatiya Nyaya Sanhita, supra note 41, §§ 142–144; Uttar Pradesh Police, Corresponding Section Table of Bharatiya Nyaya Sanhita 2023 (BNS) 5–6 (2024),
[64] Bureau of Police Research & Development, supra note 45, at 6–11; Ministry of External Affairs, Govt. of India, Human Trafficking.
[65] Ministry of Home Affairs, Govt. of India, *Scheme for Anti-Human Trafficking Units (AHTUs)* (2011)
[66] U.N. Office on Drugs & Crime, Protocol on Integrated Anti Human Trafficking Unit (IAHTU) in India (2008)
[67] Sanjog, AHTU Watch: A National Study on the Status of Anti-Human Trafficking Units in India (2010–2019) 12–15 (2020)

and powers.[68] Where AHTUs were active, their performance often hinged on the individual initiative of particular officers and on partnerships with NGOs and survivor-led groups, rather than on robust institutional capacity.[69] This empirical picture has prompted repeated recommendations in academic work and policy reports for statutory or regulatory anchoring of AHTUs, with clear mandates, ring-fenced resources, and accountability mechanisms.[70]

Although there is still limited Supreme Court jurisprudence directly addressing AHTUs as an institution, superior courts have underscored the need for specialized response mechanisms in trafficking-adjacent contexts. The Delhi High Court, in Court on Its Own Motion v. State (NCT of Delhi), arising from a series of missing-children matters, emphasized the importance of specialized police cells, standard operating procedures, and coordinated mechanisms for tracing, recovering, and protecting minors in line with constitutional obligations under Articles 21 and 39.[71] These judicial observations, read together with central advisories on missing children and trafficking, indirectly reinforce the case for well-resourced, professionally trained, and procedurally guided AHTUs as a core pillar of India's anti-trafficking architecture.[72]

4. Role of Indian Judiciary:

The Immoral Traffic (Prevention) Act, 1956 (ITPA) functions as India's primary special statute in cases involving sex-trafficking, particularly through provisions penalizing brothel-keeping, living on the earnings of prostitution, and procuring or detaining persons in premises for purposes of prostitution.[73] These offences are routinely invoked during police raids and subsequent prosecutions, often in conjunction with general penal provisions, so that the Act operates as the central vehicle for targeting third-party profiteers in commercial sexual exploitation rather than criminalizing the status of sex workers themselves.[74]

[68] Id. at 22–28; see also The CSR Journal, Only 27% of Anti-Human Trafficking Units are Functional, Aug. 18, 2020

[69] Sanjog, supra note 58, at 35–42; see also Shweta Ajmal, Qualitative Study: Anti-Trafficking Response in Bihar & UP, PMC (June 23, 2021)

[70] Sanjog, supra note 58, at 56–62; U.N. Office on Drugs & Crime, Resource Book on the Legal Framework on Anti Human Trafficking 78–80 (2009)

[71] Court on Its Own Motion v. State (NCT of Delhi), 2013 SCC OnLine Del 3794 (India); LegitQuest, Court on Its Own Motion & Ors v. Govt. of NCT of Delhi & Ors

[72] Ministry of Home Affairs, supra note 1; W. Bengal Judicial Acad., Supreme Court Directions about Missing Children (2013)

[73] The Immoral Traffic (Prevention) Act, No. 104 of 1956, INDIA CODE (1956); see also Immoral Traffic (Prevention) Act, 1956, §§ 3–6

[74] See India: The Immoral Traffic (Prevention) Act, 1956, Refworld (Feb. 11, 2024)

In *Gaurav Jain v. Union of India*, the Supreme Court, confronted with the circumstances of children of women in prostitution, shifted the analytical focus from mere "rescue" toward long-term rehabilitation and social integration.[75] The Court stressed that state intervention must prioritize education, care, and mainstreaming of such children, and directed governments to design concrete schemes and institutional mechanisms for their protection and development, thereby embedding a welfare- and rights-oriented lens within prostitution-related adjudication.[76]

A similar rights-inflected trajectory is visible in *Budhadev Karmaskar v. State of West Bengal,* a criminal appeal that originally arose from the murder of a sex worker.[77] While deciding the case, the Supreme Court moved beyond the individual facts to acknowledge the structural vulnerability and stigmatization of sex workers, called for a comprehensive national policy on their rehabilitation, and later oversaw the constitution of an expert panel to recommend measures relating to protection, livelihood, and access to basic services.[78] These interventions reinforced the principle that anti-trafficking and allied responses must integrate social justice and rights-protection, not simply punitive control.

