
LEGAL PROTECTIONS AND ENFORCEMENT GAPS: ADDRESSING HUMAN RIGHTS VIOLATIONS IN THE TRAFFICKING OF WOMEN AND CHILDREN IN INDIA

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ABSTRACT

The trafficking of women and children in India constitutes a severe infringement of human rights, compromising constitutional assurances of dignity, liberty, and equality, and contravening India's commitments under international treaties. Notwithstanding a comprehensive legislative framework—including the Immoral Traffic (Prevention) Act, Bharatiya Nyaya Sanhita, and the Protection of Children from Sexual Offences Act—trafficking continues at alarming rates, exposing significant enforcement deficiencies, systematic neglect, and inadequate victim protection. This research seeks to rigorously assess the efficacy of current legislative safeguards while pinpointing the procedural and institutional shortcomings that obstruct justice and rehabilitation for survivors. This study used a doctrinal methodology based on secondary data sources, including judicial decisions, government papers, academic literature, and UN databases, to triangulate findings for accuracy and relevance, emphasizing trends since 2010. The data indicates consistently low conviction rates, insufficient investigative procedures, underfunded anti-trafficking units, and a systemic inability to rehabilitate victims, especially in states with high incidence rates. Notwithstanding legal adherence to international human rights treaties, enforcement is uneven among regions, and victims—particularly women and children—persistently face re-trafficking due to institutional indifference and insufficient support systems. The report indicates that India's anti-trafficking framework must evolve from a punitive, disjointed approach to a comprehensive, victim-centered one that prioritizes accountability, inter-agency collaboration, and legal integration. This research enhances legal scholarship and policy discussions by proposing specific reforms that adhere to constitutional requirements and international commitments, ensuring that anti-trafficking legislation provides meaningful justice to the most vulnerable populations.

Keywords: Human Trafficking, Women and Children, Gender Based Violence, Cross-Border Trafficking, Rehabilitation and Victim Protection, Bharatiya Nyaya Sanhita (BNS), 2023.

INTRODUCTION:

The trafficking of women and children in India represents a severe breach of human rights, compromising the fundamental principles of dignity, liberty, and equality established in the Indian Constitution and international human rights treaties. Notwithstanding a comprehensive legal framework comprising the Immoral Traffic (Prevention) Act, 1956, the Juvenile Justice (Care and Protection of Children) Act, 2015, and constitutional protections under Article 23(1) against trafficking, the issue continues to manifest with disturbing regularity, propelled by elements such as poverty, social disparity, inadequate education, and deep-rooted gender prejudices. India's dedication to addressing trafficking is evidenced by its ratification of international treaties, such as the United Nations Convention against Transnational Organized Crime and the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, along with bilateral frameworks for cross-border collaboration. The ongoing prevalence of trafficking underscores substantial enforcement deficiencies: victims are frequently poorly identified, traffickers escape rigorous prosecution, and rehabilitation efforts are inadequate, resulting in survivors often facing re-trafficking or additional victimization due to systemic shortcomings and insufficient support systems. The deficiencies in enforcement are reinforced by the connection of trafficking with migration and prostitution, resulting in ineffective legal remedies and increased marginalization of victims. This research paper rigorously analyses the disparity between current legal protections and enforcement reality, probing the systemic, procedural, and socio-legal obstacles that sustain impunity for traffickers and obstruct justice and appropriate remedies for victims. This study examines statutory provisions, judicial interventions, international obligations, and the practical challenges encountered by law enforcement and support agencies to highlight the pressing necessity for comprehensive reforms and coordinated efforts to close the protection-enforcement gap, thereby promoting the realization of human rights for trafficked women and children in India.

RESEACH OBJECTIVES:

- To critically examine the effectiveness of the existing legal framework in India—including

the Bharatiya Nyaya Sanhita, Immoral Traffic (Prevention) Act, and POCSO Act—in addressing the trafficking of women and children.

- To analyze the enforcement gaps in anti-trafficking laws, focusing on low conviction rates, poor investigation standards, procedural lapses, and underutilization of specialized anti-trafficking units (AHTUs).
- To assess the role of socio-economic factors—such as poverty, illiteracy, gender inequality, and lack of education—in perpetuating trafficking and limiting access to justice for victims.
- To evaluate the adequacy of victim protection and rehabilitation mechanisms, including shelter homes, compensation schemes, and reintegration support, in safeguarding the rights of survivors.
- To study inter-state and cross-border trafficking trends, and assess India's international obligations and bilateral cooperation in preventing and addressing transnational trafficking.
- To examine judicial trends and case outcomes across different states to identify inconsistencies in enforcement, protection, and prosecution of trafficking-related crimes.
- To explore the human rights implications of trafficking, particularly its impact on the rights to life, dignity, liberty, and equality of trafficked women and children.
- To propose legal and policy reforms aimed at harmonizing national laws with international standards, strengthening enforcement institutions, and adopting a victim-centered, rights-based approach to combat trafficking.

RESEARCH METHODOLOGY

This study used a secondary data methodology to analyse legislative safeguards and enforcement deficiencies related to human rights breaches in the trafficking of women and children in India. The study methodically evaluates and scrutinizes existing material, encompassing scholarly papers, governmental and NGO reports, UN databases, previous case studies, court transcripts, and recorded victim interviews gathered by law enforcement and service providers. Desk research is performed to consolidate facts from various sources, emphasizing legal frameworks, policy assessments, and recorded enforcement results.

Triangulation procedures are utilized to augment the credibility and reliability of the conclusions by contrasting data from various secondary databases. Exclusion criteria are implemented to eliminate merely conceptual works, literature reviews, and records predating 2010, thereby guaranteeing the analysis captures recent advancements and contemporary challenges. This methodology offers an extensive contextual comprehension of trafficking patterns, legislative responses, and systemic enforcement deficiencies, while recognizing the constraints associated with only depending on secondary data, including possible coverage gaps and the lack of direct victim testimony.

DEFINITION OF HUMAN TRAFFICKING

- i. Generally the term Human trafficking refers to the recruitment, transportation, transfer, harboring, or receipt of individuals through force, fraud, or coercion for the purpose of exploitation, which may encompass forced labor, sexual slavery, or other forms of commercial sexual exploitation; it is universally acknowledged as a grave violation of human rights and a manifestation of modern slavery.
- ii. According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Human trafficking refers to the recruitment, transportation, transfer, harboring, or receipt of individuals through methods such as threats, force, coercion, abduction, fraud, deception, abuse of power, or the provision of payments to exert control over another individual, with the intent of exploitation, which encompasses, at a minimum, sexual exploitation, forced labour, slavery, servitude, or organ removal.
- iii. The U.S. Department of Justice characterizes human trafficking, or trafficking in persons, as a criminal act that entails compelling or coercing an individual to render labor or services, or to participate in commercial sex acts. Coercion may be physical or psychological, and it specifies that any exploitation of a minor for commercial sex qualifies as trafficking, irrespective of force, fraud, or coercion.
- iv. The United Nations Office on Drugs and Crime (UNODC) defines human trafficking as the recruitment, transportation, transfer, harboring, or receipt of individuals through coercion, deceit, or manipulation, with the objective of exploiting them for financial gain; victims may include men, women, or children from diverse backgrounds, and traffickers frequently employ violence, deceptive employment agencies, or misleading assurances to

dominate their victims.