Child-specific public interest litigation has further refined the State's obligations in trafficking-adjacent contexts. In *Bachpan Bachao Andolan v. Union of India (2011–2014)*, the Supreme Court issued a series of detailed directions on missing children, child trafficking, and child labour, including mandatory registration of FIRs in every missing-child complaint, establishment of specialized units, and formulation of Standard Operating Procedures for tracing, recovery, and rehabilitation.[79] The Court treated failures to trace and protect missing children as a grave dereliction of constitutional duty, thereby indirectly setting normative benchmarks for law-enforcement performance and shaping expectations around institutional responses to trafficking and related exploitation.[80]

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[75] Gaurav Jain v. Union of India, (1997) 8 S.C.C. 114 (India).
[76] Id.; see also Int'l Training Ctr. of the ILO, Supreme Court of India, Gaurav Jain v. Union of India and Others (9 July 1997)
[77] Budhadev Karmaskar v. State of W.B., (2011) 10 S.C.C. 283 (India)
[78] Budhadev Karmaskar, supra note 5; see also Aaradhya Aggarwal, Budhadev Karmaskar vs. State of West Bengal (2011)
[79] Bachpan Bachao Andolan v. Union of India, (2011) 5 S.C.C. 1; follow-up orders summarized in Bachpan Bachao Andolan v. Union of India & Others, 2014 SCC OnLine SC 748 (India).
[80] Ministry of Home Affairs, Gov't of India, Advisory on Hon'ble Supreme Court's Direction to File FIR in Case of Missing Children, No. 24013/62/2012–SC/ST–W (July 17, 2013)

5. Comparative and International Perspectives

International practice provides instructive models for strengthening India's anti-trafficking enforcement architecture. Numerous jurisdictions have established dedicated investigative units equipped with expertise in financial tracking and cyber forensics, alongside robust victim-witness protection statutes and independent national rapporteurs tasked with monitoring governmental compliance and publishing annual assessments.[81] Several systems have recalibrated their approach by treating trafficked individuals principally as rights-holders eligible for remedies, rather than as accused parties in immigration or vice-related proceedings, which in turn diminishes secondary victimization and enhances investigative cooperation.[82] While wholesale adoption of external frameworks suits neither India's federal structure nor its socioeconomic context, these precedents highlight the value of multidisciplinary probes, external oversight mechanisms, and statutorily mandated support services in fostering enforcement that balances efficacy with human rights safeguards.[83]

Findings:

- India maintains a comprehensive statutory regime against trafficking, anchored in the constitutional ban under Article 23 and amplified by targeted offences in the Indian Penal Code/Bharatiya Nyaya Sanhita, Immoral Traffic (Prevention) Act, and sector-specific enactments.[84]

- Dedicated institutional responses—such as the Ministry of Home Affairs' Anti-Trafficking Cell and state-level Anti-Human Trafficking Units—mark substantive progress toward systematic law enforcement.[85]

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[81] Mohamed Y. Mattar, Comparative Models of Reporting Mechanisms on the Implementation of Anti-Trafficking Legislation, 41 Vand. J. Transnat'l L. 1355, 1364–70 (2008); U.N. Office on Drugs & Crime, Model Law Against Trafficking in Persons 45–48 (2010).

[82] U.S. Dep't of State, 2024 Trafficking in Persons Report: India 223–25 (2024); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, art. 6, Nov. 15, 2000, 2237 U.N.T.S. 319.

[83] U.N. Office on Drugs & Crime, supra note 72, at 78–80; Sanjog, AHTU Watch: A National Study on the Status of Anti-Human Trafficking Units in India (2010–2019) 56–62 (2020)

[84] Indian Constitution. art. 23; Indian Penal Code, No. 45 of 1860, §§ 370–370A (IND.); Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 143–144 (IND.); Immoral Traffic (Prevention) Act, No. 104 of 1956

[85] Ministry of Home Affairs, Govt. of India, Scheme for Anti-Human Trafficking Units (AHTUs) (2011).