- v. The World Health Organization (WHO) defines human trafficking as the recruitment, transportation, transfer, harboring, or receipt of individuals through methods such as threat, force, coercion, abduction, fraud, deception, abuse of power, or financial inducements to exert control over another individual, with the intent of exploitation, which may encompass sexual exploitation, forced labor, slavery, or organ removal, acknowledging that trafficking impacts women, men, and children across various
- vi. Human trafficking is principally delineated in Section 370 of the Indian Penal Code, 1860, according to Indian law. It pertains to the recruitment, transportation, harboring, transfer, or receipt of an individual for the purpose of exploitation by methods such as threat, coercion, abduction, fraud, deception, abuse of power, or incentive. In this usage, "exploitation" encompasses physical or sexual exploitation, slavery, analogous activities, servitude, or the coerced extraction of organs. The legislation penalizes any activities related to trafficking, including sexual exploitation, forced labor, bonded labor, and other forms of servitude, and imposes severe sanctions on violators. This concept is additionally substantiated by the Immoral Traffic (Prevention) Act of 1956 and is bolstered by Article 23(1) of the Constitution of India, which forbids human trafficking and forced labor.

FORMS AND PATTERNS OF TRAFFICKING



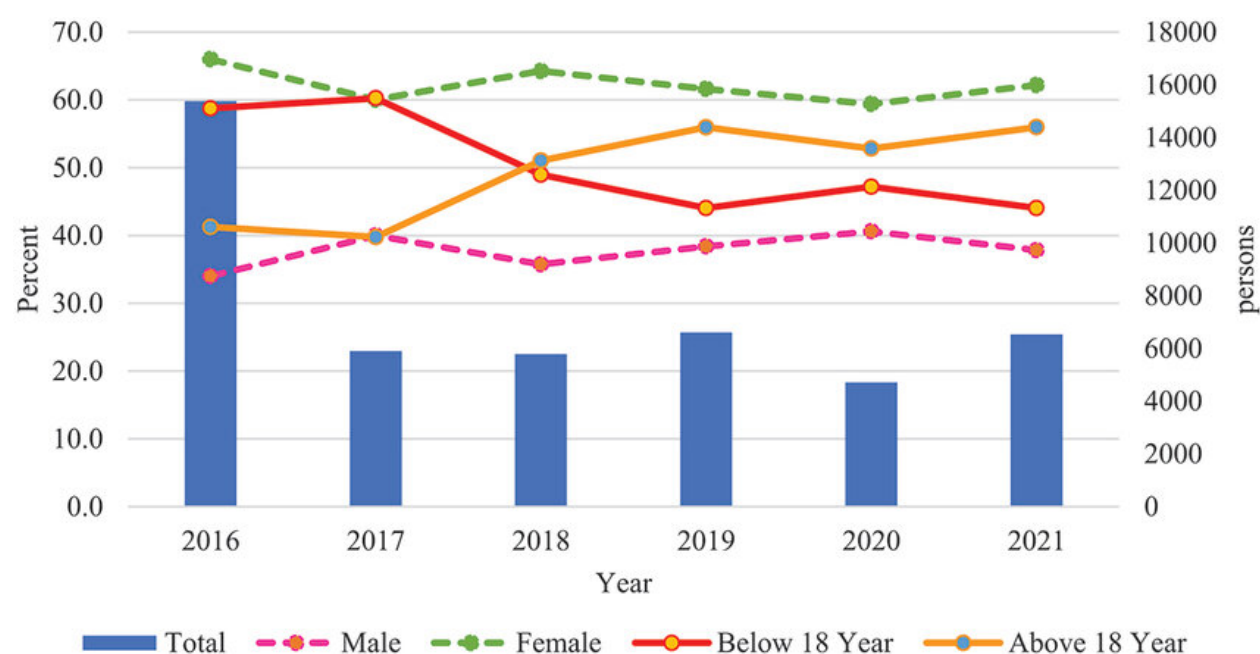
Source: UNODC, *Global Report on Trafficking in Persons, 2018*, p.12.

- **Sexual Exploitation** is widely acknowledged as a predominant form of human trafficking, impacting millions of victims worldwide, especially women and children. Individuals are compelled, misled, or forcibly conscripted into prostitution, pornography, or other commercial sexual enterprises. Traffickers frequently exploit assurances of work, affection, or improved living situations to entice victims, subsequently subjecting them to physical and psychological maltreatment, intimidation, and seclusion. Victims are often stripped of their identifying documents and mobility, rendering escape exceedingly challenging. The revenues derived from sexual exploitation are frequently considerable, sustaining organized criminal enterprises and perpetuating cycles of abuse and victimization.
- **Forced Labor** entails the exploitation of persons via coercion, fraud, or the manipulation of vulnerabilities, compelling them to labor under the threat or actual application of force. This type of trafficking is widespread in sectors including agricultural, construction, domestic labor, manufacturing, mining, and hospitality, where victims frequently endure arduous hours, perilous conditions, and minimal or no compensation. Traffickers may employ financial bondage, pay withholding, passport seizure, and threats of assault or deportation to exert control over victims. Coerced labor infringes upon fundamental human rights and dignity, ensnaring persons in perpetual cycles of exploitation and destitution, frequently with minimal access to legal safeguards or assistance.
- **Slavery and Practices Similar to Slavery** denote circumstances in which individuals are seen as property, exchanged, inherited, or subjected to conditions that strip them of autonomy and liberty. This encompasses traditions such as chattel slavery, in which individuals are owned outright, alongside more modern forms like hereditary servitude and coerced marriages. Victims may be born into servitude or forcibly enslaved via abduction or deception, frequently enduring physical and psychological torture, confinement, and the denial of fundamental rights. Notwithstanding global legal bans, slavery and analogous practices endure in diverse manifestations, frequently concealed within marginalized or vulnerable populations.
- **Servitude** is defined as the total subjugation of one individual by another, wherein the victim is compelled to reside and labor under the authority of the oppressor, frequently in humiliating and exploitative circumstances. In contrast to forced labor, slavery generally

entails a more extensive infringement on personal autonomy, affecting not just employment but also housing, mobility, and access to essential resources. Victims may endure persistent surveillance, intimidation, and isolation, rendering it exceedingly challenging to obtain assistance or flee. Servitude is frequently sustained by cultural, societal, or economic constraints and is acknowledged as a significant violation of human rights.

- **Removal of Organs** the extraction of organs is a severe kind of trafficking, in which persons are exploited for the aim of harvesting their organs for transplantation or commercial sale. Victims may be misled by fraudulent assurances of medical care, coerced by intimidation or violence, or exploited owing to severe poverty and inadequate access to healthcare. The extraction of organs frequently occurs under hazardous and unsanitary settings, presenting significant health hazards and occasionally leading to fatality. This type of trafficking is propelled by the worldwide demand for organs and is often enabled by transnational criminal organizations, rendering discovery and prosecution particularly difficult.

TRENDS OF HUMAN TRAFFICKING VICTIMS IN INDIA (2016–2021)



Source: Dakua, T., Rahaman, M., & Das, K. C. (2023). *An analysis of the spatial and temporal variations of human trafficking in India*. *Cogent Social Sciences*, 10(1).