- Empirical evaluations nonetheless expose a pronounced disparity between case registrations and conviction rates, signaling entrenched deficiencies in investigative depth, prosecutorial preparation, and judicial proceedings.[86]

- Principal obstacles encompass superficial investigations with limited financial or digital tracing, inter-agency silos, erratic coordination forums, and chronic under-resourcing of AHTUs.[87]

- Victim support lags critically, manifesting in uneven shelter quality, scant psychosocial care, pervasive stigma, and apprehension, all eroding witness reliability and engagement with authorities.[88]

These patterns collectively indicate that contemporary challenges stem less from legislative voids than from the want of accountable, resource-adequate, and victim-oriented implementation.[89]

6. Conclusion:

India's anti-trafficking regime, while robust in its constitutional foundation under Article 23 and comprehensive statutory framework spanning the Immoral Traffic (Prevention) Act, Sections 370–370A IPC (now Sections 143–144 BNS), and allied child-protection laws, reveals a stark implementation deficit that undermines its potential.[90] Specialized mechanisms like Anti-Human Trafficking Units (AHTUs) and the Ministry of Home Affairs' Anti-Trafficking Cell represent institutional strides toward intelligence-led enforcement, yet empirical studies such as AHTU Watch (2010–2019) expose chronic under-resourcing, staffing shortages, and over-reliance on ad hoc NGO partnerships, yielding dismal conviction rates below 20%.[91] Judicial interventions—from Gaurav Jain and Budhadev Karmaskar mandating rehabilitation over mere rescue, to Bachpan Bachao Andolan's

[86] Nat'l Crime Records Bureau, Crime in India 2022 (2023) (reporting conviction rates below 20% in trafficking cases); NEXT IAS, NCRB Data on Human Trafficking (Aug. 31, 2022) (noting 16% convictions in 2021).
[87] Sanjog, supra note 73, at 22–42; The Law Institute, The Role of Anti-Human Trafficking Units in India (Apr. 19, 2025)
[88] Guria India, Few Facts (Apr. 18, 2023) (noting 84% acquittals linked to witness issues); U.N. Inter-Agency Coordination Grp. Against Trafficking in Persons, Non-Punishment of Victims of Trafficking 12–15 (2020)
[89] Nat'l Crime Records Bureau, supra note 6; U.S. Dep't of State, supra note 2, at 224.
[90] Indian Constitution. art. 23(1); Immoral Traffic (Prevention) Act, No. 104 of 1956, INDIA CODE; Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 143–144 (IND.).
[91] Sanjog, AHTU Watch: A National Study on the Status of Anti-Human Trafficking Units in India (2010–2019) 22–42 (2020); Nat'l Crime Records Bureau, Crime in India 2022 (2023).

directives on missing children—have infused rights-based imperatives, but persistent gaps in victim protection, digital-financial tracing, and multidisciplinary probes perpetuate secondary victimization and evidentiary failures.[92]

Global benchmarks, including UNODC's Global Report on Trafficking in Persons 2024 documenting a 25% victim surge amid conflicts and climate stressors, alongside ECHR precedents like Rantsev and B. v. Slovakia enforcing proactive due diligence, underscore the Palermo Protocol's call for victim-centered criminalization, prevention, and cooperation—principles India has ratified but unevenly operationalized.[93] International models featuring national rapporteurs, cyber-forensic units, and non-punishment guarantees offer adaptable pathways, emphasizing that efficacy demands not new laws but accountable, resourced enforcement attuned to trafficked persons as rights-holders.[94] Reform must thus prioritize statutory anchoring for AHTUs, integrated witness safeguards, independent oversight, and capacity-building in financial-cyber investigations, bridging the chasm between doctrinal promise and lived enforcement[95] to render India's framework a truly effective bulwark against modern slavery.

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[92] Gaurav Jain v. Union of India, (1997) 8 S.C.C. 114 (India); Budhadev Karmaskar v. State of W.B., (2011) 10 S.C.C. 283 (India); Bachpan Bachao Andolan v. Union of India, (2011) 5 S.C.C. 1 (India).

[93] U.N. Office on Drugs & Crime, Global Report on Trafficking in Persons 2024 10–15 (2024); Rantsev v. Cyprus & Russia, App. No. 25965/04, 51 Eur. Ct. H.R. 1 (2010); B. v. Slovakia, App. No. 2855/22 (Eur. Ct. H.R. 2024).

[94] Protocol to Prevent, Suppress and Punish Trafficking in Persons art. 6, Nov. 15, 2000, 2237 U.N.T.S. 319; Mohamed Y. Mattar, Comparative Models of Reporting Mechanisms on the Implementation of Anti-Trafficking Legislation, 41 Vand. J. Transnat'l L. 1355 (2008).

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