Expiation:

The chart deals a comparative analysis of trafficking victims categorized by gender, age, and total case numbers, highlighting systemic deficiencies in legal enforcement and human rights infringements. Between 2016 and 2021, there is a discernible variation in the total victim count, characterized by a substantial decline post-2016 followed by a slight increase by 2021. Female victims regularly represent a greater percentage (exceeding 60%) than male victims (about 35–40%), underscoring the gendered dynamics of trafficking and the persistent vulnerability of women. In 2016, persons under 18 years constituted almost 60% of victims, but this figure decreased by 2018, resulting in adults over 18 years comprising a larger proportion of victims, continuously exceeding 50% in subsequent years. This transition signifies changing trafficking trends and maybe highlights underreporting or deficiencies in child protection systems. Notwithstanding regulatory frameworks such as the Immoral Traffic (Prevention) Act, 1956, along with stipulations in the Indian Penal Code and Juvenile Justice Act, these statistics indicate ongoing enforcement shortcomings, insufficient rehabilitation initiatives, and ineffectual inter-state collaboration. The data highlights the pressing necessity for enhanced victim identification mechanisms, gender- and child-sensitive legal reforms, and improved enforcement of anti-trafficking legislation to reconcile the significant disparity between legislative intent and actual conditions.

HUMAN TRAFFICKING IN INDIA, WITH A FOCUS ON WOMEN AND CHILDREN

Human trafficking in India represents a severe infringement of human rights, predominantly affecting women and children, who are the most susceptible to exploitation for purposes including forced labor, commercial sexual exploitation, domestic slavery, and forced marriage. Notwithstanding constitutional prohibitions under Article 23(1) and an extensive legal framework—including the Immoral Traffic (Prevention) Act, 1956, the Protection of Children from Sexual Offences Act, 2012, and the recently enacted provisions of the Bharatiya Nyaya Sanhita, 2023 (particularly Sections 143 and 144)—the incidence of trafficking remains concerning, as indicated by the registration of 2,250 cases and the identification of 6,036 victims in 2022, nearly half of whom were children and a substantial proportion were girls. The continuation of trafficking is intensified by elements such as poverty, gender inequality, ineffective law enforcement, and insufficient victim identification and rehabilitation systems, leading to significant enforcement deficiencies and underreporting. India has engaged in

bilateral and multilateral agreements to combat cross-border trafficking; however, the efficacy of these legal safeguards is compromised by systemic challenges, necessitating immediate reforms to guarantee the protection, rescue, and rehabilitation of trafficked women and children in alignment with national and international human rights standards.

HUMAN RIGHTS IMPLICATIONS AND THE SCALE OF THE PROBLEM

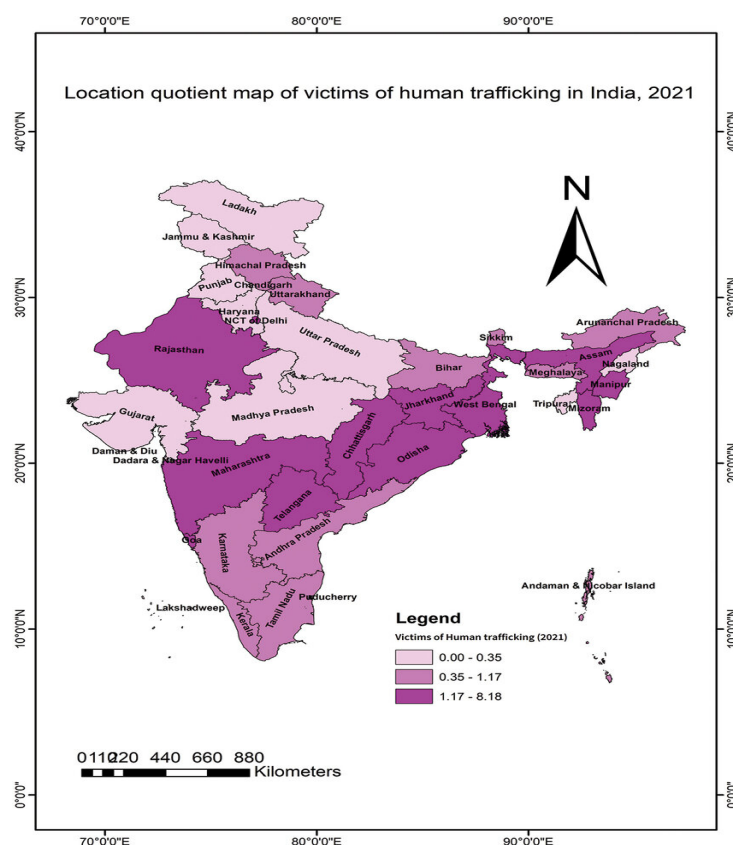
The trafficking of women and children in India represents a serious infringement of fundamental human rights, compromising the rights to life, liberty, dignity, and equality as articulated in the Constitution of India and acknowledged by international human rights frameworks. Notwithstanding the clear constitutional ban under Article 23 on trafficking and forced labor, along with an extensive legal framework comprising the Immoral Traffic (Prevention) Act, 1956, provisions of the Indian Penal Code, the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Protection of Children from Sexual Offences (POCSO) Act, 2012, the magnitude of the issue continues to be concerning. India confronts both domestic and transnational trafficking, with women and children disproportionately subjected to sexual exploitation, forced labor, and various types of abuse, exacerbated by socio-economic vulnerabilities like poverty, gender discrimination, illiteracy, and unemployment. Estimates indicate that thousands of women and children are trafficked each year, enduring violence, loss of freedom, and lack of access to justice and rehabilitation, highlighting considerable enforcement deficiencies and systemic obstacles in victim identification, protection, and offender prosecution. The ongoing prevalence of trafficking, despite stringent legislative restrictions, underscores the pressing necessity for a more efficacious, victim-oriented, and coordinated strategy that tackles both the human rights ramifications and the extensive magnitude of this widespread issue in India.

RATIONALE FOR EXAMINING LEGAL PROTECTIONS AND ENFORCEMENT GAPS

The analysis of legal safeguards and enforcement deficiencies regarding human rights violations linked to the trafficking of women and children in India is both imperative and essential, considering the ongoing prevalence and dynamic nature of trafficking offences despite a comprehensive legal framework. Despite India's enactment of various statutes, such as the Immoral Traffic (Prevention) Act and the Juvenile Justice (Care and Protection of Children) Act, along with the ratification of essential international instruments, the persistent

increase in trafficking cases and the experiences of survivors indicate substantial shortcomings in both the substantive and procedural dimensions of the law. These flaws emerge as ambiguities in legal definitions, discrepancies in the application of protective measures, insufficient victim support, and institutional obstacles to the prosecution and conviction of perpetrators. Moreover, an examination of current literature and case law highlights that enforcement agencies frequently encounter obstacles, including inadequate coordination, insufficient training, and resource limitations, which collectively compromise the effectiveness of legislative protections. This research aims to critically evaluate the sufficiency and efficacy of existing legislative provisions, pinpoint the precise areas where enforcement fails, and highlight the tangible repercussions of these deficiencies for marginalized groups. The research seeks to systematically identify and analyses these deficiencies to enhance the formulation of more effective legal strategies and policy interventions that meet India's constitutional and international obligations while providing concrete protection and redress for trafficking victims, thus addressing a critical gap in both academic discourse and practical application.

DEGREE OF CONCENTRATION OF HUMAN TRAFFICKING VICTIMS IN STATES OF INDIA (2016–2021)



Soruce: *Dakua, T., Rahaman, M., & Das, K. C. (2023). An analysis of the spatial and temporal variations of human trafficking in India. Cogent Social Sciences, 10(1).*

Explanation:

The location quotient map of human trafficking victims in India for 2021 offers essential geographical insights on regional disparities in trafficking incidence, thereby informing the legal discourse on enforcement deficiencies and preventative measures. The map classifies states according to the density of trafficking victims, with a gradient from light pink (low density: 0.00–0.35) to dark purple (high density: 1.17–8.18). States including Rajasthan, Maharashtra, Chhattisgarh, Odisha, West Bengal, and Assam demonstrate a markedly elevated prevalence of trafficking victims, suggesting systemic vulnerabilities and maybe insufficient legal measures in these areas. This disparate distribution indicates that, although the presence of national anti-trafficking legislation such as the Immoral Traffic (Prevention) Act of 1956 and constitutional protections under Article 23, the enforcement procedures differ significantly among states. The northeastern states and tribal regions, characterized by intricate socio-political and economic marginalization, exhibit disproportionately elevated statistics, indicative of both legal neglect and underreporting within conventional legal redress systems. In contrast, regions such as Uttar Pradesh, Madhya Pradesh, and Punjab exhibit lower location quotients, potentially indicating either more effective enforcement or insufficient detection and recording. This regional discrepancy underscores the pressing necessity for a region-specific legal framework that enhances enforcement capabilities while simultaneously tackling underlying issues such as poverty, gender discrimination, and educational deficiencies. The map substantiates the primary point of the research: that legislative protections in India are inconsistently applied, rendering substantial populations, particularly women and children, susceptible to trafficking and related human rights abuses.

UNDERSTANDING THE TERM HUMAN RIGHTS: INTERNATIONAL AND INDIAN PERSPECTIVE

Human rights, in both Indian and international contexts, are universally acknowledged as inalienable rights inherent to every individual by virtue of their humanity, regardless of nationality, ethnicity, gender, or any other status. The Universal Declaration of Human Rights (UDHR) and subsequent treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights

(ICESCR), delineate rights that encompass civil, political, economic, social, and cultural aspects, including the right to life, liberty, equality, dignity, freedom from torture, and the rights to education and employment. The Constitution of India enshrines the core principles of human rights in its Preamble and Part III (Articles 14 to 32), which ensure fundamental rights including equality before the law, the prohibition of discrimination, the right to life and personal liberty, as well as explicit bans on trafficking and child labour (Articles 23 and 24). The Protection of Human Rights Act, 1993, delineates human rights as those pertaining to life, liberty, equality, and dignity, as enshrined in the Constitution and international treaties, and establishes enforcement bodies, including the National and State Human Rights Commissions, to safeguard these rights and address violations. Consequently, human rights, as acknowledged in both Indian and international legal systems, constitute the fundamental basis for protecting the dignity and value of every individual, especially pertinent in confronting severe abuses like the trafficking of women and children.

TRANS REGIONAL TRAFFICKING FLOWS, 2014-2017



Source: UNODC, *Global Report on Trafficking in Persons, 2018*, p.44

Explanation

The solid red arrows denote significant trans regional trafficking pathways where victims have been identified in destination countries, signifying a strong network of exploitation. South Asia, particularly India, is a significant origin and transit area for trafficking, with considerable flows headed towards Western and Southern Europe, the Middle East, and East Asia and the Pacific. This highlights India's susceptibility within the global trafficking network, particularly due to its permeable borders, socio-economic inequalities, and insufficient law enforcement systems. The dashed red arrows indicate trafficking flows that account for less than 5% of victims in destination countries, suggesting that although these routes are quantitatively minor, they remain integral to the broader trafficking network and warrant legal scrutiny due to the pervasive infringement of fundamental human rights. The orange arrows illustrate the repatriation of victims, emphasizing the cyclical and international characteristics of trafficking, wherein persons are frequently returned to their home regions post-rescue—underscoring the essential requirement for reintegration legislation and victim protection regimes. This global viewpoint underscores the imperative for India to enhance its cross-border legal partnerships, fortify anti-trafficking legislation, and address enforcement deficiencies through aggressive judicial and institutional changes. The map serves as a poignant reminder of the scale and intricacy of trafficking networks and the urgent necessity to enhance legal protections for women and children, who continue to be the most susceptible victims of this predatory trade.

TRAFFICKING IN WOMEN AND CHILDREN IN INDIA

Human trafficking of women and children in India represents a serious and ongoing violation of human rights, evident in various exploitative forms including sexual exploitation, forced labour, slavery, servitude, and organ trafficking. The Indian legal framework has substantially evolved to tackle these concerns, with the Constitution of India explicitly forbidding human trafficking under Article 23(1) and ensuring fundamental rights, including the right to life, liberty, and equality. The Bharatiya Nyaya Sanhita (BNS), 2023, signifies a recent and thorough legislative development, superseding prior stipulations in the Indian Penal Code (IPC) with Sections 143 and 144, which broadly delineate trafficking to encompass the recruitment, transportation, harboring, transfer, or receipt of individuals for exploitation via coercion, deception, or abuse of authority, and impose severe penalties, especially for offences involving multiple individuals or minors. Section 144 specifically pertains to the exploitation

of trafficked individuals, differentiating between adult and juvenile victims and imposing more severe penalties for acts against minors. The BNS establishes new offences, including organized crime (Section 111), sexual exploitation under false pretenses (Section 69), and the procurement of children for prostitution (Section 99), imposing obligatory minimum penalties for grave acts such as child prostitution and kidnapping for the purpose of begging. Trafficking is classified as a cognizable and non-bailable felony, and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, additionally institutes a victim compensation mechanism, mandating state governments to facilitate the rehabilitation of victims. The Immoral Traffic (Prevention) Act, 1956 (ITPA), serves as the primary legislation addressing commercial sexual exploitation, whereas the Protection of Children from Sexual Offences (POCSO) Act, 2012, and the Juvenile Justice (Care and Protection of Children) Act, 2015, offer supplementary safeguards for child victims, acknowledging trafficked minors as requiring care and protection and necessitating their presentation before Child Welfare Committees. In addition to these statutes, India has ratified international conventions and engaged in bilateral and multilateral agreements to combat cross-border trafficking, while the central government has instituted Anti Human Trafficking Units (AHTUs) throughout states and border security forces to enhance enforcement efforts. Notwithstanding this comprehensive legal framework, enforcement deficiencies remain, especially regarding victim identification, offender prosecution, and inter-agency collaboration, underscoring the continued necessity for legal reform, capacity enhancement, and effective execution to fully actualize the human rights protections anticipated under Indian and international law.

KEY NATIONAL LAWS AND INTERNATIONAL COMMITMENTS

i. National Legal Framework

India's legal regime addressing human trafficking, particularly of women and children, is extensive and multi-layered, encompassing constitutional mandates, statutory provisions, and specialized legislation.

Constitutional Prohibition:

Article 23(1) of the Constitution of India categorically forbids human trafficking and forced labor, thereby establishing a fundamental right against exploitation and affirming the State's duty to safeguard individuals from such violations of human rights.

Bharatiya Nyaya Sanhita (BNS), 2023:

The Bharatiya Nyaya Sanhita (BNS), 2023, which supersedes the Indian Penal Code, establishes an extensive legal framework for combatting human trafficking. Section 143 defines trafficking as the recruitment, transportation, harboring, transfer, or receipt of an individual for exploitation, executed by coercion, fraud, or abuse of power. This section also stipulates increased punishment in instances involving many victims or minors. Section 144 intensifies the criminalization of the exploitation of trafficked persons, notably targeting sexual exploitation and differentiating penalties based on the victim's age, whether adult or child. Furthermore, Section 111 delineates the crime of organized crime, clearly including trafficking conducted for prostitution, so underscoring the state's dedication to destroying trafficking networks and safeguarding vulnerable individuals.

Additional relevant sections include:

Section 69 of the Bharatiya Nyaya Sanhita, 2023, criminalizes sexual intercourse procured through false promises of marriage, employment, or by hiding one's genuine identity, so tackling dishonest exploitation. Section 95 forbids the engagement or employment of a youngster to perpetrate any offence, demonstrating a firm position against the use of youth in criminal endeavors. Moreover, Section 99 addresses the serious crime of purchasing a kid for prostitution, specifying required minimum penalties to guarantee severe legal repercussions for such egregious offences.

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023:

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, designates trafficking as a cognisable and non-bailable offence, highlighting the seriousness with which the legislature regards these acts. Consistent with this rigorous legal framework, Section 396 of the BNSS requires each State Government to implement a victim compensation scheme designed to facilitate the rehabilitation and reintegration of trafficking survivors, thereby strengthening the victim-centric paradigm of criminal justice and underscoring the necessity for state accountability in delivering restorative assistance.

Immoral Traffic (Prevention) Act, 1956 (ITPA):

The Immoral Traffic (Prevention) Act, 1956 (ITPA) constitutes the principal regulatory

framework in India designed to address commercial sexual exploitation. It prohibits several activities related to trafficking for prostitution, including operating brothels, soliciting or enticing individuals for prostitution, and unlawfully confining anyone in any location for such purposes. The Act includes provisions for both punitive actions and the rescue and rehabilitation of victims, thereby addressing the enforcement and welfare aspects of trafficking-related offences.

Protection of Children from Sexual Offences (POCSO) Act, 2012:

The Protection of Children from Sexual Offences (POCSO) Act, 2012 thoroughly criminalizes all manifestations of sexual abuse and exploitation of minors, encompassing trafficking for sexual reasons. It establishes rigorous legal measures to safeguard children from sexual offences, while integrating child-sensitive protocols throughout investigation and trial. The Act authorizes the creation of Special Courts for the expedited trial of such acts, so seeking to ensure prompt justice and preserve the dignity and rights of child victims.

Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act):

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) is crucial in combating child trafficking by providing a thorough legal framework for their care, protection, and rehabilitation. It delineates explicit procedures for the rescue and rehabilitation of trafficked minors and mandates the formation of Child Welfare Committees and Juvenile Justice Boards to supervise their welfare. The Act imposes severe penalties on individuals engaged in the trafficking of minors, thereby strengthening a child-focused framework within the juvenile justice system.

Prohibition of Child Marriage Act, 2006 (PCMA):

The Prohibition of Child Marriage Act, 2006 (PCMA) functions as an essential legislative protection against the exploitation of kids, especially females, by criminalizing child marriage, which is often linked to trafficking and various forms of abuse. This Act renders the solemnization of child marriages voidable at the discretion of the contracting party who was a minor at the time of the marriage. The Act requires the appointment of Child Marriage Prohibition Officers to effectively implement its provisions, granting them the authority to prohibit child weddings, safeguard the affected children, and launch judicial proceedings

against offenders.

Other Relevant Laws:

Additional pertinent legislation concerning trafficking-related offences encompasses the Transplantation of Human Organs Act, 1994, which explicitly aims at the trafficking of individuals for organ extraction by forbidding the commercial trade of human organs and promoting ethical transplantation practices. Moreover, Sections 372 and 373 of the Indian Penal Code (now incorporated into the Bharatiya Nyaya Sanhita) render the sale and purchase of kids for prostitution illegal, hence strengthening legal protections against the exploitation of children in the sex trade. These provisions enhance comprehensive anti-trafficking initiatives by targeting certain forms of exploitation.

ii. International Commitments

India is a party to several key international instruments aimed at combating human trafficking and protecting the rights of women and children:

United Nations Convention against Transnational Organized Crime (UNTOC):

In 2011, India adopted the United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, known as the Palermo Protocol. This international legal instrument mandates India to criminalize all forms of trafficking, provide comprehensive protection and assistance to victims, especially women and children, and promote international cooperation for the effective prevention and prosecution of trafficking-related offences.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):

As a signatory to the Convention on the Elimination of All types of Discrimination against Women (CEDAW), India is legally bound to implement extensive steps to eradicate all types of trafficking in women and the exploitation of prostitution. This obligation necessitates the Indian government to enact robust legal, administrative, and social changes to defend women's rights and shield them from gender-based violence and exploitation.

UN Convention on the Rights of the Child (CRC):

India's ratification of the United Nations Convention on the Rights of the Child (CRC) demonstrates its dedication to protecting children from all types of sexual exploitation and trafficking. As a State Party to the CRC, India has committed to enacting extensive legal, administrative, and social measures to safeguard children's rights, specifically ensuring their protection from abuse, exploitation, and trafficking, in alignment with the principles and provisions established in the Convention.

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution:

India, as a signatory to the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, is dedicated to promoting regional collaboration and aligning anti-trafficking initiatives with fellow member states. This obligatory commitment highlights the significance of cooperative endeavors in tackling transnational trafficking networks, disseminating best practices, fortifying legal frameworks, and guaranteeing the protection and rehabilitation of victims throughout South Asia.

ENFORCEMENT GAPS AND CHALLENGES**Low Conviction Rates and High Acquittal Rates**

Notwithstanding a robust legal framework that prohibits human trafficking under the Indian Constitution and statutes like the Indian Penal Code and the Immoral Traffic (Prevention) Act, conviction rates for trafficking offences remain disturbingly low. The National Crime Records Bureau reported a conviction rate of merely 19.4% in human trafficking cases for the year 2022. In some high-incidence states, including West Bengal and Andhra Pradesh, research indicates that fewer than one percent of traffickers prosecuted over a decade were ultimately convicted. The enduring disparity between legislation and its execution highlights the structural obstacles in achieving justice for victims and deterring perpetrators.

Inadequate Investigation and Prosecution

An important element leading to low conviction rates is the insufficiency of investigations and prosecutions. Law enforcement organizations frequently neglect to prioritize trafficking cases,

regarding them as minor offences instead of severe felonies. Investigations are sometimes cursory, failing to reveal trafficking networks or funding pathways. Furthermore, cases are not uniformly directed to specialized anti-human trafficking teams, resulting in disjointed and ineffectual prosecutions. The absence of comprehensive and coordinated investigative tactics impedes the capacity to construct robust cases against traffickers.

Lack of Specialized Anti-Trafficking Units and Resources

The lack or insufficient use of specialized anti-trafficking units (AHTUs) diminishes enforcement efforts. Despite the existence of such units in theory, trafficking cases are not consistently assigned to them, leading to a deficiency in experience and concentration in addressing these intricate offences. Moreover, law enforcement authorities frequently lack sufficient resources, training, and support to effectively combat the evolving strategies of traffickers, especially in instances involving cross-border or organized criminal networks.

Insufficient Victim Protection and Rehabilitation Measures

The legal and institutional response to trafficking often inadequately addresses victim protection and rehabilitation. Numerous victims encounter intimidation, additional victimization throughout legal processes, and insufficient post-rescue support, potentially resulting in re-trafficking. The lack of extensive rehabilitation programs and prompt compensation dissuades victims from engaging in prosecutions and hinders their recovery and reintegration into society. Practical implementation of effective victim-centered programs is still constrained.

Underreporting Due to Stigma, Fear, and Lack of Trust in Authorities

The underreporting of trafficking instances is a widespread issue, influenced by societal stigma, fear of retaliation from traffickers, and a general distrust in law enforcement and judicial systems. Victims and their families frequently avoid contacting authorities owing to fears of social ostracism and potential reprisal. This atmosphere of fear and distrust substantially hinders case identification and the administration of justice.

Cross-Border and Internal Trafficking Complexities

Human trafficking in India includes both domestic and transnational aspects, with victims

being transported within the nation and from adjacent countries. The intricacy of these cases is exacerbated by elements such as poverty, gender discrimination, and permeable boundaries. Effective enforcement is additionally impeded by the necessity for international collaboration, the harmonization of legal standards, and coordinated actions across many jurisdictions. The absence of effective systems for international cooperation and intelligence exchange intensifies enforcement deficiencies and permits trafficking networks to function with considerable impunity.

Low Conviction Rates and High Acquittal Rates

While a comprehensive legal structure designed to address human trafficking, India persists in experiencing disturbingly low conviction rates and disproportionately elevated acquittal rates in trafficking-related cases. Data from the National Crime Records Bureau (NCRB) regularly indicates that most trafficking cases do not result in convictions, with the conviction rate remaining below 20% in recent years. This development is especially alarming due to the severity of the crimes and the susceptibility of the victims affected. The elevated acquittal percentage is attributable to various causes, such as inadequate evidence, procedural deficiencies, and the intimidation or absence of crucial witnesses. Such outcomes not only empower traffickers but also diminish public trust in the criminal justice system, so weakening the deterrent effect of anti-trafficking legislation and continuing cycles of exploitation.

Inadequate Investigation and Prosecution

An essential enforcement deficiency exists in the insufficiency of investigations and prosecutions related to trafficking offences. Investigative agencies frequently lack the requisite expertise and compassion to manage intricate trafficking cases, leading to cursory investigations that may not reveal the comprehensive scope of criminal networks or establish definitive connections between offenders and their victims. Law enforcement officials often neglect victim-centric tactics, resulting in secondary victimization and survivors' hesitance to collaborate with authorities. The prosecution's efforts are hindered by inadequate coordination among police, prosecutors, and social welfare organizations, leading to disjointed case management and lost opportunities to obtain corroborative evidence. The lack of standardized standards for evidence collecting and witness protection significantly reduces the probability of successful prosecutions, enabling traffickers to flee punishment with relative ease.

Lack of Specialized Anti-Trafficking Units and Resources

The formation of Anti-Human Trafficking Units (AHTUs) has been mandated in many states; nevertheless, its operationalization and efficacy are variable among jurisdictions. Numerous AHTUs are either inadequately resourced or operate nominally, devoid of dedicated personnel, specialized training, and technology assistance essential for addressing complex trafficking operations. Moreover, there sometimes exists an absence of explicit rules for referring cases to specialized units, leading to trafficking cases being managed by general crime branches with insufficient experience. The lack of inter-agency collaboration and intelligence-sharing systems undermines the investigative process, especially in cases related to organized criminal syndicates or cross-border trafficking. Insufficient investment in capacity building and resource allocation significantly hampers the ability of specialized units to dismantle trafficking networks and achieve convictions.

Insufficient Victim Protection and Rehabilitation Measures

The safeguarding and rehabilitation of trafficking survivors represent a crucial component of India's legal responsibilities under both local and international law. The existing framework for victim support is plagued by substantial shortcomings in execution. Survivors frequently encounter re-victimization during rescue efforts and judicial processes, compounded by insufficient access to secure accommodations, psychological support, and legal assistance. Rehabilitation programs are often inadequately funded and lack extensive, sustained support systems, heightening the likelihood of survivors being re-trafficked. The lack of robust witness protection programs deters victims from testifying against their traffickers, thereby undermining the prosecution's case. The absence of a coordinated, victim-centric strategy hinders the recovery and reintegration of survivors and diminishes the overall efficacy of anti-trafficking enforcement.

Underreporting Due to Stigma, Fear, and Lack of Trust in Authorities

Underreporting continues to be a significant obstacle in combating human trafficking, influenced by social stigma, fear of retribution, and profound distrust of law enforcement organizations. Victims, especially women and children, frequently hesitate to report incidents owing to fears of social ostracism, intimidation from traffickers, and doubts about the efficacy of authorities. This hesitance is intensified by prior adverse encounters with the criminal

justice system, wherein victims may have encountered insensitivity, harassment, or even criminalization. The resultant deficiency in reporting impedes the identification and prosecution of traffickers and distorts the actual magnitude of the issue, complicating resource allocation for policymakers. Bridging this gap necessitates coordinated efforts to establish confidence between at-risk communities and law enforcement, alongside the execution of comprehensive victim and witness protection systems.

STATE WISE CASE STUDIES

These case studies collectively illustrate that, despite a comprehensive legal framework—including the Bharatiya Nyaya Sanhita, 2023, and the Immoral Traffic (Prevention) Act, 1956—enforcement gaps, investigative lapses, and social barriers continue to undermine efforts to protect women and children from trafficking and secure justice for survivors;

1. Pune, Maharashtra: Systemic Gaps in Prosecution and Procedural Irregularities

A case in Pune, Maharashtra, concerning the trafficking of four juvenile girls under the guise of work prospects highlights the systemic inadequacies in criminal prosecution under the Immoral Traffic (Prevention) Act, 1956, and Indian Penal Code, Sections 370 and 366A. Notwithstanding the timely initiation of proceedings against two suspects, the remaining offenders fled, eluding capture. A lengthy legal process lasting over ten years resulted in the acquittal of the defendant due to procedural deficiencies, such as inadequate evidence collecting and witness antagonism. This case underscores the significant enforcement gap between registration and conviction, highlighting the pressing necessity for capacity-building within law enforcement and the judiciary to guarantee prompt adjudication and safeguarding of victims' rights.

2. Darjeeling to Delhi: Interstate Trafficking and Jurisdictional Challenges

The trafficking route from Darjeeling, West Bengal, to urban centers like Delhi exemplifies a distinct instance of interstate trafficking as delineated in Article 23 of the Constitution and Sections 370–374 of the Indian Penal Code. Victims, often teenagers such as Tina, are misled by fraudulent assurances of marriage or jobs, thereafter being trafficked into involuntary prostitution. The successful conviction of 21 traffickers in Tina's case illustrates excellent cross-jurisdictional collaboration, however it remains an anomaly. The majority of victims

endure numerous resales and experience secondary victimization throughout legal proceedings. This case underscores the necessity for standardized inter-state protocols and victim-sensitive processes, including the implementation of video conferencing and in-camera proceedings pursuant to Section 327 of the CrPC.

3. Mumbai, Maharashtra: Persistent Exploitation and Lack of Victim-Centric Approaches

Mumbai's designation as a trafficking hub for commercial sexual exploitation continues to be a significant issue under the POCSO Act and the ITPA. Survivors such as Samira recount severe infringements of bodily autonomy, illegal detention, and recurrent sexual assault, highlighting significant deficiencies in law enforcement's proactive identification and post-rescue assistance systems. Despite numerous rescue operations, the lack of trauma-informed rehabilitation and legal assistance frequently results in victims being re trafficked. The judiciary is required to execute mandatory victim compensation schemes as stipulated in Section 357A of the CrPC and to guarantee adherence to the Standard Operating Procedures (SOPs) for rescue and rehabilitation established by the Ministry of Home Affairs.

4. Assam: Endemic Trafficking of Minors and Legal Inertia

Assam is one of the most impacted states, with minors, especially girls, disproportionately represented among the victims of trafficking for domestic servitude, child marriage, and sexual exploitation. NCRB data reveals a significant disparity between the high prevalence of reported crimes and the state's abysmal conviction rate of only 16%, highlighting systemic obstacles in investigation, charge-framing, and witness protection. The absence of a specialized anti-human trafficking unit in many districts results in the weakening of charges and the failure to invoke pertinent provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. This situation necessitates specialized training for law enforcement and faster proceedings in dedicated courts.

5. Telangana: Escalating Vulnerability and Delayed Justice

Telangana has observed a consistent increase in trafficking instances, due to enhanced reporting channels and a genuine surge in incidences. The backlog in judicial processes, along with the underutilization of fast-track courts established under the Nirbhaya Fund Scheme, has

obstructed access to justice for survivors. Trafficking networks exploit socio-economic vulnerabilities, frequently targeting tribal and Dalit populations. The invocation of Section 370 IPC and the Bonded Labour System (Abolition) Act, 1976, results in inconsistent enforcement, which contributes to lenient bail terms and prolonged trials. The state must enhance prosecution-led investigations and implement the Witness Protection Scheme, 2018 to protect testimonies.

6. Tamil Nadu: Judicial Efficiency and Higher Conviction Rates

Tamil Nadu exhibits a conviction rate of 66% in trafficking cases, indicating enhanced institutional coordination among law enforcement, child welfare committees, and special courts established under the POCSO Act. In significant rulings, courts have embraced a rights-based framework, upholding the survivor's dignity and access to government-funded rehabilitation programs. The prompt registration of FIRs under the IPC and ITPA, proactive legal assistance, and the availability of skilled judicial magistrates have enhanced this efficacy. The Tamil Nadu model provides a reproducible framework that prioritizes procedural uniformity, survivor protection, and accountability.

7. Delhi: Nexus between Missing Children and Trafficking

Delhi, as the national capital, has become a prominent hub and transit location for trafficking women and children. A concerning tendency is the significant association between missing persons and trafficking, with law enforcement frequently neglecting to address missing kid reports in accordance with Sections 363 and 370 of the IPC. The Delhi Commission for Women has observed a trend of neglect in the timely registration and investigation of cases. Notwithstanding the Supreme Court's directions in *Bachpan Bachao Andolan v. Union of India* (2013), deficiencies in inter-agency collaboration persist. Enhancing data linkage between law enforcement and the National Tracking System for Missing and Vulnerable Children is essential.

8. West Bengal–Bangladesh: Cross-Border Trafficking and International Obligations

The permeable border of West Bengal with Bangladesh enables transnational trafficking networks to operate unimpeded, contravening the SAARC Convention on Preventing and Combating Trafficking in Women and Children and India's commitments under the UN

Trafficking Protocol. Women and children are trafficked for sexual exploitation and forced labor across state and national borders. Bilateral rescue and repatriation agreements exist; however, their enforcement is hindered by diplomatic delays and the absence of standardized identification processes. The legal frameworks established by the Foreigners Act and Passport Act are frequently misapplied, resulting in the criminalization of victims instead than traffickers, hence mandating a change in border enforcement that prioritizes human rights.

9. Andhra Pradesh: Source State with Persistent Structural Vulnerabilities

Andhra Pradesh serves as a significant source region, especially in districts impacted by poverty, displacement from natural disasters, and agricultural hardship. Victims, often adolescent girls, are trafficked for labour and commercial sexual exploitation under coercive circumstances, violating the Bonded Labour Abolition Act and the Child Labour (Prohibition and Regulation) Act. The deficiency of effective district-level task groups and the absence of operational shelter dwellings under the Swadhar Greh and Ujjawala Schemes exacerbate the problem. Judicial delays and the failure to implement survivor compensation orders persist in obstructing the reinstatement of victims' fundamental rights and entitlements.

10. Nationwide: Gaps in Rehabilitation and Restorative Justice

The post-rescue phase is consistently the most vulnerable aspect of the anti-trafficking response across jurisdictions. Survivors encounter legal, economic, and psychological obstacles in reintegration owing to stigma, social marginalization, and inadequate access to welfare programs. Notwithstanding the presence of the Central Sector Scheme for Rehabilitation, its utilization is suboptimal, resulting in either lapsed or under-disbursed funding. The absence of legal guardianship, vocational training, and sustained psychosocial support compromises survivors' entitlement to rehabilitation as stipulated by international standards, including the UNCRC and CEDAW. India's legal framework must incorporate restorative justice ideas to provide substantive redress and reparation for trafficking survivors.

CRITICAL ANALYSIS

CRITICAL ANALYSIS	STRENGTHS OF THE LEGAL FRAMEWORK	LIMITATIONS AND SHORTCOMINGS
Comprehensive Legislative Provisions	India has established a robust legal framework to combat human trafficking, including constitutional prohibitions (Articles 23 and 24), the Immoral Traffic (Prevention) Act, 1956, and the Bharatiya Nyaya Sanhita (BNS), 2023. Sections 143 and 144 of the BNS specifically criminalize trafficking and sexual exploitation, prescribing stringent penalties ranging from five years to life imprisonment.	Despite the existence of comprehensive statutes, significant gaps persist in the actual implementation and enforcement of these laws. Investigative agencies often display poor quality of investigation, resulting in a low conviction rate for trafficking offences—just 4.8% between 2018 and 2022.
Victim-Centric Relief and Rehabilitation	The legal framework incorporates provisions for victim compensation and rehabilitation. The Ministry of Women and Child Development operates ‘Shakti Sadan’ under Mission Shakti for women and Child Care Institutions (CCIs) under Mission Vatsalya for children, providing integrated relief and support services to trafficking survivors.	Victim protection programs, particularly for children, remain inadequate. Many victims experience prolonged delays in receiving government-mandated compensation, and there are persistent shortcomings in the auditing and effectiveness of government-run or sponsored shelters.
Institutional and Inter-Agency Mechanisms	The Government of India has established Anti Human Trafficking Units (AHTUs) across states and union territories, and has launched national databases (NDHTO, NDSO) to facilitate investigation and tracking of offenders. Bilateral and multilateral agreements have been signed to address cross-border trafficking.	Many AHTUs are non-operational or exist only on paper, and are sometimes misused for administrative postings rather than active enforcement. There is also a lack of effective coordination among law enforcement, the judiciary, and NGOs, undermining the overall response to trafficking.
Technological and Investigative Tools	Tools such as the Investigation Tracking System for Sexual Offences (ITSSO) and Crime Multi Agency Centre (CriMAC) have been	Persistent underreporting of trafficking cases, insufficient community-based awareness campaigns, and delays in the operationalization of specialized agencies

	introduced to enhance monitoring, inter-agency information sharing, and compliance in sexual offence investigations.	(e.g., the Organized Crime Investigative Agency) continue to hamper effective identification and support for victims.
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KEY RECOMMENDATIONS

- **Strengthen and Harmonize Legal Frameworks:**

The Indian legislative framework concerning human trafficking, especially of women and children, must be substantially enhanced and aligned to guarantee thorough protection and efficient enforcement. This necessitates the revision and unification of current legislation, including the Immoral Traffic (Prevention) Act, 1956, the Indian Penal Code, and other state laws, to address definitional ambiguities and rectify inconsistencies that hinder prosecution and victim safeguarding. Moreover, national legislation must align with international legal instruments, particularly the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), and the Convention on the Rights of the Child. This harmonisation must encompass the integration of stringent punitive measures, frameworks for the confiscation of criminal proceeds, and clear statutory requirements for victim protection, rehabilitation, and compensation. The creation of a cohesive legal framework will enhance uniform judicial interpretation, diminish jurisdictional uncertainties, and advance a rights-oriented strategy in anti-trafficking initiatives.

- **Enhance Law Enforcement and Judicial Capacity:**

The effectiveness of anti-trafficking legislation depends on the competence and awareness of law enforcement and the judiciary. Institutionalized specialized training programs are essential for police officers, prosecutors, judicial officials, and other pertinent stakeholders, focusing on the identification, investigation, and prosecution of trafficking offences. This training must be based on current legal standards, optimal evidence collection procedures, and trauma-informed methodologies for interviewing and assisting survivors. The creation of specialized anti-trafficking sections inside law enforcement authorities, furnished with sufficient resources and monitoring, would enhance institutional responses. Judicial officers must be educated about the distinct vulnerabilities of trafficked women and children, as well as the imperative for prompt and victim-centered adjudication. The implementation of these procedures would augment the law's deterrent effect and guarantee that justice is both attainable and efficacious

for survivors.

- **Improve Victim-Centered Support Systems:**

A thorough legal response to trafficking must prioritize the rights and needs of victims throughout the criminal justice process. This involves the creation of accessible legal aid services, psychosocial counselling, secure and gender-sensitive rehabilitation facilities, and efficient systems for victim compensation and restitution. The recruitment of female police officers and counsellors, especially in situations of sexual exploitation and child victims, is essential for creating a receptive atmosphere for disclosure and testimony. Legislative requirements should compel the establishment of victim-witness protection programs and the decriminalization of trafficked individuals for offences committed as a direct result of their exploitation. These approaches, grounded in restorative justice and human dignity, will markedly diminish secondary victimization and facilitate the reintegration of survivors into society.

- **Strengthen Inter-State and NGO Collaboration:**

Due to the international and inter-state aspects of trafficking, it is imperative to establish strong referral mechanisms and cooperative networks among governmental agencies, law enforcement entities, and non-governmental organizations (NGOs). Protocols for information sharing, collaborative rescue efforts, and coordinated victim rehabilitation must be established and executed. Non-governmental organizations, due to their grassroots presence and proficiency in victim assistance, ought to be incorporated into statutory frameworks as acknowledged collaborators in preventative, protection, and prosecution initiatives. Collaborative capacity-building efforts, consistent stakeholder engagement, and the establishment of centralized databases will improve the efficacy of anti-trafficking measures and guarantee that victims have prompt and comprehensive assistance.

- **Implement Effective Case Management and Data Collection:**

The lack of standardized case management systems and dependable data hinders enforcement and policy development. A national case management policy should be established, requiring the systematic documentation and monitoring of trafficking cases from investigation to prosecution and victim rehabilitation. This must encompass the compilation of disaggregated

data regarding victim demographics, trafficking pathways, perpetrator characteristics, and court results. This data would provide targeted interventions, allow for the monitoring of enforcement deficiencies, and underpin evidence-based policy formulation. Furthermore, systematic audits and autonomous evaluations must be required to evaluate the efficacy of anti-trafficking initiatives and pinpoint areas necessitating reform.

- **Increase Public Awareness and Community Engagement:**

Legal improvements must be accompanied by ongoing public awareness efforts and community empowerment activities. These efforts must focus on vulnerable people, community leaders, and the broader populace, use culturally appropriate messaging to confront stigmatization, encourage reporting, and convey information regarding legal rights and remedies. Community-based solutions must tackle the fundamental reasons of vulnerability, such as poverty, insufficient education, and ingrained gender discrimination. The engagement of local self-government entities, educational institutions, and civil society organizations is essential for fostering community resilience and mitigating trafficking at its origin.

- **Leverage the Role of Media Responsibly:**

The media exerts considerable impact in molding public views and governmental agendas related to trafficking. It is advisable for media workers to undergo specialized training in the ethical and sensitive reporting of trafficking situations, focusing on the protection of victim identities and the avoidance of sensationalism. Strategic media engagement can be utilized to enhance awareness, create public pressure for enforcement, and underscore successful prosecutions as deterrents. Legal frameworks must include punishments for irresponsible reporting that endangers victim safety or undermines judicial procedures.

- **Ensure Accountability and Monitoring:**

Accountability systems are vital for the legitimacy and efficacy of anti-trafficking initiatives. It is advisable that independent oversight entities, like the National Human Rights Commission and State Commissions for Women and Children, be granted statutory authority to audit, evaluate, and report on the execution of anti-trafficking legislation and policies. State governments must be mandated to compile extensive statistics on trafficking incidents, legal actions, convictions, and victim rehabilitation, and to ensure this data is accessible to the

public. Regular parliamentary and judicial evaluations would enhance accountability and facilitate ongoing legal and policy improvement.

- **Promote International and Regional Cooperation:**

Due to the transnational aspect of trafficking, India must augment its collaboration with adjacent nations via bilateral and multilateral accords concerning mutual legal aid, extradition, and the secure repatriation of victims. Regional forums and networks should be utilized to promote information exchange, collaborative investigations, and the alignment of legal norms. This collaboration, based on international law and human rights values, is crucial for dismantling transnational trafficking networks and securing justice for victims.

CONCLUSION:

This study paper has critically analyzed the intricate relationship between legal protections and enforcement deficiencies in combating the trafficking of women and children in India, emphasizing that despite a strong legislative framework grounded in national constitutional mandates and international obligations, substantial challenges persist in its execution. Notwithstanding the implementation of the Bharatiya Nyaya Sanhita, 2023, the Immoral Traffic (Prevention) Act, and numerous child protection statutes, inadequate conviction rates, procedural deficiencies, and underfunded enforcement agencies persistently hinder justice for victims. The structural deficiencies—comprising inadequate victim identification, ineffective rehabilitation strategies, and poor inter-agency coordination—have enabled trafficking to endure as a pervasive human rights violation. Case studies from West Bengal, Maharashtra, and Assam illustrate a troubling trend of protracted justice, inadequate investigation, and re-victimization. Furthermore, socio-economic vulnerabilities such as poverty, gender inequality, and insufficient education serve as fundamental reasons that sustain exploitation. This article underscores that closing the protection-enforcement gap necessitates a victim-centric and rights-based strategy that combines legislation change with capacity enhancement, regional collaboration, and public awareness initiatives. It necessitates institutional responsibility, specialized training for stakeholders, operational Anti-Human Trafficking Units, and survivor-led rehabilitation programs that emphasize dignity and restoration. The study highlights the necessity of evolving anti-trafficking initiatives from mere legal formalities into substantive protections that align with India's constitutional ideals and international human rights

obligations, thereby guaranteeing justice, dignity, and equality for the most vulnerable populations.

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